

3410

BOOK 016 PAGE 481

JOHN C. PETTRY, As Adminis-
trator of the Estate of John
C. Pettry, Jr., Deceased,

Complainant,

vs.

HILMA A. BULLEN, JAMES B.
BULLEN and MARGARET BULLEN,

Respondents.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes the Complainant in the above styled cause and amends
Paragraphs First and Second of his original Bill of Complaint filed
in said cause so that the same shall read as follows:

FIRST:

That John C. Pettry who is the Administrator of the Estate
of John C. Pettry, Jr., Deceased, is over the age of twenty-one years
and a resident citizen of Baldwin County, Alabama, residing at Mag-
nolia Springs, Alabama; that he was duly appointed as Administrator
of said Estate by the Probate Court of Baldwin County, Alabama, on
October 7, 1954, and that he still is the qualified, acting admin-
istrator of said Estate. That the Respondent, Hilma A. Bullen, is
over the age of twenty-one years and is a resident citizen of Mobile,
Alabama, her street address being 106 South Monterey Street, Mobile,
Alabama; that the Respondents, James B. Bullen and Margaret Bullen,
are both over the age of twenty-one years and are resident citizens
of Mobile, Alabama, their street address being 10 Crenshaw, Mobile,
Alabama. That James B. Bullen is a brother-in-law of Hilma A. Bullen
and Margaret Bullen is a sister-in-law of the said Hilma A. Bullen.

SECOND:

Your Complainant further shows unto your Honor that Hilma
A. Bullen who is named as one of the Respondents in the above styled
cause is one and the same person as Hilma L. Bullen who is the Defen-
dant in that certain cause now pending on the law side of the Circuit
Court of Baldwin County, Alabama, being case numbered 2403 in which
suit your Complainant is the Plaintiff. That the death of the said
John C. Pettry, Jr., was caused by the negligence of the said Hilma

BOOK 015 PAGE 485

L. Bullen who is also known as Hilma A. Bullen, said negligence on her part and the death of the said John C. Pettry, Jr., occurred at about 6:30 o'clock p.m., on September 10, 1954. That on October 11, 1954, your Complainant filed the above mentioned suit in the Circuit Court of Baldwin County, Alabama, At Law, claiming damages in the sum of \$50,000.00. That the said Hilma A. Bullen executed a warranty deed to the Respondents, James B. Bullen and Margaret Bullen, which said deed is dated October 15, 1954, and the acknowledgments on said deed are dated the same day, which said deed purports to be a conveyance by Hilma A. Bullen to her brother-in-law, James B. Bullen, and her sister-in-law, Margaret Bullen, and purports to convey the following described real property situated in Baldwin County, Alabama, to-wit:

Commencing at the Northeast corner of Fraction "D" which point is also the Southeast corner of the North half of the Northwest Quarter of Section 13, Township 9 South, Range 4 East of St. Stephens Meridian; running thence South along the North and South Center Line of said Section 13, a distance of 1685.05 feet to a point, for a point of beginning; thence South and continue along the North and South center line of said Section 13 a distance of 800 feet, more or less, to the shore of the Gulf of Mexico; thence Southwestwardly along the shore line of the Gulf of Mexico a distance of 51.76 feet, more or less, to a point, which point is at a distance of 50 feet due west of the East boundary line of said Fraction "D"; thence run North and parallel with the East boundary of said Fraction "D" of said Section 13, a distance of 800 feet, more or less, to a point, thence thru an angle of 75 degrees and no minutes to the right, run northeastwardly a distance of 51.76 feet to the point of beginning. Being a lot of land in Fraction "D" of said Section 13, Township 9 South, Range 4 East of St. Stephens Meridian, in Baldwin County, Alabama; fronting on the Gulf of Mexico and extending back 800 feet, more or less, between parallel lines. It is the intention of the Grantor herein to convey to the Grantees a lot 50 feet wide measured from East to West, with full riparian rights of said property fronting on the Gulf of Mexico.

That said deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 214, at pages 391-2. That a photostatic copy of such instrument is attached to the original Bill of Complaint, marked "Exhibit A". That such instrument was not filed for record in the Office of the Judge of Probate of Baldwin County, Alabama, until October 22, 1954, at 1:00 o'clock p.m. That service was had on October 21, 1954, of a copy of the summons and complaint in the suit brought by your Complainant against the said Hilma L. Bullen as above set out. That such service shows that such complaint was served upon Hilma A. Bullen but she appears and demurs

to such complaint under the name of Hilma L. Bullen. That the purported conveyance shown by "Exhibit A" above referred to describes all or substantially all of the real property owned by Hilma A. Bullen; that said instrument was executed and delivered to said Grantees without their paying any consideration to Grantor or for a grossly inadequate consideration such as to constitute fraud in itself, at a time when Complainant's cause of action had accrued.

FILED

CHASON & STONE

Jan. 20, 1955

ALICE J. DUCK, Register

By:

J. Anderson
As Solicitors for Complainant.

JOHN C. PETTRY, as Administrator
of the Estate of John C. Pettry,
Jr., Deceased,

Complainant,

vs.

HILMA A. BULLEN, et al.,

Respondents.

) IN THE CIRCUIT COURT
)
) OF BALDWIN COUNTY,
)
) ALABAMA.
)
) IN EQUITY.
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Not waiving her demurrers filed herein, but always insisting thereon, for answer to the bill of complaint herein, the Respondent Hilma A. Bullen says:

1: She is not informed as to the age or residence of the Complainant, nor as to whether he is the duly appointed administrator of the Estate of John C. Pettry, Jr., deceased, and therefore neither admits nor denies the same. She admits that she is over the age of 21 years, and is a resident citizen of Mobile County, Alabama, and that her street address is 106 South Monterey Street, Mobile, Alabama. She admits that James B. Bullen and Margaret Bullen are over the age of 21 years, and resident citizens of Mobile County, Alabama. She denies that James B. Bullen is her son or that Margaret Bullen is her daughter-in-law.

2: She admits that she is one and the same person who is the Defendant in a cause pending on the law side of the Circuit Court of Baldwin County, numbered 2405, in which the Complainant is the Plaintiff. She denies that the death of John C. Pettry, Jr., was caused by her negligence. She admits that John C. Pettry, Jr., died on the evening of September 10th, 1954. She admits that she has been served with a complaint out of the Circuit Court of Baldwin County, Alabama, as alleged in the complaint herein. She admits that she executed a warranty deed to the Respondents James B. Bullen and Margaret Bullen, under date of October

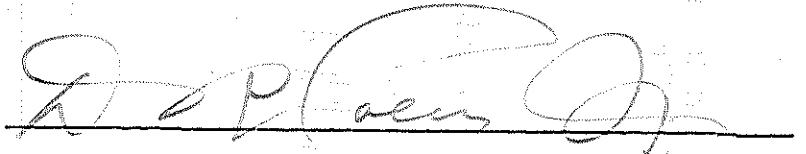
15th, 1954, but says and shows that James B. Bullen is not her son and Margaret Bullen is not the wife of her son. She further states that she is not informed as to whether said deed was recorded in the Probate Court of Baldwin County, Alabama, but says and shows that it was delivered by her to James B. Bullen and Margaret Bullen and that she is not informed as to what they did with it, and therefore neither denies nor admits that it is recorded as alleged. She neither admits nor denies that the deed referred to described all or substantially all of the real property owned by her, but says and shows that the property was conveyed by her in good faith to the grantees for a valuable, reasonable and adequate consideration.

Having fully answered, she prays that she may be permitted to go hence with her reasonable costs in this behalf expended.

FILED

Dec. 29, 1954

ALICE J. DUCK, Register


SOLICITOR FOR RESPONDENT HILMA A. BULLEN

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

JOHN C. PETTRY, etc.,
Complainant,

vs.

HILMA A. BULLEN, et al.,
Respondents.

ANSWER

FILED

DEC 27 1954

ALICE J. DUCK, Register

D. R. COLEY, JR.,
SOLICITOR FOR HILMA A. BULLEN

JOHN C. PETTRY, as Adminis-
trator of the Estate of
John C. Pettry, Jr., Deceased,

Complainant,

vs.

HILMA A. BULLEN, et al.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY

Comes now the Respondent Hilma A. Bullen in the above entitled cause, and demurs to the bill of complaint filed herein, and each aspect thereof, separately and severally, on the following separate and several grounds:

1: Because there is no equity in the bill.

2: Because it affirmatively appears from the allegations of the said complaint that there was not, at the time of the execution of said conveyance, any existing claim or liability which constituted any encumbrance against the property referred to therein.

3: Because no facts are alleged from which it may be said as a matter of law that the Respondent Hilma A. Bullen, was without right to convey the property described in the bill of complaint.

4: Because it affirmatively appears from the allegations of said complaint that at the time of the execution of the conveyance referred to by the Respondent Hilma A. Bullen, the claim alleged to exist in favor of the Complainant was, if anything, a mere right or cause of action against her, and was not such as would constitute any lien, charge or encumbrance against any property owned by her.

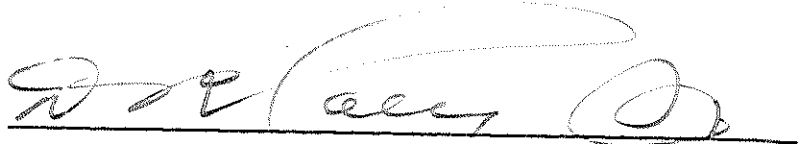
5: Because the allegation in the complaint that the death of John C. Pettry, Jr., was caused by the negligence of Hilma A. Bullen is a bare conclusion of the pleader.

6: Because the allegation that the said instrument was executed and delivered to said grantees without their paying any consideration to the grantor or for a grossly inadequate consideration, such as to constitute fraud in itself, is a bare conclusion of the pleader.

FILED

Dec. 27, 1954

ALICE L. BUCK, Register



SOLICITOR FOR RESPONDENT HILMA A. BULLEN

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY

JOHN C. PETTRY, as Adminis-
trator of the Estate of
John C. Pettry, Jr., Deceased,
Complainant,

vs.

HILMA A. BULLEN, et al.,
Defendants.

DEMURRERS

FILED
DEC 27 1954

ALICE J. DUCK, Register

D. R. COLEY, JR.,
SOLICITOR FOR HILMA A. BULLEN

JOHN C. PETTRY, As Adminis-
trator of the Estate of John
C. Pettry, Jr., Deceased,

Complainant,

vs.

HILMA A. BULLEN, JAMES B.
BULLEN and MARGARET BULLEN,

Respondents.

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¶ IN THE CIRCUIT COURT OF

¶ BALDWIN COUNTY, ALABAMA

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IN EQUITY

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INTERROGATORIES PROPOUNDED BY THE COMPLAINANT
TO THE RESPONDENT, HILMA A. BULLEN

Comes now the Complainant, John C. Pettry, As Administrator of the Estate of John C. Pettry, Jr., Deceased, by his Solicitors, and affidavit having been made by John Chason, one of the Solicitors of Record for the Complainant, and propounds the following interrogatories to the Respondent, Hilma A. Bullen:

1. Please state your name, age and address.

(a) If you state that your name is Hilma A. Bullen is not your driver's license taken in the name of Hilma L. Bullen?

(b) Are you sometimes known by the name of Hilma L. Bullen?

(c) If you state that your correct name is Hilma L. Bullen, did you not execute a deed attempting to convey certain property in Baldwin County, Alabama, on October 15, 1954, in the name of Hilma A. Bullen?

2. Are you personally acquainted with James B. Bullen and Margaret Bullen?

(a) Is not James B. Bullen your son?

(b) If you state that he is your son, please give his age and street address.

(c) Is not Margaret Bullen the wife of James B. Bullen and your daughter-in-law?

(d) If you state that she is the wife of James B. Bullen and your daughter-in-law, please give her age and street address.

(e) Were you a married woman on September 10, 1954, and have you been a married woman at all times since that date?

(f) If you state that you were a married woman on

September 10, 1954, and have been such at all times since that date please give the name, age and street address of your husband.

3. Were you driving an automobile along Alabama Highway #89 in an Easterly direction at a point about 4.2 miles West of the Western City Limits of Foley, Alabama, in Baldwin County, Alabama, on September 10, 1954, at about 6:30 o'clock p.m., when you were involved in an accident in which John C. Pettry, Jr., was killed?

(a) Was a suit filed against you in the Circuit Court of Baldwin County, Alabama, on the law side, in the name of Hilma L. Bullen, claiming damages in the sum of \$50,000.00 on October 11, 1954, and a copy of the summons and complaint in said suit served on you by a lawful officer of Mobile County, Alabama, on October 21, 1954?

(b) If you state that such suit was filed did you employ D. R. Coley an attorney at law in Mobile, Alabama, to represent you in such suit?

4. Were you the owner of the real property described in Paragraph "Second" of the bill of complaint filed in this cause, on September 10, 1954?

(a) If you state that you were the owner of such property on that date did you execute a deed to James B. Bullen and Margaret Bullen which deed is dated October 15, 1954, a photostatic copy thereof being attached as "Exhibit A" of the bill of complaint filed in this cause?

(b) If you state that you did execute such instrument who prepared it?

(c) Was it prepared by an attorney at law or under his directions?

(d) If you state that it was prepared by or under the directions of an attorney at law please give his name and office address.

(e) Where were you when the above instrument was signed by you?

(f) Was it signed by you in the presence of a Notary Public?

(g) Please state the name and address of the Notary Public, if you state that the instrument was signed in the presence of such Notary Public.

(h) If you state that the name of the Notary Public was Mellie B. Gunter was she on October 15, 1954, employed by an attorney at law as his stenographer or secretary?

(i) If you state that she was so employed please give the name and office address of such attorney.

(j) What did you do with the purported deed above referred to after you signed it?

5. Is the James B. Bullen who is named in the deed referred to in the last interrogatory your son and is the Margaret Bullen named therein the wife of the James B. Bullen and your daughter-in-law?

(a) On October 14, 1954, did James B. Bullen who was named as one of the grantees in the deed referred to in the last interrogatory know that you had recently been involved in an accident in which an automobile driven by you struck and killed John C. Pettry, Jr., or some child whose name was unknown to him?

(b) On October 14, 1954, did the Margaret Bullen named as a grantee in the deed referred to in the last interrogatory know that an automobile driven by you had struck and killed John C. Pettry, Jr., or some child whose name was unknown to her?

(c) If you state that James B. Bullen and Margaret Bullen did not know that you had struck such child a short time previous, had you not told them or one of them about such accident?

6. Did James B. Bullen and Margaret Bullen or one of them pay you \$2700.00 as recited in the deed, a photostatic copy of which is attached as "Exhibit A" to the bill of complaint in this cause?

(a) If you state that they or one of them paid you \$2700.00, please state which one paid you or the amount paid by each if they each paid a part thereof.

(b) Was the sum of money paid to you for the execution of the deed referred to in this interrogatory paid by check or in cash?

(c) If you state that the consideration for the execution of such deed was paid by check, please attach a photostatic copy of such check to your answers to these interrogatories.

(d) If you state that the consideration of \$2700.00 for the deed referred to in this interrogatory was paid in cash, please state the denominations of the bills, if you remember.

(e) Where was the consideration for the deed which is referred to in this interrogatory paid to you?

(f) Please give the name and street address of any person who witnessed the paying of the consideration referred to in said deed.

(g) If you state that the consideration recited in the deed was not paid at the time the deed was delivered when was it paid if ever?

(h) Who mailed or delivered the deed from you to James B. Bullen and Margaret Bullen dated October 15, 1954, to the Probate Office of Baldwin County, Alabama, for recording?

(i) Who paid the recording fee for such deed when payment was made to the Probate Judge of Baldwin County, Alabama?

7. Did you own the property described in the deed from you to James B. Bullen and Margaret Bullen, a copy of which deed is attached to the bill of complaint in this cause, marked "Exhibit A", on September 10, 1954?

(a) Did you own any other real property on September 10, 1954, if so please attach to your answers to these interrogatories a true and correct description of such property.

(b) If you state that you owned real property on September 10, 1954, other than the property you have attempted to convey to James B. Bullen and Margaret Bullen, as described in the deed, a copy of which deed is attached as "Exhibit A" to the bill of complaint in this cause, do you still own such other property?

8. Is there a house located upon the property which you attempted to convey to James B. Bullen and Margaret Bullen by the deed, a copy of which is attached as "Exhibit A" to the bill of complaint in this cause?

(a) If you state that a house is located thereon, how many rooms does it contain?

(b) When was such house erected on such property?

(c) Please give the name and address of who constructed the house.

(d) Was the house constructed for you and if so was it constructed by contract or by day labor?

(e) What did it cost to construct the house located upon such property?

(f) Was such house constructed out of new material?

(g) Was the suit which was filed against you for damages arising out of the death of John C. Pettry, Jr., pending and unsettled at the time you executed and delivered the deed to James B. Bullen and Margaret Bullen?

CHASON & STONE

By: John Chason
Solicitors for Complainant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, G Mac Humphries, a Notary Public, in and for said County in said State, personally appeared John Chason, who is known to me, and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is John Chason, and that he is one of the Solicitors of Record for John C. Pettry, As Administrator of the Estate of John C. Pettry, Jr., Deceased, who is the Complainant in that certain action now pending in the Circuit Court of Baldwin County, Alabama, In Equity, wherein Hilma A. Bullen, James B. Bullen and Margaret Bullen, are the Defendants. That the answers to the Interrogatories propounded above will be material testimony and evidence for the Complainant in the said cause.

Dated this 26th day of November, 1954.

Sworn to and subscribed before
me this 29th day of November,
1954.

James B. Bullen
Notary Public, Baldwin County, Ala.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

HILMA A. BULLEN, JAMES B.
BULLEN and MARGARET BULLEN,

Respondents.

Comes now the Respondent, Hilma A. Bullen, in the above styled cause and for answer to the interrogatories heretofore propounded to her by the Complainant, says:

1: Hilma Adeline (Littlegren) Bullen. I am 61 years of age. My address is 106 So. Monterey Street, Mobile, Alabama.

(a) My Driver's License is in the name of Hilma L. Bullen.

(b) Yes.

(c) Yes.

2: I did on October 15th, 1954, under the name of Hilma L. Bullen, convey certain property in Baldwin County, Alabama, to James B. Bullen and Margaret Bullen, my brother-in-law, and sister-in-law respectively.

(a) (b) (c) See foregoing answer.

(d) I do not know the age of Margaret Bullen. Her address is 10 Crenshaw Street, Mobile, Alabama.

(e) Yes.

(f) My husband's name is James E. Bullen, Jr. He is 60 years of age, and resides at 106 St. Monterey Street, Mobile, Alabama.

3: Yes.

(a) I have no personal knowledge of when the suit was filed against me in Baldwin County, but a copy of the summons and complaint in the case of Pettry vs. myself was served on me on or about October 21st, 1954.

(b) I consulted Mr. D. R. Coley, Jr., and retained him as my counsel before I knew of any suit being filed against me.

4: Yes.

(a) Yes.

(b) I had a friend prepare it.

(c) No.

(d) It was not prepared by an attorney at Law.

(e) In my home.

(f) Yes.

(g) Nellie A. Gunter, 1619 Lamar Avenue,
Mobile, Alabama.

(h) No.

(i) See foregoing answer.

(j) Delivered it to James B. Bullen.

5: No.

(a) I, of course, cannot say what Mr. James B.
Bullen knew, but I assume that he had heard of the accident.

(b) I cannot say what Margaret Bullen knew,
but assume that she had heard of the accident.

(c) Yes.

6: Yes.

(a) I received a check for \$2700.00.

(b) See foregoing answer.

(c) Attached hereto is photostatic copy of
the check.

(d) Paid by check.

(e) In my home.

(f) James E. Bullen, Jr., James E. Bullen, III,
Margaret Bullen and Lovell Green.

(g) The deed was delivered when the check was
given.

(h) I do not know.

(i) I do not know.

7: Yes.

(a) No.

(b) I did not own any real property other than
the property I sold to James B. Bullen and Margaret Bullen,

September 10th, 1954.

8. Yes.

(a) Four.

(b) This was a small house. It was on the property when I bought it and I don't know when it was erected.

(c) I don't know who built the house.

(d) No.

(e) I don't know what it cost to build the house, but I bought it for \$400.00.

(f) I do not know what kind of material it was constructed of - - whether it was new or old.

(g) I do not know of my personal knowledge whether the suit was filed against me for damages before I sold the property or not, but I had executed the deed and delivered it to James B. Bullen and Margaret Bullen before I was served with a copy of the summons and complaint.

Hilma A. Bullen

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority, personally appeared this day Hilma A. Bullen, who being by me first duly sworn, deposes and says that she is the Respondent in the above entitled case, that she has read the foregoing answers to the interrogatories propounded to her by John C. Pettry, as Administrator of the Estate of John C. Pettry, Jr., Deceased, and that the statements contained therein are true and correct.

Hilma A. Bullen

Subscribed and sworn to before me
this 31st day of November, 1954.

Frances E. Stevens
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

3410

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY

JOHN C. PETTRY, etc.,

Complainant,

vs.

HILMA A. BULLEN, et al.,

Respondents.

ANSWERS TO INTERROGATORIES

FILED

JAN 3 1955

ALICE J. DECK, Register

D. R. COLEY, JR.,
SOLICITOR FOR HILMA A. BULLEN

JOHN C. PETTRY, as Administrator
of the Estate of John C.
Pettry, Jr., deceased

COMPLAINANT

VS

HILMA A. BULLEN, et al

RESPONDENTS

IN THE CIRCUIT COURT

OF BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 3410

Comes now Paul W. Brunson as solicitor for the respondents James B. Bullen and Margaret Bullen, solely, in the above-entitled cause and demurs to the bill of complaint filed herein, and each aspect thereof, separately and severally, on the following separate and several grounds:

1. That there is no equity in the bill.
2. That it affirmatively appears from the allegations of said complaint that there was not at the time of the execution of said conveyance any existing claim or liability which constituted any encumbrance against the property referred to therein.
3. That no facts are alleged from which it may be said as a matter of law that the respondent Hilma A. Bullen was without right to convey the property described in the bill of complaint.
4. That it affirmatively appears from the allegations of said complaint that at the time of the execution of the conveyance referred to by the respondent Hilma A. Bullen, the claim alleged to exist in favor of the complainant was, if anything, a mere right or cause of action against her, and was not such as would constitute any lien, charge or encumbrance against any property owned by her.
5. That the allegation in the complaint that the death of John C. Pettry, Jr. was caused by the negligence of Hilma A. Bullen is a bare conclusion of the pleader.
6. That the allegation that the said instrument was executed and delivered to said grantees without their paying any consideration to the grantor or for a grossly inadequate consideration such as to constitute fraud in itself is a bare conclusion of the pleader.

Paul W. Brunson
Paul W. Brunson, solicitor for
Respondents James B. Bullen and
Margaret Bullen

Solicitor for complainant,
John Chason

SYDNEY S. PFLEGER
CHRIS C. DELANEY

LAW OFFICES OF
D. R. COLEY, JR.
302-6 FIRST FEDERAL SAVINGS BUILDING
106 ST. JOSEPH STREET
MOBILE, ALABAMA

December 31, 1954

Mrs. Alice Duck,
Clerk of the Circuit Court,
Baldwin County,
Bay Minette, Alabama.

Dear Mrs. Duck:

I am enclosing herewith answers to interrogatories propounded to Hilma A. Bullen by the Complainant in the case of John C. Pettry, as Administrator of the Estate of John C. Pettry, Jr., deceased against Hilma A. Bullen, et al., on the Equity side of the Circuit Court of Baldwin County.

I will appreciate your filing this for me.

With kind regards and best wishes for the New Year, I am

Very truly yours,


D. R. Coley, Jr.

C/D

LAW OFFICES OF
D. R. COLEY, JR.

302-6 FIRST FEDERAL SAVINGS BUILDING
106 ST. JOSEPH STREET
MOBILE, ALABAMA

SYDNEY S. PFLEGER
CHRIS C. DE LANEY

December 23, 1954

Mrs. Alice Duck,
Clerk of the Circuit Court,
Baldwin County,
Bay Minette, Alabama.

Dear Mrs. Duck:

I am enclosing herewith, on behalf of
Hilma A. Bullen, one of the Respondents in the case of
John C. Pettry, as Administrator of the Estate of
John C. Pettry, Jr., deceased against Hilma A. Bullen,
James B. Bullen and Margaret Bullen, in the Circuit
Court of Baldwin County, Equity Division, demurrers to
the bill of complaint, and answer thereto.

I will appreciate your filing these for me,
and advising me when the demurrers are set down for hearing.

With kindest regards and best wishes for
the Holiday Season, I am

Very truly yours,


D. R. Coley, Jr.

C/D

JOHN C. PETTRY, As Adminis-
trator of the Estate of John
C. Pettry, Jr., Deceased,

Complainant,

vs.

HILMA A. BULLEN, JAMES B.
BULLEN and MARGARET BULLEN,

Respondents.

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I IN THE CIRCUIT COURT OF

I BALDWIN COUNTY, ALABAMA

I

IN EQUITY

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INTERROGATORIES PROPOUNDED BY THE COMPLAINANT
TO THE RESPONDENTS, JAMES B. BULLEN AND MARGARET
BULLEN

Comes now the Complainant, John C. Pettry, As Administrator of the Estate of John C. Pettry, Jr., Deceased, by his Solicitors, and affidavit having been made by John Chason, one of the Solicitors of Record for the Complainant, and propounds the following interrogatories to the Respondents, James B. Bullen and Margaret Bullen:

1. Please state your names, ages and addresses.

2. Is Hilma A. Bullen the mother of James B. Bullen?

(a) Is Hilma A. Bullen the mother-in-law of Margaret Bullen?

3. Did Hilma A. Bullen execute and deliver to you a deed dated October 15, 1954, a photostatic copy of which is attached as "Exhibit A" to the bill of complaint in this cause?

(a) Did you or either of you pay her \$2700.00 in consideration of such conveyance?

(b) Did you jointly pay her \$2700.00 in consideration of such conveyance?

(c) If you state that a consideration was paid for the execution of such deed, please state how much each of you paid.

(d) Was such consideration paid by check or in cash?

(e) If you state that the consideration for such deed was paid by check, please attach a photostatic copy of such check to your answers to these interrogatories.

(f) If you state that the consideration for the execution of such deed was paid in cash where was it paid, when was it paid, giving the names and addresses of any witnesses to such payment.

(g) When was the deed referred to in this interrogatory delivered to you and where?

(h) Where was the deed referred to in this interrogatory executed?

(i) Were you present when the deed referred to herein was executed and if you state that you were who was the Notary Public named therein employed by on October 15, 1954?

4. At the time of the execution and delivery of the deed referred to in the last interrogatory had you been told by anyone that the Grantor therein, Hilma Bullen, had been involved in an accident in Baldwin County, Alabama, in which accident a child was killed?

(a) Had you been told by anyone prior to the execution and delivery of such deed that an attorney had been employed by the parent or parents of such child to bring suit against Hilma Bullen if settlement was not made?

(b) Did either of you bring or mail the deed referred to in these interrogatories to the Probate Office of Baldwin County, Alabama, for recording, if so which one of you did so?

(c) Who paid the recording fee for such deed?

(d) Who was the deed mailed to when it was returned by the Probate Court of Baldwin County, Alabama, after recording?

5. When did you or either of you first discuss buying the property which is described in the deed, a photostatic copy of which is attached as "Exhibit A" to the bill of complaint, from Hilma A. Bullen?

(a) When was the consideration agreed upon for such transfer of title?

(b) Did you have a written contract to purchase such land, if so please attach a copy of the same to your answers to these interrogatories.

(c) Did Hilma A. Bullen have the house located upon such property furnished or partially furnished on October 15, 1954, if so did you buy the furniture?

(d) If you state that you bought the furniture what did you pay for it?

(e) If you state that you bought the furniture please attach to your answers to these interrogatories a copy of any bill of sale that you received for such property.

(f) Is it not true that Hilma Bullen still has personal effects located in the house standing upon the property which she purported to sell to you?

CHASON & STONE

By: *John Chason*
Solicitors for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, *E. Mac Humphries*, a Notary Public, in and for said County in said State, personally appeared John Chason, who is known to me, and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is John Chason, and that he is one of the Solicitors of Record for John C. Pettry, As Administrator of the Estate of John C. Pettry, Jr., Deceased, who is the Complainant in that certain action now pending in the Circuit Court of Baldwin County, Alabama, wherein Hilma A. Bullen, James B. Bullen and Margaret Bullen, are the Respondents. That the answers to the Interrogatories propounded above will be material testimony and evidence for the Complainant in the said cause.

Dated this *28th* day of *November*, 1954.

Sworn to and subscribed before
me this *29th* day of *November*,
1954.

E. Mac Humphries
Notary Public, Baldwin County, Ala.

STATE OF ALABAMA)
)
 BALDWIN COUNTY)

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Hilma A. Bullen, James B. Bullen and Margaret Bullen to appear and plead, answer or demur within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by John C. Pettry, As Administrator of the Estate of John C. Pettry, Jr., Deceased, as Complainant, against Hilma A. Bullen, James B. Bullen and Margaret Bullen, as Respondents.

Witness my hand this 24 day of November, 1954.

Deice J. Hunk
 Register.

JOHN C. PETTRY, As Adminis-
 trator of the Estate of John
 C. Pettry, Jr., Deceased,

Complainant,

vs.

HILMA A. BULLEN, JAMES B.
 BULLEN and MARGARET BULLEN,

Respondents.

I

I

I IN THE CIRCUIT COURT OF

I BALDWIN COUNTY, ALABAMA

I

IN EQUITY

I

I

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

Comes the Complainant in the above styled cause and files this his Bill of Complaint against the Respondents, Hilma A. Bullen, James B. Bullen and Margaret Bullen, and shows unto this Court and unto your Honor as follows:

FIRST:

That John C. Pettry who is the Administrator of the Estate of John C. Pettry, Jr., Deceased, is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, residing at Magnolia Springs, Alabama; that he was duly appointed as Administrator

of said Estate by the Probate Court of Baldwin County, Alabama, on October 7, 1954, and that he still is the qualified, acting administrator of said Estate. That the Respondent, Hilma A. Bullen, is over the age of twenty-one years and is a resident citizen of Mobile, Alabama, her street address being 106 South Monterey Street, Mobile, Alabama; that the Respondents, James B. Bullen and Margaret Bullen, are both over the age of twenty-one years and are resident citizens of Mobile, Alabama, their street address being 10 Crenshaw, Mobile, Alabama. That James B. Bullen is the son of Hilma A. Bullen and Margaret Bullen is her daughter-in-law.

SECOND:

Your Complainant further shows unto your Honor that Hilma A. Bullen who is named as one of the Respondents in the above styled cause is one and the same person as Hilma L. Bullen who is the Defendant in that certain cause now pending on the law side of the Circuit Court of Baldwin County, Alabama, being case numbered 2403 in which suit your Complainant is the Plaintiff. That the death of the said John C. Pettry, Jr., was caused by the negligence of the said Hilma L. Bullen who is also known as Hilma A. Bullen, said negligence on her part and the death of the said John C. Pettry, Jr., occurred at about 6:30 o'clock p.m., on September 10, 1954. That on October 11, 1954, your Complainant filed the above mentioned suit in the Circuit Court of Baldwin County, Alabama, At Law, claiming damages in the sum of \$50,000.00. That the said Hilma A. Bullen executed a warranty deed to the Respondents, James B. Bullen and Margaret Bullen, which said deed is dated October 15, 1954, and the acknowledgments on said deed are dated the same day, which said deed purports to be a conveyance by Hilma A. Bullen to her son, James B. Bullen, and his wife, Margaret Bullen, and purports to convey the following described real property situated in Baldwin County, Alabama, to-wit:

Commencing at the Northeast corner of Fraction "D" which point is also the Southeast corner of the North half of the Northwest Quarter of Section 13, Township 9 South, Range 4 East of St. Stephens Meridian; running thence South along the North and South Center Line of said Section 13, a distance of 1685.05 feet to a point, for a point of beginning; thence South and continue along the North and South center line of said Section 13 a distance of 800 feet, more or less, to the shore of the Gulf of Mexico; thence Southwestwardly along the shore line of the Gulf of Mexico a distance of 51.76 feet, more or less, to a point, which point is at a distance of 50 feet due west of the East boundary line of said Fraction "D"; thence run North and parallel

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with the East boundary of said Fraction "D" of said Section 13, a distance of 800 feet, more or less, to a point, thence thru an angle of 75 degrees and no minutes to the right, run northeastwardly a distance of 51.76 feet to the point of beginning. Being a lot of land in Fraction "D" of said Section 13, Township 9 South, Range 4 East of St. Stephens Meridian, in Baldwin County, Alabama; fronting on the Gulf of Mexico and extending back 800 feet, more or less, between parallel lines. It is the intention of the Grantor herein to convey to the Grantees a lot 50 feet wide measured from East to West, with full riparian rights of said property fronting on the Gulf of Mexico.

That said deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 214, at pages 391-2. That a photostatic copy of such instrument is attached hereto marked "Exhibit A" and made a part hereof. That such instrument was not filed for record in the Office of the Judge of Probate of Baldwin County, Alabama, until October 22, 1954, at 1:00 o'clock p.m. That service was had on October 21, 1954, of a copy of the summons and complaint in the suit brought by your Complainant against the said Hilma L. Bullen as above set out. That such service shows that such complaint was served upon Hilma A. Bullen but she appears and demurs to such complaint under the name of Hilma L. Bullen. That the purported conveyance shown by "Exhibit A" above referred to describes all or substantially all of the real property owned by Hilma A. Bullen; that said instrument was executed and delivered to said Grantees without their paying any consideration to Grantor or for a grossly inadequate consideration such as to constitute fraud in itself, at a time when Complainant's cause of action had accrued.

PRAYER FOR PROCESS:

To the end therefore that equity may be had in the premises your Complainant prays that this Court will cause the usual writ or process to issue against Hilma A. Bullen, James B. Bullen and Margaret Bullen, the Respondents named herein, according to the Statutes of the State of Alabama and the rules of this Honorable Court, requiring them to plead, answer or demur to this Bill of Complaint within the time required by law.

PRAYER FOR RELIEF:

Your Complainant prays that upon a final hearing of this cause that this Court will order and decree that the purported conveyance shown as "Exhibit A" which is attached to this Bill of Complaint be set aside and canceled as being fraudulent and void as against the claims of Complainant, an existing Creditor; that the Register of said Court be directed to note on the margin of the record where said deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 214, pages 391-2, that said deed is set aside and canceled. That this Court will also decree that the property described in said "Exhibit A" to this Bill of Complaint be subjected to the satisfaction of any judgment that Plaintiff may secure in cause numbered 2403, hereinabove referred to; that the Register of this Court be authorized and directed to file a copy of the decree rendered in this cause in the Office of the Judge of Probate of Baldwin County, Alabama, the cost thereof to be taken as a part of the costs in this cause. That there be granted to the Complainant such other and further relief to which he may be entitled.

FILED

Nov. 24, 1954

ALICE I. DUCK, Register

CHASON & STONE

By:



Solicitors for Complainant

"EXHIBIT A"

Know All Men by These Presents, that I, Hilma A. Bullen

, the grantor, in consideration of
TWENTY-SEVEN-HUNDRED AND 00/100 DOLLARS (\$2700.00)

hereby acknowledged to have been paid to me by James B. Bullen and wife,

Margaret Bullen

, the grantee s,

do hereby grant, bargain, sell and convey unto the said grantees jointly during their joint lives,
and upon the death of either of them, then to the survivor, his or her heirs and assigns, all that real

property in the County of Baldwin, State of Alabama, described as follows:

Commencing at the Northeast corner of Fraction "D", which point is also
The Southeast corner of the North Half of the Northwest Quarter of
Section 13, Township 9 South, Range 4 East of St. Stephens Meridian;
running thence South along the North and South Center Line of said
Section 13, a distance of 1685.05 feet to a point, for a point of be-
ginning; thence South and continue along the North and South center
line of said Section 13 a distance of 800 feet, more or less, to the
shore of the Gulf of Mexico; thence Southwestwardly along the shore
line of the Gulf of Mexico a distance of 51.76 feet, more or less,
to a point, which point is at a distance of 50 feet due west of the
East boundary line of said Fraction "D"; thence run North and parallel
with the East boundary of said Fraction "D" of said Section 13, a
distance of 800 feet, more or less, to a point, thence thru an angle of
75 degrees and no minutes to the right, run northeastwardly a distance
of 51.76 feet to the point of beginning. Being a lot of land in
Fraction "D" of said Section 13, Township 9 South, Range 4 East of
St. Stephens Meridian, in Baldwin County, Alabama; fronting on the
Gulf of Mexico, and extending back 800 feet, more or less, between
parallel lines. It is the intention of the Grantor herein to convey
to the Grantees a lot 50 feet wide measured from East to West, with
full riparian rights of said property fronting on the Gulf of Mexico.

It is further made a part of the consideration of this conveyance that
the land herein described may hereafter be sold only to persons of
the white race.

Together with all and singular the rights, members, privileges and appurtenances thereunto be-
longing, or in any case appertaining; to have and to hold the same unto the grantees jointly during
their joint lives, and upon the death of either one of them, then to the survivor, his or her heirs and
assigns forever.

And, except as to taxes hereafter falling due, which are assumed by the grantees, I, the said
Hilma A. Bullen, for their heirs, executors and
administrators, hereby covenant with the grantees their heirs, executors and
administrators that I am seized of an indefeasible estate in fee simple in said property,
that said property is free from all encumbrances
and that I hereby warrant and will forever defend the title to said property unto the
grantees their heirs and assigns, against the lawful claims of all persons.

IN WITNESS WHEREOF, the grantor hereunto set my hand and seal
this 15th day of October 1954.

STATE OF ALABAMA, BALDWIN COUNTY
FILED 10-22-54 1P M
Recorded
and for full payment of Tax

300
W. P. Stewart
Judge of Probate
By E. P.

Hilma A. Bullen (Seal)
J. E. Bullen (Seal)

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THE STATE OF ALABAMA,
County

I, Messie B. Gunter, a Notary Public.

in and for said State and County, hereby certify that James E Bullen Jr and
Hilma A. Bullen, his wife,
whose name are signed to the foregoing conveyance, and who are known to me,
acknowledged before me on this day, that being informed of the contents of the conveyance, they
executed the same voluntary on the day the same bears date.

Given under my hand, this 15th day of October 1954

Messie B. Gunter
Notary Public, Mobile County, Alabama

THE STATE OF ALABAMA,
County

I, Messie B. Gunter, a Notary Public,

in and for said State and County, do hereby certify that on the
15th day of October 1954 came before me the within named
Hilma A Bullen known to me to be the wife of the within named
James E Bullen Jr who, being examined separate and apart from the
husband touching her signature to the within conveyance, acknowledged that she signed the same
of her own free will and accord, and without fear, constraints, or threats on the part of the husband.

In Witness Whereof, I hereto set my hand this the 15th day of October 1954.

Messie B. Gunter
Notary Public, Mobile County, Alabama

