

3436

STATE OF ALABAMA, : PROBATE COURT OF SAID COUNTY,
MOBILE COUNTY. : JULY 10th, 1957.

ROBERT GILMORE, deceased : Case No. 8970 N. S.
Estate of :
:

ORDER GRANTING LETTERS OF ADMINISTRATION
UPON FILING BOND.

This day came Estelle G. James and filed her application in writing and under oath praying to be appointed to the administration of the estate of Robert Gilmore, alleging therein among other things that she is over the age of twenty-one (21) years, a resident of Mobile County, Alabama, that the above named decedent was an inhabitant of this County at the time of his death and departed this life in Augusta, Georgia, on to-wit, the 14th day of June, 1957 intestate; that said decedent left no real property at the time of his death but left personal property of the approximate value of One Thousand Six and 75/100 (\$1,006.75) Dollars, which is in a savings account in the Veteran's Administration Hospital of Augusta, Georgia, also giving in said petition the names of the heirs and next of kin of said decedent and their respective ages, sexes, conditions and residences so far as known and;

It being shown by evidence satisfactory to the Court that the allegations of said petition are substantially true;

IT IS ORDERED, ADJUDGED AND DECREED by the Court that upon the said Estelle G. James filing in this Court bond conditioned and payable as provided by law in the sum of Two Thousand (\$2,000.00) Dollars, with good and sufficient surety to be taken and approved by the Judge of this Court, that letters of administration upon the estate of Robert Gilmore, deceased, do forthwith issue to Estelle G. James, as prayed.

V. R. Jansen JUDGE.

STATE OF ALABAMA, : PROBATE COURT OF SAID COUNTY,
MOBILE COUNTY. : JULY 15th, 1957.

Robert Gilmore, : Case No. 8970 N. S.
Deceased. :

Estate of

ORDER ISSUING LETTERS OF ADMINISTRATION

This day came Estelle G. James and filed in this Court bond, conditioned and payable as provided by law, in the sum of Two Thousand and 00/100 (\$2,000.00) Dollars, with Globe Indemnity Company as surety, which bond with said security has been taken and approved by the Judge of this Court:-

IT IS ORDERED, ADJUDGED AND DECREED that letters of administration upon the Estate of Robert Gilmore, deceased, do forthwith issue to Estelle G. James, as prayed.

V. R. Jansen JUDGE.

THE STATE OF ALABAMA, }
MOBILE COUNTY. }

PROBATE COURT

I, V. R. JANSEN, Judge of the Probate Court in and for said State and County, hereby certify that the within and foregoing Two (2) pages

contain a full, true and complete copy of the (1) Order of Court Granting Letters Of Administration Upon Filing Bond in the estate of Robert Gilmore, deceased, as the same appears of record in my office in Minute Book No. 105, Page No. 125. (2) Order of Court Issuing Letters of Administration to Estelle G. James as Administratrix upon the estate of Robert Gilmore, deceased,

as the same appears on record in my office in Minute Book No. 105 Page No. 202

Given under my hand and seal of office this 25th day of February, 195 8

V. R. JANSEN

Judge of Probate.

BY [Signature]
Recording Clerk



JAMES T. STRICKLAND

ATTORNEY AT LAW

822 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

PHONE HE 85539

February 26, 1958

Miss Alice Duck
Clerk of Circuit Court
Baldwin County
Bay Minette, Alabama

Dear Miss Duck:

As per your letter of February 22, 1958 please find enclosed certified copies of the papers previously forwarded to you.

Thanking you for your cooperation in this matter, I am,

Yours very truly,



James T. Strickland

JTS/crs

Encl.

February 18, 1957

Registrar in Chancery
Baldwin County Court
Bay Minette, Ala.

Dear Sir:

I have been advised that my share of the proceeds from the sale of the James property at Fairhope has been deposited with the court awaiting disposal.

I have no plans for coming to Alabama, so would like to know how I could obtain my money directly through the court.

My sister Rose Davis Milford, of 1800 7th Avenue, Apt. 8 C-1, New York 26, N.Y.C., is interested in handling her share by mail also, so please consider this inquiry to cover her.

Sincerely,

Virginia Davis Slaughter,
325 Maple Ave, Rear
Pittsburgh 18, Pa.

ESTELLE GILMORE JAMES,) IN THE CIRCUIT COURT
 COMPLAINANT) OF
 VS.) BALDWIN COUNTY, ALA.
 FRANCES GILMORE STUBBS,)
 SYLVESTER GILMORE, ROBERT GILMORE,) IN EQUITY NO. _____
 ROBERT GILMORE, IRENE GILMORE)
 PENN, VIRGINIA DAVIS MARTIN AND)
 ROSA LEE DAVIS,)
 RESPONDENTS.)

TO THE HONORABLE HUBERT HALL, JUDGE OF SAID COURT, IN EQUITY SITTING.

Comes now the complainant, Estelle Gilmore James, and shows and represents unto your Honors as follows:

ONE

That the complainant and all of the respondents are over the age of twenty-one years, that the complainant is a resident of Mobile County, Alabama, residing at Chastang, Alabama; that the respondent Frances Gilmore Stubbs is a resident of Thomasville, Clarke County, Alabama; that the respondent Sylvester Gilmore is a resident of Fairhope, Alabama; that the respondent Robert Gilmore is a non resident of the State of Alabama; that your complainant has made diligent search and inquiry to ascertain the address of said Robert Gilmore, but has been unable to do so after diligent search and inquiry; that Robert Gilmore is a resident of Mobile County, Alabama, residing at 608 N. Claiborne Street, but that at the present time he is a patient in the Veteran's Hospital at Tuskegee, Macon County, Alabama; that your complainant is not positive as to the mental condition of said Robert Gilmore and on information and belief avers that said Robert Gilmore is a person of unsound mind; that said Robert Gilmore does not have a legal guardian; that Irene Gilmore Penn is a resident of Mobile County, Alabama, residing at 608 N. Claiborne Street; that Virginia Davis Martin and Rosa Lee Davis are both non residents of the State of Alabama; that your complainant has made diligent search and inquiry to ascertain the address of said Virginia Davis Martin and Rosa Lee Davis, but had been unable to locate either of said addresses after diligent search and inquiry; that all of the complainants and respondents are of sound mind except the Robert Gilmore who is in the Veteran's

Hospital in Tuskegee.

BOOK 019 PAGE 179

TWO.

Complainant alleges that the complainant and respondents are the joint owners and tenants in common of all that real property in the County of Baldwin, State of Alabama, described as follows:

"Lot 5, Block 7 Joyle Worcester Addition to Fairhope."

Complainant avers that the interest owned by the complainant and each of the respondents is as follows:

Estelle Gilmore James, undivided one-sixth.

Frances Gilmore Stubbs, " " " .

Sylvester Gilmore, undivided one-twelfth.

Robert Gilmore (the non-resident), undivided one-twelfth.

Robert Gilmore (the inmate of Tuskegee Veteran's Hospital),
an undivided one-sixth.

Irene Gilmore Penn, an undivided one-sixth.

Virginia Davis Martin, an undivided one-twelfth.

Rosa Lee Davis, an undivided one-twelfth.

THREE.

Complainant avers that the property described in the bill of complaint cannot be equitably divided between the tenants in common thereof, without a sale of the property.

PRAYER FOR PROCESS.

Wherefore the premises considered your complainant prays that service of process be had upon the respondent Frances Gilmore Stubbs, Sylvester Gilmore, Robert Gilmore (the inmate of Tuskegee), and Irene Gilmore Penn, by personal service, and that the respondents Robert Gilmore (the non-resident), and Virginia Davis Martin and Rosa Lee Davis, be served by publication; and that a guardian ad litem be appointed to represent Robert Gilmore (the inmate of Tuskegee), all according to the rules and practices of this Honorable Court.

PRAYER FOR RELIEF.

Your complainant prays that upon a hearing of this cause

that your Honor will determine that the property described in the bill of complaint is owned by the complainant and the respondents jointly as tenants in common; will determine the undivided interest owned by the complainant and each of the respondents; will determine that the property cannot be equitably divided without a sale thereof, and will order that the property be sold for division at public uaction in front of the Court House of Baldwin County, Alabama; will appoint a suitable commissioner to make the sale, after giving of notice by advertisement thereof as required by law; will determine a reasonable attorney's fee to be allowed the attorneys for your complainant for their services in this proceeding and will order said fee be paid out of the proceeds of the sale of said property; and your complainant prays for such other, further and different relief as in equity and good conscience she may be entitled to receive, the premises considered.

[Handwritten signatures]
SOLICITORS FOR COMPLAINANT

Estelle Gilmore James
Estelle Gilmore James

STATE OF ALABAMA
COUNTY OF MOBILE

Personally appeared before me, the undersigned authority, Estelle Gilmore James, who being by me first duly sworn deposes and says that she is the complainant in the above entitled cause, that she has read the above and foregoing bill of complaint and that the facts stated therein are true; that she has made diligent search and inquiry to ascertain the address of Robert Gilmore, Virginia Davis Martin and Rosa Lee Davis, but that she has been unable to locate the address of any of said three respondents, but that she is informed and believes, and on such information and belief avers that each of said respondents is a non resident of the state of Alabama.

Estelle Gilmore James
Estelle Gilmore James

Subscribed and sworn to before me
this 28th day of December, 1954.

[Handwritten signature]
NOTARY PUBLIC, MOBILE COUNTY, ALA.

3432

Received _____ day of _____ 19____
and on 21 day of Jan 1955
I served a copy of the within Quinn
on James William Quinn

By service on _____
Ray D. Boudreau
_____, Sheriff
By Masters D. S.

Executed by serving a
Copy on L. H. Loun
Register at V. Hospital
3-22-55-
App. Normaly Sheriff
C. P. Powell Deputy

FILED
DEC 31 1954
ANCE J. DUCK, Register

The State of Alabama, _____ County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon FRANCES GILMORE STUBBS, SYLVESTER GILMORE,
ROBERT GILMORE, ROBERT GILMORE, IRENE GILMORE PENN, VIRGINIA DAVIS MARTIN AND
ROSA LEE DAVIS.

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Com-
plaint filed in said Circuit Court, in equity, for said County of said State.

ESTELLE GILMORE JAMES

against FRANCES GILMORE STUBBS, SYLVESTER GILMORE, ROBERT GILMORE, ROBERT GILMORE,
IRENE GILMORE PENN, VIRGINIA DAVIS MARTIN AND ROSA LEE DAVIS.

Herein fail not. Due return make of this writ as the law directs.

Witness this 3rd day of December, 1954

Wesley J. Luck, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

BOOK 019 PAGE 181

✓ 312
Page 1110

RECORDED

State of Alabama

BALDWIN COUNTY.

IN CIRCUIT COURT, IN EQUITY

ESTELLE GILMORE JAMES

vs.

FRANCES GILMORE STUBBS, SYLVESTER
GILMORE, ROBERT GILMORE, ROBERT
GILMORE, IRENE GILMORE FENN,
VIRGINIA DAVIS MARTIN & ROSA LEE DAVIS,

SUMMONS

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____
_____, Register.

RETURNED 1-27-55
Not found in my County after diligent
search and inquiry.

RAY D. BRIDGES, Sheriff
By S. W. [Signature] D. S.
MOBILE COUNTY, ALA.

Received in office, this the 3 day of
Jan, 1955
Taylor Wilkins, Sheriff.

I have executed the within by leaving a copy
thereof with _____

Sylvestor Gilmore

Executed by leaving copy of writs or
Frances Gilmore Stubbs
11
J. B. [Signature]
B. B. [Signature]

defendant named herein, on this the
day of 3. Jan, 1955
Taylor Wilkins, Sheriff.

By Edleigh Steadham, Deputy.

LYONS, PIPES & COOK
ATTORNEYS AT LAW
517 FIRST NATIONAL BANK BUILDING
MOBILE 8, ALABAMA

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK

February 4, 1955.

Mrs. Alice J. Duck
Register in Chancery
Circuit Court of Baldwin County
Bay Minette, Alabama.

Re: James v. Stubbs, et al. (Equity)

Dear Mrs. Duck:

Two of the respondents in the above case have come in our office and signed an answer admitting the allegations of the bill and agreeing that the property be sold and we enclose herewith the answer which we ask that you file.

Very truly yours,
LYONS, PIPES & COOK


Sam W. Pipes, III

SWP:ee
(26141)

ESTELLE GILMORE JAMES,) IN THE CIRCUIT COURT
 COMPLAINANT.) OF
 -vs-) BALDWIN COUNTY, ALA.
 FRANCES GILMORE STUBBS,)
 SYLVESTER GILMORE, ROBERT)
 GILMORE, ROBERT GILMORE, IRENE) IN EQUITY NO. _____
 GILMORE BENN, VIRGINIA DAVIS)
 MARTIN AND ROSA LEE DAVIS,)
 RESPONDENTS.)

A N S W E R

Come now Irene Gilmore Penn and Frances Gilmore Stubbs, two of the respondents in the above entitled cause, and answering the bill of complaint admit the allegations of the bill and join in the prayer for relief.

Irene Penn
Irene Gilmore Penn

Frances Gilmore Stubbs
Frances Gilmore Stubbs

ESTELLE GILMORE JAMES,	)	IN THE CIRCUIT COURT OF
Complainant,	)	BALDWIN COUNTY, ALABAMA.
vs.)	
FRANCES GILMORE STUBBS,	)	IN EQUITY NO. 3436.
SYLVESTOR GILMORE, ROBERT)	
GILMORE, IRENE GILMORE PENN,)	
VIRGINIA DAVIS MARTIN AND)	
ROSA LEE DAVIS,)	
Respondents.)	

REPORT OF COMMISSIONER.

Comes now Alice J. Duck, Commissioner appointed in and by decree of this Court of September 13, 1955, and shows and represents unto the court as follows:

That she did give notice by publication in the Baldwin Times, a newspaper published in the County of Baldwin, State of Alabama, of the sale of the property hereinafter described; that she did on the 7th day of October, 1955, at 1:00 P. M. in front of the court house of Baldwin County, Alabama, offer said property for sale to the highest bidder for cash, at public auction; and that at said sale said property was sold to Anthony J. and Alberta A. Thomas, for the sum of One Thousand Five Hundred Seventy-five and no/100 (\$1,575.00.) Dollars, which was the last and best bid for said property; that said sale was conducted in strict accordance with and pursuant to the decree of this court of September 13, 1955; that the said property sold for an amount not greatly less than its true value; that the full amount of the purchase price, to-wit the sum of One Thousand Five Hundred Seventy-five and no/100 (\$1,575.00.) Dollars, has been paid in cash, to Alice J. Duck, Commissioner, and is now held by her subject to the orders of this court;

WHEREFORE Alice J. Duck, as commissioner, makes report of said sale to this Court and prays that the sale be confirmed, and that she as such commissioner, be authorized and directed to execute and deliver a deed conveying said property as such

commissioner, to Anthony J. Thomas and Alberta A. Thomas.

BOOK 019 PAGE 184

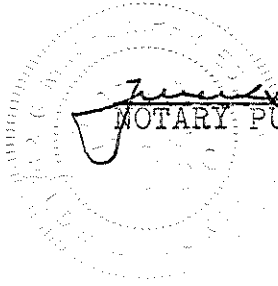
Alice J. Duck
COMMISSIONER.

STATE OF ALABAMA
COUNTY OF BALDWIN

Personally appeared before me, the undersigned authority, Alice J. Duck, who being by me first duly sworn deposes and says that she has read the above and foregoing report of sale, that she is informed and believes and on such information and belief avers that the facts stated therein are true.

Alice J. Duck
Alice J. Duck

Subscribed and sworn to before me
this 15th day of October, 1955.



[Signature]
NOTARY PUBLIC, BALDWIN COUNTY, ALA.

ESTELLE GILMORE JAMES,	)	IN THE CIRCUIT COURT OF
Complainant,	)	BALDWIN COUNTY, ALABAMA.
-vs-)	
FRANCES GILMORE STUBBS,	)	IN EQUITY NO. 3436.
SYLVESTOR GILMORE, ROBERT)	
GILMORE, IRENE GILMORE PENN,)	
VIRGINIA DAVIS MARTIN AND)	
ROSA LEE DAVIS,)	
Respondents.)	

O R D E R.

This cause coming on to be heard upon the report of Alice J. Duck, as commissioner, filed October , 1955, that pursuant to the decree of this court made and entered the 13th day of September, 1955, she did offer the property hereinafter described for sale at public outcry at 1 P.M. on the 7th day of October, 1955, in front of the court house of Baldwin County, Alabama, after having first given notice of the time, place and terms of the sale by an advertisement published in the Baldwin Times, a newspaper published in the County of Baldwin, State of Alabama; that at said sale Anthony J. Thomas and Alberta A. Thomas were the highest and best bidders in the sum of One Thousand Five Hundred Seventy-five and no/100 (\$1,575.00.) Dollars, and that said property was sold to the said Anthony J. Thomas and Alberta A. Thomas for the sum of One Thousand Five Hundred Seventy-five and no/100 (\$1,575.00.) Dollars;

And it appearing to this court that the sale was fairly conducted and that the said property sold for an amount not greatly less than its real value, and that the report of sale has laid over for five (5) days for exceptions, and that no exceptions have been filed thereto; it is the opinion of the Court that said sale should be confirmed;

And it further appearing to the court that the commissioner has received from the purchasers the sum of One Thousand Five Hundred Seventy-five and no/100 (\$1,575.00) Dollars, and now holds said sum of money subject to the orders of this court; it is the opinion of the Court that a deed should be made

and delivered by the commissioner to the said purchasers.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the sale of that certain property in the County of Baldwin, State of Alabama, described as follows:

Lot Five (5), Block Seven (7), Joyle-Worcester Addition to Fairhope;

to the said Anthony J. Thomas and Alberta A. Thomas, be and the same hereby is ratified and confirmed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that Alice J. Duck, as commissioner, execute and deliver to the said Anthony J. Thomas and Alberta A. Thomas, a deed conveying the above described property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the Register hold the proceeds of the sale of the above described property subject to the further orders of this court.

DONE this 21st day of October, 1955.

Hubert M. Hall
CIRCUIT JUDGE.

ESTELLE GILMORE JAMES
PLAINTIFF

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

-vs-

) IN EQUITY

) FRANCES GILMORE STUBBS, et al
) DEFENDANT

) NO. 3436

APPOINTMENT OF GUARDIAN AD LITEM

In this cause, it appearing to the Register, Alice J. Duck, that ROBERT GILMORE, who is a non compos mentis, confined in the Veteran's Hospital in Tuskegee, Alabama, and on information and belief is alleged that he is a person of unsound mind, and,

In the said proceeding it being made to appear to the Register, Alice J. Duck, that the said, ROBERT GILMORE, who is a non compos mentis, confined in the Veteran's Hospital in Tuskegee, Alabama, is interested in the result of said proceedings.

It is therefore Ordered, by the Register that J. Connor Owens be and is hereby appointed Guardian Ad Litem to represent the said, ROBERT GILMORE, who is a non compos mentis, confined in the Veteran's Hospital in Tuskegee, Ala., upon hearing of the said proceedings.

Done this 7th. day of July, 1955.

Alice J. Duck
Alice J. Duck, Register.

CONSENT TO ACT

I, J. Connor Owens, hereby consent to act as guardian ad litem for ROBERT GILMORE, who is a non compos mentis, confined in the Veteran's Hospital in Tuskegee, Ala., upon hearing of the above cause.

Witness my hand this 8 day of July, 1955.

J. Connor Owens, Jr.
Guardian Ad Litem.

JIMMY FAULKNER
PUBLISHER

THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

Circuit Court of Baldwin County, Alabama, No. 3436, In Equity, Register's Office, December 31, 1954, Estelle Gilmore James, Complainant, v. Frances Gilmore Stubbs, et al, Respondents. In this cause it appearing from affidavit on file that the respondents Robert Gilmore, Virginia Davis Martin and Rosa Lee Davis are each over the age of twenty-one years, and are each non-residents of the state of Alabama; that their addresses are unknown, and that the complainant Estelle Gilmore James has made a diligent search and inquiry to ascertain the address of each of said respondents, but has been unable to ascertain such information;

IT IS ORDERED That Robert Gilmore, Virginia Davis Martin and Rose Lee Davis plead, answer or demur to the allegations of the bill of complaint filed against them in this cause, before the 15th day of February, 1955, or upon the expiration of thirty (30) days from said date, the same will be taken as confessed against each of them.

IT IS FURTHER ORDERED, That notice of this order be published for once a week for four consecutive weeks in the Baldwin Times, a newspaper published in the County of Baldwin, State of Alabama.

ALICE J. DUCK
Notary Public

504

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

Estelle James vs Frances Stubbs

COST STATEMENT		\$ 13.06
201 WORDS @	6 1/2 cents	\$ 13.06
I hereby certify this it correct, due and unpaid (paid).		
<u>E. R. Moussette Jr.</u>		Editor Publisher

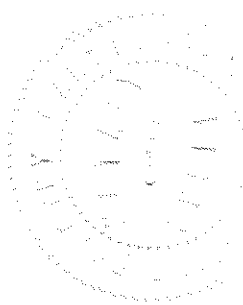
was published in said newspaper for 4 consecutive weeks in the following issues:

- Date of 1st publication Jan. 13, 1955 Vol. 65 No. 52
- Date of 2nd publication Jan. 20, 1955 Vol. 66 No. 1
- Date of 3rd publication Jan. 27, 1955 Vol. 66 No. 2
- Date of 4th publication Feb. 3, 1955 Vol. 64 No. 3

Subscribed and sworn before the undersigned this 8 day of Feb, 1955

Dorothy Minter
Notary Public, Baldwin County.

E. R. Moussette Jr.
Editor ~~Publisher~~



ESTELLE GILMORE JAMES,
COMPLAINANT

VS.

FRANCES GILMORE STUBBS,
SYLVESTER GILMORE, ROBERT GILMORE,
ROBERT GILMORE, IRENE GILMORE
PENN, VERGINIA DAVIS MARTIN AND
ROSA LEE DAVIS,
RESPONDENTS.

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

TO THE HONORABLE HUBERT HALL, JUDGE OF SAID COURT, IN EQUITY SITTING.

Comes now the complainant, Estelle Gilmore James, and shows and represents unto your Honors as follows:

one.

That the complainant and all of the respondents are over the age of twenty-one years, that the complainant is a resident of Mobile County, Alabama, residing at Chastang, Alabama; that the respondent Frances Gilmore Stubbs is a resident of Thomasville, Clarke County, Alabama; that the respondent Sylvester Gilmore is a resident of Fairhope, Alabama; that the respondent Robert Gilmore is a non resident of the State of Alabama; that your complainant has made diligent search and inquiry to ascertain the address of said Robert Gilmore, but has been unable to do so after diligent search and inquiry; that Robert Gilmore is a resident of Mobile County, Alabama, residing at 608 N. Claiborne Street, but that at the present time he is a patient in the Veteran's Hospital at Tuskegee, Macon County, Alabama; that your complainant is not positive as to the mental condition of said Robert Gilmore and on information and belief avers that said Robert Gilmore is a person of unsound mind; that said Robert Gilmore does not have a legal guardian; that Irene Gilmore Penn is a resident of Mobile County, Alabama, residing at 608 N. Claiborne Street; that Virginia Davis Martin and Rosa Lee Davis are both non residents of the State of Alabama, that your complainant has made diligent search and inquiry to ascertain the address of said Virginia Davis Martin and Rosa Lee Davis, but had been unable to locate either of said addresses after diligent search and inquiry; that all of the complainants and respondents are of sound mind except the Robert Gilmore who is in the Veteran's Hospital in Tuskegee.

TWO

Complainant alleges that the complainant and respondents are the joint owners and tenants in common of all that real property in the County of Baldwin,

State of Alabama, described as follows:

"Lot 5, Block 7 Joyle Worcester Addition to Fairhope."

Complainant avers that the interest owned by the complainant and each of the respondents is as follows:

Estelle Gilmore James, undivided one-sixth.

Frances Gilmore Stubbs, " " " .

Sylvester Gilmore, undivided one-twelfth.

Robert Gilmore (the non-resident), undivided one-twelfth.

Robert Gilmore (the inmate of Tuskegee Veteran's Hospital),
an undivided one-sixth.

Irene Gilmore Penn, and undivided one-sixth.

Virginia Davis Martin, an undivided one-twelfth.

Rosa Lee Davis, an undivided one-twelfth.

THREE.

Complainant avers that the property described in the bill of complaint cannot be equitable divided between the tenants in common thereof, without a sale of the property.

PRAYER FOR PROCESS.

Wherefore the premises considered your complainant prays that service of process be had upon the respondent Frances Gilmore Stubbs, Sylvester Gilmore, Robert Gilmore (the inmate of Tuskegee), and Irene Gilmore Penn, by personal service, and that the respondents Robert Gilmore (the non-resident), and Virginia Davis Martin and Rosa Lee Davis, be served by publication; and that a guardian ad litem be appointed to represent Robert Gilmore (the inmate of Tuskegee), all according to the rules and practices of this Honorable Court.

PRAYER FOR RELIEF.

Your complainant prays that upon a hearing of this cause that your Honor will determine that the property described in the bill of complaint is owned by the complainant and the respondents jointly as tenants in common; will determine the undivided interest owned by the complainant and each of the respondents; will determine that the property cannot be equitable divided without a sale thereof, and will order that the property be sold for division at public auction in front of the Court House of Baldwin County, Alabama; will appoint a suitable commissioner to make the sale, after giving of notice by advertisement thereof as required by law; will determine a reasonable attorney's fee to be allowed the attorneys for your complainant for their services in this proceeding and will order said fee

fee be paid out of the proceeds of the sale of said property; and your complainant prays for such other, further and different relief as in equity and good conscience she may be entitled to receive, the premises considered.

Estelle Gilmore James.
Estelle Gilmore James

Lyon, Pipe & Cook
Solicitors for Complainant

STATE OF ALABAMA
COUNTY OF MOBILE

Personally appeared before me, the undersigned authority, Estelle Gilmore James, who being by me first duly sworn deposes and says that she is the complainant in the above entitled cause, that she has read the above and foregoing Bill of complaint and that the facts stated therein are true; that she has made diligent search and inquiry to ascertain the address of Robert Gilmore, Virginia Davis Martin and Rosa Lee Davis, but that she has been unable to locate the address of any of said three respondents, but that she is informed and believes, and on such information and belief avers that each of said respondent is a non resident of the state of Alabama.

Estelle Gilmore James

Subscribed and sworn to before me
this 28th. day of December, 1954.

Eloise Ernardez
Notary Public, Mobile County, Ala.

The State of Alabama, BALDWIN County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon FRANCES GILMORE STUBBS, SYLVESTER GILMORE,
ROBERT GILMORE, ROBERT GILMORE, IRENE GILMORE PENN, VIRGINIA DAVIS MARTIN AND
ROSA LEE DAVIS,

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Com-
plaint filed in said Circuit Court, in equity, for said County of said State.

ESTELLE GILMORE JAMES

against FRANCES GILMORE STUBBS, SYLVESTER GILMORE, ROBERT GILMORE, ROBERT
GILMORE, IRENE GILMORE PENN, VIRGINIA DAVIS MARTIN AND ROSA LEE DAVIS,

Herein fail not. Due return make of this writ as the law directs.

Witness this 31 day of December, 19 51

W. J. Duck, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

The State of Alabama

Baldwin COUNTY.

IN CIRCUIT COURT, IN EQUITY

ESTELLE GILMORE JAMES

vs.

~~FRANCES GILMORE STUBBS, SILVESTER
GILMORE, ROBERT GILMORE, ROBERT GILMORE
IRENE GILMORE PEAN, VIRGINIA DAVIS MARTIN
& ROSA LEE DAVIS~~

SUMMONS

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19_____

_____, Register.

Received in office, this the 15 day of

April, 1955
Robert Gilmore, Sheriff.

I have executed the within by leaving a copy
thereof with _____

Robert Gilmore

defendant named herein, on this the 21st
day of April, 1955

Preston Hornsby, Sheriff.

By R. C. Morris, Deputy.



VETERANS ADMINISTRATION

REGIONAL OFFICE

400 LEE STREET

MONTGOMERY 4, ALABAMA

August 17, 1956

YOUR FILE REFERENCE:

IN REPLY REFER TO: 3022-2AE
C 17 324 954
3436 GILMORE, Robert

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

Dear Mrs. Duck:

Reference is made to previous correspondence, concerning the possibility of releasing funds being held by your court to which Robert Gilmore, incompetent veteran, is entitled being released to the Manager of the Veterans Administration Hospital, Tuskegee, Alabama, as trustee in behalf of this veteran.

This veteran has now been transferred to the Veterans Administration Hospital, Augusta, Georgia.

When you were recently contacted by Mr. David W. Clark, an Attorney of this office, you indicated that there was no time limit in which the money would have to be released by you. In view of the veteran's transfer to the Veterans Administration Hospital, Augusta, Georgia, it is suggested that no action be taken at this time to release this money, but that it be retained by the court.

Very truly yours,

WM. M. KELLY
Chief Attorney

ELLIOTT G. RICKARBY
(DECEASED)

LAW OFFICES
RICKARBY & RICKARBY

E. G. RICKARBY, JR.

FAIRHOPE, ALABAMA

March 15, 1956

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

Dear Mrs. Duck:

You sent me two checks in the matter of Estelle
Gilmore James vs. Frances Gilmore Stubbs, Case
#3436. Here is the receipt of Sylvester Gilmore.

Robert Gilmore has received check as shown by the
enclosed postal receipt and will mail receipt back.
As soon as he does, I will let you have it.

Yours very truly,



EGR/fm
Encl.

LAW OFFICES
RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

March 15, 1956

Robert Gilmore
399-A Grand Avenue
Apartment 62
Brooklyn, New York

Gilmore:

We went to a great deal of trouble to get this check from the Charlie Gilmore estate for you, sent it to you and asked you to sign a receipt for it and pay our fee. Neither of these has been done.

We are therefore sending you another receipt, ask that you sign it, and mail it back to us, together with our fee.

Thanks.

Yours very truly,

EGR/fm
Encl.
3-29-56

cc: Mrs. Alice Duck
Circuit Court, Baldwin County



VETERANS ADMINISTRATION

REGIONAL OFFICE

400 LEE STREET

MONTGOMERY 4, ALABAMA

February 16, 1956 YOUR FILE REFERENCE:

IN REPLY REFER TO: 3022-2AE
C 17 324 954
GILMORE, Robert

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

Dear Mrs. Duck:

We had some previous correspondence with Mr. Sam W. Pipes, III, with the law firm of Lyons, Pipes and Cook, Mobile, with reference to disposition of some funds through your Court from the sale of a small tract of land in Baldwin County to which Robert Gilmore, an incompetent veteran, is entitled to an undivided interest. This veteran is presently hospitalized at the Veterans Administration Hospital, Tuskegee, Alabama, and since he does not have any dependents, his pension benefits have been reduced to \$33.07 per month and will be cut off altogether when his estate reaches value of \$1,500.00. We had suggested to Mr. Pipes the possibility of the funds being released to the Manager of the Veterans Administration Hospital, Tuskegee, as trustee for the veteran. The Manager has authority under Federal law to receive funds as trustee for hospitalized incompetent veterans and is held to strict accountability concerning these funds. Mr. Pipes indicates that it may not be possible for the funds to be released to the Manager.

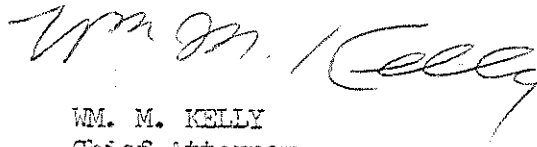
If it is not possible to release these funds to the Manager, VA Hospital, Tuskegee, on behalf of this veteran, we would appreciate your advising us how long the funds can be held by your Court before release must be effected. We hesitate to have a guardian appointed over the veteran's estate because of the small payments now being made in his behalf, and, further, because payments will probably discontinue within the near future because of excess value of the estate. Please advise us how long you can hold these funds, and, also, the amount to which this veteran is entitled. If the amount is sufficient to justify the establishment of a guardianship, we will initiate action for the appointment of a guardian; however, if it is not a sizable amount, we would like to delay action for the appointment of a guardian at this time as the veteran may be released from the hospital within a reasonable time.

Mrs. Alice Duck

C 17 324 954
GILMORE, Robert

We would very much appreciate your furnishing us this information.

Very truly yours,



WM. M. KELLY
Chief Attorney

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK

April 6, 1955.

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

Dear Mrs. Duck:

In the case of James v. Stubbs, et al, in equity
#3436, we wrote you some time ago requesting that
the Sheriff serve Robert Gilmore at his present
residence, to-wit, the U. S. Veteran's Hospital at
Tuskegee, Ala.

Will you please advise us whether the Sheriff has
made a return showing service on Robert Gilmore at
Tuskegee.

Very truly yours,

LYONS, PIPES & COOK


Sam W. Pipes, III

SWP:ee (26141)

LYONS, PIPES & COOK
ATTORNEYS AT LAW
517 FIRST NATIONAL BANK BUILDING
MOBILE 8, ALABAMA

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK

November 17, 1955.

Mrs. Alice J. Duck, Register
Circuit Court of Baldwin County
Bay Minette, Alabama.

Re: James v. Stubbs, et al.
#3436.

Dear Mrs. Duck:

Some of the heirs have advised us that the deed in the above case has been delivered to the purchasers, and have inquired of us when they can get the money due them on distribution.

If you will furnish us with cost bill, which is to include the guardian ad litem's fee, we will draw decree of distribution ordering the costs paid, our attorney's fee paid, and the balance distributed to the heirs in accordance with their ownership.

Very truly yours,

LYONS, PIPES & COOK


Sam W. Pipes, III

SWP:ee (26141)

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK

July 1, 1955

Mrs. Alice Duck
Register in Chancery
County Court House
Bay Minette, Alabama

RE: James -vs- Gilmore et al Equity No. 3436

Dear Mrs. Duck:

We are advised that Robert Gilmore has now been served with process and we ask that a judgment by default be rendered against the respondents Sylvester Gilmore, Robert Gilmore (a nonresident), Virginia Davis Martin, and Rosa Lee Davis. There is an answer already in the file as to the respondents Irene Gilmore Penn and Frances Gilmore Stubbs.

It is alleged in the bill that ~~Robert Gilmore~~, the resident of Alabama, is in ~~the Veteran's Hospital~~ in Tuskegee and on information and belief is alleged that he is a person of unsound mind. We, therefore, ask that the Court appoint a guardian ad litem to represent Robert Gilmore. Inasmuch as there are two Robert Gilmores who are defendants, we ask that the order appointing the guardian ad litem specify that he is appointed to represent the interest of the Robert Gilmore who is a resident of the State of Alabama.

As soon as the Court appoints the necessary guardian ad litem, we would appreciate your advising us of his name so that we may contact him, have him file the usual answer and make arrangements to take the testimony and proceed to judgment with this matter.

Very truly yours,

LYONS, PIPES & COOK


Sam W. Pipes, III

SWP:ls (26141)

ESTELLE GILMORE JAMES,	)	IN THE CIRCUIT COURT OF
Complainant	)	BALDWIN COUNTY, ALABAMA.
-vs-)	
FRANCES GILMORE STUBBS,	)	IN EQUITY NO. _____
ET AL.)	
Respondents.)	

ORDER OF DISTRIBUTION.

Whereas heretofore this Court has entered an order confirming the sale of the property described in the bill of complaint and ordering deed to be made by the Register to the purchaser at said sale; and,

Whereas it appears that the moneys held by the Register as shown by the report of the Register on file in this cause, are available for distribution and for payment of costs and legal charges against said funds; and,

Whereas it appears to the Court that the costs and fees due the register of this court, including a guardian ad litem's fee in the sum of One Hundred Twenty-eight and 98/100 (\$128.98.) Dollars, and it further appearing to the Court that the sum of One Hundred and no/100 (\$100.00) Dollars is a reasonable attorney's fee to be allowed to Messrs. Lyons, Pipes & Cook, as attorneys for the petitioner for their services in this cause; and,

Whereas it appears that the balance of said money is to be distributed among the complainants and respondents in proportion to which they own the property as alleged in the bill of complaint;

IT IS ORDERED, ADJUDGED & DECREED by the Court that the Register pay out of the funds held by her, to-wit the sum of One Thousand Five Hundred Seventy-five and no/100 (\$1,575.00) Dollars received from the sale of the property described in the bill of complaint, the sum of One Hundred Twenty-eight and 98/100 (\$128.98) Dollars, to the Hon. Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, as court costs incurred in this

proceeding, and

IT IS ORDERED, ADJUDGED AND DECREED by the Court that the Register pay out of the aforesaid sum of money the sum of One Hundred and no/100 (\$100.00) Dollars to Messrs. Lyons, Pipes & Cook as their attorneys fees for their services rendered in this proceeding; and that the Register pay to the complainant and respondents the following sums of money, to-wit:

Estelle Gilmore James	\$224.34.✓
Frances Gilmore Stubbs	224.34.✓
↳ Sylvester Gilmore <i>7th floor</i>	112.17.✓
△ Robert Gilmore	112.17.✓
Robert Gilmore (inmate Veteran's Hospital, Tuskegee)	224.34.✓
Irene Gilmore Penn	224.34.✓
Virginia Davis Martin	112.16.✓
Rosa Lee Davis.	112.16.✓

\$1,346.02.

DONE this 9th day of January, 1956.

Hubert M. Hall
CIRCUIT JUDGE.

ESTELLE GILMORE JAMES,
PLAINTIFF

vs.

FRANCES GILMORE STUBBS, et al,
DEFENDANT


) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) IN EQUITY. NO. 3436

ANSWER

Now comes J. Connor Owens, Jr., guardian ad litem for Robert Gilmore, who is a non compos mentis, and in answer to the bill of complaint heretofore filed, denies each and every allegation therein, and demands strict proof of the same.


Guardian Ad Litem

ESTELLE GILMORE JAMES,)	
Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
FRANCES GILMORE STUBBS,	)	IN EQUITY NO. 3436
SYLVESTER GILMORE, ROBERT GILMORE,)	
IRENE GILMORE PENN, VIRGINIA DAVIS)	
MARTIN AND ROSA LEE DAVIS, ROBERT)	
GILMORE,)	
Respondents.)	

DECREE ORDERING SALE

This cause coming on to be heard upon the pleadings and evidence as noted by the Registrar on file in this cause, the court finds that the complainant and the respondents are joint owners and tenants in common of the property described in the bill of complaint and that the property cannot be equitably divided or partitioned among the joint owners or tenants in common thereof; that the complainant is entitled to have the property sold for division of the proceeds thereof among the joint owners; that the complainant as one of the joint owners or tenants in common, has filed a written application for the sale of the property described in the bill of complaint; and that the property lies wholly within the County of Baldwin, State of Alabama; wherefore,

IT IS ORDERED, ADJUDGED, AND DECREED BY THE COURT that the Register of this court be and she hereby is appointed Commissioner to sell the property described in the bill of complaint at public sale in front of the door of the Court House of Baldwin County, Alabama, in Bay Minette, Alabama, for cash, to the highest bidder, after giving notice of the time, place and terms of said sale, and a description of the land to be sold, by advertisement published once a week for three successive weeks in a newspaper published in Baldwin County, Alabama.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Register file a report of the sale of the property pursuant to this order of the court.

Done in Term Time.

Circuit Judge

ESTELLE GILMORE JAMES,)	
Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
FRANCES GILMORE STUBBS,	)	IN EQUITY NO. 3436
SYLVESTER GILMORE, ROBERT GILMORE,)	
IRENE GILMORE PENN, VIRGINIA DAVIS)	
MARTIN AND ROSA LEE DAVIS, ROBERT)	
GILMORE,)	
Respondents.)	

DECREE ORDERING SALE

This cause coming on to be heard upon the pleadings and evidence as noted by the Registrar on file in this cause, the court finds that the complainant and the respondents are joint owners and tenants in common of the property described in the bill of complaint and that the property cannot be equitably divided or partitioned among the joint owners or tenants in common thereof; that the complainant is entitled to have the property sold for division of the proceeds thereof among the joint owners; that the complainant as one of the joint owners or tenants in common, has filed a written application for the sale of the property described in the bill of complaint; and that the property lies wholly within the County of Baldwin, State of Alabama; wherefore,

IT IS ORDERED, ADJUDGED, AND DECREED BY THE COURT that the Register of this court be and she hereby is appointed Commissioner to sell the property described in the bill of complaint at public sale in front of the door of the Court House of Baldwin County, Alabama, in Bay Minette, Alabama, for cash, to the highest bidder, after giving notice of the time, place and terms of said sale, and a description of the land to be sold, by advertisement published once a week for three successive weeks in a newspaper published in Baldwin County, Alabama.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Register file a report of the sale of the property pursuant to this order of the court.

Done in Term Time.

Circuit Judge

ESTELLE GILMORE JAMES,
COMPLAINANT.

VS.

FRANCES GILMORE STUBBS,
SYLVESTER GILMORE, ROBERT GILMORE,
IRENE GILMORE PENN, VIRGINIA DAVIS
MARTIN AND ROSA LEE DAVIS, ROBERT
GILMORE,
RESPONDENTS.

)
) IN THE CIRCUIT COURT
) OF
) BALDWIN COUNTY, ALA.
) IN EQUITY NO. 3436

I, G. E. Thomason, Commissioner appointed in said cause to take the testimony of G. E. Gooden and Estelle Gilmore James, witnesses to be examined on behalf of the complainant in the above entitled cause, as more fully appears from the Commission hereto attach do hereby certify:

That I caused said witnesses to come before me, in my office in the First National Bank Building, Mobile, Ala, on the 17th. day of August, 1955 and on the 23rd. day of August, 1955; that said witnesses are known to me to be the identical persons mentioned in said commission; that they were duly sworn to speak the truth, the whole truth and nothing but the truth when testifying in said cause; that they testified as is herein written; that their testimony was by me reduced to writing; and that the signatures of the witnesses to said depositions were waived by the Attorneys of record for the parties in this cause. I do further certify that the depositions are true and correct as given by said witnesses; and that I am not of Counsel or kin to either of the parties to this suit nor am I in any manner interested in the result thereof.

Given under my hand and seal this 8th day of September,
1955.

G. E. Thomason
COMMISSIONER

TESTIMONY OF ESTELLE GILMORE JAMES.

DIRECT EXAMINATION BY MR. PIPES:

My name is Estelle Gilmore James. I am fifty-one years of age and a resident of Mobile County, Alabama, and reside at Chastang, Alabama. I am the complainant in that suit pending in the Circuit Court of Baldwin County, Alabama, in Equity, No. 3436, and am one of the heirs at law of Charlie Gilmore, deceased. Charlie Gilmore was my brother. He died intestate and without issue in Baldwin County, Alabama, about the year 1947. He never had any children and was survived by his widow, Clarece Gilmore, who lived on the property described in the above mentioned suit until her death. She died shortly before this suit was filed. Charlie Gilmore's Mother and Father both predeceased him and his only heirs at law were his sister, Estelle Gilmore James, the complainant in this suit, Frances Gilmore Stubbs, a sister, who resides at Thomasville, Clarke County, Alabama, and who is over the age of twenty-one years; Robert Gilmore, a brother, who is a resident of Mobile County, Alabama, but who has been for sometime a patient in the Veterans Hospital at Tuskegee, Alabama. I am not certain that he is a mental patient and have alleged in the Bill of Complaint that on information and belief he is a person of un-sound mind. He is over the age of twenty-one years. A sister, Irene Gilmore Penn, who resides at 608 N. Claiborne St. Mobile, Ala., and is over the age of twenty-one years. Charlie Gilmore had a brother named Sylvester Gilmore, who predeceased Charlie leaving two children - Sylvester Gilmore, who lives in Fairhope, Baldwin County, Alabama, and who is over the age of twenty-one years and Robert Gilmore, who is a non-resident of the State of Alabama, and whose address is unknown. Charles Gilmore had a sister, Lula Gilmore Davis, who predeceased Charlie leaving two children, Virginia Davis Martin, and Rosalie Davis, both of whom are non-residents of the State of Alabama, and both over the age of twenty-one years and whose addresses are unknown. I have made inquiry and search in an attempt to locate

the Robert Gilmore, who is a non-resident of the State of Alabama, and Virginia Davis Martin and Rosalie Davis. At one time Rosalie Davis lived in New York City, N. Y. and Virginia Davis Martin lived in Pittsburg, Pa. They moved from those states and + have not been able to locate them since. I have never been able to locate the address of Robert Gilmore, the non-resident.

Charlie Gilmore, at the time of his death, owned lot five, block seven, Hoyle Worcester Addition to Fairhope. The property consists of a frame dwelling of six rooms and a one room shop which was used by Charlie Gilmore in his life time as a barber shop. The property is located approximately two blocks from the ball park in Fairhope, Baldwin County, Alabama. Because of the two houses on the lot, it would be impossible to divide the property between the joint owners without a sale of the property.

CROSS EXAMINATION BY MR. OWEN.

We had an offer for the property at a price of \$1750.00 provided we could give good title. Mr. Gooden will contact buyers to bid at the sale of the property. I do not know any more about the property other than what I have testified to above. I have been on it several times

The signing of the testimony by the witness is hereby waived.

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: G. E. THOMASON

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine

J. E. GOODEN AND ESTELLE GILMORE JAMES

a witnesses in behalf of COMPLAINANT in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

ESTELLE GILMORE JAMES

Complainant

and FRANCIS GILMORE STUEBS, et al

Respondent

on oath, to be by you administered, upon to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 15th day of July, 195 5

Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 3436

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

ESTELLE GILMORE JAMES

Complainant

VS.

FRANCIS GILMORE STUBBS, et al

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

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Estelle Gilmore Jones

No. 2436 VS.

Frances Gilmore Stubbs
et al

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated, *9/12/33*

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:

FOR COMPLAINANT

FILED, *9-13-33*
Rose Lee Davis Register

Bill of Complaint
Answer of Irene Gilmore Perry & Frances
Gilmore Stubbs & Guardian ad Litem for
Robert Gilmore
Decree Pro Confesso against Sylvester Gilmore
Robert Gilmore, Virginia Davis Martin and
Rose Lee Davis
Solicitor for Complainant.

FOR RESPONDENT

Testimony of Estelle Gilmore Jones
and J. E. Gooden
Lyons P. Fox Const.
Attorneys for Complainant
J. Cannon Owens, Jr.
Guardian ad Litem
Solicitor for Respondent

No. 3436

Estelle Gilmore James

Vs.

*Francis Gilmore Stubbs
& al.*

**ORDER OF SUBMISSION
NOTE OF EVIDENCE**

Terms, 19

19

Ent. Min. No. _____, Page _____

ESTELLE GILMORE JAMES,	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA.
Complainant,)	
-vs-)	
	)	IN EQUITY NO. 3436.
FRANCES GILMORE STUBBS,)	
SYLVESTER GILMORE, ROBERT)	
GILMORE, IRENE GILMORE PENN,)	
VIRGINIA DAVIS MARTIN AND)	
ROSA LEE DAVIS,)	
Respondents.)	

O R D E R.

This cause coming on to be heard upon the report of Alice J. Duck, as commissioner, filed October , 1955, that pursuant to the decree of this court made and entered the 13th day of September, 1955, she did offer the property hereinafter described for sale at public outcry at 1 P.M. on the 7th day of October, 1955, in front of the court house of Baldwin County, Alabama, after having first given notice of the time, place and terms of the sale by an advertisement published in the Baldwin Times, a newspaper published in the County of Baldwin, State of Alabama; that at said sale Anthony J. Thomas and Alberta A. Thomas were the highest and best bidders in the sum of One Thousand Five Hundred Seventy-five and no/100 (\$1,575.00.) Dollars, and that said property was sold to the said Anthony J. Thomas and Alberta A. Thomas for the sum of One Thousand Five Hundred Seventy-five and no/100 (\$1,575.00.) Dollars;

And it appearing to this court that the sale was fairly conducted and that the said property sold for an amount not greatly less than its real value, and that the report of sale has laid over for five (5) days for exceptions, and that no exceptions have been filed thereto; it is the opinion of the Court that said sale should be confirmed;

And it further appearing to the court that the commissioner has received from the purchasers the sum of One Thousand Five Hundred Seventy-five and no/100 (\$1,575.00) Dollars, and now holds said sum of money subject to the orders of this court; it is the opinion of the Court that a deed should be made

and delivered by the commissioner to the said purchasers.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the sale of that certain property in the County of Baldwin, State of Alabama, described as follows:

Lot Five (5), Block Seven (7), Joyle-Worcester Addition to Fairhope;

to the said Anthony J. Thomas and Alberta A. Thomas, be and the same hereby is ratified and confirmed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that Alice J. Duck, as commissioner, execute and deliver to the said Anthony J. Thomas and Alberta A. Thomas, a deed conveying the above described property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the Register hold the proceeds of the sale of the above described property subject to the further orders of this court.

DONE this _____ day of October, 1955.

CIRCUIT JUDGE.

200
300
400



THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

JIMMY FAULKNER
PUBLISHER

BAY MINETTE, ALABAMA

Legal Notice

ESTELLE GILMORE JAMES
Vs.
FRANCES GILMORE STUBBS,
et al

In The Circuit Court of Baldwin
County, Alabama In Equity
No. 3436

You are hereby notified that
by order of Hon. Hubert Hall,
Judge of the Circuit Court of
Baldwin County, Alabama, made
on the 13th day of Sept., 1955, I
Alice J. Duck, Commissioner
named in the said order will sell
to the highest bidder for cash at
public sale at the West entrance
to the Courthouse of Baldwin
County, Alabama on the 7th day
of October, 1955 at 1:00 P.M. for
the purpose of division and dis-
tribution of such sale among Es-
telle Gilmore James, Frances
Gilmore Stubbs, Sylvester Gil-
more, Robert Gilmore, Irene
Gilmore Penn, Robert Gilmore,
Virginia Davis Martin and Rosa
Lee Davis, joint owners or ten-
ants in common, the following
described property, to-wit:
Lot 5, Block 7 Joyle Worces-

ter Addition to Fairhope.
ALICE J. DUCK,
Commissioner.
35-3tc.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.
BALDWIN COUNTY.

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

Estelle James vs. Frances
Stubbs

COST STATEMENT

166 WORDS @ 5 cents 30 \$ 8

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

E. R. Monroette Jr.
Editor Publisher.

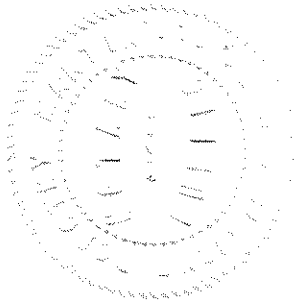
was published in said newspaper for 3 consecutive weeks in the following issues:

- Date of 1st publication Sept 15, 1955 Vol. 66 No. 35
- Date of 2nd publication Sept 22, 1955 Vol. 66 No. 36
- Date of 3rd publication Sept 29, 1955 Vol. 66 No. 37
- Date of 4th publication _____, 195___ Vol. ___ No. ___

Subscribed and sworn before the undersigned this 29 day of Sept, 1955

Dorothy Martin
Notary Public, Baldwin County.

E. R. Monroette Jr.
Editor Publisher.



ESTELLE GILMORE JAMES,)	
Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
FRANCES GILMORE STUBBS,	)	IN EQUITY NO. 3436
SYLVESTER GILMORE, ROBERT GILMORE,)	
IRENE GILMORE PENN, VIRGINIA DAVIS)	
MARTIN AND ROSA LEE DAVIS, ROBERT)	
GILMORE,)	
Respondents.)	

DECREE ORDERING SALE

This cause coming on to be heard upon the pleadings and evidence as noted by the Registrar on file in this cause, the court finds that the complainant and the respondents are joint owners and tenants in common of the property described in the bill of complaint and that the property cannot be equitably divided or partitioned among the joint owners or tenants in common thereof; that the complainant is entitled to have the property sold for division of the proceeds thereof among the joint owners; that the complainant as one of the joint owners or tenants in common, has filed a written application for the sale of the property described in the bill of complaint; and that the property lies wholly within the County of Baldwin, State of Alabama; wherefore,

IT IS ORDERED, ADJUDGED, AND DECREED BY THE COURT that the Register of this court be and she hereby is appointed Commissioner to sell the property described in the bill of complaint at public sale in front of the door of the Court House of Baldwin County, Alabama, in Bay Minette, Alabama, for cash, to the highest bidder, after giving notice of the time, place and terms of said sale, and a description of the land to be sold, by advertisement published once a week for three successive weeks in a newspaper published in Baldwin County, Alabama.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Register file a report of the sale of the property pursuant to this order of the court.

Done in Term Time.

Sept 13, 1955

Hubert M. Hall

 Circuit Judge

STATE OF ALABAMA

COUNTY OF BALDWIN

WHEREAS, heretofore in and by the decree of September 13, 1955, the Circuit Court of Baldwin County, Alabama, in the case of Estelle Gilmore James vs. Frances Gilmore Stubbs, et al, in Equity No. 3436, did make and appoint Alice J. Duck commissioner to sell the property hereinafter described for cash to the highest bidder, at public auction; and,

WHEREAS, pursuant to and in strict accordance with the said order of said Court the said Alice J. Duck as such commissioner, did offer the property hereinafter described, for sale at public outcry, at 1 o'clock P.M. October 7th, 1955, in front of the Court House of Baldwin County, Alabama, after having first given notice of the time, place and terms of the sale by advertisement published in the Baldwin Times, a newspaper published in the County of Baldwin, State of Alabama; and,

WHEREAS, at said sale Anthony J. Thomas and Alberta A. Thomas were the highest and best bidders in the sum of ONE THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS (\$1,575.00); and,

WHEREAS, said property was sold to said Anthony J. Thomas and Alberta A. Thomas for the sum of ONE THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLAR (\$1,575.00); and,

WHEREAS, Alice J. Duck, as such commissioner, did make and file a report of said sale, which said report was considered by the Court and the sale ratified and confirmed by decree dated the _____ day of October, 1955; and,

WHEREAS, the purchase money, to-wit, the sum of ONE THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS (\$1,575.00) has been paid in cash; and,

WHEREAS, the Circuit Court of Baldwin County, Alabama, in and by the aforesaid decree of the _____ day of _____ 1955, did order and direct Alice J. Duck as such commissioner to make and deliver a deed conveying the property hereinafter described to Anthony J. Thomas and Alberta A. Thomas;

NOW THEREFORE, in consideration of the premises and the sum of ONE THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS (\$1,575.00), cash to the said Alice J. Duck in hand paid by Anthony J. Thomas and Alberta A.

Thomas, and in strict accordance with and pursuant to the decree of the aforesaid Court made and entered in said cause, the said Alice J. Duck, as commissioner, does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Anthony J. Thomas and Alberta A. Thomas, for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, all that real property in the County of Baldwin, State of Alabama, described as follows, to-wit:

Lot Five (5), Block Seven (7), of the Hoyle-Worcester Addition to Fairhope.

TOGETHER with all and singular the tenements, hereditaments, easements and appurtenances thereunto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the same unto the said Anthony J. Thomas and Alberta A. Thomas for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns of such survivor forever, together with every contingent remainder and right of reversion.

IN WITNESS WHEREOF Alice J. Duck, as commissioner, has hereunto set her hand and seal this _____ day of _____, 1955.

COMMISSIONER (SEAL)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, _____, a Notary Public in and for said County in said State, hereby certify that ALICE J. DUCK, whose name as Commissioner appointed by the Circuit Court of Baldwin County, Alabama, in the case of James v. Stubbs, et al, in Equity #3436, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of said conveyance, she, as such commissioner, executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal this the _____ day of _____, 1955.

Notary Public, Baldwin County, Alabama

ESTELLE GILMORE JAMES
VS
FRANCES GILMORE STUBBS, et al

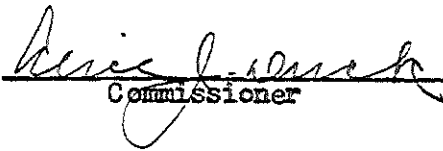
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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY No. 3436

LEGAL NOTICE

You are hereby notified that by order of Hon. Hubert Hall, Judge of the Circuit Court of Baldwin County, Alabama, made on the 13th day of Sept., 1955, I, Alice J. Duck, Commissioner, named in the said order will sell to the highest bidder for cash at public sale at the West entrance to the Courthouse of Baldwin County, Alabama on the 7th. day of October, 1955 at 1:00P.M. for the purpose of division and distribution of such sale among Estelle Gilmore James, Frances Gilmore Stubbs, Sylvester Gilmore, Robert Gilmore, Irene Gilmore Penn, Robert Gilmore, Virginia Davis Martin and Rosa Lee Davis, joint owners or tenants in common, the following described property, to-wit:

Lot 5, Block 7 Joyle Worcester
Addition to Fairhope.


Commissioner

LYONS, PIPES AND COOK

ATTORNEYS AT LAW

516-519 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK

P. O. BOX 265

January 13th, 1956.

Hon. Alice J. Duck,
Register, Circuit Court.
Bay Minette, Ala.

Dear Mrs Duck*- RE: 3436. ESTELLE GILMORE JAMES vs.
FRANCES GILMORE STUBBS

We received in this morning 's mail the checks in the
above case - The check for the Commissioner's fee - \$7.50
was not sent us. Will you please check on this and
let the check for the Commissioner's expenses come to
us. We will see that you receive a receipt for the check.

Thanking you,

Yours very truly,

Joseph Pipes Cook
Lyons, Pipes and Cook.

LYONS, PIPES AND COOK

ATTORNEYS-AT-LAW

516-519 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK

December 28th, 1954.

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

Dear Mrs. Duck:

C We enclose herewith original and four copies of bill of complaint in the case of James v. Stubbs, et al, said bill seeking a sale of certain lands for division among the joint owners. Will you kindly have copy of the bill served upon the following respondents at their addresses as given in the bill, to-wit:

- O
1. Frances Gilmore Stubbs
 2. Sylvester Gilmore
 3. Irene Gilmore Penn > *mobile*
 4. The Robert Gilmore who is in the Veteran's Hospital at Tuskegee, Macon County, Alabama.

P
Y We call to your attention the fact that there are two Robert Gilmores who are respondents; one Robert Gilmore is a non-resident and the other is at the present time in the Veteran's Hospital at Tuskegee. We ask that the one in the Veteran's Hospital at Tuskegee be personally served. We are not certain as to the mental capacity of the Robert Gilmore who is in the Veteran's Hospital and we will also have the court after service upon him, appoint a guardian ad litem for said Robert Gilmore.

There remain three non-resident respondents whose addresses are unknown and we ask that service be had upon them by publication, their names being Robert Gilmore, Virginia Davis Martin and Rosa Lee Davis. Will you please have the proper notice published in the Baldwin Times with the request that the paper furnish directly to us their bill for the publication.

We do not desire a guardian ad litem to be appointed until Robert Gilmore has been personally served and has failed to file an answer. If the Sheriff should return unserved any of the papers which we enclose for personal service, please advise us.

Very truly yours,
LYONS, PIPES & COOK

Sam W. Pipes, III

SWP:ee

LYONS, PIPES & COOK
ATTORNEYS AT LAW
517 FIRST NATIONAL BANK BUILDING
MOBILE 8, ALABAMA

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK

October 14, 1955.

Mrs. Alice J. Duck, Register
Circuit Court of Baldwin County
Bay Minette, Alabama.

Re: James v. Stubbs, et al. #3436.

Dear Mrs. Duck:

In the above case we enclose herewith report for you to make to the court reporting the sale of the property, decree to be signed by the court confirming the sale and ordering the deed, and deed from you to the purchaser.

If you find all these papers in order, and after filing the report and having the judge sign the decree, we ask that you execute the deed and forward same to Rickarby & Rickarby, Attorneys at Law, Fairhope, Ala., who represent the purchasers.

When the deed has been delivered we ask that you prepare a cost bill, after conferring with Mr. Owen as to the guardian ad litem fee, and we will draw a decree of distribution to be signed by the court, which decree will order the costs paid and set the guardian ad litem's fee as part of the costs.

We sincerely appreciate your help in this matter.

Very truly yours,

LYONS, PIPES & COOK

Sam W. Pipes, III

SWP:ee (26141)

ESTELLE GILMORE JAMES Complainant

No. 3436 VS.

FRANCIS GILMORE STUBBS, et al Defendant.

BALDWIN
CIRCUIT COURT OF ~~MOBILE~~ COUNTY
IN EQUITY

DEMAND FOR ORAL EXAMINATION

The State of Alabama }
Baldwin ~~Mobile~~ County }

The Complainant requests the oral examination of the following named witnesses on her behalf, viz: Estelle Gilmore James, J. E. Gooden

said witnesses reside in the County of Mobile & Baldwin State of Alabama.

G. E. Thomason who resides at 527 First Nat'l Bank Bldg. Mobile, Alabama is suggested as a suitable person to be appointed Commissioner to take depositions of said witness on such oral examination.

Filed _____

JAMES CALCRANE, Register

[Handwritten signature]
Solicitor for Complainant

No. 3436

CIRCUIT COURT OF ~~MOBILE~~ ^{BALDWIN} COUNTY
~~Mobile~~ Alabama
IN EQUITY

ESTELLE GILMORE JAMES

Vs.

FRANCIS GILMORE STUBBS, et al

DEMAND FOR ORAL EXAMINATION

LEGAL NOTICE.

Circuit Court of Baldwin County, Alabama, No. 3436,
In Equity, Register's Office, ~~January~~ Dec 31, 1955
Estelle Gilmore James, Complainant, v. Frances Gil-
more Stubbs, et al, Respondents. In this cause it
appearing from affidavit on file that the respondents
Robert Gilmore, Virginia Davis Martin and Rosa Lee
Davis are each over the age of twenty-one years, and
are each non-residents of the state of Alabama; that
their addresses are unknown, and that the complainant
Estelle Gilmore James has made a diligent search and
inquiry to ascertain the address of each of said
respondents, but has been unable to ascertain such
information;

IT IS ORDERED That Robert Gilmore, Virginia Davis
Martin and Rosa Lee Davis plead, answer or demur to
the allegations of the bill of complaint filed against
them in this cause, before the 15th day of February,
1955, or upon the expiration of thirty (30) days from
said date, the same will be taken as confessed against
each of them.

IT IS FURTHER ORDERED, That notice of this order be
published for once a week for four consecutive weeks
in the Baldwin Times, a newspaper published in the
County of Baldwin, State of Alabama.

Alice J. Duck
ALICE J. DUCK, REGISTER

LYONS, PIPES & COOK
SOLICITORS FOR COMPLAINANT.

Copy mailed June 1, 1955