

JOSEPH FRANKS

COMPLAINANT

VS

ELIZABETH ROSEMAN, ALIAS  
BESSIE ROSEMAN,

RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY  
NO. 2492

Now comes the Respondent and demurs to the Complainant's bill of complaint, and each aspect thereof, separately and severally and says:

1.

That there is no equity in the bill.

2.

That the bill of complaint is so vague and indefinite as to fail to apprise the Respondent of just what relief is sought.

3.


That the Complainant has a just, adequate and complete relief at law.

4.

That the Complainant does not offer to do equity.

5.

That there is a joinder of separate and unrelated and unassociated causes of action.

  
Solicitor for the Respondent

C. LENOIR THOMPSON

Attorney-At-Law

BAY MINETTE, ALABAMA

August 18, 1950

PHONES: 5941  
5672

10.10  
Mrs. Alice J. Duck  
Register of the Circuit Court  
Bay Minette, Alabama

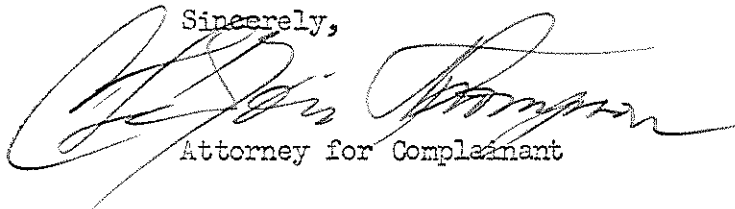
Re: Joseph Franks, Complainant, vs  
Elizabeth Roseman, alias Bessie  
Roseman, Respondent, No. 2492

Dear Mrs. Duck:

The Complainant and the Respondent have reached a full and complete settlement, as to all the issues involved in the above styled cause.

You will please do what is necessary to have the present pending proceeding dismissed. The Complainant will pay the costs.

Sincerely,



Attorney for Complainant

CLT/pg

STATE OF ALABAMA §

BALDWIN COUNTY §

You are hereby commanded to summon ELIZABETH ROSEMAN, to appear and plead, answer or demur, within thirty days from the service hereof to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in equity, by JOSEPH FRANKS, as Complainant, and against ELIZABETH ROSEMAN, alias BESSIE ROSEMAN, as Respondent.

WITNESS my hand this 15<sup>th</sup> day of June, 1950.

Reese L. Smith  
Register

JOSEPH FRANKS

Complainant

Vs

ELIZABETH ROSEMAN, alias  
BESSIE ROSEMAN,

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE TWENTY-EIGHTH  
JUDICIAL CIRCUIT IN EQUITY SITTING:

Comes Joseph Franks and respectfully shows unto this Honorable Court and presents this his bill of complaint. That your Petitioner is over the age of twenty-one and a resident of Baldwin County, Alabama, and has been more than twelve months next preceding. That the Respondent is over the age of twenty-one years and has resided in Baldwin County, Alabama, more than twelve months next preceding.

That your Petitioner is an invalid being paralyzed and that the Respondent has attended to the business matters of your Petitioner.

That on June 2, 1948 your Petitioner provided the money for the purchase from S. B. Coker and wife, Nina L. Coker of the real property and appurtenances thereto, together with the farm equipment, to-wit: tractor, plows and miscellaneous farm equipment, expending the sum of to-wit, Twelve Thousand Five Hundred (\$12,500.00) Dollars, in this instance for the aforesaid, and that title was placed in the name of Elizabeth Roseman to be held in trust for your Petitioner, said real property being situate in Baldwin County, Alabama, and described as follows:

The Northeast Quarter of the Northwest Quarter of Section 23, Township 5 South, Range 3 East, containing 40 acres, more or less, except such part as may be deeded or dedicated for a public highway.

Also: from the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section 23, Township 5 South, Range 3 East, run West of the Section line 553 feet to the beginning corner of this description, thence run West 787 feet to the Half Section corner, thence South 1329 feet to a corner, thence East 1342 feet to a corner, thence North 761.15 feet to the intersection with the West line of US Highway 90, thence South 62° West 208 feet to a corner, thence North 28° West 753 feet to the point of beginning of this description, containing 34.68 acres, more or less, and lying in the Northwest Quarter of the Northeast Quarter of Section 23, Township 5 South, Range 3 East, Baldwin County, Alabama, subject to any existing highways.

That in addition to the aforesaid there was also purchased household equipment, to-wit: Bendix washing machine, Hot water heater, an electric deep freeze refrigerator, two electric upright household refrigerators, beds, chairs, tables, rugs, livingroom suite, cooking utensils, dishes, etc., to all of which the Respondent took possession or title as Trustee for your Petitioner.

That your Petitioner receives the sum of Four Hundred (\$400.00) Dollars monthly and this sum was placed on deposit in the Merchants National Bank of Mobile. Your Petitioner believed that he was the sole custodian of this money, but learned that the Respondent had provided for your Petitioner a signature card for a joint account and had placed her name on the signature card for the purpose of cashing checks against this account and did cash checks against this account without your Petitioner's knowledge.

That your Petitioner from time to time made loans to the Respondent by writing checks on your Petitioner's account, which loans have not been repaid.

That Petitioner is informed that said Respondent disposed of standing timber on the property of aforesaid to the value of to-wit: Two Thousand (\$2,000.00) Dollars none of which has been accounted for to your Petitioner.

That the Respondent took the automobile of your Petitioner, placing therein a chauffeur of her own choosing and employment and departing on an errand of her own business and interest. That while on such errand, said automobile was demolished and that its value to your Complainant has not been made good.

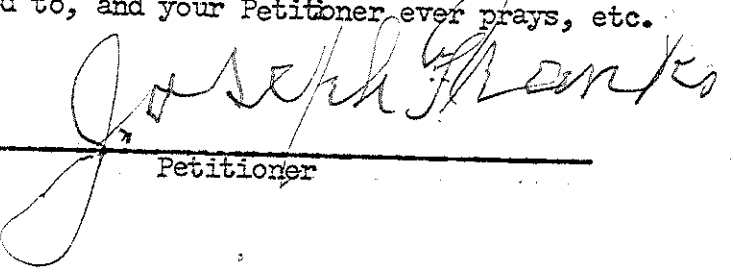
That while on the trip stated aforesaid the Respondent became involved in an accident in which your Petitioner's automobile was in a collision with a truck and another automobile to the damage of all vehicles. Your Petitioner prays that should damages be assessed against your Petitioner, resulting from this wreck and your Petitioner be penalized thereby that the said Respondent shall be required to hold blameless and reimburse your Petitioner from any claim on liability as the result of the said Respondent's responsibility, acts or negligence or that of your Respondent's driver, chauffeur or agent.

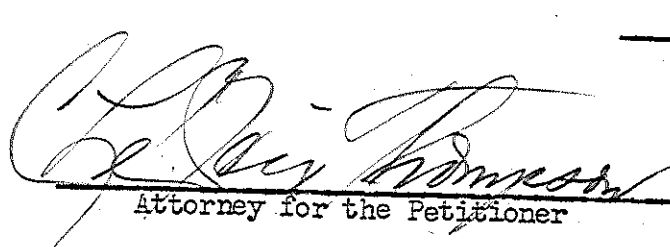
That said Respondent was negligent in the operation of said automobile, because a licensed chauffeur was not employed to operate said motor vehicle; but that a negro boy, known to your Petitioner as Chester Battles, was employed by the Respondent and that said Chester Battles, whose name to your Petitioner is otherwise unknown, did not have a drivers license to operate a motor vehicle on the public highway of Alabama.

WHEREFORE, your Petitioner prays that Elizabeth Roseman, alias Bessie Roseman, be made a party to this proceeding and that she be required to appear, plead, answer or demur to this bill for the establishment and enforcement of a trust and an accounting of the monies, goods, lands, etc., within the time required by law and the rules and practices of this Honorable Court.

Your Petitioner further prays that the said Elizabeth Roseman, alias Bessie Roseman, be required by order of this court to make full disclosure of all assets of every nature and of every kind held or received by her from your Petitioner to the end that this Honorable Court may proceed to determine the rights or interests of a cestui qui trust whether express or implied, whether resulting or constructive, arising out of the actions or transactions of or between the parties hereto.

Your Petitioner prays for such other or different relief, as in equity or good conscience may be entitled to, and your Petitioner ever prays, etc.

  
\_\_\_\_\_  
Petitioner

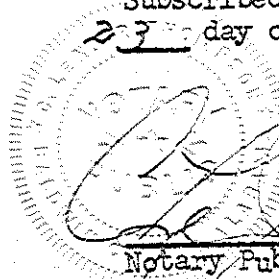
  
\_\_\_\_\_  
Attorney for the Petitioner

STATE OF ALABAMA }  
BALDWIN COUNTY }

Before me, C. LeNoir Thompson, a Notary Public in and for said County in said State, personally appeared Joseph Franks, who is know to me, who being by me first duly sworn deposes and says that he is the Petitioner in the above and foregoing petition, that he is informed as to the allegations of the foregoing bill of complaint, and the allegations thereof wherever made as true are true.

Joseph Franks

Subscribed and sworn to before me this  
23 day of June, 1950.

  
C. LeNoir Thompson  
Notary Public, Baldwin County, Alabama.

RECORDED

INDEXED

FILED

NOTARY

NOTARY

NOTARY

NOTARY

Received in Sheriff's Office  
this 24 day of June, 1950  
TAYLOR WILKINS, Sheriff

6-27-50

No 2492

RECORDED

JOSEPH FRANKS

Complainant

Vs

ELIZABETH ROSEMAN, alias  
BESSIE ROSEMAN,

Respondent

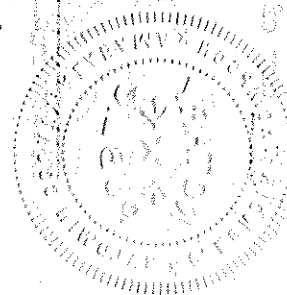
BILL OF COMPLAINT

FILED  
JUN 23 1950  
ALICE I. DUCK, Register

From the law office of  
C. LeNoir Thompson  
Bay Minette, Alabama

Executed June 27-1950  
By Serving copy on  
Elizabeth Roseman  
Alias  
Bessie Roseman

Sheriff  
Taylor Wilkins  
By  
Edith Steadman



2492