IN THE CIRCUIT COURT SHELBY COUNTY, ALABAMA, EQUITY DIVISION

#1704

BLANCHE BOLDING.

Complainant,

-VS-

LOUIS BOLDING,

## Respondent.

This cause coming on to be heard for final decree was submitted upon the bill of complaint, decree was submitted upon the bill of complaint, decree pro confesso, on service upon the Respondent by registered mail, which service was had in strict compliance with the existing law of the State of Alabama, providing for serivce of this character, and the testimony as noted by the Register; and upon consideration of the pleadings, service upon Respondent and the testimony so noted by the Register, it is the opinion of the Court that Complainant is entitiled to the relief prayed for in her bill of complaint.

The Court finds as fallows from the testimony above referred tp: That Complainant is over the age of twenty one years, is a bona fide resident of Shelby County, Alabama, and has been continuoually for more than one year: that Louis Bolding, the Respondent, is one and the same person as Lewis Bolding, and is over the age of twenty one years, is a non-resident of the State of Alabama, and his place of residence is 71h Dubois Street Detroit, Michigan: that Complainant and Respondent were married in Shelby County, Alabama, on or about the 25 day of November, 1933, and lived together as husband and wife until the month of June, 1947, at which time in Shelby County, Alabama, the Respondent, without cause or excuse voluntarily abandoned the Complainant, and Complainant and Respondent have not livedtogether as husband and wife, or otherwise spance the date of said separation.

1. It is, therefore, ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between Complainant and Respondent be, and the same are hereby dessolved, and the said Blanche Bolding is forever divorced from the said Louis Bolding, alias Lewis Bolding, for and on account of voluntary abandonment.

It is further ordered, considered, adjudged and decreed by the court that neither party in this cause shall again marry, except to each other until sixty days after the rendition of this decree, and that if an appeal is taken within sixty days neither party shall marry except to each other during the pendency of such appeal.

It is further ordered that both Complainant and Respondent be permitted to again contract marriage after sixty days from the rendition of this decree, if there be no appeal from same, upon the payment of the cost of this suit.

2. The Court further finds from the legal testimony in this cause that on March 9, 1937, Complainant and Respondent purchased the following described real estate jointly, to-wit: That certain house and lot in the Town of Montevallo, Alabama, described as a certain piece of land off of the North corner of what is known as "Watrous" or "Shearer" lot, beginning at a stake on the Southern Bank of a ditch which now drains from Shelby Street to the land known as King Bottom, being about 205 feet to the King line, then dong said King Line, in a Northern direction 160 feet, then in a Northeastern direction 18 feet to where it interesects Shelby Street, then in a Southern direction to a point of beginning, 200 feet. It being agreed that said ditch is to remain as a drain and not to be obstructed, said lands being described in that certain deed from William Evans and wife, Lida Evans, to Louis Bolding, dated March 9, 1937, and recorded in Deed Book 100, on Page 565, in the office of the Judge of Probate of Shelby County, Alabama: each of said parties paying one half of the purchase price, an agreement having been made between said parties that a deed conveying the title to said lands would be made jointley to said parties.

The Court finds from the evidence further that the Respondent took the deed conveying the title to himself alone, ignoring and violating his agreement with Complainant. The Court fruther finds from the testimony that Complainant did not know that the above named conveyance was made soley to Respondent until

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recently

It is, therefore, ordered, considered, adjudged and decreed by the Court that the said Louis Bolding alias Lewis Bolding, be and he is hereby required, within ten days from the date of this decree, to make, execute and deliver to the Register of this Court, for the Complainant, a deed conveying to Complainant, all of his right, title, interest and estate in and to an undivided one half interest in the lands involved in this suit, which land is particularly described hereinabove in this decree; and if the Respondent fails to do so, the Register of this Court is hereby directed, ordered and required, as Register of this Court, to make, execute and deliver to the Complainant, for and in the name of Respondent, a deed conveying to Complainant all of his right, title, interest and estate in and to an undivided one half interest in and to said land hereinbefore particularly described; and in either of such events all the right, title, interest and estate of said Respondent in and to an undivided one half interest in said land shall be and is hereby divested from Respondent and invested in the Complainant.

The Court further finds from the legal testimony submitted, that the Complainant has no separate estate of any kind, other than an undivided one half interest in the lands described above in this decree, and that she derives no incomeetherefrom, nor does she have an income from any source, other than that derived from her daily labors, which is insufficient for her maintenance and support.

The Court further finds from the legal testimony in this cause that the Respondent is a nonresident, and such being the case this Court has no power, control or jurisdiction over any property he may own outside of the State of Alabama, as well as any income he may derive from any property he may own, or his wages.

The Court further finds from the legal testimony in this cause that Respondent owns no real, personal or mixed property of any character whatsoever located or situated in the State of Alabama, other than the one half undivided interest in the lands above described in this decree.

The Court fruther finds from the legal testimony in this cause that the one half undivided interest in the lands above described belonging to Respondent is of the value of no more than five hundred dollars.

The Court further finds from the legal testimony in this cause that Respondent is a skilled brick mason, and for a long time has earned approximately foru hundred dollars per month. The Court further finds from the legal testimony in this cause that five hundred dollars is a reasonable sum for Respondent to pay this Complainan as alimony in gress, but a personal judgment is not being rendered against him by this court for dach amount.

It is further ordered; considered, adjudged and decreed by the Court that the title to the one half undivided interest in the lands described above, belonging to Respondent, is hereby in lieu of alimony in gross, divested from said Respondent and invested in Complainant.

It is further ordered, considered, adjudged and decreed by the Court that the Complainant pay the cost incurred in this case, for which execution may issure.

It is further ordered by the Court how the terms of this decree have been executed; all questions arising thereupon are reserved for further orders and decrees as may be proper.

Done in term time at Columbiana, Alabama, on this the 24th day of January, 1949. STATE OF ALABAMA

W.W. Wallace,

Judge.

SHELBY COUNTY

I hereby certify that \$ Manual Privilege Tax has been paid on the with-

by law.

in instrument as required L. C. WALKER,

CERTIFICA TE.

State of Alabama Shelby County.

I, Pauline Bird, Regist er of the Circuit Court in and for Shelby County, Alabama, hereby certify that the within decree in a true and correct copy of decree rendered in this cause on the date stated above, which is recorded in this office in Minute Books and States

Witness my hand this the 24th My of Jan. 1949

Pauline Bird.

Register.

Filed in the Office of the Judge of Probate on the 12th day of Feb. 1949. at 10 o'clock A.M. and recorded in Deed 138 on page 1, on this the 18th day of Feb.

> Judge of Probate. L.C. Walker,