

MARY L. SMITH,

Complainant,

vs.

WILLIE ADAMS AND BESSIE
MAE ADAMS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 3544

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree upon the original Bill of Complaint; Order of Publication; Proof of Publication; Motion for Decree pro Confesso; Decree pro Confesso; Testimony of the Complainant, Mary L. Smith, together with Exhibit One to the testimony of the Complainant, all as noted by the Register; upon consideration of all of which the Court is of the opinion that the Complainant is entitled to relief and it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the Complainant, Mary L. Smith, have and recover of the Respondents, Willie Adams and Bessie Mae Adams, the sum of Three Hundred Eighty-five and 03/100 Dollars (\$385.03) which sum of money, less interest was loaned by the Complainant to the Respondents and otherwise expended by the Complainant for the use of the Respondents on to-wit, October 3, 1952.

2. The said Complainant, Mary L. Smith, shall have a lien on the property of the said Willie Adams and Bessie Mae Adams which is hereinafter described and a lien is hereby fixed and established on the following described property of the said Respondents situated in Baldwin County, Alabama, to-wit:

From the Southeast corner of Lot 16, Russell's Addition to Douglasville, according to the plat thereof which is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, run North 140 feet for a point or place of beginning; run thence West 210 feet; run thence North 85 feet; run thence East 210 feet; run thence South 85 feet to the point or place of beginning.

The said lien is fixed and established to secure payment of the amounts due by the said Respondents to the said Complainant

and the costs of this proceeding, which are hereby taxed against the said Respondents.

3. In the event the said Respondents shall fail to immediately pay the amounts due the Complainant, as set out in paragraph numbered 1 of this decree, then the Register of this Court is hereby authorized, empowered, instructed and directed to sell the above described real property at public sale for cash at the front door of the Courthouse of Baldwin County, Alabama, in Bay Minette, Alabama, after giving notice of the time, place, terms and purposes of the said sale by publication once a week for three successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, and shall apply the proceeds of said sale, first, to the costs of this proceeding; next to the amounts due the Complainant, as provided in this decree, and pay any remainder, if any, to the Respondents. The Register of this Court is further ordered to give notice by registered mail to each of the Respondents at their last known address in the event it becomes necessary to sell the above described real property at public sale as aforesaid.

4. The Register of this Court shall promptly 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 part of the costs of this proceeding.

5. Jurisdiction of this cause is reserved for the purpose of making such other and further orders or decrees as may become necessary or proper.

ORDERED, ADJUDGED AND DECREED on this the 30 day of January, 1957.

Hubert M. Stacy
Judge.

No 1883

W. R. STUART

PROBATE JUDGE

Bay Minette, Ala.,

Received of.

[illegible]

FOR RECORD

TOTAL \$.

Judge of Probate.

FINAL DECREE

MARY L. SMITH,

Complainant,

vs.

WILLIE ADAMS AND BESSIE
MAE ADAMS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 3544.

FILED

JAN 30 1957

ALICE A. REES, CLERK

JIMMY FAULKNER
PUBLISHER

THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

Legal Notice

MARY L. SMITH, Complainant,
Vs.

WILLIE ADAMS AND BESSIE
MAY ADAMS, Respondents.

In The Circuit Court of Baldwin
County, Alabama In Equity
ORDER OF PUBLICATION

In this cause, it appearing to the Register from the affidavit of James R. Owen, Solicitor for Complainant, that the Respondents are non-residents of the State of Alabama and that in the belief of said affiant, the Respondents are each over the age of twenty-one years, it is therefore ordered by the Register that publication be made once a week for four consecutive weeks, in the Baldwin Times, a newspaper published in Baldwin County, Alabama, requiring the said Respondents to plead, answer or demur to the Bill of Complaint in this cause by the 5th day of December, 1955, or, in default thereof, the news as it is published in their column in the Baldwin Times can still be seen in the

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
BALDWIN COUNTY.

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

Mary Smith vs. Willie & Bessie Adams

COST STATEMENT

182 WORDS @ 6 1/2 cents — — — \$ 11 83
I hereby certify this it correct, due and unpaid (paid).

E. R. Moussette Jr.
Editor Publisher.

was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication Nov. 3, 1955 Vol. 66 No. 42

Date of 2nd publication Nov 10, 1955 Vol. 66 No. 43

Date of 3rd publication Nov 17, 1955 Vol. 66 No. 44

Date of 4th publication Nov 24, 1955 Vol. 66 No. 45

Subscribed and sworn before the undersigned this 25 day of Nov, 1955

Darrel Martin
Notary Public, Baldwin County.

E. R. Moussette Jr.
Editor Publisher.

MARY L. SMITH,

Complainant,

vs.

WILLIE ADAMS AND BESSIE
MAE ADAMS,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. 3544

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree upon the original Bill of Complaint; Order of Publication; Proof of Publication; Motion for Decree pro Confesso; Decree pro Confesso; Testimony of the Complainant, Mary L. Smith, together with Exhibit One to the testimony of the Complainant, all as noted by the Register; upon consideration of all of which the Court is of the opinion that the Complainant is entitled to relief and it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the Complainant, Mary L. Smith, have and recover of the Respondents, Willie Adams and Bessie Mae Adams, the sum of Three Hundred Eighty-five and 03/100 Dollars (\$385.03) which sum of money, less interest was loaned by the Complainant to the Respondents and otherwise expended by the Complainant for the use of the Respondents on to-wit, October 3, 1952.

2. The said Complainant, Mary L. Smith, shall have a lien on the property of the said Willie Adams and Bessie Mae Adams which is hereinafter described and a lien is hereby fixed and established on the following described property of the said Respondents situated in Baldwin County, Alabama, to-wit:

From the Southeast corner of Lot 16, Russell's Addition to Douglasville, according to the plat thereof which is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, run North 140 feet for a point or place of beginning; run thence West 210 feet; run thence North 85 feet; run thence East 210 feet; run thence South 85 feet to the point or place of beginning.

The said lien is fixed and established to secure payment of the amounts due by the said Respondents to the said Complainant

and the costs of this proceeding, which are hereby taxed against the said Respondents.

3. In the event the said Respondents shall fail to immediately pay the amounts due the Complainant, as set out in paragraph numbered 1 of this decree, then the Register of this Court is hereby authorized, empowered, instructed and directed to sell the above described real property at public sale for cash at the front door of the Courthouse of Baldwin County, Alabama, in Bay Minette, Alabama, after giving notice of the time, place, terms and purposes of the said sale by publication once a week for three successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, and shall apply the proceeds of said sale, first, to the costs of this proceeding; next to the amounts due the Complainant, as provided in this decree, and pay any remainder, if any, to the Respondents. The Register of this Court is further ordered to give notice by registered mail to each of the Respondents at their last known address in the event it becomes necessary to sell the above described real property at public sale as aforesaid.

4. The Register of this Court shall promptly 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 part of the costs of this proceeding.

5. Jurisdiction of this cause is reserved for the purpose of making such other and further orders or decrees as may become necessary or proper.

ORDERED, ADJUDGED AND DECREED on this the 30th day
of January, 1957.

Hubert M. Hall

Judge.

I, Alice J. Durr, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and enrolled in my office.

WITNESS MY HAND AND SEAL THIS THE 30 day of Jan 195

Eric J. Duck
Register of Circuit Court, in Equity

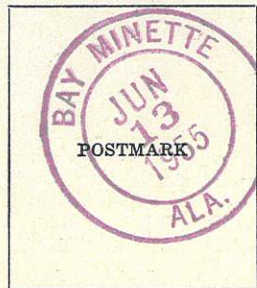
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STATE OF ALABAMA, BALDWIN COUNTY
Filed 2-5-57 11:45 A.
Recorded dced book 247 page 53
M. Stewart
Judge of Probate

RECEIPT FOR

REGISTERED ARTICLE NO. 949Date 6-13-55Value \$ 5.20 Special delivery fee _____¢Fee \$.55 Return receipt fee 07 _____¢Surcharge \$ _____ Restricted delivery fee 20 _____¢Postage \$ 03 ☐ AirmailFrom Alvin J. Duck clkBm aloAddressed to Bessie Mae Adams816 Carpsae St Macoydachs Tex

(Address)

(Accepting employee)



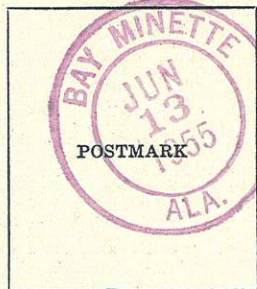
GPO c9-16-12668-8

RECEIPT FOR

REGISTERED ARTICLE NO. 950Date 6-13-55Value \$ 5.20 Special delivery fee _____¢Fee \$.55 Return receipt fee 07 _____¢Surcharge \$ _____ Restricted delivery fee 20 _____¢Postage \$ 03 ☐ AirmailFrom Alvin J. Duck clkBm aloAddressed to Willie Adams816 Carpsae St Macoydachs Tex

(Address)

(Accepting employee)



GPO c9-16-12668-8

ALICE J. DUCK, Circuit Clerk

Baldwin County

BAY MINETTE, ALA.

*Red art
C-16-55
C. L.*



REASON CHECKED
Unknown
For better address
Moved, Left no address
No such office to

RETURN RECEIPT REQUESTED

Deliver to Addressee Only

Registered

For Delivery Only To Person
To Whom Addressed

Return Receipt Requested

~~Bessie Mae Adams,
816 Carksae Street,
Nacogdoches, Texas~~





and the costs of this proceeding, which are hereby taxed against the said Respondents.

3. In the event the said Respondents shall fail to immediately pay the amount due the Complainant, as set out in paragraph numbered 1 of this decree, then the Register of this Court is hereby authorized, empowered, instructed and directed to sell the above described real property at public sale for cash at the front door of the Courthouse of Baldwin County, Alabama, in Bay Minette, Alabama, after giving notice of the time, place, and purpose of the said sale by publication once a week for three successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, and shall apply the proceeds of said sale, first, to the costs of this proceeding; next to the amount due the Complainant, as provided in this decree, and pay any remainder, if any, to the Respondents. The Register of this Court is further ordered to give notice by registered mail to each of the Respondents at their last known address in the event it becomes necessary to sell the above described real property at public sale as aforesaid.

4. The Register of this Court shall promptly 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 part of the costs of this proceeding.

5. Jurisdiction of this cause is reserved for the purpose of making such other and further orders or decrees as may be some necessary or proper.

ORDERED, ADJUDGED AND DECREED on this the 30th day

January 1937

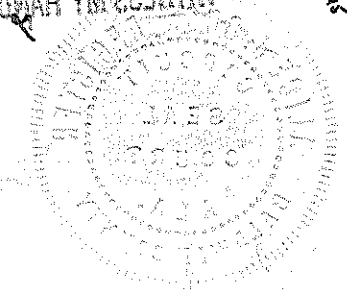
Hubert M. Hall
Judge.

STATE OF ALABAMA, BALDWIN COUNTY
FILED 3-2-37
RECORDED 3-2-37
JUDGE OF PROBATE
P-150
Wm. R. Rusk

Witness my hand and seal this 30th day of January 1937
Attest: I, Clerk, Registrar of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and entered in my office.

247

Mary L. Smith
vs.
Willie Adams
Beattie Mae I
1-30-37

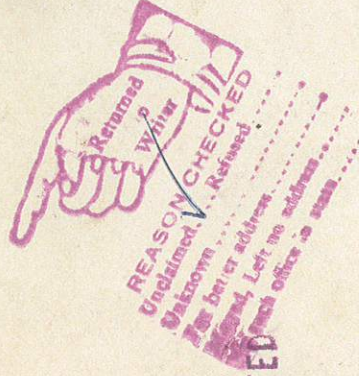


DUCK, Circuit Clerk

Win County

MINETTE, ALA.

*Lat-
16-53
e.e.*



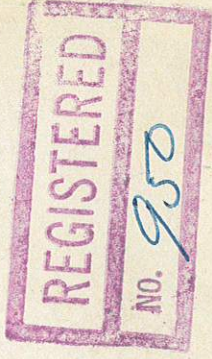
RETURN RECEIPT REQUESTED

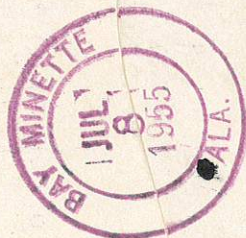
Deliver to Addressee Only

Willie Adams,
816 Sparks St.,
Nacogdoches, Texas

tered
elivery Only To Person
nom Addressed

n Receipt Requested





SUMMONS AND COMPLAINT

Moore Ptg. Co.

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 Willie Adams and Bessie Mae Adams

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 xy

~~Mary L. Smith~~ Willie Adams and Bessie Mae Adams

, Defendant

by Mary L. Smith

_____, Plaintiff

Witness my hand this 13th day of June 19 55

Archie L. Smith, Clerk

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No. _____

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You Are Hereby Commanded to Summon Willie Adams and Bessie Mae Adams

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

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~~Mary L. Smith~~ Willie Adams and Bessie Mae Adams

, Defendant

by Mary L. Smith

, Plaintiff

Witness my hand this 13th day of June 19 55

Archie J. Smith, Clerk

No. _____ Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

Summons and Complaint

Filed _____ 19____

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19____

_____, Sheriff

I have executed this summons

this _____ 19____

by leaving a copy with

Sheriff

Deputy Sheriff

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

Your Complainant Mary L. Smith brings this Bill of Complaint against Willie Adams and thereupon alleges and shows unto your Honor as follows:

1. That your Complainant is over the age of twenty one years and a resident of Baldwin County, Alabama. The Respondents, Willie Adams and Bessie May Adams, his wife, are over the age of twenty one years, non-residents of the State of Alabama whose addresses are 816 Carksae Street, Nacogdoches, Texas.

2. That heretofore, on to-wit, October 3, 1952, your Complainant loaned to the Respondents, and otherwise expended, for the use of the Respondents, the sum of \$305.67, to secure the payment of which, the Respondents entered into an agreement with your Complainant that they would make, execute and deliver to her a first mortgage upon and conveying the following described real property, situated in Baldwin County, Alabama, to-wit:

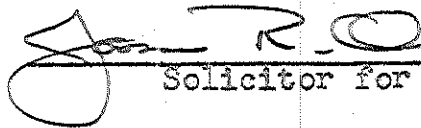
From the Southeast Corner of Lot 16, Russell's Addition to Douglasville, according to the plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, run North 140 feet for a point or place of beginning; run thence West 210 feet; run thence North 85 feet; run thence East 210 feet; run thence South 85 feet to the point or place of beginning.

A copy of the said agreement is hereto attached, marked Exhibit A, and made a part hereof as though fully incorporated herein. Complainant alleges that the said Respondents have refused to execute and deliver to her the said mortgage although she has called upon them on several occasions to do so. Complainant further alleges that the sum of money heretofore loaned and expended by her as aforesaid was to be paid to her under the said mortgage at the expiration of one year from October 3, 1952.

3. Your Complainant further alleges that she is in the possession of the above described property through the knowledge and with the consent of the Respondent, Willie Adams.

The premises considered, your Complainant makes the said Willie Adams and Bessie May Adams parties respondent to this Bill and prays that process be issued out of this court and served upon

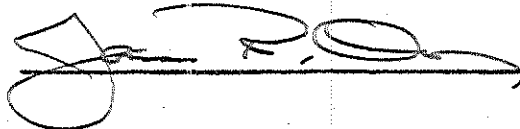
them in the manner provided by law commanding them to plead, answer or demur to this Bill of Complaint within the time and manner provided by law and the rules of this honorable court; that upon a final hearing hereof may it please the court to make and enter a decree delcaring that your complainant has a mortgage on the above described property and that the said mortgage is in default and that the court will enter a decree ordering the said mortgage to be foreclosed and directing a sale of the property herein described; that the amount of the debt owed by the Respondents to your Complainant be ascertained and fixed by a decree of this court, and that if the complainant is mistaken in the relief herein specifically prayed for, she prays for all such other, further and different relief to which she may be entitled, the premises considered.



Solicitor for Complainant

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

Before me, the undersigned authority, personally appeared James R. Owen who first being duly and legally sworn deposes and says: That he is the solicitor for the complainant in the above styled cause. That he has read over the foregoing Bill of Complaint and that he is informed and believes and from said information and belief says that the facts set forth in the said Bill of Complaint are true.



Sworn to and subscribed before me
on this the 13 day of June, 1955.

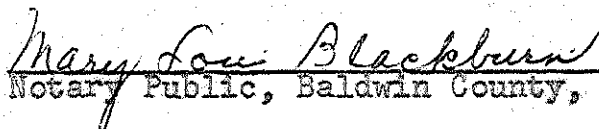

Notary Public, Baldwin County, Alabama.

EXHIBIT A

To Whom It May Concerns:

This is to certify that I will give my word that I will give Mary Lee Smith, my sister a deed ^{mortgage} to my home and lot in Bay Minette, Ala. for the following compensation on her part.

She is to finish paying H. M. Parsons the amount due him by me, and he is to turn over the deeds to Mary Lee Smith.

Mary Lee Smith further agrees to give me \$200.

In Witness thereof this paper is signed by my wife and my self.

Witness _____

(S) WILLIE ADAMS _____

Witness _____

(S) BESSIE MAY ADAMS _____
Wife

Sept. 8, 1952

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 10-10-83 BY SP-10 JMM

100-100000-100000

IN FULLY

RECEIVED COMM. DIVISION

IN THE CIRCUIT COURT OF

RECEIVED

RECEIVED COMM. DIVISION

20

RECEIVED

RECEIVED COMM. DIVISION

RECEIVED COMM. DIVISION

100-100000-100000

SUMMONS AND COMPLAINT

Moore Ptg. Co.

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 Willie Adams and Bessie Mae Adams

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

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~~Mary L. Smith~~ Willie Adams and Bessie Mae Adams

_____, Defendant

by Mary L. Smith

_____, Plaintiff

Witness my hand this 13th day of June 19 55

Rebecca L. Smith Clerk

No. _____

Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

Summons and Complaint

Filed _____ 19____

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at _____

Received In Office

19____

Sheriff

I have executed this summons

this _____ 19____

by leaving a copy with _____

Sheriff

Deputy Sheriff

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

Your Complainant Mary L. Smith brings this Bill of Complaint against Willie Adams and thereupon alleges and shows unto your Honor as follows:

1. That your Complainant is over the age of twenty one years and a resident of Baldwin County, Alabama. The Respondents, Willie Adams and Bessie May Adams, his wife, are over the age of twenty one years, non-residents of the State of Alabama whose addresses are 816 Carlsae Street, Macogdoches, Texas.

2. That heretofore, on to-wit, October 3, 1952, your Complainant loaned to the Respondents, and otherwise expended, for the use of the Respondents, the sum of \$305.67, to secure the payment of which, the Respondents entered into an agreement with your Complainant that they would make, execute and deliver to her a first mortgage upon and conveying the following described real property, situated in Baldwin County, Alabama, to-wit:


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A copy of the said agreement is hereto attached, marked Exhibit A, and made a part hereof as though fully incorporated herein. Complainant alleges that the said Respondents have refused to execute and deliver to her the said mortgage although she has called upon them on several occasions to do so. Complainant further alleges that the sum of money heretofore loaned and expended by her as aforesaid was to be paid to her under the said mortgage at the expiration of one year from October 3, 1952.

3. Your Complainant further alleges that she is in the possession of the above described property through the knowledge and with the consent of the Respondent, Willie Adams.

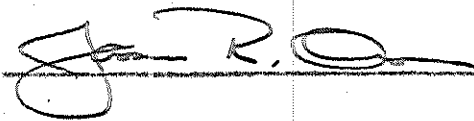
The premises considered, your Complainant makes the said Willie Adams and Bessie May Adams parties respondent to this Bill and prays that process be issued out of this court and served upon

them in the manner provided by law commanding them to plead, answer or demur to this Bill of Complaint within the time and manner provided by law and the rules of this honorable court; that upon a final hearing hereof may it please the court to make and enter a decree declaring that your complainant has a mortgage on the above described property and that the said mortgage is in default and that the court will enter a decree ordering the said mortgage to be foreclosed and directing a sale of the property herein described; that the amount of the debt owed by the Respondents to your Complainant be ascertained and fixed by a decree of this court, and that if the complainant is mistaken in the relief herein specifically prayed for, she prays for all such other, further and different relief to which she may be entitled, the premises considered.

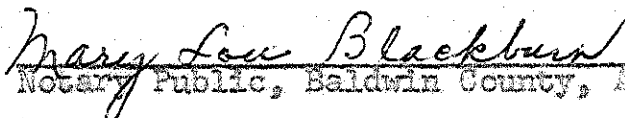

Solicitor for Complainant

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, personally appeared James R. Owen who first being duly and legally sworn deposes and says: That he is the solicitor for the complainant in the above styled cause. That he has read over the foregoing Bill of Complaint and that he is informed and believes and from said information and belief says that the facts set forth in the said Bill of Complaint are true.



Sworn to and subscribed before me
on this the 13 day of June, 1955.


Notary Public, Baldwin County, Alabama.

"EXHIBIT A"

To Whom It May Concern:

This is to certify that I will give my word that I will
give Mary Lee Smith, my sister a ^{mortgage} deed to my home and lot in
Bay Minette, Ala. for the following compensation on her part.

She is to finish paying H. M. Parsons the amount due him
by me, and he is to turn over the deeds to Mary Lee Smith.

Mary Lee Smith further agrees to give me \$200.

In Witness thereof this paper is signed by my wife and
my self.

Witness _____ (S) WILLIE ADAMS

Witness _____ (S) BESSIE MAY ADAMS

Wife

Sept. 8, 1952

FILED

IN

DEPARTMENT OF COMMERCE

IN THE OFFICE OF THE

RECORDED

RECORDED

27

RECORDED

RECORDED

RECORDED

4428

3544

BILL OF COMPLAINT

MARY L. SMITH,

Complainant,

VS.

WILLIE ADAMS and BESSIE MAY
ADAMS,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

JUN 13 1955

AUG. J. BRACK, Register

To Whom It May Concern:

This is to certify that I will give my word that I will give Mary Lee Smith, my sister a deed to my home and lot in Bay Minette, Ala. for the following compensation on her part. The is to finish paying R. M. Persons the amount due him by me, and he is to turn over the deed to Mary Lee Smith. Mary Lee Smith further agrees to give me \$200. In Witness thereof this paper is signed by my wife and me.

WILLIE ADAMS (S)
BESSIE MAY ADAMS (S)

Sept. 8, 1952

MARY L. SMITH,

Complainant,

VS.

WILLIE ADAMS AND BESSIE MAE
ADAMS,

Respondents.

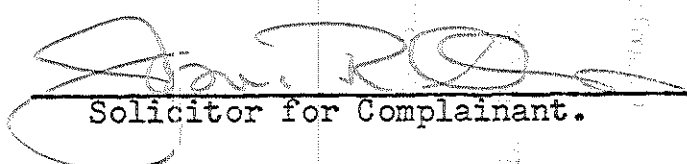
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3544

MOTION FOR DECREE PRO CONFESSO

Now comes the Complainant, by her Solicitor, in the above styled cause and shows unto the Register that an order of publication was made on the 2nd day of November, 1955, which was duly published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks, commencing on the 3rd day of November, 1955, and which was directed to Willie Adams and Bessie Mae Adams, Respondents in said cause, which required the said Respondents to plead, answer or demur to the Bill of Complaint in this cause by the 5th day of December, 1955, which the said Respondents have to this date failed to do, wherefore the Complainant moves the court to grant a decree pro confesso against the said Respondents.

Dated this the 4th day of April, 1956.

Solicitor for Complainant.

MOTION FOR DECREE PRO CONFESSO

MARY L. SMITH,

Complainant,

VS.

WILLIE ADAMS AND BESSIE MAE
ADAMS,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 3544

MARY L. SMITH,

Complainant,

VS.

WILLIE ADAMS AND BESSIE MAE
ADAMS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3544

DECREE PRO CONFESSO

In this cause, it appearing to the court that the order of publication directed to Willie Adams and Bessie Mae Adams heretofore made in this cause was published for four consecutive weeks, commencing on the 3rd day of November, 1955, in the Baldwin Times, a newspaper of general circulation and published in Baldwin County, Alabama; that a copy of said order was posted at the Courthouse door in the County of Baldwin on the 3rd day of November, 1955, and that another copy was deposited in the Post Office on the 13th day June, 1955, addressed to each of the Respondents; and it now further appearing to the court, that the said Willie Adams and Bessie Mae Adams have to the date hereof, failed to plead, answer or demur to the Bill of Complaint in this cause; it is, therefore, on motion of Complainant,

ORDERED AND DECREED by the court, that the said bill of complaint be and hereby is in all things taken as confessed against the said Willie Adams and Bessie Mae Adams.

DONE this 4 day of April, 1956.

W. J. Smith

DECREE PRO CONFESSO

MARY L. SMITH,

Complainant,

VS.

WILLIE ADAMS AND BESSIE MAE
ADAMS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3544

MARY L. SMITH,

Complainant,

vs.

WILLIE ADAMS AND BESSIE
MAE ADAMS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 3544.

NOTE OF TESTIMONY

This cause is submitted for a final decree on behalf of
the Complainant upon the following:

1. Original verified Bill of Complaint.
2. Order of Publication.
3. Proof of Publication.
4. Motion for Decree pro Confesso.
5. Decree pro Confesso.
6. Testimony of the Complainant, Mary L. Smith taken
in open Court.
7. Exhibit One to testimony of Complainant's witness.

DATED this 30th day of January, 1957.

Reese. H. H. H.
Register.

[Signature]
Solicitor for Complainant.

FILED

JAN 30 1957

ALICE L. BUCK, CLERK

MARY L. SMITH,

Complainant,

VS.

WILLIE ADAMS AND BESSIE
MAY ADAMS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ORDER OF PUBLICATION

In this cause, it appearing to the Register from the affidavit of James R. Owen, Solicitor for Complainant, that the Respondents are non-residents of the State of Alabama and that in the belief of said affiant, the Respondents are each over the age of twenty-one years, it is therefore ordered by the Register that publication be made once a week for four consecutive weeks, in the Baldwin Times, a newspaper published in Baldwin County, Alabama, requiring the said Respondents to plead, answer or demur to the Bill of Complaint in this cause by the 5th day of December, 1955, or, in default thereof, thirty days thereafter a decree pro confesso may be taken against the said Respondents.

Dated this the 2 day of November, 1955.

Alice J. Duck
Register.

ORDER OF PUBLICATION

MARY L. SMITH,

Complainant,

VS.

WILLIE ADAMS AND BESSIE MAY
ADAMS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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

Your Complainant Mary L. Smith brings this Bill of Complaint against Willie Adams and thereupon alleges and shows unto your Honor as follows:

1. That your Complainant is over the age of twenty one years and a resident of Baldwin County, Alabama. The Respondents, Willie Adams and Bessie May Adams, his wife, are over the age of twenty one years, non-residents of the State of Alabama whose addresses are 816 Carksae Street, Wacogdoches, Texas.

2. That heretofore, on to-wit, October 3, 1952, your Complainant loaned to the Respondents, and otherwise expended, for the use of the Respondents, the sum of \$305.67, to secure the payment of which, the Respondents entered into an agreement with your Complainant that they would make, execute and deliver to her a first mortgage upon and conveying the following described real property, situated in Baldwin County, Alabama, to-wit:

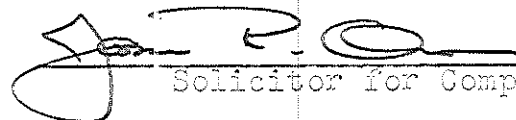
From the Southeast Corner of lot 16, Russell's Addition to Douglasville, according to the plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, run North 140 feet for a point or place of beginning; run thence West 210 feet; run thence North 85 feet; run thence East 210 feet; run thence South 85 feet to the point or place of beginning.

A copy of the said agreement is hereto attached, marked Exhibit A, and made a part hereof as though fully incorporated herein. Complainant alleges that the said Respondents have refused to execute and deliver to her the said mortgage although she has called upon them on several occasions to do so. Complainant further alleges that the sum of money heretofore loaned and expended by her as aforesaid was to be paid to her under the said mortgage at the expiration of one year from October 3, 1952.

3. Your Complainant further alleges that she is in the possession of the above described property through the knowledge and with the consent of the Respondent, Willie Adams.

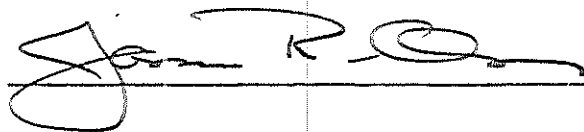
The premises considered, your Complainant makes the said Willie Adams and Bessie May Adams parties respondent to this Bill and prays that process be issued out of this court and served upon

them in the manner provided by law commanding them to plead, answer or demur to this Bill of Complaint within the time and manner provided by law and the rules of this honorable court; that upon a final hearing hereof may it please the court to make and enter a decree declaring that your complainant has a mortgage on the above described property and that the said mortgage is in default and that the court will enter a decree ordering the said mortgage to be foreclosed and directing a sale of the property herein described; that the amount of the debt owed by the Respondents to your Complainant be ascertained and fixed by a decree of this court, and that if the complainant is mistaken in the relief herein specifically prayed for, she prays for all such other, further and different relief to which she may be entitled, the premises considered.


Solicitor for Complainant

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, personally appeared James R. Owen who first being duly and legally sworn deposes and says: That he is the solicitor for the complainant in the above styled cause. That he has read over the foregoing Bill of Complaint and that he is informed and believes and from said information and belief says that the facts set forth in the said Bill of Complaint are true.



Sworn to and subscribed before me
on this the 13 day of June, 1955.


Notary Public, Baldwin County, Alabama.

"EXHIBIT A"

To Whom It May Concern:

This is to certify that I will give my word that I will
give Mary Lee Smith, my sister a deed ^{mortgage} to my home and lot in
Bay Minette, Ala. for the following compensation on her part.

She is to finish paying H. M. Parsons the amount due him
by me, and he is to turn over the deeds to Mary Lee Smith.

Mary Lee Smith further agrees to give me \$200.

In Witness thereof this paper is signed by my wife and
my self.

Witness _____ (S) WILLIE ADAMS

Witness _____ (S) BESSIE MAY ADAMS

Wife

Sept. 8, 1952

3544

BILL OF COMPLAINT

MARY L. SMITH,

Complainant,

VS.

WILLIE ADAMS and BESSIE MAY
ADAMS,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

JUN 13 1955

AUG. J. DICK, Register

SUMMONS AND COMPLAINT

The State of Alabama,
Baldwin County.

No. _____

Circuit Court, Baldwin County

Moore Ptg. Co.

OF THE STATE OF ALABAMA:
TO ANY SHERIFF

You Are Hereby Comanded to Summon Willie Adams and Bessie Mae Adams

TERM, 19__

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 Willie Adams and Bessie Mae Adams

by Mary L. Smith Defendant

Witness my hand this 13th day of June 1955 Plaintiff

W. J. Smith Clerk

BOOK 020 PAGE 455

SUMMONS AND COMPLAINT

Moore Prg. Co.

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 Willie Adams and Bessie Mae Adams

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 day

~~Mary L. Smith~~ Willie Adams and Bessie Mae Adams, Defendant.

by Mary L. Smith

_____, Plaintiff.

Witness my hand this 13th day of June 1955

Bessie J. Smith, Clerk

BOOK 020 PAGE 425

\$2.50

MARY L. SMITH,

Complainant,

VS.

WILLIE ADAMS AND
BESSIE MAY ADAMS,

Respondents.

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA. IN EQUITY.

AUGUST 29, 1956

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

HON. JAMES R. OWEN, REPRESENTING THE COMPLAINANT:

MARY L. SMITH, THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED:

Q. Are you Mary L. Smith?

A. That is right.

Q. Are you the Complainant in this cause, Mary?

A. Yes sir.

Q. Are you over the age of 21 years, and a resident of Baldwin
County, Alabama?

A. Yes sir.

Q. Are the Respondents, Willie Adams and Bessie Mae Adams, his wife,
over the age of 21 years of age?

A. Yes sir.

Q. Are the residents of Alabama?

A. No sir, they are in Texas.

Q. Is their address 816 Carlsae Street, Nacogdoches, Texas?

A. Yes sir.Q

Q. Mary, on or about October 30, 1952, did you loan any money to the Respondents, Willie Adams and Bessie Mae Adams?

A. Yes sir, I wired it to him.

Q. How much was that?

A. Well at one time I wired him \$200.00; he requested that - he said he was in distress --

Q You don't have to go into that - How much did you loan him in all?

A. \$305.67.

Q. At that time did the Respondents in this cause enter into an agreement with you that they would make, execute and deliver a first mortgage to you on certain property in Baldwin County, Alabama?

A. Yes sir, they did.

Q. Is that property described in this complaint?

A. Yes sir.

Q. I will show you this agreement and ask you if that is the agreement they entered into with you?

A. Yes sir.

MR. OWEN: We introduce this as Complainant's exhibit 1.

Q. Now in accordance with that agreement did they ever enter into a mortgage with you and deliver the mortgage to you?

A. No sir, they refused to deliver it.

Q. Have you requested them to do so on different occasions since the 3rd day of October, 1952?

A. Yes sir. The first one I had sent was by Lawyer Stone and he said he got no answer.

Q. Under this mortgage that they were to execute to you when was that amount of money to be repaid to you?

A. Well I told Lawyer Stone when he made up this mortgage to give them one year to pay me.

Q. One year from when?

A. October 3, 1952.

Q. Are you in possession of the property described in the complaint?

A. Yes sir, I have paid taxes, this will be the fourth time this year.

Q. Do you have tenants in this house?

A. Yes sir.

Q. Is that with the knowledge and consent of the respondent, Willie Adams?

A. I don't know if it is with his knowledge; I let my children stay there.

Q. Did he ever advise you or your Attorney that you could have a deed to this property?

A. The only advice I had was when he wrote to Lawyer Thompson asking him to turn it over to me, and he refused.

Q. Who refused?

A. Lawyer Thompson and Mr. Parson.

Q At the time you loaned this money to Willie Adams,
did he owe Mr. Parsons some money on the place?

A. How much was that?

A. I don't remember how much, but the way it was after I had to get
a lawyer to get the place from him, I paid him a small amount -
I don't remember how much, but I have the receipts some where,
but it wasn't very much.

Q. To Mr. Parsons?

A. Yes sir, in person and his daughter.

Q. Does he have any claim to this property now?

A. No sir, I paid him off.

Q. Has Willie Adams or Bessie Mae Adams ever repaid to you any sums
of money that you paid them in October of 1952?

A. No sir.

Q. Have you requested that they repay you the loan and the money that
you expended for their benefit?

A. Yes sir.

Q. Have they refused to do so?

A. Not a word at all.

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

I hereby certify that the foregoing, consisting of pages 1 to 4, both inclusive, correctly sets forth a true and correct transcript of the testimony and the exhibits in the foregoing case.

This 29th day of August, 1956.

Leaves Dressed +

To Whom It May Concern:

This is to certify that
I ~~will~~ give my word
that I will give
Mary Lee Smith, my
sister a ^{mortgage} deed to my
home and lot in Bar
Munette, Alaska the following
Compensation on her part.

She is to finish paying
H. M. Parsons the amount
due him by me, and he
is to turn over the deeds
to Mary Lee Smith.

Mary Lee Smith further agrees
to give me \$200.

In witness thereof this
paper is signed by my wife
and myself.

Witness _____

Willis Adams

Witness _____

BESSIE M. ADAMS
wife

Sept. 8, 1952