

3594

ESTATE OF
JOE PETELINSKI, JR.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

REPORT BY GUARDIAN

Now comes Alice Petelinski, as guardian of Joe Petelinski, Jr., a minor, and shows unto the court that she has executed and delivered the mortgages authorized in and by the court's decree rendered in this cause on the 18th day of August, 1955, and that she has collected the said minor's part of the consideration referred to in the said mortgages.

WHEREFORE, the said guardian moves that her said acts in the premises be confirmed.

Respectfully submitted,

Alice Petelinski

Sworn to and subscribed before me on
this the 9th day of September, 1955.

[Signature]
Notary Public, Baldwin County, Alabama

FILED
MAR 23 1956
ALICE I. MICK, CLERK
REGISTER

ESTATE OF
JOE PETELINSKI, JR.

) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA
)
) IN EQUITY NO. 3594

DECREE CONFIRMING REPORT BY GUARDIAN

This cause coming on to be heard is submitted on the report by Alice Petelinski, as guardian of Joe Petelinski, Jr., a minor, from which it appears that the said guardian has executed and delivered the mortgages authorized in and by this court's decree rendered in this cause on the 18th day of August, 1955, and that she has collected the said minor's part of the consideration referred to in the said mortgages and has complied with all of the other terms of the said decree and which report prays that her said acts in the premises be confirmed:

It is, therefore, ORDERED, ADJUDGED AND DECREED that the said acts of Alice Petelinski, as guardian of Joe Petelinski, Jr., a minor, be and they are hereby confirmed.

ORDERED, ADJUDGED AND DECREED on this the 27th day of March, 1966.


Special Judge

ESTATE OF
JOE PETELINSKI, JR.

} IN THE CIRCUIT COURT OF
}
} BALDWIN COUNTY, ALABAMA
}
} IN EQUITY NO. 3594

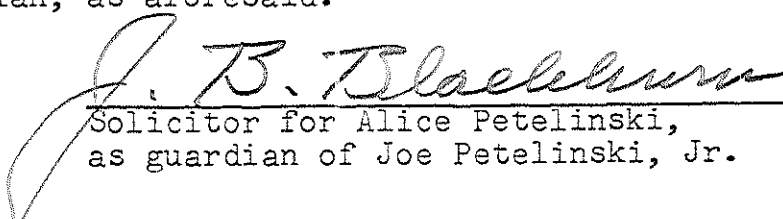
PETITION TO APPOINT SPECIAL JUDGE

Now comes J. B. Blackburn, Solicitor for Alice Petelinski, as guardian of Joe Petelinski, Jr., and shows unto the Register of the Circuit Court of Baldwin County, Alabama, in Equity, that this court did heretofore on to-wit, August 18, 1955, enter a decree authorizing execution of mortgages by the said guardian which said decree further ordered that after the execution and delivery of the said mortgage and after receiving payment of the proceeds of the said loan secured thereby that the said guardian should report her actions in the premises to this court for final confirmation; that the said guardian has reported her actions to this court, but the same has not yet been confirmed.

Your petitioner further shows that Hubert M. Hall, the Circuit Judge of Baldwin County, Alabama, in Equity, at the time the said decree was rendered, is now deceased and the present Circuit Judge of Baldwin County, Alabama, in Equity, Telfair J. Mashburn, was the guardian ad litem representing Joe Petelinski, Jr., at the time of said hearing, because of which it is necessary that a special judge be appointed to confirm the actions of the said Alice Petelinski in the premises, as required by Title 13, Section 124 of the Code of Alabama.

Petitioner further shows unto the Register that he and Telfair J. Mashburn, as such guardian ad litem, have agreed upon Harry J. Wilters, Jr., to be special judge for the purpose of confirming the actions of the said Alice Petelinski, as guardian of Joe Petelinski, Jr.

WHEREFORE, petitioner moves the Register of the Circuit Court of Baldwin County, Alabama, in Equity, to appoint Harry J. Wilters, Jr., as special judge, for the purpose of confirming the actions of the said guardian, as aforesaid.


Solicitor for Alice Petelinski,
as guardian of Joe Petelinski, Jr.

I, Telfair J. Mashburn, guardian ad litem for Joe Petelinski, Jr., do hereby consent to the appointment of Harry J. Wilters, Jr., as Special Judge for the purpose as set out in the above and foregoing petition.

Telfair J. Mashburn
Guardian ad litem

ORDER APPOINTING SPECIAL JUDGE

This cause coming on to be heard is submitted upon the foregoing petition from which it appears that it is necessary to appoint a special judge for the purpose of confirming the guardian's actions in said cause;

It is, therefore, ORDERED that Harry J. Wilters, Jr., be and he hereby is appointed special judge for the purpose of confirming the guardian's action in this cause.

DATED this 24 day of March, 1966.

William J. Wilton
Register

ESTATE OF
JOE PETELINSKI, JR.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

NOMINATION OF GUARDIAN AD LITEM

I, the undersigned Joe Petelinski, Jr., a minor seventeen years of age, do hereby nominate Telfair J. Macaluso, Jr. an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, to be appointed as guardian ad litem to represent me and to protect my interests in connection with a petition which has been filed by Alice Petelinski, as my guardian, to execute a real estate mortgage and a chattel mortgage on property owned by me.

Dated this 18th day of August, 1955.

Joe Petelinski Jr.

STATE OF ALABAMA)
BALDWIN COUNTY)

I, J. B. Blackburn, a Notary Public, within and for the State of Alabama at Large, hereby certify that Joe Petelinski, Jr., whose name is signed to the above and foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 18th day of August, 1955.

J. B. Blackburn
Notary Public, State of Alabama at Large

NOMINATION OF GUARDIAN AD LITEM

ESTATE OF

JOE PETELINSKI, JR.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED
AUG 18 1955
AUCIE J. DUCK, Clerk

ESTATE OF

JOE PETELINSKI, JR.

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) IN EQUITY

PETITION FOR AUTHORITY TO EXECUTE A REAL ESTATE
AND CHATTEL MORTGAGE

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

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

1. She was heretofore appointed, qualified and is now acting as guardian of Joe Petelinski, Jr., a minor seventeen years of age, which guardianship is now pending in this court.

2. The said ward, Joe Petelinski, Jr., owns an undivided one-eighth (1/8) interest, subject, however, to the dower interest of his mother, Alice Petelinski, who is your Petitioner, in the following described real property situated in Baldwin County, Alabama, to-wit:

Northeast Quarter of Northeast Quarter;
North Half of Southeast Quarter of Northeast
Quarter;
Southwest Quarter of Southeast Quarter of North-
east Quarter;
Northeast Quarter of Southwest Quarter of North-
east Quarter;
East Half of Northwest Quarter of Northeast
Quarter;
Southeast Quarter of Southeast Quarter of North-
east Quarter of Section 34, Township 5 South,
Range 4 East, containing 110 acres, more or
less.

The said minor also owns an undivided one-fifth (1/5) interest in and to the following described personal property situated in Baldwin County, Alabama, to-wit:

1 6" x 20' Stainless Steel Screen
1 6" Coupling
173' 6" Black Iron Casing T&C

Turbine pump to deliver 220 GPM at 80' setting:

80' 4" x 3/4 x 5' column and shaft
1 3 Stage #602H Berkeley Bowl Assy.
1 4" x 10' Suction Pipe and Footvalve
1 4" Berkeley Discharge Head
1 7½ HP Single Phase 220 Volt 3450 RPM Motor
Vertical Hollow Shaft

Portable Aluminum Sprinkler System:

66 Pcs 6 x 30" Ireco Steelume ML Pipe
 59 Pcs 4 x 30" Ireco Steelume LL Pipe
 3 Pcs 4" End Plugs
 1 6" End Plug
 20 6 x 6 x 4 Valve Tees
 3 4 x 4 Valve Opening Elbow
 20 SA 1" Skinner Sprinklers 5/16 x 7/32
 20 1" x 24" Alum Riser Pipes
 20 1" x 48" Alum Riser Pipes W/Couplings
 20 1" Pipe Couplings
 39 1" Pipe Plugs
 2 0-100 PSI Pressure Gauges W/ 1" Bushings
 2 6 x 45 Degree Field Elbow
 1 6 x 90 Degree Field Elbow
 1 4 x 6 Discharge Adapter
 1 4" x 10" Rubber Discharge Hose with 4" Coupling,
 3 x 4 Red Cplg and 3" Nipple
 1 4" x 15" Rubber Suction Hose and Footvalve
 1 3" BA-M-330 RUDIC LP Gas Pump Unit with
 3 x 4 Gardner Denver BA Centrifugal Pump
 Direct connected to M-330 Continental
 Red Seal LP Gas Engine, Trailer mounted,
 safety controls, hand diaphragm primer unit,
 discharge valve, companion flanges, starter
 generator and battery, distributor ignition

It is the intention of the Petitioner to describe all of the irrigation equipment and pumps purchased from the Coastal Tractor Company, regardless of whether the said property is correctly described herein.

3. It is to the best interest of the said ward that the above described tract of land be kept together in order that it can be used by the ward and the other joint owners of the said property as a complete farm unit, the income from which is used to maintain the said ward and the other joint owners of the said property. The said property is the homestead of all of the joint owners of the said property but exceeds in value the sum of Six Thousand Dollars (\$6,000).

It is also necessary that the said real property be improved by adding the irrigation system which consists of the above described personal property in order that drought conditions will not affect crops planted on the said real property by the joint owners thereof. It is necessary that the cost of the said irrigation system be financed by the execution of a real estate mortgage

on the above described real property, which shall be executed by all of the joint owners of the said property and joined therein by Petitioner, as said guardian. The real estate mortgage which Petitioner proposes to execute is Farmers Home Administration Form Number 967.1, approved September 23, 1954. The said loan will be further secured by a chattel mortgage, which will be on Farmers Home Administration Form Number 968.1, approved October 8, 1954, both of which will be made to the Fulton National Bank, Atlanta, Georgia, a National Banking Association, to secure the principal sum of Eleven Thousand Nine Hundred Ninety Dollars (\$11,990), together with interest thereon from date at the rate of three and one-half percent ($3\frac{1}{2}\%$) per annum, which shall be paid in annual installments, the last of which, unless sooner paid, will become due on January 1, 1976. The note which is secured by the said mortgage provides that the mortgagors may accelerate payment of the said indebtedness. It is to the best interest of the said ward that Petitioner, as his said guardian, be authorized to join with the other joint owners of the said property in making, executing and delivering the said mortgages for the purpose of securing funds to pay for the above described irrigation equipment.

WHEREFORE, Petitioner prays that the court will take jurisdiction of this petition, appoint and set a day to hear it, appoint a guardian ad litem to represent the said ward, (which guardian ad litem has been nominated by the said ward, as will appear from a written instrument which has been attached to and made a part of this petition,) and that on the said hearing Petitioner, as said guardian, be authorized to join with the other joint owners of the above described real (and personal) property in making, executing and delivering the two above described mortgages to secure the said indebtedness of \$11,990.00 and interest at $3\frac{1}{2}\%$ per annum.

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

Philip Petelnicki
Petitioner

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

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

Alice Petelinski

Sworn to and subscribed before me on
this the 18 day of August, 1955.

Wm. Lee Blackburn

Notary Public, Baldwin County, Alabama

ESTATE OF
JOE PETELINSKI, JR.

IN THE CIRCUIT COURT OF
BALIWIN COUNTY, ALABAMA
IN EQUITY

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM

TO Telfair J. Mashburn, Jr. ESQUIRE:

You are hereby notified that you have been appointed as guardian ad litem for Joe Petelinski, Jr., a minor, to represent him and protect his interests in connection with a petition that has been filed in this cause by Alice Petelinski, as his said guardian, praying for authority to execute a real estate mortgage and a chattel mortgage on property in which the said minor is interested.

Dated this 18 day of August, 1955.

Alice Petelinski
Register

* * * * *

ACCEPTANCE OF GUARDIAN AD LITEM

I, the undersigned guardian ad litem heretofore appointed to represent the said ward, Joe Petelinski, Jr., a minor, do hereby accept said appointment.

Dated this 18 day of August, 1955.

Telfair J. Mashburn, Jr.
Guardian ad litem.

* * * * *

ANSWER OF GUARDIAN AD LITEM

Now comes Joe Petelinski, Jr., a minor, by the undersigned as his guardian ad litem, and for answer to the petition that has been filed in this cause by Alice Petelinski, as guardian of the said minor, praying for authority to execute a real estate mortgage and a chattel mortgage on property in which the said ward is interested, denies each and all of the allegations of the said petition

and demands strict proof of same.

Dated this 18th day of August, 1955.

Julius J. Maslowski
Guardian ad litem.

LITEM.

ESTATE OF

JOE PETELINSKI, JR.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
AUG 18 1955
ALICE J. RUCK, Clerk

RECORDED & INDEXED

FILED IN BALDWIN COUNTY, ALABAMA

SEP 1 1955

ESTATE OF
JOE PETELINSKI, JR.

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

DECREE ORDERING ORAL TESTIMONY OF WITNESSES

It is ORDERED, ADJUDGED AND DECREED by the court that the testimony of the Petitioner's witnesses in connection with the petition filed in this cause for authority to execute a real estate mortgage and a chattel mortgage be taken orally in open court in the manner provided by Equity Rule Number 56, as amended.

ORDERED, ADJUDGED AND DECREED on this the 18 day of August, 1955.

Hubert M. Hall
Judge

JOE PETELINSKI, JR.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

SECRET

Aug 18 1955

[illegible]

ESTATE OF
JOE PETELINSKI, JR.

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

DECREE REMOVING GUARDIANSHIP TO EQUITY COURT

This cause coming on to be heard on this date is submitted on the verified petition of Alice Petelinski, as guardian of Joe Petelinski, Jr., a minor, to remove the guardianship of the said minor, which is now pending in the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, WHEREUPON, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The said guardianship shall be and it is hereby removed from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, Sitting in Equity.

2. The Register of this court shall forthwith deliver a copy of this decree to the Judge of Probate of Baldwin County, Alabama, who shall deliver all papers on file in the said estate to the Register of the Circuit Court of Baldwin County, Alabama, in Equity.

ORDERED, ADJUDGED AND DECREED on this the 17th day of August, 1955.

Hubert M. G. Hall
Judge

DECREE REMOVING GUARDIANSHIP TO
EQUITY COURT

ESTATE OF

JOE PETELINSKI, JR.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

AUG 17 1955

ALICE L. BECK, Registrar

APPLICATION FOR LETTERS OF GUARDIANSHIP

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

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

1. She is the mother of Joe Petelinski, Jr., a minor, who was seventeen (17) years of age on May 8, 1955, which said minor is a resident of Baldwin County, Alabama, who has an estate consisting of an interest in personal property worth Five Hundred Dollars (\$500) and not probably more, and an interest in real property which has an annual rental value of Three Hundred Dollars (\$300) per year.

2. The father of the said minor is deceased and Petitioner is his nearest relative. It is necessary that a guardian be appointed to handle the property and affairs of the said minor.

WHEREFORE, Petitioner prays that an order be made appointing her as guardian of the estate of the said minor upon her entering into bond with sufficient surety, as provided by law.

Respectfully submitted,

Alice Petelinski
Petitioner.

Sworn to and subscribed before me on
this the 12th day of August, 1955.

J. D. Blackburn

Notary Public, State of Alabama at Large.

NOMINATION OF GUARDIAN

STATE OF ALABAMA)
*
BALDWIN COUNTY)

I, the undersigned Joe Petelinski, Jr., a minor seventeen years of age, do hereby nominate my mother, Alice Petelinski, to be appointed as guardian of my property and estate and request that she be appointed as such guardian.

Dated this 12th day of August, 1955.

Joe Petelinski Jr.

STATE OF ALABAMA)
 *
 BALDWIN COUNTY)

I, J. B. Blackburn, a Notary Public, within and for the State of Alabama at Large, hereby certify that Joe Petelinski, Jr., whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 12th day of August, 1955.

J. B. Blackburn

Notary Public, State of Alabama at Large

STATE OF ALABAMA, BALDWIN COUNTY

Filed Aug. 15, 1955 M

Recorded Pro. T. Min. book 7 page 60

W. R. Stuart
 Judge of Probate 19

ESTATE OF

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

GUARDIAN'S BOND

STATE OF ALABAMA)
 *
 BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That we, Alice Petelinski, as Principal, and the undersigned, as Sureties, are held and firmly bound unto W. R. Stuart, Judge of the Probate Court of Baldwin County, Alabama, and his successors in office in the penal sum of Three Thousand Dollars (\$3000), for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated this 15th day of August, 1955.

The condition of the above obligation is such that, Whereas, the said Alice Petelinski has applied to the Probate Court of Baldwin County, Alabama, for Letters of Guardianship upon the property of Joe Petelinski, Jr., a minor, and has been appointed as such guardian:

NOW, THEREFORE, if the said Alice Petelinski shall faithfully perform all of the duties which are or which may be required of her as such guardian, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

Alice Petelinski (SEAL)
 Alice Petelinski

Edward Petelinski (SEAL)
 Edward Petelinski

Joyce Petelinski (SEAL)
 Joyce Petelinski

Jerome Petelinski (SEAL)
 Jerome Petelinski

Taken and approved on this
 the 15th day of August, 1955.

W. R. Stuart

Probate Judge.

STATE OF ALABAMA, BALDWIN COUNTY

Filed Aug. 15, 1955 M

Recorded Ex. 7 M. J. book 7 page 62

W. R. Stuart
 Judge of Probate

THE STATE OF ALABAMA**PROBATE COURT**

Baldwin

COUNTY

August 15

1955

In the Matter of the Estate of Joe Petelinski, Jr. MinorAnd now, on this day comes Alice Petelinskiand presents to the Court her petition in writing, under oath, praying that Letters of Guardianship on the person and estate ofJoe Petelinski, Jr. a minor 17 years of age,

a minor _____ years of age,

a minor _____ years of age,

a minor _____ years of age,

a minor _____ years of age,

a minor _____ years of age,

issued to Alice Petelinski, which petition is examined by theCourt and ordered to be filed and recorded. ~~And it is~~~~And it is further ordered, adjudged and decreed by the Court that Letters of Guardianship be granted to said minor, and that the said Alice Petelinski be appointed Guardian of said minor, and that the said bond be taken, approved and recorded.~~~~And it is further ordered, adjudged and decreed by the Court that Letters of Guardianship be granted to said minor, and that the said bond be taken, approved and recorded.~~ And itappearing to the Court from the allegations of the said petition and from other good and sufficient evidence that said petitioner is the Mother of said minor, who is a resident ofthis County and whose Father is dead; that said minor has an estate inhis own right amounting to about Fifteen Hundred Dollars,

and situated in this State; that said petitioner is over the age of twenty-one years, an inhabitant of this State, and a fit person under the law and in the estimation of the Court to serve as such Guardian of said minor, and no person having appeared to oppose the granting of Letters of Guardianship to said petitioner or to show cause why the prayer of petitioner should not be granted: It is ordered, adjudged, and decreed by

the Court that the same be granted; provided that the said Alice Petelinskifirst file in this Court her bond in the penal sum of Three Thousand Dollars, conditioned and payable according to law and the statutes in such cases made and provided, with such sureties as may be approved by the Court.And now again comes the said Alice Petelinskiand presents to the Court for approval her bond in due form as by this Court heretofore required,with Edward Petelinski; Joyce Petelinski; and Jerome Petelinski~~And it is further ordered, adjudged and decreed by the Court that Letters of Guardianship be granted to said minor, and that the said bond be taken, approved and recorded.~~ as his sureties thereon;

and the Court being now sufficiently advised concerning said bond and said security, it is ordered, adjudged and decreed by the Court that said bond be taken, approved and recorded.

It is further ordered, adjudged and decreed by the Court that Letters of Guardianship on the person and estate of the said minor be granted and issued to the said Alice Petelinski

STATE OF ALABAMA, BALDWIN COUNTY

Recorded Prox Man book 7 page 63Judge of Probate W. R. Stuart

Judge of Probate.

LETTERS OF GUARDIANSHIP.

1403-3

Printed and For Sale By Roberts & Son, Birmingham

THE STATE OF ALABAMA

Baldwin County

PROBATE COURT.

LETTERS OF GUARDIANSHIP OVER THE ESTATE OF

Joe Petelinski, Jr.

a minor, over the age of fourteen years,

a minor, the age of fourteen years,

a minor, the age of fourteen years,

a minor, the age of fourteen years,

a minor, the age of fourteen years,

STATE OF ALABAMA, BALDWIN COUNTY
Recorded - Pro 7 in book - 7 - page 64
W.R. Stewart
Judge of Probate

are hereby granted to Alice Petelinski, who has duly qualified and given bond as required by law, and is authorized to discharge all the functions attached to said guardianship.

Dated this 15th day of August, A.D. 1955.

Code 1940—Tit. 21, Sec.1.

W.R. Stewart, Judge of Probate.

ESTATE OF
JOE PETELINSKI, JR.

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

PETITION TO REMOVE GUARDIANSHIP FROM PROBATE
COURT TO EQUITY COURT.

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

Your Petitioner, Alice Petelinski, who is over twenty-
one years of age and a resident of Baldwin County, Alabama, respect-
fully represents unto the court and your Honor as follows:

1. Petitioner has been appointed, qualified and is now
acting as guardian of the Estate of Joe Petelinski, Jr., a minor,
which guardianship is now pending in the Probate Court of Baldwin
County, Alabama.

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

WHEREFORE, Petitioner prays that the court will make and
enter a proper order or decree removing the said guardianship from
the Probate Court of Baldwin County, Alabama, to the Circuit Court
of Baldwin County, Alabama. Petitioner further prays that such
other orders be made and decrees rendered as may be requisite and
proper in the premises.

Alice Petelinski
Petitioner.

STATE OF ALABAMA)
*)
BALDWIN COUNTY)

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

Alice Petelinski

Sworn to and subscribed before me on
this the 12th day of August, 1955.

J. B. Blodgett

Notary Public, State of Alabama at Large.

ESTATE OF
JOE PETELINSKI, JR.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DECREE APPOINTING GUARDIAN AD LITEM

In this cause it appears to the court that Defair

J. M. Moshburn Jr. an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, has been nominated by the said ward, Joe Petelinski, Jr., who is a minor over fourteen years of age, to be appointed as guardian ad litem for him to represent his interests in connection with a petition that has been filed in this cause by Alice Petelinski, as his said guardian, for authority to execute a real estate mortgage and a chattel mortgage on property in which the said ward is interested.

It is, therefore, ORDERED, ADJUDGED AND DECREED that the said Defair J. Moshburn Jr., who is in all respects a fit and proper person to be appointed as guardian ad litem, be and he is hereby appointed as guardian ad litem for the said minor, Joe Petelinski, Jr., to represent him and protect his interests in connection with the said petition without service on the said minor.

ORDERED, ADJUDGED AND DECREED on this the 18 day of August, 1955.

Herbert M. Hall
Judge

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

HON. TELFAIR J. MASHBURN, JR., GUARDIAN ADLITEM.

AUGUST 18, 1955.

Direct Examination by Mr. Blackburn:

A. Yes sir.

A. Yes sir.

A. August 3rd.

A. 1952.

A. Yes sir.

A. Yes sir.

(page 1)

FILED
JUN 18 1955
ALICE J. DECK, Registrar

Q. Mrs. Petelinski other than yourself, who are your husband's heirs?

A. The four children.

Q. Name them?

A. Edward, Joyce, Jerome and Joseph Robert.

Q. Joseph Robert is also known as Joe, Jr?

A. Yes sir.

Q. Your husband, Joe Petelinski, didn't leave a will?

A. No.

MR. BLACKBURN: We offer in evidence as Petitioner's Exhibit 1, original deed from Frank Petelinski and Helen Petelinski to Joe Petelinski and Alice Petelinski, dated December 4, 1949, and recorded in Deed Book 147 at page 487, with leave to withdraw the original deed and substitute a copy, which we Ask the Reporter to identify as Petitioner's Exhibit 1.

Q. Mrs. Petelinski, I will ask you if you and your children have recently bought the irrigation system described in the petition filed here today?

A. Yes.

Q. Is it necessary that a mortgage be executed to the Fulton National Bank to obtain funds to pay for this irrigation system?

A. Yes sir.

Q. I will ask you if it is to the best interest of your son, Joe, Jr, and his estate that this 110 acres of land be kept together and not divided?

A. Yes sir.

Q. Is it to the best interest of all of you, including Joe, Jr., that this irrigation system be bought?

A. Yes sir.

ON CROSS EXAMINATION OF PETITIONER BY THE GUARDIAN AD LITEM:

Examination by Mr. Mashburn.

Q. Mrs. Petelinski, do you assist in management of the farm or do you turn it over to the children?

A. They do the farming.

Q. What do you base your opinion on that it is to the best interest of this minor that the irrigation system be put there?

A. It is necessary if you are going to keep farming - you just have to have it the way it has rained for the last three years.

Q. You and the older children think it is to the best interest of the minor to mortgage your interest, as well as his interest to pay for this equipment?

A. Yes sir.

ON RE-DIRECT EXAMINATION OF THIS WITNESS HE TESTIFIED:

Examination by Mr. Blackburn.

Q. Mrs. Petelinski, the entire family live on this property, do they not?

A. Sure.

Q. And operate it as a farm unit?

A. Yes sir.

Q. How old is Joe, Jr.?

A. He was 17 on May 8th of this year.

EDWARD PETELINSKI, A WITNESS FOR THE PETITIONER, BEING FIRST DULY SWORN. TESTIFIED:

Examination by Mr. Blackburn.

Q. Is this Edward Petelinski?

A. Yes sir.

Q. You are one of the joint owner of this real estate, are you not?

A. Yes sir.

Q. Describe to the Court in your own words just how the land - this tract of land is situated? -- Whether it is particularly adapted for irrigation purposes or not?

A. Well we have a large pond there and we pump water into it and from

that we can irrigate the whole farm; we grow truck crops, such as soy beans, potatoes and corn, and if you don't have rain in a given time they ruin.

Q. Have you had crop failures in recent years due to the drought?

A. Yes sir.

Q. As a part of this irrigation system has a well been drilled on this tract of land?

A. What do you mean, for irrigation purposes?

Q. Yes?

A. Yes sir.

Q. You use that well and the wond or lake to supply water for t is irrigation?

A. Yes sir.

Q. I will ask you, if in your opinion, it is to the best interest of everybody concerned that this irrigation system be purchased?

A. Yes sir.

Q. All of you operate this tract of land as a complete farm unit?

A. We do.

ON CROSS EXAMINATION OF THIS WITNESS BY THE GUARDIAN AD LITEM:

Examination by Mr. Mashburn.

Q. Do you have water there even during the dry spells for the last several years?

A. Yes sir, continuously. There is a small spring in the top of the pond there that bore some water, but not enough and we put down a well; in otherwords, we have enough water when the rains come to irrigate 40 acres and with the well we can start pumping water into the bond as we use it out.

EXAMINATION BY THE COURT:

Q. How many acres do you have in cultivation that you are going to irrigate?

A. I guess about 80 acres.

MR. WINDEL MURRAH, A WITNESS FOR THE PETITIONER, BEING FIRST
DULY SWORN. TESTIFIED:

Examination by Mr. Blackburn.

Q. Is this Mr. Murrah?

A. Yes sir.

Q. Mr. Murrah, what is your official occupation?

A. County Supervisor, County Farm-Home Administration.

Q. Has the County Farm Home Administration agreed to make the
Petelinski's a loan in the principal sum of \$11,990.00
to be used in the purchase of an irrigation system?

A. Yes sir.

Q. What kind of security does the Farmer's Home Administration demand
before making that kind of loan?

A. Ordinarily it will be a mortgage on the real estate,
and in this case a first mortgage on the real estate and
a chattel mortgage on the personal property procured by the
loan.

Q. The note provides that the loan can be paid at any time?

A. Yes sir.

Q. Interest rate is $3\frac{1}{2}\%$?

A. Yes sir.

Q. The Farm mortgage that they propose to execute is Farmer's Home
Real Estate Mortgage No. 967-1 approved September 27, 1953?

A. Yes sir.

Q. The chattel mortgage is form No. 968-1 approved
October 8, 1954?

A. Yes, that is right.

EXAMINATION BY THE COURT:

Q. They are not going to mortgage the chattels?

A. No, nothing but the irrigation equipment that they are
buying - no farm equipment or crop.

ON RE-DIRECT EXAMINATION OF THIS WITNESS HE TESTIFIED:

Examination by Mr. Blackburn.

Q. What does the chattel mortgage cover?

A. The irrigation system.

Q. It does not cover anything but the irrigation system?

A. That is right, nothing but the irrigation equipment.

MR. STANCEL BONNER, A WITNESS FOR THE PETITIONER, BEING FIRST
DULY SWORN. TESTIFIED:

Direct examination by Mr. Blackburn.

Q. Is this Mr. Stancel Bonner?

A. Yes sir.

Q. Mr. Bonner, where do you live with reference to this piece of land owned by the Pelinski's?

A. I live across the road from them.

Q. You are entirely familiar with it, are you not?

A. Yes sir.

Q. What, in your opinion, is the reasonable market value of this tract of land, including the improvements?

A. It would be around \$45,000.00.

Q. In your opinion, is this piece of land particularly adapted for irrigation purposes?

A. Yes sir.

Q. I will ask you if, in your opinion, it is good farming practices for the owners of this tract of land to purchase and use an irrigation system such as involved in these proceedings?

A. Yes sir.

Q. Is there a lake or pond on this property?

A. Yes.

Q. How is that supplied by water?

A. Well there is a spring in the upper end and they put down a six inch well there.

Q. I will ask you too, if in your opinion, it is to the best

interest of this Minor, Joe Petelinski, Jr., that his mother, as guardian, ~~xxxx~~ be authorized to jo in with the other joint owners of this property in executing a mortgage on the real estate and a chattel mortgage on the personal property purchased, to secure the sum of \$11,990.00 and interest?

A. Yes sir.

ON CROSS EXAMINATION OF THIS WITNESS BY THE GUARDIAN AD LITEM:

Examination by Mr. Mashburn.

Q. What do you base your opinion on that it is good farming practice?

A. Well the dry weather that we have been having - if every year was like this summer we don't need irrigation, but for the last three years we have had the irrigation system would have paid for itself. That's the way I see it.

ON RE-DIRECT EXAMINATION OF THIS WITNESS HE TESTIFIED:

Q. You are not related to any of these parties are you, Mr. Bonner?

A. No sir.

Q. Not interested in this proceeding?

A. No sir.

MILTON NOVOTNY: A WITNESS FOR THE PETITIONER, BEING FIRST DULY SWORN. TESTIFIED:

Examination by Mr. Blackburn.

Q. Is this Mr. Milton Novotny?

A. Yes sir.

Q. Where do yo live?

A. About three miles west of this farm in question.

Q. What business are youj engaged in?

A. Produce business and farming - selling truck crops.

Q. You do farm?

A. Yes.

Q. Are you familiar with the tract of land that is owned by the Petelinski's?

A. Yes sir.

Q. Describe to the Court what kind of tract of land it is, and whether it is particularly adapted to irrigation purposes?

A. It is very level, except for one place where the pond is located; it is a ravine and the ravine is dammed up at the lower end that forms a natural lake or pond and this lake is supplied not only by a spring but it also acts as a water shed for about 40 acres of land that drains into it.

Q. Does that ravine or pond supply water for irrigation purposes?

A. That is true sir, if we have any rains at all the water will stay in the pond, but it will not supply the entire farm and they have as a supplement a six inch well to pump water from into the pond.

Q. It does take a well in addition to the pond?

A. Yes sir.

Q. And they do have a well for the purpose of irrigation on this tract of land?

A. That is right.

Q. Have you bought and sold Real property in Baldwin County and do you know its values?

A. Yes sir.

Q. What, in your opinion, is the reasonable market value of this tract of land?

A. Well the tract of land itself would - I would say they could get \$200.00 an acre for the land.

Q. What are the improvements on this tract of land?

A. Just a few years ago they built a farm that would cost anywhere - well between \$8,000 and \$10,000.00, and they also have a nice home on it.

Q. Incidentally, they borrowed money to build the barn?

A. Yes sir.

Q. Hasn't that debt been fully paid?

A. It has.

Q. Do you consider it good business for people who own a tract of land such as the Petelinskis 110 acres to buy the kind of irrigation equipment or system they have bought to use in connection with that piece of land?

A. Yes sir, even when we have our normal rain fall, that will help out when we have a dry spell.

Q. Is it to the best interest of the minor that his guardian be authorized to join with the other joint owners to execute the mortgage that you have heard us described here today?

A. Yes sir.

Q. You are not related to any of these people, are you?

A. No sir.

Q. And you are not interested in this proceeding?

A. Not at all.

ON CROSS EXAMINATION OF THIS WITNESS BY THE GUARDIAN AD LITEM:

Examination by Mr. Mashburn.

Q. Will this irrigation system enhance the value of the lands?

A. Yes, it already has.

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

I hereby certify that the foregoing, consisting of pages 1 to 9, both inclusive, correctly sets forth a true and correct transcript of the testimony in the above styled cause.

This 18th day of August, 1955.

Louise Dunsbury
Official Court Reporter

pet ged!
STATE OF ALABAMA)
*
BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That we, Frank Petelinski and Helen Petelinski, husband and wife, Grantors, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable considerations to us in hand paid by Joe Petelinski and Alice Petelinski, husband and wife, Grantees, the receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL AND CONVEY unto the Grantees, all the following described property situated in Baldwin County, Alabama, to-wit:

Northeast quarter of Northeast quarter, North half of Southeast quarter of Northeast quarter, Southwest quarter of Southeast quarter of Northeast quarter, Northeast quarter of Southwest quarter of Northeast quarter, East half of Northwest quarter of Northeast quarter, Southeast quarter of Southeast quarter of Northeast quarter of Section 34, Township 5 South, Range 4 East, containing 110 acres, more or less.

TOGETHER WITH ALL AND SINGULAR, the rights, members, privileges, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD unto the Grantees, their heirs and assigns forever, and we do covenant with the Grantees, that we are the owners in fee simple of said property; that we have a good right to sell and convey the same; that we are in the quiet and peaceable possession thereof; that we will and our heirs, executors, administrators and assigns forever warrant and defend the title to and possession of the property to the Grantees, their heirs, executors and assigns against the lawful claims of all persons whomsoever.

Subject only to an Oil, Gas and Mineral Lease, dated April 25, 1944, executed by Frank Petelinski and Helen Petelinski, husband and wife, to P. A. Leckrone, of record in Deed Book 84 N. S., pages 541-2, which was by the said P. A. Leckrone and wife, on April 29, 1944, transferred to Humble Oil and Refining Company, by deed of record in Book 87 N. S. pages 177-8, and the Grantors for the consideration herein transfer and assign all their rights in and to the said Lease, together with all rents and royalties payable or to be payable thereunder, and hereby authorize; direct and

empower the Humble Oil and Refining Company to pay any rents or royalties due or to be due under the said lease to the Grantees herein.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the 14 day of December, 1949.

(S) FRANK PETELINSKI (SEAL)

(S) HELEN X Petelinski (SEAL)
her
mark

(S) H. M. HALL
Witness

(S) LOUISE MORRIS
Witness

STATE OF ALABAMA)
*
BALDWIN COUNTY)

I, H. M. Hall, a Notary Public, in and for said County, in said State, hereby certify that Frank Petelinski and Helen Petelinski, husband and wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

I further certify that on the 14 day of December, 1949, came before me the within named Helen Petelinski, known to me to be the wife of the within named Frank Petelinski, and who being examined separate and apart from her husband, touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraint or threats on the part of her husband.

Given under my hand and seal on this the 14 day of December, 1949.

(S) H. M. HALL
Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA, BALDWIN COUNTY
FILED 12-28-49 3:30 P.M.
RECORDED Deed Book 147, page 487-8
and I certify that the following
Privilege Tax has been paid.
Deed Tax 1.00
Mortgage Tax

W. R. Stuart
Judge of Probate
By H

ESTATE OF
JOE PETELINSKI, JR.

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

DECREE AUTHORIZING EXECUTION OF MORTGAGES

This cause coming on to be heard on this date is submitted for a decree authorizing the execution of a real estate mortgage and a chattel mortgage on the sworn petition of Alice Petelinski, as guardian of Joe Petelinski, Jr., a minor seventeen years of age; the nomination by the said minor of a guardian ad litem; the decree of this court appointing a guardian ad litem without service on the said minor; notice of appointment, acceptance and answer of the guardian ad litem for the said minor; the decree of this court ordering that the testimony of the witnesses for Petitioner be taken orally in open court in the manner provided by Equity Rule Number 56, as amended; and the testimony of the witnesses for Petitioner taken in open court on this date, upon consideration of all of which the court is of the opinion and finds as follows:

A. Petitioner has been appointed, qualified and is now acting as guardian of the said minor, which said guardianship is now pending in this court.

B. The said minor owns an undivided one-eighth (1/8) interest, subject to the dower interest of his mother, in and to the real property hereinafter described, and a one-fifth (1/5) interest in and to the personal property hereinafter described. It is to the best interest of the said ward that the tract of land hereinafter described be kept together in order that it can be used by the ward and the other joint owners of the said property as a complete farm unit, and that it is also necessary that the said real property be improved by adding the irrigation system, which consists of the personal property hereinafter described, in order that drought conditions will not affect crops planted on the real property by the joint owners thereof, including the said minor.

C. It is necessary that the cost of the said irrigation

system be financed by the execution of a real estate mortgage on the real property hereinafter described and by the execution of a chattel mortgage on the personal property hereinafter described, both of which said mortgages will be executed by all of the joint owners thereof.

D. The said minor, Joe Petelinski, Jr., being in court at the time of the hearing of this petition and being represented by his guardian ad litem heretofore appointed in the manner provided by law, the court may proceed to hear and dispose of this matter without any other or further notice to any other person.

The Petitioner is entitled to the relief prayed for by her in the said petition heretofore filed by her in this cause, upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. Alice Petelinski, as guardian of the said minor, Joe Petelinski, Jr., shall be and she is hereby fully and completely authorized and empowered as such guardian to join with Alice Petelinski, Edward Petelinski, Joyce Petelinski and Jerome Petelinski, the joint owners of the following described real property situated in Baldwin County, Alabama, to-wit:

Northeast Quarter of Northeast Quarter;
North Half of Southeast Quarter of Northeast Quarter;
Southwest Quarter of Southeast Quarter of Northeast Quarter;
Northeast Quarter of Southwest Quarter of Northeast Quarter;
East Half of Northwest Quarter of Northeast Quarter;
Southeast Quarter of Southeast Quarter of Northeast Quarter
of Section 34, Township 5 South, Range 4 East, containing 110 acres, more or less,

in executing a mortgage on the said minor's interest in and to the above described property to the Fulton National Bank, Atlanta, Georgia, a National Banking Association, which said mortgage shall be on Farmers Home Administration Form Number 967.1, approved September 23, 1954; and to join with the said parties in executing a chattel mortgage on the following described personal property situated in Baldwin County, Alabama, to-wit:

- 1 6" x 20' stainless steel screen
- 1 6" coupling
- 173' 6" Black Iron Casing T&C

Turbine pump to deliver 220 GPM at 80' setting;

- 80' 4" x 3/4 x 5' column and shaft
- 1 3 stage #602H Berkeley Bowl Assy.
- 1 4" x 10' suction pipe and footvalve
- 1 4" Berkeley discharge head
- 1 7 1/2 HP single phase 220 volt 3450 RPM Motor
Vertical Hollow Shaft

Portable Aluminum Sprinkler System:

- 66 Pcs 6 x 30' Ireco Steelume ML pipe
- 59 Pcs 4 x 30' Ireco Steelume LL pipe
- 3 Pcs 4" end plugs
- 1 6" end plug
- 20 6 x 6 x 4 valve tees
- 3 4 x 4 valve opening elbow
- 20 SA 1" Skinner sprinklers 5/16 x 7/32
- 20 1" x 24" Alum Riser pipes
- 20 1" x 48" Alum Riser pipes W/couplings
- 20 1" pipe couplings
- 39 1" pipe plugs
- 2 0-100 PSI pressure gauges W/1" bushings
- 2 6 x 45 degree field elbow
- 1 6 x 90 degree field elbow
- 1 4 x 6 discharge adapter
- 1 4" x 10' rubber discharge hose with 4" coupling,
3 x 4 Red Cplg and 3" nipple
- 1 4" x 15' rubber suction hose and footvalve
- 1 3" BA-M-330 RUDIC LP gas pump unit with
3 x 4 Gardner Denver BA centrifugal pump
direct connected to M-330 Continental Red
Seal LP gas engine, trailer mounted, safety
controls, hand diaphragm primer unit, dis-
charge valve, companion flanges, starter
generator and battery, distributor ignition,

to the Fulton National Bank, Atlanta, Georgia, a National Banking Association, which chattel mortgage shall be on Farmers Home Administration Form Number 968.1, approved October 8, 1954, to secure an indebtedness of Eleven Thousand Nine Hundred Ninety Dollars (\$11,990), together with interest thereon from date at the rate of three and one-half percent (3 1/2%) per annum, which indebtedness shall be paid in annual installments, the last installment of which, unless sooner paid, will become due on January 1, 1976. The said guardian is also fully and completely authorized and empowered to join with the other said parties in executing and delivering a note to evidence the debt secured by the said mortgages.

2. It is to the best interest of the said ward, Joe Petelinski, Jr., that Petitioner, as his said guardian, be authorized to join with the other joint owners of the above described property in making, executing and delivering the said mortgages for the purpose of securing funds to pay for the above described personal property.

3. 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 a part of the costs of this proceeding.

4. After executing and delivering the above described note and mortgage, and after receiving payment of the proceeds of the said loan, the said guardian shall report her actions in the premises to this court for final confirmation.

5. Jurisdiction of this cause is reserved for such other and further orders and decrees which may become necessary and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the th19 day of August, 1955.

Hubert M. Hall
Judge