

415

ESTATE OF
LILLIE OLIVIA RUFFIN,
A non compos mentis.

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

DECREE:

This cause coming on to be heard on this date is submitted for a decree authorizing the sale and conveyance of real property at private sale on the verified petition filed in this cause on November 4, 1957, by Orrie Smith, as guardian of Lillie Olivia Ruffin, a non compos mentis; the decree of this Court dated November 4, 1957, setting this date for the hearing of the said cause, appointing a guardian ad litem to represent the said Lillie Olivia Ruffin, and prescribing the manner in which the testimony in this cause should be taken; subsequent order appointing Mary Thompson White, as guardian ad litem to represent the said Lillie Olivia Ruffin, the notice of appointment, acceptance and answer of Mary Thompson White, as guardian ad litem of Lillie Olivia Ruffin, a non compos mentis; the testimony of Orrie Smith, Gus Pientarelli and Issac Crandall, witnesses for the said petitioner, taken in open court on this date in the manner provided by Equity Rule No. 56, as amended, upon consideration of all of which it appears to the Court that the said ward, Lillie Olivia Ruffin, owns the property situated in Baldwin County, Alabama, which is described in the said petition and which is hereinafter described; that Joseph R. Lazzari has agreed to pay the petitioner, as guardian of the said Lillie Olivia Ruffin, a non compos mentis, the sum of Twenty-two Hundred Dollars (\$2200.00) for the said property.

It is made to appear to the Court from the testimony of disinterested witnesses that the sum of \$2200.00 is the fair value of the said lands which are hereinafter described, and that it is to the best interest of her said estate that the said property be sold at private sale to Joseph R. Lazzari, for the consideration for the purposes set out in the said petition.

It further appears to the Court by the testimony of disinterested witnesses that the sum of \$2200.00 is a fair price for

the said property hereinafter described, that the said sum is not disproportionate to its value and that it is to the best interest of said ward that said property be sold to Joseph R. Lazzari, for the total sum of \$2200.00; upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. Orrie Smith, as guardian of Lillie Olivia Ruffin, a non compos mentis, shall be, and he is hereby fully and completely authorized, empowered and directed to sell and convey to Joseph R. Lazzari, at private sale, the following described lands situated in Baldwin County, Alabama, to-wit:

Begin at the Northeast corner of the Southwest Quarter of Section 15, Township 5 South, Range 2 East, and run thence West 1320 feet to a corner; thence South 496 feet to a corner; thence East 1320 feet to a corner; thence North 496 feet to the point or place of beginning, containing 15 acres, more or less,

at private sale for the total sum of \$2200.00. The said Orrie Smith, as guardian of Lillie Olivia Ruffin, a non compos mentis, shall be, and he is hereby fully and completely authorized, empowered and directed to make, execute and deliver a conveyance of the said property to the said Joseph R. Lazzari, upon payment of the said consideration of \$2200.00.

2. Orrie Smith, as guardian of Lillie Olivia Ruffin, a non compos mentis, shall, after making the sale and conveyance of the above described property, report his actions to this Court for final confirmation.

3. The Register of this Court shall immediately 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. Jurisdiction of this cause is reserved for the purpose of making such other and further orders and decrees as may become necessary and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 20th day of November, 1957.


Judge.

70. 4152

DECREE

ESTATE OF
LILLIE OLIVIA RUFFIN,
A non compos mentis.

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

FILED
NOV 20 1957
ALICE I. DECK, Register

ESTATE OF
LILLIE OLIVIA RUFFIN,
A non compos mentis.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. 4152

NOV 26 1957
47

DECREE:

This cause coming on to be heard on this date is submitted for a decree authorizing the sale and conveyance of real property at private sale on the verified petition filed in this cause on November 4, 1957, by Orrie Smith, as guardian of Lillie Olivia Ruffin, a non compos mentis; the decree of this Court dated November 4, 1957, setting this date for the hearing of the said cause, appointing a guardian ad litem to represent the said Lillie Olivia Ruffin, and prescribing the manner in which the testimony in this cause should be taken; subsequent order appointing Mary Thompson White, as guardian ad litem to represent the said Lillie Olivia Ruffin, the notice of appointment, acceptance and answer of Mary Thompson White, as guardian ad litem of Lillie Olivia Ruffin, a non compos mentis; the testimony of Orrie Smith, Gus Pientarelli and Issac Crandall, witnesses for the said petitioner, taken in open court on this date in the manner provided by Equity Rule No. 56, as amended, upon consideration of all of which it appears to the Court that the said ward, Lillie Olivia Ruffin, owns the property situated in Baldwin County, Alabama, which is described in the said petition and which is hereinafter described; that Joseph R. Lazzari has agreed to pay the petitioner, as guardian of the said Lillie Olivia Ruffin, a non compos mentis, the sum of Twenty-two Hundred Dollars (\$2200.00) for the said property.

It is made to appear to the Court from the testimony of disinterested witnesses that the sum of \$2200.00 is the fair value of the said lands which are hereinafter described, and that it is to the best interest of her said estate that the said property be sold at private sale to Joseph R. Lazzari, for the consideration for the purposes set out in the said petition.

It further appears to the Court by the testimony of disinterested witnesses that the sum of \$2200.00 is a fair price for

the said property hereinafter described, that the said sum is not disproportionate to its value and that it is to the best interest of said ward that said property be sold to Joseph R. Lazzari, for the total sum of \$2200.00; upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

BOOK 260 PAGE 48

1. Orrie Smith, as guardian of Lillie Olivia Ruffin, a non compos mentis, shall be, and he is hereby fully and completely authorized, empowered and directed to sell and convey to Joseph R. Lazzari, at private sale, the following described lands situated in Baldwin County, Alabama, to-wit:

Begin at the Northeast corner of the Southwest Quarter of Section 15, Township 5 South, Range 2 East, and run thence West 1320 feet to a corner; thence South 496 feet to a corner; thence East 1320 feet to a corner; thence North 496 feet to the point or place of beginning, containing 15 acres, more or less,

at private sale for the total sum of \$2200.00. The said Orrie Smith, as guardian of Lillie Olivia Ruffin, a non compos mentis, shall be, and he is hereby fully and completely authorized, empowered and directed to make, execute and deliver a conveyance of the said property to the said Joseph R. Lazzari, upon payment of the said consideration of \$2200.00.

2. Orrie Smith, as guardian of Lillie Olivia Ruffin, a non compos mentis, shall, after making the sale and conveyance of the above described property, report his actions to this Court for final confirmation.

3. The Register of this Court shall immediately 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. Jurisdiction of this cause is reserved for the purpose of making such other and further orders and decrees as may become necessary and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 20th day of November, 1957.

Hubert M. Hall
Judge.

STATE OF ALABAMA

BALDWIN COUNTY

I, ALICE J. DUCK, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the above and foregoing instrument is a true and correct copy of the decree rendered in connection with the estate of Lillie Olivia Ruffin, a non compos mentis, authorizing the sale of real property at private sale, as the same appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 20th day of November, 1957.

BOOK 260 PAGE 49

Alice J. Duck
Register.



STATE OF ALABAMA, BALDWIN COUNTY
11-20-57 3 P.
Book 260 page 478
MR. Stewart
Judge of Probate

Handwritten notes:
by
11/20/57
11/20/57

Handwritten notes:
11/20/57
11/20/57

Handwritten notes:
11/20/57
4125

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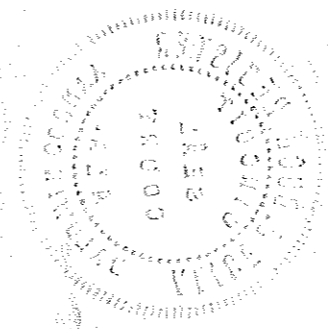
*R 2 05
Mrs. Duck*

260-49-9

*Little Olivia Ruffin
91*

*4152
1500-11*

*RECEIVED
FEB -05-11
MISSISSIPPI
STATE ARCHIVES*



Register

stated my age no less than the SOth day of November, 1827.

IN WITNESS WHEREOF, I have hereunto set my hand and
in my office,

last aforesaid day of
OCTOBER, 1850, at the city of
the State of Mississippi, in connection with the case of
the said foregoing instrument as aforesaid and collect
of the County of Adams, in the State of Mississippi, and
I, W. D. DUCK, as Register of the Circuit Court

WITNESSETH
STATE OF MISSISSIPPI

*MS
1850*

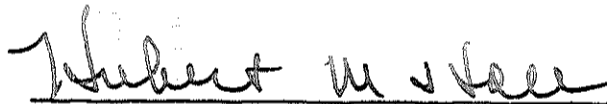
ESTATE OF
LILLIE OLIVIA RUFFIN,
A non compos mentis

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

This cause coming on to be heard on this date and it appearing to the Court that Wilson Hayes, Esquire, the Attorney heretofore appointed guardian ad litem of the said Lillie Olivia Ruffin, is not in Court, it is, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. Mary Thompson White, an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, and who is not of kin or counsel to any of the persons interested in this proceeding, and who is in all respects fit and qualified to act as guardian ad litem for the said Lillie Olivia Ruffin shall be, and she is hereby appointed as guardian ad litem for the said Lillie Olivia Ruffin, to represent her and protect her interest in the said proceeding.

ORDERED, ADJUDGED AND DECREED on this the 20th day of November, 1957.



Judge.

APPOINTMENT OF GUARDIAN AD
LITEM.

ESTATE OF
LILLIE OLIVIA RUFFIN,

A non compos mentis.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

FILED
NOV 20 1957
ALICE J. DOCK, Register

FILED
NOV 19 1957
ALICE J. DUCK, Register

ESTATE OF)
LILLIE OLIVIA RUFFINS,)
A Non Compos Mentis.) IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA. IN
EQUITY.

JAMES R. OWEN, ATTORNEY FOR LILLIE OLIVIA RUFFINS
MRS. MARY T. WHITE, GUARDIAN AD LITEM

ORRIE SMITH, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Owen.

Q. Is this Orrie Smith?

A. Yes.

Q. Orrie, have you heretofore been appointed guardian of Lillie Olivia Ruffins?

A. Yes sir.

Q. I believe she has been declared a non compos mentis, has she not?

A. Yes.

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

A. Yes sir.

Q. I will ask you to look at the description in this petition to sell real estate at private sale and ask you if Lillie Olivia Ruffins is the owner of that property?

A. Yes sir.

Q. Orrie, do you know of your own knowledge whether or not Lillie Olivia Ruffins agreed to sell this real property described in this petition to Mr. Joseph R. Lazzari before she was declared a non compos mentis?

A. Yes sir.

Q. Do you know how much she agreed to sell it to him for?

A. Yes sir.

Q. How much was that?

A. \$2200.00.

Q. Do you know how Mr. Lazzari agreed to pay her? That is, was it cash or was he to give her a mortgage back?

A. It was a cash sale.

Q. Who is in possession of this property at the present time?

A. Mr. Lazarri.

Q. How long has he been in possession of the property?

A. Approximately two years.

Q. Where do you live, Orrie?

A. Daphne.

Q. Is that near this property that is described in the petition?

A. Yes sir.

Q. How long have you lived there?

A. I have been living there now 11 years.

Q. Are you familiar with the prices of real property or the values of real property in that general area?

A. Yes sir.

Q. In your opinion, what is the reasonable value -- Is \$2200.00 the reasonable value for the property described in this petition?

A. Yes sir.

Q. I will ask you if it is necessary that this sale be made from Lillie Ruffin to Mr. Lazzari for the purpose of her support and maintenance?

A. Yes sir.

ON CROSS EXAMINATION BY GUARDIAN AD LITEM, WITNESS TESTIFIED:

Examination by Mrs. White.

Q. You are Orrie Smith?

A. Yes sir.

Q. Did you know Lillie Olivia Ruffin before she became a non compos mentis?

A. Yes sir.

Q. Did she own this property?

A. Yes mam.

Q. And can you state the date of the agreement to sell the property?

A. About -- Yes mam, about the month of January --- well it has been approximately two years ago.

Q. Who was present at the time the agreement was made?

A. I was present.

Q. Who appraised the property at \$2200.00?

A. She did; she asked that price for it.

Q. Does she need the money from this property to support herself?

A. Yes mam.

ON RE-DIRECT EXAMINATION WITNESS+TESTIFIED:

Examination by Mr. Owen.

Q. Orrie, you are a brother of Lillie Olivia Ruffin?

A. Yes, sir.

Q. And she is living with you at this time?

A. Yes sir.

Q. How long has she been living with you?

A. A little better than two years.

QUESTIONS BY THE COURT:

Q. Is she physically or mentally off?

A. No sir.

Q. How old is she?

A. 68 years old.

Q. In bad shape physically?

A. Yes sir.

GUS PIENTARELLI, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Owen.

Q. Is this Mr. Gus Pientarelli?

A. Yes sir.

Q. Where do you live, Mr. Pientarelli?

A. Daphne, Alabama.

Q. How long have you lived there?

A. All of my life.

Q. Are you familiar with this 15 acres of land that is described in this petition to sell real property at private sale in this case?

A. Yes sir.

Q. How long have you known that property?

A. A long time.

Q. Are you familiar with values of real property in the vicinity of where this property lies?

A. Yes sir.

Q. In your opinion, what is the reasonable market value of this 15 acres of land?

A. About \$2200.00 would be right, I think.

Q. Do you have any interest in this matter one way or the other?

A. No sir

ON CROSS EXAMINATION OF THIS WITNESS, SHE TESTIFIED:

Examination by Mrs. White, Guardian Ad Litem.

Q. Do you know Lillie Olivia Ruffin?

A. Yes sir.

Q. Do you know Orrie Smith?

A. Yes sir.

Q. Have you bought and sold property in that section?

A. Not right joinging this, but pretty close to it.

Q. In the general area?

A. Yes sir.

Q. What do you base your value of \$2200.00 on?

A. About \$150.00 an acre.

Q. The basis of what sales do you base your value -- just general sales?

A. I don't understand what you mean.

Q. Well how do you arrive at your value of this property, from what other property has sold for?

A. Yes sir.

Q. Is \$2200.00 for this property a fair valuation in your estimation?

A. Yes mam.

ISAHAH CRANDALL, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Owen.

Q. Is this Isazah Crandall?

A. Yes sir.

Q. How old are you?

A. I'm about 66.

Q. Where do you live?

A. Daphne.

Q. How long have you lived there?

A. All of my life.

Q. Are you familiar with this 15 acres of land which is described in this petition to sell real property at private sale? - That is, the property owned by Lillie Olivia Ruffin in the vicinity of Daphne?

A. Yes sir.

Q. Do you know the value of real property in the vicinity of Daphne or in the vicinity of where this property is located?

A. Not exactly -- I would not know the real value.

Q. Do you have any opinion as to the reasonable value of this 15 acres of land owned by Lillie Olivia Ruffin?

A. I feel what she is asking for it would be a very nice price.

Q. \$2200.00?

A. Yes sir.

Q. Do you think that is a fair and reasonable price?

A. Yes sir.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mrs. White, guardian ad litem.

Q. Do you know Lillie Olivia Ruffin?

A. Yes, mam.

Q. Does she have any children?

A. No mam.

Q. Who does she live with?

A. Her brother, Orrie Smith.

Q. Is this a fair value for the property? -- the \$2200.00?

A. Yes mam, I feel it would be.

Q. Your opinion is based on what?

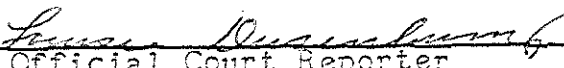
A. I just feel that that is about a fair price going on the conditions of the land.

Q. And the property around it?

A. Yes mam.

I hereby certify that the foregoing, consisting of pages 1 to 6 both inclusive, correctly sets forth a true and correct transcript of the testimony as taken by me in open court in the above styled cause on November 20, 1957.

This 20th day of November, 1957.


Official Court Reporter

ESTATE OF

LILLIE OLIVIA RUFFIN,
A non compos mentis.

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

DECREE REMOVING GUARDIANSHIP FROM PROBATE
COURT TO EQUITY COURT

This cause coming on to be heard on this date is submitted on the sworn petition of Orrie Smith, as Guardain of Lillie Olivia Ruffin, from which petition it appears that the said petitioner, Orrie Smith, has been appointed, qualified and is now acting as guardian of Lillie Olivia Ruffin, a non compos mentis, which guardianship is now pending in the Probate Court of Baldwin County Alabama, and that in the opinion of the petitioner the said guardianship can be better administered in the Circuit Court of Baldwin County, Alabama, in Equity, than in the Probate Court; upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That 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, in Equity.

2. The Register of this Court shall forthwith deliver a certified copy of this decree to the Judge of Probate of Baldwin County, Alabama, who shall deliver the original file of all proceedings had in the Probate Court, together with all papers and documents relating to the said guardianship, to the Circuit Court of Baldwin County, Alabama, in Equity.

ORDERED, ADJUDGED AND DECREED on this the 28th day of October, 1957.

J. Hubert M. Hall
Judge.

770. 4152

FILED

OCT 28 1957

ALICE J. BUCK, Register

ESTATE OF
LILLIE OLIVIA RUFFIN,
A non compos mentis.

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

DECREE SETTING DAY FOR HEARING PETITION BY
GUARDIAN FOR AUTHORITY TO SELL REAL PROPERTY
AT PRIVATE SALE

This cause coming on to be heard on this date is submitted on the sworn Petition of Orrie Smith, as guardian of Lillie Ruffin, praying for authority to sell and convey real property belonging to the said ward at private sale, upon consideration of which, it is, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The said petition shall be and it is hereby set for hearing at ten o'clock A. M. on November 15th, 1957, at the Courthouse in Bay Minette, Baldwin County, Alabama.

2. Testimony of the petitioner and any witnesses presented by him shall be taken and transcribed in open court in the manner provided by Equity Rule No. 56 as amended.

3. Wilson Hayes, an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, and who is not of kin or counsel to any of the persons interested in this proceeding, and who is in all respects fit and qualified to act as guardian ad litem for the said Lillie Ruffin, shall be, and he is hereby appointed as guardian ad litem for the said Lillie Ruffin to represent her and protect her interest in the said proceeding.

ORDERED, ADJUDGED AND DECREED on this the 15th day of November, 1957.

Robert M. Hall
Judge.

FILED

NOV 4 1957

ALICE I. DUCK, Register

ESTATE OF
LILLIE RUFFIN,
A non compos mentis.

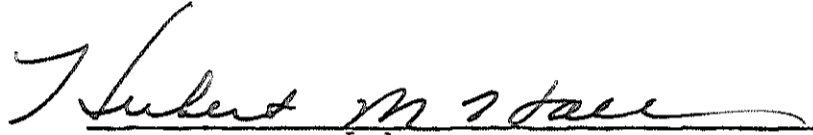
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.

ORDER OF CONTINUANCE

This cause coming on to be heard on this date and it appearing to the Court that the Petitioner desires a continuance therein:

It is therefore, ORDERED, ADJUDGED AND DECREED by the Court that said cause be, and it hereby is, continued until ten o'clock A. M. on the 20th day of November, 1957.

ORDERED, ADJUDGED AND DECREED on this the 15th day of November, 1957.


Judge.

ESTATE OF
LILLIE OLIVIA RUFFIN,
A non compos mentis.

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

DECREE SETTING DATE FOR HEARING OF PETITION BY
GUARDIAN FOR DECREE CONFIRMING SALE OF REAL
PROPERTY AND OTHER RELIEF

This cause coming on to be heard is submitted on the sworn petition of Orrie Smith, as guardian of Lillie Olivia Ruffin, praying for a decree confirming sale of real property and other relief, upon consideration of which, it is, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The said petition shall be, and it is hereby set for hearing at nine o'clock A. M. on December 14, 1957, at the office of J. B. Blackburn, Bay Minette, Alabama.

2. Testimony of the petitioner and any witnesses presented by him shall be taken by oral deposition before a Commissioner to be appointed by the Register of the Circuit Court of Baldwin County, Alabama, in Equity.

3. Mary Thompson White, an attorney at law and solicitor in chancery, practicing in Baldwin County, Alabama, and who is not of kin or counsel to any of the persons interested in this proceeding, and who is, in all respects, fit and qualified to act as guardian ad litem for the said Lillie Olivia Ruffin, shall be, and she is hereby appointed as guardian ad litem for the said Lillie Olivia Ruffin, to represent her and protect her interest in the said proceeding.

ORDERED, ADJUDGED AND DECREED on this the 6th day of December, 1957.

Hubert M. Hall
Judge.

FILED
DEC 6 1957
ALICE L. BUCK, Register

ESTATE OF
LILLIE RUFFIN,
A non compos mentis.

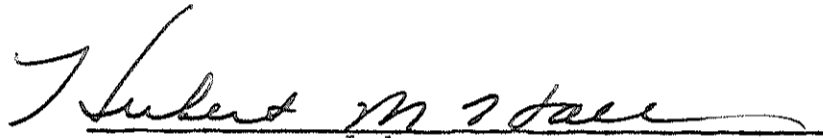
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.

ORDER OF CONTINUANCE

This cause coming on to be heard on this date and it appearing to the Court that the Petitioner desires a continuance therein:

It is therefore, ORDERED, ADJUDGED AND DECREED by the Court that said cause be, and it hereby is, continued until ten o'clock A. M. on the 20th day of November, 1957.

ORDERED, ADJUDGED AND DECREED on this the 15th day of November, 1957.


Judge.

ESTATE OF
LILLIE OLIVIA RUFFIN,
A non compos mentis.

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

I, Alice L. Miller, as Commissioner, have called and caused to come before me, Orrie Smith and Telfair J. Mashburn, Jr., witnesses named in the Commission to take depositions dated the _____ day of December, 1957, at the office of J. B. Blackburn, in Bay Minette, Alabama, and having first sworn said witnesses to speak the truth, the whole truth and nothing but the truth, the said witnesses did depose and say as follows:

DIRECT EXAMINATION OF ORRIE SMITH:

My name is Orrie Smith and I am guardian of Lillie Olivia Ruffin, a non compos mentis. I did on the 22nd day of November, 1957, sell and convey to Joseph R. Lazzari, the following described property situated in Baldwin County, Alabama:

Begin at the Northeast corner of the Southwest Quarter of Section 15, Township 5 South, Range 2 East, and run thence West 1320 feet to a corner; thence South 496 feet to a corner; thence East 1320 feet to a corner; thence North 496 feet to the point or place of beginning, containing 15 acres, more or less,

all in accordance with the provisions of the decree rendered in this cause on November 15, 1957. I have collected the entire purchase price for said property amounting to the sum of \$2200.00 and have deposited this money in the Bank of Fairhope, Fairhope, Alabama. Before I conveyed the said property a suit was filed to quiet title to all of the said property and J. B. Blackburn was employed to represent me for the purpose of quieting title to said property. The income of the estate of Lillie Olivia Ruffin is approximately \$15.00 a month and this amount is not sufficient to maintain her and it is necessary that I, as her guardian, be authorized to expend from the principal of the ward's estate, a reasonable monthly sum for her support and maintenance.

ON CROSS EXAMINATION OF ORRIE SMITH BY MARY THOMPSON WHITE,
Guardian ad litem:

- Q. Is this the property that the court authorized you to sell at the last hearing?
- A. Yes ma'm.
- Q. To whom did you sell it?
- A. Mr. Joseph R. Lazzari.
- Q. Is this the amount that you testified to at the first hearing?
- A. Yes ma'm.
- Q. Was the money paid to you as guardian?
- A. Yes ma'm.
- Q. In reference to Lillie Ruffin, how much did you say it took to support her? Approximately?
- A. Approximately, about \$50.00 a month.
- Q. To clear the record, does she have any children whose duty it is to support her?
- A. No ma'm.

DIRECT EXAMINATION OF TELFAIR J. MASHBURN, JR.


- Q. What is your name?
- A. Telfair J. Mashburn, Jr.
- Q. What is your occupation?
- A. Attorney at Law.
- Q. How long have you practiced law?
- A. 21 years.
- Q. Are you familiar with the charges made by attorneys in this vicinity in suits to quiet title?
- A. Yes.
- Q. Are you familiar with this proceeding of Orrie Smith, as guardian of Lillie Olivia Ruffin vs. certain lands?
- A. I am.
- Q. In your opinion, what is a reasonable attorney's fee for attorney's services rendered to complainant in this proceeding?
- A. As I understand this proceeding, this suit was begun in the name of complainant and after the bill of complaint was filed

and before the suit was completed, Lillie Ruffin became a non compos mentis and it was necessary to hold an inquisition and on hearing and after Lillie Ruffin was declared a non compos mentis, it was necessary to revise the suit and complete it and I feel that a reasonable fee for that work would be between \$150.00 and \$200.00.

NO CROSS EXAMINATION OF THIS WITNESS BY GUARDIAN AD LITEM.

I, Alice L. Miller as Commissioner, hereby certify that the foregoing depositions on oral examination was taken down by me in writing in the words of the witnesses, in the presence of myself, James R. Owen and Mary Thompson White, at the time and place herein mentioned; that I have personal knowledge of the identity of said witnesses and that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

Given under my hand and seal this 14th day of December, 1957.


As Commissioner.

ESTATE OF) IN THE CIRCUIT COURT OF
LILLIE OLIVIA RUFFIN,)
A non compos mentis.) BALDWIN COUNTY, ALABAMA
) IN EQUITY.

DECREE

This cause coming on to be heard on this date is submitted on the petition filed in this cause by Orrie Smith, as guardian of Lillie Olivia Ruffin, a non compos mentis, decree appointing guardian ad litem; answer of guardian ad litem; commission to take depositions; and the testimony of the said guardian and Telfair J. Mashburn, Jr., upon consideration of all of which it is therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The sale and conveyance by Orrie Smith, as guardian of Lillie Olivia Ruffin, a non compos mentis, to Joseph R. Lazzari of the following described property situated in Baldwin County, Alabama, to-wit:

Begin at the Northeast corner of the Southwest Quarter of Section 15, Township 5 South, Range 2 East, and run thence West 1320 feet to a corner; thence South 496 feet to a corner; thence East 1320 feet to a corner; thence North 496 feet to the point or place of beginning, containing 15 acres, more or less,

at private sale for the sum of \$2200.00, conveyance of which was made by deed dated November 22, 1957, shall be, and the same is hereby in all respects confirmed.

2. The sum of \$ 25⁰⁰ is hereby fixed and allowed as reasonable compensation to be paid to Mary Thompson White, as guardian ad litem for the said ward in all proceedings through this date.

3. The sum of \$ 150⁰⁰ is hereby fixed and allowed as reasonable compensation to be paid to J. B. Blackburn, Attorney, for services rendered by him in the suit to quiet title (which is suit #3691 in the Circuit Court of Baldwin County, Alabama, in Equity), and which amount the said guardian is hereby authorized to pay to the said attorney, together with all of the court costs incurred in the said proceeding.

4. The sum of \$ 40⁰⁰, shall be, and the same is hereby fixed and allowed as a reasonable amount to be paid by the said guardian to himself for the maintenance and support of the ward, commencing with the month of December, 1957, which payment shall be made from principal or income.

ORDERED, ADJUDGED AND DECREED on this the 16 day of December, 1957.

Hubert M. Hall
Judge.

ESTATE OF
LILLIE OLIVIA RUFFIN,
A non compos mentis.

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

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM

TO: MARY THOMPSON WHITE

You are hereby notified that by a decree rendered in this cause on this date, you were appointed guardian ad litem to represent Lillie Olivia Ruffin, a non compos mentis, in connection with the petition filed in this cause by Orrie Smith, as guardian of the said Lillie Olivia Ruffin, in which he is seeking a decree confirming sale of real property and other relief.

You are further notified that said cause has been set for hearing on December 14, 1957, at nine o'clock A. M.

DATED this 6th day of December, 1957.

Reese J. Duvall
Register.

ACCEPTANCE AND ANSWER OF GUARDIAN AD LITEM

I, Mary Thompson White, an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, having been appointed as guardian ad litem to represent Lillie Olivia Ruffin in connection with the petition filed in this cause by Orrie Smith, as guardian of the said Lillie Olivia Ruffin, do hereby accept the said appointment and for answer to the said petition, I, as such guardian ad litem for the said ward, do hereby deny each and all of the allegations of the said petition and demand strict proof of same.

DATED this 6th day of December, 1957.

Mary Thompson White
As guardian ad litem for Lillie Olivia Ruffin, a non compos mentis.

Filed- 12-6-57

ESTATE OF) IN THE CIRCUIT COURT OF
LILLIE OLIVIA RUFFIN,) BALDWIN COUNTY, ALABAMA
A non compos mentis)
IN EQUITY.

PETITION FOR DECREE CONFIRMING SALE OF REAL
PROPERTY AND OTHER RELIEF:

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

Your Petitioner, Orrie Smith, as guardian of Lillie Olivia Ruffin, a non compos mentis, respectfully represents unto the Court and your Honor as follows:

1. He, as such guardian, did, on the 22nd day of November, 1957, sell and convey unto Joseph R. Lazzari, the following described property situated in Baldwin County, Alabama, to-wit:

Begin at the Northeast corner of the Southwest Quarter of Section 15, Township 5 South, Range 2 East, and run thence West 1320 feet to a corner; thence South 496 feet to a corner; thence East 1320 feet to a corner; thence North 496 feet to the point or place of beginning, containing 15 acres, more or less,

in strict accord with the provisions of the decree heretofore rendered in this cause and dated November 15, 1957. Petitioner, as such guardian, has collected the entire purchase price for the said property owned by the said ward, amounting to the sum of Twenty-two Hundred Dollars (\$2200.00) and the said sale should now be confirmed.

2. That before your Petitioner conveyed the said property it was necessary that a suit be filed to quiet title to the said property and that J. B. Blackburn was employed to represent Petitioner for the purpose of quieting title to the said lands. The amount of the fee due to J. B. Blackburn, for services rendered by him in the said suit to quiet title (which is suit No. 3691, in the Circuit Court of Baldwin County, Alabama, in Equity), should be fixed and Petitioner, as such guardian, should be authorized to pay the said Attorney's fee, together with all of the court costs incurred in the said proceeding. The court costs in the said proceeding was \$112.79.

3. The income of the estate of the said ward is not sufficient to maintain her and it is necessary that Petitioner, as such guardian, be authorized to expend from the principal of the ward's estate a reasonable monthly sum for her support and maintenance, commencing with the month of December, 1957.

WHEREFORE, Petitioner prays for the following separate and several relief:

(a) That the above described sale and conveyance to Joseph R. Lazzari, be confirmed.

(b) That the attorney's fee due J. B. Blackburn for representing Petitioner in the suit to quiet title referred to above be ascertained and fixed and that Petitioner be authorized to pay the said fee with the other court costs incurred in the said cause.

(c) That a guardian ad litem be appointed to represent Lillie Olivia Ruffin on the hearing of this petition; that said guardian ad litem's fee be ascertained and fixed and that Petitioner be authorized to pay the said fee with the other court costs incurred in this cause to date.

(d) That Petitioner, as such guardian, be authorized to expend the reasonable sum monthly from the principal of the ward's estate, commencing with the month of December, 1957, for the maintenance of the said ward and her family.

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

x *Orrie Smith*

As guardian of Lillie Olivia Ruffin,
a non compos mentis.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared Orrie Smith, who, after being by me first duly and legally sworn, deposes and says: that

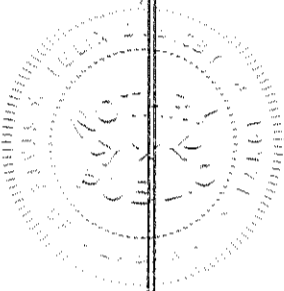
he has read over the foregoing Petition, and that the facts stated therein are true.

* Orrie Smith

Sworn to and subscribed before
me on this the 3rd day of
December, 1957.

Felicia D. Bigby

Notary Public, Baldwin County, Alabama.



Filed -
12-5-57

ESTATE OF
LILLIE OLIVIA RUFFIN,
A non compos mentis.

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

PETITION TO SELL REAL PROPERTY AT PRIVATE SALE

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

Your Petitioner, Orrie Smith, 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. He was heretofore appointed and qualified as guardian of Lillie Olivia Ruffin, a non compos mentis, in and by the Probate Court of Baldwin County, Alabama. Subsequently the said guardianship was removed from the Probate Court of Baldwin County, Alabama, to this court.

2. The said ward, Lillie Ruffin, owns the following described real property situated in Baldwin County, Alabama, to-wit:

Begin at the Northeast corner of the Southwest Quarter of Section 15, Township 5 South, Range 2 East, and run thence West 1320 feet to a corner; thence South 496 feet to a corner; thence East 1320 feet to a corner; thence North 496 feet to the point or place of beginning, containing 15 acres more or less.

3. Petitioner alleges that the said Lillie Ruffin agreed to sell all of the said property to Joseph R. Lazzari, before she was declared a non compos mentis, for the total sum of Twenty-two Hundred Dollars (\$2200.00) to be paid in cash at the time of the execution of a proper conveyance to him and at the time she agreed to sell the said property to the said Joseph R. Lazzari, she placed him in possession of all of the said property.

4. Petitioner alleges that the said sum of Twenty-two Hundred Dollars (\$2200.00) is a fair price for the said property, that the said sum is not disproportionate to its value, and that it is to the best interest of the said ward that he, as such guardian, be authorized to sell and convey the said property to the said purchaser at private sale for sum of Twenty-two Hundred Dollars (\$2200.00). It is necessary that the said sale be made for the purpose of maintaining the said ward.

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, and that on the said hearing he be authorized to sell and convey the above described tract of land and to make, execute and deliver a proper conveyance therefor, upon receipt of the purchase price to be paid for the said property. Petitioner further prays that such other orders be made and decrees rendered as may be requisite and proper in the premises.

x Orrie Smith
Petitioner.

STATE OF ALABAMA

BALDWIN COUNTY

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

x Orrie Smith

Sworn to and subscribed before
me on this the 2 day of
November, 1957.

Frank Wood

Notary Public, Baldwin County, Ala.

FILED

NOV 4 1957

ALICE J. BUCK, Register

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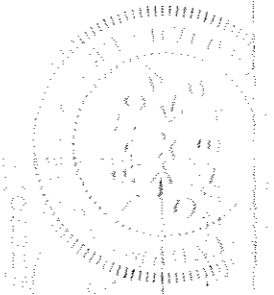
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FILED
NOV 4 1957
ALICE J. DOCK, Register

ESTATE OF
LILLIE OLIVIA RUFFIN,
A non compos mentis.

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

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM

TO: MARY THOMPSON WHITE

You are hereby notified that by a decree rendered in this cause on this date, you were appointed as guardian ad litem to represent Lillie Olivia Ruffin, a non compos mentis, in connection with the petition filed in this cause by Orrie Smith, as guardian of the said Lillie Olivia Ruffin, in which he is seeking authority to sell real property at private sale. You are further notified that the said cause has been set for hearing on this date at ten o'clock A. M.

DATED this 20th day of November, 1957.

Oliver L. Leach

Register.

ACCEPTANCE AND ANSWER OF GUARDIAN AD LITEM

I, Mary Thompson White, an attorney at law and solicitor in chancery, practicing in Baldwin County, Alabama, having been appointed as guardian ad litem to represent Lillie Olivia Ruffin in connection with the petition filed in this cause by Orrie Smith, as guardian of the said Lillie Olivia Ruffin, do hereby accept the said appointment and for answer to the said petition, I, as such guardian ad litem for the said ward, do hereby deny each and all of the allegations of the said petition and demand strict proof of same.

25720

DATED this 20th day of November, 1957.

Mary Thompson White

As Guardian ad litem for Lillie Olivia Ruffin, a non compos mentis.

NOTICE OF APPOINTMENT OF GUARDIAN
AD LITEM AND ACCEPTANCE AND ANSWER
OF GUARDIAN AD LITEM

ESTATE OF
LILLIE OLIVIA RUFFIN,

A Non compos mentis.

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

FILED

NOV 20 1957

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ESTATE OF
LILLIE OLIVIA RUFFIN,
A non compos mentis.

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

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM

TO: Wilson Hayes, Esquire:

You are hereby notified that by a decree rendered in this cause on this date you were appointed as guardian ad litem to represent Lillie Ruffin, a non compos mentis in connection with the petition filed in this cause on this date by Orrie Smith, as guardian of the said Lillie Ruffin, in which he is seeking authority to sell real property at private sale. You are further notified that the said cause has been set for hearing and will be heard at ten o'clock A. M. on November 15, 1957,

DATED this 5th day of November, 1957.

Alice I. Beck
Register.

ACCEPTANCE AND ANSWER OF GUARDIAN AD LITEM

I, Wilson Hayes, an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, having been appointed as guardian ad litem to represent Lillie Ruffin in connection with the petition filed in this cause by Orrie Smith, as guardian of the said Lillie Ruffin, on this date, do hereby accept the said appointment and for answer to the said petition, I, as such guardian ad litem for the said ward, do hereby deny each and all of the allegations of the said petition and demand strict proof of same.

DATED this 5th day of November, 1957.

Wilson Hayes
As guardian ad litem for Lillie Ruffin,
a non compos mentis.

FILED

NOV 4 1957

ESTATE OF
LILLIE OLIVIA RUFFIN,
A non compos mentis.

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

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, Orrie Smith, 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. That he has been heretofore appointed, qualified and
is now acting as Guardian of Lillie Olivia Ruffin, a non compos
mentis, in and by the Probate Court of Baldwin County, Alabama.

2. In the opinion of petitioner, such guardianship can
be better administered in the Circuit Court of Baldwin County,
Alabama, in Equity, than in the Probate Court.

WHEREFORE, Petitioner prays that the Court will make and
enter a proper decree, as authorized by Title 21, Section 26 of the
1940 Code of Alabama, removing the said guardianship from the
Probate Court of Baldwin County, Alabama, to the Circuit Court of
Baldwin County, Alabama, in Equity.

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

x Orrie Smith
Petitioner.

STATE OF ALABAMA

BALDWIN COUNTY

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

x Orrie Smith

Sworn to and subscribed before
me on this the 23 day of
October, 1957.

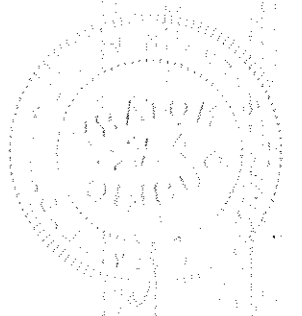
Frank Bow
Notary Public, Baldwin County, Ala.

Notary Public, State of Alabama at large
My commission expires Sept. 25, 1961
Bonded by Employers Liability Assurance
Corporation

Filed
10-28-57

261-73-p

No. 4152



FILED

OCT 28 1957

ALICE A. BUCK, Register