

3435

IN THE MATTER OF THE ESTATE	X	IN THE CIRCUIT COURT OF
OF JOHN H. CANAAN, DECEASED	X	BALDWIN COUNTY, ALABAMA
	X	IN EQUITY
	X	CASE NO. 3435

DECREE FOR FINAL SETTLEMENT BY CONSENT

Now comes, Irma Canaan, as Administratrix, of the above named estate, and files in this Court her petition, in writing and under oath, praying for a final settlement of her said Administratrixship by consent without notice or publication or posting;

And it appearing to the Court that the said Irma Canaan, was duly appointed as Administratrix of the estate of John H. Canaan, deceased, on the 11th day of December, 1954, and that she gave notice of such appointment by publication of a notice as required by law, said notice requiring all persons having claims against said estate to file the same within the time allowed by law or that the same would be barred.

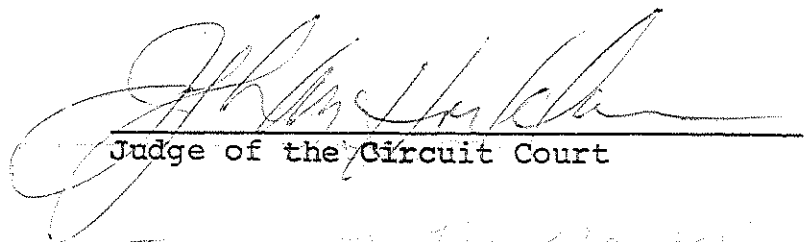
And it appearing to the Court that all legal charges against the said estate have been paid and satisfied in full and that more than six months have passed since the date of publication of the aforesaid notice, and that there is no further need of any administration of the said estate;

And it appearing to the Court that the petitioner, Irma Canaan, John H. Canaan, Jr., Jeannine Canaan Boyett and Donald S. Canaan, are over the age of twenty-one years and Coleman Craig Canaan, a minor over the age of 18 and under the age of 21 years, whose disability of non-age has been removed by the Circuit Court of Baldwin County, Alabama, and being the sole surviving heirs of the decedant, all of sound mind, and that they along with the petition for final settlement, requested and consented and agreed that the said estate be settled by consent without notice, publication or posting.

It is, therefore, ORDERED, ADJUDGED and DECREED, by the Court, that the said estate of John H. Canaan, deceased, be and it is hereby, in all respects, fully and finally settled by consent in Baldwin County, Alabama, and that Irma Canaan, as Administratrix of said estate, be, and she is hereby relieved and discharged from any and all further liability because of the administration of said estate.

It is further ORDERED, by the Court, that the Court Costs of the proceedings amounting to \$ 14.20 be, and they hereby are taxed against Irma Canaan, as Administratrix of said estate.

WITNESS my hand this 15 day of Aug,  
1966.

  
\_\_\_\_\_  
Judge of the Circuit Court

Joseph M. Westland

Filed 8-17-66  
Alice Black  
Register.

PETITION

IN THE MATTER OF THE                    §     IN THE CIRCUIT COURT OF  
ESTATE OF JOHN H. CANAAN,            §     BALDWIN COUNTY, ALABAMA,  
DECEASED.                                §     IN EQUITY

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT:

Comes now your Petitioner, Irma J. Canaan, and respectfully shows unto the Court as follows:

1.

That she has been heretofore duly and legally appointed and qualified and is now acting as Administratrix of the estate of John H. Canaan, deceased; that the administration of this estate has been removed from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, in Equity, where it is now pending.

2.

Your Petitioner further shows unto the Court that the assets of this estate consists of:

A. An undivided one half interest in the following-described land:

West half of Section 31, Township 4 South, Range 3 East. Beginning at a point 1040 feet East of Northwest corner Section 6, Township 5 South, Range 3 East, run East along township line 970.5 feet, thence South 503 feet to corner line of Highway 90 feet, thence West 503 feet to a corner line 1020 feet South of point of beginning, thence North 314 feet to beginning, Section 6, Township 5 South, Range 3 East.

That a house and dairy barn are located thereon. That J. A. Davidson owns the other one half interest.

B. An undivided one third interest in 70 dairy cows; J. A. Davidson owns a one-third interest and Donald S. Canaan owns a one-third interest.

C. An undivided two-thirds interest in the personal property necessary to operate a dairy farm, including two tractors, the attachments therefor, a large truck, seeder-fertilizer distributor, plows etc.; the other one-third interest is owned by Donald S. Canaan.

3.

Your Petitioner further shows unto the Court that she is the widow of John H. Canaan, deceased; that the decedents next of kin and heirs at law are: John H. Canaan, Jr., a son, over 21 years of age, St. Louis, Missouri; Donald S. Canaan, a son, over 21 years of age, Loxley, Alabama;

Mary Jeannine Canaan, a daughter, over 21 years of age, Loxley, Alabama;  
Coleman Craig Canaan, a son, 7 years of age, Loxley, Alabama.

4.

Your Petitioner avers that John H. Canaan was operating a dairy business at the time of his death. That he used the aforementioned land and equipment. That he was aided in this by his son, Donald S. Canaan. That this dairy farm is now in operation. Your Petitioner further avers that the decedent had; for several years financed the yearly operation of this business by borrowing money from the Bay Minette Production Credit Association and pledging as security therefore the personal property described heretofore in this petition. That this estate is presently indebted to the Bay Minette Production Credit Association in the amount of \$3683.68 for one such loan.

5.

Your Petitioner avers that it would be to the best interest of all concerned to allow her, as Administratrix of this estate, to continue operating this dairy business and allow her to borrow the money necessary to continue its operation.

6.

Your Petitioner needs to borrow FIFTY SIX HUNDRED (\$5600.00) DOLLARS to do this; \$3683.68 to renew the balance owed by the Estate of John H. Canaan to Bay Minette Production Credit Association and the balance for the operation of the farm in 1955. The Bay Minette Production Credit Association has expressed a willingness to lend your Petitioner this money upon approval of the court. J. A. Davidson, John H. Canaan Jr., Donald S. Canaan and Mary Jeannine Canaan by an instrument attached hereto, agree to and request the court to allow your Petitioner to continue operating the dairy farm, borrow money for its operation and pledge the personal property of the estate as security therefor. Your Petitioner further avers that her son Donald S. Canaan, is now helping her operate the dairy and has agreed to continue helping her during the year 1955. That J. A. Davidson and Donald S. Canaan have agreed to pledge their interest in the personal property set out in this petition to secure the aforesaid loan.

PRAYER FOR PROCESS

Your Petitioner prays that notice be served upon John H. Canaan, Jr., Donald S. Canaan; Mary Jeamine Canan and Coleman Craig Canaan, a minor, J. A. Davidson, as required by law and that they be required to plead, answer or demur to this petition within the time required by law; and that Your Honor will appoint a guardian ad litem to represent and defend the interest of Coleman Craig Canaan, a minor.

PRAYER FOR RELIEF

Premises considered your Petitioner prays:

A. That she, as Administratrix of the Estate of John H. Canaan, deceased, be authorized and empowered by the Court's decree to continue operating the dairy business; that she be allowed to hire labor, Cultivate the farm and do all other things essential to the continued operation of this business.

B. That she, as Administratrix of the estate of John H. Canaan, deceased, be authorized and empowered by the Court's decree to borrow FIFTY SIX HUNDRED (\$5600.00) DOLLARS from the Bay Minette Production Credit Association: ~~Make an extension of the loan from them to John H. Canaan in the amount of~~ \$3683.68 and expend the balance thereon in the operation of said business.

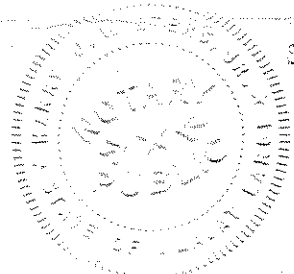
C. Be authorized and empowered by the Court's decree to execute, as Administratrix of the estate of John H. Canaan, deceased, a chattel and crop mortgage to the Bay Minette Production Credit Association together with J. A. Davidson and Donald S. Canaan; upon the chattel heretofore mentioned in this petition and upon the produce from the dairy farm during the year 1955.

Wherefore the premises considered, your Petitioner prays for all such other, further and different relief to which she may be in equity be entitled.

Anna J. Canaan  
Petitioner

Sworn to and subscribed before me on this the 5 day of January, 1955.

Mary J. Walter  
Notary Public



AGREEMENT

IN THE MATTER OF THE  
ESTATE OF JOHN H. CANAAN,  
DECEASED.

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

We, J. A. Davidson, John H. Canaan, Jr., Donald S. Canaan and Mary Jeannine Canaan; having read the petition of Irma J. Canaan, as Administratrix of this estate; join therein.

In our opinion it is to the best interest of all concerned to allow the petitioner to continue operating the dairy farm.

We therefore respectfully request the court to grant Irma J. Canaan, as Administratrix of the estate of John H. Canaan, deceased, the right and power; to continue operating the dairy farm; to borrow FIFTY SIX HUNDRED (\$5600.00) DOLLARS from the Bay Minette Production Credit Association, to expend it in and about the operation of the farm and to pledge the personal property of the estate of John H. Canaan, including the 1955 crops, as security for the loan.

IN WITNESS WHEREOF, we have this date hereunto set our hands and seals on this the 10<sup>th</sup> day of January, 1955.

J. A. Davidson (SEAL)  
John H. Canaan, Jr. (SEAL)  
Donald S. Canaan (SEAL)  
Mary Jeannine Canaan (SEAL)

STATE OF ALABAMA  
COUNTY OF Baldwin

I, Carl L. Schlich, A Notary Public, in and for said County, in said State, hereby certify that J. A. Davidson, 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 10<sup>th</sup> day of January, 1955.

Carl L. Schlich  
Notary Public,

STATE OF Mo.  
COUNTY OF St. Louis  
City

I, Anton J. Albach, a Notary Public, in and for said County, in said State, hereby certify that John H. Canaan Jr., whose name is assigned 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 13<sup>th</sup> day of January, 1955.

My Commission Expires May 10, 1957  
Anton J. Albach  
Notary Public,

STATE OF ALABAMA  
BALDWIN COUNTY

I, Carl L. Schlich, A Notary Public, in and for said County, in said State, hereby certify that Donald S. Canaan, 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 10<sup>th</sup> day of January, 1955.

Carl L. Schlich  
Notary Public,

STATE OF Alabama  
COUNTY OF Baldwin

I, Carl L. Schlich, A Notary Public, in and for said County, in said State, hereby certify that Mary Jeannine Canaan, 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, she executed the same voluntarily on the day the same bears date.  
Given under my hand and seal on this the 10<sup>th</sup> day of January, 1955.

Carl L. Schlich  
Notary Public,

IN THE MATTER OF THE  
ESTATE OF JOHN H. CANAAN,  
DECEASED.

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

We, the undersigned, J. A. Davidson, John H. Canaan Jr., Donald S. Canaan and Mary Jeannine Canaan, do hereby waive notice and right of notice, to the filing of a petition by Irma J. Canaan, as Administratrix of the estate of John H. Canaan, deceased, in which she seeks the right to continue operating her deceased husband's dairy business, borrow money to operate it and pledge his personal property to secure this obligation; and of the date set for the hearing thereof.

J. A. Davidson  
John H. Canaan Jr.  
Donald S. Canaan  
Mary Jeannine Canaan

STATE OF ALABAMA  
COUNTY OF Baldwin

I, Curt L. Schlich, a Notary Public, in and for said County, in said State, hereby certify that J. A. Davidson, 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 10<sup>th</sup> day of January, 1955.

Curt L. Schlich  
Notary Public,

STATE OF Missouri  
~~XXXXXX~~ OF St. Louis  
CITY

I, Anton J. Albach, a Notary Public, in and for said County, in said State, hereby certify that John H. Canaan, Jr., 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 13<sup>th</sup> day of January, 1955.

Anton J. Albach  
Notary Public,

My commission expires  
May 10th, 1957.

STATE OF ALABAMA  
BALDWIN COUNTY

I, Curt L. Schlich, a Notary Public, in and for said County, in said State, hereby certify that Donald S. Canaan, 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 10<sup>th</sup> day of January, 1955.

Curt L. Schlich  
Notary Public,



STATE OF Ottawa  
COUNTY OF Baldwin

I, Carl L. Schlich, a Notary Public, in and for said County, in said State, hereby certify that Mary Jeannine Canaan, 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, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 10<sup>th</sup> day of January, 1955.

Carl L. Schlich  
Notary Public,

Filed -1-15-55-

# THE BALDWIN TIMES

## BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

JIMMY FAULKNER  
PUBLISHER

### NOTICE OF APPOINTMENT Probate Court

ESTATE OF  
JOHN H. CANAAN  
Deceased.

Letters of Administration upon the Estate of said deceased having been granted to the undersigned on the 11th day of December 1954, by the Hon. W. R. Stuart Judge of the Probate Court of Baldwin County, notice is hereby given that all persons having claims against said estate are hereby required to present the same within time allowed by law or the same will be barred.

IRMA J. CANAAN

Administratrix of said estate

WILTERS & BRANTLEY,  
Attorneys.

48-3tc

### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.  
BALDWIN COUNTY.

E. R. Moussette, Jr., being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Est. John H. Canaan

#### COST STATEMENT

90 WORDS @ 5 cents

\$ 4<sup>50</sup>

I hereby certify this it correct, due and ~~unpaid~~ (paid) paid

E. R. Moussette, Jr.  
Editor Publisher.

was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication Dec. 16, 1954 Vol. 60 No. 48

Date of 2nd publication Dec. 23, 1954 Vol. 60 No. 49

Date of 3rd publication Dec. 30, 1954 Vol. 60 No. 50

Date of 4th publication \_\_\_\_\_, 195\_\_\_ Vol. \_\_\_ No. \_\_\_

Subscribed and sworn before the undersigned this 3 day of Jan, 1954.

Dorothy Martin

Notary Public, Baldwin County.

E. R. Moussette, Jr.  
Editor Publisher.



Received of Irma J. Canaan, as administratrix of the estate of John H. Canaan, deceased, the sum of \$276.95, credit on account of the estate of the said John H. Canaan, leaving a balance due thereon of \$218.05.

This the 9 day of March, 1956.

Filed -  
5-3-56

778

H. Kennedy

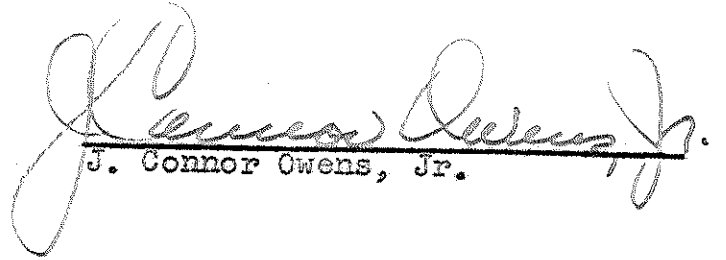
H. Kennedy

RECEIVED  
MAY 11 1956  
CITY OF BOSTON  
OFFICE OF THE CLERK OF THE SUPERIOR COURT  
DEPARTMENT OF THE CLERK OF THE SUPERIOR COURT  
100 STATE STREET  
BOSTON, MASSACHUSETTS 02109

IN THE MATTER OF THE ESTATE  
OF J. H. CANAAN,  
DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

Now comes J. Connor Owens, Jr., heretofore appointed guardian ad litem in this cause, and files his answer to the petition and denies each and every allegation thereof and demands strict proof of the same.

  
J. Connor Owens, Jr.

OF JOHN H. CANAAN, DECEASED  
IN THE MATTER OF THE ESTATE

# LOXLEY FARM PRODUCTS COMPANY

Lockwood Graders, Holland Transplanters  
Seeds and Fertilizer

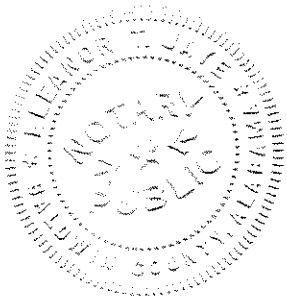
PHONE 431

Loxley, Alabama Jan. 1, 1955

John Canaan Estate  
Loxley, Ala.

1/1/54	Balance Forward		767.03	
1/20	4 Sx C. S. Meal	3.80	15.20	
	1 Rat Poison		1.00	
2/1	1 Rat Poison		.90	
2/2	Credit Acct. Check			200.00
2/3	150 Lbs. Dithane Dust	.11 $\frac{1}{2}$	17.25	
3/1	1 Ton 4-10-7		37.00	
5/14	25 Lbs. Grower Mash		1.65	
5/25	25 Lbs. Egg Mash		1.65	
6/22	2 Tons 4-10-7	37.00	74.00	
6/23	24 Cans Inoc.	.40	9.60	
6/25	1 Ton 4-10-7		38.00	
6/26	$\frac{1}{2}$ Ton 4-10-7	38.00	19.00	
"	1 $\frac{1}{2}$ Tons 4-10-7	38.00	57.00	
6/30	5 Gals. 35% DDT	2.45	12.25	
	2 Kleen Stock	1.50	3.00	
	5 Lbs. Fly Flakes		1.65	
7/6	32 Sx 4-10-7	1.90	60.80	
"	12 Cans Inoc.	.40	4.80	
7/23	4 Bu. Clemsons Beans	4.50	18.00	
"	CREDIT 20 Bu. Ogdens	5.00		100.00
"	6 Bu. Slemson Beans	4.50	27.00	
7/26	8 Bu. Clemson Beans	4.50	36.00	
7/27	CREDIT 3 $\frac{1}{2}$ Bu. Clemsons	4.50		15.75
	Balance		<u>\$887.03</u>	

I Certify that the above account is true and correct.



*Eleanor L. Jaye*

Loxley Farm Products Co.

*M. C. Gubins*

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 1-17-55 1 P.M.  
Recorded Claim book 7 page 44  
M. R. Stewart  
Judge of Probate.

*B*

Received of Irma J. Canaan, as administratrix of the  
estate of John H. Canaan, deceased, the sum of \$1,241.75,  
credit on account of the estate of the said John H. Canaan,  
leaving a balance due thereon of \$995.63.

This the 10 day of March, 1956.

Peoples Fertilizer Co.

by W. W. Smith

Filed-

5-3-56-

776-F

Received of Irma J. Canaan, as administratrix of the estate of John H. Canaan, deceased, the sum of \$ 222.78, credit on account of the estate of the said John H. Canaan, leaving a balance due thereon of \$ 178.62.

This the 10<sup>th</sup> day of March, 1956.

A. Bertolla & Sons

by

A. Bertolla

FILED  
MAR 2 1956  
WIDE T. BERRY, REGISTER

Filed -  
5-3-56

776-D

Received of Irma J. Canaan, as administratrix of the estate of John H. Canaan, deceased, the sum of \$ 110.58, credit on account of the estate of the said John H. Canaan, leaving a balance due thereon of \$ 88.66.

This the 4 day of March, 1956.

Redding Service Station

by T. J. Redding

Filed  
5-3-56

777

FILED

MAY 3 1956

MAY 1 1956

776H



Received of Irma J. Canaan, as administratrix of the estate of John H. Canaan, deceased, the sum of \$ 743.15, credit on account of the estate of the said John H. Canaan, leaving a balance due thereon of \$ 595.85.

This the 7 day of March, 1956.

Loxley Farm Products Co.

by

M. C. Guikani, Inc.

Filed -

5-3-56

776-9

NOTE OF SUBMISSION

IN THE MATTER OF THE	X	IN THE CIRCUIT COURT OF
ESTATE OF JOHN H. CANAAN,	X	BALDWIN COUNTY, ALABAMA
DECEASED	X	IN EQUITY
	X	CASE NO. 3435

Submitted upon disclaimer of Irma Canaan, as Administratrix of the estate of John H. Canaan, deceased, personal service upon A. S. Bertolla, President of Loxley Farm Products Company, a Corporation, testimony of Irma Canaan, and the receipts of payment filed therewith as exhibits.

WILTERS & BRANTLEY

BY: *Ray J. Wilters Jr.*

*Alice J. Duck*  
Alice J. Duck, Clerk

FILED

MAY 11 1966

ALICE J. DUCK - CLERK  
REGISTRY

776-M



now owned by the estate of John H. Canaan, deceased, and the produce of the dairy farm during the year 1955. The interest in the aforesaid equipment Irma J. Canaan is authorized to pledge for this mortgage shall be limited to the interest owned by the estate of John H. Canaan, deceased, as is set out in the petition heretofore mentioned in this decree.

Done this 21st day of January, 1955.

Hubert M. Hall  
Circuit Judge

FILED  
JAN 21 1955  
COURT HOUSE  
MARIETTA, GA.

ESTATE OF

JOHN H. CANAN, DECEASED.

↓

IN THE CIRCUIT COURT OF

↓

BALDWIN COUNTY, ALABAMA,

↓

IN EQUITY

DECREE REMOVING THE ADMINISTRATION TO EQUITY COURT

This cause coming on to be heard on this date is submitted on the petition of Irma J. Canan, as Administratrix of this said estate; to remove the administration to this Court, upon consideration of which it is, therefore Ordered, Adjudged and Decreed, by the Court as follows:

1.

The Administration of this said estate shall be and it is hereby removed from the Probate Court of Baldwin County, Alabama, to this Court.

2.

The Register of this Court shall furnish a copy of this decree to the Judge of Probate of Baldwin County, Alabama, who shall transmit the court files to this Court in the manner provided by law.

Ordered, Adjudged and Decreed on this 31 day of Dec, 1954.

Hubert M. Hall  
CIRCUIT JUDGE

3435-

ESTATE OF  
JOHN H. CAHAAN, DECEASED.

DECREE REMOVING THE ADMINISTRATION  
TO EQUITY COURT

FILED

DEC 31 1954

ALICE J. ROCK, Register



STATE OF ALABAMA

BAIDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That we, Irma J. Canaan  
Roy J. Ellison and A. F. Smith, of

Baldwin County and State aforesaid, are held and firmly bound unto W. R. Stuart,  
Judge of the Court of Probate for said county, and his successors in office,

in the penal sum of SIX THOUSAND (\$6000.00) DOLLARS, for which payment, well  
and truly to make and done, we bind ourselves, our heirs, executors, and  
administrators, jointly and severally, firmly by these presents. And we  
waiver in favor of this bond all right to claim any exemption of personal  
property allowed by the laws of the State of Alabama.

Sealed with our seals, dated this 11<sup>th</sup> day of December, 1954.

The condition of the above obligation is such, that whereas the above  
bound Irma J. Canaan has been appointed Administratrix of the estate of  
John H. Canaan.

Now if the said Irma J. Canaan shall well and truly perform all the  
~~duties which are or may be by law required her as such administratrix,~~ then  
the above obligation to be void; otherwise to remain in full force.

Irma J. Canaan  
Roy J. Ellison  
A. F. Smith

Taken, approved and ordered to be recorded this 11<sup>th</sup> day of December,  
1954.

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

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 12/11/54 M  
Recorded Prot & Min book 5 page 229  
W. R. Stuart  
Judge of Probate MS



STATE OF ALABAMA

IN THE PROBATE COURT

Baldwin County

December 11 1954

Present, the Honorable W. R. Stuart, Judge of Probate.

In the Matter of the Estate of John H. Canaan, deceased.

And now, on this day comes Irma J. Canaan and presents

to the Court her petition in writing and under oath, praying that letters of administration on the estate of John H. Canaan, deceased,

issue to her, which petition is examined by the Court; it is therefore ordered that said petition

be filed and set for hearing on the 11th day of December 1954; and it appearing to the satisfaction of the Court from the allegations contained in said petition and from other good and sufficient evidence that the said John H. Canaan departed this life on or about the 18th day of August 1954, being at the time of his death an inhabitant of Baldwin County, Alabama; that he died leaving assets in said County, which assets both real and personal are estimated to be worth about Three Thousand Dollars, but leaving no will, testament or other writing relative to the disposal or distribution of his estate and that the death of said decedent was known more than five days before this day;

and it further appearing to the satisfaction of the Court that Irma J. Canaan, the said petitioner, is the Widow of the said decedent, is over twenty-one years of age, an inhabitant of this State, and a fit person under the law and in the estimation of the Court to serve as administratrix and no person having appeared to oppose the granting of letters of administration to the said Irma J. Canaan or to show cause why the prayer of said petitioner should not be granted; it is ordered by the Court that the prayer for letters of administration be granted and that petitioner shall make and file bond in the penal sum of Six Thousand Dollars, conditioned and payable according to the statute in such cases made and provided, with such surety or sureties as may be approved by the Court; letters of administration shall not issue until said bond is approved and filed; it is further ordered that said petition be recorded.

And now again comes Irma J. Canaan and presents to the Court for approval her bond in the form as by this Court heretofore required with Roy J. Ellison and A. F. Smith as surety thereon, and the Court being sufficiently advised concerning said bond and said surety, it is ordered and adjudged by the Court that said bond be taken, approved and recorded.

It is therefore ordered, adjudged and decreed by the Court that letters of administration on the estate of said deceased be granted to the said Irma J. Canaan and she be and she hereby is authorized to administer said estate; it is further ordered that the said Irma J. Canaan proceed immediately to collect and take into possession all of the goods, chattels, money, books, papers and evidence of debt of said deceased, except the personal property specifically exempted from administration under Code 1940, Title 7, Section 664, and make due return under oath to this Court of a full inventory thereof within two months.

STATE OF ALABAMA, BALDWIN COUNTY

Recorded book 5 page 230

W. R. Stuart Judge of Probate

W. R. Stuart Probate Judge

W. R. Stuart

W. R. Stuart

W. R. Stuart

W. R. Stuart

W. R. Stuart

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No. \_\_\_\_\_ Page \_\_\_\_\_

**THE STATE OF ALABAMA**

\_\_\_\_\_ County

**PROBATE COURT**

*ESTATE OF*

\_\_\_\_\_ *Deceased.*

**Order Granting Letters  
of Administration**

Made \_\_\_\_\_ 19\_\_\_\_\_

\_\_\_\_\_ *Judge of Probate.*

\_\_\_\_\_ *Recorded in*

\_\_\_\_\_ *Record*

*Vol.* \_\_\_\_\_ *Page* \_\_\_\_\_

\_\_\_\_\_ *Judge of Probate.*

THE STATE OF ALABAMA

Baldwin

County

COURT OF PROBATE

Letters of Administration on the estate of John H. Canaan, deceased,

are hereby granted to Irma J. Canaan, who has duly qualified

and given bond as such administrator, and is authorized to administer such estate.

Witness my hand, and dated this 11th day of December, 1954.

STATE OF ALABAMA, BALDWIN COUNTY

Recorded Pro. J. Min. book 5 page 231

W. R. Stuart

Judge of Probate No

W. R. Stuart

Judge of Probate

**THE STATE OF ALABAMA**

\_\_\_\_\_  
County

I, \_\_\_\_\_, Judge of Probate in and for said County and State, hereby certify that the within and foregoing is a true, correct and complete copy of the Letters of Administration issued to

\_\_\_\_\_  
estate of \_\_\_\_\_ as Administrat\_\_\_\_\_ of the same appears of record in my office. \_\_\_\_\_, deceased, as the

Given under my hand and seal of office, this the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
Judge of Probate

No. \_\_\_\_\_

**THE STATE OF ALABAMA**

\_\_\_\_\_  
County

**PROBATE COURT**

ESTATE OF

\_\_\_\_\_  
Deceased

\_\_\_\_\_  
Administrat

**Letters of Administration**

\$5.00

ESTATE OF

JOHN H. CANAAN,

Deceased.

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA. IN EQUITY

March 5, 1956

HEARING IN OPEN COURT, BEFORE HON. HUBERT M. HALL, JUDGE OF THE  
28TH JUDICIAL CIRCUIT OF ALABAMA.

HON. W. C. BEEBE, REPRESENTING THE ADMINISTRATRIX.

MR. CHASON: May it please the Court. We filed a demurrer for the People's Fertilizer Company to the petition filed in this matter, but we have reached an agreement with the Petitioner by which a certain portion of our debt is going to be paid at this time and the balance is to be secured, and so we wish to withdraw the demurrer that we filed to the Petition, and we consent that the Petitioner proceed without any further proceedings from us.

THE COURT: Is your account going to be secured?

MR. CHASON: Yes.

MR. BEEBE: May it please the Court. This is a matter of the Petition of the Administratrix in the estate of John H. Canaan, deceased for the sale of personal property for the payment of debts and for the confirmation of a lease of lands in which the estate has a one-half interest, which lease carries with it a conditional option to sell the lands at a price to be fixed by appraisal at the time of the exercise of the option, if it is exercised.

We expect the evidence to show you that the proposed sale is for the full, reasonable value of the personal property and that the annual rental proposed to be paid is a fair and reasonable rental for the property.

THE COURT: What about the creditors?

MR. BEEBE: Each of the creditors have been advised by letter, stating that this matter was set for hearing today and suggesting that they be present, especially if they wanted to contest. Each of these creditors -- Not any of the creditors are present; the letter stated how much the property was being sold for; what the encumbrances against it was; how much the total claims to be paid out of it, and roughly what each one could expect to receive from the sale. The letter stated that there was \$6500.00 to be had from the sale of the property; that there was a mortgage on it, on which there was a balance due of \$3,282.56. That would leave approximately \$3,318., and that the total amount of the outstanding unsecured claims were \$5,433. That the Petitioner would ask the Court to first order the payment of the mortgage on the property, then the court cost, including a reasonable attorney's fee, and the balance to be distributed prorately to the creditors; that each of the creditors would receive approximately 55% of the amount of his claim; that the Court would hear this petition at 9 o'clock today.

MR. A. W. MURRAH, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Beebe.

Q. What is your name, please?

A. A. W. Murrah.

Q. What is your business, occupation or profession?

A. County Supervisor of the County Farmers Home Administration.

Q. Did you, representing the Farmers Home Administration, appraise - have occasion to appraise, the property in this petition, belonging to the estate of John H. Canaan, deceased?

A. I did.

Q. What was your appraisal of that property?

A. \$6,500.

Q. Is that the reasonable and fair value of that property?

A. In my opinion it is.

Q. 100% value?

A. It is.

MRS. IRMA J. CANAAN, THE PETITIONER, BEING FIRST DULY SWORN,

TESTIFIED:

---

Examination by Mr. Beebe.

Q. What is your name?

A. Irma J. Canaan.

Q. Are you the administratrix of the estate of John H. Canaan, deceased?

A. Yes sir.

Q. You are the Petitioner in the matter now before the Court?

A. Yes sir.

Q. Did you deliver letters to each of the creditors, of which this is a copy, and if so, state when?

A. Yes, this past Saturday.

Q. Did you discuss the matter with each creditor?

A. Yes sir.

Q. Did you deliver the letter to all of the creditors?

A. Yes sir.

Q. And did you call their attention to the fact if they desired to contest the petition that they should be here this morning?

A. Yes sir.

Q. What was their reaction?

A. Very favorable -- They thought it was the thing to do.

Q. Did you have any of them to object?

A. No sir.

Q. Did you call each one's attention to the approximate amount he would receive on his claim?

A. Yes sir.

Q. Mrs. Canaan, do you know what the claims against the estate consist of?

A. Yes sir.

Q. Would you testify as to what the claims are -- If you have a memorandum you may testify from that?

A. Bay Minette Production Credit Corporation, \$3,181.56; A Bertolla & Sons, \$401.40; Loxley Farm Products \$1339.00; Loxley Tractor Company, nothing. That has been paid up since we started this.

H. Kennedy \$495.00; Bank of Fairhope \$341.00, Foley Hardware, \$231.59; Reading Service Station 199.24; ~~Sherrill~~ Sherrill Oil Company, \$172.00; Peoples Fertilizer Company \$2237.38.

Q. Mrs. Canaan, in your Petition you listed H. England as a creditor to the extent of \$17.00; that has been paid?

A. Yes sir, that has been paid up

Q. Are those all of the outstanding claims against the estate?

A. Yes sir.

Q. Both existing at the time of Mr. Canaan's death and incurred subsequently in the operation of the farm?

A. Yes sir.

Q. Mr. Canaan, is it to the interest of the estate and your minor child that the property be sold at this price?

A. Yes sir.

Q. Is it to the interest of the estate and to the minor child involved that the lands in which the estate has a one-half interest, consisting of 323 acres, be leased under the terms and conditions set out in the exhibit attached to the petition?

A. Yes sir.



THE COURT: How old is the minor son?

A. Nine.

THE COURT: Does he live with you?

A. Yes sir.

MR. BEEBE: And he is made a party to the petition by Mrs. Canaan as custodian and as Next friend; no guardian ad litem is necessary.

Q. Mrs. Canaan, I believe I discussed with you the fact of our Attorney's fees?

A. Yes sir.

TOLBERT M. BRANTLEY, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Beeb .

Q. Will you examine this file here.

THE COURT: The attorney's fee covers this petition only, does it not?

MR. BEEBE: Yes.

THE COURT: You come in under the general statute?

MR. BEEBE: Yes.

Q. Mr. Brantley, have you examined the file involved in this petition?

A. Yes sir.

Q. Are you a practicing lawyer at this Bar?

A. Yes sir.

Q. How long have you been practicing?

A. Six years.

Q. Do you know what would be a reasonable Attorney's fee in the matter of this petition, sale of the property and confirmation of the lease; the amount involved is \$6,500, plus \$1,000 for the lease?

A. I would think \$250.00 would be a reasonable Attorney's fee.

THE PETITIONER RESTS.

C E R T I F I C A T E :

I hereby certify that the foregoing is a true and correct transcript of the testimony as taken by me in open Court, on the 5th day of March, 1956, in the above styled cause.

This 5th day of March, 1956.

---

Official Court Reporter

FILED

1956

ALICE I. BROWN, Reporter

IN THE MATTER OF THE ESTATE X IN THE CIRCUIT COURT OF  
 OF JOHN H. CANAAN, DECEASED X BALDWIN COUNTY, ALABAMA  
 X IN EQUITY  
 X CASE NO. 3435

We, the undersigned, being all the heirs, legatees and distributees of the Estate of John H. Canaan, deceased, and Irma Canaan, John H. Canaan, Jr., Jeannine Canaan Boyett and Donald S. Canaan, each being over the age of twenty-one years, and Coleman Craig Canaan, a minor over the age of 18 and under the age of 21, whose disability of non-age has been removed by the Circuit Court of Baldwin County, Alabama, do hereby acknowledge receipt in full of our distributive share of said estate and hereby accept service of notice of the petition for final settlement by said Administratrix, and waive all other or further notice thereof, either by publication or otherwise and hereby enter our appearance in Court upon the hearing of said petition. We do each request that such Administratrix may be discharged by this Court without a formal accounting of her administration and do hereby release the said Administratrix from all other or further liability on account of her administration of said estate.

Irma Canaan  
 Irma Canaan, Petitioner

John H. Canaan, Jr.  
 John H. Canaan, Jr.

Jeannine Canaan Boyett  
 Jeannine Canaan Boyett

Donald S. Canaan  
 Donald S. Canaan

Coleman Craig Canaan  
 Coleman Craig Canaan

FILED

AUG 17 1968

ALICE J. DUCK, CLERK, REGISTER

776-12

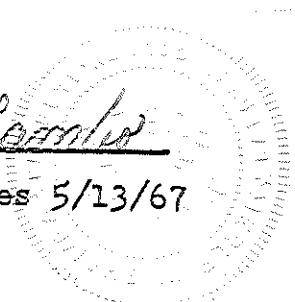
STATE OF ALABAMA

BALDWIN COUNTY

I, Merle W. Shambo, a Notary Public, in and for said County, in said State, hereby certify that Irma Canaan, John H. Canaan, Jr. and Donald S. Canaan, whose names are signed to the foregoing instrument and who and 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 5th day of July, 1966.

Merle W. Shambo  
Notary Public,  
My Commission Expires 5/13/67



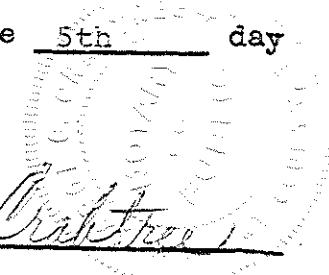
STATE OF TENNESSEE

COUNTY OF MAURY

I, CAROL C. CRABTREE, a Notary Public, in and for said County, in said State, Hereby certify that Coleman Craig Canaan, whose name is signed to the foregoing instrument and who is know to me, acknowledged before me on this day that, being informed of the contents of the instrument that he executed the same voluntarily on the day the same bears date.

Given under me hand and seal on this the 5th day of August, 1966.

Carol C. Crabtree  
Notary Public,  
My Commission Expires 7/13/70



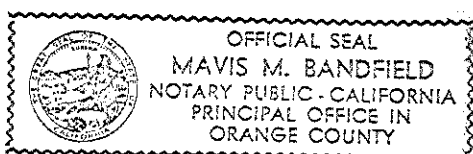
STATE OF CALIFORNIA

COUNTY OF ORANGE

I, Mavis M. Bandfield, a Notary Public, in and for said County, in said State, hereby certify that Jeannine Canaan Boyett, whose name is signed to the foregoing instrument and who is know to me, acknowledged before me on this day that, being informed of the contents of the instrument that she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 22nd day of July, 1966.

Mavis M. Bandfield  
MAVIS M. BANDFIELD, Notary Public  
in and for the State of California  
My Commission Expires March 10, 1970



FILED

AUG 17 1966

ALICE L. TRICK, CLERK REGISTER

776-R

IN THE MATTER OF THE X IN THE CIRCUIT COURT OF  
ESTATE OF JOHN H. CANAAN, X BALDWIN COUNTY, ALABAMA  
DECEASED X IN EQUITY  
X CASE NO. 3435

DECREE  
CONFIRMING DISCLAIMER

This being the day set, by the Court, for a hearing in the matter of the claim filed by Loxley Farm Products Company, a Corporation, against the estate of John H. Canaan, deceased, and upon the verified disclaimer of the Administratrix of the said Estate, Irma Canaan; the case being called, Irma Canaan, the Administratrix of the estate, appeared in person and with her Attorney, and the claimant appeared not. The Court proceeded to hear the evidence as alleged in the disclaimer, and the Court is of the opinion that the amount claimed by Loxley Farm Products Company, a Corporation, has been paid in full, and the same should be discharged from the records of the Court; and,

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED by the Court that the claim filed against the estate of John H. Canaan, deceased, by the Loxley Farm Products Company, a Corporation has been paid in full and the same is hereby discharged.

Done this the 11<sup>th</sup> day of May, 1966.

*Telfair J. Mashburn*  
Telfair J. Mashburn, Circuit Judge

FILED

MAY 11 1966

Alice I. Dick, Clerk  
REGISTERED

776-N

CANNAN, JOHN H.  
Deceased,  
ESTATE OF.

¶  
¶  
¶

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY. 3435

Comes Peoples Fertilizer Company, a Corporation, and demurs to the petition filed in the above styled cause and assigns the following separate and several grounds, viz:

1. That said petition alleges that the Administratrix has been authorized to operate the farm belonging to said Estate since January 21, 1955, but fails to set out any accounting of her said operation.

2. That said petition affirmatively shows that the debts due by said Estate exceed the amount that can be secured by a sale of the personal property, and then seeks to lease the real estate belonging to said Estate for a period of seven years, which is contrary to the rights of the creditors of said Estate.

3. That it is affirmatively shown from the said petition that all debts due by said Estate can not be paid by a sale of the personal property and the execution of such lease by payment of rentals on said land as outlined in such lease.

4. That it is affirmatively shown by said petition that the rights of the creditors of said Estate would be injuriously affected by the granting of such petition.

5. That said petition fails to allege that the Estate is solvent or insolvent.

CHASON & STONE

By:

  
Attorneys for Peoples  
Fertilizer Company

Filed - 2-9-56

IN THE MATTER OF THE ESTATE  
OF J. H. CANAAN,  
DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

Now comes J. Connor Owens, Jr., heretofore appointed guardian  
ad litem in this cause, and files his answer to the petition and  
denies each and every allegation thereof and demands strict proof  
of the same.

*Filed 1-20-55*

  
J. Connor Owens, Jr.

3435

IN THE MATTER OF THE ESTATE  
OF JOHN H. CANAAN, DECEASED

ANSWER

FILED

JAN 20 1955

WILLIAM J. RUCK, Register

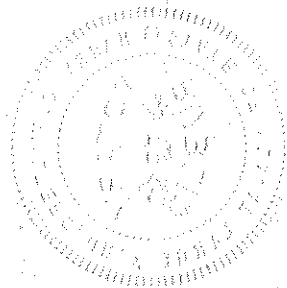




3435-

ESTATE OF  
JOHN H. CANAAN, DECEASED.

PETITION TO REMOVE ADMINISTRATION  
TO EQUITY



FILED

DEC 30 1954

WILLIAM A. DUCK, Register

ESTATE OF JOHN H. CANAAN,  
DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY NO. 3435

This cause coming on to be heard is submitted upon the verified petition of Irma J. Canaan, individually, and as administratrix of the estate of John H. Canaan, deceased, John H. Canaan, Jr., Donald Sherman Canaan, Jeaninne Canaan, children and heirs of John H. Canaan, deceased each over the age of twenty-one years, and Craig Canaan, a son of John H. Canaan, deceased, a minor 8 years of age, who has no guardian and who joins in said petition by Irma J. Canaan, his mother and next of kin, the owners of the livestock and farm equipment described in said petition, and J. A. Davidson, together with the above named persons is the owner of the lands described in said petition; praying confirmation of a private sale of such livestock and farm equipment as the property of the estate of the said John H. Canaan, deceased, and of his said heirs and distributees, and for confirmation of a lease of and option on the lands of the estate of John H. Canaan, deceased, and of his said heirs and distributees owning a one-half interest therein, and J. A. Davidson, the owner of the other one-half interest in the lands described in the said petition; and upon the proof as noted by the register, and the same being considered by the Court, the Court is of the opinion that such petition ought to be granted;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sale of the livestock and farm equipment described in the said petition be and the same is hereby confirmed; and that the said Irma J. Canaan, as administratrix of the estate of John H. Canaan, deceased, be and she is hereby authorized and directed to execute and deliver to Donald Sherman Canaan a good and sufficient bill of sale conveying to him the following described livestock and farm equipment, to-wit:

20 Jersey Cows, 6 Guernsey Cows, 12 Jersey Heifers,  
8 Guernsey Heifers and 1 Guernsey bull;

1 John Deere "A" 1950 tractor Serial No. 652882  
1 John Deere "B" 1945 tractor, Serial No. 179777  
1 John Deere Silage Cutter Serial No. 16555  
1 John Deere Corn Picker, Serial No. 101-7119  
1 John Deere Grain Drill 14 x 7 series 518  
1 Wood's Rotary grass cutter Serial No. 6575  
1 Oliver 2 bottom 16" plow  
1 Ezee Flow Fertilizer Distributor  
Cutlivators for both tractors.

That such bill of sale be delivered to him upon his paying over to the said Irma J. Canaan, as administratrix, the sum of \$6,500.00 and by her as administratrix to be held and distributed in accordance with this order of this court;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Irma J. Canaan, as administratrix of the estate of John H. Canaan, deceased, forthwith pay to the Bay Minette Production Credit Association the sum of \$3,181.56 in settlement of its mortgage on the said property, and pay the cost in this cause, including the sum of \$ 750.00 to Beebe & Swearingen as a reasonable attorneys fee for their services rendered in this behalf, and that the remainder of said moneys be forthwith paid by her proratively as a credit on their accounts against the estate of John H. Canaan,

said accounts and the amounts being as follows:

Loxley Farm Products Co., Loxley, Ala.	\$1,339.00
H. Kennedy, Summerdale, Alabama	495.00
Bank of Fairhope, Fairhope, Alabama	341.00
Foley Hardware co., Foley, Alabama	231.59
Redding Service Station, Loxley, Ala.	199.24
Peoples Fertilizer Company, Foley, Ala	2,237.38
A. Bertolla & Sons, Loxley, Ala.	401.40
Sherrill Oil Company	172.00

And that she take from each of the said creditors a receipt for such moneys and file the same in this court, such receipts to show the amount paid and the balance due to each of the said respective creditors.

The claims of H. England and of Loxley Tractor Company listed in the petition having been satisfied, the same are omitted from this order of payment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the lease of and option on the said real property described in said petition to Donald Sherman Canaan be and the same is hereby ratified and confirmed and in all things validated.

Done this the 5 day of March, 1956.

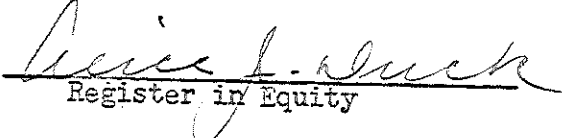
Hubert M. Hall  
Judge

IN THE MATTER OF THE ) IN THE CIRCUIT COURT OF  
ESTATE OF JOHN H. CANAAN, ) BALDWIN COUNTY, ALABAMA  
DECEASED. ) IN EQUITY

TO HON. J. CONNOR OWENS, ESQ.:

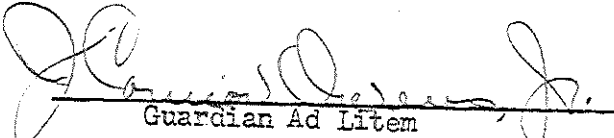
You are hereby notified that by order of Alice J. Duck, Register of the Chancery, Court, made this 17th day of January 1955, you are hereby appointed to represent and act as Guardian Ad Litem for Craig Coleman Canaan, a minor.

This cause shall be and is hereby set for hearing on the 20th day of January 1955.

  
Register in Equity

I, J. Connor Owens, heretofore appointed Guardian Ad Litem to represent Craig Coleman Canaan, a minor in the above entitled cause do hereby acknowledge receipt of my appointment as Guardian Ad Litem issued by the Register and I agree to act as such Attorney and Guardian Ad Litem in this cause.

This 17<sup>th</sup> day of January, 1955.

  
Guardian Ad Litem

IN THE MATTER OF THE ESTATE X IN THE CIRCUIT COURT OF  
OF JOHN H. CANAAN, DECEASED X BALDWIN COUNTY, ALABAMA  
X IN EQUITY  
X CASE NO. 3435

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

Your Petitioner, Irma Canaan, as Administratrix of the  
Estate of John H. Canaan, deceased, respectfully submits this as  
her report and petition for a final settlement of said Estate and  
her discharge as such Administratrix.

That your Petitioner was appointed Administratrix of  
said Estate on the 11th day of December, 1954, and gave notice  
as required by law of said appointment, and the same was moved  
to the Circuit Court, in Equity, and that all of the debts of  
said decedant, and all legal charges against said estate have  
been paid and satisfied in full, and the estate fully adminis-  
tered.

That your Petitioner, Irma Canaan, John H. Canaan, Jr.,  
Jeannine Canaan Boyett, and Donald S. Canaan are all over the  
age of twenty-one years, and Coleman Craig Canaan, a minor over  
the age of 18 and under the age of 21, whose disability of non-  
age has been removed by the Circuit Court of Baldwin County,  
Alabama, and who are all of the heirs, legatees and distributees  
of said estate, and that there is no property to be paid over  
to the above named heirs and distributees.

Therefore, premises considered, your Petitioner, prays  
that this instrument be taken and accepted by Your Honor as and  
for, and in lieu of a formal report for final settlement and that  
said Administratrix be henceforth discharged from all other or

further liability for or on account of her administration of  
said Estate.

Irma Canaan  
Irma Canaan, Petitioner

Sworn to and subscribed before me, this the 16<sup>th</sup> day  
of August, 1966.

[Signature]  
Notary Public, State of Alabama at Lang

FILED

AUG 17 1966

ALICE L. BURE, CLERK  
REGISTRY

IN THE MATTER OF THE	X	IN THE CIRCUIT COURT OF
ESTATE OF JOHN H. CANAAN,	X	BALDWIN COUNTY, ALABAMA
DECEASED	X	IN EQUITY
	X	CASE NO. 3435

Comes now, Irma Canaan, as Administratrix of the estate of John H. Canaan, deceased, and denies that certain claim against the said estate filed by the Loxley Farm Products Company, a Corporation, on the 17th day of January, 1955. Petitioner further says that this claim has been paid; that there is hereto attached to this petition evidencing such payment; that the principal place of business is Loxley, Alabama and that A. S. Bertolla, as Secretary-Treasurer.

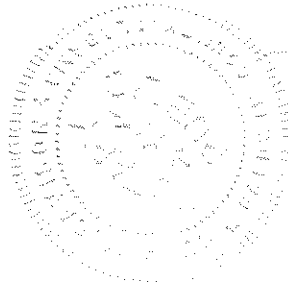
WHEREFORE, the Administratrix prays that the Court will order this petition served upon the Loxley Farm Products Company, a Corporation, and that it will set a date for this matter to be heard and determined by the Court.

Irma Canaan  
Irma Canaan

Sworn to and subscribed before me this the 20<sup>th</sup> day of April, 1966.

Ruth M. Dawson  
Notary Public,

The President of the Corporation,  
A.S. Bertolla can be served at  
Loxley, Alabama.



**FILED**  
APR 20 1966  
ALICE J. DICK, CLERK

776-K



LOXLEY FARM PRODUCTS CO.

Loxley, Ala., 4/7 1957 No. 749

Name James Cannon Adams Cannon Estate

Quantity	Description	Price	Amount
	Credit by check		166 19
	✓ of Balance		33 21
			<u>200 40</u>

LOXLEY FARM PRODUCTS CO.

By \_\_\_\_\_

LOXLEY FARM PRODUCTS CO.

Loxley, Ala., March 8 1956 No. 351

Name James Cannon Adams Cannon Estate

Quantity	Description	Price	Amount
	Credit amt		743 15
	By check		

LOXLEY FARM PRODUCTS CO.

By Mary

IN THE MATTER OF THE	X	IN THE CIRCUIT COURT OF
ESTATE OF JOHN H. CANAAN,	X	BALDWIN COUNTY, ALABAMA
DECEASED	X	IN EQUITY
	X	CASE No. 3435

This day came Irma Canaan, as Administratrix of the estate of John H. Canaan, Deceased, and files her verified petition alleging that the claim of Loxley Farm Products, a Corporation has been paid in full: and the Court, upon consideration of the same sets the matter for hearing on the 11<sup>th</sup> day of May, 1966, at 10:00 A. m.

Telfair J. Mashburn  
Telfair J. Mashburn, Circuit Judge

110. 3435

Estate of  
John A. Caran

dated 27 day of April 1926  
on 27 day of April 1926  
I have served a copy of the within Notice  
A. S. Battola

service on \_\_\_\_\_  
TAYLOR WILKINS, Sheriff  
By W. J. James D. S.  
W. J. James

Sheriff claims 50 miles at  
Ten Cents per mile Total \$ 5.00  
TAYLOR WILKINS, Sheriff  
BY W. J. James  
DEPUTY SHERIFF

ESTATE OF JOHN H. CANAAN,  
DECEASED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY, No. 3435

Comes your petitioner, Irma J. Canaan, and respectfully shows unto your Honor that the estate of John H. Canaan, deceased, is pending in this Honorable Court; that she is administratrix of said estate and is administering the same; that John H. Canaan, Jr. Donald Sherman Canaan and Jeaninne Canaan, single, are children of the said John H. Canaan, deceased, and are each over the age of twenty-one years, and that they join with petitioner in this petition as parties interested in said estate; that Craig Canaan a son of the said John H. Canaan, deceased and a minor 8 years of age, and who has no guardian, is also interested in said estate and joins in this petition acting through and by Irma J. Canaan, his mother as next friend; that J. A. Davidson, who is over the age of twenty-one years and who owns a one-half interest in the farm referred to herein joins in this petition as a party interested therein and respectfully shows unto your Honor:

First: That the estate of John H. Canaan, deceased, owns the following described personal property, to-wit:

20 Jersey cows, 6 Guernsey cows, 12 Jersey heifers,  
8 Guernsey heifers and 1 Guernsey bull;

1 John Deere "A" 1950 tractor Serial No. 652882  
1 John Deere "B" 1945 tractor, Serial No. 179777  
1 John Deere Silage Cutter Serial No. 16555  
1 John Deere corn picker, Serial No. 101-7119  
1 John Deere Grain Drill 14 x 7 Series 518  
1 Wood's Rotary grass cutter Serial No. 6575  
1 Oliver 2 bottom 16" plow  
1 Ezee Flow Fertilizer distributor  
Cultivators for both tractors

Being all the items of personal property owned and used in the operation of the farm hereafter referred to and is all of the personal property owned by the Estate of said John H. Canaan, or in which it has an interest save and except household goods in actual use by the family; that the estate has no cash in bank or in hand and no accounts owing to it.

And the said J. A. Davidson and the estate of the said John H. Canaan, deceased, each owns a one-half interest in a farm consisting of 323 acres of land in Baldwin County.

That the said articles of personal property above described are subject to a first mortgage to the Bay Minette Production

Credit Corporation, on which there is a balance due of \$3,576.00; that the lands hereinabove referred to are subject to a first mortgage to the Federal Land Bank of New Orleans.

Second: Petitioners further show that there has been filed against the said estate as shown by the file in this cause accounts as follows:

1. The claim of A. Bertolla & Sons, of Loxley, Alabama, in the sum of \$401.40, filed January 13, 1955.
2. The claim of Loxley Farm Products Company of Loxley, Alabama, in the sum of \$887.03, filed January 17, 1955.
3. The claim of Loxley Tractor Company, Loxley, Alabama, in the sum of \$366.48, filed January 17, 1955.

Third: That heretofore on to-wit: January 21, 1955, this Honorable Court made and entered an order authorizing the said Irma J. Canaan, as administratrix, to operate the said farm and she has been operating the same thereunder, but that her health and family conditions are such that to her it seems best that such operation be discontinued and that the items of personal property listed herein be sold and the proceeds thereof be applied first to the payment of the secured creditors and the balance thereof to be distributed to the claims filed against the said estate or to such person or persons as this Honorable Court shall direct.

Fourth: Petitioners further show that the indebtedness to the Loxley Tractor Company has been increased and is now \$399.00 and that the Loxley Farm Products Company account has been increased and is now \$1,339.00, that the account of A. Bertolla & Son is the same as alleged hereinabove; that in addition to the said claims the said estate is also indebted to H. Kennedy in the sum of \$495.00; to ~~the Loxley Farm Products Company~~ *Therrell Oil Company* of *Loxley* in the sum of \$172.00; to Bank of Fairhope in the sum of \$341.00; to Foley Hardware Company of Foley, Alabama in the sum of \$231.59; to Redding Service Station in Loxley, Alabama in the sum of \$199.24; and to H. England of Robertsdale, Alabama in the sum of \$17.00; to Peoples Fertilizer Company of Foley, Alabama in the sum of \$2,237.38.

Fifth: Petitioners further show that Donald Sherman Canaan, herein named, has offered to purchase said items of personal property hereinabove described for and at the sum of \$6,500.00 and to rent the said farm under the terms and conditions of that certain lease agreement, copy of which is hereto attached, marked Exhibit A and made a part of this petition, for and at the annual rental of \$1,000.00, and petitioners believe and allege that it is to the best interest of the estate of the said John H. Canaan deceased, and to all of the parties interested therein, including the petitioners and the creditors of said estate, that the said items of personal property be sold and the proceeds thereof be used, first to pay the secured creditors and the balance thereof to be distributed as this Court shall order; and that they further believe and allege that it is to the interest of the estate of John H. Canaan, deceased, and of these petitioners and of the creditors of the said estate that the said farm be leased to the said Donald Sherman Canaan under the terms and conditions of that certain lease hereto attached.

Wherefore, petitioners pray that a day be set for hearing of this petition, that due and proper notice thereof be given to the persons for the time and in the manner provided by law.

Petitioners further pray that upon such hearing this Honorable Court will make and enter an order and decree authorizing and directing the said Irma J. Canaan, as administratrix of the estate of John H. Canaan, deceased, and as next friend of the said Craig Canaan, a minor, and the other petitioners interested therein to sell the items of personal property herein described to the said Donald Sherman Canaan for and at the price herein named and to execute and deliver to him proper conveyance therefor and to lease the farm belonging to the said estate and J. A. Davidson to the said Donald Sherman Canaan, for and at the terms set out in Exhibit A hereto

attached and petitioners pray for such other, further or different relief as they shall be entitled to receive in the premises.

Beek & Swearingen

By J. C. Beek  
Attorneys for petitioners

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public in and for said State and County, this day personally appeared Irma J. Canean, who being by me duly sworn says that she has read and knows the allegations made in the foregoing petition and that the facts therein alleged are true.

Irma J. Canean

Sworn to and subscribed before me this the 11 day of

January, 1956.

Madeline S. Bryant  
Notary Public, Baldwin Co., Ala.

**STANDARD FARM LEASE**

THIS LEASE is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, between  
J. A. Davidson and B. C. Davidson, his wife, Irma Jones Canaan, a widow, John  
H. Canaan, Jr. & Mary Canaan, his wife, Beatrice Canaan, single and Craig  
Canaan by Irma Jones Canaan, guardian landlord, of Loxley, Alabama  
 and Donald Sherman Canaan tenant, of Loxley, Alabama  
 (Address)

**1. DESCRIPTION OF PROPERTY.**—The landlord hereby leases to the tenant, to occupy and use for agricultural and related purposes, the following-described property, located in Baldwin County, State of Alabama:

and consisting of 323 acres, more or less, together with all buildings and improvements thereon and all rights thereto appertaining except as otherwise specified ~~the landlord may lease the said property for oil, gas and mineral purposes.~~  
 (All this property together is hereinafter referred to as the "farm.") The landlord warrants that he has the right to lease the farm, and will defend the tenant's possession against any and all persons whomsoever.

**2. TERM OF LEASE.**—The term of this lease shall be seven year(s) from January 1, 1956, to December 30, 1962, and this lease shall continue in effect from year to year thereafter until written notice of termination is given by either party to the other at least \_\_\_\_\_ months before expiration of this lease or any renewal.

**3. RENTAL RATES AND ARRANGEMENTS.**

(A) *Crop-Share, Crop-Share-Cash, Cash, or Standing Rent and Arrangements.*—The tenant agrees to use the land and to pay as rent the shares of crops, cash, and/or quantities of crops as indicated below:

(1) USE OF LAND	(2) ACRES	KIND AND AMOUNT OF RENT TO BE PAID		
		(3) Crop-share	(4) Cash	(5) Quantity of crop
<u>as tenant may elect</u>			\$	
<u>For producing food for the family</u>				
<u>Woodland</u>				
<u>Farmstead and lots</u>				
<b>TOTAL FARM</b>		<u>XXXXXXX</u>	\$	<u>XXXXXXX</u>

Additional agreements relative to crops and land use: none

(B) *Livestock-Share Rent and Arrangements.*—It is agreed that the tenant (or the parties jointly) will engage in the commercial production of livestock, and as rent livestock and livestock products will be distributed or divided, according to the arrangements as indicated below:

(1) KIND OF LIVESTOCK TO BE KEPT	(2) NUMBER TO BE KEPT ON FARM	SHARE FURNISHED BY LANDLORD		SHARE RECEIVED BY LANDLORD		
		(3) Livestock	(4) Feed produced on the farm	(5) Offspring or increase in herd	(6) Livestock sales	(7) Sales of livestock products
<u>As he may elect</u>	<u>Landlord shall have no interest therein</u>					

Additional agreements relative to livestock: \_\_\_\_\_

(C) *Payment of Rent.*—All rents agreed to, whether cash or share of crop or livestock receipts, shall be paid, distributed, or divided at the time and place as specified below: \$1,000.00 a year, payable in 12 equal monthly installments commencing January 31, 1956.

Payment thereof to be made to Irma Jones Canaan.

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**4. OPERATIONAL EXPENSES.**—The tenant will furnish all labor, equipment, and expenses for the operation of the farm except as indicated below:

(1) ITEM OF EXPENSE	(2) FURNISHED BY LANDLORD	(1) ITEM OF EXPENSE	(2) FURNISHED BY LANDLORD	(1) ITEM OF EXPENSE	(2) FURNISHED BY LANDLORD
		<u>no exceptions</u>			

Additional agreements relative to operational expenses: \_\_\_\_\_

**5. SOIL CONSERVATION AND CAPITAL IMPROVEMENTS.**—To conserve the soil and to improve the farm, including the woodland, the two parties agree to carry out conservation practices and measures and to make other capital improvements, and to share contributions and costs necessary for completion of such practices and improvements as set forth below. The tenant shall be reimbursed by the landlord when the practice, measure, or improvement is completed, or will be compensated for its unexhausted value when the tenant leaves the farm, according to the schedule below:

(1) CONSERVATION PRACTICE, MEASURE OR OTHER CAPITAL IMPROVEMENT	(2) DATE TO BE COMPLETED	PERCENT TO BE FURNISHED BY LANDLORD AND BY TENANT						(6) VALUE PLACED ON TENANT'S CONTRIBUTION	(7) RATE OF ANNUAL DEPRECIATION (Percent)
		(3) Materials		(4) Labor		(5) Machinery or trucking			
		L	T	L	T	L	T		
<u>Tenant will use maximum soil conservation practices as directed by the United States Soil Conservation Service.</u>								\$	

Additional agreements relative to soil conservation and capital improvements: \_\_\_\_\_

none

**6. PAYMENT FOR PREPARING OR SEEDING LAND.**—When the tenant leaves the farm, if the total acreage of prepared or seeded land is greater than at the beginning of his tenancy, he will be compensated by the landlord on the basis of the value of such excess acreages. If such total acreage is less than at the beginning of his tenancy, the tenant will compensate the landlord on the basis of the value of such deficiency, provided, the deficiency is not due to drought, flood, or other causes beyond the control of the tenant. The acreages at the beginning of this tenancy and the basis of payment are as follows:

There shall be no reimbursement by either party.



STANDARD FARM LEASE

BETWEEN

(Landlord)

(Tenant)

For (Common name or number of farm)

In County

State of

EFFECTIVE

From 19

To 19

Renewed 19

From 19

To 19

USE OF STANDARD FARM LEASE

This lease is prepared for use by landlords and tenants in all types of renting-crop-share, crop-share-cash, cash, standing, or livestock-share. Some changes may be necessary in order to adapt the general provisions to a specific kind of rent or to a particular farm. Spaces are provided for writing in any particular details or special arrangements that a landlord and tenant may want.

ACKNOWLEDGMENT (Proper form to be inserted):

Witnesses as to both signatures: J. H. Canaan, Jr. (Landlord) and J. A. Davidson (Tenant)

IN WITNESS WHEREOF, the parties have signed this lease on the date first above written.

10. ADDITIONAL AGREEMENTS:

(1) The tenant may buy without further authorization materials for normal maintenance and repairs in a total amount not to exceed \$... (2) He will replace or repair the dwelling or any other building that may be destroyed or damaged by fire, flood, or other cause beyond the control of the tenant as promptly as possible or make rental adjustments in lieu of replacements.

9. THE LANDLORD AGREES THAT:

(1) He will keep adequate records in regard to his operation as he shall desire or as Farmers Home Administration shall require. (2) He will spread the manure on the farm as soon as practicable on fields agreed upon by the two parties, and will not burn cornstalks, straw, or other crop residues grown upon the farm except no exception.

8. THE TENANT AGREES THAT:

(1) Crops will be grown in fields specified, and no pastures or meadow land will be plowed without written consent of landlord. (2) Subject to the other provisions of this lease relating to repairs, he will maintain the dwelling, the beginning, or as later improved, normal wear and depreciation from causes beyond the tenant's control excepted.

7. IF IS MUTUALLY AGREED THAT:

(1) The acres of crops and numbers of livestock shown above are those planned for the first year of this lease, and may be changed from year to year by mutual agreement.

(3) He will operate the farm in an efficient and husbandlike way, will do the plowing, seeding, cultivating, and harvesting at the proper time and in the proper manner. (4) He will keep in good repair all grass waterways, terraces, open ditches, and inlets and outlets of tile drains. (5) He will not commit waste on or damage to the farm and will use due care to prevent others from so doing.

EXHIBIT "A"

The lessee at any time during this lease shall have the right and option to purchase the leased premises at a price to be fixed by three appraisors: one to be selected by the lessee, one to be selected by the lessor, and the two appraisors so appointed shall select a third. In making appraisement such appraisors shall exclude the value of any permanent improvements placed thereon by lessee.

In the event of the purchase by the lessee hereunder such purchaser shall have a one-half interest in the oil, gas and minerals on, in and under the said lands; the remaining one-half interest in the oil, gas and minerals shall be reserved: one-fourth to J. A. Davidson and B. C. Davidson for and during their natural lives and to the survivor of them, but upon the death of both of them such one-fourth shall pass to and be the property of Donald Sherman Canaan; of the remaining one-fourth of such oil, gas and minerals, one-fourth thereof shall be reserved to Craig Canaan, absolutely, and three fourths thereof shall be reserved to Irma Jones Canaan for and during her natural life, and upon her death such three-fourths of one-fourth shall pass to John H. Canaan, Jr., Jeannine Canaan and Donald Sherman Canaan, share and share alike.

The purchase money, upon such purchase hereunder, shall be distributed one-half to J. A. Davidson and B. C. Davidson or to the survivor of them; of the remaining one-half thereof, one-fourth thereof shall be paid over to Craig Canaan, and three fourths thereof shall be paid over to Irma Jones Canaan for her use and benefit for and during her natural life, and upon her death the three-fourths of one-half of the purchase money distributed to her hereunder shall be paid over to John H. Canaan, Jr., Jeannine Canaan, and Donald Sherman Canaan, share and share alike.

Filed - 1-24-56

**THE STATE OF ALABAMA,**

CIRCUIT COURT, BALDWIN COUNTY

BALDWIN COUNTY

}

No. ....

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon A. Bertolla & Son and Peoples Fertilizer  
Company

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against \_\_\_\_\_

\_\_\_\_\_, Defendant .....

by Irma J. Canaan, et al, petitioners for the sale of personal  
property belonging to the estate of John H. Canaan, deceased.  
\_\_\_\_\_, Plaintiff.....

Witness my hand this 24 day of Jan 1956

*Alvin J. ...*, Clerk

No.

3435

Page

X

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

Estate of John H. Canaan,  
deceased.

Plaintiffs

vs.

Defendants

SUMMONS and COMPLAINT

Filed 1-24, 1956

*Richard H. Smith*, Clerk

Plaintiff's Attorney

Defendant's Attorney

775

Defendant lives at

RECEIVED IN OFFICE

1-24, 1956

Sheriff

I have executed this summons

this \_\_\_\_\_, 19.....

by leaving a copy with

*A. Bertolla & Son -  
Lumber & Building Co. Inc.  
Service on W.R. Stewart  
as president this  
24th day of Jan. 1956*

*Alex Bertolla as  
A Bertolla and Sons  
Jan. 25, 1956  
Loyley Ala*

*Taylor Wilkins* Sheriff

*Wleigh Steadham* Deputy Sheriff

Ten Cents per mile Total \$ *4.00*

TAYLOR WILKINS, Sheriff

BY *Steadham*  
DEPUTY SHERIFF