

3833

ESTATES OF)	IN THE CIRCUIT COURT OF
WILLIE MAE BRADLEY,)	BALDWIN COUNTY, ALABAMA
JAMES DAVID BRADLEY,)	IN EQUITY.
and BETTY FAY BRADLEY.)	

DECREE REMOVING GUARDIANSHIP TO EQUITY COURT

This cause coming on to be heard on this date is submitted on the verified petition of Annie Mae Eracken, as guardian of Willie Mae Bradley, James David Bradley, and Betty Fay Bradley, minors, to remove the guardianship of the said minors, which is now pending in the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, WHEREUPON, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The said guardianship shall be and it is hereby removed from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, Sitting in Equity.

2. The Register of this court shall forthwith deliver a copy of this decree to the Judge of Probate of Baldwin County, Alabama, who shall deliver all papers on file in the said estates to the Register of the Circuit Court of Baldwin County, Alabama, in Equity.

ORDERED, ADJUDGED AND DECREED on this the ____ day of July, 1956.


Judge

ESTATES OF) IN THE CIRCUIT COURT OF
WILLIE MAE BRADLEY,) BALDWIN COUNTY, ALABAMA
JAMES DAVID BRADLEY,) IN EQUITY
and BETTY FAY BRADLEY.)

DECREE ORDERING ORAL TESTIMONY OF WITNESSES

It is ORDERED, ADJUDGED AND DECREED by the court that the testimony of the Petitioner's witnesses in connection with the petition filed in this cause for authority to execute a real estate mortgage be taken orally in open court in the manner provided by Equity Rule Number 56, as amended.

ORDERED, ADJUDGED AND DECREED on this the 26 day of July, 1956.


Judge.

ESTATES OF)
WILLIE MAE BRADLEY,)
JAMES DAVID BRADLEY,)
and BETTY FAY BRADLEY.)

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

DECREE REMOVING GUARDIANSHIP TO EQUITY COURT

This cause coming on to be heard on this date is submitted on the verified petition of Annie Mae Bracken, as guardian of Willie Mae Bradley, James David Bradley, and Betty Fay Bradley, minors, to remove the guardianship of the said minors, which is now pending in the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, WHEREUPON, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The said guardianship shall be and it is hereby removed from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, Sitting in Equity.

2. The Register of this court shall forthwith deliver a copy of this decree to the Judge of Probate of Baldwin County, Alabama, who shall deliver all papers on file in the said estates to the Register of the Circuit Court of Baldwin County, Alabama, in Equity.

ORDERED, ADJUDGED AND DECREED on this the ²⁶26 day of July, 1956.

Hubert M. Stace
Judge

ESTATES OF)
WILLIE MAE BRADLEY,)
JAMES DAVID BRADLEY,)
and BETTY FAY BRADLEY.)

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

DECREE APPOINTING GUARDIAN AD LITEM

In this cause it appearing to the court that Telfair J. Mashburn, Jr., an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, has been appointed guardian ad litem to represent Willie Mae Bradley, James David Bradley, and Betty Fay Bradley, minors to represent their interests in connection with their petition that has been filed in this cause by Annie Mae Brackin, as their said guardian, for authority to execute a real estate mortgage on property in which the said wards are interested.

It is, therefore, ORDERED, ADJUDGED AND DECREED that the said Telfair J. Mashburn, Jr., who is in all respects a fit and proper person to be appointed as guardian ad litem, be and he is hereby appointed as guardian ad litem for the said minors, Willie Mae Bradley, James David Bradley, and Betty Fay Bradley, to represent them and protect their interest in connection with the said petition without service on the said minors.

ORDERED, ADJUDGED AND DECREED on this the 27 day of July, 1956.

Hubert M. Hall
Judge.

45.00

FILED

JUL 27 1956

ALICE J. DUCK, Register
IN THE

ESTATE OF
WILLIE MAE BRADLEY, JAMES
DAVID BRADLEY AND BETTY FAY BRAD-
EEY, Minors.

CIRCUIT COURT OF BALDWIN COUNTY
ALABAMA. IN EQUITY.

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

MRS. ANNIE MAE BRACKIN, BEING FIRST DULY SWORN, TESTIFIED:

Direct Examination by Jim Hendrix.

Q. You are Mrs. Annie Mae Brackin?

A. That's right.

Q. Mrs. Brackin, I am going to show you a deed here and ask you if this is the deed that was executed by Harley O. Barnes and Willie Mae Barnes to you and your children named in the deed?

A. That is right.

Q. It is made out to Annie Mae Bradley, Lavaughn Bradley, Mervin Bradley, Willie Mae Bradley, James David Bradley, Betty Fay Bradley and Doris Bradley?

A. Yes sir.

Q. Now I will ask you which of these children are minors at this time? -- under the age of 21?

A. The three youngest - that is Willie Mae Bradley, James David and Betty Fay. The baby is dead.

Q. Doris Bradley is dead?

A. Yes sir, she died when she was a baby.

Q. The only heirs she had were the other joint tenants in this property, is that right?

A. Yes sir.

MR. HENDRIX: We offer in evidence this deed from Harley O. Barnes and Willie Mae Barnes to Annie Mae Bradley, Lavaughn Bradley, Mervin Bradley, Willie Mae Bradley, James David Bradley, Betty Fay Bradley and Doris Bradley, and ask that it be identified as Exhibit 1.

Q. Mrs. Brackin, I will ask you if you and your husband and these children occupy or live in the house on this property as a home?

A. Yes sir.

Q. You do?

A. Yes sir.

Q. Now has there been repairs recently made on this house?

A. You mean other than what has been done lately?

Q. Recent repairs made on the house?

A. That's right.

Q. I want you to explain just exactly what the repairs consist of?

A. What was added on?

Q. That's right.

A. Two rooms 12 x 14--

Q. Bed rooms?

A. Yes sir, and the porch repaired and siding over all of the house.

Q. Now is it necessary for you to execute a mortgage on this property in order to pay for those repairs?

A. Yes sir.

Q. I will ask you, Mrs. Brackin, if it is to the best interest of these minors and the other joint tenants that this mortgage be executed in order to pay for these repairs?

A. Yes sir.

ON CROSS EXAMINATION, WITNESS TESTIFIED:

Examination by Mr. Mashburn, Guardian Ad Litem.

Q. Is the father of these children dead?

A. Yes sir.

Q. And you have remarried?

A. Yes sir.

Q. And your present husband lives there with you all?

A. Yes sir.

Q. How long have you been married?

A. Three years the 6th day of this past June.

Q.

- Q. Your husband has been living there?
- A. Yes sir.
- Q. Does he work?
- A. Yes sir.
- Q. Where?
- A. Alabama Ship Yard.
- Q. Is he able to make the payments?
- A. Yes sir.
- Q. Do you have - you and he - have any children?
- A. No sir.
- Q. How many rooms were in the house before it was repaired?
- A. Four rooms - just two bed rooms.
- Q. You had how many children living at home?
- A. Three and my mother lives with us; there were six in all.
- Q. Those children - two of them are boys?
- A. One boy and two girls.
- Q. Now how much is the amount of the mortgage you intend to put on the place?
- A. It will be \$1500.00 for the mortgage. The total repairs were \$2,000.00--
- Q. The total cost of the repairs were \$2,000.00?
- A. Yes sir.
- Q. Your present husband is paying \$500.00 of that ?
- A. Yes sir.
- Q. Do these children have any income?
- A. They get Social Security.
- Q. How much?
- A. \$79.50 a month
- Q. Have you saved any of that?
- A. No sir.
- Q. You have used all of that \$79.50 for their support?
- A. Yes sir.
- Q. Your husband does not contribute anything for their support?
- A. We use all of it on both sides for support; three of the

children are in school and it takes a lot.

Q. Who do you intend to borrow this money from?

A. Mr. Ellis

Q. Down at the Central Baldwin Bank in Robertsdale?

A. That's right.

ON RE-DIRECT EXAMINATION BY MR. HENDRIX:

Q. Mrs. Brackin, the value of this house has been greatly increased by these repairs?

A. I would think so.

Q. Your husband intends to make the monthly payments on this mortgage out of his wages?

A. Yes sir.

Q. How much will the monthly payments run?

A. Supposed to be \$30.00 a month, ~~plus interest~~

Q. That is to run for four years? And is plus interest?

A. He didn't say anything about interest, but I would think it would run to \$30.00 a month.

MR. BRACKIN, BEING FIRST DULY SWORN, TESTIFIED:

Direct examination by Mr. Hendrix.

Q. Mr. Brackin, you are familiar with the situation here?

A. Yes sir.

Q. This house in which you are living in before it was repaired, was it adequate for these minor children that live in it and the other people who live in it?

A. No sir, I don't think it was.

Q. How many bed rooms did it have?

A. It had two bed rooms and a living room and kitchen.

Q. Now in your opinion, do you think that it was necessary, for the benefit of these minors, to have these repairs done on the house?

A. I do.

Q. And you intend to make these monthly payments to the Central Baldwin Bank for these repairs?

A. I do.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Mashburn, Guardian Ad Litem.

Q. You have been living in the place for three years?

A. That is right.

Q. The house is in the name of the children and your wife?

A. It is in her name and the children's name.

LOTTIE BRAZIER, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Hendrix.

Q. Do you live near Mrs. Brackin in Loxley?

A. I live about a block from her.

Q. Did you know the house before the repairs were done on it?

A. Yes sir.

Q. Was the house adequate for the people who lived in it at that time?

A. Well I don't think so; I don't think they had enough room.

Q. Do you know how many people were living in it before and up to now?

A. Well I know how many has been living in it since she has been living there.

Q. How many?

A. Her mother, her and her children.

Q. How many children?

A. She had four there until the baby died and that left three, and when she married* her husband came there to live.

Q. Do you think that it is to the best interest of the minors that the addition be made to the house in order to better provide for their welfare?

A. I do.

Q. Are you any relation to Mrs. Brackin?

A. We are just friends.

Q. You are not interested in any way?

A. No sir.

ON CROSS EXAMINATION, WITNESS TESTIFIED:

Examination by Mr. Mashburn, guardian ad Litem.

Q. How long have they been living in the house as it was?

A. She married about three years ago and they have been living there since. Her and the children lived there before she married.

I hereby certify that the foregoing is a true and correct transcript of the testimony taken by me in the above styled cause before Hon. Hubert M. Hall, Judge of said Court, on this 27th day of July, 1956.

Court Reporter

ESTATES OF)	
WILLIE MAE BRADLEY,)	IN THE CIRCUIT COURT OF
JAMES DAVID BRADLEY,)	WALDWIN COUNTY, ALABAMA
and BETTY FAY BRADLEY.)	IN EQUITY.

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM

TO Telfair J. Mashburn, Jr., ESQUIRE:

You are hereby notified that you have been appointed as guardian ad litem for Willie Mae Bradley, James David Bradley, and Betty Fay Bradley, minors, to represent them and protect their interests in connection with a petition that has been filed in this cause by Annie Mae Bracken, as their said guardian, praying for authority to execute a real estate mortgage on property in which the said minors are interested.

Dated this 26 day of July, 1956.

Annie Mae Bracken
Register

ACCEPTANCE OF GUARDIAN AD LITEM

I, the undersigned guardian ad litem heretofore appointed to represent the said wards, Willie Mae Bradley, James David Bradley, and Betty Fay Bradley, minors, do hereby accept said appointment.

Dated this 26th day of July, 1956.

Telfair J. Mashburn, Jr.
Guardian ad litem.

ANSWER OF GUARDIAN AD LITEM

Now comes Willie Mae Bradley, James David Bradley, and Betty Fay Bradley, minors, by the undersigned as his guardian ad litem, and for answer to the petition that has been filed in this cause by Annie Mae Bradley, as guardian of the said minors, praying for authority to execute a real estate mortgage on property in which the said ward is interested, denies each and all the allegations of the said petition and demands strict proof of same.

Dated this 26th day of July, 1956.

Telfair J. Mashburn, Jr.
Guardian ad litem.

ESTATES OF) IN THE CIRCUIT COURT OF
 WILLIE MAE BRADLEY,) BALDWIN COUNTY, ALABAMA
 JAMES DAVID BRADLEY,) IN EQUITY
 and BETTY FAY BRADLEY)

PETITION FOR AUTHORITY TO EXECUTE A REAL ESTATE
 MORTGAGE.

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

Your Petitioner, Annie Mae Brackin, who is over twenty-one years of age and a resident of Baldwin County, Alabama, respectfully represents unto the court and your Honor as follows:

1. She was heretofore appointed, qualified and is now acting as guardian of Willie Mae Bradley, James David Bradley and Betty Fay Bradley, minors 14, 13 and 12 years of age respectfully, which guardianship is now pending in this court.

2. The said wards, Willie Mae Bradley, James David Bradley, and Betty Fay Bradley, owns an undivided one-sixth (1/6) interest in the following described real property situated in Baldwin County, Alabama, to-wit:

Lots Seven and Fifteen in Block Five of "The Highways", a subdivision in the Town of Loxley, as per plat recorded in Map Book 1, page 91, of the Probate Records of Baldwin County, Ala.

3. It is to the best interest of the said wards that the above described property be kept together under joint ownership as now held to be used as a dwelling house for the said wards and the under joint owners of said property.

It is necessary that the said property be improved by adding two bedrooms, reroofing the porch and putting new siding on the dwelling house. At present there are six people living in the house located on said property. Said house is small having only two bedrooms; that the house in its present condition is not large enough to suitably accommodate the large family which now lives in it. The porch leaks badly and is in dire need of reroofing. The general appearances of the house is not good at present and its value would be greatly enhanced by putting new siding on same. It is necessary that the cost of said repairs be financed by the execution of a real estate mortgage on

the above described real property, which shall be executed by all of the joint owners of the said property and join therein by Petitioner as guardian of the said minor children as above set out. The said loan will be made to the Central Baldwin Bank of Robertsdale, Alabama, to secure the principal sum of \$1500⁰⁰ Dollars, together with interest thereon from date of execution at the rate of 6 per cent per annum, which shall be paid in equal monthly installments of 30⁰⁰ and commencing on the 1 day of September, 1956. The note which is secured by the said mortgage provides that the mortgagors may accelerate payment of the said debt. It is to the best interest of the said wards that Petitioner, as their said guardian, be authorized to join with the other joint owners of the said property in making, executing and delivering the said mortgage for the purpose of securing funds to pay for the above described improvements.

WHEREFORE, Petitioner prays that the court will take jurisdiction of this petition, appoint and set a day to hear it, appoint a guardian ad litem to represent the said wards, and that on the said hearing Petitioner, as said guardian, be authorized to join with the other joint owners of the above described real property in making, executing and delivering the above described mortgage to secure the said debt of \$1500⁰⁰ and interest at 6 per cent per annum.

Petitioner further prays that such other orders be made and decrees rendered as may be requisite and proper in the premises.

Mrs Annie Mae Brackin

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County and State, personally appeared Annie Mae Brackin, who, after being by me first duly and legally sworn, deposes and says: That she has read over the foregoing petition and that the facts stated therein are true.

James A. Hendrix

Sworn to and subscribed before me on this the 26 day of July, 1956.

James A. Hendrix
Notary Public, Baldwin County, Alabama.

ESTATES OF)
 WILLIE MAE BRADLEY,)
 JAMES DAVID BRADLEY,)
 and BETTY FAY BRADLEY.)

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

PETITION TO REMOVE GUARDIANSHIP FROM PROBATE
 COURT TO EQUITY COURT.

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

Your Petitioner, Annie Mae Brackin, who is over twenty-one years of
 age and a resident of Baldwin County, Alabama, respectfully represents unto
 the court and your Honor as follows:

1. Petitioner has been appointed, qualified and is now acting as
 guardian of the Estates of Willie Mae Bradley, James David Bradley, Betty Fay
 Bradley, minors, which guardianship is now pending in the Probate Court of
 Baldwin County, Alabama.

2. Because of the broader powers of the Circuit Court of Baldwin
 County, Alabama, in Equity, the said estates can be better administered and
 handled in the Circuit Court of Baldwin County, Alabama, in Equity, than in
 the Probate Court of Baldwin County, Alabama.

WHEREFORE, Petitioner prays that the court will make and enter a pro-
 per order or decree removing the said guardianships from the Probate Court of
 Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama.
 Petitioner further prays that such other orders be made and decrees rendered as
 may be requisite and proper in the premises.

Mrs Annie Mae Brackin
 Petitioner.

STATE OF ALABAMA)
 *
 BALDWIN COUNTY)

Before me, the undersigned authority, within and for the State of
 Alabama at Large, personally appeared Annie Mae Brackin, who after being by
 me first duly and legally sworn, deposes and says: That she has read over
 the foregoing petition and that the facts stated therein are true.

Mrs Annie Mae Brackin

Sworn to and subscribed before me on
this the 26 day of July, 1956.

James G. Hendrix
Notary Public, Baldwin County, Alabama.

ESTATES OF)	
WILLIE MAE BRADLEY,)	IN THE CIRCUIT COURT OF
JAMES DAVID BRADLEY,)	BALDWIN COUNTY, ALABAMA
and BETTY FAY BRADLEY.)	IN EQUITY.

DECREE AUTHORIZING EXECUTION OF MORTGAGE

This cause coming on to be heard on this date is submitted for a decree authorizing the execution of a real estate mortgage on the sworn petition of Annie Mae Brackin, as guardian of Willie Mae Bradley, James David Bradley, and Betty Fay Bradley, minors of the ages of fourteen (14), thirteen (13), and twelve (12), respectively; the decree of this court appointing a guardian ad litem without service on the said minors; notice of appointment, acceptance and answer of the guardian ad litem for the said minors; the decree of this court ordering that the testimony of the witnesses for Petitioner be taken orally in open court in the manner provided by Equity Rule Number 56, as amended; and the testimony of the witnesses for Petitioner taken in open court on this date, upon consideration of all of which the court is of the opinion and finds as follows:

1. Petitioner has been appointed, qualified and is now acting as guardian of the said minors, which said guardianship is now pending in this court.
2. The said minors each own an undivided one-sixth (1/6) interest in and to the real property hereinafter described. It is to the best interest of the said wards that said property be kept together in order that it can be used by the wards and the other joint owners of said property as a dwelling house, it is also necessary that said real property be improved by adding two bed rooms, reroofing the porch and residing the same, in order to create better living conditions for the said minors and the other joint owners.
3. It is necessary that the cost of the said improvements be financed for the execution of a real estate mortgage of the real property hereinafter described which said mortgage will be executed by all of the joint owners thereof.
4. The said minors, Willie Mae Bradley, James David Bradley, and Betty Fay Bradley, being represented by their guardian ad litem heretofore appointed in the manner provided by law, the court may proceed to hear and

dispose of this matter without any other or further notice to any other person.

The Petitioner is entitled to the relief prayed for by her in the said petition heretofore filed by her in this cause, upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

A. Annie Mae Brackin, as guardian of the said minors, Willie Mae Bradley, James David Bradley, and Betty Fay Bradley, shall be and she is hereby fully and completely authorized and empowered as such guardian to join with Annie Mae Brackin, LaVaughn Bradley, and Mervin Bradley, the joint owners of the following described real property situated in Baldwin County, Alabama, to-wit:

Lots Seven and Fifteen in Block Five of "The Highways", a subdivision in the Town of Loxley, as per plat recorded in Map Book 1, page 91, of the Probate Records of Baldwin County, Ala.

in executing a mortgage on the said minors' interest in and to the above described property to the Central Baldwin Bank of Robertsdale, Alabama, to secure an indebtedness of \$1500⁰⁰ dollars, together with interest thereon from date of execution at the rate of 6 per cent, which said indebtedness shall be paid in monthly installments of \$30⁰⁰ dollars each which said payments shall commence on the 1st day of September and continuing on the 1st day of each month thereafter until fully paid. The said guardian is also fully and completely authorized and empowered to join with the other said parties in executing and delivering a note to evidence the debt secured by the said mortgage.

B. It is to the best interest of the said wards, Willie Mae Bradley, James David Bradley, and Betty Fay Bradley, that Petitioner, as their guardian, be authorized to join with the other joint owners of the above described property in making, executing and delivering the said mortgage for the purpose of making the improvements as above set out.

C. The Register of this court shall promptly file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

D. After executing and delivering the above described note and mortgage, and after receiving payment of the proceeds of the said loan, the said guardian shall report her actions in the premises to this court for final confirmation.

E. Jurisdiction of this cause is reserved for such other and further orders and decrees which may become necessary and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 27 day of July, 1956.

Hubert M. Hall
Judge.