

EVELYN J. S. BARR	)	IN THE CIRCUIT COURT OF
)	
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA
)	
VS	)	AT LAW
)	
PRUDENTIAL INSURANCE	)	NUMBER: 8417
COMPANY OF AMERICA, A)	
CORPORATION)	
)	
DEFENDANT)	

FINAL DECREE

This cause coming on to be heard on an agreed statement of fact and submission and the parties appearing by their Attorneys in open Court and submitting the said cause by agreed statement of facts and the Court does, upon consideration thereof find as follows:

1. That Evelyn J. S. Barr, Plaintiff herein, is entitled to receive TWO-THIRDS (2/3) of the proceeds of the monies heretofore paid into Court by Prudential Life Insurance Company, Defendant.

2. That the estate of John C. Barr, deceased is entitled to receive ONE-THIRD (1/3) of the proceeds of the monies heretofore paid into Court by Prudential Life Insurance Company.

3. That Tolbert M. Brantley, Administrator ad litem is entitled to a Administrator ad litem's fee of \$200.00 it is therefore

ORDERED, ADJUDGED and DECREED that the Clerk of the Circuit Court of Baldwin County, Alabama immediately pay the said sums heretofore deposited in this Court of a total amount of \$ 10,399 ⁵⁰ heretofore paid into Court by Prudential Life Insurance Company as follows:

1. The Court costs accrued in this cause.
2. A Administrator ad litem fee of \$200.00 to Tolbert M. Brantley.
3. Of the balance 2/3 to be paid to Evelyn J.S. Barr, Plaintiff.
4. The balance thereof to be paid to Evelyn J.S. Barr as Administratrix of the estate of John C. Barr, deceased.

Done this 3rd day of November, 1969.

J. J. Mashburn
CIRCUIT JUDGE

IN THE CIRCUIT COURT FOR THE TWENTY-EIGHTH JUDICIAL CIRCUIT
OF ALABAMA

EVELYN J. S. BARR,	*	
Plai ntiff,	*	
vs.	*	AT LAW NO. 8417
PRUDENTIAL INSURANCE	*	
COMPANY OF AMERICA,	*	
a corporation,	*	
Defendant.	*	

ORDER DISCHARGING PRUDENTIAL INSURANCE COMPANY
OF AMERICA

It appearing to this Court that this is an action upon a contract for the payment of money, and before issue joined the defendant made affidavit that Evelyn Jane Sutton Barr, as Administratrix of the Estate of John Collette Barr, deceased, not a party to the suit, without collusion with defendant, claimed the money in controversy, and defendant deposited the money sued for, with interest, with the Clerk of this Court; and

It further appearing that said Evelyn Jane Sutton Barr, as such Administratrix, was summoned to appear in this cause and make herself a party defendant; and

It further appearing that she has now made an appearance in this cause and made herself a party defendant herein, and

It further appearing to the Court that this is a proper case of interpleader, as provided in Title 7, Code of Ala., sec. 1179

It is therefore, ORDERED, ADJUDGED and DECREED that Evelyn Jane Sutton Barr, as Administratrix of the Estate of John Collette Barr, Deceased, be and she hereby is substituted as a party to this suit in place

of Prudential Insurance Company of America, a corporation, defendant, and said Prudential Insurance Company of America be and it hereby is discharged from liability to the plaintiff herein, and any other parties, for the money sought to be recovered herein and on the cause of action here stated.

DONE this the 13th day of March, 1969.

J. Fair J. Mashburn
CIRCUIT JUDGE

EVELYN J. S. BARR	)	IN THE CIRCUIT COURT
)	
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA
)	
VS	)	AT LAW
)	
PRUDENTIAL INSURANCE	)	NUMBER: _____
COMPANY OF AMERICA, A)	
CORPORATION)	
)	
DEFENDANT)	

SUGGESTION OF CONFLICT OF INTEREST

Comes now Evelyn J. S. Barr, Plaintiff in the above styled cause and shows to the Court that she has a conflict with Evelyn J. S. Barr as Administratrix of the estate of John Collette Barr, deceased in that she is Administratrix of the said estate in Mobile County Probate Court, Mobile, Alabama.

Plaintiff further moves the Court to appoint an Administrator ad litem to represent the estate of John Collette Barr, deceased in this hearing in her place and stead.

Respectfully submitted this 15th day of Oct, 1969.

W. H. Lang
Attorney for Evelyn J. S. Barr
Plaintiff

Filed 10-15-69
Reid Duck
clerk

B

EVELYN J. S. BARR	)	IN THE CIRCUIT COURT
)	
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA
)	
VS	)	AT LAW
)	
PRUDENTIAL INSURANCE	)	NUMBER: <u>8417</u>
COMPANY OF AMERICA, A)	
CORPORATION)	
)	
DEFENDANT)	

APPOINTMENT OF ADMINISTRATOR AD LITEM

In this cause, it appearing to the Court from the motion of Plaintiff that the estate of John Collette Barr, deceased, must be represented and is interested herein and there being a conflict and that the Plaintiff herein is also Administratrix in the Probate Court of Mobile County, Alabama of such Probate estate and that there is no Administrator ad litem to represent the said estate in this cause;

It is therefore considered by the Court and upon consideration thereof, the Court is of the opinion that an Administrator ad litem should be appointed to represent the estate of John Collette Barr, deceased in this cause it is therefore

ORDERED, ADJUDGED and DECREED that Robert M. Brantly an Attorney in Bay Minette, Baldwin County, Alabama be, and he is hereby appointed Administrator ad litem to represent the estate of John Collette Barr, deceased, in this cause.

Done this 15th day of October, 1969.

James H. Washburn
JUDGE

ACCEPTANCE OF ADMINISTRATOR AD LITEM

I, Robert M. Brantly, hereby accept the above appointment as Administrator Ad Litem and consent to act as such in the above styled cause.

This the 15th day of October, 1969.

Robert M. Brantly
Administrator Ad Litem

EVELYN J. S. BARR

PLAINTIFF

VS

PRUDENTIAL INSURANCE
COMPANY OF AMERICA, A
CORPORATION

DEFENDANT

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: _____

ANSWER OF ADMINISTRATOR AD LITEM

Comes now Sallene M Brandy Administrator ad litem
in the above styled cause and for answer to the complaint herein-
before filed by Plaintiff and the answer and Complaint hereinbefore
filed by Defendant, Prudential Insurance Company of America, a
Corporation, and says as follows:

1. The matters alleged therein are untrue.
2. Defendant, _____, Administrator
ad litem, herein denies the allegations of the Complaint and
hereinbefore filed and demands strict proof of the same.

Sallene M Brandy
Administrator Ad Litem

Filed 10-15-69
Doris J. Decker
Clerk

EVELYN J. S. BARR	)	IN THE CIRCUIT COURT OF
)	
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA
)	
VS	)	AT LAW
)	
PRUDENTIAL INSURANCE	)	NO. 8417
COMPANY OF AMERICA,)	
A Corporation)	
)	
DEFENDANT)	

AGREED STATEMENT OF FACTS
ON SUBMISSION ON AGREED ISSUE

Comes now the Plaintiff, Evelyn J. S. Barr, in the above styled cause by her Attorney, Wilson Hayes and Tolbert M. Brantley, Administrator ad litem for the estate of John C. Barr, deceased, and agree herein to submit this cause on an agreed statement of facts and submit the cause for the termination on an agreed issue, all as follows:

1. That the facts in the petition of Prudential Life Insurance Company are true and that the same are, insofar as the same relate to fact adopted as a true and agreed upon statement of facts in this cause.
2. That the issue herein is between the interested parties, namely, Evelyn J. S. Barr, Plaintiff and the estate of John C. Barr, deceased, represented herein by Tolbert M. Brantley, Administrator ad litem heretofore appointed.
3. That the issue herein is whether the proceeds of the policy described in the petition of Prudential Life Insurance Company are payable in whole to Plaintiff, Evelyn J. S. Barr, or in part to Plaintiff and in part to the estate of John C. Barr, deceased.

Now therefore, the parties hereto respectfully move the Court to take this cause under submission and determine:

1. The entitlement of Evelyn J. S. Barr as beneficiary of the said policy.
2. The entitlement of the estate of John C. Barr, deceased, in the proceeds of the said policy herein.

Respectfully submitted this 17th day of October, 1969.

FILED

OCT 22 1969

ALICE J. DUCK

CLERK
REGISTER

Wilson Hayes
Wilson Hayes, Attorney for Evelyn
J. S. Barr, Plaintiff

Tolbert M. Brantley
Tolbert M. Brantley, Administrator
ad litem for the estate of John C.
Barr, deceased

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Prudential Insurance Company of America, a Corporation to appear within thirty days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Evelyn J. S. Barr.

Witness my hand, this the 5 day of November, 1968.

Rebecca J. Smith
CLERK

EVELYN J. S. BARR	)	IN THE CIRCUIT COURT
)	
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA
)	
VS	)	AT LAW
)	
PRUDENTIAL INSURANCE	)	NUMBER: <u>8417</u>
COMPANY OF AMERICA, A)	
CORPORATION)	
)	
DEFENDANT)	

I

The Plaintiff claims of the Defendant TEN-THOUSAND and NO/100 (\$10,000.00) DOLLARS, due on a policy, whereby the Defendant, on the 1st day of February, 1961, 1st day of April, 1963, 1st day of April, 1964 and the 1st day of April, 1967, insured the life of John C. Barr a/k/a John Barr, who died on the 27th day of January, 1968, of which the Defendant has had notice. Said policy is the property of Defendant.

HAYES AND BOGGS
ATTORNEYS FOR PLAINTIFF

BY: W. L. Hayes

FILED

NOV 5 1968

VOL 63 PAGE 675

ALICE J. BOCK
CLERK
REGISTER

24-11-8-68

NUMBER: 84117

Received 4 day of Mar 1968
and on 8 day of Nov 1968
I served a copy of the within Att
on James Perkins Stewart
By service on W. B. Stewart

EVELYN J.S. BARR

PLAINTIFF

VS

PRUDENTIAL INSURANCE
COMPANY OF AMERICA, A
CORPORATION

DEFENDANT

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

SUMMONS AND COMPLAINT

TAYLOR WILKINS, Sheriff
By W. B. Stewart

Served on
Prudential at, Bay Mobile

EVELYN J. S. BARR	)	IN THE CIRCUIT COURT OF
)	
PLAINTIFF	)	MOBILE COUNTY, ALABAMA
)	
VS	)	AT LAW
)	
PRUDENTIAL INSURANCE COMPANY	)	CASE NO. 8417
OF AMERICA, a Corporation)	
)	
DEFENDANT)	

.-.-.-.

Comes now Evelyn J. S. Barr as Administratrix of the Estate of John Collette Barr and admits to the allegations contained in the Answer and Motion of Defendant, Prudential Insurance Company of America, a Corporation insofar as the same relate to her capacity as Administratrix and

She further admits herein and suggest upon the record that said Defendant is only a stake holder.

Respectfully submitted.


 Evelyn J. S. Barr

IN THE CIRCUIT COURT FOR THE TWENTY-EIGHTH JUDICIAL CIRCUIT OF
ALABAMA

EVELYN J. S. BARR,

*

Plaintiff,

*

vs.

*

AT LAW NO. 8417

PRUDENTIAL INSURANCE
COMPANY OF AMERICA, a
corporation

*

*

Defendant

*

ORDER

The defendant against whom this action is pending upon a contract of insurance for the payment of money having made affidavit that a person not a party to this suit, Evelyn Jane Sutton Barr, as Administratrix of the Estate of John Collette Barr, deceased, without collusion with defendant, has a claim to the money in controversy, and defendant having deposited the money in court, pursuant to Title 7 Code of Ala. sec. 1179, if such person does not voluntarily come in and make herself a party defendant, within 20 days from this date,

It is ORDERED, ADJUDGED and DECREED that a summons issue to her to appear within thirty (30) days after service thereof and make herself such a party defendant in this proceeding.

DONE this the 9th day of December, 1968.

J. J. Madsen
CIRCUIT JUDGE

FILED

DEC 9 1968

ALICE J. DUCK CLERK
REGISTER

THORNTON AND MCGOWIN

ATTORNEYS AT LAW

713 MERCHANTS NATIONAL BANK BUILDING

POST OFFICE BOX 23

MOBILE, ALABAMA 36601

TELEPHONE

433-3991

J. EDWARD THORNTON
NICHOLAS S. MCGOWIN

December 30, 1968

Mrs. Alice J. Duck
Circuit Clerk
Court House
Bay Minette, Alabama 36507

Dear Mrs. Duck:

Evelyn J.S. Barr v. Prudential Insurance Co.
At Law No. 8417 - Baldwin County

We herewith enclose an extra copy of the exhibits to be attached to
the Petition to be served on

"Evelyn J.S. Barr, as Administratrix of
the Estate of John Collette Barr, Deceased".

Please instruct the Sheriff that she may be served at

1207 S. Ann Street
Mobile, Alabama.

If not found at that address, see

c/o Chic Beauty Salon
63 S. Jackson Street
Mobile, Alabama.

Yours very truly,

THORNTON AND MCGOWIN


J. Edward Thornton

JET:mb

Encl.

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 8417

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Evelyn J. S. Barr, as Administratrix of
the Estate of John Collette Barr, Deceased

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint

filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, ^{wherein} ~~against~~

Evelyn J. S. Barr is the Plaintiff ~~Defendant~~

by and Prudential Insurance Company, Defendant.

Plaintiff

Witness my hand this 31st day of December 19.68.

Alfred W. Smith, Clerk

12-31-68

Wm
ORIGINAL

No. 8417

Page.....

1-2-68
STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

EVELYN J. S. BARR

Plaintiffs

b. H. Evans

PRUDENTIAL INSURANCE COMPANY OF
AMERICA, A Corp. Defendants

SUMMONS AND COMPLAINT

Filed December 9, 1968

Alice L. Duck Clerk

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

JAN 3 12 47 PM '68

Thornton & McGowin
P. O. Box 23- Mobile, Ala.

Plaintiff's Attorney

Defendant's Attorney

Serve: Evelyn J. S. Barr, as Adm. of
estate of ~~Defendant~~ lives at
John Collette Barr, deceased
1207 S. Ann Street- Mobile, Ala.
or c/o Chic Beauty Salon

63 S. Jackson St., Mobile

Received in Office

RECEIVED

DEC 31 1968

19.....

Sheriff

I have executed this summons

this *Jan 6* 19*68*
by leaving a copy with

Evelyn J. S. Barr

Ray A. Buck Sheriff

M. C. Williams Deputy Sheriff