

Our File No. 69-14

Your File No.

Case No. 8661

Law Offices

E. G. RICKARBY

35 SOUTH SECTION STREET

FAIRHOPE, ALABAMA 36532

CODE 285

Telephone: 928-3836

Mailing Address
P. O. BOX 471

June 27, 1969

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

Dear Mrs. Duck:

Inre: Mary H. Martin & Helen E. Martina vs.
Joe C. Heath and Margaret Heath *no 8661*

Please write up an execution in this case and send it down
to the Sheriff for service.

Mr. Randall knows the Heath's address. It is on Route 2 at
Box 378 in Daphne, up there by Spanish Fort.

Yours very truly,



EGR/jlb

cc - Mr. W.

STATE OF ALABAMA,
COUNTY OF BALDWIN.

FORECLOSURE DEED

WHEREAS JOE C. HEATE and MARGARET HEATE, husband and wife, did by their mortgage dated the 11th day of January, 1968, which mortgage is recorded in Mortgage Book 521, Pages 795-797 of the Probate Records of Baldwin County, Alabama, convey the premises therein described to one CLIFF FAUVER; and the said CLIFF FAUVER did assign said mortgage to HERBERT O. HACKMEYER by assignment recorded in Mortgage Book 521, Pages 798-799, of the Probate Records of Baldwin County, Alabama; and the said HERBERT O. HACKMEYER did assign that mortgage to MARY E. MARTIN and HELEN E. MARTINA, as Trustees, by assignment recorded in Deed Book 391, Page 394, of the Probate Records of Baldwin County, Alabama; and, Whereas said mortgage provided that upon default in the payment of any installment of the principal or interest on said note or upon the default of the performance of any of the covenants and agreements therein contained, the mortgagee may declare the entire principal sum of said indebtedness immediately due and payable and the mortgagor hereby vests the mortgagee with full power and authority upon happening of any such default to sell said property at public outcry in front of the Courthouse of said County for cash to the highest bidder; and, Whereas default did occur in the payment of said mortgage and MARY E. MARTIN and HELEN E. MARTINA, as Trustees, did publish notice as required and did make sale as more particularly appears in and by the affidavit hereto subjoined:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That we, JOE C. HEATE and MARGARET HEATE, husband and wife, by B. C. RICKARBY, the auctioneer conducting said foreclosure sale, as their attorney-in-fact, duly authorized in said mortgage, by virtue of and in execution of the power contained in said mortgage, as aforesaid, does, in consideration of the sum of FIVE THOUSAND ONE HUNDRED NINETY-THREE AND 88/100 (\$5,193.88) DOLLARS to him paid by MARY E. MARTIN and HELEN E. MARTINA, as Trustees, the receipt of which is hereby acknowledged, does Give, Grant, Bargain, Sell and Convey unto the said MARY E. MARTIN and HELEN E. MARTINA, as Trustees, their heirs and assigns, to their own use and behoof forever, the following described property, to-wit:

Page 2, Two Pages--Foreclosure Deed:
Heath/Martin/Martina.

Lot 8, Block 1, Jackson Oaks as per plat re-
corded in Plat Book 1, Page 178, Probate Rec-
ords of Baldwin County, Alabama.

Together with all and singular the rights, members, privileges, he-
reditaments, easements and appurtenances thereunto belonging or in anywise
appertaining; TO HAVE AND TO HOLD the same forever.

IN WITNESS WHEREOF, we the said JOE C. HEATH and MARGARET HEATH,
husband and wife, by E. G. RICKARBY, their attorney-in-fact, have hereunto
set our hands and seals, this the 17th day of March, 1969.

JOE C. HEATH and MARGARET HEATH,
husband and wife,

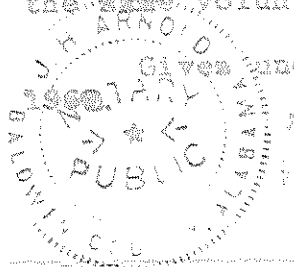
BY:


E. G. RICKARBY,
Auctioneer and Attorney-in-Fact


STATE OF ALABAMA,

COUNTY OF BALDWIN.

I, the undersigned Notary Public, in and for said County, in said
State, hereby certify that E. G. RICKARBY, whose name as Auctioneer and
Attorney-in-Fact for JOE C. HEATH and MARGARET HEATH, 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 said instrument, he as
such Auctioneer and Attorney-in-Fact and with full authority, executed
the same voluntarily on the day the same bears date.



Given under my hand and official seal this the 25 day of March,


Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA,
BALDWIN COUNTY

I certify that this instrument was filed on

MAR 26 1969 2 P.M.

and that no tax was collected. Recorded in
Book 398
Page 454
By Henry Deline Judge of Probate

Book 398
Page 455

STATE OF ALABAMA,
COUNTY OF BALDWIN.

A F F I D A V I T

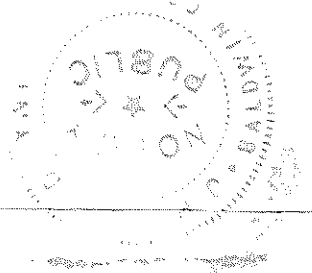
Before me, the undersigned Notary Public, personally appeared
E. G. RICKABY, who, being first duly sworn, deposes and says that MARY
H. MARTIN and HELEN H. MARTINA, as Trustees, caused the foregoing notice
~~to be published in the Fairhope Courier once a week for four consecutive~~
weeks and did on the 17th day of March, 1969, at 12:00 o'clock noon, as
attorney for the said MARY H. MARTIN and HELEN H. MARTINA, as Trustees,
and as Auctioneer did offer said property for sale at the Courthouse
door in Bay Minette, Baldwin County, Alabama; and at said sale, the said
MARY H. MARTIN and HELEN H. MARTINA, as Trustees, were the highest and
best bidders, they bidding the sum of FIVE THOUSAND ONE HUNDRED NINETY-
THREE AND 88/100 (\$5,193.88) DOLLARS and said property was sold to the
said MARY H. MARTIN and HELEN H. MARTINA, as Trustees, for said sum.

Affiant further states that he is reliably informed and verily be-
lieves and on such information believes that neither the said JOE C.
HEATH nor MARGARET HEATH were members of the Armed Forces of the United
States at the time of said foreclosure.


E. G. RICKABY, Affiant

Subscribed and Sworn to before me
this the 21 day of March, 1969.


Notary Public, Baldwin County,
Alabama.



Our File No. 69-14

Your File No. _____

Law Offices

E. G. RICKARBY
35 SOUTH SECTION STREET
FAIRHOPE, ALABAMA 36532

CODE 205
Telephone: 928-9836

Mailing Address
P. O. BOX 471

June 2, 1969

Honorable Telfair J. Mashburn
Circuit Judge, Baldwin County
Bay Minette, Alabama 36507

Dear Judge Mashburn:

Inre: Mary H. Martin, et. al., Complainant Versus
Joe C. Heath, et al., defendant.
Case No.

In this case service was had on the Defendants on May 3rd, 1969 and thirty days was allowed. Request judgment by default for the Plaintiff for the land sued for.

This is a suit for possession after mortgage foreclosure and I am introducing in evidence, mortgage foreclosure deed which is self proven and ask leave to substitute copy and withdraw the original deed from evidence.

Under Section 951, I cannot recover costs unless I have proved Defendant's possession at the time of the commencement of suit, but as the chances of collecting these costs are so slight, I am not delaying the case to offer this proof.

Respectfully submitted,



EGR/jlb
cc: Mr. Herbert Hackmeyer
6-13-69

Our File No. 69-14

Your File No. _____

Law Offices
E. G. RICKARBY
35 SOUTH SECTION STREET
FAIRHOPE, ALABAMA 36532

CODE 205
Telephone: 928-9836

Mailing Address
P. O. BOX 471

April 9, 1969

Mo. 4661

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

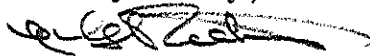
Dear Mrs. Duck:

Inre: Martin & Martina vs. Heath

Enclosed find Summons & Complaint of Martin & Martina versus Heath.

Please process, and oblige.

Yours very truly,



EGR/jlb

Encl.

cc: Mr. Herbert O. Hackmeyer
4-10-69

MARY H. MARTIN and HELEN H. MARTINA, X
as Trustees,

Plaintiffs,

VS.

JOE C. HEATH and MARGARET HEATH,

Defendants.

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

CASE NO. 8661

TO ANY SHERIFF IN SAID STATE, GREETINGS:

You are hereby commanded to deliver to MARY H. MARTIN and HELEN H. MARTINA possession of the lands and tenements which MARY H. MARTIN and HELEN H. MARTINA recovered from JOE C. HEATH and MARGARET HEATH by the judgment of our Circuit Court, held for the County of Baldwin on the 11th day of June, 1969, to-wit:

Lot 8, Block 1, Jackson Oaks as per plat recorded in Plat Book 1, Page 178, Probate Records of Baldwin County, Alabama.

You are further commanded, of the goods and chattels, lands and tenements of the said JOE C. HEATH and MARGARET HEATH, you cause to be made the sum of TWENTY-EIGHT AND 80/100 (\$28.80) DOLLARS, costs of suit; and make return of this writ and the execution thereof according to law.

WITNESS my hand, this 1 day of July, 1969.

Alice J. Duck
Clerk.

NO. 8661

Mary H. Martin
etal

VS

Joe C. Heath. etal

Writ of Possession

FILED

7/14/1969

ALICE J. DUCK

CLERK
REGISTER

E. G. R.

Received 2 day of July 1969
and on 9 day of July 1969,
I served a copy of the within Writ of Possession
on Joe C. Heath, Margaret Heath

By service on _____

Sheriff claims 108 miles at
Ten Cents per mile Total \$ 10.80
TAYLOR WILKINS, Sheriff
BY Randall
DEPUTY SHERIFF

TAYLOR WILKINS, Sheriff
By Randall D.S.

Dogline

MARY H. MARTIN and HELEN H. MARTINA, X
as Trustees,

Plaintiffs, X

VS. X

JOE C. HEATH and MARGARET HEATH, X

Defendants. X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

76.8661

STATUTORY EJECTMENT

Count I.

The Plaintiffs sue to recover possession of the following tract
of land:

Lot 8, Block 1, Jackson Oaks as per plat re-
corded in Plat Book 1, Page 178, Probate Rec-
ords of Baldwin County, Alabama.

of which they have legal title and upon which, before the commencement
of this suit, the Defendants unlawfully withheld, together with TWO
HUNDRED AND NO/100 (\$200.00) DOLLARS for the detention thereof.


Attorney for Plaintiffs

Defendant's address is

Route 2, Box 238
Daphne, Alabama 36526.

FILED

APR 16 1969

ALICE J. DUCK CLERK
REGISTER

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 8661

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JOE C. HEATH AND MARGARET HEATH

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

JOE E. HEATH AND MARGARET HEATH Defendant

by Mary H. Martin and Helen H. Martina, as trustees

Plaintiff

Witness my hand this 16th day of April 1969

Alice J. Duck Clerk

24-14-16-69

No. 8661

Page

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

MARY H. MARTIN & HELEN H. MARTINA,

As Trustees

Plaintiffs

vs.

JOE C. HEATH AND MARGARET HEATH

Defendants

SUMMONS AND COMPLAINT

Filed April 16, 1969

Alice J. Duck Clerk

E. G. Rickarby

Plaintiff's Attorney

Defendant's Attorney

626-2430

Daphne

Defendant lives at

~~Barnwell~~

RECEIVED

APR 16 1969

~~Taylor Wilkins~~ Sheriff

I have executed this summons

this 19

by leaving a copy with

Joe C. Heath 4-28-69
Margaret Heath
4-3-68

Sheriff claims \$108 miles at

Ten Cents per mile Total \$10.80

TAYLOR WILKINS, Sheriff

BY Randall
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Roy Randall Deputy Sheriff

Daphne

STATE OF ALABAMA,
COUNTY OF BALDWIN.

FORECLOSURE DEED

WHEREAS JOE C. HEATH and MARGARET HEATH, husband and wife, did by their mortgage dated the 11th day of January, 1968, which mortgage is recorded in Mortgage Book 521, Pages 795-797 of the Probate Records of Baldwin County, Alabama, convey the premises therein described to one CLIFF FAUVER; and the said CLIFF FAUVER did assign said mortgage to HERBERT O. HACKMEYER by assignment recorded in Mortgage Book 521, Pages 798-799, of the Probate Records of Baldwin County, Alabama; and the said HERBERT O. HACKMEYER did assign that mortgage to MARY H. MARTIN and HELEN H. MARTINA, as Trustees, by assignment recorded in Deed Book 391, Page 394, of the Probate Records of Baldwin County, Alabama; and, Whereas said mortgage provided that upon default in the payment of any installment of the principal or interest on said note or upon the default of the performance of any of the covenants and agreements therein contained, the mortgagee may declare the entire principal sum of said indebtedness immediately due and payable and the mortgagor hereby vests the mortgagee with full power and authority upon happening of any such default to sell said property at public outcry in front of the Courthouse of said County for cash to the highest bidder; and, Whereas default did occur in the payment of said mortgage and MARY H. MARTIN and HELEN H. MARTINA, as Trustees, did publish notice as required and did make sale as more particularly appears in and by the affidavit hereto subjoined:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That we, JOE C. HEATH and MARGARET HEATH, husband and wife, by E. G. RICKARBY, the auctioneer conducting said foreclosure sale, as their attorney-in-fact, duly authorized in said mortgage, by virtue of and in execution of the power contained in said mortgage, as aforesaid, does, in consideration of the sum of FIVE THOUSAND ONE HUNDRED NINETY-THREE AND 88/100 (\$5,193.88) DOLLARS to him paid by MARY H. MARTIN and HELEN H. MARTINA, as Trustees, the receipt of which is hereby acknowledged, does Give, Grant, Bargain, Sell and Convey unto the said MARY H. MARTIN and HELEN H. MARTINA, as Trustees, their heirs and assigns, to their own use and behoof forever, the following described property, to-wit:


Lot 8, Block 1, Jackson Oaks as per plat re-
corded in Plat Book 1, Page 178, Probate Rec-
ords of Baldwin County, Alabama.

Together with all and singular the rights, members, privileges, he-
reditaments, easements and appurtenances thereunto belonging or in anywise
appertaining; TO HAVE AND TO HOLD the same forever.

IN WITNESS WHEREOF, we the said JOE C. HEATH and MARGARET HEATH,
husband and wife, by E. G. RICKARBY, their attorney-in-fact, have hereunto
set our hands and seals, this the 17th day of March, 1969.

JOE C. HEATH and MARGARET HEATH,
husband and wife,

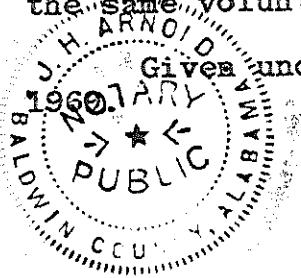
BY:


E. G. RICKARBY,
Auctioneer and Attorney-in-Fact

STATE OF ALABAMA,

COUNTY OF BALDWIN.

I, the undersigned Notary Public, in and for said County, in said
State, hereby certify that E. G. RICKARBY, whose name as Auctioneer and
Attorney-in-Fact for JOE C. HEATH and MARGARET HEATH, 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 said instrument, he as
such Auctioneer and Attorney-in-Fact and with full authority, executed
the same voluntarily on the day the same bears date.



Given under my hand and official seal this the 25 day of March,


Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA,
BALDWIN COUNTY

I certify that this instrument was filed on

MAR 26 1969 2P M

and that no tax was collected. Recorded in Deed
Book 392
Page 454-56 Harry Deline
Judge of Probate
By [Signature]

BOOK 392 PAGE 455

STATE OF ALABAMA,
COUNTY OF BALDWIN.

A F F I D A V I T

Before me, the undersigned Notary Public, personally appeared E. G. RICKARBY, who, being first duly sworn, deposes and says that MARY H. MARTIN and HELEN H. MARTINA, as Trustees, caused the foregoing notice to be published in the Fairhope Courier once a week for four consecutive weeks and did on the 17th day of March, 1969, at 12:00 o'clock noon, as attorney for the said MARY H. MARTIN and HELEN H. MARTINA, as Trustees, and as Auctioneer did offer said property for sale at the Courthouse door in Bay Minette, Baldwin County, Alabama; and at said sale, the said MARY H. MARTIN and HELEN H. MARTINA, as Trustees, were the highest and best bidders, they bidding the sum of FIVE THOUSAND ONE HUNDRED NINETY-THREE AND 88/100 (\$5,193.88) DOLLARS and said property was sold to the said MARY H. MARTIN and HELEN H. MARTINA, as Trustees, for said sum.

Affiant further states that he is reliably informed and verily believes and on such information believes that neither the said JOE C. HEATH nor MARGARET HEATH were members of the Armed Forces of the United States at the time of said foreclosure.


E. G. RICKARBY, Affiant

Subscribed and Sworn to before me
this the 27 day of March, 1969.


Notary Public, Baldwin County,
Alabama.



BOOK 392 PAGE 456

JOE C. HEATH and
MARGARET HEATH, his wife,
BY
E. G. RICKARBY,
Auctioneer & Attorney-in-Fact,

-TO-

MARY H. MARTIN and
HELEN H. MARTINA, as Trustees,

FORECLOSURE DEED

E. G. RICKARBY
ATTORNEY AT LAW
P. O. BOX 471
FAIRHOPE, ALA. 36532

R-2.50
Jack Arnold