

IN THE MATTER OF THE)
GUARDIANSHIP OF)
S. J. WHITLEY,)
a non compos mentis)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 2906

PETITION FOR FINAL SETTLEMENT

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

Your Petitioner, Malena C. Whitley, who is over twenty-one years of age and a resident of Baldwin County, Alabama, respectfully represents and shows unto the Court and your Honor as follows:

1. She was heretofore, on to-wit: May 18, 1949, appointed by and qualified in the Probate Court of Baldwin County, Alabama, as Guardian of S. J. Whitley, a non compos mentis.

2. This Guardianship was thereafter, on to-wit: October 2, 1952, transferred from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, In Equity, where it is now pending.

3. That on to-wit: August 12, 1951, S. J. Whitley departed this life and that thereafter, your Petitioner was appointed and acted as administratrix of the Estate of said S. J. Whitley until the 24th day of November, 1952, at which time the said estate was finally settled in the Probate Court of Baldwin County, Alabama.

4. The heirs of the said S. J. Whitley, and the only persons interested in this proceeding are: Your Petitioner, the widow; Natalie W. Feulner, formerly Natalie Whitley, a daughter; W. H. Whitley, a son; and Malena Mae Whitley, a daughter. Each and all of the said parties are over the age of twenty-one years and are residents of Baldwin County, Alabama, except W. H. Whitley, who is a non resident of the State of Alabama, whose residence and Post Office address is Amite, Louisiana. The said parties have, by written instrument, attached to and made a part of this Petition, waived notice of the filing of this petition and the date set for hearing same and have consented and agreed that this guardianship be settled by consent without an accounting and without any further notice to them. Malena C. Whitley, as principal, and Natalie W. Feulner and Malena M. Whitley as sureties on the guardianship bond heretofore

filed herein, have also, by written instrument attached hereto and made a part hereof, waived notice of the filing of this petition and have consented and agreed that the said guardianship be finally settled by consent without an accounting and without further notice to them.

WHEREFORE, Petitioner prays that the Court will take jurisdiction of this petition and make and enter an order or decree fully and finally settling this guardianship by consent without notice. Petitioner further prays that such other orders be made and decrees rendered as may be requisite and proper in the premises.

Malena C. Whitley

Petitioner

STATE OF ALABAMA)
BALDWIN COUNTY)

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

Malena C. Whitley

Sworn to and subscribed before me on
this the 22nd day of April, 1953.

James C. Whitley
Notary Public, Baldwin County, Alabama

STATE OF ALABAMA)
BALDWIN COUNTY)

We, the undersigned, Malena C. Whitley, Malena C. Whitley, as Principal, Natalie W. Feulner, formerly Natalie Whitley, Natalie W. Jeulner, as Surety, W. H. Whitley, Malena Mae Whitley, Malena Mae Whitley, as Surety, do each waive notice of the filing of the foregoing petition and of the date set for hearing same and consent and agree that this Guardianship be settled without an accounting by consent without notice.

Dated this 22nd day of April, 1953.

Malena C. Whitley
Malena C. Whitley

Malena C. Whitley
Malena C. Whitley, as principal

Natalie W. Feulner
Natalie W. Feulner

Natalie W. Feulner
Natalie W. Feulner, as Surety

W. H. Whitley
W. H. Whitley

Malena Mae Whitley
Malena Mae Whitley

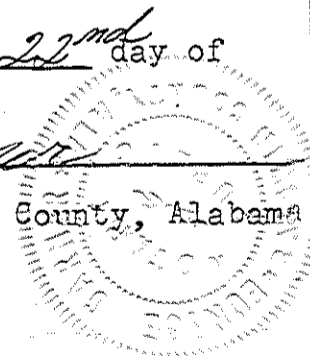
Malena Mae Whitley
Malena Mae Whitley, as Surety

STATE OF ALABAMA)
BALDWIN COUNTY)

I, Ernie Garner, a Notary Public, within and for said County in said State, hereby certify that Malena C. Whitley, Natalie W. Feulner, formerly Natalie Whitley, and Malena Mae Whitley whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 22nd day of April, 1953.

Ernie Garner
Notary Public, Baldwin County, Alabama



STATE OF LOUISIANA)
TANGIPAHOA PARISH)

I, Edwin C. Schilling, Jr., a Notary Public, within and for said Parish in said State, hereby certify that W. H. Whitley 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.

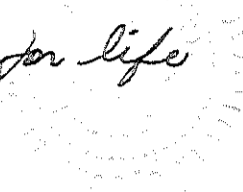
Given under my hand and seal on this the 13th day of

April, 1953.

Edwin C. Schilling Jr

Notary Public, Tangipahoa Parish,
Louisiana

My Commission is for life



IN THE MATTER OF
GUARDIANSHIP OF S. J. WHITLEY,
Non compos Mentis.

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

DECREE REMOVING GUARDIANSHIP FROM PROBATE TO EQUITY COURT.

This cause coming on to be heard on this date is submitted on petition of Malena C. Whitley, as guardian of S. J. Whitley, a Non Compos Mentis, to remove the guardianship from the Probate Court of Baldwin County, Alabama to the Circuit Court of Baldwin County, Alabama, in Equity, upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED and DECREED by the Court as follows:

1. The 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 deliver a copy of this decree to the Probate Court of Baldwin County, Alabama as soon as possible.

ORDERED, ADJUDGED AND DECREED on this the 2nd day of October, 1952.

Jelfair G. Maddebery, Jr.
Judge.

IN THE MATTER OF THE
GUARDIANSHIP OF
S. J. WHITLEY,
A Non Compos Mentis

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 2906

DECREE ON FINAL SETTLEMENT

This cause coming on to be heard on this day is submitted for a decree finally settling this Guardianship on the sworn petition of Malena C. Whitley from which it appears that the said S. J. Whitley died on August 12, 1951, and that the said Malena C. Whitley was appointed and acted as Administratrix of the Estate of said S. J. Whitley until the 24th day of November, 1952, at which time the said Estate was finally settled in the Probate Court of Baldwin County, Alabama; waiver of notice of Natalie W. Feulner, W. H. Whitley and Malena Mae Whitley, who are all of the children and heirs of the said decedent, and their written consent that this Guardianship be settled by consent without notice or accounting by the said Guardian, upon consideration of all of which it appears to the Court that the allegations of the Petition for Final Settlement are true; that no notice or accounting by the said Guardian is necessary and that this Guardianship can now be settled by consent without notice or accounting by the said Guardian; whereupon it is therefore ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That this Guardianship be and it hereby is in all respects fully and finally settled.

2. Malena C. Whitley, as Guardian of this said Guardianship shall be and she is hereby relieved of and discharged from all other and further liabilities because of the Guardianship of the said S. J. Whitley.

3. The costs of this proceeding, amounting to \$ 9 90 are hereby taxed against Malena C. Whitley as Guardian of the said S. J. Whitley.

ORDERED, ADJUDGED AND DECREED on this the 26 day of May, 1953.

Hubert M. Hall

Judge.

IN THE MATTER OF
GUARDIANSHIP OF S. J. WHITLEY,
Non Compos Mentis.

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

PETITION TO REMOVE GUARDIANSHIP FROM PROBATE TO
CIRCUIT COURT.

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

Your Petitioner, Malena C. Whitley, 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. She has been heretofore appointed and qualified as
guardian of S. J. Whitley, a Non Compos Mentis, 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 guardianship 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 take juris-
diction of this petition and that it 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, Sitting in Equity. Petitioner further prays that
such other orders be made and decrees rendered as may be requisite
and proper in the premises.

Malena C. Whitley

Petitioner.

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

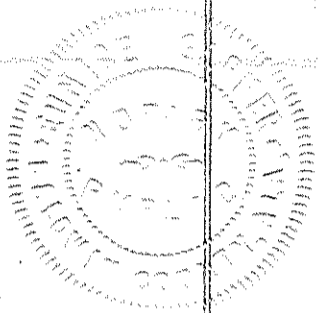
Before me, the undersigned authority, within and for said
County in said State, personally appeared MALENA C, WHITLEY, who,
after being by me first duly and legally sworn, deposes and says:
That she has read over the foregoing petition and that the facts
stated therein are true.

Malena C. Whitley

Sworn to and subscribed before me on
this the 31st day of September,
1952.

Ervin G. Gorman

Notary Public, Baldwin County, Alabama.



THE STATE OF ALABAMA,
BALDWIN COUNTY

PROBATE COURT

Letters of Guardianship Over the Estate of

S.J. Whitley, a mental incompetent, a minor, ----- the age of fourteen years,
 so adjudged by a jury
 _____, 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,

are hereby granted to Malena C. Whitley, 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 18th day of May, A. D., 1942.

W.R. Sturt Judge of Probate

No. _____

The State of Alabama,
BALDWIN COUNTY

PROBATE COURT

ESTATE OF

Deceased.

LETTERS OF GUARDIANSHIP TO

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

Your Petitioner, Malena C. Whitley, 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. Your Petitioner is the wife of S. J. Whitley, a
resident of Bay Minette in Baldwin County, Alabama.

2. The said S. J. Whitley is, because of senility
and a general impaired physical condition, of unsound mind, incap-
able of governing himself and of managing his own affairs, because
of which it is necessary that a guardian be appointed for him.

WHEREFORE, Petitioner prays that the Court will or-
der and hold an inquisition in the manner provided by law, appoint
a Guardian Ad Litem to represent the said S. J. Whitley and if the
said Court shall, on the said inquisition, determine that the said
S. J. Whitley is incapable of governing himself or of managing his
own affairs, that it will appoint Petitioner as his guardian upon
her entering into bond with requisite security in such manner as
may be prescribed by the Court.

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

Malena C. Whitley

Sworn to and subscribed before me
on this the 16th day of May, 1949.

Mary Lou Blackburn

Notary Public, Baldwin County, Alabama.

IN THE MATTER OF
GUARDIANSHIP OF S.J. WHITLEY,
Non compos Mentis

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

In the matter of removal of the guardianship of S. J. Whitley, non compos mentis, from Probate to Equity Court.

In compliance with a decree issued by the Circuit Court of Baldwin County, in Equity, dated October 2, 1952, and signed by Telfair J. Mashburn, Jr., as Judge of said Court;

It is ORDERED, ADJUDGED AND DECREED that all papers in Probate File No. 2677, Estate of S. J. Whitley, a non compos mentis, be and hereby is transferred to the Circuit Court, Equity Division, Baldwin County, Alabama.

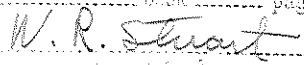
Done this the 2nd day of October, 1952.


Judge of Probate.

STATE OF ALABAMA, BALDWIN COUNTY

FILED Oct. 2, 1952

book _____ page _____


Judge of Probate



THE STATE OF ALABAMA,
BALDWIN COUNTY.

PROBATE COURT May 18 Term 1949

TO H. M. Hall Esq.

Take notice, that by an order of this court, this day made and entered, you were appointed to act as guardian

ad litem for S. J. Whitley, a mental incompetent

~~Minor heirs of~~ S. J. Whitley

~~deceased~~, to represent and protect ^{his} ~~their~~ interests upon the application of Melvin

C. Whitley for an inquiry as to the
sanity of said S. J. Whitley - Proceedings to be
heard May 18, 1949

Given under my hand, this 18 day of May 1949

W. R. Hunt
Judge of Probate

I hereby accept the appointment of Guardian ad litem for S. J. Whitley

a mental incompetent

~~minor heirs of~~ S. J. Whitley, ~~deceased~~, to represent and protect ^{his} ~~their~~ interests upon

the hearing of the above named proceedings and hereby deny each and every allegation contained in said proceeding and demand proof thereof.

Witness my hand, this 18 day of May 1949

W. R. Hunt
Judge of Probate
Guardian ad litem

Appointments
and
acceptance
of
General Letter

Rec Recd
Q. at Page
236 ✓

Filed 5/18/49
W. D. Stewart
Judge

GUARDIANSHIP BOND

STATE OF ALABAMA
BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That we, Malena C. Whitley, as principal, and the undersigned sureties, are held and firmly bound unto W. R. Stuart, Judge of the Probate Court of Baldwin County, Alabama, in the penal sum of Ten Thousand Seven Hundred Dollars (\$10,700.00), 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 on this the _____ day of May, 1949.

The condition of the above obligation is such that, whereas, Malena C. Whitley has applied to the Judge of Probate of Baldwin County, Alabama, for Letters of Guardianship over the person and estate of S. J. Whitley, a non compos mentis:

NOW, THEREFORE, if the said Malena C. Whitley, as such Guardian, shall faithfully perform all of the duties which are, or may be required of her by law, then this obligation shall be void, otherwise to remain in full force and effect.

Malena C. Whitley (SEAL)

Natalie W. Feulner (SEAL)

Malena M. Whitley (SEAL)

Taken and approved on this the 18th day of May, 1949.

W. R. Stuart
Judge of Probate, Baldwin County, Alabama.

GUARDIANSHIP BOND

RETURN TO

YARLES, V. C.

TO THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

[Faint handwritten notes and stamps]

[Faint handwritten notes and stamps]

GUARDIAN'S BOND

AMASIA TO STATE

YTHUCO MTRCLAN

... I have been appointed guardian of the estate of ...

... I have been appointed guardian of the estate of ...

... I have been appointed guardian of the estate of ...

... I have been appointed guardian of the estate of ...

(NAME) ...

(NAME) ...

(NAME) ...

...

... I have been appointed guardian of the estate of ...

GUARDIAN'S BOND

ESTATE OF S. J. WHITLEY

IN THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA.


Rec Rec'd Page 236

Filed in office of Probate Judge Baldwin Co Ala May 18, 1949 J. W. Street

Petition for Guardianship of
S.J. Whitley, a Mental Incom-
petent.

Probate Court of
Baldwin County, Alabama,
May 18th, 1949.

This day came Melena C. Whitley, and applied for Letters of Guardianship of the Estate of said Mental Incompetent, and she now entering into bond and security in the sum of \$1000.00 with Natalie W. Feulner and Malena M. Whitley, as her sureties, which bond with said sureties has been taken and approved by the Judge of this Court, it is ordered, adjudged and decreed that Letters of Guardianship of the Estate of said S.J. Whitley, a mental incompetent, issue to the said Malena C. Whitley.


Judge of Probate.

Apparatus of
Guardian

5/18/49

Rec'd
MAY 21 1949

The State of Alabama,) Probate Court
County of Baldwin.) May 17, 1949.

In the matter of the petition of Melena C. Whitley to declare S.J. Whitley, a person of unsound mind:

This day came Melena C. Whitley, and filed in Court her petition in due form and under oath, alleging that the said S.J. Whitley is a resident of this county is of unsound mind and incapable of taking care of himself, or managing his affairs, and praying that the necessary proceedings be had so as to have due inquiry and determination of the truth of said allegation: It is therefore ordered that the 18 day of May, A.D., 1949, be appointed a day for hearing said petition and that a jury be drawn as the law directs for the trial of this issue. It is further ordered that a writ be issued to the Sheriff of Baldwin County, requiring him to take the said S.J. Whitley so that he have him in this court to be present at said trial, if consistent with the health and safety of the said S.J. Whitley.

W.R. Stewart
Judge of Probate.

We the Jury find that
S. J. Whitley is of unsound
mind

5/18/49

Randolph McJannet
Foreman


The State of Alabama, In the Probate Court of said County.
County of Baldwin.

To the Sheriff of said County:-

Whereas, Melena C. Whitley, has this day filed her petition with the Judge of said Court alleging that the said S.J. Whitley is a male person of unsound mind, and a resident of this county, and praying that an inquisition of lunacy may be had in due form of law to try the truth of said allegation, and as to whether the said S.J. Whitley is incapable of governing himself and of attending to his affairs; and, whereas, the Judge of said Court has by due order entered in the premises, appointed the 18 day of May, A.D., 1949, for hearing said petition and for the trial thereof.

Now therefore, you are hereby required to take the body of the said S.J. Whitley, and if consistent with his health and safety, have him in court to be present at the place of trial, and before the jury then to be impanelled to make said inquisition, and have you then and there this writ with your endorsement thereof.

Given under my hand this the 17th day of May, A.D.,
1949.


Judge of Probate

Received in Sheriff's Office
this 18 day of May, 1949
TAYLOR WILKINS, Sheriff

Exempted By Summons
The following for jury
men this 18 day May 1949

- J.C. Hand
- Randolph Mc Gouen
- Henry Pipkin
- Simp Louer
- Charlie R. Sims
- W. a Miller
- Taylor Wilkins Sheriff
- Jarvis B. Griffin D.S.

this 18th day of May

6/1/49

Deputy Sheriff
Taylor Wilkins

State of Alabama,
Baldwin County.

In the Probate Court.

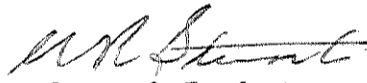
To the Sheriff of said county, Greeting:

Whereas, Malena C. Whitley, has this day filed her petition with me, as the Probate Judge of Baldwin County, Alabama, alleging that S.J. Whitley, is incompetent, to manage his own affairs, a resident citizen of Baldwin County, Alabama, which said petitioner prays that an inquisition of lunacy may be had in due form of law to try the truth of said allegations; and whereas, I have by due order appointed the 18 day of May, A.D., 1949, as the day for hearing said petition and for the trial thereof.

Now Therefore, you are hereby required to summon a jury of six good and lawful men, of the neighborhood, then to be impannelled, to make said inquisition at 10 o'clock A.M.

And have you then and there this writ with your proper endorsement thereon.

Given under my hand at office in Bay Minette, Alabama, this 17th day of May, A.D., 1949.


Judge of Probate.

Order Selling
day to back
Exposition

5/17/49