

2911

MOTION TO DISMISS

FRANCES BYSTRICKY,
Complainant,
VS.
JOHN W. BYSTRICKY,
Respondent.

X
X
X
X
X

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

Comes now the Complainant by her attorney in the above styled case and makes motion that the Complaint in the above styled cause heretofore filed be dismissed on payment of costs.

James C. Hendrix
Solicitor for Complainant

FRANCES BYSTRICKY

*

IN THE PROBATE COURT OF

VS.

*

BALDWIN COUNTY, ALABAMA

JOHN W. BYSTRICKY

*

STATE OF ALABAMA

BALDWIN COUNTY

TO THE HONORABLE W.R. STUART, JUDGE OF SAID COURT:

Now comes Frances Bystricky and shows unto the Court as follows: that she is the wife of John W. Bystricky who is a citizen and resident of this county having an estate therein; that the said John W. Bystricky is of unsound mind, is of the male sex, is approximately 65 years of age and lives at Robertsdale, Alabama; and is incapable of governing himself or conducting or managing his affairs; and that petitioner believes from his conduct and statements and his mental condition, that it would be to his best interest that a guardian be appointed to manage his property.

Your petitioner further shows unto the court that Frances Bystricky is a qualified person to act as the guardian of the said John W. Bystricky.

The premises considered, your petitioner prays that this Honorable Court will take jurisdiction of this petition for the appointment of a guardian for the property of said John W. Bystricky, will appoint a day for the hearing thereof, and if the said John W. Bystricky is not represented by counsel, will appoint a guardian ad litem to represent and defend him; and that upon a hearing the court will make and enter a decree declaring the said John W. Bystricky to be a person of unsound mind and will commit the custody of his property to a guardian to be appointed by this Court and that the said Frances Bystricky herein above mentioned be appointed as such guardian.

And petitioner prays for such other and further relief, general or special, to which she may be entitled in said premises.

Mrs. Frances Bystricky
Petitioner.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Alyce C. Bill, a notary public in and for said State and County, personally appeared Frances Bystricky, who being by me first duly sworn, deposes and says, that she is the wife of the said John W. Bystricky, mentioned in the foregoing petition; that she has knowledge of the matters and things therein stated, and she believes the facts therein stated to be true.

Mrs Frances Bystricky
Petitioner

SUBSCRIBED AND SWORN TO BEFORE ME THIS 31st DAY OF December,

1952.

Alyce C. Bill
Notary Public, Baldwin County
Alabama

FRANCES BYSTRICKY)
vs.)
JOHN W. BYSTRICKY)

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

To the Honorable Judge of the Circuit Court of Baldwin County,
Alabama, Sitting in Equity:

Your oratrix, Frances Bystricky, a resident of the county of Baldwin in this State, and over twenty-one years of age, respectfully exhibits this her bill of complaint against John W. Bystricky, a resident of Baldwin County, Alabama, who is also over the age of twenty-one years.

And humbly complaining your oratrix would represent unto your Honor as follows:

1. That your oratrix is the wife of the respondent, John W. Bystricky, who is now living but who is insane, and is now confined in a mental institution.

2. Your oratrix further shows that her said husband, John W. Bystricky, is insane, having been declared of unsound mind by an order and decree of the probate court of Baldwin County on a writ of commitment on the 14th day of June, 1952, a certified copy of which said decree is hereto attached and marked Exhibit 1.

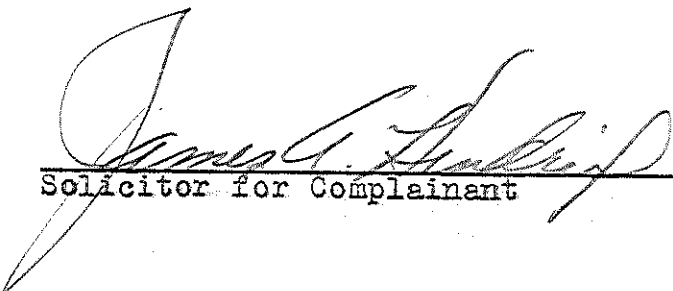
3. That your oratrix desires to sell, as if single, the following described real estate situated in the County of Baldwin, State of Alabama, and more particularly described as follows:

Lots numbered 6, 7 and 8 in Block number 16 in the First Addition to the Townsite of Robertsdale, Baldwin County, Alabama, as platted and recorded; save and except a certain strip of land along that part of the South line of said Lot 8 and heretofore sold to Mrs. Vina Ward and more particularly describing that part so sold as follows, to-wit: Beginning at the Southeast corner of Lot number 8 in Block number 16 in the Town of Robertsdale, Alabama, run thence Northwardly along the East line of said lot to center of South wall of building on said lot a distance of 12 inches more or less; thence Westwardly and parallel with the South line of said lot a distance of 85 feet; thence South to South line of said lot a distance of 12 inches more or less; thence Eastwardly and along the South line of said lot to point of beginning; together with one-half interest in the said South wall of said building, with the right to connect on to said wall with brick structure. The North wall on Lot number 6 between the building is a division wall, one-half belonging to Lot number 6, North line thereof, and the other one-half being on Lot number 5 and belongs to the South line of Lot number 5, the South line thereof; together with the business located thereon known as Bystricky Hardware Company.

that said real estate is not the homestead of your oratrix and her said husband; and that this bill or petition is not filed for the purpose of taking advantage of, or of defrauding the said respondent.

The premises considered, your oratrix prays that your Honor will enter an order fixing the day for the hearing of this her petition or bill, providing what notice shall be given the insane spouse, the manner in which such notice shall be given, and appoint a guardian ad litem to represent the interest of the respondent, and that upon a final hearing hereof, the court will enter a decree giving the petitioner the right to sell, as if single, the real estate and business properties hereinabove described in this bill.

And oratrix will ever pray, etc.


Solicitor for Complainant

Mrs. Frances B. Strickley
Complainant

THE STATE OF ALABAMA,
Baldwin County

Office Of
Judge of Probate

I, W. R. Stuart, Judge of Probate of the County of Baldwin and State

of Alabama, do hereby certify that it having been alleged to me that John W. Bystricky
a resident of said County is insane, and that his own and public welfare demand that he
be sent to the Hospital for insane persons for custody and treatment, pursuant to the statutory provisions in

such cases, I have called before me the following credible witnesses _____

Mrs. J. W. Bystricky, Robertsdale, Alabama

and Dr. S. D. Armistead a reputable physician, practicing medicine in the State,
and having examined them under oath, and otherwise fully investigate the facts of the case, with the said

John W. Bystricky, not

present in court, I hereby certify that sufficient proof has been adduced before me to satisfactorily show
that the said John W. Bystricky is so defective mentally that
he ought to be committed to the Hospital for insane persons for safe keeping and treatment.

I Further Certify, That satisfactory proof has been adduced before me that said _____
John W. Bystricky has not sufficient means to pay his
expenses in the Hospital.

I therefore issue this certificate of mental disqualification and commit him to the
Bryce Hospital at Tuscaloosa, Alabama according
to instructions received from the Superintendent as indigent patient.

Given Under My Hand, at Bay Minette in the County and State afore-
said, this 14th day of June in the year of 1952

W. R. Stuart, Judge of Probate.

The State of Alabama, { PROBATE COURT
Baldwin County

I, W. R. STUART, Judge of the Probate Court in and for said State and County, hereby certify

that the within and foregoing one typewritten pages

contain a full, true and complete copy of the Commitment for admission to the Alabama
State Hospitals of John W. Bystricky, insane

as the same appears of record in my office in Probate File No. 3086 ~~XXXXXX~~ Book No.

Given under my hand and seal of office, this 7 day of October, 1952

W. R. Stuart
Judge of Probate

FRANCES BY STRICKY

VS

JOHN W. BYSTRICKY

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

Frances Bystricky, a married woman, whose husband, John W. Bystricky, is alleged to be insane, having this day filed her petition under Code 1940, Tit. 54, § 83, for authority to sell certain real estate described therein as if she were a single woman, and averring in said petition that its purpose is not to take advantage of or to defraud her insane husband, it is, therefore,

Ordered, adjudged and decree by the court,

1. That the said bill or petition be, and the same is hereby set down for hearing before the court on the _____ day of _____, 19____, at _____.

2. That notice of the filing of said petition and of this decree fixing the day for the hearing thereof be given the insane spouse, John W. Bystricky, by serving a copy of the said petition and this decree upon the said John W. Bystricky.

3. That _____, a practicing attorney of this Bar, be and he is hereby appointed as the guardian ad litem to represent the interest of John W. Bystricky on said hearing.

Done this the _____ day of _____, 19____.

Circuit Judge

FRANCES BY STRICKY

vs

JOHN W. BYSTRICKY

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

Frances Bystricky, a married woman, whose husband, John W. Bystricky, is alleged to be insane, having this day filed her petition under Code 1940, Tit. 34, § 83, for authority to sell certain real estate described therein as if she were a single woman, and averring in said petition that its purpose is not to take advantage of or to defraud her insane husband, it is, therefore,

Ordered, adjudged and decree by the court,

1. That the said bill or petition be, and the same is hereby set down for hearing before the court on the _____ day of _____, 19____, at _____.

2. That notice of the filing of said petition and of this decree fixing the day for the hearing thereof be given the insane spouse, John W. Bystricky, by serving a copy of the said petition and this decree upon the said John W. Bystricky.

3. That _____, a practicing attorney of this Bar, be and he is hereby appointed as the guardian ad litem to represent the interest of John W. Bystricky on said hearing.

Done this the _____ day of _____, 19____.

Circuit Judge

FRANCES BYSTRICKY

vs

JOHN W. BYSTRICKY

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

To the Honorable Judge of the Circuit Court of Baldwin County,
Alabama, Sitting in Equity:

Your oratrix, Frances Bystricky, a resident of the county of Baldwin in this State, and over twenty-one years of age, respectfully exhibits this her bill of complaint against John W. Bystricky, a resident of Baldwin County, Alabama, who is also over the age of twenty-one years.

And humbly complaining your oratrix would represent unto your Honor as follows:

1. That your oratrix is the wife of the respondent, John W. Bystricky, who is now living but who is insane, and is now confined in a mental institution.

2. Your oratrix further shows that her said husband, John W. Bystricky, is insane, having been declared of unsound mind by an order and decree of the probate court of Baldwin County on a writ of commitment on the 14th day of June, 1952, a certified copy of which said decree is hereto attached and marked Exhibit 1.

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that said real estate is not the homestead of your oratrix and her said husband; and that this bill or petition is not filed for the purpose of taking advantage of, or of defrauding the said respondent.

The premises considered, your oratrix prays that your Honor will enter an order fixing the day for the hearing of this her petition or bill, providing what notice shall be given the insane spouse, the manner in which such notice shall be given, and appoint a guardian ad litem to represent the interest of the respondent, and that upon a final hearing hereof, the court will enter a decree giving the petitioner the right to sell, as if single, the real estate and business properties hereinabove described in this bill.

And oratrix will ever pray, etc.

Complainant

Solicitor for Complainant

FRANCES BYSTRICKY

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

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And oratrix will ever pray, etc.

Complainant

Solicitor for Complainant

FRANCES BY STRICKY

vs

JOHN W. BYSTRICKY

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

Frances Bystricky, a married woman, whose husband, John W. Bystricky, is alleged to be insane, having this day filed her petition under Code 1940, Tit. 34, § 85, for authority to sell certain real estate described therein as if she were a single woman, and averring in said petition that its purpose is not to take advantage of or to defraud her insane husband, it is, therefore,

Ordered, adjudged and decree by the court,

1. That the said bill or petition be, and the same is hereby set down for hearing before the court on the _____ day of _____, 19____, at _____.

2. That notice of the filing of said petition and of this decree fixing the day for the hearing thereof be given the insane spouse, John W. Bystricky, by serving a copy of the said petition and this decree upon the said John W. Bystricky.

3. That _____, a practicing attorney of this Bar, be and he is hereby appointed as the guardian ad litem to represent the interest of John W. Bystricky on said hearing.

Done this the _____ day of _____, 19____.

Circuit Judge

MOTION TO DISMISS

FRANCES BYSTRICKY,

Complainant,

VS.

JOHN W. BYSTRICKY,

Respondent.

I
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I

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

Comes now the Complainant by her attorney in the above styled case and makes motion that the Complaint in the above styled cause heretofore filed be dismissed on payment of costs.

Solicitor for Complainant

LEGAL NOTICE

NOTICE OF SALE OF LANDS

Under and by virtue of an order and decree of the Probate Court of Baldwin County, Alabama, rendered on the 3rd day of March 1953, the undersigned Guardian of the estate of John Bystricky Non compis mentis, will sell to the highest bidder for cash or at the place where said lands lie in the town of Robertsdale, Alabama Baldwin County, Alabama, within the legal hours of sale on Monday, March 23rd, 1953 the following described real estate and improvements thereon along with the business and stock of goods located thereon known as Bystricky Hardware Company, of said estate of the said John Bystricky, non compis mentis, to-wit:

Lots 6,7, and 8 in Block number 16 in the First Addition to the Townsite of Robertsdale, Baldwin County, Alabama, as plated and recorded

Frances Bystricky, Guardian of the Estate of John Bystricky, non compis mentis.

James A. Hendrix, Attorney for Guardian.

JOHN BYSTRICKY,
Non compos mentis,

ESTATE OF.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

TESTIMONY OF WITNESSES

We, the undersigned, Frances Bystricky, who was appointed legal Guardian of John W. Bystricky, non compos mentis, by the Probate Court of Baldwin County, Alabama, on the 13th day of January, 1953, and Elsie Bystricky, after being suly sworn do depose and say as follows:

That John Bystricky is the sole owner of the following real estate situated in the city of Robertsdale, County of Baldwin, State of Alabama, to-wit: Lots 6,7, and 8 in Block number 16 in the first Addition to the Townsite of Robertsdale Baldwin County, Alabama, as platted and recorded. That he also owns the business and stock of goods lacated thereon known as Bystricky Hardware Company.

That it would be to the best interest of the estate of the said John Bystricky for this property to be sold to the highest bidder at public auction in order to provide for the maintenance of his family, and in order to pay the following debts of the said John Bystricky, which were incurred before the inquisition against him:

Director of Internal Revenue - - - - -	\$900.67
Moore Handley Hardware Co. - - - - -	192.46
Belknap Hardware & Mfg Co. - - - - -	1232.11
Elsie M. Bystricky - - - - -	1285.00

That the business as it now is, is not making sufficient profit to maintain the family and pay the legal outstanding debts which the business has incurred, and there is not enough money on hand to pay same.

Witness our hands and dated this the 3rd day of March, 1953.

Frances Bystricky

Elsie Bystricky

Sworn to and subscribed before this the 3rd day of March, 1953.

Judge of Probate.