

3730

CLAUD C. THOMAS,	)	
	)	IN THE CIRCUIT COURT OF
COMPLAINANT,	)	BALDWIN COUNTY, ALABAMA,
v.	)	IN EQUITY. NO. _____
HELEN CADE, NATALIE CADE,	)	
and ADRIENE CADE,	)	
	)	
RESPONDENTS.	)	

DECREE

This cause coming on to be heard upon the report of sale filed in this cause on April 16th 1956, by John Chason, as Commissioner, was submitted to the Court for consideration as to the confirmation or rejection of said sale and said report of sale having laid over for more than ten days, and no objections or exceptions thereto having been filed; and it appearing to the Court that said sale was made in compliance with the decree of the Court entered in this cause on the 12 day of March, 1956, after publication of notice of sale pursuant to said decree, and as it appears from said report said property was sold at public auction to the highest bidder for cash within the legal hours of sale in front of the Court House door in Bay Minette, Baldwin County, Alabama, on the 16th day of April, 1956, pursuant to said notice of sale published in The Baldwin County Times once a week for four consecutive weeks, and at said sale the complainant, Claud C. Thomas, became the purchaser of said real property hereinafter described, at and for the sum of \$4000.00 cash; and said complainant, Claud C. Thomas, became the purchaser of said personal property hereinafter described, at and for the sum of \$75.00, cash; and said properties were knocked down and sold to the said Claud C. Thomas at and for said sums, which in each instance were the highest and best bids therefor, respectively;

and that said purchaser has paid in full the amounts of said bids by the payment of \$2500.00 in cash and by filing with the Commissioner the complainant's receipt for \$1575.00 as a credit upon his distributive share in the net proceeds of said sales; and it appearing that said sales were fairly conducted, and that the respective amounts bid for said properties, in each instance, were not greatly less than the fair and reasonable market value thereof; and that said sales should be confirmed.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT AS FOLLOWS:

1. That the sale of said real property, hereinafter described, to the complainant, Claud C. Thomas, at and for the sum of \$4000.00 cash, which purchase price has been paid in full by said purchaser, as shown by said report of sale (by the payment of \$2500.00 cash and by the filing by complainant of his said receipt for \$1575.00, as a credit upon his distributive share in the net proceeds of said sale), be and the same is hereby confirmed by the Court and the said John Chason, as Commissioner, be and he is hereby authorized and directed to execute a proper conveyance of said real property to the said Claud C. Thomas, as purchaser, conveying all of the right, title, interest and estate of the parties to this cause in and to said real property, namely:

The following described real property situated in Baldwin County, Alabama, namely:

Lots Six (6) and Seven (7) in Block "C" of Perdido Bay Shores, as shown by map or plat thereof, recorded in Map Book 1, page 129, in the Probate Office of Baldwin County, Alabama, being the same property described in deed from Louise Lawrenz to P. W. Cade and C. C. Thomas, dated July 2nd 1943, and recorded in Deed Book 80, page 13-14, in the Probate Office of Baldwin County, Alabama;

2. That the sale of the hereinafter described personal property to said complainant, Claud C. Thomas, at and for the sum of \$75.00 cash (paid by the purchaser to said Commissioner as shown by his report), be and the same is hereby confirmed by the Court; and the said John Chason, as Commissioner, is hereby authorized and directed to execute to said Claud C. Thomas, as the purchaser thereof, a deed or bill of sale to said personal property, conveying to said purchaser all of the right, title, interest and estate of the parties to this cause in and to said personal property, namely:

The household furniture and furnishings situated in the residence located on said Lot 6, in Block C of Perdido Bay Shores, as shown by map of said lot recorded in Map Book 1, page 129, in the Probate Office of Baldwin County, Alabama;

3. That Chason & Stone and Lapsley & Berry, as attorneys for the complainant, are hereby allowed the sum of \$400.00 as an attorneys' fee for services rendered by them in this cause for the common benefit of the joint owners or tenants in common of said property, as a part of the costs in this cause; that the cost and expense of obtaining an abstract of title to said property from the Baldwin County Abstract Company in the amount of \$ 30<sup>00</sup>, be and the same is allowed and ordered to be taxed and paid as a part of the costs in this cause;

4. And that the sum of \$ 17.94, cost of publishing notice of said sale in the Baldwin County Times be, and the same is hereby allowed and ordered to be taxed and paid as a part of the costs in this cause;

5. That the said John Chason, as such Commissioner, having waived any separate compensation for his services as such Commissioner, no amount is allowed as compensation for the services rendered by said Commissioner;

6. That the sum of \$2.20 for United States Revenue Stamps on the deed for the real estate to be executed by the Commissioner to said purchaser is allowed and ordered to be taxed and paid as a part of the costs in this cause;

7. That the sum of \$ 25.00 is allowed to Wilson Hays for his services as guardian ad litem for the respondent, Adriene Cade, a minor, to be taxed and paid as a part of the costs in this cause;

8. That the costs incurred in this cause be and the same are hereby ordered to be paid out of the proceeds of said sale, including any Court costs which may be incurred in the valuation of the dower or life estate of the respondent, Helen Cade, in and to that portion of the net proceeds in which she has or is entitled to a dower interest;

9. That the said John Chason, as Commissioner, is ordered to pay over to the Register of this Court the said sum of \$2500.00 so paid to him by said purchaser, and to file with the Register of this Court the complainant's said receipt as a credit against the distributive share of the complainant in said net proceeds; that after the payment of such fees, expenses, and costs the net proceeds derived from the sale of said property shall be and they are hereby ordered to be distributed and disbursed by the Register as follows:

10. That the proportion of costs incurred in connection with the sale of said personal property, and to be paid out of the proceeds derived therefrom, is hereby determined and fixed at \$7.50, or 10%, and the remaining amount of \$67.50 as the net proceeds therefrom, shall be paid and distributed by the Register as follows:

(a) \$33.75, being one-half of such net proceeds, shall be paid and distributed by the Register to the complainant, Claud C. Thomas;

(b) \$11.25, being one-third of one-half of such net proceeds shall be paid or distributed to the respondent, Helen Cade;

(c) \$11.25, being one-third of one-half of such net proceeds shall be paid or distributed by the Register to the respondent, Natalie Cade, whose present name, by reason of her subsequent marriage, is now Natalie Cade Williams;

(d) \$11.25, being one-third of one-half of such net proceeds, shall be held by the Register for the benefit of the respondent, Adriene Cade, a minor, subject to the further orders of this Court; and the Register is authorized to pay and distribute the same to the legal guardian of said minor respondent, when such guardian has been duly appointed and qualified;

11. That the net proceeds derived from the sale of said real property, after the payment of the costs, fees, and expenses of sale, as herein allowed, shall be paid over and distributed by the Register as follows:

(a) One-half of such net proceeds shall be paid to the complainant, Claud C. Thomas, after crediting thereon the amount of the receipt hereinabove mentioned, executed by said complainant to the Commissioner, as a credit upon the distributive share of the complainant;

(b) One-third of One-half (one-sixth) of such net proceeds is determined by the Court as constituting the dower interest of the respondent, Helen Cade, in the net proceeds derived from the sale of said real property, such dower interest being for and during the natural life of said Helen Cade; and

that the present value of said dower interest is \$ 346.<sup>50</sup>, which shall be paid by the Register to the respondent, Helen Cade, in full payment for her dower interest in said real property; and the remainder of said dower interest shall be paid by the Register as follows:

One-half of such remainder to be paid to the respondent, Natalie Cade Williams; and

One-half of such remainder to be held by the Register subject to the further orders of this Court for the benefit of the respondent, Adriene Cade, a minor, or to be paid to the legal guardian of said minor, when such guardian has been duly appointed and qualified;

(c) One-third of one half (1/6) of the net proceeds derived from the sale of such property shall be paid or distributed by the Register to the respondent, Natalie Cade Williams;

(d) One-third of one-half (1/6) of the net proceeds derived from the sale of such real property shall be held by the Register for the benefit of the minor respondent, Adriene Cade, subject to the further orders of this Court, or shall be paid or distributed by the Register to the legal guardian of said minor when such guardian has been duly appointed and qualified.

Done in term time this the 9<sup>th</sup> day of May, 1956

Walter M. Hall  
Judge of the Circuit Court of Baldwin  
County, Alabama, In Equity.

# THE BALDWIN TIMES

## BALDWIN COUNTY

Alabama's Best County's Best Newspaper

JIMMY FAULKNER  
PUBLISHER

### Legal Notice

State of Alabama, Baldwin County.

Under and by virtue of an order and decree made and entered by Hubert M. Hall as Judge of the Circuit Court of Baldwin County, Alabama, in Equity, on March 12, 1956, in that certain cause now pending in said Court in which Claud C. Thomas is the Complainant and Helen Cade, Natalie Cade and Adriene Cade are the Respondents, being cause No. 3730, I, John Chason, the Commissioner named in said order and decree, will sell at public auction to the highest bidder for cash, within the legal hours of sale, in front of the Courthouse

door, in Bay Minette, Baldwin County, Alabama, on the 16th day of April, 1956, the following described real and personal property, viz:

Lots six (6) and seven (7) in Block "C" of Perdido Bay Shores, as shown by map or plat thereof, recorded in Map Book 1, page 129 in the Probate Office of Baldwin County, Alabama, being the same property described in deed from Louise Lawrenz to P. W. Cade and C. C. Thomas, dated July 2nd, 1943, and recorded in Deed Book 80, page 13-14, in the Probate Office of Baldwin County, Alabama; and also:

The household furniture and furnishings in the residence situated on Lot 6, in Block "C" of said property, Lot 7 in Block "C" of said property being a vacant lot.

The above described property will be sold for the purpose of a division of the net proceeds therefrom among the above named joint owners or tenants in common, subject to the approval of the Circuit Court of Baldwin County, Alabama, in Equity.

Dated this 12th day of March 1956.

JOHN CHASON  
-U

ALABAMA

### AFFIDAVIT OF PUBLICATION

AMA.  
Y.

Bay Minette, Ala., being duly sworn, deposes and says Editor of THE BALDWIN TIMES, a Weekly Newspaper published, Baldwin County, Alabama; that the notice hereto attached of

Helen Cade  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### COST STATEMENT

276 WORDS @ 6 1/2 cents \$17.94

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

E. R. Monnette  
Editor Publisher.

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

Date of 1st publication Mar 15, 1956 Vol. 67 No. 9  
Date of 2nd publication Mar 22, 1956 Vol. 67 No. 10  
Date of 3rd publication Mar 29, 1956 Vol. 67 No. 11  
Date of 4th publication April 5, 1956 Vol. 67 No. 12

Subscribed and sworn before the undersigned this 5 day of Apr, 1956

Dorothy Martin  
Notary Public, Baldwin County.

E. R. Monnette  
Editor Publisher.

CLAUD C. THOMAS,	)	
	)	IN THE CIRCUIT COURT OF
COMPLAINANT,	)	
v.	)	BALDWIN COUNTY, ALABAMA,
	)	
HELEN CADE, NATALIE CADE,	)	IN EQUITY. NO. _____
AND ADRIENE CADE,	)	
	)	
RESPONDENTS.	)	

DECREE

This cause coming on to be heard on the 5th day of March, 1956, was submitted for final decree upon the bill of complaint, answers of the respondents, Helen Cade and Natalie Cade, and the answer of Wilson Hayes, as guardian ad litem for Adriene Cade, a minor, one of the respondents in said cause, and upon the waiver and consent in writing filed in this cause by the respondents, Helen Cade and Natalie Cade, and the testimony of Claud C. Thomas and Mildred H. Thomas, taken orally in open court on this day, pursuant to Rule No. 56 of the Equity Rules of Alabama, which testimony was taken by the official reporter of this Court; and it appearing to the Court that the material allegations of said complaint are true, and that the respective interest of the parties in and to the property described in said complaint is as alleged therein; and that the said parties are joint owners or tenants in common of said property, both real and personal property, described therein; and that said property cannot be equitably divided among said joint owners or tenants in common without a sale thereof; and that it is to the interest of said minor respondent that said property should be sold for division of the net proceeds among such joint owners or tenants in common ;



IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT AS FOLLOWS:

1. That the complainants and respondents are in the peaceful possession of the hereinafter described property and are joint owners or tenants in common of said property situated in Baldwin County, Alabama, namely:

Lots six (6) and seven (7) in Block "C" of Perdido Bay Shores, as shown by map or plat thereof, recorded in Map Book 1, page 129, in the Probate Office of Baldwin County, Alabama, being the same property described in deed from Louise Lawrenz to P. W. Cade and C. C. Thomas, dated July 2nd 1943, and recorded in Deed Book 80, page 13-14, in the Probate Office of Baldwin County, Alabama; and also

The household furniture and furnishings in the residence situated on Lot 6, in Block "C" of said property, Lot 7 in Block "C" of said property being a vacant lot;

2. That the respective interest of said parties in and to said real property is as follows:

(a) C. C. Thomas owns an undivided one-half interest therein;

(b) Helen Cade, as the widow of P. W. Cade, deceased, who died intestate in Marengo County, Alabama, on January 12th 1949, owns a dower interest therein consisting of an undivided one-third in an undivided one-half interest for and during her natural life;

(c) Natalie Cade owns an undivided one-fourth interest therein, subject to said dower interest of her said mother, Helen Cade;

(d) Adriene Cade owns an undivided one-fourth interest therein, subject to said dower interest of her said mother, Helen Cade;

3. That the respective interest of said parties in and to said miscellaneous household furniture and furnishings sit-

uated in the residence on said Lot 6, is as follows:

(a) C. C. Thomas owns an undivided one-half interest in said personal property;

(b) Helen Cade owns an undivided one-third interest in and to an undivided one-half interest in said personal property;

(c) Natalie Cade owns an undivided one-third interest in and to an undivided one-half interest in said personal property;

(d) Adriene Cade owns an undivided one-third interest in and to an undivided one-half interest in said personal property;

4. That said property cannot be equitably divided between said joint owners or tenants in common without a sale thereof; and that it is to the interest of said minor respondent, Adriene Cade, that said property be sold for division of the net proceeds among said joint owners or tenants in common;

5. That John Chason be and he is hereby appointed as Commissioner to sell said property as herein directed; and that said Commissioner be and he is hereby ordered to sell said property at public auction to the highest bidder for cash within the legal hours of sale in front of the Court House door in Bay Minette, Baldwin County, Alabama, on the 16 day of April, 1956, after first publishing a notice of said sale once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Baldwin County, Alabama, said property to be offered for sale by first offering separately each of said lots, and then offering for sale both of said lots together, and by offering said personal property for sale separately from said real estate, and the sale of said real property aggregating the highest offer, and said sale of said personal property to be reported to this Court by said Commissioner; all of which sales shall be subject to the confirmation of this Court; which


(4)

property shall be sold for the purpose of division of the net proceeds therefrom among said joint owners or tenants in common, parties to this suit;

6. The Commissioner or the attorneys for the complainant are hereby authorized to procure an abstract of title to said real estate covering the period from July 2nd 1943, to date, for inspection by any prospective purchaser, the cost of which abstract shall be taxed as a part of the costs in this cause;

7. This cause is open for such other or further orders or decrees as may be necessary or proper in the premises.

DONE in term time this the 17 day of March, 1956.

  
Judge of the Circuit Court of Baldwin  
County, Alabama, In Equity.

LETTERS OF GUARDIANSHIP

THE STATE OF ALABAMA,  
MARENGO COUNTY



PROBATE COURT

BE IT REMEMBERED AND MADE KNOWN TO ALL WHOM IT MAY CONCERN, That on  
the application of HELEN GADE to my said Court, I have caused  
these LETTERS OF GUARDIANSHIP to issue in favor of HELEN GADE  
in and upon the persons, goods and chattels, rights and credits of AUSTINE GADE, Widow

HELEN GADE and in every case which occasion may require, the said  
HELEN GADE is authorized to bring suit and be sued, as the lawful guardian of  
the said AUSTINE GADE

WITNESS, R. J. Westbrook Judge of our Court, this 25th  
day of MAY A. D. one thousand nine hundred and Fifty-Six

R. J. Westbrook  
Judge of Probate; Marengo County.

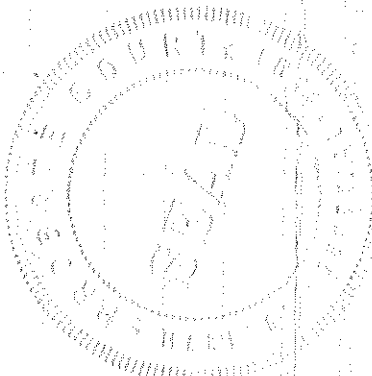
A true copy of the original letters.

Attest: R. J. Westbrook Judge.

THE STATE OF ALABAMA, )  
MARENGO COUNTY. )

I, R. J. Westbrook, Judge of Probate in and for said County and State, hereby certify that the letters on reverse side hereof is a true and correct copy of same as appears of record in the office of the Judge of Probate of Marengo County, Alabama, in record of Letters of Guardianship "A", and on page 168.

Given under my hand and seal of office this the 23rd day of May, 1956.



*R. J. Westbrook*  
Judge of Probate.

*Case 720 3737  
Thomas vs. Cade*

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

STATE OF ALABAMA  
Marengo County

PROBATE COURT

Recorded in Book A, LETTERS OF GUARDIAN

Page \_\_\_\_\_

Judge of Probate.

CLAUD C. THOMAS,	∅	
Complainant,	∅	
vs.	∅	IN THE CIRCUIT COURT OF
HELEN CADE, NATALIE CADE	∅	BALDWIN COUNTY, ALABAMA
and ADRIENE CADE,	∅	IN EQUITY
Respondents.	∅	

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

The undersigned, as the Commissioner heretofore appointed by your Honor, to sell certain real and personal property for division and distribution among the joint owners thereof, which said property is particularly described in the decree of sale in this cause, respectfully reports and represents unto your Honor as follows:

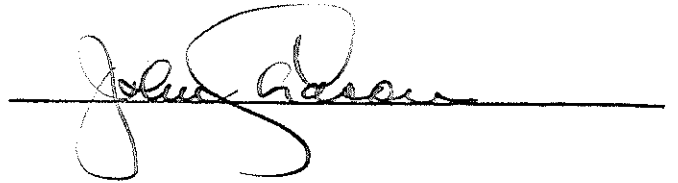
That in pursuance of, and in strict accordance with the terms of said decree and the statutes in such cases made and provided, he did, on the 16th day of April, 1956, between the legal hours of sale, sell at public auction, to the highest bidder for cash, in front of the Court House door in Bay Minette, Baldwin County, Alabama, the following real and personal property, viz:

Lots six (6) and seven (7) in Block "C" of Perdido Bay Shores, as shown by map or plat thereof, recorded in Map Book 1, page 129, in the Probate Office of Baldwin County, Alabama, being the same property described in deed from Louise Lawrenz to P. W. Cade and C. C. Thomas, dated July 2nd, 1943, and recorded in Deed Book 80, page 13-14, in the Probate Office of Baldwin County, Alabama; and also:

The household furniture and furnishings in the residence situated on Lot 6, in Block "c" of said property, Lot 7 in Block "C" of said property being a vacant lot.

which property was purchased at such sale by Claud C. Thomas, the complainant in such suit, who was the highest, best and last bidder for the same; that the undersigned commissioner first offered the real estate hereinabove described in separate parcels and then offered it in its entirety and the highest bid was for such property in its entirety. That he was offered Two Thousand Five Hundred Dollars (\$2,500.00) for Lot 6 and the building located thereon and One Thousand Three Hundred Dollars (\$1,300.00) for Lot 7, or a total of Three Thousand Eight Hundred Dollars (\$3,800.00); that he was offered

Four Thousand Dollars (\$4,000.00) for the real estate in its entirety and Seventy-five Dollars (\$75.00) for the personal property; that said sale was in all respects fairly made and said property sold for an amount not greatly less than or disproportionate to its real value. That Claud C. Thomas has complied with his bid and has paid the undersigned as commissioner the sum of Four Thousand Seventy-five Dollars (\$4,075.00) which is being held by such commissioner awaiting the further order of this Court.

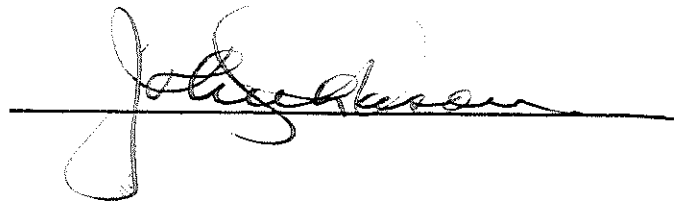


STATE OF ALABAMA

BALDWIN COUNTY

Before me, HARRY M. D'OLIVE, a Notary Public, in and for said County in said State, personally appeared John Chason, who is known to me and who, after being by me first duly and legally sworn, doth depose and say under oath as follows:

That his name is John Chason; that he signed the foregoing report as commissioner and all the allegations and facts stated therein are true and correct.



Sworn to and subscribed before me this 17<sup>th</sup> day of April, 1956.

Harry M. D'olive  
Notary Public, Baldwin County, Ala.

REPORT OF COMMISSIONER

CLAUD C. THOMAS,  
Complainant,

vs.

HELEN CADE, NATALIE CADE  
and ADRIENE CADE,  
Respondents.

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

FILED

APR 17 1956

Wm. J. Hester, Register



\$7.50

CLAUDE C. THOMAS,  
Complainant,  
VS.  
HELEN CADE, ETAL.  
Respondents.

IN THE  
CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA. IN EQUITY  
March 5, 1956.

TESTIMONY TAKEN IN CHAMBERS, BEFORE HON. HUBERT M. HALL, JUDGE  
OF SAID COURT .

PRESENT IN COURT:

MR. LAPSEY AND MR. CHASON, REPRESENTING THE COMPLAINANT  
MR. WILSON HAYES, REPRESENTING MINOR, AS GUARDIAN AD LITEM.

CLAUDE C. THOMAS, THE COMPLAINANT, BEING FIRST DULY SWORN,  
TESTIFIED:

Direct Examination by Mr. Chason.

Q. Is your name Claude C. Thomas?

A. Correct.

Q. Are you over the age of 21 years?

A. A little bit.

Q. Where do you reside?

A. Selma, Alabama.

Q. Is that in Dallas County?

A. Yes sir.

Q. Are you personally acquainted with Helen Cade?

A. I am

Q. Is she over the age of 21 years?

A. Yes sir.

Q. Where does she reside?

A. Thomaston, Alabama.

Q. Meringo, County?

A. Yes sir.

FILED

MAR 7 1956

HUBERT M. HALL, CLERK

Q. Are you acquainted with Natalie Cade?

A. Yes sir.

Q. Is she over 21 years of age?

A. Yes sir.

Q. Does she reside in Thomaston also?

A. Yes, she is working with the power Company.

Q. Are you acquainted with Adrine Cade?

A. Yes sir.

Q. Is she a minor over 16 years of age?

A. Yes sir.

Q. Now does she have any general guardian who has been appointed for her by any Court?

A. I don't think so.

Q. Does she reside in Thomaston, Meringo County, Alabama?

A. Yes sir.

Q. Who does she live with ?

A. Her mother, Helen Cade.

Q. Is she in the care, custody and control of her mother?

A. Yes sir.

Q. Now you and the other Respondents are the joint owners of Lots 6 and 7, in Block C. of Perdido Bay Shores, according to a Map recorded in Map Book 1, page 129, Probate Records of Baldwin County, Alabama?

A. Yes sir.

Q. I will show you here a photostatic copy of a warranty deed from Louise Lawrenz, an unmarried woman, to P. W. Cade and C. C. Thomas, dated July 2, 1943, and recorded in Deed Book 80 at pages 13-14 in the Probate Office of Baldwin County, Alabama. Is that a true and correct copy of a deed that was executed and delivered in connection with that land?

A. Yes sir.

- Q. Are you the C. C. Thomas whose name appears in that deed?
- A. Yes sir.
- Q. Have you ever conveyed the interest which you acquired under that deed to any one else?
- A. No.
- Q. Now who was Mr. P. W. Cade?
- A. He was the husband of Helen Cade and the father of Adrine and Natalie Cade.
- Q. Now did Mr. P. W. Cade die intestate - that is, without a will - in Meringo County, Alabama, on or about January 12, 1949?
- A. He died in the Baptist Hospital in Selma, but he was living in Meringo County, Alabama.
- Q. He was a resident of Meringo County, Alabama?
- A. Yes sir.
- Q. Did he die on or about January 12, 1949?
- A. Yes sir.
- Q. He did not leave a will so far as you know or has been ascertained by any Court?
- A. He did not.
- Q. You state that Helen Cade that we have inquired about, is his widow?
- A. Yes sir.
- A. And Adrine and Natalie Cade are his children?
- A. Yes sir.
- Q. Did he have any other children that you know of other than those two?
- A. No, he did not.
- Q. Now so far as you know, had he ever conveyed his undivided half interest in the lands shown by this deed up until the time of his death?
- A. He had not.

- Q. I believe there is an administration pending in Meringo County Alabama, on his estate, is there not?
- A. I think so.
- Q. There was an administration but you think it has been settled?
- A. Yes sir.
- MR. CHASON: We offer in evidence Photostatic copy of the deed just identified and  $\frac{1}{2}$  inquired about and ask that it be identified as Complainant's Exhibit 1., which deed is duly certified.
- Q. Now were there any improvements by way of a building located on either of these lots?
- A. No improvements - the building that was sitting there was partly on the two lots.
- Q. The building is on both lots?
- A. It was, but before his death we agreed that we would move it on one lot and one would take the house and lot and the other the vacant lot; it was moved before his death.
- Q. So at the time of his death it was standing on one of the lots?
- A. Yes sir.
- Q. Do you know which lot it was located on?
- A. Lot six.
- Q. Now what type building is that?
- A. It has asbestos strips on the sides--
- Q. How many rooms?
- A. Two bed rooms with a hall down the side and back behind there a bath with a shower and lavatory and then a kitchen.
- Q. Would that lot with the building on it be more valuable than the other lot without a building?
- A. Only to the worth of the house.
- Q. But it would be to the worth of the house?

A. Yes sir.

Q. Would you say the lots themselves were approximately of the same value?

A. I think so.

Q. But the one with the house on it would be more valuable than the lot without a building on it?

A. Yes sir.

Q. About what, in your opinion, would be the difference in the value of the lot with the house and the lot without the house?

A. Well before I knew I had to go in all of this about it I suggested to Mrs. Cade that if she would give me \$600.00 I would take the vacant lot and give her the house with the other lot; which was agreeable; in other words, \$1200.00.

Q. Is there some household furniture in the building?

A. Yes sir.

Q. Does it consist of old articles of house-hold furniture and miscellaneous items of that kind?

A. Yes, refrigerator and stove and old furniture; it is all old.

Q. What would be the reasonable market value of the personal property owned jointly?

A. If you offered it for sale I don't think you would get over \$100.00 for it.

Q. As of the time of the filing of this suit, what interest did you own in the real estate and personal property that we have just referred to?

A. A half interest.

Q. Now the other half interest would then be divided in the manner that the law divides it between the widow and the two children of Mr. P. W. Cade?

A. Yes sir.

- Q. So you are not personally acquainted, I presume, with the laws of descent and distribution, are you?
- A. That's what I pay him for (Indicating Mr. Lapsley).
- Q. Does Mrs. Helen Cade own any substantial amount of property in her own name?
- A. No sir.
- Q. What is her occupation?
- A. She is a school teacher.
- Q. Do you know of any lands that she owed at the time of the death of her husband?
- A. No.
- Q. As of the date of the death of her husband, you do not know of any real estate owned by her?
- A. No sir.
- Q. Insofar as you know, she would be entitled to a dower interest in her husband's estate?
- A. I would think that she would be.
- Q. Now do you know of any way that this property could be divided between you and the two minor - the minor child and the other daughter of Mr. Cade and the widow, so that each person could get an equal share in that property without selling the property and dividing the proceeds?
- A. I do not.
- Q. Do you consider that it is necessary for the property to be sold for a division of the proceeds among the joint owners?
- A. I was requested by Mrs. Cade for a division.
- Q. Do you know how old Helen Cade is?
- A. Some where around 50.
- Q. You would say approximately 50 years of age?
- A. Yes sir.

MR. CHASON: We would like to have permission of the Court to procure and submit to the Court duly certified copies of the Petition to have Mrs. Helen Cade appointed Administratrix of the Estate of her husband, P. W. Cade; Letters of Administration and Order finally discharging the Administratrix.

Q. This property, which we have just referred to and which is the basis of this suit, is located in Baldwin County, Alabama, is it not?

A. Yes.

Q. It is located on Perdido Bay?

A. On Bay LaLaunch.

Q. Do you know the dimensions of the lots on the water front?

A. 78 x 200

Q, That is 78 feet by 200 feet that you refer to?

A. Yes.

Q. Each lot is 78 x 200 feet?

A. Yes sir.

Q. Doctor, this deed recites a consideration of \$100.00 and other consideration. How much did you and Mr. Cade pay for this property when you purchased it?

A. \$1700.00.

THE COURT: For e ach lot?

WITNESS: No - \$850.00 for each lot.

Q. Did it have the house on it when you bought it?

A. Yes sir.

Q. Have you placed any substantial improvements on it since that time?

A. No sir, nothing but moving the house.

Q. Hoÿ much did it cost you to move it?

A. \$350.00.

Q. What do you consider to be the reasonable market value of the property described in this deed as of this time? - - Of the entire property?

A. I think lots around there are selling some where around \$2,000 a lot.

Q. The house, I believe you testified, you consider to be worth about \$1200.00?

A. Yes.

Q. Then would you say about \$5,200.00 would be about the reasonable market value of the house and the two lots?

A. Yes, about \$5,200.00 for all of it.

Q. I believe you testified that the personal property located in the house, which belonged to you jointly, I believe you said it had a reasonable market value of \$1,000.00?

A. I think if you put it on sale you wouldn't get more than that.

NO CROSS EXAMINATION OF THIS COMPLAINANT BY THE GUARDIAN AD LITEM,  
MR. WILSON HAYES.

MRS. MIRIAM H. THOMAS, A WITNESS FOR THE COMPLAINANT, BEING FIRST  
DULY SWORN, TESTIFIED:

Direct examination by Mr. Chason.

Q. What is your name, please?

A. Miriam H. Thomas?

Q. Are you personally acquainted with C. C. Thomas, who is the Complainant in a suit for partition and division, being file No. 3730, in the Equity Court of Baldwin County, Alabama?

A. I am.

Q. Are you acquainted with Helen Cade, Natalie Cade and Adrine Cade?

A. I am.



Q. Were you acquainted with P. W. Cade during his life time?

A. Yes sir.

Q. Did P. W. Cade die approximately January 12, 1949?

A. Yes sir.

Q. Was an estate proceeding had in Meringo County in regard to his estate?

A. Yes sir.

Q. Now are you personally acquainted with Lots 6 and 7, Block C. Perdido Bay Shores, as shown by map Book 1, page 121, Probate Records of Baldwin County, Alabama?

A. Yes sir.

Q. What type property is that, Mrs. Thomas?

A. Water Front property.

Q. Is there a house of some kind on one of these lots?

A. Yes sir.

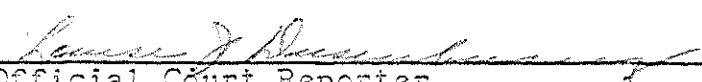
Q. And do you know, being personally acquainted and familiar with the property, of any way that it could be equally divided between a person owning a half interest and two other individuals who own a one-fourth interest each, their interest being subject to a dower right of their mother - do you know of any way that this property could be divided without a sale of the property?

A. No.

NO CROSS EXAMINATION OF THIS WITNESS BY THE GUARDIAN AD LITEM

I hereby certify that the foregoing, consisting of pages 1 to 9 both inclusive, correctly sets forth a true and correct transcript of the testimony in this case taken in Chambers on March 5, 1956.

This 5th day of March, 1956.

  
Official Court Reporter

Com Ex 1

-----0000000000000000-----

WARRANTY DEED

THE STATE OF ALABAMA  
BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of One Hundred and 00/100 Dollars cash in hand and other valuable considerations paid to the undersigned grantor Louise Lawrenz an un-married woman, in hand paid by P. W. Cade and C. C. Thomas, the Grantees herein, the receipt whereof is acknowledged, I the said grantor, the said Louise Lawrenz, do grant, bargain, sell and convey unto the said grantees, the said P. W. Cade and C. C. Thomas, the following described real estate, to-wit:

Lots Six (6) and Seven (7) in Block "C", of Perdido Bay Shores, as per Plat thereof Recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 1, page 129., situated in Baldwin County, Alabama.

TO HAVE AND TO HOLD, To the said grantees, that said P. W. Cade and C. C. Thomas, and their heirs and assigns, forever. And I do, for myself and for my heirs, executors and administrators, covenant with the said grantees, and with their heirs and assigns, that I am lawfully seized in fee simple of said premises; that they are free from all encumbrances; that I have a good right to sell and convey the same as aforesaid; that I will, and my heirs, executors and administrators shall warrant and defend the same to the said grantees herein, and their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 2nd day of July, 1943.

WITNESSES:

Louise Lawrenz.

Seal

THE STATE OF ALABAMA  
BALDWIN COUNTY

I, Helen Lenz, a Notary Public, in and for said County, in said State, hereby certify that Louise Lawrenz an unmarried woman, whose name 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 the conveyance, she executed the same voluntarily on the day the same bears date.  
Given under my hand this 2 day of July A. D. 1943.

Seal

Helen Lenz  
Notary Public, Baldwin County, Alabama

14

STATE OF ALABAMA  
BALDWIN COUNTY

Filed in office this 6 day of July, 1943 at 8 A. M. and duly recorded in Deed Book 30 at page 13-14, and I certify that \$.50 Deed Tax has been paid as required by law.

G. W. Robertson, Judge of Probate.

-----000000000000-----

The State of Alabama }  
Baldwin County }

PROBATE COURT

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

that the within and foregoing One photostatic pages

contain a full, true and complete copy of the Deed from Louise Lawrenz to

P.W. Cade and C. C. Thomas,

as the same appears of record in my office in Deed Book No. 80

Page 13.

Given under my hand and seal of office, this 16th day of December, 19 55.

W. R. Stuart  
Judge of Probate.

ADMINISTRATOR'S LETTERS  
The State of Alabama, Marengo County  
PROBATE COURT

LETTERS OF ADMINISTRATION ----- on the Estate of

Portis W. Cade, ----- Deceased, are hereby granted to

Helen Cade & A. C. Cade, Jr. -----, who has ----- duly qualified and given

Administrators

bond as such, and are ----- authorized to administer said Estate.

Witness my hand and

/ Dated this 26th ----- day of January -----, 194 8

R. J. Westbrook

Judge of Probate, Marengo County.

A true record of the original letters.

Attest R. J. Westbrook ----- Judge.

THE STATE OF ALABAMA,  
MARENGO COUNTY.

I, R. J. Westbrook, Judge of Probate in and for said County and State, hereby certify that the letters on reverse side hereof is a true and correct copy of same as appears of record in the office of the Judge of Probate of Marengo County, Alabama, in record of administrator's Letters "A", and on page 217.

I hereby further certify that on the 14th day of March, 1952, final settlement of said estate was had and said Administrators were released and discharged as such Administrators.

Given under my hand and seal of office this the 3rd day of March, 1956.

*R. J. Westbrook*  
Judge of Probate.

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

Page \_\_\_\_\_

STATE OF ALABAMA  
Marengo County

PROBATE COURT

Recorded in Book \_\_\_\_\_ Page \_\_\_\_\_

LETTERS ADMINISTRATOR'S

Judge of Probate.

IN THE MATTER OF  
THE ESTATE OF  
PORTIS W. CADE, DECEASED.

IN THE PROBATE COURT  
OF MARENGO COUNTY, ALA.

PRESENT THE HON. R. J. WESTBROOK, JUDGE OF PROBATE

This being the day heretofore set and appointed to pass upon the accounts and vouchers and the Petition of Helen Cade and A. C. Cade, Jr., Administrators of the Estate of Portis W. Cade, Deceased, for a final settlement of said Estate, now come the said Helen Cade and A. C. Cade, Jr., as such Administrators, and move the Court to proceed to examine and audit their accounts and move that said accounts be passed and allowed as stated by them, and that said estate be finally settled, that they be released and discharged as such Administrators, and all further liability and responsibility as such and that their surety be released and discharged as such.

And it appearing to the Court that more than six months have elapsed since the granting of letters of administration to the said Helen Cade and A. C. Cade, Jr. on the Estate of the said Portis W. Cade, Deceased, and it further appearing that notice of the appointment of the said Helen Cade and A. C. Cade, Jr., as such Administrators was given by them as required by law and notice to all persons having claims against said estate to present the same within the time allowed by law or that the same would be barred was likewise given by publication once a week for three successive weeks on to-wit: February 3, 1949, February 10, 1949, and February 17, 1949 in the Democrat Reporter, a newspaper published at Linden in Marengo County, Alabama, and whereas it further appears to the satisfaction of the Court that all of the debts and claims against the estate have been paid in full by said Administrators, except the legal and lawful claims of Mr. A. C. Cade, Sr., father of said decedent, whose lawful and legal claims and debts filed against the said estate in the amount of \$17,487.70 have not, at his request, been paid, and whereas it further appearing to the satisfaction of said Court that the said A. C. Cade, Sr. instead of insisting upon payment in full or in part of his claims against said estate has contributed a large sum of money in order to make possible the payment of all of the other claims and debts against said estate, the total amount of which, exclusive of his own claims, greatly exceeded the net assets of said Estate and whereas the said A. C. Cade, Sr. has released and discharged said Administrators and the Estate of Portis W. Cade, Deceased, from all liability and responsibility, and from any and all claims and demands of every kind by him, against them and each of them and against the said Estate of his said son, Portis W. Cade, Deceased, and has ratified and confirmed the payment by them in full of the said claims other than his against the said estate, has likewise released the surety of said Administrators from any or all liability, or responsibility of any kind whatsoever to him arising from the administration of the Estate of his said son, Portis W. Cade, Deceased; and whereas, it now appears to the satisfaction of the Court that in all respects and conditions, said estate should now be finally settled and that notice of such settlement and of the approval of the accounts and vouchers of the said administrators and of the day set for the hearing thereof has been given as required and provided for by law, by publication once a week for three successive weeks to-wit: on the 14th day of February 1952, on the 21st day of February 1952 and on the 28th day of February 1952 in the Democrat Reporter, a newspaper published in Marengo County, Alabama, and that the widow of the said Portis W. Cade, Deceased, Helen Cade, one of the Administrators of his Estate, has filed and signed in this Court a release and satisfaction in full of all of her claims as such of whatsoever kind against the Estate of her said husband, Portis W. Cade, and against her co-administrator, A. C. Cade, Jr. and has requested and agreed to this settlement and the discharge of said A. C. Cade, Jr. as co-administrator and his surety; and whereas, it appears now in addition to the said widow of the said Portis W. Cade, he left surviving him as his only heirs at law and next of kin, two children, Natalie Cade, a minor approximately 20 years of age, but under the age of 21 years, and Adrian Cade, another daughter, a minor, approximately 12 years of age but under the age of 14; and whereas, it further appears to the satisfaction of the court that John W. Drinkard, Esq., a duly licensed Attorney at Law of Linden, Marengo County, Alabama, nominated by said Natalie Cade as her guardian ad litem and in all other respects qualified to act as such, has heretofore been appointed guardian ad litem to represent the interests of both of said minors concerned in the administration

of said estate and the final settlement thereof, and that the said John W. Drinkard has in writing filed in the cause, accepted said appointment and denied the allegations of said Petition, demanding strict proof thereof; and whereas notice of the final settlement of said estate and of the date set for the hearing thereof has been duly and legally given to the said minors by legal service upon them and upon their said mother, Helen Cade, who has the care, custody, control and maintenance of said minors;

Now Therefore, the Court proceeds in open Court, with said guardian ad litem being present, to examine said accounts and to consider the proof relating thereto and whereupon after examination of said accounts and vouchers and the inventories filed by said Administrators and after taking testimony and examining witnesses in open Court in regard to the same, the Court finds that the Executors have received in cash, the total sum of \$5745.83 dollars, consisting originally of \$4425.98 Dollars in cash and the net proceeds of a policy of life insurance payable to the Estate of Portis W. Cade, and of \$1319.85 Dollars received from the sales of personal property belonging to decedent, which said sales the Court now find were in every respect fairly made and to the interest of the said Estate and that the proceeds of the same represent the full and fair market value of said personal property belonging to the said estate so sold by said Administrators, which sales are hereby approved and confirmed, and the Court finds therefore that the total amount of the assets of said Estate is the sum of \$5745.83 Dollars.

The Court further finds that the said Executors have justly and lawfully expended the sum of \$5029.17 Dollars in and about the cost and charges necessary and incident to the said Administration of said Estate and to the payment and satisfaction of the lawful debts and claims filed against the estate, having paid all of said claims except the claims above referred to of A. C. Cade, Sr. in the sum of \$17487.70 Dollars, all of which said claims have been released by the said A. C. Cade, Sr.

And the Court further finds that there now remains in the hands of and under control of said Executors, the sum of \$666.66, representing 2/3 of the cash exempt by law to the said widow and two minor children of the said Portis W. Cade, Deceased, and that the said widow, Helen Cade, has released all of her right, title, claim and demand in and to her 1/3 share of said sum of \$1,000.00 and whereas the Court now finds that each of said minor children, namely, Natalie Cade and Adrian Cade, is each entitled to have and receive from said Administrators, the sum of \$333.33; and the Court further finds that neither of said minors have a legal guardian but that both reside with and under the control of their mother, Helen Cade, at Thomaston in Marengo County, Alabama, and the Court further finding that there are no other personal property or assets belonging to said estate and that said Administrators have fully, justly, lawfully and faithfully accounted for all of the other assets coming into their hands as such administrators, and have paid in full all of the Court Costs in this Case, leaving only the balance of \$666.66 for distribution; and it further appearing that the said minors reside with their said mother in Thomaston in Marengo County, Alabama, it is therefore ordered that the said sum of \$666.66 be paid to the Judge of Probate of Marengo County, Alabama, in accordance with Section 99, Title 21, Code of Alabama 1940, as last amended; and the Court now finds that the Administrators have on this date in open Court so paid the said sum of \$666.66 to the Judge of Probate of this County to be held, managed, administered and disposed of by him in accordance with Sections 99, 100, 101 and 102 of the Code of Alabama 1940 as last amended;

It is accordingly ordered, adjudged and decreed by the Court that all of the vouchers and accounts of said administrators be approved as complete, true and correct and that said administrators have fully and in all respects faithfully discharged all of their duties, liabilities and responsibilities as such administrators and have fully and faithfully accounted for all of the assets of said estate coming into their hands as such administrators and have used due diligence in collecting said assets and in the administration of said estate. And it is therefore accordingly ordered, adjudged and decreed by this Court that said administrators and each of them and their surety, American Surety Company of New York, be and they and each of them are and is hereby forever discharged as such administrators and as such surety are released

and discharged from all further liability, accountability and responsibility in connection with the administration of the said estate of the said Portis W. Cade, which said estate is hereby ordered, adjudged and decreed to be finally settled and closed.

It is further ordered, and decreed, that all accounts, vouchers, evidence and statements on file relating to this settlement and all other papers on file referring to said estate be recorded.

Done in open Court on this the 14th day of March, 1952.

R. J. Westbrook  
Judge of Probate,  
Marengo County, Alabama.

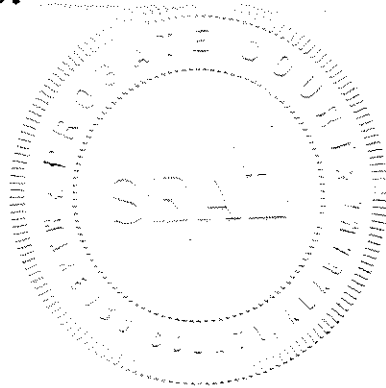
Filed for record the 14th day of March, 1952.

R. J. Westbrook, Judge of Probate.

THE STATE OF ALABAMA,  
MARENGO COUNTY.

I, R. J. Westbrook, Judge of Probate in and for said County and State, hereby certify that the foregoing is a true and correct copy of the final decree in the final settlement of the estate of Portis W. Cade, deceased, as the same appears of record in the office of the Judge of Probate of Marengo County, Alabama, in Minutes Record "Y", and on pages 467-469.

Given under my hand and seal of office this the 3rd day of March, 1956.



*R. J. Westbrook*  
Judge of Probate.



CLAUD C. THOMAS,  
Complainant,

vs.

HELEN CADE, NATALIE CADE  
and ADRIENE CADE,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

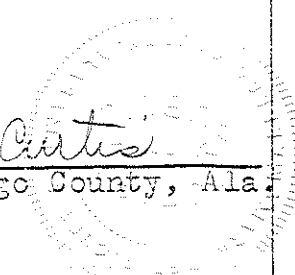
Now comes Adriene Cade, a minor, more than fourteen (14) years of age, and in accordance with Title No. 7, Section 181 of the 1940 Code of Alabama, nominates Wilson Hayes, an attorney at law, practicing in Baldwin County, Alabama, to be her guardian ad litem and to represent her on the hearing of the above styled cause in which she is a respondent, and does hereby request that the Court appoint Wilson Hayes as her guardian ad litem for said purpose.

*[Handwritten signature of Adriene Cade]*  
\_\_\_\_\_

STATE OF ALABAMA  
MARENGO COUNTY

I, Margaret G. Curtis, a Notary Public, in and for said County and said State, hereby certify that Adriene Cade personally appeared before me on this 1<sup>st</sup> day of March, 1956, and signed the foregoing nomination.

Margaret G. Curtis  
Notary Public, Marengo County, Ala.



CLAUD C. THOMAS,  
 Complainant,  
 vs.  
 HELEN CADE, NATALIE CADE  
 and ADRIENE CADE,  
 Respondents.

IN THE CIRCUIT COURT OF  
 BALDWIN COUNTY, ALABAMA  
 IN EQUITY

In this cause it appearing to the Register that the Respondent Adriene Cade is a minor over the age of fourteen years, and that the said Adriene Cade has nominated Wilson Hayes to act as guardian ad litem for the said Adriene Cade in the hearing of this cause, and it appearing to the Register that the said Wilson Hayes is a fit and proper person to act as such guardian ad litem and that he has consented in writing to represent the said minor in the hearing of this cause, it is therefore now ordered by the Court that the said Wilson Hayes, Esq., be and he is hereby appointed guardian ad litem for and to represent the interests of the said Adriene Cade in this cause.

Done and ordered, this the 3 day of March, 1956.

*W. J. ...*  
 Register

ACCEPTANCE OF GUARDIAN AD LITEM

I, Wilson Hayes, do hereby accept the above appointment as Guardian Ad Litem and consent to act as such in the above cause.

I hereby deny all of the allegations of the Bill of Complaint filed in said cause and demand strict proof thereof.

WITNESS my hand this 3 day of March, 1956.

*Wilson Hayes*

STATE OF ALABAMA )  
BALDWIN COUNTY )

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Helen Cade, Natalie Cade and Adriene Cade to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by Claud C. Thomas, as Complainant, against Helen Cade, Natalie Cade and Adriene Cade, as Respondents.

Witness my hand this 23<sup>rd</sup> day of February, 1956.

  
Register.

CLAUD C. THOMAS,	)	
	)	IN THE CIRCUIT COURT OF
COMPLAINANT,	)	
v.	)	BALDWIN COUNTY, ALABAMA,
	)	
HELEN CADE, NATALIE CADE,	)	
AND ADRIENE CADE,	)	IN EQUITY.
RESPONDENTS.	)	

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

Your complainant, Claud C. Thomas, respectfully represents and shows unto Your Honor as follows:

1. That your complainant, Claud C. Thomas, is over the age of twenty-one years, and resides in Selma, Dallas County, Alabama;

2. That the respondent, Helen Cade, is over the age of twenty-one years, and resides in Thomaston, Marengo County, Alabama; that the respondent, Natalie Cade, is over the age of twenty-one years, and resides in Thomaston, Marengo County, Alabama; and that the respondent, Adriene Cade, is a minor over fourteen years of age, being sixteen years of age, and has no general guardian, and resides in Thomaston, Marengo County, Alabama, and is in the care and custody of her mother, said Helen Cade, who resides in Thomaston, Marengo County, Alabama;

3. That the complainant and the respondents are in the peaceful possession of the hereinafter described real property situated in Baldwin County, Alabama; and complainant and said respondents are joint owners and tenants in common of said property, which is described as follows, namely:

Lots six (6) and seven (7) in Block "C" of Perdido Bay Shores, as shown by map or plat thereof recorded in Map Book 1, page 129, in the Probate Office of Baldwin County, Alabama, being the

same property described in deed from Louise Lawrenz to P. W. Cade and C.C. Thomas, dated July 2, 1943, and recorded in Deed Book 80, page 13-14, in the Probate Office of Baldwin County, Alabama,

and said parties also own as joint owners or tenants in common the household furnishings situated in the residence located on Lot 6, in Block "C" of said property, such furniture consisting of miscellaneous old articles of household furniture of a nominal value, estimated as worth probably not more than \$100.00;

4. The respective interests of said joint owners or tenants in common in and to said real property is as follows:

(a) The complainant C. C. Thomas owns an undivided one-half interest therein;

(b) The respondent Helen Cade, as the widow of P.W.Cade, who died intestate in Marengo County, Alabama, on to-wit: January 12th 1949, is the owner of a dower interest consisting of an undivided one-third interest in and to an undivided one-half interest therein, for an during her natural life;

(c) The respondent Natalie Cade, as the daughter and one of the heirs at law of P.W.Cade, deceased, is the owner of an undivided one-fourth interest therein, in fee, subject to said dower interest of her mother, said Helen Cade;

(d) The respondent Adriene Cade, as the daughter and one of the heirs at law of P. W. Cade, deceased, is the owner of an one-fourth interest therein, in fee, subject to said dower interest of her mother, said Helen Cade;

5. The respective interests of said joint owners or tenants in common in and to said miscellaneous household furniture situated in the residence or cottage on said Lot 6, is as follows:

(a) The complainant C. C. Thomas owns an undivided one-half interest in said personal property;

(b) The respondent Helen Cade owns an undivided one-third of an undivided one-half interest therein;

(c) The respondent, Natalie Cade owns an undivided one-third of an undivided one-half interest therein;

(d) The respondent Adriene Cade owns an undivided one-third of an undivided one-half interest therein;

6. That said property cannot be equitably divided among said joint owners or tenants in common without a sale thereof; and complainant alleges that it is to the interest of said minor respondent, and of all of said joint owners or tenants in common that said property be sold for division of the net proceeds among such joint owners or tenants in common, and that it is necessary that said property be sold for division of the net proceeds among said joint owners or tenants in common;

7. Complainant alleges that said respondent, Helen Cade, is 50 years of age; and that the present value of her dower interest in said real property may and should be determined by this Court to the end that the present value of her dower interest in said jointly owned real property may be determined and the present value thereof paid to her out of the net proceeds from the sale of said property.

THE PREMISES CONSIDERED complainant prays this Honorable Court as follows:

1. That the said Helen Cade, Natalie Cade and Adriene Cade be made parties respondent in this cause, and that a summons be issued to each of said respondents requiring each of them to plead, answer or demur to this bill of complaint within thirty days from the service of said summons, as in such cases made and provided by law, and in accordance with the rules of this

Honorable Court; and that a guardian ad litem be appointed for the minor respondent, Adriene Cade, to represent and defend the interest of said minor in this cause, in accordance with the rules of this Honorable Court;

2. That upon the final hearing of this cause a decree be entered therein fixing and determining the respective interests of said joint owners or tenants in common separately as to said real and personal property; and decreeing that said property cannot be equitably divided among the joint owners or tenants in common without a sale thereof; and ordering that said real and personal property be separately sold at public auction to the highest bidder for cash in front of the Court House door at Bay Minette, in Baldwin County, Alabama, after publishing notice of said sale in a newspaper published in Baldwin County, Alabama, as in such cases made and provided by law, for division of the net proceeds thereof among said joint owners or tenants in common; and that a Commissioner be appointed by this Court for the purpose of making said sale; and that said sale be made subject to the confirmation of this Court;

3. That in order to obtain the best price for said real property that this Court authorize the attorneys for complainant to obtain an abstract of title to said property to be made available for examination by prospective purchasers at said sale, and that the cost of such abstract of title be included in the costs in this cause; that the Court ascertain and determine a reasonable attorneys' fee for services which may be rendered by the attorneys for the complainant in this cause for the common benefit of said joint owners or tenants in common, and that such reasonable attorneys' fee be taxed as a part of the costs in this cause, and that the costs of United States stamps upon the deed authorized

to be executed to the purchaser, upon the confirmation of said sale, be included as a part of the costs in this cause; and upon the confirmation of said sale that said Commissioner be authorized to execute a proper conveyance of said real property to the purchaser or purchasers thereof upon the payment of the full amount of the purchase price or prices; and that said Commissioner be authorized to execute a bill of sale to the purchaser of said personal property upon the confirmation of the sale thereof; that the present value of the dower interest of the respondent Helen Cade, as the widow of said P. W. Cade, deceased, in and to said real property be ascertained and determined; and that the net proceeds from said sale of said real and personal property be distributed to said joint owners or tenants in common, in accordance with their respective interests therein;

4. That this Court will grant unto complainant all such other, further or different relief as the nature of this cause may require.

*Chas. A. Stone*  
*Ray J. L. Gase*  
*L. S. Berry*  
Attorneys for complainants.



STATE OF ALABAMA, )  
  )  
COUNTY OF DALLAS. )

Before me, H.C. BERRY,

a Notary Public in and for said State

and County, personally appeared John W. Lapsley, who being by me first duly sworn, deposes and says:

That affiant is one of the attorneys for the complainant in the above stated cause; and that the respondent Adriene Cade is a minor over the age of 14 years, being 16 years of age, and that said minor respondent has no general guardian and resides at Thomaston, in Marengo County, Alabama, in the care and custody of her mother, said Helen Cade, who also resides in Thomaston, in Marengo County, Alabama.

John W. Lapsley

Sworn to and subscribed

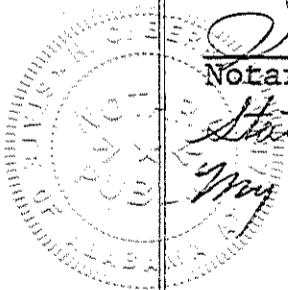
before me on this the 14<sup>th</sup>

day of February, 1956.

H.C. Berry

Notary Public, Dallas County, Alabama.

State of Alabama at Large.  
My Commission expires August 4<sup>th</sup>, 1956



CLAUD C. THOMAS,  
Complainant,

vs.

HELEN CADE, NATALIE CADE  
and ADRIENE CADE,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

On this the 17 day of April, 1956, comes John Chason, the commissioner duly appointed by this Court, and files his report in writing under oath, setting forth that on the 16th day of April, 1956, within the legal hours of sale and in pursuance of the law in such cases made and provided and in strict compliance with the terms and requirements of a former order of this Court made and entered in the premises, he proceeded to sell at public auction, to the highest bidder for cash, in front of the Court House door in Bay Minette, Baldwin County, Alabama, the following described real and personal property, viz:

Lots six (6) and seven (7) in Block "C" of Perdido Bay Shores, as shown by map or plat thereof, recorded in Map Book 1, page 129, in the Probate Office of Baldwin County, Alabama, being the same property described in deed from Louise Lawrenz to P. W. Cade and C. C. Thomas, dated July 2nd, 1943, and recorded in Deed Book 80, page 13-14, in the Probate Office of Baldwin County, Alabama, and also:

The household furniture and furnishings in the residence situated on Lot 6, in Block "C" of said property, Lot 7 in Block "C" of said property being a vacant lot.

That the said property was purchased by Claud C. Thomas at and for the sum of Four Thousand Seventy-five Dollars (\$4,075.00) and that said purchaser has complied with the terms of said sale by paying such amount to such commissioner.

It is ordered by this Court that said report of sale be filed and that the matter of the confirmation of said sale be set down for hearing on the 30th day of April, 1956.

*Robert M. Fall*  
Judge

RECORDED

ORDER SETTING DAY FOR  
HEARING COMMISSIONER'S  
REPORT

CLAUD C. THOMAS,

Complainant,

vs.

HELEN CADE, NATALIE CADE  
and ADRIENE CADE,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

FILED

APR 17 1956

MADE A. BOCK, Register

CLAUD C. THOMAS,	)	
	)	IN THE CIRCUIT COURT OF
COMPLAINANT,	)	
v.	)	BALDWIN COUNTY, ALABAMA.
	)	
HELEN CADE, NATALIE CADE,	)	IN EQUITY.
and ADRIENE CADE,	)	
RESPONDENTS.	)	

ANSWER OF RESPONDENTS HELEN CADE  
AND NATALIE CADE.

Come the respondents Helen Cade and Natalie Cade and for answer to the bill of complaint filed in said cause, answering says:

They admit as true the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, and 7 of said bill of complaint.

Helen Cade  
Natalie Cade  
Respondents

The undersigned respondents hereby expressly waive notice of the issuance of any commission to take the testimony in said cause and waive notice of the time and place of taking such testimony; and agree that when said cause is at issue the same may be forthwith submitted to the Court for the entry of a final decree without further notice to the undersigned respondents.

DATED this the \_\_\_\_ day of February, 1956.

WITNESS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CLAUD C. THOMAS,	)	
	)	IN THE CIRCUIT COURT
COMPLAINANT,	)	
v.	)	OF BALDWIN COUNTY,
	)	
HELEN CADE, NATALIE CADE,	)	ALABAMA, IN EQUITY.
AND ADRIENE CADE,	)	
	)	
RESPONDENTS.	)	

The undersigned Helen Cade and Natalie Cade, respondents in said cause, having answered said bill of complaint, hereby expressly waive notice of the issuance of any commission to take the testimony in said cause, and waive notice of the time and place of taking such testimony; and consent that when said cause is at issue the same may be forthwith submitted to the Court for the rendition of a final decree therein without further notice to the undersigned respondents.

DATED this the 29th day of February, 1956.

Helen Cade  
Natalie Cade  
 Respondents

Witness;

\_\_\_\_\_  
 \_\_\_\_\_