

3172

ESTATE OF	)	IN THE CIRCUIT COURT OF
OWEN R. MINNICH,	)	BALDWIN COUNTY, ALABAMA
DECEASED	)	IN EQUITY

PETITION FOR AUTHORITY TO EXECUTE MORTGAGE

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

Your Petitioner, Elizabeth S. Minnich, who is over twenty-one years of age and a resident of Baldwin County, Alabama, respectfully represents unto the court and your Honor as follows:

1. She has been heretofore appointed, qualified and is now acting as administratrix of this said estate, the administration of which is now pending in this court.

2. The decedent, Owen R. Minnich, at the time of his death owned the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at a point in Section 18, Township 6 South, Range 2 East, marked by a stake which is 20 feet West of a point in the center of Third Street (which point in Third Street is 23.28 chains North of the Southeast corner of the above described section), run thence North a distance of 278 feet for a point of beginning; run thence West 121 feet; thence South 81 feet; thence East 121 feet; thence North 81 feet to the point of beginning, being in Lots 3 and 4 of the W. J. DeLamare Subdivision of said section.

Beginning at a point in Section 18, Township 6 South, Range 2 East, marked by a stake which is 20 feet West of a point in the center of Third Street (which point in Third Street is 23.28 chains North of the Southeast corner of the above described section), run thence North 67 feet, thence West 181 feet, thence South 67 feet, thence East 181 feet to the point of beginning, being in Lot 1 of the W. J. DeLamare Subdivision of said section.

At the time of the death of the said decedent the above described property was encumbered by a mortgage that had been given by Owen R. Minnich and wife to the Baldwin County Savings and Loan Association to secure an indebtedness of Nine Thousand Dollars (\$9,000) and interest, which mortgage was dated September 25, 1948, and payable in ninety (90) monthly installments of \$124.43, which mortgage is recorded in Book 146 of Mortgages, at pages 220-2, Baldwin County, Alabama Records. The indebtedness secured by the said mortgage has now been reduced to the sum of Two Thousand Sixty-nine and 91/100 Dollars (\$2,069.91) and interest from October 1, 1954.

3. The residence of the said decedent at the time of his death and the residence which is now occupied by the decedent's family adjoins the above described property but is not included in the above described mortgage. The said residence consists of a two-story building which is badly in need of repairs and the second floor of the said residence, which is not occupied by the decedent's family, can and should be converted into an apartment for rental purposes. It is to the best interest of the said estate and all persons interested therein that the said repairs be made on the said residence and that the alterations necessary to make the second floor into a separate apartment be made so that it will afford income for the support of the decedent's family.

4. Petitioner has obtained a commitment from the Baldwin County Savings and Loan Association whereby it has agreed to make a loan to the said estate in the amount of Fifty-one Hundred Dollars (\$5100) and interest, secured by a mortgage on the above described property which will be payable in 120 monthly installments of \$56.62 each. The proceeds of the said loan, if authorized by this court, will be used in paying off the balance due on the outstanding mortgage on the above described property and the remainder, less the necessary expenses of obtaining the said loan, will be used in making the repairs and improvements to the residence situated adjacent to the above described property.

5. The only persons interested in this proceeding are your Petitioner, who is the widow of the said decedent, and Owen R. Minnich and Clinton S. Minnich, minor children of the said decedent, both of whom are under fourteen years of age and reside with your Petitioner at Fairhope in Baldwin County, Alabama.

WHEREFORE, Petitioner prays that the court will appoint a guardian ad litem to represent the said minors in this proceeding without service on them, that a day be set for hearing this petition, and that on the date set for hearing this petition a proper order be made or decree rendered authorizing Petitioner, as administratrix of this said estate, to make, execute and deliver a mortgage

to the Baldwin County Savings and Loan Association on the above described property in the amount and payable as set out above.

Petitioner further prays that such other orders be made and decrees rendered as may be requisite and proper in the premises.

Elizabeth S. Minnich  
Petitioner

STATE OF ALABAMA )  
                              \*  
BALDWIN COUNTY    )

Before me, the undersigned authority, within and for the State of Alabama at Large, personally appeared Elizabeth S. Minnich, who, after being by me first duly and legally sworn, deposes and says: That she has read over the foregoing petition, and that the facts stated therein are true.

Elizabeth S. Minnich

Sworn to and subscribed before me on this the 30<sup>th</sup> day of October, 1954.

[Signature]

Notary Public, State of Alabama at Large.

LETTERS OF ADMINISTRATION

FORM 1100-3

72246 McQuiddy Printing Co., Nashville, Tenn.

THE STATE OF ALABAMA, BALDWIN COUNTY

## PROBATE COURT

## LETTERS OF ADMINISTRATION

On the estate of Owen R. Minnich, deceased,

are hereby granted to Elizabeth S. Minnich

who has duly qualified and given bond as such Administrator, and is authorized to administer such estate.

Witness my hand, and dated this 2nd day of November, 1953.

STATE OF ALABAMA, BALDWIN COUNTY  
Code 1923-5743.

Judge of Probate.

Recorded Pro + Min book 2 page 217

W. R. Stuart  
Judge of Probate

ESTATE OF	)	IN THE CIRCUIT COURT OF
	)	
OWEN R. MINNICH,	)	BALDWIN COUNTY, ALABAMA
DECEASED	)	
	)	IN EQUITY NO. 3172

PETITION FOR FINAL SETTLEMENT

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your petitioner, Elizabeth S. Minnich, who is over twenty-one years of age and a resident of Baldwin County, Alabama, respectfully represents unto the court and your Honor as follows:

1. Your petitioner, Elizabeth S. Minnich, was heretofore appointed and is now acting as administratrix of this said estate, Letters of Administration having been issued to her by the Probate Court of Baldwin County, Alabama, on, to-wit, November 2, 1953. The administration of the said estate was removed from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, in Equity, where it is now pending.

2. More than six months have expired since Letters of Administration were issued to petitioner and since the said date she has handled the affairs of the said estate to the best of her ability, has not used any of the funds or assets thereof for her own benefit, either directly or indirectly. All claims, debts and charges against the said estate have been paid, there is no need for continuing the administration thereof and the said estate should now be fully and finally settled.

3. The heirs of the said decedent and the only persons interested in the administration of this estate are your petitioner, Elizabeth S. Minnich, the widow, Owen R. Minnich, Jr., a son, and Clinton S. Minnich, a son, who is a minor whose disabilities of non-age have been removed. The said parties have, by written instrument attached to and made a part of this petition for final settlement, waived notice of the filing of this petition and of the date set for hearing same, waived an accounting and consented and agreed that this estate be settled by consent, without notice, in the manner prescribed by Title 61, Section 301 of the Code of Alabama, as amended.

WHEREFORE, petitioner prays that the court will make and enter a proper order fully and finally settling this estate by consent, without notice, in the manner provided by Title 61, Section 301 of the Code of Alabama, as amended. Petitioner further prays that such other orders be made and decrees rendered as may be requisite and proper in the premises.

Elizabeth S. Minnich (SEAL)  
Elizabeth S. Minnich  
Petitioner

STATE OF ALABAMA )  
                          \*  
BALDWIN COUNTY    )

Before me, the undersigned authority, within and for said County in said State, personally appeared Elizabeth S. Minnich, who, after being by me first duly and legally sworn, deposes and says: That she has read over the above and foregoing petition and that the facts contained therein are true.

Elizabeth S. Minnich  
Elizabeth S. Minnich

Sworn to and subscribed before me on  
this the 3 day of July, 1965.

Frank Vore  
Notary Public, Baldwin County, Alabama  
FRANK VORE  
NOTARY PUBLIC  
My Comm. Exp. 9-25-65

STATE OF ALABAMA )  
                          \*  
BALDWIN COUNTY    )

We, the undersigned Elizabeth S. Minnich, Owen R. Minnich, Jr., and Clinton S. Minnich, being each over twenty-one years of age (except Clinton S. Minnich, a minor, whose disabilities of non-age have been removed), do each hereby waive notice of the filing of the foregoing petition and of the date set for hearing same, waive an accounting by the said administratrix, and consent and

agree that this estate be settled by consent, without notice, in the manner prescribed by Title 61, Section 301 of the Code of Alabama, as amended.

Dated on this the 3 day of July, 1965.

Elizabeth S. Minnich  
Elizabeth S. Minnich

Owen R. Minnich, Jr.  
Owen R. Minnich, Jr.

Clinton S. Minnich  
Clinton S. Minnich

STATE OF ALABAMA )

BALDWIN COUNTY )

I, Frank Vorel, a Notary Public, within and for said County in said State, hereby certify that Elizabeth S. Minnich and Clinton S. Minnich, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 3 day of July, 1965.

Frank Vorel  
Notary Public, Baldwin County, Alabama

FRANK VOREL  
NOTARY PUBLIC  
My Comm. Exp. 9-25-65

STATE OF CALIFORNIA )

ALAMEDA COUNTY )

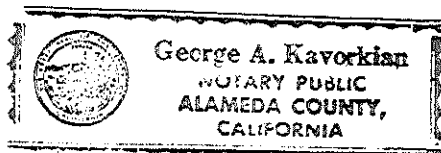
I, George A. Kavorkian, a Notary Public, within and for said County in said State, hereby certify that Owen R. Minnich, Jr., whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 8 day of July, 1965.

George A. Kavorkian  
Notary Public, Alameda County, California

My Commission Expires November 25, 1965

Affix seal.



FILED

AUG 25 1965

ALICE J. DICK, CLERK  
REGISTER

FILED

AUG 25 1965

ALICE J. DUCK, CLERK  
REGISTERED



*Petitioner's Ex 2*

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS O. R. Minnich of the Town of Fairhope, Alabama, and A. I. Rundquist have been operating as partners, in accordance with Articles of Co-Partnership entered into between the said parties on June 1, 1944: and

WHEREAS, the said parties have reached a full and complete agreement as to the dissolution of the said partnership and the transfer and conveyance of all the assets of said partnership owned by A. I. Rundquist to Celina Cummings.

NOW, THEREFORE, we, A. I. Rundquist and Evelyn I. Rundquist, husband and wife, Grantors, for and in consideration of the sum of ONE HUNDRED (\$100.00) DOLLARS and other good and valuable consideration to us in hand paid by Celina Cummings, Grantee, the receipt of which is hereby acknowledged do hereby GRANT, BARGAIN, SELL, CONVEY, TRANSFER, SET OVER, ASSIGNS AND DELIVER unto the said Grantee, all the following described property, to-wit:

All our interest, being an undivided one-half interest, in all real estate owned jointly by O. R. Minnich and A. I. Rundquist, and acquired and held in accordance with the Articles of Co-Partnership entered into on June 1, 1944;

All our interest, being an undivided one-half interest, in all Notes, mortgages, contracts and other papers held by or due to the said O. R. Minnich and A. I. Rundquist as partners in accordance with the Articles of Co-Partnership dated June 1, 1944; and

It is expressly understood that the said Grantee will comply with all the terms and conditions of said Articles of Co-Partnership in so far as the same affect the Grantors, and that the said Grantee, as a part of the consideration hereof, does hereby release and forever discharge the Grantors from any indebtedness due by the said Partnership or O. R. Minnich and A. I. Rundquist either by mortgage, notes, contracts or other wise, and shall forever hold the said Grantors free from any liability thereunder.

TO HAVE AND TO HOLD unto the Grantee, her heirs and assigns forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the 30th day of April, 1952.

/s/ A. I. RUNDQUIST (SEAL)

/s/ EVELYN L. RUNDQUIST (SEAL)

/s/ CELINA CUMMINGS (SEAL)

STATE OF ALABAMA  
BALDWIN COUNTY

I, Alyce C. Bill, a Notary Public, in and for said County, in said State, hereby certify that A. I. Rundquist and Evelyn L. Rundquist, his wife and Celina Cummings, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 30th day of April, 1952.

/s/ ALYCE C. BILL  
Notary Public, Baldwin County, Alabama

FILED 7-28-52 1 P. M.  
RECORDED Deed Book 184, page 79-80

/s/ W. R. STUART  
Judge of Probate  
By G.



A. No.

Q. With reference to that particular building, and particularly the second floor, explain to the Court whether or not that building needs repairs, or anything to be done to it at the present time?

A. Well it has to be resealed, because the plaster came off and there was plumbing and termites and painting.

Q. A few other repairs?

A. Yes, sir, carpentry work.

Q. Can the second floor of the building where you now live be converted into apartments?

A. Yes, sir.

Q. Is it to the best interest of the estate and all persons interested there in that these repairs be made, and that you make such alterations as necessary to make it into an apartment so that it can afford some income to you and your two children?

A. Yes, sir.

Q. Now have you obtained a commitment from the Baldwin Savings & Loan Association to loan you \$5,100<sup>to</sup>/be secured by this mortgage as set out in the petition, which is now subject to a mortgage to the Association?

A. Yes, sir.

Q. Have they agreed to loan you that?

A. Yes, sir.

Q. How many months are they going to give you to pay this sum of money back? -- is it 120 months?

A. Yes, sir.

Q. Then your payments under this particular mortgage will run \$56.52 a month?

A. Yes, sir.

Q. Are you going to use the proceeds of this loan to pay off the balance due on the present mortgage, and use the balance of this money to make the repairs and improvements on the residence where you now live?

A. That is right.

ON CROSS EXAMINATION BY MR. MASHBURN, AS GUARDIAN AD LITEM

Q. In your opinion, Mrs. Minnich, is it to the best interest of your children as well as yourself that this money be borrowed and expended as you have told us?

A. Yes, sir.

Q. How old are your children?

A. 11 and 8.

Q. Both are still in school, of course?

A. Yes, sir.

Q. You need any extra income that you can get for those children?

A. That is right, I do.

Q. How much income do you estimate that this building ~~will rent for after it is repaired?~~

A. I am hoping about \$60.00 a month.

Q \$30.00 for each apartment?

A. Yes, sir.

Q. That would more than make the payments on the money you are borrowing?

A. Yes, sir.

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MRS. HENRY CRAWFORD, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Owen

Q. State your name, please?

A. Mrs. Henry Crawford.

Q. Where do you live?

A. Fairhope.

Q. Are you familiar with the residence of Mrs. Owen R. Minnich ?

A. Yes I am.

Q. Ther house where she lives?

A. Yes.

Q. You have heard her testify as to the repairs necessary and alterations on that particular building to convert the top floor into apartments, have you not?

A. Yes, sir.

Q. Do you agree with the testimony which she has just given?

A. Yes I do.

Q. In your opinion, would it be to the interest of the estate and the interest of the two children for her to make these repairs?

A. Yes, sir.

Q. And rent this apartment as she has said she would do?

A. Yes.

NO CROSS EXAMINATION:

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MRS. G. R. WOOD, JR., BEING FIRST DULY SWORN, TESTIFIED:

Direct examination by Mr. Owen.

Q. Will you state your name, please?

A. Mrs. G. R. Wood, Jr.

Q. Where do you live, Mrs. Wood?

A. Fairhope, Alabama.

Q. Do you know where Mrs. Owen Minnich lives?

A. Yes, sir.

Q. Have you ever been in the house where she lives?

A. Yes, sir.

Q. You have heard her testify this morning as to the state of repairs of the top floor of this building and the alterations necessary to convert it into an apartment?

A. Yes, sir.

Q. Do you agree with her testimony on that?

A. Yes I do.

Q. In your opinion, would it be to the best interest of the estate and Mrs. Minnich and her two children to make these repairs and alterations and rent these two apartments?

A. Yes, sir.

EXAMINATION BY THE COURT:

Q. Are you interested directly or indirectly in this matter?

A. No.

MR. OWEN:

Q. You are not related to Mrs. Minnich that you know of?

A. No.

Q. Is Mrs. Crawford related to Mrs. Minnich?

A. No.



C E R T I F I C A T E:

I hereby certify that the foregoing consisting of pages 1 to 5, both inclusive, correctly sets forth a true and correct transcript of the evidence taken in open Court by me on this 10th. day of November, 1954, Hon. Hubert M. Hall, Judge of said Court presiding.

Louise Dusenberry  
Court Reporter.

ESTATE OF ) IN THE CIRCUIT COURT OF  
OWEN R. MINNICH, ) BALDWIN COUNTY, ALABAMA  
DECEASED ) IN EQUITY

NOMINATION BY MINORS OF GUARDIAN AD LITEM

The undersigned OWEN R. MINNICH, JR., a minor twenty years of age, and CLINTON S. MINNICH, a minor seventeen years of age, have been advised that Elizabeth S. Minnich, as administratrix of this said estate, has filed a petition in the Circuit Court of Baldwin County, Alabama, in Equity, for authority to sell real property belonging to the said estate and situated in Fairhope, Alabama, and that it is necessary that a guardian ad litem be appointed to represent them in the said proceedings.

The undersigned hereby nominate Reuben A. McKinley, an Attorney at Law, practicing in Baldwin County, Alabama, to be appointed as guardian ad litem for them and to represent their interests in the said proceedings, and respectfully request that the said party be so appointed.

Dated this 26 day of October, 1963.

Owen R. Minnich, Jr.  
Owen R. Minnich, Jr.

Clinton S. Minnich  
Clinton S. Minnich

STATE OF CALIFORNIA )  
\*  
LOS ANGELES COUNTY )

I, H. W. LeBlanc, a Notary Public, within and for said County in said State, hereby certify that Owen R. Minnich, Jr., whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

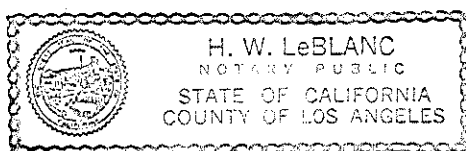
Given under my hand and official seal on this the 21st day of October, 1963.

H. W. LeBlanc

H. W. LeBLANC  
NOTARY PUBLIC in and for the County  
of Los Angeles, State of California.  
My Commission Expires April 8, 1965

Notary Public, Los Angeles County, California

Affix seal.



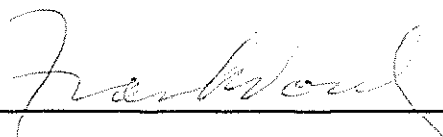
STATE OF ALABAMA )

\*

BALDWIN COUNTY )

I, FRANK VOREL, a Notary Public,  
within and for said County in said State, hereby certify that  
Clinton S. Minnich, whose name is signed to the foregoing instrument,  
and who is known to me, acknowledged before me on this day that,  
being informed of the contents of the instrument, he executed the  
same voluntarily on the day the same bears date.

Given under my hand and seal on this the 26 day of  
October, 1963.



Notary Public, Baldwin County, Alabama

FRANK VOREL  
NOTARY PUBLIC  
My Comm. Exp. 9-25-65

NOMINATION BY MINORS OF GUARDIAN  
AD LITEM.

ESTATE OF

OWEN R. MINNICH, DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ESTATE OF  
OWEN R. MINNICH,  
DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

BOOK 215 PAGE 85

DECREE AUTHORIZING EXECUTION AND DELIVERY OF  
MORTGAGE

This cause coming on to be heard on this date is submitted for a decree authorizing the execution and delivery of a mortgage by Elizabeth S. Minnich, as administratrix of this said estate, to the Baldwin County Savings and Loan Association on the sworn petition filed in this cause by the said administratrix on November 8, 1954, the decree of this court dated November 8, 1954, setting a date for hearing the said petition, appointing a guardian ad litem to represent Owen R. Minnich and Clinton S. Minnich, minor children of the said decedent, and ordering that the testimony of witnesses for petitioner be taken in open court in the manner provided by Equity Rule Number 56 as amended, notice of appointment, acceptance and answer of guardian ad litem, and the testimony of the witnesses for petitioner taken in open court on this date in the manner provided by Equity Rule Number 56 as amended; upon consideration of all of which, it appears to the court that the petitioner is entitled to the relief prayed for by her in her said petition, whereupon, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. Elizabeth S. Minnich, as administratrix of the Estate of Owen R. Minnich, Deceased, shall be and she is hereby fully and completely authorized and empowered to make, execute and deliver a first mortgage to the Baldwin County Savings and Loan Association for Fifty-one Hundred Dollars (\$5100) to be repaid in one hundred twenty (120) monthly installments of principal and interest amounting to Fifty-six and 62/100 Dollars (\$56.62) per month, the first of which said payments shall become due on December 1, 1954, and monthly thereafter until paid, which mortgage shall describe and convey to secure the said indebtedness the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at a point in Section 18, Township 6 South, Range 2 East, marked by a stake which is 20 feet West of a point in the center of Third Street (which point in Third Street is 23.28 chains North of the Southeast corner of the above described section), run thence North a distance of 278 feet for a point of beginning; run thence West 121 feet; thence South 81 feet; thence East 121 feet; thence North 81 feet to the point of beginning, being in Lots 3 and 4 of the W. J. DeLamare Subdivision of said section.

Beginning at a point in Section 18, Township 6 South, Range 2 East, marked by a stake which is 20 feet West of a point in the center of Third Street (which point in Third Street is 23.28 chains North of the Southeast corner of the above described section), run thence North 67 feet, thence West 181 feet, thence South 67 feet, thence East 181 feet to the point of beginning, being in Lot 1 of the W. J. DeLamare Subdivision of said section.

The said mortgage shall in all respects be a valid first mortgage on the interest in the property owned by the decedent at the time of his death and on the interest in the said property now owned by the heirs of the said decedent, namely, Elizabeth S. Minnich, the widow, and Owen R. Minnich and Clinton S. Minnich, sons of the said decedent.

2. Elizabeth S. Minnich, as administratrix of the Estate of Owen R. Minnich, Deceased, is fully and completely authorized, empowered and directed to pay to the Baldwin County Savings and Loan Association from the proceeds of the loan to be secured by the mortgage hereinabove authorized, the sum of Two Thousand Sixty-nine and 91/100 Dollars (\$2,069.91) and interest from October 1, 1954, which amount will fully pay off the entire indebtedness secured by the existing mortgage from Owen R. Minnich and wife to the Baldwin County Savings and Loan Association dated September 25, 1948, which is recorded in Book 146 of Mortgages at pages 220-22, Baldwin County, Alabama Records, and to use the remainder of the proceeds of the said loan in repairing and improving the residence owned by the said decedent at the time of his death which is now occupied by decedent's family.

3. The Register of this court shall immediately file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such

recording as a part of the costs of this  
ORDERED, ADJUDGED AND DECREED on  
November, 1954.

(S) HUBERT

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I, Alice J. Duck, as Register of  
Baldwin County, Alabama, hereby certify th  
going instrument is a true and correct copy  
in the above entitled cause on this date  
of the mortgage described in the said decr  
appears of record in my office.

IN WITNESS WHEREOF, I have hereun  
affixed the seal of the court on this the  
1954.

Alice  
STATE OF ALABAMA  
Filed 11-10-54  
Recorded Reed  
U

R-2.5.2  
Mrs. Black

RECORDED  
INDEXED  
FILED  
NOV 11 1927  
CLERK OF DISTRICT COURT  
DISTRICT OF COLUMBIA

\_\_\_\_\_  
Register

1927.  
affixed the seal of the court on this the 11 day of November.

IN WITNESS WHEREOF, I have hereunto set my hand and  
appears of record in my office.  
of the mortgage described in the said decree, as the same  
in the above entitled case on this date authorizing execution  
going instrument is a true and correct copy of a decree rendered  
Baltimore County, Maryland, hereby certify that the above and fore-

I, Alice J. Black, as Register of the District Court of  
BALTIMORE COUNTY )  
STATE OF MARYLAND )

\_\_\_\_\_  
(S) HUBERT W. HALL

November 1927.  
ORDERED, ADJUDGED AND DECREED on this the 10 day of  
recording as a part of the course of said proceedings.

58 MAR 1928



ESTATE OF OWEN R. MINNICH,

Deceased.

IN THE

CIRCUIT COURT OF BALDWIN COUNTY

ALABAMA. IN EQUITY

TESTIMONY TAKEN IN OPEN COURT, BEFORE HON. HUBERT M. HALL, JUDGE  
OF SAID COURT, ON FEBRUARY 28, 1954.

MRS. ELIZABETH S. MINNICH, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Blackburn.

Q. Are you Mrs. Elizabeth S. Minnich?

A. Yes, sir.

Q. Mrs. Minnich, you are the widow of Owen R. Minnich, deceased?

A. Yes, sir.

Q. And the mother of your and Mr. Minnich's two children?

A. Yes, sir.

Q. How old are you, Mrs. Minnich?

A. 36.

Q. Is your health good?

A. So far as I know.

Q. You have never had any unusual trouble?

A. No.

C E R T I F I C A T E:

I hereby certify that the foregoing is a true and correct transcript of the testimony taken by me on this day, in open Court in the above styled cause.

This 26th day of February, 1954.

Louise Dusenbury  
Court Reporter

3172 -

*Estate of Owen Nimmick*

FILED

FEB 24 1954

ALICE J. DICK, Register

3172

ESTATE OF ) IN THE CIRCUIT COURT OF  
OWEN R. MINNICH, ) BALDWIN COUNTY, ALABAMA  
DECEASED ) IN EQUITY

PETITION FOR AUTHORITY TO SELL REAL PROPERTY AT  
PRIVATE SALE AND FOR OTHER RELIEF

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

Your petitioner, Elizabeth S. Minnich, who is over twenty-one years of age and a resident of Baldwin County, Alabama, respectfully represents unto the court and your Honor as follows:

1. She was heretofore appointed, qualified and is now acting as administratrix of this estate, the administration of which is now pending in this court.

2. The decedent, Owen R. Minnich, at the time of his death owned the following described real property situated in Baldwin County, Alabama, to-wit:

From the Southwest corner of Section 17, Township 6 South, Range 2 East, run North 1815.23 feet, thence West 20 feet, more or less, to the West side of Section Street in the City of Fairhope for the point of beginning of the property herein described; thence West 190 feet; thence South 90 feet; thence East 190 feet; thence North 90 feet to the point of beginning, and being a lot on the West side of Section Street with 90 feet front and depth of 190 feet.

The above described property is now subject to a mortgage to the Baldwin County Savings and Loan Association and has a frame residence situated on it.

Petitioner has an opportunity to sell the above described tract of land to the United States of America or its assigns for possible use as a site for a post office building, after removing the improvements therefrom, for the sum of Ten Thousand Dollars (\$10,000.00).

It is to the best interest of the said estate that the frame residence which is situated on the said property be sold, if possible, but in all events removed from the property so that the property which is described above may be sold to the United States of America.

There are various azaleas and shrubs situated on the said property which should be sold or disposed of in whatever way or manner is to the best interest of this estate.

In the event the above described property is sold to the United States of America or its assigns, the said consideration of Ten Thousand Dollars (\$10,000.00) will be paid in full at the time of the execution and delivery of a deed conveying the said property.

3. Petitioner has been advised that the City of Fairhope, Alabama desires to acquire for street purposes approximately the East ten (10) feet of the tract of land which is described above, and if such property is acquired by the City of Fairhope, Alabama, it will be necessary that petitioner be authorized to convey an additional ten (10) feet on the West side of the said property, or an amount equal to that which will be acquired by the City of Fairhope.

~~4. In the event petitioner is authorized to sell the above~~  
described property, it is to the best interest of the said estate and all persons interested therein that she be authorized to improve the existing buildings on adjoining property owned by the said estate and she estimates that the cost of making the necessary improvements on the buildings on the adjoining property will not exceed Two Thousand Dollars (\$2,000.00).

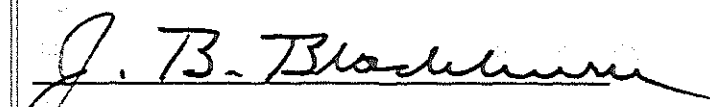
5. The only persons interested in this said estate are your petitioner, the widow of the said decedent; Owen R. Minnich, Jr., a son twenty years of age, who now resides in Montrose, California, and Clinton S. Minnich, a son seventeen years of age, who resides in Fairhope, Alabama.

WHEREFORE, petitioner prays that the court will take jurisdiction of this petition, appoint and set a day to hear it, that a guardian ad litem be appointed to represent the said minors without service of process on them, and that on the day set for hearing the

said petition a proper/<sup>order</sup>be made and decree rendered authorizing petitioner to remove the residence and shrubbery from the above described property and sell the above described property at private sale in the manner outlined above, and that she be authorized to make the improvements referred to above.

Petitioner further prays that such other orders be made and decrees rendered as may be requisite and proper in the premises.

  
Elizabeth S. Minnich (Petitioner)


  
Attorney for Petitioner

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

Before me, the undersigned authority, within and for said County in said State, personally appeared Elizabeth S. Minnich, who, after being by me first duly and legally sworn, deposes and says: That she has read over the above and foregoing petition, and that the facts stated therein are true.

  
Elizabeth S. Minnich

Sworn to and subscribed before me on  
this the 26 day of October, 1963.

  
Notary Public, Baldwin County, Alabama

FRANK VOREL  
NOTARY PUBLIC  
My Comm. Exp. 9-25-63

FILED  
Nov 72 1963  
ALICE I. DICK, CLERK

PETITION FOR AUTHORITY TO SELL  
REAL PROPERTY AT PRIVATE SALE AND  
FOR OTHER RELIEF.

ESTATE OF

OWEN R. MINNICH, DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ESTATE OF  
OWEN R. MINNICH,  
DECEASED

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)

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ANSWER OF GUARDIAN AD LITEM

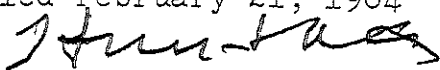
Now comes Reuben F. McKinley, who has been heretofore appointed as guardian ad litem in this cause to represent Owen R. Minnich, Jr., and Clinton S. Minnich, minors, and for answer to the petition for a decree modifying the decree rendered in this cause dated February 7, 1964, denies each and all of the allegations of the said petition for modification and demands strict proof of same.

Dated this the 21st day of February, 1964.



As Guardian Ad litem

Filed February 21, 1964



Judge

ESTATE OF  
OWEN R. MINNICH,  
DECEASED.

)  
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)  
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)  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

REPORT

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

Your Petitioner, Elizabeth S. Minnich, as Administratrix  
of the Estate of Owen R. Minnich, Deceased, respectfully reports  
as follows:

She has complied with all of the terms and provisions  
of the decree heretofore rendered in this cause and dated January  
28, 1954, and has sold and conveyed the property described in the  
said decree to herself for the total sum of Twenty-eight Hundred  
Dollars (\$2800), as provided in the said decree. The said purchase  
price of \$2800 has been fully paid to her, as such administratrix,  
and she has made, executed and delivered a deed to herself convey-  
ing the interests in the said property described in the said decree.

WHEREFORE, Petitioner prays that the said sale be con-  
firmed and that such other orders be made and decrees rendered as  
may be requisite and proper in the premises.

*Elizabeth S. Minnich*

As Administratrix of the Estate of  
Owen R. Minnich, Deceased.

Sworn to and subscribed before me on  
this the 26 day of February, 1954.

*Mary Lou Blackburn*

Notary Public, Baldwin County, Alabama.



REPORT

ESTATE OF

OWEN R. MINNICH, DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

No. 3273 In the Matter of Est. Owen R. Minnich, Dec'd.  
Chin. S. Minnich Administrator, Executor or Guardian. Residence \_\_\_\_\_  
 Attorneys R. B. Blackburn Docket \_\_\_\_\_ Page \_\_\_\_\_ Fee Book B Page 90

DATE	FEES OF PROBATE JUDGE	AMOUNT	DATE	FEES OF PROBATE JUDGE	AMOUNT
	WILL—Order on Presentation, \$1.00 Affidavit in Petition for Probate, 25c Recording Petition, per 100 words, 15c Issuing Citation, ent'g Sheriff's Returns, 50c App'ting and Notifying Guard, ad Litem, 50c Issuing Subpoenas for Witness, 50c Affidavit of Witnesses, 25c Examining Wit. and order Probating, \$2.00 Issuing Commission to take Deposition, 50c Filing Interrogatories, 10c Copy of same, per 100 words, 15c Recording Will, per 100 words, 15c Recording Testimony, per 100 words, 15c Certificate, without seal, 25c Certificate, with seal, 50c Presiding at Trial C't'd Will, per day, \$2.50			BROUGHT FORWARD, Affidavit to Report, 25c Recording, per 100 words, 15c Appointing Com'r to Divide, and Writ, \$2.00 Approving Division and Order thereon, \$1.00 App'ting and Notifying Guard, ad Litem, 50c	725
11-2-53	LETTERS—Affidavit in Petition, 25c Recording Petition, per 100 words, 15c Rec'd'g Rec. Right to Adminer, 100 words, 15c Granting Letters of Administration, 50c Issuing and Recording same, 50c Granting Let. of Gu'd'nship, each minor, 75c Issuing, Filing and Recording same, 50c Taking, App., Filing, Rec. Adm. Bonds, \$1.00 Taking, App. Filing, Guard. Bond, \$1.00 Affidavit of Justification, 25c Granting Order of Appraisement, 50c Issuing Order of Appraisement, 25c Recording same, per 100 words, 15c Order Removing Executor, Adm. Guard, \$2.00 Order Appointing General Guardian, \$1.00 Issuing and Recording same, 50c Order Appointing General Administ'r., \$1.00 Issuing and Recording same, 50c Order Appointing Adm'r ad Litem, \$1.00 Issuing and Recording same, 50c	25 100 75 50 50		PARTIAL SETTLEMENT—Affidavit in Acc't, 25c Affidavit to List of Heirs, 25c Examining, Stating Acc't and Ap. Hear., \$1.00 Order to Publish Notice of Sale, 50c App'ting and Notifying Guard, ad Litem, 50c Examining Vouchers, 10c Administering Affidavits, 25c Making Decree and Order to Record, \$1.50 Recording same, per 100 words, 15c Filing Claims and giving Receipt, 15c	
	HOMESTEAD—Rec. Pet'n for Com., 100 words, 15c Record, Order for App., per 100 words, 15c Recording Order for Com., per 100 words, 15c Notice to Commissioners, 50c Recording Report of Com., per 100 words, 15c Record, Order Setting Apart, 100 words, 15c			INSOLVENCY—Affidavit in Report, 25c Affidavit to Statements, 25c Recording Rep't and Statem't, 100 words, 15c Order Appointing Day of Hearing, 25c Order to Publish Notice of same, 25c Order for Citations, 25c Iss'g Notice to Creditor Day of Hearing, 50c Order Sustaining Report, 25c Order for Settlement, 25c Order to Publish Day of Settlement, 25c Issuing Notice of Day of Settlement, 25c Affidavit to Amount of Claims, 25c App'ting and Notifying Guard, ad Litem., 50c	
1-8-54	INVENTORY—Order to Approve and Record, 50c Affidavit to same, 25c Recording same, per 100 words, 15c	75		SALE OF REAL ESTATE—Affidavit in Petition, 25c Recording Petition, per 100 words, 15c Order App't'g Day of Hear. and Notice, \$1.00 Order to Publish Notice of same, 50c Issuing Citations, Ent'g Sheriff's Return, 50c App'ting and Notifying Guard. ad Litem, 50c Issuing Commission to take Deposition, 50c Filing Interrogatories, 10c Copy of Interrogatories, per 100 words, 15c App't'g Com. to Divide and Issue Writ, \$2.00 Affidavit to Report of Same, 25c Order Approving Division and Report, \$1.00 Recording same, per 100 words, 15c Hearing Applic'n for Dower, Iss'g Writ, \$4.00 Exam'g Testim'y and Grant Ord'r to Sell, \$2.00 Recording Depositions, per 100 words, 15c Record. Reliq'm't of Dower, 100 words, 15c Recording Report, per 100 words, 15c Rec. Paym't Purchase Money, 100 words, 15c Making Order on Report of Sale of Land, 75c Hear Ap'n to Compel Conveyance, etc., \$2.00	
1-9-54	SUPPLEMENT INVENTORY—Order App., Rec., 50c Affidavit to same, 25c Recording same, per 100 words, 15c Recording Decree, per 100 words, 15c	100		FINAL SETTLEMENT—Affidavit in Account, 25c Affidavit to Statement of Heirs, 25c Exam'g, Stating and Recording Acc't, \$1.00 Order to Publish Notice of same, 50c App'ting and Notifying Guard. ad Litem, 50c Examining Vouchers, 10c Administering Affidavits, 25c Recording same, per 100 words, 15c Decree in Final Settlement, 50c	
	APPRAISEMENT—Order Approving, Rec., 50c Affidavit to same, 25c Recording same, per 100 words, 15c			SPECIAL PROCEEDINGS—Proceedings for Declaration of Unsound Mind and App. Guard. ad Litem, \$5.00 Recording Decree Relieving Minors, etc., \$1.00 Proceed to Perpetuate Testimony, per 100 words, 20c Other Services Relating Thereto, 75c Record. Pro'dings Bind'g Out Appren., \$1.00	
	SUPPLEMENT APPRAISEMENT—Grant, Order, 50c Issuing Order of Appraisement, 25c Recording Warrant, per 100 words, 15c Order to Approve Appraisement, 50c Affidavit to same, 25c Recording same, per 100 words, 15c Recording Decree, per 100 words, 15c		11-30-53	BALDWIN TIMES	525
	SALE OF PERISHABLE PROPERTY—Petition, 25c Recording same, per 100 words, 15c Granting Order of Sale, 50c Issuing Order of Sale, 25c App'ting and Notifying Guard, ad Litem, 50c Recording, per 100 words, 15c				
	SALE OF PERSONAL PROPERTY—Petition, 25c Recording same, per 100 words, 15c Granting Order of Sale, 50c Issuing Order of Sale, 25c Order to Publish Notice of Sale, 50c				
	CARRIED FORWARD	725		TOTAL PROBATE JUDGE'S FEES.	\$ 1250

ESTATE OF

OWEN R. MINNICH,  
DECEASED

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

DECREE SETTING DATE FOR HEARING PETITION FOR  
AUTHORITY TO EXECUTE MORTGAGE.

~~This cause coming on to be heard on this date is submitted~~  
for a decree on the verified petition filed in this cause on this  
date by Elizabeth S. Minnich, as administratrix of this said estate,  
upon consideration of which it is, therefore, ORDERED, ADJUDGED  
AND DECREED by the court as follows:

1. The said petition shall be and it is hereby set for  
hearing at 10 o'clock on the 10 day of November, 1954.

2. It appearing to the court that the only persons in-  
terested in this proceeding, other than the petitioner, are Owen R.  
Minnich and Clinton S. Minnich, minor children of the said decedent,  
both of whom are under fourteen years of age, and it further appear-  
ing to the court that Jeffrey S. Washburn Jr, an Attorney at  
Law and Solicitor in Chancery, practicing in Baldwin County, Alabama,  
is not of kin or counsel to any of the parties interested in this  
proceeding and is in all respects a fit and proper person to act as  
guardian ad litem for the said minors, he shall be and hereby is  
appointed as such guardian ad litem to represent the said minors  
in this proceeding without service on them.

3. The testimony of the witnesses for the said petitioner  
on the said hearing shall be taken in open court in the manner pro-  
vided by Equity Rule Number 56, as amended.

ORDERED, ADJUDGED AND DECREED by the court on this the  
8 day of November, 1954.

Hubert M. Free  
Judge

3172  
1  
DECREE SETTING DATE FOR HEARING  
PETITION FOR AUTHORITY TO  
EXECUTE MORTGAGE.

ESTATE OF

OWEN R. MINNICH, DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED  
NOV 8 1954  
ALICE L. DICK, Register

3172

Peterson & Co.

3172

WARRANTY DEED.

Moore Printing Co. Bay Minetta Ala

THE STATE OF ALABAMA,  
Baldwin County

BOOK 101 PAGE 463

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of

Three thousand and NO/100 DOLLARS

to US in hand paid by Owen R. Minnich & Elizebeth S. Minnich,  
and Axil I Rundquist and Evelyn Rundquist

the receipt whereof is hereby acknowledged O.K. Cummings & Celina Cummings,

husband & wife

do grant, bargain, sell and convey unto the said  
Owen R. Minnich & Elizebeth S. Minnich and Axil I. Rundquist and  
Evelyn Rundquist

the following described lands situated in Baldwin County, Alabama, to-wit:

The Northwest Quarter of the Northwest Quarter of Section Twenty (20)  
Township Six (6), Range Two (2) east of St. Stephens meridian except  
highway and street reservations.

STATE OF ALABAMA, BALDWIN COUNTY

Filed Dec 28 1945

Recorded book page

and I certify that the following Privilege Tax has  
been paid.

Deed Tax 3.00

Mortgage Tax

Judge of Probate

By

TO HAVE AND TO HOLD to the said Owen R. Minnich & Elizebeth S. Minnich and  
Axil I. Rundquist and Evelyn Rundquist, their heirs and assigns forever.

And we do covenant with the said Owen R. Minnich & Elizebeth S. Minnich and  
Axil I. Rundquist & Evelyn Rundquist

that we are seized in fee of the above

described premises; that we have the right to sell and convey the same; that the said

premises are free from all incumbrances; and that except the 1945 taxes  
we will, and our heirs

executors and administrators shall forever WARRANT AND DEFEND the same to the said Owen R. Minnich  
& Elizebeth S. Minnich & Axil I. Rundquist & Evelyn Rundquist, their  
heirs and assigns, against the lawful claims of all persons whomsoever.

Witness our hand and seal this 21st day of December, 1945

WITNESS:

Alger L. Bell

O.K. Cummings  
Celina Cummings L. S.

L. S.

BOOK 101 PAGE 464

State of Alabama, BALDWIN County

I, Alyce C. Bill, a Notary Public

in and for said County and State, hereby certify that O. K. Cummings and Celina Cummings, husband and wife, whose names are

signed to the foregoing conveyance and who are known to me, acknowledged before me, on this day, that being informed of the contents of the conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 21st day of December A. D. 194 5

*Alyce C. Bill*

State of Alabama, BALDWIN County.

I, Alyce C. Bill, a Notary Public

in and for said County and State, do hereby certify that on the 21st day of December, 194 5 came before me the within named Celina Cummings

known to me to be the wife of the within named O. K. Cummings

who, being examined separate and apart from her husband, touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord, and without fear, constraint or threats on the part of the husband.

In Witness Whereof, I hereunto set my hand and official seal this 21st day of December 194 5

*Alyce C. Bill*

STATE OF ALABAMA, }  
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of the Probate Court in and for said State and County, hereby certify

that the within and foregoing Two photostat pages

contain a full, true and complete copy of the Deed from O. K. Cummings & Celins

Cummings to Owen R. Minnich and Elizabeth S. Minnich,

as the same appears of record in my office in Deed Book No. 101

Page 463-4.

Given under my hand and seal of office, this 28th day of January, 19 54.

W. R. Stuart  
Judge of Probate

\$5.00

ESTATE OF OWEN R. MINNICH,  
Deceased.

IN THE  
CIRCUIT COURT OF BALDWIN COUNTY  
ALABAMA. IN EQUITY.

HEARING IN OPEN COURT, BEFORE HON. HUBERT M. HALL, JUDGE OF  
SAID COURT.

PRESENT:

HON. J. B. BLACKBURN, FOR PETITIONER  
HON. HARRY J. WILTERS, GDN. AD LITEM.

MRS. CELINA CUMMINGS, A WITNESS, BEING FIRST DULY SWORN,  
TESTIFIED AS FOLLOWS:

Direct examination by Mr. Blackburn.

Q. Are you Mrs. Celina Cummings?

A. That's right.

Q. Mrs. Cummings, do you own an interest in the lots in  
Fairland Heights, a sub-division of Fairhope, Alabama, ac-  
cording to the plat of record in Map Book 3, page 16?

A. I do.

Q. What interest do you own?

A. One half.

Q. I will ask you, Mrs. Cummings, if you are the widow of O.K.  
Cummings?

A. I am.

Q. Did you and Mr. Cummings, on December 21, 1945, make and  
deliver a deed whereby you conveyed the NW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 20  
Township 6 South, Range 2 East in Baldwin County, Alabama, to  
Owen R. Minnich and Elizabeth S. Minnich and Axel Rundquist and



Evelyn Runquist?

A. Yes, sir.

MR. BLACKBURN: I offer in evidence certified copy of the above described deed, and ask that it be identified as Petitioner's Exhibit 1.

Q. Mrs. Cummings, this is the property that was sub-divided into Fairland Heights sub-division?

A. Yes, sir.

Q. Where did you acquire the half interest in the sub-division that you own?

A. I bought from Axel Runquist and his wife, Evelyn Runquist.

Q. Do you recall the exact date of that sale, approximately? -- Was it in 1952?

A. I think it was.

Q. At that time what did you pay Mr. and Mrs. Runquist for that half interest?

A. \$5,500.00.

Q. Since you purchased that half interest and before Mr. Owen Minnich's death, approximately how many lots were sold?

A. I think five.

Q. Now these remaining lots described in the petition are they all on opened and improved streets?

A. No -- You mean the ones that are for sale?

Q. The ones that are still owned jointly by you and the Minnich estate and Mrs. Minnich?

A. About half and half.

Q. Which is the best street that runs through the sub-division?

A. Azalea ---

Q. Is it Section Street?

A. Section Street runs on one side.

Q. How many lots are there that are described in this petition here as belonging to you, the Minnich Estate and Mrs. Minnich, jointly on Section Street?

A. I think five.

Q. The others are back from the street?

A. Yes, sir.

Q. Mrs. Cummings, you have bought and sold real property in Baldwin County, Alabama, have you not?

A. Yes, sir.

Q. And know its value?

A. Yes, sir.

Q. What, in your opinion, is a reasonable market value today of these lots described in this petition which are jointly owned, a half by you, one-fourth by the Minnich Estate, and one-fourth by Mrs. Minnich?

A. I talked this over with Axel Runquist, and I think it was about \$2,500.00.

Q. What was the relationship between you and Mrs. Owen Minnich?

A. I was his mother.

Q. Then you are therefore, the grand mother of his children?

A. Yes, sir.

Q. There is one lot that has been sold, Mrs. Cummings, is there not?

A. Yes, sir.

Q. That a deed has not been given?

A. Yes, sir.

Q. Are you familiar with that lot?

A. The one lot?

Q. Yes, the one that has been sold under contract to which a deed has not been given?

A. Yes, sir.

Q. Do you recall who that lot was sold to?

A. I'm afraid that I don't remember.

ON CROSS EXAMINATION OF THIS WITNESS BY MR. WILTERS, AS GUARDIAN AD LITEM, SHE TESTIFIED:

---

THE COURT: Mr. Blackburn, did you introduce the other deed?

MR. BLACKBURN: I will, with leave to withdraw the original and substitute a copy.

We introduce in evidence the original deed from A. I. Runquist and Evelyn L. Runquist to Selena Cummings, dated April 30, 1952, and recorded in deed Book 189 at page 179 and ask that it be identified as Petitioner's Exhibit 2, with leave to withdraw and substitute a copy thereof.

MR. WILTERS, GDN. AD LITEM.

Q. Mrs. Cummings, how long have you dealt in real estate in

Baldwin County, Alabama?

A. Of course, my husband did and I did some of the work with him; I would say for 15 or 20 years.

Q. Would you say in particular there in and around Fairhope is where you have done most of your business?

A. Oh yes.

Q. How many lots did you say was on Section Street?

A. I think five.

Q. Is Section Street a paved street?

A. Yes it is.

Q. What, in your opinion, is the value of the lots on Section Street? - - Individual lots?

A. Well I think if we were selling them, or had to sell them right away, that they would run around \$400.00 to \$500.00 each; not the 40 foot lots; some of the five lots are 40 feet; I don't believe we could get that much for those.

Q. What is the size of the other lots?

A. Off of Section Street, some or 50 feet and some 66 x 132.

Q. What would you say that the average value of the lots off of Section Street would be?

A. If you sold them individually?

Q. Yes?

A. They would average \$250.00 to \$300.00 each.

Q. Are there other lots - other streets running through this subdivision?

A. Oh yes.

Q. How many?

A. Three, I think.

Q. What would you say that the value of the lots collectively off of Section Street would be, in your best judgment?

A. How many are there? - - We have a list of them.

Q. You have told me that there was five lots on Section street, and I believe all together there are 60 lots that are jointly owned between you all?

A. Well I would say if we got \$250.00 over all, that that would be good.

Q. The price has just about doubled?

A. That is on the paved street, and some of the other lots, the street has not been opened up yet; they are just a tract of land without a street that has been opened up; - - no street has yet been opened up.

Q. Does this sub-division have access to water and sewerage?

A. Water but not sewerage.

MRS. ELIZABETH S. MINNICH, BEING FIRST DULY SWORN, TESTIFIED:

Direct examination by Mr. Blackburn.

Q. Are you Mrs. Elizabeth Minnich?

A. Yes, sir.

Q. You are the widow, of course, of Owen R. Minnich?

A. That is right.

Q. And the mother of the two boys?

A. Yes.

Q. How old are you, Mrs. Minnich?

A. 36

Q. And in good health?

A. Yes, sir.

Q. Now with reference to this sub-division that you have heard me ask Mrs. Cummings about, are there one or more lots that have been sold off on contract that was made during Mr. Minnich's life time?

A. One.

Q. That no deed has been made to?

A. Only one.

Q. What lot is that?

A. I don't recall the number of the lot.

Q. Who was the purchaser of that lot?

A. Mr. Stensel, I believe.

Q. Look at these two contracts please, and tell me which one -- this describes Lot 84 I believe, and this describes 95, which lot was sold?

A. Lot 84 in Block 4.

(page 7)

Q. Then the one to which the conveyance should be made is Lot 84 in Block 4?

A. That is right.

Q. Now Mrs. Minnich, to realize what you should from these lots, I will ask you whether or not it is necessary to get title in such a way that it can be conveyed when you find a purchaser and without the necessity of going through court and getting authority to convey the property?

A. I don't understand the question.

Q. In order to realize what you should realize from the sale of the lots in this sub-division, I will ask you whether or not it is necessary to get the title vested in a way that they can be sold when a purchaser is found? - - that is, make a deed without having to come to court to get authority?

A. Yes, sir.

Q. Is it necessary that the estate's interest in these lots be sold for the purpose of paying the administration and for caring for your children?

A. Yes.

Q. I will ask you if, in your opinion, it is to the best interest of the estate that these lots be sold at private sale to you for such price as the Court may fix?

A. Yes, sir.

ON CROSS EXAMINATION OF THIS WITNESS BY MR. WILTERS,

AS GUARDIAN AD LITEM, SHE TESTIFIED:

Q. Do you know the contract price for this Lot 84 in Block 4?

A. It's on the contract that Mr. Blackburn has; I don't recall the exact figure.

Q. It has been fully paid for?

A. Yes, sir.

Q. You have two boys?

A. Yes, sir.

Q. One 10 and one 7?

A. Yes, sir.

Q. Both in school?

A. Yes, sir.

ON RE DIRECT EXAMINATION OF THIS WITNESS BY MR. BLACKBURN:

Q. There is nothing to prevent a sale of this property, is there, Mrs. Minnich? -- No conveyance of any kind that prevents a sale?

A. No.

Q. On the other hand there is no conveyance that authorizes a sale?

A. No.

Q. The contract was made in Mr Minnich's life time?

A. Yes, sir.

Q. And the purchase price paid?

A. Yes, sir.

Q. But no deed made in his life time?



A. No, sir.

MR. A. I. RUNDQUIST, A WITNESS, BEING FIRST DULY SWORN,  
TESTIFIED AS FOLLOWS:

Examination by Mr. Blackburn.

Q. Are you Mr. Axil Rundquist?

A. Yes, sir.

Q. A. I. Rundquist?

A. Yes, sir.

Q. Mr Rundquist, where do you live?

A. Silver Hill, Alabama.

Q. What business are you engaged in?

A. Banking.

Q. Are you the Axil Rundquist who, together with Mrs. Evelyn  
Rundquist, own<sup>ed</sup>/a half interest in Fairland Heights  
sub-division in Fairhope?

A. That is right.

Q. To whom did you and your wife sell your half interest?

A. Mrs. Cummings.

Q. When was that sale made?

A. I believe it was May of 1945.

Q. Wasn't that when you bought the land? - I asked you when  
you sold your half interest to Mrs. Cummings?

A. In 1952.

Q. What did you and <sup>your</sup> wife realize for your half interest when you sold it?

A. \$5500.00.

Q. You have examined this description, have you not?

A. Yes, sir.

Q. About how many more lots were conveyed by you and your wife to Mrs. Cummings than is included in this petition here to day?

A. I would say four or five.

Q. You are familiar, of course, with the entire lay-out?

A. Yes.

Q. Location?

A. Yes.

Q. Some of these lots are on streets that are not open?

A. Yes sir.

Q. What is the best street that touches or runs through this sub-division?

A. Section Street runs on the west side.

Q. You have bought and sold real property in Baldwin County, Alabama?

A. Yes, sir.

Q. You know its value?

A. Fairly well.

Q. I will ask you what, in your opinion, would be a fair market value for a cash sale, for a half interest in Lots 15 and 16 in Block 2 of Fairland Heights sub-division in Fairhope?

A. I believe \$300.00

Q. For a half interest?

A. Yes, sir.

Q. Now what, in your opinion, would be a fair market value for a half interest - - for a one-fourth interest in the remaining lots described in this petition?

A. In my opinion \$2500.00.

Q. Are you related to any of the parties to this proceeding?

A. No, sir

Q. Are you anyway interested in it?

A. No, sir.

CROSS EXAMINATION BY MR. WILTERS, GUARDIAN AD LITEM:

Q. Lots 15 and 16, Block 2, Fairland Hwights sub-division - are there any improvements on those lots?

A. None.

MR. GEORGE K. PAGE, A WITNESS BEING FIRST DULY SWORN, TESTIFIED

Q. Are you Mr. George K. Page?

A. Yes, sir.

Q. What business are you engaged in?

A. Baldwin County Savings & Loan Association at Robertsdale, Alabama.

Q. What is your position?

A. President.

Q. How long have you been President?

A. Nearly 11 years.

Q. In connection with your duties as President of this Association, is it necessary that you frequently appraise real property?

A. Yes, sir.

Q. In addition to that, have you frequently bought real property in Fairhope?

A. Yes, sir.

Q. And you know its value?

A. Yes, sir.

Q. Are you familiar with the two lots jointly owned and described as Lots 15 and 16, Block 2, Fairland Heights sub-division to Fairhope?

A. Yes, sir.

Q. What in your opinion, Mr. Page, is the reasonable cash value of an undivided one-half interest in those two lots?

A. I would say \$300.00.

Q. You are also familiar with the other two lots described in this petition?

A. Yes, sir.

Q. What, in your opinion, would be the reasonable cash market value of a one fourth interest in the remaining lots in this Fairland Heights sub-division in Fairhope?

A. I think \$2500.00 would be fair.

Q. Are you related to any of the parties to this proceeding?

A. No, sir.

Q. Interested in any way?

A. No, sir.

ON CROSS EXAMINATION BY MR. WILTERS, AS GUARDIAN AD LITEM:

Q. Do you know how many lots are remaining in this sub-division?

A. I don't know exactly. I did know, but I don't have that figure in my head right now.

Q. 55 or 60 lots remaining?

A. Yes, sir, some where in that neighborhood.

Q. You are familiar with this particular sub-division?

A. Yes, sir, I have been through the whole sub-division.

Q. Is the sub-division easily accessible from the highway or City of Fairhope?

A. Yes, sir.-- You mean the edge of the sub-division?

A. Yes, sir.

ON RE DIRECT EXAMINATION OF THIS WITNESS BY MR. BLACKBURN:

Q. Your Association has made loans on lots in this sub-division that has been sold to individuals?

A. Yes, sir.

Q. In addition to that, did you not visit this property at the request of Mrs. Minnich and go over it with the idea of arriving at a value?

A. Yes, sir.

---

X

CERTIFICATE:

I hereby certify that the foregoing, consisting of pages 1 to 14 both inclusive, correctly set forth a true and correct transcript of the testimony as taken by me in said case, in open Court, before Hon. Hubert M. Hall, Judge of the 28th Judicial Circuit of Alabama, on January 28th. 1954.

This 1st day of February, 1954.

---

COURT REPORTER

ESTATE OF OWEN R. MINNICH, )  
 DECEASED. )  
 \*  
 )

IN THE PROBATE COURT OF  
 BALDWIN COUNTY, ALABAMA

# ADMINISTRATRIX'S BOND

KNOW ALL MEN BY THESE PRESENTS, that we, Elizabeth S. Minnich, as principal, and Celina Cummings and Walter H. Roberts, as sureties, are held and firmly bound unto W. R. Stuart, Probate Judge of said County and State, and unto his successors in office, in the penal sum of Ten Thousand Dollars (\$10,000.00), for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally by these presents.

The condition of the above obligation is such that, whereas, on the 2nd day of November, 1953, the Probate Court in and for the said County, in said State, did grant unto the above bounden Elizabeth S. Minnich letters of administration upon Owen R, Minnich, Deceased:

Now, therefore, if the said Elizabeth S. Minnich shall perform all the duties which are or may be required of her as such administratrix, then this obligation is to be void; otherwise, to be and remain of full force and effect.

Given under our hands and seals on this the 2nd day of November, 1953.

Elizabeth S. Minnich (SEAL)  
 Elizabeth S. Minnich

Celina Cummings (SEAL)  
 Celina Cummings

Walter H. Roberts (SEAL)  
 Walter H. Roberts

Taken and approved by me on the 2nd day of November, 1953.

W. R. Stuart  
 Probate Judge.

STATE OF ALABAMA, BALDWIN COUNTY

Filed W. R. Stuart 11/2/53

Recorded Pro. & Min. book 2 page 215

W. R. Stuart  
 Judge of Probate

50

IN THE CIRCUIT COURT OF

EQUITY.

FEBRUARY 21, 1964

Q. Are you Mrs. Elizabeth Minnich?

A. Yes.

Q. Mrs. Minnich, you are acting as Administratrix of your late husband's estate, Owen Minnich, which is now pending in this Court, are you not?

A. Yes.

Q. Now the Court, in this proceeding previously authorized you to sell the real property described in the petition that we filed here on November 12, 1963, for \$11,000.00. Have you been able to get \$11,000.00 for the property?

A. No.

Q. Now what is the best offer you have been able to get for it, Mrs. Minnich?

A. \$10,500.00.

Q. Has the United States transferred the option to Walter P  
and Bessie W. May?

A. Yes.

Q. They are willing to pay you for this property \$10,500.00?

A. Yes.

Q. You recently had the property surveyed, did you not?

A. Yes.



Q. That survey disclosed a little difference in the description between what we described in the original petition and what we described in this?

A. Yes.

. In your opinion, is it to the best interest of the estate and everybody interested in it, that you be authorized to sell this property at private sale for \$10,500.00 to Mr. and Mrs. May?

A. Yes.

Q And have you read over this petition?

A. I have.

Q. The facts stated in it are true?

A. Yes sir.

NO EXAMINATION BY MR. MCKINLEY, AS GUARDIAN AD LITEM.

MR. WALTER ROBERTS, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS

Examination by Mr. Blackburn.

Q. Mr. Roberts, are you familiar with the property that Mrs. Minnich proposes to sell as described in Mr. Arnold's survey?

A. I am.

Q. In your opinion, is \$10,500.00 a fair price for the property?

A. I think it is.

Q. And in your opinion, is it to the best interest of the estate that Mrs. Minnich be authorized to sell it at private sale to Walter B. And Bessie W. May for \$10,500.00?

A. I think it is.

NO CROSS EXAMINATION BY MR. MCKINLEY, GUARDIAN AD LITEM.

C E R T I F I C A T E:

I hereby certify that the foregoing is a true and  
correct transcript of the testimony as taken by me, in open  
Court, in the captioned case, on this the 21st day of  
February, 1964.

Louise Susan Lewis  
Court Reporter

JIMMY FAULKNER  
PUBLISHER

# THE BALDWIN TIMES

## BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
BALDWIN COUNTY.

NOTICE OF APPOINTMENT OF  
ADMINISTRATRIX  
ESTATE OF OWEN R. MINNICH, Deceased  
In The Probate Court of Baldwin County,  
Alabama  
Letters of Administration upon the es-  
tate of the said decedent having been  
granted to the undersigned on the 2nd  
day of November, 1953, by the Honora-  
ble W. R. Stuart, Judge of the Probate  
Court of Baldwin County, Alabama, notice  
is hereby given that all persons having  
claims against the said estate will be re-  
quired to present the same within the  
time allowed by law, or the same will  
be barred.  
ELIZABETH S. MINNICH,  
Administratrix.  
J. B. BLACKBURN,  
Attorney for Administratrix. 49-3tc.

E. R. Monizette, Jr., being duly sworn, deposes and says  
that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper pub-  
lished at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Est. Owen R. Minnich, Dec

#### COST STATEMENT

105 WORDS @ 5 cents — — — \$ 5-25  
I hereby certify this it correct, due and unpaid (paid).

E. R. Monizette, Jr.  
Editor Publisher.

was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication Nov. 12, 1953 Vol. 64 No. 43

Date of 2nd publication Nov. 19, 1953 Vol. 64 No. 44

Date of 3rd publication Nov. 26, 1953 Vol. 64 No. 45

Date of 4th publication \_\_\_\_\_, 195\_\_\_ Vol. \_\_\_\_\_ No. \_\_\_\_\_

Subscribed and sworn before the undersigned this 27 day of Nov, 1953

Dorothy Manti  
Notary Public, Baldwin County.

E. R. Monizette, Jr.  
Editor Publisher.

Filed 11/30/53  
W. R. Stuart, Judge

ESTATE OF  
OWEN R. MINNICH, DECEASED

) IN THE CIRCUIT COURT OF  
)  
) BALDWIN COUNTY, ALABAMA  
)  
) IN EQUITY NO. 3172

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM  
TO TELFAIR J. MASHBURN, JR., ESQUIRE:

You are hereby notified that you have been appointed  
Guardian ad litem to represent Owen R. Minnich and Clinton S.  
Minnich, minors, in connection with a petition filed in this cause  
by Elizabeth S. Minnich, administratrix of this said estate, which  
petition has been set for hearing at 10:00 A. M. on November 10,  
1954.

Dated this 9 day of November, 1954.

Elizabeth S. Minnich  
Register

\*\*\*\*\*

ACCEPTANCE OF APPOINTMENT OF GUARDIAN AD LITEM

Pursuant to the above order of this cause, I, Telfair  
J. Mashburn, Jr., hereby consent in writing to act as Guardian ad  
litem to represent Owen R. Minnich and Clinton S. Minnich, minors,  
in the above styled cause.

Telfair J. Mashburn, Jr.

ESTATE OF  
OWEN R. MINNICH,  
DECEASED.

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)  
)  
)  
)  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

REQUEST FOR ORAL EXAMINATION OF WITNESSES

Now comes the Petitioner, Elizabeth S. Minnich, as Executrix of this said estate, and requests that the testimony of the witnesses for Petitioner in the said cause on this date, namely: George K. Page, Axel I. Rundquist, Celina Cummings and Petitioner, be taken orally in open court in the manner provided by Equity Rule Number 56, as amended.

Dated this 28th day of January, 1954.

J. B. Blasburn  
Solicitor for Petitioner.

REQUEST FOR ORAL EXAMINATION OF  
WITNESSES

ESTATE OF

OWEN R. MINNICH, DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

*Filed 1-28-54*  
*Alice M. Nichols*  
*Registrar*

no charge

ESTATE OF  
OWEN R. MINNICH,  
DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 3172

ORDER CONFIRMING SALE OF REAL PROPERTY

This cause coming on again to be heard on this date is submitted on the verified Report of Sale which has been filed in this cause on this date by Elizabeth S. Minnich, as administratrix of this said estate, from which it appears that pursuant to the authority granted to her in the decrees rendered in this cause dated February 7, 1964, and February 21, 1964, she has sold the real property described in the said decree of February 21, 1964, to Walter P. May and Bessie W. May at private sale for the sum of Ten Thousand Five Hundred Dollars (\$10,500.00); that the said purchase price has been paid in full, and that she has executed and delivered a deed to the said purchasers; upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:


1. The said sale of the said tract of land which is specifically described in the said decree of February 21, 1964, to Walter P. May and Bessie W. May for the sum of \$10,500.00, shall be and it is hereby in all respects ratified and confirmed.
2. The Register of this court shall file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

ORDERED, ADJUDGED AND DECREED on this the 31st day of March, 1964.

(S) HUBERT M. HALL  
Judge

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decrees rendered by the Judge of the Circuit Court in aforesaid cause, which decrees are on file and enrolled in my office.  
WITNESSES MY HAND AND SEAL THIS THE 31st day of Mar, 1964

*Alice J. Duck*  
Register of Circuit Court, in Equity



STATE OF ALABAMA, BALDWIN COUNTY  
Filed 4/24/64  
Recorded Send book 344 page 252  
*L. R. Owen*  
Judge of Probate

Book 344  
Page 282



SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. ....

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon W. EUGENE CLAY

to appear and plead, answer or demur, within thirty days from the service hereon by the Plaintiff filed in

the Circuit Court of Baldwin County, State of Alabama at Bay Minette, against

W. EUGENE CLAY

by DELORE CLAY, Plaintiff

Witness my hand this 6th day of June, 1914

ESTATE OF  
OWEN R. MINNICH, DECEASED.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

Comes Owen R. Minnich and Clinton S. Minnich by Harry J. Wilters as their guardian ad litem and for answer to the petition heretofore filed in this cause says as follows:

1. They admit the allegations of Paragraphs 1, 2, 3, 5, 6 and 7.

2. They deny the allegations of Paragraph 4 and demand strict proof thereof.

Harry J. Wilters, Jr.

ANSWER

ESTATE OF  
OWEN R. MINNICH, DECEASED.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

*Filed 1-28-54  
Circuit Clerk  
Birmingham*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

Samuel Wilters

ACCEPTANCE OF GUARDIAN AD  
LITEM

ESTATE OF

OWEN R. MINNICH, DECEASED.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

*Filed 1-28-54  
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ESTATE OF

OWEN R. MINNICH, DECEASED

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)  
)  
)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3172

ANSWER

Now come Owen R. Minnich and Clinton S. Minnich, minors,  
by Telfair J. Mashburn, Jr., as their Guardian ad litem and which  
answer to the petition heretofore filed in this cause says as  
follows:

1. They admit the allegations of paragraph 1, 2 and 5.
2. They deny the allegations of paragraph 3 and 4 and  
demand strict proof thereof.

Telfair J. Mashburn, Jr.

As Guardian ad litem for Owen R.  
Minnich and Clinton S. Minnich

## STATE OF ALABAMA

## IN THE PROBATE COURT

Baldwin

County

November 2 1953

Present, the Honorable W. R. Stuart, Judge of Probate.In the Matter of the Estate of Owen R. Minnich, deceased.And now, on this day comes Elizabeth S. Minnich and presentsto the Court her petition in writing and under oath, praying that letters of administration on the estate of Owen R. Minnich, deceased,issue to her, which petition is examined by the Court; it is therefore ordered that said petitionbe filed and set for hearing on the 2nd day of November, 1953; and it appearing to the satisfaction of the Court from the allegations contained in said petition and from other good and sufficient evidence that the said Owen R. Minnich departed this life on orabout the 14th day of September, 1953, being at the time of his deathan inhabitant of Baldwin County, Alabama; that he died leaving assets insaid County, which assets both real and personal are estimated to be worth aboutFive Thousand Dollars, but leavingno will, testament or other writing relative to the disposal or distribution of his estate and that the deathof said decedent was known more than five days before this day; and ~~it is further appearing to the satisfaction of the Court that~~ ~~Elizabeth S. Minnich~~ ~~is the widow of the said decedent, is over twenty-one years of age, an inhabitant of this State, and a fit person under the law and in the estimation of the Court to serve as administratrix~~~~and no person having appeared to oppose the granting of letters of administration~~ ~~to the said Elizabeth S. Minnich or to show cause why the prayer of said petitioner should not be granted; it is ordered by the Court that the prayer for letters of administration~~~~be granted and that petitioner shall make and file bond in the penal sum of~~ ~~Ten Thousand~~ Dollars, conditioned and~~payable according to the statute in such cases made and provided, with such surety or sureties as may be approved by the Court; letters of administration shall not issue until said bond is approved and filed; it is further ordered that said petition be recorded.~~~~And now again comes Elizabeth S. Minnich and presents to the Court for approval her bond in the form as by this Court heretofore required with~~~~Celina Cummings and Walter H. Roberts as surety thereon, and the Court being sufficiently advised concerning said bond and said surety, it is ordered and adjudged by the Court that said bond be taken, approved and recorded.~~~~It is therefore ordered, adjudged and decreed by the Court that letters of administration on the estate of said deceased be granted to the said Elizabeth S. Minnich and she be and she~~~~hereby is authorized to administer said estate; it is further ordered that the said~~~~Elizabeth S. Minnich proceed immediately to collect and take into her possession all of the goods, chattels, money, books, papers and evidence of debt of said deceased, except the personal property specifically exempted from administration under Code 1940, Title 7, Section 664, and make due return under oath to this Court of a full inventory thereof within two months.~~~~STATE OF ALABAMA, BALDWIN COUNTY~~~~Recorded Pro. & Min book 2 page 216~~~~W. R. Stuart~~ Probate Judge~~Judge of Probate~~

FILED

NOV 27 1963

CLERK  
REGISTER

ESTATE OF

OWEN R. MINNICH,

Deceased.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

November 21, 1963.

MRS. OWEN R. MINNICH, BEING FIRST DULY SWORN, TESTIFIED AS  
FOLLOWS:

Examination by Mr. Blackburn.

Q. You are Mrs. Owen R. Minnich?

A. Yes sir.

Q. You are the petitioner named in this petition?

A. Yes.

Q. You have been appointed, qualified and are now acting as the  
administratrix of the estate of Owen R. Minnich, deceased?

A. Yes sir.

Q. The estate does own the tract of land described in this  
petition?

A. That is right.

Q. Part of it is subject to a mortgage to the Baldwin County  
Saving & Loan Association?

A. That is right.

Q. I will ask you whether or not you have the opportunity to  
sell this tract of land?

A. The entire tract?

Q. No, the piece described in the petition?

A. Yes.

Q. To whom?

A. The United States of America.

Q. United States of America or whoever it transfers the right?



A. Yes sir.

Q. What is on this property by way of improvements?

A. One rental cottage and a few azaleas.

Q. Do I understand that the Government proposes to buy this with all improvements off?

A. That is right.

Q. For how much?

A. \$10,000.00.

Q. \$10,000.00?

A. Yes sir.

Q. Since we filed this petition, I will ask you whether or not they have approached you about buying an additional strip of land?

A. Yes sir.

Q. What is that?

A. 20 feet to the rear of the property.

Q. In the event they take that, how much additional compensation are they to pay you for that?

A. \$1,000.00.

Q. In your opinion, is it to the best interest of this estate and everybody interested that this property be sold, the first tract for \$10,000.00 and the other one for \$1,000.00 if they want it?

A. Yes.

Q. Is it necessary that the building and other improvements be removed from the property?

A. Yes sir.

Q. This is a part of a larger tract of land which the estate owns?

A. Yes sir.

Q. What does this other land have on it? - - - Not the piece you propose to sell?

A. Rental cottages.

Q. What is their condition?

A. Well, they need repairing.

Q. How much, in your opinion, will it cost to make the necessary repairs to those buildings?

A. I think I can do what is necessary for less than \$2,000.00.

Q. Now the heirs of your late husband is you, the widow, and what is your oldest son's name?

A. Owen R. Minnich, Jr.

Q. He is how old?

A. 20.

Q. The youngest one - -

A. Clinton S. Minnich.

Q. He is how old?

A. 17.

Q. In your opinion, is it also to the best interest of this estate that this adjoining property be improved?

A. Yes.

ON CROSS EXAMINATION OF THIS WITNESS, SHE TESTIFIED:

Examination by Mr. McKinley, as Guardian Ad Litem.

Q. These boys are your sons?

A. They are.

Q. And I notice where Owen R. Minnich, Jr. is in Montrose, California. Is he married?

A. No.

Q. Is he going to school?

A. He is in college.

Q. Clinton S. Minnich, where is he?

A. In highschool and living at home.

Q. Those are your sons?

A. Yes sir.

Q. And I believe you have been appointed administratrix of the estate of your husband?

A. That is right.

Q. And in your opinion, Mrs. Minnich, is this \$11,000.00., considering the value of the adjoining property after the post office is located on this property, is that a fair consideration for this property?

A. I think so.

Q. You mentioned there was some shrubbrey and an old rental cottage on this property. Do you think it will be possible to dispose of those cottages at a profit?

A. There is only one cottage. I am going to try to dispose of it.

Q. If not, it will be necessary to remove it from the property?

A. Yes.

Q. There are also some azalea plants on this property. Would you describe those?, and what can best be done with them to the benefit of the estate?

A. Well, they are old bushes and some are rather large, which would be difficult and expensive to remove and I don't expect that I can get much for them, but I am going to try to get something out of them.

Q. If you can't sell them, it will be necessary to leave them there?

A. Yes or either give them to some one that would want them.

ON RE-DIRECT EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Blackburn.

Q. How much frontage will you have left on Section Street after you dispose of this 90 feet?

A. We have around 285 feet in the whole piece.

Q. That would leave 195 feet?

A. Yes sir.

MR. WALTER ROBERTS, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Blackburn.

Q. Are you Mr. Walter Roberts?

A. Right.

Q. Where do you live?

A. Fairhope.

Q. Have you bought and sold real estate in Fairhope area?

A. I have bought, I have not sold.

Q. Do you know its value?

A. Yes sir.

Q. Do you know the value of property such as this?

A. Yes.

Q. Are you familiar with the tract of land Mrs. Minnich proposes to convey to the United States Government described in these proceedings?

A. Yes sir.

Q. I will ask you whether or not, in your opinion, \$10,000.00 is a fair price for the piece of land described in the petition, and in the event the Government wants the additional 20 feet in the back, \$1,000.00 extra is fair for that?

A. In my opinion, that is a fair price to the Post Office.

Q. Is it not a fact that the enhancement of the remaining property, due to the construction of a post office at that place?

A. Yes sir.

Q. These cottages on the part she does not propose to sell - you are familiar with those?

A. Yes sir.

Q. They need repairs?

A. They are in a run-down condition.

Q. In your opinion, can they be put in fair shape for \$2,000.00?

A. Yes, only fair shape, I would say.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. McKinley, Guardian Ad Litem.

Q. You think then, that this amount is a fair and reasonable market value, taking in consideration the enhancement of the value of the adjoining property?

A. For the Post Office Department only; I would not say that would be a fair value if it were sold to somebody else; this is in consideration of the enhancement brought about solely by putting the post office there.

ON RE-DIRECT EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Blackburn.

Q. All of the things we are proposing to do are to the best interest of this estate, are they not?

A. I think so.

MR. JACK STAPLETON, A WITNESS, BEING FIRST DULY SWORN, TESTIFIED  
AS FOLLOWS:

Examination by Mr. Blackburn.

Q. What is your name, please?

A. Jack Stapleton.

Q. Mr. Stapleton, where do you live?

A. Fairhope.

Q. Are you familiar with the property described in this proceeding?

A. Yes sir.

Q. Do you know real estate values in Fairhope?

A. Yes sir.

Q. In your opinion is \$10,000.00 a fair price, in view of all of the circumstances, for the tract of land we described in the petition, and in addition to that, would \$1,000.00 be the fair price for 20 feet additional in the back?

A. I think so.

NO CROSS EXAMINATION OF THIS WITNESS BY GUARDIAN AD LITEM.

---

C E R T I F I C A T E:

I hereby certify that the foregoing is a true and correct transcript of the testimony as taken by me, in open Court, before Hon. Hubert M. Hall, Judge of said Court, in the above styled cause.

This 21st day of November, 1963.

*Louise D. [Signature]*  
Court Reporter

ESTATE OF

OWEN R. MINNICH,  
DECEASED

) IN THE CIRCUIT COURT OF  
)  
) BALDWIN COUNTY, ALABAMA  
)  
) IN EQUITY NO. 3172

DECREE ON FINAL SETTLEMENT

This cause coming on to be heard on this date is submitted on the petition for final settlement filed in this cause by Elizabeth S. Minnich, from which it appears that she was appointed and qualified as administratrix of this estate on November 2, 1953, Letters of Administration having been issued to her by the Probate Court of Baldwin County, Alabama on the said date; that the administration of the said estate was removed from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, in Equity, where it is now pending; that more than six months have expired since Letters of Administration were issued to the said Elizabeth S. Minnich; that all debts and obligations of the said estate have been paid; that petitioner, Elizabeth S. Minnich, Owen R. Minnich, Jr., and Clinton S. Minnich, a minor whose disabilities of noneage have been removed, are the only persons interested in this estate and they have, by written instrument attached to and made a part of the said petition, consented and agreed that this estate be settled by consent without notice and without an accounting in the manner provided by Title 61, Section 301 of the Code of Alabama, as amended; whereupon, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. That this estate shall be and it hereby is, in all respects, fully and finally settled and Elizabeth S. Minnich, as the administratrix thereof, and the sureties on her bond as such administratrix are hereby relieved of and discharged from all other and further liability because of the administration of the said estate.

2. The court costs incurred in the administration of this estate, amounting to \$ 5.30, are hereby taxed against the said administratrix, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 25<sup>th</sup> day of August, 1965.

FILED

AUG 25 1965

ALICE J. DUCK, CLERK  
REGISTER

815

Julian J. Mansbourn  
Judge

FILED  
AUG 25 1905  
ALICE I. DUCK, CLERK  
REGISTER



ESTATE OF

OWEN R. MINNICH,  
DECEASED.

) IN THE CIRCUIT COURT OF  
)  
) BALDWIN COUNTY, ALABAMA  
)  
) IN EQUITY

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM

TO HARRY J. WILTERS, JR., ESQUIRE, BAY MINETTE, ALABAMA:

You are hereby notified that you have been appointed as guardian ad litem to represent Owen R. Minnich and Clinton S. Minnich, minors, in connection with a petition filed in this cause by Elizabeth S. Minnich, administratrix of this said estate, which matter was originally set for hearing at 2:30 o'clock P. M. on January 21, 1954, but which has been continued until 2:30 o'clock P. M. on January 28, 1954.

Dated this 28th day of January, 1954.

Harry J. Wilters, Jr.  
Register

254

NOTICE OF APPOINTMENT OF GUARDIAN  
AD LITEM

ESTATE OF

OWEN R. MINNICH, DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ESTATE OF )  
OWEN R. MINNICH, DECEASED )  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 3172

REPORT OF SALE

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

The undersigned Elizabeth S. Minnich, as administratrix of this estate, hereby reports that, pursuant to the provisions of the decrees heretofore rendered in this cause dated February 7, 1964, and February 21, 1964, she has sold the property described in the said decree of February 21, 1964, to Walter P. May and Bessie W. May at private sale for the sum of Ten Thousand Five Hundred Dollars (\$10,500.00), which has been paid in cash.

The undersigned administratrix further reports that she has made, executed and delivered a deed to the said purchasers conveying the said property and that the purchase price therefor has been paid in full.

WHEREFORE, Elizabeth S. Minnich, as administratrix of this said estate, prays that the said sale be confirmed.

Dated this 24<sup>th</sup> day of March, 1964.

Elizabeth S. Minnich

As Administratrix of the Estate of  
Owen R. Minnich, Deceased

Sworn to and subscribed before me on  
this the 24<sup>th</sup> day of March, 1964.

Mary Lou Blackburn

Notary Public, Baldwin County, Alabama

*Filed*  
*3-21-64*  
*Reice J. Buck*  
*Reg*

REPORT OF SALE

ESTATE OF

OWEN R. MINNICH, DECEASED

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY      NO. 3172

ESTATE OF	)	IN THE CIRCUIT COURT OF
	)	
OWEN R. MINNICH,	)	BALDWIN COUNTY, ALABAMA
DECEASED	)	
	)	IN EQUITY

PETITION FOR DECREE MODIFYING THE DECREE HERETO-  
FORE RENDERED IN THIS CAUSE DATED FEBRUARY 7, 1964

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

Now comes Elizabeth S. Minnich, who is over twenty-one  
years of age and a resident of Baldwin County, Alabama, and respect-  
fully represents unto the court and your Honor as follows:

1. She has been appointed, qualified and is now acting as  
administratrix of the Estate of Owen R. Minnich, deceased, the ad-  
ministration of which is now pending in this court.

2. On, to-wit, November 12, 1963, petitioner filed a  
petition in this cause praying for authority to sell real property  
at private sale and for other relief, which petition was set for  
hearing and heard on November 21, 1963, at which time the matter  
was taken under consideration and a decree was rendered on February 7  
1964, granting petitioner the relief prayed for by her in her said  
petition, which was filed on November 12, 1963.

3. In the said decree of February 7, 1964, petittinner  
was authorized to sell at private sale and convey the tracts of  
land described in Paragraphs Numbered 1 and 2 therein for the total  
sum of Eleven Thousand Dollars (\$11,000.00).

4. At the time the said original petition was filed in  
this cause on November 12, 1963, the description which was used in  
the said petition and that which was used in the said decree was  
made up without a survey of the property which petitioner desires  
to sell. After the said decree of February 7, 1964, was rendered  
and on, to-wit, February 12, 1964, petitioner, as said administra-  
trix, had a survey made of the said property by Claude W. Arnold,  
a Licensed Surveyor, and his survey of the said property shows that  
the property which petitioner desires to sell is the following de-  
scribed real property situated in Fairhope in Baldwin County, Ala-  
bama, to-wit:

The West 210 feet of the East 225 feet of Lot 4 and of the North 20.34 feet of Lot 3 of the "W. J. De La Mare Plat" per map recorded in Deed Book 5, pages 194-5, Probate Records, Baldwin County, Alabama, being more accurately described as: From the Northeast corner of Lot 3, Block 14, Division 1, according to the map of the lands of the Fairhope Single Tax Corporation filed for record on September 13, 1911, as a starting point, run North 278.64 feet and West 10 feet to the POINT OF BEGINNING; thence run West 210 feet, South 90 feet, East 210 feet, and North 90 feet to the point of beginning. Property lies in Fractional Section 18, Township 6 South, Range 2 East and within the corporate limits of the City of Fairhope, Baldwin County, Alabama.

5. The above described property was owned by the decedent, Owen R. Minnich, at the time of his death and now constitutes an asset of his estate. It is subject to a mortgage to the Baldwin County Savings and Loan Association. Petitioner has not been able to get \$11,000.00 for the tract of land last above described but can sell it at private sale for cash to Walter P. May and Bessie W. May, who are the parties to whom the option heretofore given by petitioner to the United States has been transferred, for the sum of Ten Thousand Five Hundred Dollars (\$10,500.00). Petitioner alleges that the property will be used for the erection of a post office, which will enhance the value of the adjoining property belonging to this estate, which will not be conveyed, because of all of which it is to the best interest of this estate and all persons interested in this estate that she, as said administratrix, be authorized to sell and convey the property last above described to Walter P. May and Bessie W. May at private sale for \$10,500.00 and that she be authorized and empowered to make, execute and deliver a deed conveying the said property to the said parties.

6. The only persons interested in this said estate are your petitioner, the widow of the said decedent; Owen R. Minnich, Jr., a son twenty years of age, who now resides in Montrose, California, and Clinton S. Minnich, a son seventeen years of age, who resides in Fairhope, Alabama. The said children have heretofore nominated Reuben F. McKinley to be appointed as guardian ad litem to represent them in this cause and the said Reuben F. McKinley has

been appointed as their guardian ad litem.

WHEREFORE, petitioner prays that the court will take jurisdiction of this petition, appoint and set a day to hear it, and that on the hearing of the said petition the decree heretofore rendered in this cause, dated February 7, 1964, be modified and petitioner be authorized to sell and convey the above described property at private sale for the sum of \$10,500.00 cash to Walter P. May and Bessie W. May, and that she be authorized to make, execute and deliver proper conveyance of the said property.

Petitioner further prays that such other orders be made and decrees rendered as may be requisite and proper in the premises.

Elizabeth S. Minnich  
Elizabeth S. Minnich (Petitioner)

J. B. Blackburn  
Attorney for Petitioner

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

Before me, the undersigned authority, within and for said County in said State, personally appeared Elizabeth S. Minnich, who, after being by me first duly and legally sworn, deposes and says: That she has read over the above and foregoing petition, and that the facts stated therein are true.

Elizabeth S. Minnich  
Elizabeth S. Minnich

Sworn to and subscribed before me on  
this the 21<sup>st</sup> day of February, 1964.

Ernestine R. Sims  
Notary Public, Baldwin County, Alabama

Filed February 21, 1964

Spurlock  
Judge

PETITION FOR DECREE MODIFYING THE  
DECREE HERETOFORE RENDERED IN  
THIS CAUSE DATED FEBRUARY 7, 1964

ESTATE OF

OWEN R. MINNICH, DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY



ESTATE OF  
OWEN R. MINNICH,  
DECEASED

) IN THE CIRCUIT COURT OF  
)  
) BALDWIN COUNTY, ALABAMA  
)  
) IN EQUITY

DECREE AUTHORIZING EXECUTION AND DELIVERY OF  
MORTGAGE

This cause coming on to be heard on this date is submitted for a decree authorizing the execution and delivery of a mortgage by Elizabeth S. Minnich, as administratrix of this said estate, to the Baldwin County Savings and Loan Association on the sworn petition filed in this cause by the said administratrix on November 8, 1954, the decree of this court dated November 8, 1954, setting a date for hearing the said petition, appointing a guardian ad litem to represent Owen R. Minnich and Clinton S. Minnich, minor children of the said decedent, and ordering that the testimony of witnesses for petitioner be taken in open court in the manner provided by Equity Rule Number 56 as amended, notice of appointment, acceptance and answer of guardian ad litem, and the testimony of the witnesses for petitioner taken in open court on this date in the manner provided by Equity Rule Number 56 as amended; upon consideration of all of which, it appears to the court that the petitioner is entitled to the relief prayed for by her in her said petition, whereupon, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. Elizabeth S. Minnich, as administratrix of the Estate of Owen R. Minnich, Deceased, shall be and she is hereby fully and completely authorized and empowered to make, execute and deliver a first mortgage to the Baldwin County Savings and Loan Association for Fifty-one Hundred Dollars (\$5100) to be repaid in one hundred twenty (120) monthly installments of principal and interest amounting to Fifty-six and 62/100 Dollars (\$56.62) per month, the first of which said payments shall become due on December 1, 1954, and monthly thereafter until paid, which mortgage shall describe and convey to secure the said indebtedness the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at a point in Section 18, Township 6 South, Range 2 East, marked by a stake which is 20 feet West of a point in the center of Third Street (which point in Third Street is 23.28 chains North of the Southeast corner of the above described section), run thence North a distance of 278 feet for a point of beginning; run thence West 121 feet; thence South 81 feet; thence East 121 feet; thence North 81 feet to the point of beginning, being in Lots 3 and 4 of the W. J. DeLamare Subdivision of said section.

Beginning at a point in Section 18, Township 6 South, Range 2 East, marked by a stake which is 20 feet West of a point in the center of Third Street (which point in Third Street is 23.28 chains North of the Southeast corner of the above described section), run thence North 67 feet, thence West 181 feet, thence South 67 feet, thence East 181 feet to the point of beginning, being in Lot 1 of the W. J. DeLamare Subdivision of said section.

The said mortgage shall in all respects be a valid first mortgage on the interest in the property owned by the decedent at the time of his death and on the interest in the said property now owned by the heirs of the said decedent, namely, Elizabeth S. Minnich, the widow, and Owen R. Minnich and Clinton S. Minnich, sons of the said decedent.

2. Elizabeth S. Minnich, as administratrix of the Estate of Owen R. Minnich, Deceased, is fully and completely authorized, empowered and directed to pay to the Baldwin County Savings and Loan Association from the proceeds of the loan to be secured by the mortgage hereinabove authorized, the sum of Two Thousand Sixty-nine and 91/100 Dollars (\$2,069.91) and interest from October 1, 1954, which amount will fully pay off the entire indebtedness secured by the existing mortgage from Owen R. Minnich and wife to the Baldwin County Savings and Loan Association dated September 25, 1948, which is recorded in Book 146 of Mortgages at pages 220-22, Baldwin County, Alabama Records, and to use the remainder of the proceeds of the said loan in repairing and improving the residence owned by the said decedent at the time of his death which is now occupied by decedent's family.

3. The Register of this court shall immediately file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such

recording as a part of the costs of this proceeding.

ORDERED, ADJUDGED AND DECREED on this the 10 day of  
November, 1954.

Hubert M. Hall  
Judge

ESTATE OF ) IN THE CIRCUIT COURT OF  
OWEN R. MINNICH, ) BALDWIN COUNTY, ALABAMA  
DECEASED )  
IN EQUITY

DECREE SETTING PETITION FOR HEARING

This cause coming on to be heard on this date is submitted on the verified petition of Elizabeth S. Minnich, administratrix of this said estate, from which it appears that petitioner, as said administratrix, has an opportunity to sell a tract of land belonging to the estate in Fairhope, Alabama, to the United States of America for use as a post office site. It further appears that the only persons interested in this estate are the petitioner, Elizabeth S. Minnich the widow, Owen R. Minnich, Jr., a minor twenty years of age, and Clinton S. Minnich, a minor seventeen years of age, upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The said petition shall be and it is hereby set for hearing at 9:30 o'clock on the 21 day of November, 1963.

2. A guardian ad litem shall be appointed to represent the said minors without service on them.

ORDERED, ADJUDGED AND DECREED on this 12th day of November, 1963.

FILED

NOV 12 1963

ALICE I. DUCK, CLERK  
REGISTER

7 Hubert M. H. H. H.  
Judge

ESTATE OF	)	IN THE CIRCUIT COURT OF
	)	
OWEN R. MINNICH,	)	BALDWIN COUNTY, ALABAMA
DECEASED	)	
	)	IN EQUITY

DECREE APPOINTING GUARDIAN AD LITEM

In this cause it appears to the court that Elizabeth S. Minnich, administratrix of this said estate, did heretofore on, to-wit, November 12, 1963, file in this court a petition praying for authority to sell real property belonging to the said estate at private sale and for other relief, which petition has been set for hearing on November 21, 1963.

It further appears to the court that Owen R. Minnich, Jr., a minor twenty (20) years of age, and Clinton S. Minnich, a minor seventeen (17) years of age, have by written instrument which was filed in this cause on November 12, 1963, nominated Reuben F. McKinley, an Attorney at Law, practicing in Baldwin County, Alabama, to represent them in this court proceeding as guardian ad litem; upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

The said Reuben F. McKinley having been nominated by the above named minors to be appointed as guardian ad litem to represent them and to protect their interests in connection with all of the matters relating to the said petition, and he in all respects being a fit and proper person to be appointed as such guardian ad litem, he shall be and he is hereby appointed as guardian ad litem to represent the said minors, Owen R. Minnich, Jr., and Clinton S. Minnich, and protect their interests in this proceeding. The said guardian ad litem having been nominated by the said minors and he having been appointed to represent them in the said proceeding, the said petition shall be heard without service on the said minors.

ORDERED, ADJUDGED AND DECREED on this the 20th day of November, 1963.

807

*Reuben F. McKinley*

Judge

DECREE APPOINTING GUARDIAN AD LITEM

ESTATE OF

OWEN R. MINNICH, DECEASED

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

ESTATE OF

OWEN R. MINNICH,  
DECEASED

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

NOTICE OF APPOINTMENT, ACCEPTANCE AND  
ANSWER OF GUARDIAN AD LITEM

TO REUBEN F. MCKINLEY, ATTORNEY AT LAW, BAY MINETTE, ALABAMA:

You are hereby notified that you have been nominated and appointed as guardian ad litem to represent Owen R. Minnich, Jr., and Clinton S. Minnich, minors, in connection with a petition which has been filed in this cause praying for authority to sell real property at private sale and for other relief, which petition has been set for hearing on November 21, 1963.

Dated this 21st day of November, 1963.

**FILED**

NOV 21 1963

**ALICE J. DUCK** CLERK  
REGISTER

*Alice J. Duck*  
Register

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I, the undersigned Reuben F. McKinley, having been heretofore appointed as guardian ad litem for Owen R. Minnich, Jr., and Clinton S. Minnich, minors, to represent them and protect their interests in connection with a petition which has been filed in this estate and which has been set for hearing on this date, for answer to the said petition and to each and every allegation thereof, deny each and all of the allegations of the said petition and demand strict proof of same.

Dated this 21st day of November, 1963.

808

*Reuben F. McKinley*

As guardian ad litem for Owen R. Minnich,  
Jr., and Clinton S. Minnich

NOTICE OF APPOINTMENT, ACCEPT-  
ANCE AND ANSWER OF GUARDIAN AD  
LITEM.

ESTATE OF

OWEN R. MINNICH, DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY



ESTATE OF

OWEN R. MINNICH,  
DECEASED.

) IN THE CIRCUIT COURT OF  
)  
) BALDWIN COUNTY, ALABAMA  
)  
) IN EQUITY

DECREE SETTING DAY FOR HEARING PETITION TO SELL  
REAL PROPERTY AT PRIVATE SALE, AND APPOINTING  
GUARDIAN AD LITEM

This cause coming on to be heard on this date is submitted for a decree on the verified petition filed in this cause on this date by Elizabeth S. Minnich, as administratrix of the Estate of Owen R. Minnich, Deceased; the acceptance of service, waiver of notice and consent that the dower interest of Elizabeth S. Minnich, widow of the said decedent, be sold: upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The said petition shall be and it is hereby set for hearing at the courthouse in Bay Minette, Alabama, at <sup>two</sup>~~ten~~ o'clock P. M. on the 21<sup>st</sup> day of January, 1954.

2. Sam J. Wilkins Jr., an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, who is not of kin or counsel to any of the parties to this proceeding or interested in it in any way, and who is a fit and proper person to be appointed as guardian ad litem to represent Owen R. Minnich, a minor ten years of age, and Clinton S. Minnich, a minor seven years of age, shall be and he is hereby appointed as guardian ad litem to represent the said minors and protect their interests in this proceeding. The Register of this court shall forthwith notify the said guardian ad litem of his said appointment.

3. No other notice of the filing of the said petition or of the date set for hearing same is required to be given to any other person, firm or corporation.

ORDERED, ADJUDGED AND DECREED on this the 8<sup>th</sup> day of January, 1954.

Hubert M. Free  
Judge

ESTATE OF

OWEN R. MINNICH,  
DECEASED.

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)  
)  
)  
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

DECREE CONTINUING CAUSE

This cause, which was heretofore set for hearing at  
2:30 o'clock P. M. on this date, is, at the request of the Petition-  
er, continued until 2:30 o'clock P. M. on January 28, 1954.

Dated this 21st day of January, 1954.

*S. Lubrix M. 7 Jan*  
\_\_\_\_\_  
Judge

DECREE CONTINUING CAUSE

ESTATE OF

OWEN R. MINNICH, DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

ESTATE OF  
OWEN R. MINNICH,  
DECEASED.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

DECREE ORDERING ORAL EXAMINATION OF WITNESSES

On written request of Petitioner, Elizabeth S. Minnich,  
as Executrix of this said estate, it is ordered that the testimony  
of the Petitioner's witnesses, namely, George K. Page, Axel I.  
Rundquist, Celina Cummings and Elizabeth S. Minnich, at the hearing  
to be heard on this date, be taken orally in open court in the man-  
ner provided by Equity Rule Number 56, as amended.

ORDERED, ADJUDGED AND DECREED by the court on this the  
28th day of January, 1954.

Hubert M. Hain  
Judge

IN EQUITY  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

OWEN R. MINNICH, DECEASED  
BY ELIZABETH S. MINNICH,  
EXECUTRIX  
VS.  
GEORGE K. PAGE, AXEL I. RUNDQUIST,  
CELINA CUMMINGS AND ELIZABETH S. MINNICH,  
PETITIONERS

OWEN R. MINNICH, DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

Received from Elizabeth S. Minnich, as Administratrix of the Estate of Owen R. Minnich, Deceased, the sum of Nine Hundred Thirty-three and 33/100 Dollars (\$933.33) in payment of the value of the dower interest of the undersigned, as provided in and by a decree rendered by the Circuit Court of Baldwin County, Alabama, in Equity, on February 26, 1954, in connection with the administration of the Estate of Owen R. Minnich, Deceased.

Dated this 26th day of February, 1954.

Elizabeth S. Minnich

WITNESS:

J. B. Blackburn

RECEIPT FOR DOWER INTEREST

ESTATE OF

OWEN R. MINNICH, DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ESTATE OF

OWEN R. MINNICH,  
DECEASED.

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) IN EQUITY

DECREE AUTHORIZING CONVEYANCE OF PROPERTY SOLD ON  
CONTRACT DURING LIFE OF DECEDENT, AND AUTHORIZING  
SALE AND CONVEYANCE OF REAL PROPERTY AT PRIVATE  
SALE.

This cause coming on to be heard on this date is submitted for a decree on the petition filed in this cause by Elizabeth S. Minnich, as administratrix of this said estate, on January 8, 1954; the decree of this court dated January 8, 1954, setting this cause for hearing on January 21, 1954, and appointing guardian ad litem to represent Owen R. Minnich and Clinton S. Minnich, minors interested in this proceeding; the notice of appointment, acceptance and answer of guardian ad litem; decree continuing cause to this date; demand for oral examination of witnesses for petitioner; decree ordering oral examination of witnesses for petitioner; testimony of Celina Cummings, Elizabeth S. Minnich, Axel T. Rundquist and George K. Page, witnesses for petitioner, taken in open court on this date, and the amended petition filed in this cause on this date by the said petitioner, upon consideration of all of which, the court is of the opinion that the petitioner is entitled to the relief prayed for by her in her said amended petition; whereupon, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The decedent, Owen R. Minnich, at the time of his death was a joint owner or tenant in common with Elizabeth S. Minnich of the following described real property situated in Baldwin County, Alabama, to-wit:

Lots 15 and 16 in Block 2 in Fairland Heights Subdivision of the Town of Fairhope, Alabama, according to the official map or plat thereof which is recorded in Map Book 3 at page 16, Baldwin County, Alabama Records.

The said decedent, Owen R. Minnich, owned an undivided one-half interest in the two said lots at the time of his death, and the other one-half interest in the two said lots was and is owned by Elizabeth S. Minnich. The valuation of the one-half interest in the said lots which was owned by Owen R. Minnich at the



time of his death shall be and the same is hereby fixed at Three Hundred Dollars (\$300).

2. The decedent, Owen R. Minnich, at the time of his death was a joint owner or tenant in common with Elizabeth S. Minnich and Celina Cummings of the following described real property situated in Baldwin County, Alabama, to-wit:

Lots 19, 20, 21, 24, 25, 28, 29, 30, 31, 32, 33, 37 and 38 in Block 2;

Lots 69, 72, 73, 74, 75, 76, 77, 78 and 79 in Block 3;

Lots 54, 55, 85 and 86 in Block 4;

Lots 123, 124, 125 and 126 in Block 5;

Lots 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117 and 118 in Block 6;

Lots 141, 142, 143, 144, 145, 146 and 147 in Block 7;

Lots 129, 130, 131, 132, 133, 134, 135 and 136 in Block 8,

All in Fairland Heights Subdivision of the Town of Fairhope, Alabama, according to the official map or plat thereof, which is recorded in Map Book 3 at page 16, Baldwin County, Alabama Records.

The interest of the said parties in the said property described above is as follows:

Owen R. Minnich	One-fourth
Elizabeth S. Minnich	One-fourth
Celina Cummings	One-half

The valuation of the one-fourth interest in the said property owned by the decedent, Owen R. Minnich, at the time of his death shall be and it is hereby fixed at the sum of Twenty-five Hundred Dollars (\$2500).

3. It is to the best interest of this estate and all persons interested therein that the interest of Owen R. Minnich, at the time of his death, in the above described property be sold at private sale for the purpose of paying the fees and charges of the administration of this estate, and to provide funds with which to support the children of the said decedent. Petitioner, as said administratrix, is hereby fully and completely authorized, empowered, instructed and directed to make, execute and deliver to herself a deed conveying the interest of Owen R. Minnich at the time of his death in and to all of the above described property, which deed shall be delivered on payment of the said sum of Twenty-eight Hundred Dollars (\$2800).

4. Elizabeth S. Minnich, widow of the said decedent, Owen R. Minnich, having consented that her dower interest in the said property be sold, the said conveyance shall also convey the said widow's dower interest, but she reserves the right to have the value of her said dower interest ascertained and paid on confirmation of the said sale in the manner provided by Title 61, Section 272 of the 1940 Code of Alabama, as amended.

5. Owen R. Minnich, in his lifetime, together with Elizabeth S. Minnich and Celina Cummings, entered into a written agreement in which and by which they contracted and agreed to sell to William A. Stenzel Lot 84 in Block 4 in Fairland Heights Subdivision of the Town of Fairhope, Alabama, according to the official map or plat thereof, which is recorded in Map Book 3 at page 16, Baldwin County, Alabama Records. The said purchaser has complied in all respects with his said contract and has paid the full purchase price for the said lot; therefore, Elizabeth S. Minnich, as administratrix of this said estate, shall be and she is hereby fully and completely authorized and empowered to join with the other joint owners of the said property in making, executing and delivering a deed therefor to the said purchaser.

6. Petitioner, as said administratrix, shall, after the execution and delivery of the deed conveying the interest of Owen R. Minnich in the lands described in Paragraphs 1 and 2 of this decree, report her actions in the premises for final confirmation.


7. The sum of \$ 35<sup>00</sup> shall be and it is hereby fixed as a fee for Harry J. Wilters, Jr., guardian ad litem, for services rendered by him in representing the minors interested in this proceeding, which fee is hereby taxed as a part of the costs of this proceeding.

8. The Register of this court shall forthwith file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

9. Jurisdiction of this cause is reserved for such other and further orders or decrees as may be or become necessary and

proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 28th day of  
January, 1954.

  
Judge

ESTATE OF  
OWEN R. MINNICH,  
DECEASED

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

DECREE MODIFYING DECREE OF FEBRUARY 7, 1964

This cause coming on to be heard on this date is submitted on the sworn petition of Elizabeth S. Minnich, administratrix of this said estate, which petition was filed in this cause on this date praying for a decree modifying the decree heretofore rendered in this cause dated February 7, 1964, and authorizing the petitioner as said administratrix to sell and convey the property hereinafter described at private sale; on the answer of Reuben F. McKinley, as guardian ad litem for Owen R. Minnich, Jr., and Clinton S. Minnich, minors; and upon the testimony of Elizabeth S. Minnich and Walter H. Roberts, upon consideration of all of which, the court finds as follows:

A. All of the parties interested in this proceeding are before the court and no notice of the filing of the said petition or of the date set for hearing same need be given to any person.

B. Petitioner, Elizabeth S. Minnich, as administratrix as aforesaid, is entitled to the relief prayed for by her in her said petition.

Upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. It is necessary that the decree heretofore rendered in this cause dated February 7, 1964, be amended as provided in this decree.

2. Elizabeth S. Minnich, as administratrix of the Estate of Owen R. Minnich, deceased, shall be and she is hereby authorized and empowered to sell to Walter P. May and Bessie W. May at private sale for Ten Thousand Five Hundred Dollars (\$10,500.00) the following described real property situated in Baldwin County, Alabama, to-wit:

The West 210 feet of the East 225 feet of Lot 4 and of the North 20.34 feet of Lot 3 of the "W. J. De La Mare Plat" per map recorded in Deed Book 5, pages 194-5, Probate Records, Baldwin County, Alabama, being more accurately described as: From the Northeast corner of Lot 3, Block 14, Division 1, according to the map of the lands of the Fairhope Single Tax Corporation filed for record on September 13, 1911, as a starting point, run North 278.64 feet and West 10 feet to the POINT OF BEGINNING; thence run West 210 feet, South 90 feet, East 210 feet, and North 90 feet to the point of beginning. Property lies in Fractional Section 18, Township 6 South, Range 2 East and within the corporate limits of the City of Fairhope, Baldwin County, Alabama.

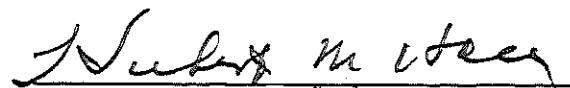
3. Elizabeth S. Minnich, as administratrix of the Estate of Owen R. Minnich, deceased, is hereby authorized and empowered to make, execute and deliver a deed conveying the above described property to the said Walter P. May and Bessie W. May and to deliver the said deed upon payment to her as said administratrix of the sum of \$10,500.00.

4. Except as modified by this decree, all of the terms and provisions of the said decree of February 7, 1964, shall be and remain in full force and effect.

5. The Register of this court shall file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

6. Upon completion of the sale of the above described property and upon execution and delivery of a deed conveying it, as provided in this decree, Elizabeth S. Minnich, as said administratrix, shall report her actions to this court for confirmation.

ORDERED, ADJUDGED AND DECREED on this the 21st day of February, 1964.

  
Judge

DECREE MODIFYING DECREE OF  
FEBRUARY 7, 1964.

ESTATE OF

OWEN R. MINNICH, DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ESTATE OF

OWEN R. MINNICH,  
DECEASED

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)  
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)

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

DECREE AUTHORIZING PRIVATE SALE OF REAL PROPERTY  
AND GRANTING OTHER RELIEF

This cause coming on to be heard is submitted on the sworn petition of Elizabeth S. Minnich, administratrix of this said estate, which petition was filed on November 12, 1963, praying for authority to sell real property at private sale and for other relief; the decree of this court setting the said petition for hearing at 9:30 o'clock A. M., on November 21, 1963; the nomination by Owen R. Minnich, Jr., and Clinton S. Minnich of a guardian ad litem; the appointment, acceptance and answer of Reuben F. McKinley as guardian ad litem of and for the two said minors, and upon the testimony of the petitioner, Elizabeth S. Minnich, Walter H. Roberts and Jack D. Stapleton, the testimony of which said witnesses was taken in open court on November 21, 1963, at which time this cause was taken under submission; upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. Elizabeth S. Minnich, as administratrix of this said estate, is hereby fully and completely authorized, empowered, instructed and directed to sell at private sale for cash the following described real property situated in Baldwin County, Alabama, to-wit:

From the Southwest corner of Section 17, Township 6 South, Range 2 East, run North 1815.23 feet, thence West 20 feet, more or less, to the West side of Section Street in the City of Fairhope for the point of beginning of the property herein described; thence West 190 feet; thence South 90 feet; thence East 190 feet; thence North 90 feet to the point of beginning, and being a lot on the West side of Section Street with 90 feet front and depth of 190 feet,

to the United States of America or its assigns for use as a post office building for the sum of Ten Thousand Dollars (\$10,000.00), which is to be paid in cash at the time of the conveyance of the said property. Out of the proceeds of the said sale petitioner shall pay a sufficient part of the purchase price of the said property to the Baldwin County Savings and Loan Association to either

pay off the existing mortgage to it in full or secure a release therefrom covering any real property sold, as provided in this decree.

2. In the event any person, firm or corporation which purchases the property described above desires to purchase additional property situated immediately west of and adjoining the property above described, which additional property shall be 20 feet in width and 90 feet in length, Elizabeth S. Minnich, as said administratrix, is hereby fully and completely authorized, empowered, instructed and directed to sell the additional tract of land at private sale for cash to the said purchaser for an additional consideration of One Thousand Dollars (\$1,000.00), which shall be paid in cash at the time of the conveyance of the said property.

3. Elizabeth S. Minnich, as said administratrix, is hereby fully and completely authorized, empowered, instructed and directed to sell, if possible, the residence situated on the above described property; but in the event she is unable to sell it, she is authorized to remove it from the said property before selling and conveying the property to the United States of America or its assigns. The said administratrix is also authorized to sell, if possible, or otherwise dispose of the azaleas and shrubs situated on the said property in whatever way or manner that is to the best interest of this said estate.

4. Elizabeth S. Minnich, as said administratrix, is fully and completely authorized, empowered, instructed and directed to improve the existing buildings belonging to the said estate and situated on the adjoining property and to expend funds belonging to the said estate in making such improvements in an amount not to exceed Two Thousand Dollars (\$2,000.00).

5. Elizabeth S. Minnich, as administratrix of this said estate, is also hereby fully and completely authorized, empowered, instructed and directed to make, execute and deliver a deed conveying the above described property to the United States of America or its assigns, which deed shall be delivered upon payment of the purchase price for the said property, as provided in this decree. Upon



delivery of the said deed the said administratrix shall report her actions in the premises to this court for confirmation.

6. The Register of this court shall file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

ORDERED, ADJUDGED AND DECREED on this the 7 day of February, 1964.

Hubert M Hall  
Judge

ESTATE OF	)	IN THE CIRCUIT COURT OF
OWEN R. MINNICH,	)	BALDWIN COUNTY, ALABAMA
DECEASED	)	IN EQUITY NO. 3172

ORDER CONFIRMING SALE OF REAL PROPERTY

This cause coming on again to be heard on this date is submitted on the verified Report of Sale which has been filed in this cause on this date by Elizabeth S. Minnich, as administratrix of this said estate, from which it appears that pursuant to the authority granted to her in the decrees rendered in this cause dated February 7, 1964, and February 21, 1964, she has sold the real property described in the said decree of February 21, 1964, to Walter P. May and Bessie W. May at private sale for the sum of Ten Thousand Five Hundred Dollars (\$10,500.00); that the said purchase price has been paid in full, and that she has executed and delivered a deed to the said purchasers; upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The said sale of the said tract of land which is specifically described in the said decree of February 21, 1964, to Walter P. May and Bessie W. May for the sum of \$10,500.00, shall be and it is hereby in all respects ratified and confirmed.

2. The Register of this court shall file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

ORDERED, ADJUDGED AND DECREED on this the 31st day of March, 1964.

**FILED**  
 Nov 31 1964  
 ALICE J. DUCK CLERK  
 REGISTER

*Hubert M. Love*  
 Judge

ESTATE OF  
OWEN R. MINNICH,  
DECEASED.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

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

Your Petitioner, Elizabeth S. Minnich, who is over twenty-one years of age and a resident of Baldwin County, Alabama, respectfully represents unto the court and your Honor as follows:

1. She has been heretofore appointed, qualified and is now acting as administratrix of this said estate.

2. Because of the broader powers of the Circuit Court of Baldwin County, Alabama, in Equity, this estate can be better administered in this court than in the Probate Court of Baldwin County, Alabama.

WHEREFORE, Petitioner prays that a proper decree be rendered removing the administration of this said estate from the Probate Court of Baldwin County, Alabama to the Circuit Court of Baldwin County, Alabama, in Equity, Petitioner further prays that such other orders be made and decrees rendered as may be requisite and proper in the premises.

Elizabeth S. Minnich

Sworn to and subscribed before me on  
this the 30th day of November, 1953.

Mary Lou Blackburn

Notary Public, Baldwin County, Alabama.

ESTATE OF

OWEN R. MINNICH,  
DECEASED.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

AMENDED PETITION TO SELL REAL PROPERTY AT PRIVATE SALE  
TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Petitioner, Elizabeth S. Minnich, who is over  
twenty-one years of age and a resident of Baldwin County, Alabama,  
respectfully represents unto the court and your Honor as follows:

1. She has been heretofore appointed, qualified and is  
now acting as administratrix of this said estate, the adminis-  
tration of which is now pending in this court.

2. The decedent, Owen R. Minnich, at the time of his  
death, was a joint owner or tenant in common with Elizabeth S.  
Minnich (the same person as Petitioner) of the following described  
real property situated in Baldwin County, Alabama, to-wit:

Lots 15 and 16 in Block 2 in Fairland Heights Sub-  
division of the Town of Fairhope, Alabama, accord-  
ing to the official map or plat thereof which is  
recorded in Map Book 3 at page 16, Baldwin County,  
Alabama Records.

Each of the said parties own an undivided one-half interest in the  
said property.

3. The decedent, Owen R. Minnich, at the time of his  
death, was a joint owner or tenant in common with Elizabeth S.  
Minnich and Celina Cummings of the following described real proper-  
ty situated in Baldwin County, Alabama, to-wit:

Lots 19, 20, 21, 24, 25, 28, 29, 30, 31, 32, 33, 37  
and 38 in Block 2;

Lots 69, 72, 73, 74, 75, 76, 77, 78 and 79 in  
Block 3;

Lots 54, 55, 85 and 86 in Block 4;

Lots 123, 124, 125 and 126 in Block 5;

Lots 103, 104, 105, 106, 107, 108, 109, 110, 111,  
112, 113, 114, 115, 116, 117 and 118 in Block 6;

Lots 141, 142, 143, 144, 145, 146 and 147 in  
Block 7;

Lots 129, 130, 131, 132, 133, 134, 135 and 136 in  
Block 8,

All in Fairland Heights Subdivision of the Town of  
Fairhope, Alabama, according to the official map or  
plat thereof which is recorded in Map Book 3 at page  
16, Baldwin County, Alabama Records.

The interests of the said parties in the said property  
is as follows: Owen R. Minnich, one-fourth; Elizabeth S. Minnich,  
one-fourth; Celina Cummings, one-half.

Part of the above described property was sold by the decedent, Elizabeth S. Minnich and Celina Cummings in the lifetime of the decedent and the full purchase price of said property has been paid therefor. All of the said sales were made by virtue of contracts entered into by and between Owen R. Minnich and Celina Cummings and the said purchasers during the lifetime of the said decedent.

All of the remaining lots described above are situated in the said subdivision known as Fairland Heights, and if the fair value of the said property is to be realized therefrom it is necessary that title to the said property be so vested that the lots can be sold and conveyed without the delay and expense that would be incurred in court proceedings in connection with each sale.

4. It is to the best interest of this said estate and all persons interested therein that the interest of Owen R. Minnich at the time of his death in all of the above described lots be sold at private sale for the purpose of paying the fees and charges of administration of this estate, and to provide funds with which to support his minor children. Petitioner, in her individual capacity, desires to purchase the interest in the said lots that was owned by Owen R. Minnich in his lifetime at private sale for cash at such valuation as may be fixed thereon by this court.

5. The heirs of the said decedent are Petitioner, the widow; Owen R. Minnich, a son, ten years of age; and Clinton S. Minnich, a son, seven years of age. The said minors have no guardian and reside with Petitioner, who is their mother, at Fairhope, Alabama.

6. There is no conveyance or other instrument which authorizes a sale of the above described property, nor is there an instrument which prohibits such sale from being authorized by this court.

7. Petitioner, in her individual capacity, has, by written instrument attached hereto and made a part hereof, consented and agreed that her dower interest in the said property be sold at private sale, but she reserves the right to have this court ascertain and fix the value of her dower interest and have the value of

such dower interest paid to her in cash on confirmation of the said sale in the manner provided by Title 61, Section 272 of the 1940 Code of Alabama, as amended.

WHEREFORE, Petitioner prays for the following separate and several relief:

A. That the court will take jurisdiction of this petition and appoint and set a day to hear it.

B. That service on Owen R. Minnich, ten years of age, a son of the decedent, and Clinton S. Minnich, seven years of age, a son of the decedent, be perfected by appointment of a guardian ad litem for them, to represent them in this proceeding in the manner provided by Equity Rule Seven.

C. That Petitioner, as administratrix as aforesaid, be authorized to join with Elizabeth S. Minnich and Celina Cummings in making, executing and delivering conveyances to those parties who have purchased parts of the said property and paid the full purchase price therefor.

D. That the valuation of the decedent's interest in the remaining property described above be ascertained and fixed by this court and that Petitioner, as said administratrix, be authorized to sell and convey the said property to Elizabeth S. Minnich in her individual capacity at private sale for cash.

E. Petitioner further prays that such other orders be made and decrees rendered as may be requisite and proper in the premises.

Elizabeth S. Minnich  
Petitioner

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

Before me, the undersigned authority, within and for said County in said State, personally appeared ELIZABETH S. MINNICH, who, being by me first duly and legally sworn, deposes and says: That she has read over the foregoing petition and that the facts stated therein are true.

Elizabeth S. Minnich

Sworn to and subscribed before me on  
this the 28th day of January, 1954.

Mary Lou Blackburn

Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I, the undersigned Elizabeth S. Minnich, widow of Owen R. Minnich, Deceased, do hereby consent and agree that my dower interest in the lands described in the attached and foregoing instrument be sold in the manner provided in the said petition, but I expressly reserve the right to have the value of my said dower interest ascertained and fixed on confirmation of the said sale, as provided by Title 61, Section 272 of the 1940 Code of Alabama, as amended, and paid to me in cash in the manner provided by law.

I hereby accept service and waive notice of the filing of the above and foregoing petition, and consent and agree that it be set for hearing and be heard without further notice to me.

Dated this 28 day of January, 1954.

Elizabeth S. Minnich

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I, Mary Lou Blackburn, a Notary Public, within and for said County in said State, hereby certify that Elizabeth S. Minnich, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 28 day of January, 1954.

Mary Lou Blackburn

Notary Public, Baldwin County, Alabama.



ESTATE OF  
OWEN R. MINNICH,  
DECEASED.

)  
)  
)  
)  
)  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

PETITION TO SELL REAL PROPERTY AT PRIVATE SALE  
TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Petitioner, Elizabeth S. Minnich, who is over twenty-one years of age and a resident of Baldwin County, Alabama, respectfully represents unto the court and your Honor as follows:

1. She has been heretofore appointed, qualified and is now acting as administratrix of this said estate, the administration of which is now pending in this court.

2. The decedent, Owen R. Minnich, at the time of his death, was a joint owner or tenant in common with Elizabeth S. Minnich (the same person as Petitioner) of the following described real property situated in Baldwin County, Alabama, to-wit:

Lots 15 and 16 in Block 2 in Fairland Heights Subdivision of the Town of Fairhope, Alabama, according to the official map or plat thereof which is recorded in Map Book 3 at page 16, Baldwin County, Alabama Records.

3. The decedent, Owen R. Minnich, at the time of his death, was a joint owner or tenant in common with <sup>Elizabeth S. Minnich</sup> Celina Cummings of the following described real property situated in Baldwin County, Alabama, to-wit:

Lots 19, 20, 21, 24, 25, 28, 29, 30, 31, 32, 33, 37 and 38 in Block 2;

Lots 69, 72, 73, 74, 75, 76, 77, 78 and 79 in Block 3;

Lots 54, 55, 85 and 86 in Block 4;

Lots 123, 124, 125 and 126 in Block 5;

Lots 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117 and 118 in Block 6;

Lots 141, 142, 143, 144, 145, 146 and 147 in Block 7;

Lots 129, 130, 131, 132, 133, 134, 135 and 136 in Block 8;

All in Fairland Heights Subdivision of the Town of Fairhope, Alabama, according to the official map or plat thereof ~~is~~ which is recorded in Map Book 3 at Page 16, Baldwin County, Alabama Records.

Part of the above described property was sold by the decedent, <sup>Elizabeth S. Minnich</sup> and Celina Cummings in the lifetime of the decedent and the full purchase price of said property has been paid therefor. All of the said sales were made by virtue of contracts entered into by and between Owen R. Minnich and Celina Cummings and the said purchasers during the lifetime of the said decedent.

All of the remaining lots described above are situated in the said subdivision known as Fairland Heights, and if the fair value of the said property is to be realized therefrom it is necessary that title to the said property be so vested that the lots can be sold and conveyed without the delay and expense that would be incurred in court proceedings in connection with each sale.

4. It is to the best interest of this said estate and all persons interested therein that the interest of Owen R. Minnich at the time of his death in all of the above described lots be sold at private sale for the purpose of paying the fees and charges of administration of this estate, and to provide funds with which to support his minor children. Petitioner, in her individual capacity, desires to purchase the interest in the said lots that was owned by Owen R. Minnich in his lifetime at private sale for cash at such valuation as may be fixed thereon by this court.

5. The heirs of the said decedent are Petitioner, the widow; Owen R. Minnich, a son, ten years of age; and Clinton S. Minnich, a son, seven years of age. The said minors have no guardian and reside with Petitioner, who is their mother, at Fairhope, Alabama.

6. There is no conveyance or other instrument which authorizes a sale of the above described property, nor is there an instrument which prohibits such sale from being authorized by this court.

7. Petitioner, in her individual capacity, has, by written instrument attached hereto and made a part hereof, consented and agreed that her dower interest in the said property be sold at private sale, but she reserves the right to have this court ascertain and fix the value of her dower interest and have the value of

such dower interest paid to her in cash on confirmation of the said sale in the manner provided by Title 61, Section 272 of the 1940 Code of Alabama, as amended.

WHEREFORE, Petitioner prays for the following separate and several relief:

A. That the court will take jurisdiction of this petition and appoint and set a day to hear it.

B. That service on Owen R. Minnich, ten years of age, a son of the decedent, and Clinton S. Minnich, seven years of age, a son of the decedent, be perfected by appointment of a guardian ad litem for them, to represent them in this proceeding in the manner provided by Equity Rule Seven.

C. That Petitioner, as administratrix as aforesaid, be authorized to join with <sup>Elizabeth S. Minnich and</sup> Celina Cummings in making, executing and delivering conveyances to those parties who have purchased parts of the said property and paid the full purchase price therefor.

D. That the valuation of the decedent's interest in the remaining property described above be ascertained and fixed by this court and that Petitioner, as said administratrix, be authorized to sell and convey the said property to Elizabeth S. Minnich in her individual capacity at private sale for cash.

E. Petitioner further prays that such other orders be made and decrees rendered as may be requisite and proper in the premises.

Elizabeth S. Minnich  
Petitioner

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

Before me, the undersigned authority, within and for said County in said State, personally appeared ELIZABETH S. MINNICH, who, being by me first duly and legally sworn, deposes and says: That she has read over the foregoing petition and that the facts stated therein are true.

Elizabeth S. Minnich

Sworn to and subscribed before me on  
this the 8 day of January, 1954.

Mary Lou Blackburn

Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I, the undersigned Elizabeth S. Minnich, widow of Owen R. Minnich, do hereby consent and agree that my dower interest in the lands described in the attached and foregoing instrument be sold in the manner provided in the said petition, but I expressly reserve the right to have the value of my said dower interest ascertained and fixed on confirmation of the said sale, as provided by Title 61, Section 272 of the 1940 Code of Alabama, as amended, and paid to me in cash in the manner provided by law.

I hereby accept service and waive notice of the filing of the above and foregoing petition, and consent and agree that it be set for hearing and be heard without further notice to me.

Dated this 8<sup>th</sup> day of January, 1954.

Elizabeth S. Minnich

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I, Mary Lou Blackburn, a Notary Public, within and for said County in said State, hereby certify that Elizabeth S. Minnich, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 8 day of January, 1954.

Mary Lou Blackburn  
Notary Public, Baldwin County, Alabama.

ESTATE OF )  
OWEN R. MINNICH, DECEASED. )  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

DECREE REMOVING ADMINISTRATION OF ESTATE FROM  
PROBATE TO EQUITY COURT

This cause coming on to be heard on this date is submitted on the sworn petition of Elizabeth S. Minnich, administratrix of this said estate, which has been filed in this court on this date, from which it appears that she has been appointed, qualified and is now acting as administratrix of this said estate, the administration of which is pending in the Probate Court of Baldwin County, Alabama; that because of the broader powers of this court, this said estate can be better administered in this court than in the Probate Court of Baldwin County, Alabama, upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. That the administration of this said estate be and it is hereby removed from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, in Equity.

2. The Register of this court shall forthwith deliver a copy of this decree to the Judge of Probate of Baldwin County, Alabama, who shall immediately transfer all papers and proceedings in connection with the administration of the said estate in the Probate Court to this court.

ORDERED, ADJUDGED AND DECREED on this the 8<sup>th</sup> day of January, 1954.

Hubert M. Hae  
Judge

## APPLICATION FOR LETTERS OF ADMINISTRATION

TO THE HONORABLE PROBATE COURT OF BALDWIN COUNTY, ALABAMA, AND TO  
THE HONORABLE W. R. STUART, JUDGE OF SAID COURT:

Your Petitioner, Elizabeth S. Minnich, who is over twenty-one years of age and a resident of Baldwin County, Alabama, respectfully represents unto the court and your Honor as follows:

1. Owen R. Minnich, a resident of Baldwin County, Alabama, died intestate in Baldwin County, Alabama, on September 14, 1953, leaving as his heirs your Petitioner, the widow; Owen R. Minnich, a son, ten years of age; and Clinton S. Minnich, a son, seven years of age, each of whom reside with Petitioner at Fairhope in Baldwin County, Alabama.

2. The decedent left personal property valued at Five Hundred Dollars (\$500.00) and not probably more, and real estate having an annual rental value of Fifteen Hundred Dollars (\$1500.00), and not probably more.

WHEREFORE, Petitioner prays that Letters of Administration on the said estate be issued to her upon her entering into bond with requisite security in the manner prescribed by law. Petitioner further prays that such other orders be made and decrees rendered as may be requisite and proper in the premises.

Elizabeth S. Minnich

Sworn to and subscribed before me on  
this the 2nd day of November, 1953.

Mary Lee Blackburn  
Notary Public, Baldwin County, Alabama.

SEAL OF ALABAMA, PROBATE COURT  
Filed Nov. 2, 1953  
Recorded Pro & Min. book 2 page 214  
W. R. Stuart  
Judge of Probate HS

**W. R. STUART**  
**PROBATE JUDGE**

Bay Minette, Ala.,

11-10, 1954

Received of.

[illegible]

**FOR RECORD**

**TOTAL \$**

**Judge of Probate.**



OWEN R. MINNICH,  
Deceased,

ESTATE OF.


IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA.

And now comes Elizabeth S. Minnich, as Administratrix of the Estate of Owen R. Minnich, Deceased, and files in this Court a certified copy of a Decree made and entered in the premises in the Circuit Court of Baldwin County, Alabama, and dated January 8, 1954, which said Decree ordered that the above styled cause be transferred to The said Circuit Court;

WHEREUPON, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the Estate of Owen R. Minnich, Deceased, being Probate File Number 3273, be, and it hereby is, in its entirety, transferred and delivered to the said Circuit Court of Baldwin County, Alabama.

Witness my hand this the 9th day of January 1954.



Judge of Probate.