

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA: IN EQUITY

Comes CARLOS L. DAVISON and by this, his petition, respectfully shows:

FIRST: That he is a resident of Ba_ldwin County, Alabama, over the age of twenty-one years and, until August 22nd, 1948, the husband of LILLIE LEONA DAVISON, who died in childbirth on said date, leaving as an only child of the marriage, a son, MICHAEL LEON DAVISON, now seven months of age.

SECOND; That by deed dated June 21, 1947 from Levin
G. and Nora Lee Terrell, Petitioner and his wife, Lillie Leona
Davison, became tenants in common of a tract of land northeast of
the Town of Daphne, Ala., on Route 31, more particularly described as:

From the one-half mile post on the South side of Section Twenty-two, Township Four South, Range Two East, Baldwin County, Alabama, run North One Thousand Thirty-one and 8/10ths feet and West Twenty feet for a point of beginning; thence West Three Hundred Forty-six feet; North Two Hundred Seventy-one feet; East Three Hundred Forty-six feet; South Two Hundred Seventy-one feet to the point of beginning. Two and 15/1000ths acres, more or less, in Southeast Quarter of Southwest Quarter, Section Twenty-two, Township Four South, Range Two East, Baldwin County, Alabama.

A copy of above described deed is attached hereto as Exhibit "A" and made a part of this petition.

become to the interest of Petitioner and of their infant son to sell said tract of land for which they have received an advantageous offer from one NEESE of ONE THOUSAND FIFTY DOLLARS. In this tract, their present home, Petitioner has an undivided one half interest and a life interest in the remaining half owned by his former wife with remainder to vest in the child of the marriage, Michael Leon Davison, upon Petitioner's death. That, because the said Lillie L. Davison died intestate and the remainder interest of said minor child can only be conveyed by Court order, Petitioner now prays that he be permitted to accept said offer and sell said property for the sum offered, that upon proper proof that such sale would be to the interest

of the minor child and permit Petitioner to remove from the relatively isolated location of which his home is now located to one nearer to relatives who could assist in the proper care of said child, and that an order be made authorizing the sale and the conveyance of the interest of said minor child to the prospective purchaser upon payment to the proper authority of the minor's interest in the purchase price.

FOURTH: Petitioner further prays that a Guardian ad litem be appointed to represent the interest of said minor and that A. W. WHITE a maternal Grandfather, who is the next of kin to said minor, other than Petitioner who is interested in said sale, and not interested in the outcome of this proceeding, be cited to appear and contest said sale if said next of kin, after investigation, is of the opinion that such sale would not be to the minor's best interest.

hearing this cause, at which time he be permitted to adduce evidence in support of the facts here alleged and that upon the hearing a decree be made authorizing the sale of the property and the conveyance of the said minor's interest. He further prays that this Court ascertain and adjudge the value of the remainder interest of said minor after the payment of the costs and expenses of this proceeding and of making the requested sale.

SIXTH: Petitioner further prays that when the value of the interest of the minor is determined, if it be less than the sum of Five Hundred Dollars, that same be paid to the Judge of Probate of Baldwin County, as the Custodian of funds of minors having no duly appointed Guardian and that said Judge be instructed to apply the funds in such manner as from time to time appear to be to the best interest of said minor.

Petitioner prays for such other, further or different orders and decrees as may be necessary and proper to effectuate the prayer of this petition and safeguard the interest of the infant child.

Solicitors for Petitioner.

STATE OF ALABAMA: COUNTY OF BALDWIN:

Before me, the undersigned Notary Public, personally appeared Carlos L. Davison, who, being sworn says that the matters stated in the foregoing petition are true.

Carles & Marian Dapha alas

Subscribed and sworn to before me this the 26th day of March, , 1949.

Rhoda L. Allen

Notary Public, Baldwin County, Alabama.

EXHIBIT "A"

THIS INDENTURE, Made the 21st day of June, 1947, between LEVIN GRAY TERRILL and NORA LEE TERRILL, husband and wife, parties of the first part, and CARLOS LEON DAVISON and LILLIE LEONA DAVISON, husband and wife, of the second part: Witnesseth, that the parties of the first part in consideration of TWELVE HUNDRED DOLLARS hereby acknowledged to have been paid the parties of the first part by the parties of the second part, do grant, bargain, sell and convey unto said parties of the second part, their heirs and assigns, all the real property in Baldwin County, Ala. described as follows:

From the one-half mile post on the South side of Section Twenty-two, Tornship Four South, Range Two East, Baldwin County, Alabama, run North One Thousand Thirty-one and Eight/tenths feet and West Twenty feet for a point of beginning; thence West Three Hundred Forty-six feet; North Two Hundred Seventy-one feet; East Three Hundred Forty-six feet; South Two Hundred Seventy-one feet; to the point of beginning. Two and Fifteen/one thousandths acres more or less, in the Southeast Quarter of Southwest Quarter, Section Twenty-two, Township Four South, Range Two East, Baldwin County, Alabama.

This deed is made to correct the description in a previously unrecorded deed made between the parties on the Twentieth day of November, Nineteen Hundred Forty-six.

Together with all the rights and appurtenances to said described premises in anywise belonging: To have and to hold the same forever.

And the said LEVIN GRAY TERRILL and NORA LEE TERRILL for themselves, and their heirs, the said described premises and appurtenances, will forever Warrant and Defend unto the said parties of the second part, their heirs and assigns, against the lawful claims

of all persons whatsoever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hand and seal the and year above written.

/s/ LEVIN GRAY TERRELL (SEAL)

/s/ NORA LEE TERRELL (SEAL)

Signed, sealed and delivered in the presence of:

/s/ E. G. RICKARBY, Jr.

STATE OF ALABAMA, BALDWIN COUNTY
Filed Sept. 5, 1947, 1 P. M.
Recorded Deed Book 123, page 70-71
And I certify that the following Privilege
Tax has been paid.
Deed Tax

/s/ W. R. STUART

Judge of Probate

By: W

EXHIBIT "A". Cont.

THE STATE OF ALABAMA:

BALDWIN COUNTY,

I, E. G. Rickarby, Jr., Nofary Public in and for said State and County, do hereby certify that Levin Gray Terrill and Nora Lee Terrill, 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.

Given under my hand (if before a foreign notary add "notarial seal") this 21 day of June, 1947.

(NOTARY SEAL)

Ö √s/E. G. RICKARBY, Jr.
Notàry Public, Baldwin County, Alabama.

THE STATE OF ALABAMA:

BALDWIN COUNTY,

I, E. G. Rickarby, Jr. a Notary Public in and for said State and County, do hereby certify that on the 21st day of June, 1947, came before me the within named Nora Lee Terrill, known to me to be the wife of the within named Levin Gray Terrill, who being examined separate and apart from the husband, touching her signature to the within conveyance, acknowledged that she signed the sa me of her own free will and accord and without fear, constraint or threats on the part of the husband.

Given under my hand (if before a foreign notary add "notarial seal") this 21 day of June, 1947.

/s/ E. G. RICKARBY, Jr.

Notary Public, Baldwin County, Alabama.

4.-

5 E 50 T (B) inoo bas ilitala syevao se tase betteske OF HALL STATE OF COLUMN In re MICHAEL LEON DAVISON, a Minor, A TROOP A TO CAN A TO CHANGE CONTROL OF CONT ins ni orling var larel vsat nivel of bemais ens se d begbelwommos ... co edi lo simetor ed emse ent vsb 0 A G E 0 to 0 A SH 0 RICKARBY & RICKARBY, Solicitors for Petitioner

60

CARLOS 00 • •33 • (4) 81 • ⊡ ∵ 1---54 6-4 · 0 **H** 5

STATE DISE ALMSKE SMISC OF STATEMENTS THE STATEMENTS No tot e 0 0 TO CALLY ON THE STATE OF THE ST In vision s. T. varsasia. And the control of the control of the control of the constant of the control of the c 40 H 6 6 8 0 8 0 7 0 7 0 ACCONTACTOR OF THE PERSON OF T () () ()

10) Lud

/(0) /(0)

COMES

EX*PARTE,)
CARLOS L. DAVISON.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY, No. 2261.

ANSWER OF GUARDIAN AD LITEM.

Now comes Michael Leon Davison, a minor, by and through J. Jefferson Bennett, his duly appointed guardian ad litem, and for answer to the petition filed by Carlos L. Davison, father of Michael Leon Davison, a minor, and denies the allegations of said petition, separately and severally and demands strict proof thereof.

J. Heron Bennett.

As Guardian at Litem for Michael Leon Davison, a minor.

Ath the Circuit Court of Baldwir Jounty, Alabama In Equity, # 2261.

Ex-Parte Carlos L. Davison.

Answer and Denial of Guardian ad Litem for Michael Leon Davison.

J. Jefferson Bennett, Gdn.ad Litem.

TO THE HONORABLE THIFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA: IN EQUITY

Comes CARLOS L. DAVISON and by this, his petition, respectfully shows:

FIRST: That he is a resident of Ba_ldwin County, Alabama, over the age of twenty-one years and, until August 22nd, 1948, the husband of LILLIE LEOWA DAVISON, who died in childbirth on said date, leaving as an only child of the marriage, a son, MICHAEL LEOW DAVISON, now seven months of age.

SECOND; That by deed dated June 21, 1947 from Levin G. and Nora Lee Terrell, Petitioner and his wife, Lillie Leona Davison, became tenants in common of a tract of land northeast of the Town of Daphne, Ala., on Route 31, more particularly described as:

From the one-half mile post on the South side of Section Twenty-two, Township Four South, Range Two East, Baldwin County, Alabama, run North One Thousand Thirty-one and 8/10ths feet and West Twenty feet for a point of beginning; thence West Three Hundred Forty-six feet; North Two Hundred Seventy-one feet; East Three Hundred Forty-six feet; South Two Hundred Seventy-one feet to the point of beginning. Two and 15/1000ths acres, more or less, in Southeast Quarter of Southwest Quarter, Section Twenty-two, Township Four South, Range Two East, Baldwin County, Alabama.

A copy of above described deed is attached hereto as Exhibit "A" and made a part of this petition.

THIRD: That since the death of his said wife, it has become to the interest of Petitioner and of their infant son to sell said tract of land for which they have received an advantageous offer from one NEESE of ONE THOUSAND FIFTY DOLLARS. In this tract, their present home, Petitioner has an undivided one half interest and a life interest in the remaining half owned by his former wife with remainder to vest in the child of the marriage, Michael Leon Davison, upon Petitioner's death. That, because the said Lillie L. Davison died intestate and the remainder interest of said minor child can only be conveyed by Court order, Petitioner now prays that he be permitted to accept said offer and sell said property for the sum offered, that upon proper proof that such sale would be to the interest

of the minor child and permit Petitioner to remove from the relatively isolated location of which his home is now located to one nearer to relatives who could assist in the proper care of said child, and that an order be made authorizing the sale and the conveyance of the interest of said minor child to the prospective purchaser upon payment to the proper authority of the minor's interest in the purchase price.

FOURTH: Petitioner further prays that a Guardian ad litem be appointed to represent the interest of said minor and that

A. W. WHITE, a maternal grandfather, who is the next of kin to said minor, other than Petitioner who is interested in said sale, and not interested in the outcome of this proceeding, be cited to appear and contest said sale if said next of kin, after investigation, is of the opinion that such sale would not be to the minor's best interest.

FIFTH: Petitioner further prays that a day be set for hearing this cause, at which time he be permitted to adduce evidence in support of the facts here alleged and that upon the hearing a decree be made authorizing the sale of the property and the conveyance of the said minor's interest. He further prays that this Court ascertain and adjudge the value of the remainder interest of said minor after the payment of the costs and expenses of this proceeding and of making the requested sale.

SIXTH: Petitioner further prays that when the value of the interest of the minor is determined, if it be less than the sum of Five Hundred Dollars, that same be paid to the Judge of Probate of Baldwin County, as the Custodian of funds of minors having no duly appointed Guardian and that said Judge be instructed to apply the funds in such manner as from time to time appear to be to the best interest of said minor.

Petitioner prays for such other, further or different orders and decrees as may be necessary and proper to effectuate the prayer of this petition and safeguard the interest of the infant child.

CARLOS I DAVISON

Richarby & Richarby by:

RICKARBY & RICKARBY

Solicitors for Petitioner.

STATE OF ALABAMA:

COUNTY OF BALDWIN:

Before me, the undersigned Notary Public, personally appeared Carlos L. Davison, who, being sworn says that the matters stated in the foregoing petition are true.

/s/ CARLOS L. DAVISON

Subscribed and sworn to before me this the 26th day of March , 1949.

/s/ RHODA L. ALLEN

Notary Public, Baldwin County, Alabama.

EXHIBIT "A"

THIS INDENTURE, Made the 21st day of June, 1947, between LEVIN GRAY TERRILL and NORA LEE TERRILL, husband and wife, parties of the first part, and CARLOS LEON DAVISON and LILLIE LEONA DAVISON, husband and wife, of the second part: Witnesseth, that the parties of the first part in consideration of TWELVE HUNDRED DOLLARS hereby acknowledged to have been paid the parties of the first partyby the parties of the second part, do grant, bargain, sell and convey unto said parties of the second part, their heirs and assigns, all the real property in Baldwin County, Ala. described as follows:

From the one-half mile post on the South side of Section Twenty-two, Tornship Four South, Range Two East, Baldwin County, Alabama, run North One Thousand Thirty-one and Eight/tenths feet and West Twenty feet for a point of beginning; thence West Three Hundred Forty-six feet; North Two Hundred Seventy-one feet; East Three Hundred Forty-six feet; South Two Hundred Seventy-one feet; to the point of beginning. Two and Fifteen/one thousandths acres more or less, in the Southeast Quarter of Southwest Quarter, Section Twenty-two, Township Four South, Range Two East, Baldwin County, Alabama.

This deed is made to correct the description in a previously unrecorded deed made between the parties on the Twentieth day of November, Nineteen Hundred Forty-six.

Together with all the rights and appurtenances to said described premises in anywise belonging: To have and to hold the same forever.

And the said LEVIW GRAY TERRILL and NORA LEE TERRILL for themselves, and their heirs, the said described premises and appurtenances, will forever Warrant and Defend unto the said parties of the second part, their heirs and assigns, against the lawful claims of all persons whatsoever.

IN WITHESS WHEREOF, The said parties of the first part have hereunto set their hand and seal the and year above written.

/s/ LEVIN GRAY TERREIL (SEAL)

/s/ NORA LEE TERRELL (SEAL)

Signed, sealed and delivered in the presence of:

/s/ E. G. RICKARBY, Jr.

STATE OF ALABAMA, BAIDWIW COUNTY
Filed Sept. 5, 1947, 1 P. M.
Recorded Deed Book 123, page 70-71
And I certify that the following Privilege
Tax has been paid.
Deed Tax
1.50
Mortgage Tax

/s/ W. R. STUART Judge of Probate By: W

EXHIBIT "A". Cont.

THE STATE OF ALABAMA:

BALDWIN COUNTY,

I, E. G. Rickarby, Jr., Notary Public in and for said State and County, do hereby certify that Levin Gray Terrill and Nora Lee Terrill, husband and wife, whose names are signed to the fore-going conveyance, and who are known to me, acknowledged before me, on this day that being informed of the contents of the conveyance of they executed the same voluntarily on the day the same bears date.

Given under my hand (if before a foreign netary add "notarial seal") this 21 day of June, 1947.

(MOTARY SEAL)

9 /s/ E. G. RICKARBY, Jr. Public, Baldwin County, Alabamas

THE STATE OF ALABAMA:

BALDWIN COUNTY,

I, E. G. Rickarby, Jr. a Notary Public in and for said State and County, do hereby certify that on the 21st day of June, 1947, came before me the within named Nora Lee Terrill, known to me to be the wife of the within named Levin Gray Terrill, who being examined separate and apart from the husband, touching her signature to the within conveyance, acknowledged that she signed the sa me of her own free will and accord and without fear, constraint or threats on the part of the husband.

Given under my hand (if before a foreign notary add "notarial seal") this 21 day of June 1947.

/s/ E. G. RICKARBY, Jr.

Wotary Public, Baldwin County, Alabama.

(1)

DAVISOR (TROUM TO THE STATE OF THE STATE 74 A H 03 RICKARBY & RICKARBY, Solicitors for Petitioner

DAVISON DAVISON

202261

CARLOS L. The remichant ison paytson, a minor.

1949

公 (4)

1---

e P 3 63

100

£.)

1.0 G.

64 E

oxempor o Pro 44 4040 The reference of the second se ing vistom s . Ti.

The tent viithing

The self beam filt

The beam of mont

Ent beam of mont

Ent thouthy bus Bio to the total 0 n

1. 1 E **6** (A O 1-4 () e

(Q) 123 KUSE 19.2

C. 0573

Copy

EX-PARTE, CARLOS L. DAVISON,

IN THE CIRCUIT COURT OF BAIDWIN COUNTY, ALABAMA IN EQUITY . No. 2261

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM:

TO HOW. J. JEFFERSON BENNETT, ATTORNEY AT LAW, GREETINGS:

You are hereby notified that under and by virtue of an order of the Court made and entered in the above entitled cause on the lst day of April ,1949, you were appointed to represent and act as Guardian ad Ltime for MICHAEL LEON DAVISON, a minor, who is a resident of the State of Alabama.

This cause shall be and is hereby set for hearing at Ten o'clock, Tuesday, April 12, 1949.

Witness my hand this 1st day of April, 1949.

6 Weicef Duch

ANSWER OF GUARDIAN AD LITEM

I, J. JEFFERSON BENNETT, heretofore appointed Guardian Ad Litem to represent MICHAEL LEON DAVISON, a minor in the above entitled cause do hereby acknowledge receipt of my appointment as Guardian Ad Litem issued by the Register and I agree to act as such Attorney and Guardian Ad Litem in this cause.

This day , 1949.

Guardian Ad Litem.

PETITION OF:

CARLOS L. DAVISON

EQUITY

No.

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

This cause coming on to be heard upon the verified petition of Carlos L. Davison for the sale of property owned in common with his minor child, Michael Leon Davison, and same being considered by the Court, the Court is of the opinion that upon proper proof of the facts alleged, the Petitioner should be entitled to the relief prayed. It is therefore ORDERED that a hearing be had on the petition and that same be set down for hearing on Tuesday, April 12th, 1949, at 10:00 A. M.

It is further ORDERED that a copy of the petition be served upon A. W. White, maternal grandfather of the minor in the cause, for such action upon the petition as may seem to him to the best interest of the infant, his return thereof to be made on the date set for the hearing.

It is further ORDERED that a Guardian ad litem be named to represent the interest of Michael Leon Davison, the minor child of Petitioner, at the hearing.

This Court reserves further action in the cause until the matters alleged in said petition have been duly submitted for consideration.

Done at Bay Minette, Alabama, this the let day of Overl, 1949.

Judge. Mashbury Jr.

RECORDED Service VIII か で (つ (つ しならい

no 2261

(Q (Q) (1) (B) 10 10 60 15°05 での時代ででは、 10 *C| *0) できる

(Q) The state of the s U O

77 (1)

8000 TOE 10 6.1 10

one one NATION TO 10 10 10 5 73 0

EX-PARTE,
CARLOS L. DAVISON,

IN THE CIRCUIT COURT OF BAIDWIN COUNTY, ALABAMA IN EQUITY . No. 2261

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM:

TO HON. J. JEFFERSON BENNETT, ATTORNEY AT LAW, GREETINGS:

You are hereby notified that under and by virtue of an order of the Court made and entered in the above entitled cause on the lst day of April ,1949, you are appointed to represent and act as Guardian ad Ltime for MICHAEL LEON DAVISON, a minor, who is a resident of the State of Alabama.

This cause shall be and is hereby set for hearing at Ten o'clock, Tuesday, April 12, 1949.

Witness my hand this 1st day of April, 1949.

6 Uhice I. Wuck

ANSWER OF GUARDIAN AD LITEM

I, J. JEFFERSON BENNETT, heretofore appointed Guardian Ad Litem to represent MICHAEL LEON DAVISON, a minor in the above entitled cause do hereby acknowledge receipt of my appointment as Guardian Ad Litem is sued by the Register and I agree to act as such Attorney and Guardian Ad Litem in this cause.

This 4thday of April , 1949.

Triordien Ad Litem

226/ Proposition Davison

appointment & Receptance of Douardian and Litem.

Al Barnett, Boln. ed Sitem

RICKARBY & RICKARBY FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

March 30, 1949

Mrs. Alice J. Duck Register Circuit Court Bay Minette, Alabama

Dear Mrs. Duck:

CARLOS L. DAVISON PETITION: With this find a petition for the sale of a small tract of land in which a minor has an interest.

Please lay this on Judge Mashburn's desk with the enclosed letter and order and, when the order is signed, send a copy of the bill to:

Mr. A. W. White (Grandfather of the minor)
Route 1
Daphne, Alabama.

Mr. White lives just off of Highway 31 and on the road that leads to the former Mike Buzbee Fishing Camp. That is the only service that will need to be had. & to for file is for the second section.

Sincerely,

Believe So. Quin Carly

for: RICKARBY & RICKARBY

EGR:la 2921. encls.