

2523

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

August 11, 1950

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

Dear Mrs. Duck:

NELSON PETITION: With this find a copy of the petition in this cause, which please turn over to the Sheriff to serve on J. C. Nelson of Fairhope, grandfather of the minors in this cause. The oldest minor nominates, as provided by law, Mr. Arnold B. Miller of Robertsedale as her guardian ad litem, and, of course, your appointment of this gentleman will care for the remaining six minors under fourteen. As soon as the return is made by the Sheriff, which I trust will be at once, you can execute the attached appointment of Mr. Miller and send it to him with a form of acceptance and general denial, and enclosed copy of petition for his information. Tell him that for details in this matter, he should get in touch with us.

We also enclose form for Sheriff's return on petition and Mrs. Hurley's approval of the proposed move. This last to be bradded at the end of and into the petition as suggested by me Tuesday.

Sincerely,

*Elliott G. Rickarby*

for  
RICKARBY & RICKARBY

EGR:HB  
Encs - 4  
3004

11 October 1950

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

Dear Mrs. Duck:

Last week my son returned from Bay Minette with a list of four or five equity cases on which the Judge asked some action. On these I report as follows:

No. 2523, NELSON VS NELSON: Our No. 3004. This was a bill to sell land in which minors were presumed to have an interest. After the bill was filed, client produced a deed in which was a clause not shown in the abstract, showing survivorship in grantor and hence no interest in the heirs of the deceased wife. No decree was needed and I understood that the bill was dismissed at Complainant's costs for which check for \$51.60 was sent you September 15th last. See your receipt No. 1665 and note dismissal accordingly.

CARLOS L. DAVISON, Petition of: Our No. 2921. Another bill to sell property in which a minor had an interest. After we had done much work and had the case ready for decree, the proposed purchaser backed out and the father has not been able to get another offer he would accept. It can be dismissed for want of prosecution, but any chance of costs for you or fee for us is slim at the present. A judgment against Complainant for the costs should be recorded, including a \$10.00 commissioner's fee for Miss Rhoda L. Allen and will some day be paid before the place can be sold. The father has a life-interest subject to this.

ED JACKSON VS CLAUDIA JACKSON: Our No. 2877. This case started in 1948 is ready for decree but we have hesitated to ask for this as the wheels of litigation have only been lubricated to the extent of eight dollars. We will write Jackson at once and depict in lurid colors the evils that may occur if decree is rendered against him for costs, not to mention what may happen if he has married again without a divorce. If that does not bring results the case can be dismissed at the next call of the docket.

TO THE

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

Comes WILLIE J. NELSON, and by this his petition presented against LOIS MAXINE NELSON, aged sixteen; WILLIE J. NELSON, JR., JOHN THOMAS NELSON: JERRY MORGAN NELSON: DAVID OLEN NELSON: CHARLES EMMETT NELSON and ELLEN FAY NELSON, all minors, the last six being under the age of fourteen years, and residents of Baldwin County, Alabama, children of Petitioner by his former wife, Laura E. Nelson, now deceased, respectfully shows:

FIRST: That Petitioner is the father of the seven defendants above named and on the first day of August, 1944, by a deed from one Dora M. Zundel, a widow of Point Clear, Alabama, became an owner together with his late wife, Laura E. Nelson, of the North Half of the Northwest Quarter of Section 33, Township 6 Six of Range 2 East in Baldwin County, Alabama, containing eighty acres and said conveyance being made by vendor's lien deed for the consideration of Seven Thousand Dollars, all of which sum has been paid except approximately Two Thousand Dollars, and which property up to the time of the death of the said Laura E. Nelson was the family home.

SECOND: That Laura E. Nelson <sup>de</sup>parted this life November 11, 1945.

THIRD: That Petitioner has recently received a bona fide offer of Nine Thousand Dollars cash for the purchase of said property from one Hilliard V. Street, which offer Petitioner avers is a fair and reasonable price for said property.

FOURTH: That since the death of his said wife, Petitioner finds that it would be to the best interest of said children to accept said offer and to obtain a residence in or near the City of Fairhope, where schools are more accessible and where the conveniences of living can be better obtained.

FIFTH: THE PREMISES CONSIDERED, Petitioner prays that LOIS MAXINE: WILLIE J. NELSON, JR., JOHN THOMAS NELSON, JERRY MORGAN NELSON: DONALD OLEN NELSON, CHARLES EMMETT NELSON and ELLEN FAY NELSON, the minors

aforesaid, be made parties defendant to this petition; that a guardian ad litem be named to protect their respective interests and that upon a hearing of this cause, a decree be rendered directing the Register of this Court in behalf of the said minors defendant to join with Petitioner in a conveyance to the said Hilliard V. Street of the property owned by the parties hereto upon payment of the agreed purchase price of Nine Thousand Dollars. That said purchase price be paid to the Register of this Court with directions to apply same, first, to the costs and expenses of this proceeding, to payment of the balance due upon the said vendor's lien, as well as a reasonable solicitor's fee to Petitioner's counsel for their services in this cause. That of the balance remaining, one half be paid to Petitioner as his half ownership of the property, and the remainder held by the Register of this Court subject to such further orders as may hereafter be made as to its disposition for the benefit of the said minor children and heirs of the late Laura E. Nelson.

Petitioner submits herewith a certificate of approval of the proposed sale executed by Mrs. Maggie Hurley the grandmother and next of kin to said minors not interested in the property.

Petitioner further prays that a day be set for a hearing hereon, and that upon proper proof a decree be made in accordance with the prayer in this petition and such other, further and different relief be granted as to the best interests of the minor children aforesaid.

Willie J. Nelson  
Petitioner.

State of Alabama;  
County of Baldwin:

Before me, the undersigned Notary, personally appeared WILLIE J. NELSON, who, being sworn, says that the matters alleged in the foregoing petition are true.

Willie J. Nelson

Subscribed and sworn to before me on this the 5th day of August, 1950.

Elliott S. Rinealey  
Notary Public, Baldwin County, Alabama.

Petition of  
WILLIE J. NELSON

vs

LOIS MAXINE NELSON, et al,  
Minors

E Q U I T Y  
IN THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA.

Comes LOIS MAXINE NELSON, a minor over the age of fourteen years, and in accordance with Title No. 7, Section 181 of the 1940 Code of Alabama, nominates ARNOLD B. MILLER, an attorney-at-Law, practicing in Robertsdale, Alabama, to be her guardian ad litem and to represent her in the hearing of the above styled cause and does hereby request that the Court appoint said Arnold B. Miller as her guardian ad litem for said purpose.

Lois Maxine Nelson

STATE OF ALABAMA:

COUNTY OF BALDWIN:

I, L. E. Perkins, a Notary Public in and for said State and County, do hereby certify that LOIS MAXINE NELSON personally appeared before me on this 11th day of August, 1950 and executed the foregoing nomination.

L. E. Perkins  
Notary Public, Baldwin County, Alabama.



RECORDED

PETITION  
OF  
WILLIE J. NELSON,

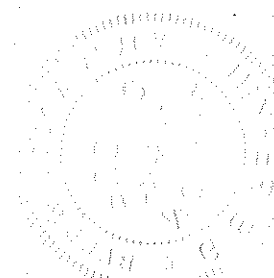
vs

LOIS MAXINE NELSON, et al,  
Minors.

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NOMINATION  
OF  
MINOR  
FOR  
GUARDIAN AD LITEM

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WILLIE J. NELSON,  
Complainant

vs

LOIS MAXINE NELSON, et al,  
Minors

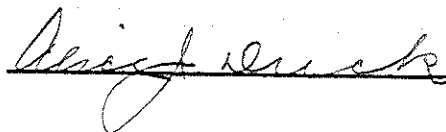
E Q U I T Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

In this cause it is made to appear to the Register by the sworn petition that LOIS MAXINE NELSON, is an infant over the age of fourteen years; that a copy of said petition has been delivered to her and she has elected to nominate ARNOLD B. MILLER as guardian ad litem in this cause; that a summons and copy of said petition was on the 28<sup>th</sup> day of August, 1950 served upon J. C. Nelson, grandfather and, except for the father, who is adversely interested in this cause, the next of kin to the six minors under the age of fourteen years, namely: WILLIAM J. NELSON, JR., JOHN THOMAS NELSON, JERRY MORGAN NELSON, DAVID OLEN NELSON, CHARLES EMMETT NELSON and ELLEN FAY NELSON, and it further appearing that ARNOLD B. MILLER, an Attorney-at-Law in Robertsdale, Alabama, is in all respects a suitable person to act as guardian ad litem for all of said minors, and that said attorney has filed his consent in writing to act as such and a general denial of all allegations of petition;

IT IS NOW THEREFORE ORDERED by the Register of this Court that said ARNOLD B. MILLER be, and he hereby is, appointed guardian ad litem in this cause for the seven infant defendants above named.

WITNESS my hand this the 28<sup>th</sup> day of August, 1950.

  
Register

RECORDED

WILLIE J. NELSON,  
Complainant

vs

LOIS MAXINE NELSON, et al,  
Minors

o o o o o o o o o o o o o o o

ORDER  
NOMINATING GUARDIAN AD LITEM  
FOR MINORS

o o o o o o o o o o o o o o o





STATE OF ALABAMA  
BALDWIN COUNTY

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

WILLIE J. NELSON,  
Petitioner

vs.

LOIS MAXINE NELSON, et al.  
Minors, Resp.

Now comes the Respondents in the above styled cause and in answer to the petition heretofore filed by Petitioner, say as follows:

1. They admit the allegations set out in paragraphs FIRST and SECOND of the said petition.

2. They admit in part the allegations set out in the Third paragraph of said petition, and deny that part which avers that the offer is a fair and reasonable price for said property and demand strict proof thereof.

3. They deny the allegations set out in the Fourth paragraph of said petition, and demand strict proof thereof.

A. B. Miller

Guardian ad litem.

**RECORDED**  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

WILLIE J. NELSON,  
Petitioner

vs.

LOIS MAXINE NELSON, ET. AL.  
Minors, Resp.

ANSWER TO PETITION

FILED.....

FILED<sup>Clerk</sup>  
SEP 5 1950  
ALICE J. DUCK, Register

2523