

3355

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA & GREETING:

WE COMMAND YOU that you summon Shirley Ann Flowers and Clayton Flowers to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama exercising Chancery Jurisdiction within thirty days after the service of the summons, and there to answer, plead or demur without oath to a bill of complaint, lately exhibited by Nettie Jones against the said Shirley Ann Flowers and Clayton Flowers, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Defendants shall in no wise omit under penalty of the law, and we further command that you return this writ with your execution thereon, to our said court immediately upon the execution thereof.

Witness, Alice J. Duck, Register of said Circuit Court this the 18 day of Sept, 1954

Alice J. Duck
Register

NETTIE JONES,)	IN THE CIRCUIT COURT OF
COMPLAINANT)	
VS)	BALDWIN COUNTY, ALABAMA,
SHIRLEY ANN FLOWERS and)	
CLAYTON FLOWERS,)	IN EQUITY
DEFENDANTS)	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Comes Nettie Jones, complainant in the above styled cause and humbly complaining against Shirley Ann Flowers and Clayton Flowers, respectfully shows unto your Honor as follows:

First: That your complainant is over the age of twenty one years and a resident of Baldwin County, Alabama where she has resided continuously during the whole of her life; that the said Shirley Ann Flowers and Clayton Flowers are of full legal age and are residents of Baldwin County, Alabama.

Second: Your complainant further shows that she is the widow of Mal H. Weekley, late a resident of Baldwin County, who died intestate in Baldwin County, Alabama on to-wit: January 3, 1945,

leaving your complainant, his widow, and three minor children by this complainant, namely: Charles H. Weekley who was born August 28, 1939, Linda Elaine Weekley who was born August 23, 1942 and Jeanette Weekley who was born April 9, 1944; that at the time of his death the said Mal H. Weekley owned, occupied and used as his homestead the following described lands situated in Baldwin County, Alabama, to-wit:

The Southeast quarter of the Southwest quarter of Section 15, Township 1 South, Range 3 East;

that the said Mal H. Weekley left no other real property and at the time of his death the above described lands was the homestead of the said decedent and that the same was occupied and used as a homestead by the said decedent and continuously since the death of the said decedent your complainant and the said minor children of the said decedent have occupied and used the said property as their homestead as they had a right to do under the laws of the State of Alabama.

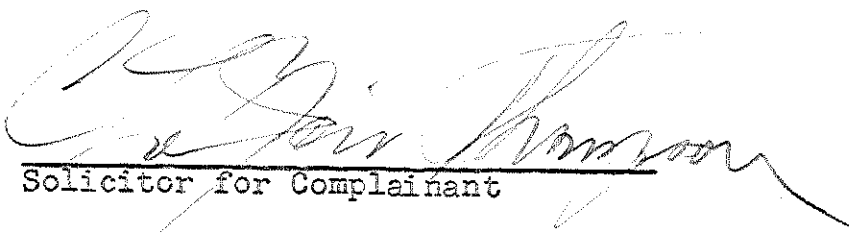
Third: Complainant further shows that on, to-wit: the 12th day of September, 1954, while your complainant was temporarily absent overnight from the said property and from the house thereon occupied and used as a residence at the time of the death of the said decedent and used since the date of the death of the said decedent by your complainant and the said minor children of the said decedent, the defendants unlawfully entered onto the said premises and into the said house and unlawfully took possession of the same, unlawfully withholding the same from this complainant, the widow of the said decedent, and from the said minor children of the said decedent, and now with force, violence, threats and the show of deadly fire arms excludes this complainant and the said minor children from the said premises and unlawfully refuses ^{to let} them to enter on and take possession of the same as they have a right to do under the laws of the State of Alabama.

WHEREFORE, Complainant prays that this Honorable Court will take jurisdiction of the cause made by this petition and require the defendants to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court;

Complainant further prays that this Honorable Court will grant to petitioner a temporary writ of injunction, restraining the said Shirley Ann Flowers and Clayton Flowers, defendants, from excluding and denying the complainant and the said minors access to and occupancy and use of the said land and said house thereon, upon complainant's entering into such bond as this Court shall require;

Complainant further prays that upon the hearing made by this bill of complaint, this Honorable Court will make and enter an order and decree perpetuating and continuing such writ of injunction, restraining the said Shirley Ann Flowers and Clayton Flowers from excluding and denying the complainant and said minor children, namely: Charles H. Weekley, Linda Elaine Weekley and Jeanette Weekley, access to and occupancy and use of the said lands and said house thereon;

And complainant prays for such other, further or different relief as she shall be entitled to receive in the premises, and the complainant places herself wholly in the jurisdiction of this Honorable Court and offers to do and perform whatsoever this Honorable shall require of her.


Solicitor for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public in and for said State and County this day personally appeared Nettie Jones, who being by me duly sworn deposes and says, that she has read the foregoing petition of Nettie Jones against Shirley Ann Flowers and Clayton Flowers and knows the matters therein alleged and that the facts therein alleged are true.

Sworn to and subscribed before me this the 18 day of Sept., 1954.


Notary Public Baldwin County, Alabama

NETTIE JONES,
COMPLAINANT,

VS

SHIRLEY ANN FLOWERS and
CLAYTON FLOWERS,

DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Upon consideration of the within bill filed this day, and on motion of the complainant, it is

Ordered, adjudged and decreed that this cause be set for hearing upon the motion for a preliminary injunction at Chambers at 9:00 a. m. on the 21st day of September, 1954. Let due notice issue to the defendant.

Done this the 18 day of September, 1954.

Hubert M. Hall
Circuit Judge.

9/21/54 Hearing continues to Tuesday October
5th - 1954 at 9:00 am

H. M. Hall
Circuit Judge

ND 3353

Received _____ day of _____ 19____
and on 18 day of Sept. 1954
I served a copy of the within _____
on _____

By service on Shirley Ann
Clayton Flowers
TAYLOR WILKINS, Sheriff
J. D. Brown

FILED

SEP 18 1954

ALICE J. DUCK, Register