

3535

LOIS M. SCOTT,

Complainant,

VS.

JAMES LADON SCOTT and
MICHAEL DEAN SCOTT,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

DECREE CONFIRMING REPORT OF REGISTER

This cause was submitted for confirmation of the report of the register filed in this Court on the 22 day of ~~June~~ ^{July} 1955, and ordered to lie over 10 days for exceptions, and it now appearing to the Court that no exceptions or objections have been filed thereto.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the report of the Register be and it is hereby in all things ratified and confirmed.

2. That the Register of this Court deliver to Lois M. Scott, the Complainant in this cause the conveyance referred to in her said report.

3. This cause is reserved for such further orders and decrees as may be necessary and proper in the premises.

Hubert M. Hall
Judge.

DEGREE CONFIRMING REPORT
OF REGISTER

LOIS M. SCOTT,

Complainant,

VS.

JAMES LADON SCOTT and MICHAEL
DEAN SCOTT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

LOIS M. SCOTT,

Complainant,

VS.

JAMES LADON SCOTT and
MICHAEL DEAN SCOTT,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NOTE OF SUBMISSION

This cause is submitted for a decree on behalf of the Complainant on the following:

1. Original Bill of Complaint.
2. Answer and Waiver of Lois M. Scott as Complainant and as mother of the two minor Respondents.
3. Motion for order or decree setting this cause for hearing, appointing a guardian ad litem and prescribing the method of taking testimony in this cause.
4. Decree setting this cause for hearing, appointing a guardian ad litem to represent the minor Respondents and prescribing the method of taking testimony.
5. Notice of appointment of guardian ad litem and acceptance to act as guardian ad litem by Telfair Mashburn, Jr.
6. Answer of guardian ad litem.
7. Testimony of E. P. Bell and C. A. Thompson.

Deise J. Owen
Register.

James R. Owen
Solicitor for Complainant

NOTE OF SUBMISSION

LOIS M. SCOTT,

Complainant,

VS.

JAMES LADON SCOTT and MICHAEL
DEAN SCOTT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed 6-25-58
Reid French
Reid

LOIS M. SCOTT,

Complainant,

VS.

JAMES LADON SCOTT and
MICHAEL DEAN SCOTT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DECREE

This cause coming on to be heard on this date is submitted on the written motion of the Complainant praying that a proper order be made or decree rendered setting this cause for hearing, that a guardian ad litem be appointed to represent the two minor Respondents herein and prescribing the method of taking testimony in this cause; upon consideration of all of which, it is therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. This cause shall be and it is hereby set for hearing at 10:00 o'clock A. M. on the 14th day of June, 1955.

2. Julius J. Nash, an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, who is in all respects a fit and proper person to be appointed guardian ad litem shall be and he is hereby appointed as guardian ad litem to represent the two minor Respondents herein.

3. Testimony of the witnesses for the Complainant shall be taken orally in open court and transcribed in the manner provided by Equity Rule 56, as amended.

ORDERED, ADJUDGED AND DECREED on this 9th day of June, 1955.

Julius J. Nash
Judge.

DECREE

LOIS M. SCOTT,

Complainant,

VS.

JAMES LADON SCOTT and
MICHAEL DEAN SCOTT,

Respondents.

FILED

JUN 9 1955

ALICE J. DUCK, Register

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

LOIS M. SCOTT,

Complainant,

VS.

JAMES LADON SCOTT and
MICHAEL DEAN SCOTT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DECREE

This cause coming on to be heard is submitted for a decree upon the pleading and proof as noted by the Register.

It appears that the minor Respondents in this cause are represented before the court by a guardian ad litem duly appointed by the Court, who has accepted said appointment and has filed his answer herein, and that the Complainant and the Respondents have waived notice of the taking of testimony in this cause and consented and agreed that a decree be rendered without further notice to them. It is, therefore,

ORDERED, ADJUDGED AND DECREED, by the Court as follows:

1. That the allegations contained in the said Bill of Complaint are true and that a sale of the Respondents' interest in the said contract referred to therein, to the Complainant for the price and on the terms specified therein is to the best interest of the said minors.

2. That Alice J. Duck, Register, be and she is hereby authorized and directed to make, execute and deliver a conveyance to the Complainant conveying all interest of the Respondents in and to the contract referred to in the original Bill of Complaint on the terms and under the conditions set out in the original Bill of Complaint.

3. That Alice J. Duck, Register, shall immediately, upon the making of said conveyance, report her action herein to the Court, so that the same may be confirmed or rejected as may seem meet and proper.

4. Jurisdiction over this cause is hereby reserved and such other and further orders and decrees as may be necessary and

proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 25 day of
June, 1955.

Hubert M. Hall
Judge.

DECREE

LOIS M. SCOTT,

Complainant,

VS.

JAMES LADON SCOTT and MICHAEL
DEAN SCOTT,

Respondents.

Filed 6-25-55
Deice J. French
for

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

LOIS M. SCOTT,
Complainant,

VS.

JAMES LADON SCOTT and
MICHAEL DEAN SCOTT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM

TO TELFAIR J. MASHBURN JR., ESQUIRE:

You are hereby notified that by a decree of this court heretofore filed in this cause you have been appointed guardian ad litem to represent James LaDon Scott and Michael Dean Scott, the minor Respondents in this cause.

Dated this 9 day of June, 1955.

Alvin J. Kiser
Register of the Circuit Court of
Baldwin County, Alabama, in Equity.

* * * * *

STATE OF ALABAMA)
*
BALDWIN COUNTY)

I, the undersigned TELFAIR J. MASHBURN, JR. do hereby accept appointment as guardian ad litem to represent James LaDon Scott and Michael Dean Scott in the above styled cause.

Dated this 13th day of June, 1955.

Telfair J. Mashburn Jr.
Guardian ad litem.

NOTICE OF APPOINTMENT OF
GUARDIAN AD LITEM

LOIS M. SCOTT,

RECORDED
Complainant,

VS.

JAMES LADON SCOTT and MICHAEL
DEAN SCOTT

FILED

June 9, 1955

ALICE J. DUCK, Registrar

SUMMONS

Form 1531-3

McQuiddy Printing Co., Nashville, Tenn:

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 James Ladon Scott and Michael Dean Scott

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

Lois M. Scott

against James Ladon Scott and Michael Dean Scott

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

Witness this 31st day of May, 1955

Alice J. Duck Register.

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

Code 1923-6528-6529

The State of Alabama

COUNTY.

IN CIRCUIT COURT, IN EQUITY

VS.

SUMMONS

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

Received in office, this the day of

, 19

, Sheriff.

I have executed the within by leaving a copy

thereof with

Mrs. Lois M. Scott

defendant named herein, on this the 6th

day of June, 1958

, Sheriff.

By Henry Stanford, Deputy.

LOIS M. SCOTT,

Complainant,

VS.

JAMES LADON SCOTT and
MICHAEL DEAN SCOTT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

BOOK 017 PAGE 459

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

Your Complainant, Lois M. Scott, respectfully shows unto the court and your honor as follows:

1. Your Complainant is over the age of twenty one years and a resident of Butler County, Alabama. The Respondents, James LaDon Scott and Michael Dean Scott are minor children of your Complainant, whose ages are three years and one year respectively. The said Respondents are the only children of your Complainant and her husband, James N. Scott and are now in her care, custody and control residing in Butler County, Alabama. The said Respondents do not have a legally appointed guardian.

2. Your Complainant avers that on, to-wit, the 1st day of December, 1953, she and her husband, James N. Scott, entered into a contract with C. A. Thompson to purchase certain real property in Baldwin County, Alabama, from him under the terms and conditions set forth in the said contract. A copy of the said contract is attached hereto, marked Exhibit "A" and made a part hereof as though fully incorporated herein.

3. Your Complainant avers that her said husband died on, to-wit, September 8, 1954, leaving surviving him as his only heirs, your Complainant and the two Respondents. Your Complainant further avers that the said C. A. Thompson had been paid the total sum of Eleven Hundred Forty Five Dollars (\$1145), under the said contract at the time of her husband's death. The said C. A. Thompson has been paid the sum of Four Hundred Eighty Dollars (\$480) under the said contract since the death of the said James N. Scott, making the total amount paid under the contract Sixteen Hundred Twenty Five Dollars (\$1625). The said Four hundred Eighty Dollars (\$480) paid since the death of James N. Scott was paid from your Complainant's own funds.

4. The said property described in the contract attached hereto does not constitute any part of the homestead of the Complainant or her deceased husband.

5. Your Complainant avers that the said Respondents do not have sufficient funds to support and maintain them and that it is to their best interest that their equity in the said contract be sold so that the proceeds of the said sale may be used for their care and maintenance. Your Complainant avers that the Respondents' interest in the said contract is equal to one-half of the amount paid under said contract before the death of James N. Scott or Five Hundred Seventy Two and 50/100 Dollars (\$572.50), subject to her dower interest in the said property. Your Complainant avers that she is ready, willing and able to pay each of the said Respondents the sum of Three Hundred Dollars (\$300) in cash for his interest in the said contract provided she can purchase it from them at private sale. Your Complainant avers that Three Hundred Dollars for each of the Respondents' interest is a reasonable amount to pay for said interest and that a private sale to her for the minor Respondents' interest in the said property is desirable because it will probably secure a better price for their interest.

The premises considered, the Complainant prays that James LaDon Scott and Michael Dean Scott be made parties Respondent to this Bill of Complainant, and in order that your Complainant may have the relief hereinafter prayed for, may it please your honor to cause the State's Writ of Subpoena to be served upon said Respondents as required by law in order that they may be brought into court and required to answer, plead or demur to this Bill of Complaint, as required by law and the rules of this honorable court. Your Complainant further prays that a guardian ad litem be appointed to represent and defend the rights of said Respondents and each of them. Complainant further prays that the court will approve the sale of the Respondents' interest in the said property at private sale to your Complainant and that the court will adjudge that it is

to the best interest of said Respondents that their interest in the said contract be sold to your Complainant at private sale for the total sum of Six Hundred Dollars (\$600). Your Complainant prays for such other, further and different relief as may be meet and proper the premises considered.


Solicitor for Complainant

STATE OF ALABAMA)
*
BALDWIN COUNTY)

THIS AGREEMENT in duplicate originals, made and entered into on this the 1st day of December, 1953, by and between C. A. Thompson and Jessie L. Thompson, his wife, hereinafter referred to as the parties of the first part, and Lois M. Scott and James N. Scott, hereinafter referred to as the parties of the second part, WITNESSETH:

The parties of the first part have and do hereby contract and agree to sell and convey to the parties of the second part, and the parties of the second part have and do hereby contract and agree to purchase from the parties of the first part the following described real property situated in Baldwin County, Alabama, to-wit:

Begin at the Southwest corner of the Southwest Quarter of the Northeast Quarter of Section 10, Township 2 South, Range 3 East, run East 1320 feet; thence North 200 feet; thence North 65 degrees West 280 feet; thence South 73 degrees 25 minutes West 1112.6 feet to the place of beginning, containing 5.4 acres, more or less,

upon the following terms and conditions:

1. The price to be paid by the parties of the second part to C. A. Thompson, one of the parties of the first part, for the above described property is the principal sum of Three Thousand Dollars (\$3,000.00), together with interest thereon from date hereof at the rate of six percent (6%) per annum until paid, of which amount there has been paid the sum of \$605.00 on principal and interest which when deducted from the purchase price leaves a total principal due of \$2534.36 together with interest thereon from date hereof at the rate of six percent (6%) per annum until paid. The said principal and interest is payable in monthly installments of Sixty Dollars (\$60.00) per month, the first of which payments has been paid on this date and the following payments shall be paid monthly hereafter on the 30th day of each month until the said principal and interest is paid in full. The said monthly payments of \$60.00 per month shall be credited first to interest and the balance to principal.

2. 1953 taxes and all subsequent taxes, and any special assessments which may be levied against the said property, shall be paid by the parties of the second part.

3. The parties of the second part shall carry fire and general coverage insurance on the improvements situated on the above described property, pay all premiums thereon before the same shall become delinquent, and have the said policy payable to C. A. Thompson insofar as his interest may appear in the said property.

4. Upon completion of the said payments and upon compliance by the parties of the second part with all of the terms and provisions of this agreement, the parties of the first part will make, execute and deliver to the parties of the second part a full warranty deed in Alabama form, conveying the above described property to them, free of and from all liens and encumbrances existing on this date, except the taxes referred to above, which are to be paid by the parties of the second part, and free from any encumbrances placed on the said property by the parties of the first part from the date of this agreement to the time of the execution and delivery of the said deed.

5. TIME IS OF THE ESSENCE OF THIS AGREEMENT, and in the event the parties of the second part shall fail to pay any of the said monthly installments or any part thereof, and in the event such payments or any part thereof remain delinquent for more than

thirty days, or if the parties of the second part shall fail to pay taxes on the said property before the same shall become delinquent, or if they shall fail to insure the property, as provided above, and pay the insurance premiums thereon before the same shall become delinquent, then in any of the said events the parties of the first part may, at their option, cancel this contract by mailing written notice of such cancellation to the parties of the second part, addressed to them at Bay Minette, Alabama. Upon such cancellation, all payments made by the parties of the second part shall be retained by the parties of the first part as liquidated damages.

6. In the event this contract is cancelled by the parties of the first part in the manner provided herein, the parties of the second part shall, after such cancellation, be taken and treated in all respects as tenants of the parties of the first part.

7. The parties of the second part shall not have the right to transfer this contract or any interest which they have or may have in the above described property without the written consent of the parties of the first part.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and affixed their seals on this the day and year first above written.

(S) C. A. THOMPSON (SEAL)

(S) JESSIE L. THOMPSON (SEAL)

(S) LOIS M. SCOTT (SEAL)

(S) JAMES N. SCOTT (SEAL)

STATE OF ALABAMA)
*
BALDWIN COUNTY)

I, James R. Owen, a Notary Public, within and for said County in said State, hereby certify that C. A. Thompson and Jessie L. Thompson, his wife, Lois M. Scott and James N. Scott, her husband, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 1st day of December, 1953.

(S) JAMES R. OWEN

Notary Public, Baldwin County, Alabama.

Received in Sheriff's Office
File 9/day of May 1955
TAYLOR WITNESS, Sheriff

703536
BILL OF COMPLAINT

RECORDED

LOIS M. SCOTT,

Complainant,

VS.

JAMES LADON SCOTT and MICHAEL
DEAN SCOTT,

Respondents.

Please serve
both copies
on Mrs. Lois M. Scott
RT 1, Saragama, Ala.
(Butler Co.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

MAY 31 1955.

ALICE I. DECK, Register

LOIS M. SCOTT,

Complainant,

VS.

JAMES LADON SCOTT and
MICHAEL DEAN SCOTT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER AND WAIVER

Now comes Lois M. Scott, the Complainant in the above styled cause, and the mother of the two minor Respondents therein, and accepts service of the Bill of Complaint in this cause for her two children and consents and agrees, both for herself as Complainant and as mother of the two Respondents, that this cause be set for hearing, evidence heard, and a decree or decrees rendered finally settling this cause without further notice to her.

Lois M. Scott
Lois M. Scott

ANSWER AND WAIVER

LOIS M. SCOTT, **RECORDED**
Complainant,

VS.

JAMES LADON SCOTT and
MICHAEL DEAN SCOTT,

Respondents.

FILED

JUN 9 1953

ALICE J. DUCK, Register

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

LOIS M. SCOTT,

Complainant,

VS.

JAMES LADON SCOTT and
MICHAEL DEAN SCOTT,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

REGISTER'S REPORT

WHEREAS, heretofore, a decree was made and entered by this Court directing the Register to sell the Respondents' interest in and to a certain contract which is fully described in the original Bill of Complaint, together with the Respondents' interest in the property described therein for the sum of Six Hundred Dollars (\$600);

NOW, THEREFORE, in obedience of said decree I beg leave to report that I have made and executed a conveyance to the Complainant in this cause conveying to her all of the right, title and interest of the said Respondents in and to the contract described in the original Bill of Complaint together with the property therein described and that the said Complainant has paid the sum of Six Hundred Dollars (\$600) into Court.

Respectfully submitted,

Alice L. Whittle
Register

ORDER

The above order having been submitted to me on this day, it is hereby ORDERED, ADJUDGED AND DECREED that the said report lie over until the 8 day of August, 1955, for any objections thereto.

ORDERED, ADJUDGED AND DECREED on this the 75 day of

July, 1955.

Hubert M. Bell
Judge.

3835

REGISTER'S REPORT

LOIS M. SCOTT, **RECORDED**

Complainant,

VS.

JAMES LADON SCOTT and MICHAEL
DEAN SCOTT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

JUL 22, 1955

ALICE J. BOGA, CL

LOIS M. SCOTT,

Complainant,

VS.

JAMES LADON SCOTT and
MICHAEL DEAN SCOTT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY

ANSWER OF GUARDIAN AD LITEM

I, Jeffrey G. Madalbury, Jr., having been heretofore appointed guardian ad litem to represent the two minor Respondents in the above styled cause, answer to the Bill of Complaint filed in this cause and say:

1. He admits the allegations of paragraph one of the Bill of Complaint.

2. He admits the allegations of paragraph two of the Bill of Complaint.

3. He admits the allegations of paragraph three of the Bill of Complaint.

4. He admits the allegations of paragraph four of the Bill of Complaint.

5. He denies each and every allegation of paragraph five of the Bill of Complaint and demands strict proof thereof.

Jeffrey G. Madalbury, Jr.
Guardian ad litem.

RECORDED

ANSWER OF GUARDIAN AD LITEM

LOIS M. SCOTT,

Complainant,

VS.

JAMES LADON SCOTT and MICHAEL
DEAN SCOTT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

*Filed 6-15-58
Keefer
Rly*

LOIS M. SCOTT,

Complainant,

VS.

JAMES LADON SCOTT and
MICHAEL DEAN SCOTT,

Respondents.

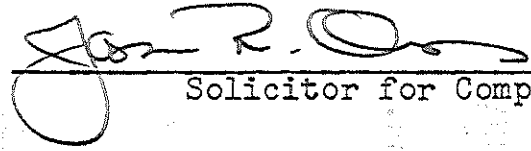
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

MOTION

Now comes the Complainant and shows unto the court that all of the parties interested in this proceeding have filed an instrument in this cause waiving notice of the date set for hearing this cause, consenting that evidence be heard and a decree or decrees rendered finally settling this cause without further notice to them.

Wherefore, Complainant prays that the court will make and enter a proper order or decree setting this cause for hearing, appointing a guardian ad litem to represent the two minor Respondents herein and prescribing the method of taking testimony in this cause.



Solicitor for Complainant

MOTION RECORDED

LOIS M. SCOTT,
Complainant,
VS.
JAMES LADON SCOTT and MICHAEL
DEAN SCOTT,
Respondents.

FILED

JUN 9 1955

ALICE J. DUCK, Register

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

LOIS M. SCOTT,

Complainant,

VS.

JAMES LADON SCOTT and
MICHAEL DEAN SCOTT,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FINAL DECREE

This cause coming on to be heard on this date and being submitted for a final decree on the Complaint, Answer and Waiver of Lois M. Scott, as Complainant and as Mother of the two minor Respondents, Motion for order or decree setting this cause for hearing, appointing a Guardian ad litem and prescribing the method of taking testimony, Decree setting this cause for hearing, appointing a Guardian ad litem to represent the minor Respondents and prescribing the method of taking testimony, Notice of Appointment of Guardian ad litem and Acceptance to act as Guardian ad litem by Telfair Mashburn, Jr., Answer of Guardian ad litem, Testimony of E. P. Bell and C. A. Thompson, Register's Report and Decree Confirming Report of Register, and having considered the pleading in evidence in this cause, it appears to the Court that the interest of the said minors in the property ordered sold by the decree of June 25, 1955, was sold in accordance with law and the decree of this court to Lois M. Scott for Six Hundred Dollars (\$600) and that said amount is not greatly disproportionate to the market value of said property and that it was to the best interest of said minors that their interest in the property be sold for this amount.

It further appears that the Register has in her hands the full amount of the purchase price and that the proceeds of said sale are ready for distribution.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the Register pay the sum of Six Hundred Dollars (\$600) as proceeds of the sale into the fiduciary fund of Baldwin County, Alabama, for the use of James LaDon Scott and Michael Dean Scott.

That the Register of this Court executed and delivered to Lois M. Scott a deed of conveyance conveying the minor Respondents' interest in and to the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at the Southwest corner of the Southwest Quarter of the Northeast Quarter of Section 10, Township 2 South, Range 3 East and run East 1320 feet; run thence North 200 feet; run thence North 65 degrees West 280 feet; thence South 73 degrees 25 minutes West 1112.6 feet to the place of beginning, containing 5.4 acres, more or less.

It is further ORDERED, ADJUDGED AND DECREED that the costs of this proceeding amounting to \$60.20

Dollars, which includes a Guardian ad litem fee of \$25.00

 Dollars be taxed against the Complainant for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 3 day of August, 1955.

Hubert M. Steel
Judge.