

1204

STATE OF ALABAMA
BALDWIN COUNTY

)
)
)
)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon A. J. Denton, Charlie Subel and Hazel Fields Subel to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, at Bay Minette, Alabama in which Bill of Complaint Charles P. Colgan, a minor, who sues by his next friend, Mrs. Ethel D. Colgan, is Complainant and A. J. Denton, Charlie Subel and Hazel Fields Subel are Respondents.

Witness my hand and seal this 4th day of April, 1945.

R. Beck
Register.

CHARLES P. COLGAN, a minor, who
sues by his next friend, MRS.
ETHEL D. COLGAN,

Complainant.

VS.

A. J. DENTON,

Respondent.

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

TO THE HONORABLE F. W. HARE, JUDGE OF THE 21ST JUDICIAL
CIRCUIT OF THE STATE OF ALABAMA:

Comes the Complainant, Charles P. Colgan, by his next friend,
Mrs. Ethel D. Colgan, and amends his Complaint and Amended Complaint
and adds as parties respondent Charlie Subel and Hazel Fields Subel
which said last amended complaint shall read as follows:

CHARLES P. COLGAN, a minor, who
sues by his next friend, MRS.
ETHEL D. COLGAN,

Complainant

VS.

A. J. DENTON, CHARLIE SUBEL
and HAZEL FIELDS SUBEL

Respondents.

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

TO THE HONORABLE F. W. HARE, JUDGE OF THE 21ST JUDICIAL
CIRCUIT OF THE STATE OF ALABAMA:

Comes the Complainant, Charles P. Colgan by his next friend,
Mrs. Ethel D. Colgan and complains of the Respondents in a matter
which will hereinafter appear and show unto your Honor as follows:

FIRST:

That he is a minor over the age of 14 years and has no legal
guardian; that his next friend, Mrs. Ethel D. Colgan, who is his
mother and the Respondents, A. J. Denton, Charlie Subel and Hazel
Fields Subel are all over the age of 21 years; that Complainant
resides at 2283 Chestnut Hills Dr., Cleveland, Ohio; that A. J.
Denton resides at Eagle Lake, Florida; that Charlie Subel and

Hazel Fields Subel reside near Summerdale in Baldwin County, Alabama.

SECOND:

That your Complainant is one of the joint owners of the following described property situated in Baldwin County, Alabama to-wit:-

The Southwest quarter of the Southeast quarter of Section Twenty-four, Township Six South, Range Three East.

That he owns an undivided one-half interest in said property subject to the dower right of his mother, Mrs. Ethel D. Colgan.

THIRD:

Your Complainant further shows unto your Honor that he filed his original Bill of Complaint in this cause against A. J. Denton on October 3, 1944 and that on the same day he filed a Lis Pendens notice in the office of the Probate Court of Baldwin County, Alabama, a copy of which notice is attached hereto marked Exhibit A and made a part hereof, which said notice was prepared and filed in accordance with the laws of the State of Alabama in proceedings of this kind; that after such Complaint was filed your Complainant amended his Bill of Complaint on January 4, 1945 and alleged that A. J. Denton, one of the Respondents above named, had bargained to sell his interest in said property to Charlie Subel, another of said Respondents above named and that Charlie Subel had offered your Complainant the sum of \$2500.00 for his undivided one-half interest in said property; that it later developed that Charlie Subel was unwilling to pay your Complainant the sum aforementioned for his interest in said property; that on December 29, 1944 A. J. Denton and his wife, Mrs. A. J. Denton, executed a Warranty Deed to Charlie Subel and Hazel Fields Subel which Deed purported to convey the full

title to the above described property which Deed was filed for record in the office of the Judge of Probate of Baldwin County, Alabama on January 13, 1945 and was recorded in Deed Book 87 page 343.

FOURTH:

Your Complainant further shows unto your Honor that Mrs. Ethel D. Colgan executed a Mortgage to the Central Baldwin Bank of Robertsdale, Alabama on her dower interest in the above described land which Mortgage is recorded in the office of the Judge of Probate of Baldwin County, Alabama in Mortgage Book 93 page 75-6; that on the 20 day of April, 1943 the said Central Baldwin Bank assigned said Mortgage and the note and debt secured thereby and its interest in the property therein described to A. J. Denton said assignment being recorded in the office of the Judge of Probate of Baldwin County, Alabama in Mortgage Book 102 page 310; that on January 8, 1945 A. J. Denton and Margaret M. Denton, his wife, assigned the said Mortgage from Mrs. Ethel D. Colgan to the Central Baldwin Bank together with note and debt secured thereby and their interest in the property described therein to Hazel Fields Subel which assignment is recorded in the office of the Judge of Probate of Baldwin County, Alabama in Mortgage Book 102 page 310.

FIFTH:

Your Complainant further shows unto your Honor that said land can not be equitably divided my metes and bounds and that to bring about an equitable Partition of the same it will be necessary that said land be sold for this purpose under the orders and decrees of this court, and that the value of the dower interest be ascertained and paid over to the owner of such interest out of the proceeds of said sale.

SIXTH:

Your Complainant further shows unto your Honor that said land was sold for unpaid taxes for the year 1943 due the State and

County and that at said sale Mrs. J. C. Beech bought the above described land together with other lands included in the same sale for the sum of \$78.95 and that your Complainant has redeemed the land above described from said sale and has paid in such redemption the sum of \$64.42 and that said Respondents should be required to account to your Complainant for their part of such taxes out of the proceeds to be derived from the sale of this land.

Your Complainant further shows unto your Honor that the Respondents have had the entire use of said premises for about the last three years using the same and collecting the rent from the same and that they should be required to account to your Complainant for whatever sum is due to him on this demand.

Your Complainant further shows unto your Honor that to bring about this proceeding for Partition and Division of said land that it was necessary for him to employ a Solicitor and that he has employed the firm of Hybart & Chason, Solicitors practicing at the Baldwin County Bar as such Solicitor.

PRAYER FOR PROCESS:

The premises considered your Complainant prays that A. J. Denton, Charlie Subel and Hazel Fields Subel be made party defendants to this cause by the usual process of this Honorable court requiring them to appear and plead, answer or demur to the same within the time required by law and the rules of this honorable court. The said A. J. Denton being a non-resident of the State of Alabama your Complainant prays that notice be had upon him by the Register of this court mailing to him by registered mail, postage prepaid, a copy of this Bill of Complaint together with a summons to answer the same within 30 days from the receipt thereof, said envelope containing said summons and Bill of Complaint to be marked "for delivery only to the person to whom addressed" and a return receipt demanded addressed to the Register of this Court.

PRAYER FOR RELIEF:

The premises considered your Complainant prays that your Honor will direct the Register of this Court to forthwith proceed

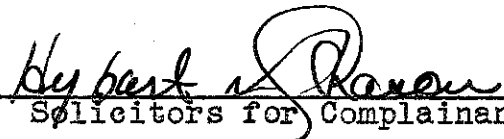
to sell said lands for Partition and Division among the joint owners thereof after due notice; that your Honor will order a reference to ascertain:

1. The value of the dower interest of Mrs. Ethel D. Colgan in said land and to whom such interest should be paid out of the proceedings of said sale.

2. The rental value of said land during the period of time the Respondents or any of them were in possession thereof.

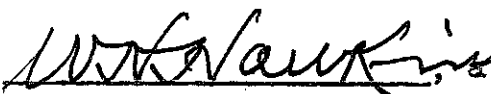
3. A reasonable Solicitors fee to be paid Hybart & Chason, Solicitors of Record for the Complainant.

Your Complainant prays for such other, further, different and general relief as in equity may seem just and mete and your Complainant will ever pray, etc.


Solicitors for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, , a Notary Public in and for said State and County personally appeared John Chason who is known to me and who after being by me first duly and legally sworn doth depose and say under oath as follows:

That his name is John Chason; that he is one of the Solicitors of Record for the Complainant in the above styled cause; that he is informed and believes and upon such information and belief says that A. J. Denton is a non-resident of the State of Alabama and that his residence and post office address is Eagle Lake, Florida.

Sworn to and subscribed
before me a Notary Public
this 4 day of April, 1945.



Notary Public, Baldwin County,
Alabama

EXHIBIT A.

CHARLES P. COLGAN, a minor, who)
sues by his next friend, MRS.)
ETHEL D. COLGAN,) IN THE CIRCUIT COURT OF
Complainant) BALDWIN COUNTY, ALABAMA
VS.) IN EQUITY.
A. J. DENTON,)
Respondent.)

LIS PENDENS NOTICE.

NOTICE IS HEREBY GIVEN that on the 3rd day of October, 1944 a Bill of Complaint was filed in the Circuit Court of Baldwin County, Alabama, in Equity, by the Complainant and against the Respondent, which Bill of Complaint prayed for a sale for Partition and Division of the following described property situated in Baldwin County, Alabama, to-wit:-

The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ of SE $\frac{1}{4}$), Section Twenty-four (24), Township Six (6) South, Range Three (3) East.

Said Bill of Complaint also prayed for a reference to determine the amount of State and County taxes that the Respondent should be liable for on payments made by the Complainant and the amount of rent due by Respondent to Complainant and the amount of Solicitors' fees for bringing such suit. Said Complaint alleged that the Complainant was the owner of a one-half interest in said lands and that the Respondent also was the owner of the dower interest belonging to Ethel D. Colgan which he had acquired from her, and the Court was asked to ascertain the amount of such dower interest.

HYBART & CHASON
Solicitors for Complainant.

Filed in the office of the Probate Judge of Baldwin County, Alabama on October 3, 1944 at 10:40 A.M. and recorded in Lis Pendens Book 1 Page 236.

CHARLES P. COLGAN, a minor,
by his next friend, Mrs.
Ethel D. Colgan,

COMPLAINANT,

VS

A.J. DENTON,

RESPONDENT.

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

TO HONORABLE F.W. HARE, JUDGE OF THE TWENTY-FIRST
JUDICIAL CIRCUIT OF THE STATE OF ALABAMA.

Comes your Complainant, Charles P. Colgan by his next
friend, Mrs. Ethel D. Colgan and amends his complaint heretofore
filed in said cause so that the same will read as follows:-

F I R S T:

That Charles P. Colgan is a minor seventeen years of
age and has no legal guardian. That his next friend, Mrs. Ethel
D. Colgan who is his mother and the Respondent, A.J. Denton are
both over the age of twenty-one years. That the Complainant and
his mother reside at 2283 Chestnut Hill Dr., Cleveland, Ohio, and
the Respondent resides at Eagle Lake, Florida.

S E C O N D:

That your Complainant is the owner of an undivided one-
half interest in the following described property situated in
Baldwin County, Alabama, to-wit:-

The Southwest Quarter of the Southeast
Quarter (SW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty-
Four (24), Township Six (6) South, Range
Three (3) East.

That A.J. Denton is the owner of the other undivided one-half
interest, both of which interests are subject to the Dower rights
of Mrs. Ethel D. Colgan which Dower rights were foreclosed under a
mortgage given by her and sold at public auction to A.J. Denton
on the 2nd day of October, 1944.

T H I R D:

Your complainant further represents and shows unto your
Honor that there is no valid authority on his part or any one else
to sell his undivided one-half interest in, and to the aforesaid
lands, by the terms of any instrument under which he holds such

interest, nor is the right to sell said lands prohibited or restricted by any instrument.

F O U R T H:

Your complainant further shows unto your Honor that the other joint owner of said property, A.J. Denton, has bargained to sell and convey his undivided one-half interest together with the Dower rights acquired by him from Mrs. Ethel D. Colgan to Charlie Subel, and that the said Charlie Subel has agreed to pay your complainant the sum of TWENTY-FIVE HUNDRED (\$2500) DOLLARS, in cash for his undivided one-half interest in said property; that this is the fair and reasonable market value for your complainant's interest in said property and that it is to the best interest of your complainant that he be able to join in said sale and conveyance, that is to be made by the said A. J. Denton to the said Charlie Subel.

PRAYER FOR PROCESS:

The Premises Considered, Your Orator prays that A. J. Denton be made a party Defendant to this cause by the usual process of this Honorable Court requiring him to appear and plead, answer or demur to the same within the time required by law and the rules of this Honorable Court. The Defendant being a non-resident of the State of Alabama, your Orator prays that process be had upon such Defendant by the Register of this Court mailing to him by registered mail postage prepaid a copy of the Complaint together with a Summons to answer the same within thirty days from the receipt thereof, said envelope containing said Summons and Complaint to be marked "For delivery only to the person to whom addressed" and a return receipt demanded addressed to the Register of the Court.

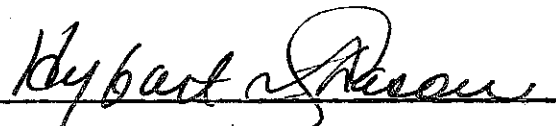
PRAYER FOR RELIEF.

PREMISES CONSIDERED: Your complainant prays that your Honor will set a day for the hearing of this matter and will appoint a guardian ad litem to represent your complainant in this cause and that your Honor will, on a final hearing of this cause, order and decree that it is to the best interest of your complainant to make such sale of the said interest in said property and to join

in said deed with the said A.J. Denton in conveying said property to the said Charlie Subel, upon the said Charlie Subel paying into the Registry of this Court said sum of \$2500 for the use and benefit of your complainant.

Your complainant further prays that on the compliance of the said Charlie Subel by his paying into the Registry of this Court said sum of \$2500 for the use and benefit of your complainant, that the Register of this Court be directed and authorized to convey the interest of complainant to the said Charlie Subel, in and to said property, and to join in said deed with the said A.J. Denton in the conveyance of the aforesaid property to the said Charlie Subel.

Your complainant prays for such other, further and general relief as in equity may seem just and meet and your Orator will ever pray, etc.



SOLICITORS FOR COMPLAINANT.

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA,
BALDWIN COUNTY

No. 1204.

CIRCUIT COURT BALDWIN COUNTY

Oct. TERM, 1944

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon A J Denton,

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, against

A J Denton.

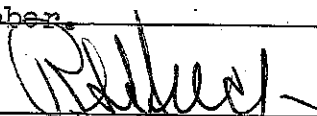
Respondent

by Charles P Colgan a Minor by his next friend

Mrs Ethel D Colgan.

Complainant.

Witness my hand this 3rd day of October, 1944



Register.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS AND COMPLAINT

Filed _____ 194 _____

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

194

Sheriff

I have executed this summons

this _____ 194 _____

by leaving a copy with

Sheriff

Deputy Sheriff

THIRD:

Your Orator further shows unto your Honor that said land was sold for State and County taxes due thereon by the Tax Collector of Baldwin County, Alabama, and that at said sale Mrs. J. C. Beech bought the same for \$78.95, and that your Orator has redeemed the same from said foreclosure and had to pay \$81.03 to do so, and that said Respondent should be required to account to him for his prorata, or proportionate part of the same out of the proceeds of said sale.

Your Orator further shows unto your Honor that the Respondent has had the entire use of said premises for, to-wit: the last two years, using the same and collecting rent from the same and he should be required to account to your Orator for whatever sum is due him on this demand.

Your Orator further shows unto your Honor that to bring about this proceeding for partition and division of said lands that it was necessary for him to employ a Solicitor and that he has employed the firm of Hybart & Chason, Solicitors, practicing at the Baldwin County Bar, as such Solicitors.

PRAYER FOR PROCESS:

The Premises Considered your Orator prays that A. J. Denton be made a party defendant to this cause by the usual process of this Honorable Court requiring him to appear and plead, answer or demur to the same within the time required by law and the rules of this Honorable Court. The Defendant being a non-resident of the State of Alabama, your Orator prays that process be had upon such defendant by the Register of this Court mailing to him by registered mail postage prepaid a copy of the Complaint together with a Summons to answer the same within thirty days from the receipt thereof, said envelope containing said Summons and Complaint to be marked "For delivery only to the person to whom addressed" and a return receipt demanded addressed to the Register of the Court.

PRAYER FOR RELIEF.

The Premises Considered, Your Orator prays that your Honor will direct the Register of this Court to forthwith proceed to sell said lands for partition and division among the joint owners thereof; after due notice,

That your Honor will order an abstract made of the aforesaid lands; that your Honor will order a reference to ascertain;

1. The value of the dower interest in said lands of Mrs. Ethel D. Colgan.

2. The rental value of said lands during the period Respondent was in possession thereof.

3. A reasonable Solicitors fee to be paid Hybart & Chason, Solicitors of Record for Complainant.

4. A Reasonable fee to be paid the Abstractor for preparing abstract of the aforesaid property.

All of said amounts to be taxed as a part of the cost of this suit.

Your Orator prays for such other, further, different and general relief as in equity may seem just and meet and Orator will ever pray, etc.

Hybart & Chason
Solicitors for Complainant.

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, Erin Stuart, a Notary Public in and for said State and County, personally appeared John Chason who is known to me and who after being by me first duly and legally sworn, doth depose and say under oath as follows:

That his name is John Chason; that he is one of the Solicitors of Record for the Complainant in the above styled cause; that he is informed and believes and upon such information and belief says that A. J. Denton is a non-resident of the State of Alabama, his residence and Post Office Address being Eagle Lake, Florida

Sworn to and subscribed before me, a Notary Public, this 3rd day of October, 1941.

Erin Stuart
Notary Public, Baldwin County, Alabama

John Chason

CHARLES P. GOLGAN, a minor, who)
sues by his next friend, MRS.)
ETHEL D. GOLGAN,)
Complainant)

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

vs.)

A. J. DENTON, CHARLIE SUBEL)
AND HAZEL FIELDS SUBEL,)
Respondents)

TO THE HONORABLE F. W. HAZE, JUDGE OF THE 21ST JUDICIAL CIRCUIT OF THE
STATE OF ALABAMA:

Comes Charlie Subel and Hazel Fields Subel, the Respondents in the
above entitled cause and for answer to the Bill of Complaint filed against
them herein say:

FIRST.

That they neither deny or admit the allegations in the first paragraph
of said Complaint for want of information; but admit that part of the alle-
gation which states that they reside near Summerdale in Baldwin County,
Alabama.

SECOND.

That your Respondents deny the allegations made in the second paragraph
of the said Complaint and demand strict proof thereof.

THIRD.

They admit the allegations made in the third paragraph of the said
Complaint but deny that Charlie Subel has offered the Complainant the sum
of \$2500.00 for the Complainant's undivided one-half interest and state that
Charlie Subel has never made any offer for the Complainant's undivided one-
half interest in the said property.

FOURTH.


That your Respondents admit the allegations made in the fourth para-
graph of the Complaint.

FIFTH.

Your Respondents admit that the land cannot be equitably divided by
metes and bounds but deny that Mrs. Ethel D. Colgan is entitled to any
dower interest in said land and demand strict proof thereof.

SIXTH.

Your Respondents deny all of the allegations made in the sixth para-
graph of the said Complaint and demand strict proof thereof.


Forest A. Christian, Foley, Alabama
Solicitor for Respondents

1304

ANSWER

RECORDED

CHARLES P. COIGAN, a minor, who
sues by his next friend, MRS.
ETHEL D. COIGAN,
Complainant

vs.

A. J. DENNON, CHARLIE SUBEL AND
HAZEL FIELDS SUBEL,
Respondents

Decided May 5 1944
By [Signature]
[Signature]

1204

RECORDED

Admiral

Index June 10, 1945
[Signature]
Payline

CHARLES P. COLGAN, a
minor, by his next friend,
Mrs. Ethel D. Colgan,

COMPLAINANT,

VS

A. J. DENTON,

RESPONDENT.

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

I, H. E. Smith, Attorney at Law, hereby consent to act
as guardian ad litem of and for Charles P. Colgan, a minor,
in the above entitled cause and hereby accept appointment as such.

H E Smith

Attorney at Law.

1504

At Des Moines ok.
C. D. Johnson at Des Moines
Oct 10/1945

Received from 10/1945
C. D. Johnson
C. D. Johnson

CHARLES P. COLGAN, A)
minor, by his next friend,)
Mrs. Ethel D. Colgan,)
COMPLAINANT,)


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

VS)

A. J. DENTON,)
RESPONDENT.)

In this cause it appearing to the Register, from the allegations of the verified bill of complaint in this cause, that the complainant, Charles P. Colgan, is a minor over the age of fourteen years and it further appearing that no person has been nominated to act as guardian ad litem for said Complainant, and H. E. Smith Esq., having filed his consent in writing to act as such guardian ad litem upon the hearing of said cause and he being a fit and suitable person, it is now therefore ordered by the Register that H. E. Smith, Esq., be, and he is hereby, appointed as guardian ad litem, for, and to represent the interests of, the said ~~minor~~ in this cause.

Done this 9th day of January, 1945.



Register.

1204

CP Department
Mr. [unclear] in [unclear]

RECEIPT FOR REGISTERED ARTICLE No. 1632

Fee paid. 10 class postage paid 4 1945

Declared value, \$ Legal papers surcharge paid, \$ _____ (Date) _____

From M. S. Wright, Cur Club

Addressed to W. J. Putnam (Post office and State) _____

Bay Lake, Florida (Address) _____

Accepting employee will place initials in space below, indicating restricted delivery

Return receipt fee ✓ in person _____ Special delivery fee _____
Delivery restricted to addressee or order _____ Fee paid VC Postmaster, per MAJ

220 16-12888



Post Office Department
OFFICIAL BUSINESS

RENDER TO POST OFFICE TO AVOID LIABILITY OF POSTAGE 500

POST OFFICE OF DELIVERY
OFFICE

Mr. J. D. Jones

Return to *R. L. Duch, Care of Mr. Jones*
(NAME OF BENEFITARY)

Street and Number,
or Post Office Box, *1638*

REGISTERED MAIL

No. *1638* Post Office

INSURED PARCEL

No. *1638* State

16-10291

RETURN RECEIPT

FORM NO. 10
1956-57

Received from the Registrar the Registered or Licensed Share, the original number of which appears on the face of this Certificate

1000
1000

(Signature or name of applicant)

(Signature of official in charge of the office)

2

Date of delivery 7-6-1957

REGISTRATION NO. 1000