

3718

WILSON C. BEASLEY, J. H. FAULKNER)
and R. H. STUART, as Trustees of)
and for the Bay Minette Chamber)
of Commerce, an unincorporated)
association,)

Complainants,)
VS.)

BAY MINETTE CHAMBER OF COMMERCE,)
an unincorporated association,)

Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

DECREE

This cause coming on to be heard on this date is submitted for a final decree on the original Bill of Complaint and answer of the respondent, upon consideration of all of which, it appears to the court that the complainants are entitled to the relief prayed for by them in their said Bill of Complaint, and that the respondent has admitted the allegations of the Bill of Complaint and has consented and agreed that the relief prayed for by the complainants in their said Bill of Complaint be granted, upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. Wilson C. Beasley, J. H. Faulkner and R. H. Stuart, as Trustees of and for the Bay Minette Chamber of Commerce, an unincorporated association, shall be and they are hereby fully and completely authorized and empowered to make, execute and deliver a correction deed to the City of Bay Minette, Alabama, a municipal corporation, conveying Lots Numbered 5, 6 and 7 in Block Numbered 106 in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof which is recorded in Deed Book 4 N. S. at pages 158 et seq., which said conveyance when made shall be free of and from the trust created in the deed from John B. Hadley and Hazel I. Hadley to the said Trustees, which said deed is dated July 19, 1950, and is recorded in Deed Book 155 at pages 344-5, Baldwin County, Alabama Records.

2. The Register of this court shall file a certified copy of this decree in the office of the Judge of Probate of Baldwin County, Alabama, to be recorded therein and tax the cost of such

recording as a part of the costs of this proceeding.

3. The costs of this proceeding are hereby taxed against the complainants, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 30th day of April, 1956.

Hubert M. Stone
Judge

WILSON C. BEASLEY,
J. H. FAULKNER and
R. H. STUART, as Trustees
of and for the Bay Minette
Chamber of Commerce, an un-
incorporated association,

Complainants,

VS.

BAY MINETTE CHAMBER OF
COMMERCE, an unincorporated
association,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER

Now comes the respondent and for answer to the Bill of
Complaint filed in this cause admits the allegations of the said
Bill of Complaint and consents and agrees that a decree be rendered
in accordance with the prayer of the said Bill of Complaint without
further notice to respondent.

BAY MINETTE CHAMBER OF COMMERCE,
An unincorporated association,

By

H. J. West

As its President

Allan C. Hottel

As its Secretary

3778
ANSWER

WILSON C. BEASLEY, J. H. FAULKNER
and R. H. STUART, as Trustees of
and for the Bay Minette Chamber
of Commerce, an unincorporated
association,

Complainants,

VS.

BAY MINETTE CHAMBER OF COMMERCE,
an unincorporated association.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
APR 30 1956
ALICE A. DUCH, Clerk

ANSWER TO COMPLAINT OF BAY MINETTE CHAMBER OF COMMERCE
IN EQUITY
The undersigned hereby answers the within complaint of the Bay Minette Chamber of Commerce, an unincorporated association, as follows: That the Bay Minette Chamber of Commerce is a corporation organized under the laws of the State of Alabama and is not a party to this cause.

RETURN

RECORDED
INDEXED

FILED
APR 30 1956
BALDWIN COUNTY, ALABAMA

RECORDED
INDEXED
APR 30 1956
BALDWIN COUNTY, ALABAMA

BILL OF COMPLAINT

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

Wilson C. Beasley, J. H. Faulkner and R. H. Stuart, as Trustees of and for the Bay Minette Chamber of Commerce, an unincorporated association, as will hereinafter appear, present this Bill of Complaint against the Bay Minette Chamber of Commerce, an unincorporated association, and thereupon complainants allege and show unto the court and your Honor as follows:

1. The complainants are each over twenty-one years of age and are residents of Baldwin County, Alabama, and were and are now acting as Trustees of and for the Bay Minette Chamber of Commerce, as will hereinafter appear.

The Bay Minette Chamber of Commerce is an unincorporated association with its sole and only place of business at Bay Minette in Baldwin County, Alabama.

2. On, to-wit, July 19, 1950, the complainants, Wilson C. Beasley, J. H. Faulkner and R. H. Stuart, as Trustees of and for the Bay Minette Chamber of Commerce, acquired title to Lots 5, 6 and 7 in Block 106 in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat thereof, which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records, by deed from John B. Hadley and Hazel I. Hadley, dated July 19, 1950, which is recorded in Deed Book 155 at pages 344-5, Baldwin County, Alabama Records, a copy of which deed is hereto attached marked Exhibit A and by reference made a part hereof as though fully incorporated herein.

3. On, to-wit, December 22, 1950, the Bay Minette Chamber of Commerce adopted a resolution authorizing the complainants, as said Trustees, to convey the above described real property to L. T. Rhodes, Sr., which resolution reads as follows, to-wit:

"Whereas, heretofore the Bay Minette Chamber of Commerce desiring to obtain hospital facilities for the people of Bay Minette, Alabama, acquired Lots 5, 6 and 7 in Block 106 of Hand Land Company's Addition to the Town of Bay Minette, to be used in procuring the facilities, title to such property having been taken in the name of and the same being vested in Wilson C. Beasley, J. H. Faulkner and R. H. Stuart. In furtherance of such objective there has been organized the Bay Minette Hospital, Inc., and there has been raised sufficient funds, together with the aforesaid lots, sufficient to purchase from L. T. Rhodes, Sr. the building and grounds suitable for such purpose;

"Now, Therefore, Be it Resolved, that the said Wilson C. Beasley, J. H. Faulkner, and R. H. Stuart, be and they are hereby authorized and directed to convey the aforesaid lots to L. T. Rhodes, Sr., in partial payment for and upon his conveying certain lots to the Bay Minette Hospital, Inc."

4. Pursuant to the authority vested in complainants as said Trustees by the said resolution, they did on, to-wit, December 22, 1950, make, execute and deliver to L. T. Rhodes, Sr., a deed conveying the said real property, which deed is dated December 22, 1950, and recorded in Deed Book 162 at pages 225-6, Baldwin County, Alabama Records, a copy of which is hereto attached marked Exhibit B and by reference made a part hereof as though fully incorporated herein.

5. Title to the said Lots 5, 6 and 7 in the said Block 106 has passed by mesne conveyances from L. T. Rhodes, Sr., to the City of Bay Minette, Alabama, a municipal corporation, and is now owned by the said City.

6. Complainants have now been advised that the said deed, which is described above, from them as said Trustees to L. T. Rhodes, Sr., was not sufficient to convey the property described therein, which is the property described in this Bill of Complaint, to the said grantee free of and from the trust in favor or for the benefit of the ^{Bay Minette} Chamber of Commerce, an unincorporated association, and it is now desirable and necessary that complainants, as said Trustees, be authorized to make, execute and deliver a correction deed to the City of Bay Minette, Alabama, a municipal corporation, conveying the said real property for the purpose of perfecting its title thereto.

PRAYER FOR PROCESS

Complainants pray that the usual process of this Honorable Court will forthwith issue to the respondent, requiring it to appear and plead, answer or demur to this Bill of Complaint in the time and in the manner required by law.

PRAYER FOR RELIEF

Complainants pray that on a final hearing of this cause they be given and granted the following separate and several relief:

A. That the complainants, as said Trustees, be authorized, empowered, instructed and directed to make, execute and deliver a correction deed conveying the above described real property to the City of Bay Minette, Alabama, a municipal corporation, free of the trust in favor or for the benefit of the Bay Minette Chamber of Commerce, an unincorporated association, in the manner provided in and by the opinion of the Supreme Court of Alabama in the case of Street vs. Pitts, 238 Ala. 531, 192 So. 258.

B. Complainants further pray for such other, further and general relief as they may be equitably entitled to, the premises considered.

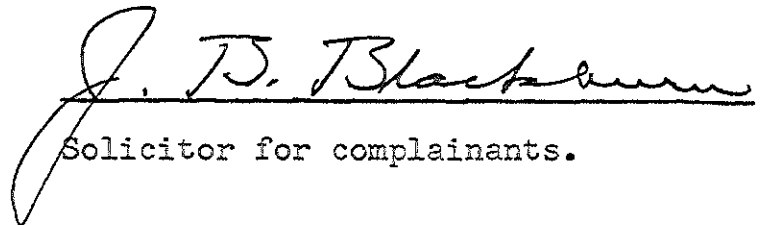

Solicitor for complainants.

EXHIBIT "A"

BOOK 021 PAGE 63

STATE OF ALABAMA,)
BALDWIN COUNTY.)

THIS INDENTURE, made and entered into on this the 19th day of July, 1950, by and between John B. Hadley and Hazel I. Hadley husband and wife, hereinafter referred to as the parties of the first part, and Wilson C. Beasley, J. H. Faulkner, and R. H. Stuart, as Trustees of and for the Bay Minette Chamber of Commerce, hereinafter referred to as the parties of the second part, WITNESSETH:

The parties of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to them this day in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, have and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said parties of the second part, the following described real property situated in Baldwin County, Alabama, to-wit:

Lots Numbered Five (5), Six (6), and Seven (7) in Block Numbered One Hundred Six (106), in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat of the said subdivision, which is recorded in Deed Book 4 N. S., at page 158 et seq., Baldwin County, Alabama Records.

TO HAVE AND TO HOLD, unto the said parties of the second part, their heirs and assigns, forever.

The parties of the first part for themselves, their heirs, executors and administrators, hereby covenant and warrant to and with the said parties of the second part, their heirs and assigns, that they are seized of an indefeasible estate in and to the said property; that they have a good right to convey the same as herein contained; that they will guarantee the peaceable possession thereof; that the said property is free from all liens and encumbrances, except 1950 taxes, and that they and their heirs and assigns, executors and administrators shall forever warrant and defend the same unto the said parties of the second part, their heirs and assigns, against the lawful claims of all persons.

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

(S) JOHN B. HADLEY (SEAL)

(S) HAZEL I. HADLEY (SEAL)

STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, Mary Lou Blackburn, a Notary Public, within and for said County in said State hereby certify that John B. Hadley and Hazel I. Hadley, husband and wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

I further certify that on the 19th day of July, 1950, came before me the within named Hazel I. Hadley, known to me to be the wife of the within named John B. Hadley, who, being examined separate and apart from her husband, touching her signature to the foregoing conveyance, acknowledged that she signed the same of her own free will and accord, and without fear, constraints or threats on the part of her husband.

Given under my hand and official seal on this the 19th day of July, 1950.

(S) MARY LOU BLACKBURN

Notary Public, Baldwin County, Alabama.

FILED July 20, 1950
RECORDED Deed Book 155, pages 344-5

EXHIBIT "B"

STATE OF ALABAMA

BOOK 021 PAGE 65

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, that we, WILSON C. BEASLEY, J. H. FAULKNER and R. H. STUART, as trustees of and for the Bay Minette Chamber of Commerce, and Wilson C. Beasley and Eleanor R. Beasley, his wife, J. H. Faulkner and Evelyn I. Faulkner, his wife, and R. H. Stuart and Rhonda B. Stuart, his wife, individually, GRANTORS, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable considerations to us in hand paid by L. T. RHODES, SR., GRANTEE, the receipt of which is hereby acknowledged do GRANT, BARGAIN, SELL AND CONVEY unto the said L. T. Rhodes, Sr., the following described land situated in Baldwin County, Alabama, to-wit:

Lots number 5, 6 and 7 in Block 106, in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official map or plat of the said sub-division, which is recorded in Deed Book 4 NS, page 158 et seq., Baldwin County, Alabama, records.

Together with all and singular the rights, members, privileges, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD unto the said grantee, his heirs and assigns, forever. And we do covenant with the said grantee that we are lawfully seized in fee simple of the said premises, of which we are in the quiet and peaceable possession, that we have a good right to sell and convey the same as aforesaid, that said premises are free from all liens and encumbrances, and that we will, and our heirs and assigns shall, forever warrant and defend the title to and the possession of the same unto the said grantee, his heirs and assigns, against the lawful claims of all persons whomsoever.

The grantee herein will assess and pay the taxes due October 1, 1951.

This conveyance is executed under authority of and in

strict conformity with a resolution of the Chamber of Commerce of Bay Minette, Alabama, at a regular meeting of the said Chamber of Commerce held on the 22 day of December, 1950, a copy of which is hereto attached and made a part of this conveyance.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this the 22 day of December, 1950.

(S) WILSON C. BEASLEY (SEAL)
Trustee

(S) J. H. FAULKNER (SEAL)
Trustee

(S) R. H. STUART (SEAL)
Trustee

(S) WILSON C. BEASLEY (SEAL)

(S) ELEANOR R. BEASLEY (SEAL)

(S) J. H. FAULKNER (SEAL)

(S) EVELYN I. FAULKNER (SEAL)

(S) R. H. STUART (SEAL)

(S) RHONDA B. STUART (SEAL)

STATE OF ALABAMA

BALDWIN COUNTY

I, Madeline S. Bryars, a Notary Public in and for said State and County, hereby certify that Wilson C. Beasley, J. H. Faulkner and R. H. Stuart, whose names as trustees for the Bay Minette Chamber of Commerce, are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they, in their capacity as such trustees, executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 22 day of December, 1950.

(S) MADELINE S. BRYARS
Notary Public, Baldwin Co., Ala.

FILED January 24, 1951
Recorded Deed Book 162, pages 225-28