

PEOPLES FERTILIZER COMPANY
A Corporation,

COMPLAINANT

VS

MORRIS TAYLOR, DAISY OPAL
TAYLOR, PRINCE GRIFFIN, as
Executor of the Estate of
H. M. PARSONS, Deceased,
ANNIS PARSONS MOORER, VADA
PARSONS POTTS, GOLDA PARSONS
FRIEDHOFF, NETTIE PARSONS
WILLIAMS AND MARGARET PARSONS
GRIFFIN,

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

CASE NO. 3927.

Comes MARGARET PARSONS GRIFFIN, Respondent in the above styled
cause and hereby appeals to the Supreme Court of Alabama from the
final decree of the Circuit Court of Baldwin County, in Equity
rendered in the above styled cause on the 4th day of November, 1958,
as amended on the 12th day of December, 1958.

Margaret Parsons Griffin

I the said MARGARET PARSONS GRIFFIN, being duly sworn do depose
and say that I am married and I am unable to make a proper appeal bond,
wherefore I file this appeal under the provisions of Title 7 Section
799 of the 1940 Code of Alabama as amended.

Margaret Parsons Griffin

Sworn to and subscribed before me on this the 20 day of

Dec, 1958.

C. J. Davis Thompson
Notary Public, Baldwin County, Alabama.

FILED

DEC 22 1958

ALICE J. DUCK, CLERK
REGISTER

PEOPLES FERTILIZER COMPANY,
A Corporation,

Complainants

vs.

MORRIS TAYLOR, DAISY OPAL
TAYLOR, PRINCE GRIFFIN as
Executor of the Estate of
H. M. Parsons, Deceased,
ANNIS PARSONS MOORER, VADA
PARSONS POTTS, GOLDA PARSONS
FRIEDHOFF, NETTIE PARSONS
WILLIAMS and MARGARET PARSONS
GRIFFIN,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3927

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

In pursuance to the decrees of the Circuit Court of Baldwin County, Alabama, In Equity, dated November 4, 1958, and January 27, 1960, I, Alice J. Duck as Register of said Court, did offer and sell in front of the courthouse door of Baldwin County, Alabama, at 11:30 A. M. on Monday, February 29, 1960, at public outcry, to the highest bidder for cash, the following described real property situated in Baldwin County, Alabama, to-wit:

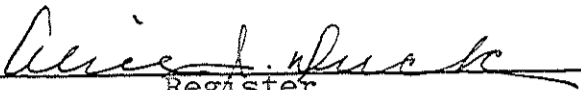
Beginning at the Southwest Corner of the Southwest Quarter of the Southeast Quarter of Section 16, Township 2 South, Range 3 East, and run thence North 488.5 feet to a point, thence run East 535 feet to a point, thence run South 488.5 feet to a point, thence run West 535 feet to the point of beginning, containing 6 acres, more or less, except a 20 foot strip off the West side of said property conveyed to Baldwin County, Alabama, for a public road,

Together with, all and singular, the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging to or in any wise appertaining.

At such sale the Peoples Fertilizer Company, a Corporation, the Complainant in said cause, was the highest, best and last bidder, its bid being in the sum of Five Thousand Dollars (\$5,000.00). That I, as such Register, was directed by said Court to execute a proper deed conveying said property to the purchaser thereof, which deed will be executed and delivered by me to such purchaser at the expiration of ten (10) days from the date of such sale unless otherwise ordered by this Court. After the delivery of such deed the money received by me will be paid over to the said Peoples Fertilizer Company, a corporation, to apply upon its judgment against Morris Taylor

as directed by such decree.

Done this 29th day of February, 1960.


Register

Received 24 day of Jan 1958
on 24 day of Jan 1958
and a copy of the within Citation
Annis Larson Mason

2/9100
R

3927
2/25
268

service on _____
TAYLOR WILKINS, Sheriff
By Collect D. S.

EXECUTED
This 30 day of Jan, 1958
by serving a copy of the within on
Golden Parsons Fredhoff
RAY D. BRIDGES, Sheriff
By Wm. Wade D. S.

Received _____ day of _____ 19____
and on 7 day of Feb 1958
I served a copy of the within Citation
on Margaret Larson Druffin
James Druffin, as Exe.
Est of A.M. Larson
TAYLOR WILKINS, Sheriff
By Edleigh Stadhams D. S.

EXECUTED
This 28 day of Jan, 1958
by serving a copy of the within on
Nellie Parsons Williams
RAY D. BRIDGES, Sheriff
By L. Duggers D. S.

(2) A. Airhope
Sheriff claims 140 miles at 14.00
Ten Cents per mile
TAYLOR
BY Stadhams

FILED
JAN 28 1958
ALICE J. DUCK, Registrar

1127

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN THE CHANCERY COURT OF BALDWIN COUNTY

To PEOPLES FERTILIZER COMPANY, A Corporation

Or To Chason & Stone, Solicitors of record.

Whereas, on the 22 day of December, 1958, Margaret Parson Griffins

Annis Parsons Moorer, Golda Parsons Friedhoff, Nettie Parsons Williams

took an appeal from the decree rendered on the 12th day of December

1958, by the Circuit Court of said county, in the cause of _____

PEOPLES FERTILIZER COMPANY, A Corporation

_____ versus MORRIS TAYLOR, DAISY OPAL

TAYLOR, PRINCE GRIFFIN, as Executor of the Estate of H. M. PARSONS, Deceased,

ANNIS PARSONS MOORER, VADA PARSONS POTTS, GOLDA PARSONS FRIEDHOFF, NETTIE PARSONS

WILLIAMS, AND MARGARET PARSONS GRIFFIN.

Now, therefore, you are cited to appear as required by law, before the Supreme Court of Alabama, to defend on said appeal, if you think proper so to do.

Witness my hand this 22 day of December, 1958.

W. J. ...
Register in Chancery.

3927

received 23 day of Dec 1958

at 23 day of Dec 1958

sent a copy of the within Attest
Chason & Stone

service on M Stone

TAYLOR WILKINS, Sheriff

By W. A. Tolbert D. S.

omi

Peoples Fertilizer Co Complainant

vs.

Morris Taylor et al Respondent

CITATION OF APPEAL

IN EQUITY

serve on
Chason & Stone

Issued _____ day of _____, 19____

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA, SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MORRIS J. TAYLOR,

Defendant,

ALICE DUCK, REGISTER OF THE CIRCUIT
COURT OF BALDWIN COUNTY, ALABAMA,
BAY MINETTE, ALABAMA,

Garnishee.

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CIVIL ACTION NO. 2351

WRIT OF GARNISHMENT

The undersigned Alice Duck, as Register of the Circuit Court of Baldwin County, Alabama, hereby answers under oath the Writ of Garnishment served upon her in the above styled cause. In answer to such Writ of Garnishment the undersigned says that she was not indebted to Morris J. Taylor at the time of the service of such Writ of Garnishment or at the time of making this answer or at any time intervening between the time of service of the Garnishment and the making of the answer and that she will not be indebted in the future to the said Morris J. Taylor by a contract now or then existing and she is not liable to him for the delivery of personal property or for the payment of money which may be discharged by the delivery of said personal property and she does not have in her possession or under her control real or personal property or things in action belonging to the said Morris J. Taylor.

For further answer to this Writ of Garnishment the undersigned says that under and by virtue of a decree rendered by the Circuit Court of Baldwin County, Alabama, In Equity, on November 4, 1958, and a supplemental decree rendered by the Circuit Court of Baldwin County, Alabama, In Equity, on January 27, 1960, copies of such decrees being attached to this answer, she gave notice of sale of the property described in the decree dated November 4, 1958, and she did, on the 29th day of February, 1960, at 11:30 A. M. proceed to sell said property at the front door of the courthouse in Bay Minette, Alabama, and at such sale the Peoples Fertilizer Company, a corporation, was the highest bidder for said property, its bid being \$5,000.00. That such amount is not sufficient to pay the judgment due the Peoples Fertilizer Company as set out in the decrees hereinabove referred to and therefore there is no excess monies on hand to be delivered to the

said Morris J. Taylor or any other judgment creditor. The undersigned, as such Register, will immediately after the expiration of ten days from the date of such sale, execute and deliver to such purchaser a deed conveying said property.

Having fully answered the Writ of Garnishment the undersigned prays that she be discharged as Garnishee.

Dated this _____ day of March, 1960.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, _____, a Notary Public, in and for said County in said State, personally appeared Alice Duck, who is known to me and who after being by me first duly and legally sworn, did depose and say under oath as follows:

That her name is Alice Duck and she is the Register of the Circuit Court of Baldwin County, Alabama, In Equity. That she signed the foregoing Answer of Garnishment as such Register and all of the matters and facts alleged in such answer are true and correct.

Sworn to and subscribed before
me on this _____ day of March, 1960.

Notary Public, Baldwin County, Alabama

The Baldwin Times

"Baldwin's Only All County Newspaper"

BAY MINETTE, ALABAMA

J. H. FAULKNER, Publisher
E. R. MORRISSETTE, Jr., Editor-Manager

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

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

Peoples Fertilizer Company vs.
Morris Taylor

COST STATEMENT

338 WORDS @ 5 cents 90 = \$ 16 =

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

E. R. Morrisette, Jr.
Editor.

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

Date of 1st publication February 4, 1960 Vol. 72 No. 4

Date of 2nd publication February 11, 1960 Vol. 72 No. 5

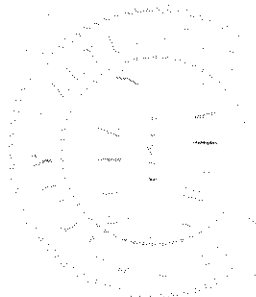
Date of 3rd publication February 18, 1960 Vol. 72 No. 6

Date of 4th publication _____, 19____ Vol. _____ No. _____

Subscribed and sworn before the undersigned this 16 day of Feb, 1960

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette, Jr.
Editor.



PEOPLES FERTILIZER COMPANY, INC.,
A Corporation,

Complainant,

VS.

MORRIS TAYLOR, ET AL.,

Respondents.

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

)
) NO. 3927
)

This matter coming on to be heard on the demurrer filed by the Respondent, Annis Moorer, as guardian of H. M. Parsons, a person of unsound mind, and the Court having considered the same is of the opinion that such demurrer should be overruled.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the demurrer filed by the Respondent, Annis Moorer, as Guardian of H. M. Parsons, a person of unsound mind, be and the same is hereby overruled.

IT IS FURTHER ORDERED AND DECREED by the Court that the Respondent, Annis Moorer, as Guardian of H. M. Parsons, shall have 20 days from the date hereof in which to file further pleadings.

This 21st day of May, 1957.

Hubert M. Hall
JUDGE

FILED

MAY 22 1957

ALICE J. DICK, Register

PEOPLES FERTILIZER COMPANY,
A Corporation

COMPLAINANT

VS

MORRIS TAYLOR, DAISY OPAL
TAYLOR, PRINCE GRIFFIN, as
Executor of the Estate of
H. M. Parsons, Deceased,
ANNIS PARSONS MOORER, VADA
PARSONS POTTS, GOLDA PARSONS
FRIEDHOFF, NETTIE PARSONS
WILLIAMS and MARGARET PARSONS
GRIFFIN,

RESPONDENTS

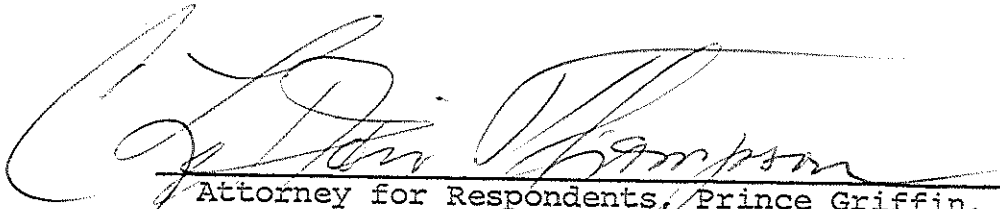
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

CASE NO. _____

Come now Prince Griffin, et al, Respondents in the above
styled cause with the following motion:

Notice is hereby given and demand made upon Peoples
Fertilizer Company, A Corporation, and upon John Chason, its
attorney of record, for an abstract in writing of the title or
titles on which the Plaintiff will rely for the recovery in
this suit.



Attorney for Respondents, Prince Griffin,
as Executor of the Estate of H.M. Parsons,
deceased, Annis Parsons Moorner, Vada
Parsons Potts, Golda Parsons Friedhoff,
Nettie Parsons Williams and Margaret
Parsons Griffin.

FILED

AUG 29 1958

WALDE L. DUCK, CLERK
REGISTER

9/16/58. The Court after hearing arguments
on above is of the opinion that the
motion is not well taken and that
it should be and is hereby
denied.

Robert M. Hester
Jury

PEOPLES FERTIFIZER COMPANY,
A CORPORATION,

Complainant,

vs.

MORRIS TAYLOR, DAISY OPAL
TAYLOR AND ANNIS MOORER, AS
GUARDIAN OF H. M. PARSONS,
a person of unsound mind,

Respondents.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

TO PRINCE GRIFFIN, AS EXECUTOR OF THE ESTATE OF H. M. PARSONS, DECEASED, AND TO ANNIS PARSONS MOORER, VADA PARSONS POTTS, GOLDA PARSONS FRIEDHOFF, NETTIE PARSONS WILLIAMS AND MARGARET PARSONS GRIFFIN, AS THE HEIRS AT LAW, NEXT OF KIN AND LEGATEES UNDER THE LAST WILL AND TESTAMENT OF H. M. PARSONS, DECEASED.

You will take notice that the Complainant will, on the 21st day of January, 1958, in the Circuit Court of Baldwin County, Alabama, In Equity, move that the above styled cause be revived against Prince Griffin, as the Executor of the estate of H. M. Parsons, Deceased, and against Annis Parsons Moorner, Vada Parsons Potts, Golda Parsons Friedhoff, Nettie Parsons Williams and Margaret Parsons Griffin, as the heirs at law, next of kin and legatees under the Last Will and Testament of H. M. Parsons, Deceased.

Done this the 8th day of January, 1958.

filed Jan. 8, 1958
Alice J. Luck, Recy.

CHASON & STONE

By: *[Signature]*
Solicitors for Complainant

PEOPLES FERTILIZER COMPANY,
A CORPORATION,

COMPLAINANT,

VS

MORRIS TAYLOR, DAISY OPAL
TAYLOR AND ANNIS MOORER, as
guardian of H. M. PARSONS, a
person of unsound mind,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

Comes Respondent Annis Moorer as guardina of H. M. Parsons and for demurrer to the above styled cause and to each and every count thereof separately and severally and to each and every phase thereof separately and severally demurres as follows:

1.

There is no equity in the bill.

2.

The allegations of said bill are in violation of the statute of fraud.

3.

That the agreement alleged in said bill is in violation of the statute of fraud.

4.

That for aught alleged in said bill of complaint respondent, Morris Taylor, has never held title to any of the property complained of.

5.

That for aught alleged in said bill of complaint respondent Morris Taylor, has never had a monetary interest in the property complained of.

6.

That for aught alleged in said bill of complaint the respondent Daisy Opal Taylor was the owner of said property at the time of conveyance to H. M. Parsons, non compos mentis.

7.

That for aught alleged in said complaint no allegations are alleged that H. M. Parsons had any knowledge the said Daisy Opal Taylor was holding said property in trust for anyone.

8.

That for aught alleged in said complaint no allegations are alleged that H. M. Parsons had any knowledge the said Daisy Opal Taylor was holding said property in trust for anyone, at the time he purchased said property from the said Daisy Opal Taylor.

filed Dec. 20, 1956
Alice J. Luck, Reg.

[Handwritten Signature]

Attorney for Annis Wooper as guardian for
H. M. Parsons, non compos mentis.

Refiled April 5, 1957
Alice J. Luck, Reg.

[Faint, illegible stamp]

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PEOPLES FERTILIZER COMPANY,
A CORPORATION,

COMPLAINANT,

VS

MORRIS TAYLOR, DAISY OPAL
TAYLOR AND ANNIS MOORER, as
guardian of H. M. PARSONS, a
person of unsound mind,

RESPONDENTS

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

Comes Respondent Annis Moorer as guardian of H. M. Parsons and for demurrer to the above styled cause and to each and every count thereof separately and severally and to each and every phase thereof separately and severally demurres as follows:

1.

There is no equity in the bill.

2.

The allegations of said bill are in violation of the statute of frauds.

3.

That the agreement alleged in said bill is in violation of the statute of frauds.

4.

That for aught alleged in said bill of complaint respondent, Morris Taylor, has never held title to any of the property complained of.

5.

That for aught alleged in said bill of complaint respondent Morris Taylor, has never had a monetary interest in the property complained of.

6.

That for aught alleged in said bill of complaint the respondent Daisy Opal Taylor was the owner of said property at the time of conveyance to H. M. Parsons, non compos mentis.

7.

That said complaint fails to allege that H. M. Parsons had any knowledge the said Daisy Opal Taylor was holding said property in trust for anyone.

8.

That said complaint fails to allege that H. M. Parsons had any knowledge the said Daisy Opal Taylor was holding said property in trust for anyone, at the time he purchased said property from the said Daisy Opal Taylor.

9.

The said Complainant in said cause ought not to recover in that said Complainant is by his own allegations guilty of laches.

10.

That the complaint in said cause fails to state a cause of action.

11.

That the said complaint is in violation of the statute providing that a wife may not be surety for her husband.

12.

That said complaint fails to include the Baldwin County Savings and Loan Association of Robertsdale as a proper party.

13.

That said complaint fails to include the Baldwin County Savings and Loan Association of Robertsdañe as a necessary party.

*filed Feb. 21, 1957
Alice J. Sluck, reg.*

*Registered Apr. 5, 1957
Alice J. Sluck, reg.*

[Signature]
Attorney for Annis Moorer as guardian for
H. M. Parsons, non compos mentis.

*I hereby certify that I have
this day delivered a copy of the
foregoing to Hon John Chason
atty for Peoples Fertilizer Co. Inc.
Feb. 21, 1957*

[Signature]

PEOPLES FERTILIZER COMPANY,
A CORPORATION,

Complainant,

vs.

MORRIS TAYLOR, DAISY OPAL
TAYLOR AND ANNIS MOORER,
As Guardian of H. M. PARSONS,
a person of unsound mind,

Respondents.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

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

In accordance with a notice filed in said cause on Jan-
uary 8, 1958, which said notice has been duly served upon Lenoir
Thompson as attorney of record for Annis Moorner as Guardian of H. M.
Parsons, a person of unsound mind, motion is hereby made by the Com-
plainant in said cause, acting by and through Chason & Stone as its
Solicitors of record, to revive said cause against Prince Griffin
as Executor of the estate of H. M. Parsons, Deceased, and against
Annis Parsons Moorner, Vada Parsons Potts, Golda Parsons Friedhoff,
Nettie Parsons Williams and Margaret Parsons Griffin, as the heirs
at law, next of kin and legatees under the Last Will and Testament of
H. M. Parsons, Deceased.

Done this 21st day of January, 1958.

filed
Jan. 21, 1958
Alice J. Duck, Registrar

CHASON & STONE

By: *[Signature]*
Solicitors for Complainant

PEOPLES FERTILIZER COMPANY,
A Corporation,

Complainant,

vs.

MORRIS TAYLOR, DAISY OPAL
TAYLOR, PRINCE GRIFFIN, as
Executor of the Estate of
H. M. Parsons, Deceased,
ANNIS PARSONS MOORER, VADA
PARSONS POTTS, GOLDA PARSONS
FRIEDHOFF, NETTIE PARSONS
WILLIAMS and MARGARET PARSONS
GRIFFIN,

Respondents.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes the Complainant in the above styled cause and moves the court to strike the special plea filed in said cause by the Respondents Prince Griffin, as Executor of the Estate of H. M. Parsons, Deceased, Annis Parsons Moorner, Vada Parsons Potts, Golda Parsons Friedhoff, Nettie Parsons Williams and Margaret Parsons Griffin on March 18, 1958, and as grounds for its said motion shows unto the court as follows:

1. That such suit is pending in Equity Court and there is no provision in equity for a special plea of this nature.
2. That said plea is improper.
3. That said plea does not state a proper defense to such proceeding In Equity.
4. That any defense which such Respondents have to this proceeding can be raised in their answer.

filed Mar. 20, 1958
Alise J. Luck, reg.

CHASON & STONE

By: *John Chason*
Solicitors for Complainant

PEOPLES FERTILIZER COMPANY
A CORPORATION,

Complainant,

vs.

MORRIS TAYLOR, DAISY OPAL
TAYLOR and ANNIS MOORER, as
guardian of H. M. PARSONS, a
person of unsound mind,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes the Complainant in the above styled cause and amends its Bill of Complaint heretofore filed in said cause by adding paragraph sixth as follows:

SIXTH:

That a short time prior to April 27, 1948, when a warranty deed was executed by Daisy Opal Taylor and Morris Taylor, her husband, to H. M. Parsons as set out in paragraph "Third." of the original Bill of Complaint filed in this cause, the said Morris Taylor, Daisy Opal Taylor, his wife, and H. M. Parsons entered into an oral agreement that such deed would be executed for the purpose of hindering, delaying or defrauding your Complainant in its collection of money due to such Complainant by the said Morris Taylor and such deed was executed by Morris Taylor and Daisy Opal Taylor, his wife, and accepted by H. M. Parsons for the purpose of hindering, delaying or defrauding your Complainant.

filed Apr. 1, 1957
Alice J. Luck, Reg.

By: *Sharon Stone*
[Signature]
Solicitors for Complainant

3927

AMENDMENT TO BILL OF COMPLAINT

PEOPLES FERTILIZER COMPANY,
a corporation,

Complainant,

vs.

MORRIS TAYLOR, DAISY OPAL TAYLOR
and ANNIS MOORER as guardian of
H. M. PARSONS, a person of un-
sound mind,

Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Filed this 1st day of April,
1957

Alice Luck
~~*et al*~~

C. LeNOIR THOMPSON

Attorney-At-Law

BAY MINETTE, ALABAMA

PHONES : 5941
7487

April 4, 1957

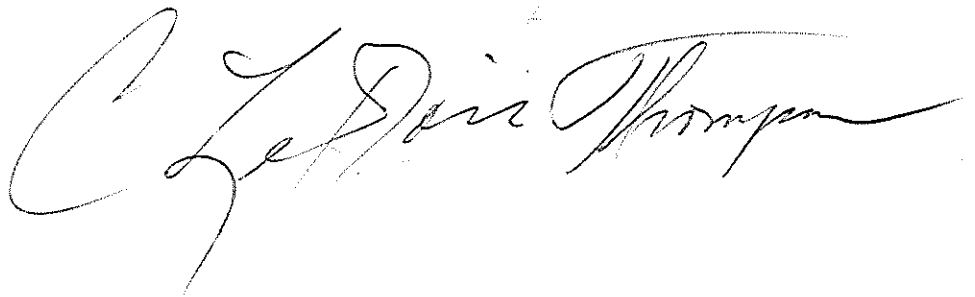
Mrs. Alice J. Duck
Clerk of the Circuit Court
Bay Minette, Alabama

3927
re: Peoples Fertilizer Co.
VS
Morris Taylor and H. M. Parsons

Dear Mrs. Duck:

Please refile my demurrers in the above styled cause, since Mr. Chason, attorney for the Complainant has ammended his complaint since my demurrers were filed.

Sincerely,



CLT/hm

PEOPLES FERTILIZER COMPANY,
A CORPORATION,
COMPLAINANT,

VS

MORRIS TAYLOR, DAISY OPAL TAYLOR
AND ANNIS MOORER, as guardian of
H. M. PARSONS, a person of unsound
mind,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Comes H. M. PARSONS, N.C.M., by his guardian ANNIS MOORER, and for
answer to each and every phase of each and every count of said petition
shows unto this Honorable Court as follows:

1.

As to count one he denies the allegations of said complaint.

2.

As to count two he denies the allegations of said complaint.

3.

As to count three he denies the allegations of said complaint.

4.

As to count four he denies the allegations of said complaint.

5.

As to count five he denies the allegations of said complaint.

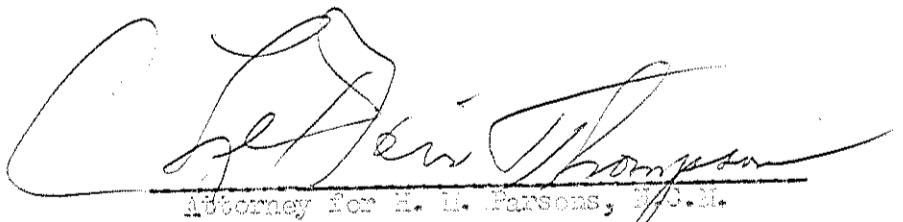
6.

As to count six he denies the allegations of said complaint.

FILED

JUN 12 1957

ALICE J. DUCK, Register


Attorney for H. M. Parsons, N.C.M.

PEOPLES FERTILIZER COMPANY,
A CORPORATION,

COMPLAINANT

VS

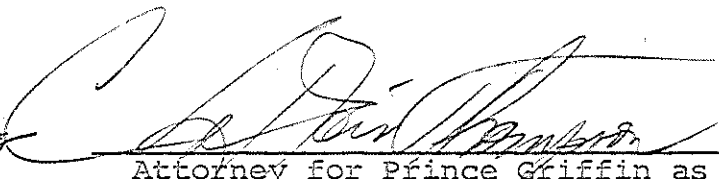
MORRIS TAYLOR, DAISY OPAL
TAYLOR AND ANNIS MOORER,
As Guardian of H. M. PARSONS,
a person of unsound mind,

RESPONDENTS

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

Come the Defendants, Prince Griffin as Executor of the estate of H. M. Parsons, Deceased, Annis Parsons Moorner, Vada Parsons Potts, Golda Parsons Friedhoff, Nettie Parsons Williams and Margaret Parsons Griffin, by C. LeNoir Thompson, their attorney of record in said cause and for special plea to the complaint say that the Plaintiff ought not to have and recover in this action because the alleged contract sued on, as set forth in said complaint is a contract for the sale of lands, tenements or hereditaments which by the allegations of said complaint was not in writing and comes within the prohibitions of the statutes of fraud.

filed Mar. 18, 1958
Alice J. Luck, Reg.



Attorney for Prince Griffin as Executor of the estate of H. M. Parsons, Deceased, and Annis Parsons Moorner, Vada Parsons Potts, Golda Parsons Friedhoff, Nettie Parsons Williams and Margaret Parsons Griffin.

PEOPLES FERTILIZER COMPANY,
A Corporation,

Complainant,

vs.

MORRIS TAYLOR, DAISY OPAL
TAYLOR, ANNIS MOORER, As
Guardian of H. M. Parsons,
a Person of unsound mind,
PRINCE GRIFFIN, As Executor
of the Estate of H. M. Parsons,
Deceased, VADA PARSONS POTTS,
GOLDA PARSONS FRIEDHOFF, NETTIE
PARSONS WILLIAMS and MARGARET
PARSONS GRIFFIN,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes the Complainant in the above styled cause and amends
its complaint filed in said cause by striking Annis Moorner as Guard-
ian of H. M. Parsons, a Person of unsound mind, as a party Respon-
dent in said cause.

FILED

MAR 20 1958

ALICE J. DUCK, CLERK
REGISTER

CHASON & STONE

By: J. L. Chason
Solicitors for Complainant

PEOPLES FERTILIZER COMPANY,
A CORPORATION,

Complainant

vs

MORRIS TAYLOR, DAISY OPAL
TAYLOR AND ANNIS MOORER, as
guardian of H. M. PARSONS, a
person of unsound mind,

Respondents

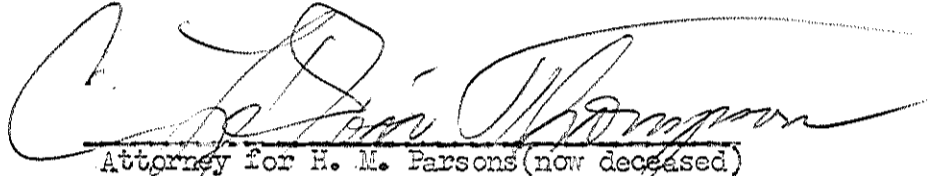
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

CASE NO. _____

Gomes C. LeNoir Thompson, Attorney for H. M. Parsons as represented
by Annis Moorer, guardian and suggest the death of H. M. Parsons which
occurred June 30, 1957.


Attorney for H. M. Parsons (now deceased)

PEOPLES FERTILIZER COMPANY,
A Corporation,

Complainant,

vs.

MORRIS TAYLOR, DAISY OPAL
TAYLOR, PRINCE GRIFFIN as
Executor of the Estate of
H. M. Parsons, Deceased,
ANNIS PARSONS MOORER, VADA
PARSONS POTTS, GOLDA PARSONS
FRIEDHOFF, NETTIE PARSONS
WILLIAMS and MARGARET PARSONS
GRIFFIN,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3927

NOTICE OF SALE

Under and by virtue of a decree rendered in the above cause on November 4, 1958; and supplemental decrees rendered by the Court in said cause on December 12, 1958, and January 27, 1960, I, Alice J. Duck as Register of said Court, shall proceed to sell at public auction to the highest bidder, for cash, in front of the courthouse door in Bay Minette, Baldwin County, Alabama, at 11:30 o'clock A. M. on Monday, February 29, 1960, the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at the Southwest Corner of the Southwest Quarter of the Southeast Quarter of Section 16, Township 2 South, Range 3 East, and run thence North 488.5 feet to a point, thence run East 535 feet to a point, thence run South 488.5 feet to a point, thence run West 535 feet to the point of beginning, containing 6 acres, more or less, except a 20 foot strip off the West side of said property conveyed to Baldwin County, Alabama, for a public road,

Together with, all and singular, the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging to or in any wise appertaining.

The above described property is now owned by Morris Taylor and is sold under and by virtue of said decrees to satisfy or apply upon an indebtedness due by Morris Taylor to The Peoples Fertilizer Company, a corporation, the Complainant in said cause.

IN WITNESS WHEREOF, I have hereunto set my hand and seal as Register of the Circuit Court of Baldwin County, Alabama, In Equity, on this the 27 day of January, 1960.

Chason & Stone,
Solicitors for Complainant

*MTB Please H. Consecutive
works -*

Alice J. Duck
Register

PEOPLES FERTILIZER COMPANY,
A Corporation,

Complainant,

vs.

MORRIS TAYLOR, ET AL.,

Respondents.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3927

* * * * *

NOTICE OF SALE

* * * * *

FILED
JAN 27 1960
ALICE J. DUCK, CLERK
REGISTER

PEOPLES FERTILIZER COMPANY,
A Corporation,

Complainant,

vs.

MORRIS TAYLOR, DAISY OPAL
TAYLOR, PRINCE GRIFFIN, as
Executor of the Estate of
H. M. Parsons, Deceased,
ANNIS PARSONS MOORER, VADA
PARSONS POTTS, GOLDA PARSONS
FRIEDHOFF, NETTIE PARSONS
WILLIAMS and MARGARET PARSONS
GRIFFIN,

Respondents.

X
X
X
X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes the Complainant in the above styled cause and amends paragraph "FOURTH" of its Bill of Complaint and its "PRAYER FOR RELIEF" in said cause so that the same shall read as follows:

FOURTH:

That subsequent to the execution and recording of these deeds mentioned in the last paragraph of this Bill of Complaint your Complainant secured a judgment in its suit against Morris Taylor hereinabove referred to, which judgment was rendered September 27, 1948, in favor of your Complainant and against Morris Taylor, one of the Respondents in the sum of Six Thousand Three Hundred Forty-two Dollars and Seventy-one Cents (\$6,342.71) and Fifteen Dollars and Fifty-five Cents (\$15.55) cost of court. That a certificate of judgment was recorded in the Office of the Judge of Probate of Baldwin County, Alabama, on October 1, 1948, in Judgment Book 4, Page 188. Your Complainant further shows unto Your Honor that no part of such judgment has ever been paid. The said H. M. Parsons has not conveyed any part of the property hereinabove referred to.

PRAYER FOR RELIEF


Your Complainant further prays that upon a final hearing of this cause that the deed from Daisy Opal Taylor and Morris Taylor, her husband, to H. M. Parsons dated April 27, 1948, and recorded in Deed Book 130, Pages 63-4, Probate Records of Baldwin County, Alabama, and the deed from Daisy Opal Taylor and Morris Taylor, her

husband, to H. M. Parsons dated May 10, 1948, and recorded in Deed Book 130, Pages 183-4, Probate Records of Baldwin County, Alabama, be declared null and void and of no force and effect and that this Court shall order the Register of such court to note on the margin of the record where such deeds are recorded that they have been declared null and void. That this Court shall order and decree that Morris Taylor is the owner of the title to the land which was conveyed in a deed from John G. Murphy and Nannie Murphy, his wife, in their deed to Daisy Opal Taylor, which deed is dated February 28, 1945, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 89, Pages 92-3 and that the said Daisy Opal Taylor was holding the same in trust for the said Morris Taylor. That this Court shall order the Register of such court to sell the property described in paragraph "SECOND" of the Bill of Complaint in a manner and at a time and place as fixed by this court in order to satisfy the judgment recovered by the Complainant, together with interest thereon and that this Court shall decree that Morris Taylor shall be the owner of any money derived from the sale of such property in excess of the amount due the Complainant under its said judgment. That the register of this Court shall cause a copy of the decree rendered by this Court to be filed for record in the Office of the Judge of Probate of Baldwin County, Alabama, the cost of recording the same to be taxed as a part of the cost of this proceeding. That this Court shall also render such other orders and decrees as may be requisite in the premises.

CHASON & STONE

filed Oct. 14, 1958

By:


Solicitors for Complainant

PEOPLES FERTILIZER COMPANY,
A Corporation,

Complainant,

vs.

MORRIS TAYLOR, DAISY OPAL
TAYLOR, PRINCE GRIFFIN, as
Executor of the Estate of
H. M. PARSONS, Deceased,
ANNIS PARSONS MOORER, VADA
PARSONS POTTS, GOLDA PARSONS
FRIEDHOFF, NETTIE PARSONS
WILLIAMS and MARGARET PARSONS
GRIFFIN,

Respondents.

X

X

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3927

NOTICE OF SALE

Under and by virtue of a decree rendered in the above cause on November 4, 1958, and a supplemental decree rendered by the Court in said cause on December 12, 1958, I, Alice J. Duck as Register of said Court, shall proceed to sell at public auction to the highest bidder, for cash, in front of the courthouse door in Bay Minette, Baldwin County, Alabama, at 11:30 o'clock A. M. on Monday, January 19, 1959, the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at the Southwest Corner of the Southwest Quarter of the Southeast Quarter of Section 16, Township 2 South, Range 3 East, and run thence North 488.5 feet to a point, thence run East 535 feet to a point, thence run South 488.5 feet to a point, thence run West 535 feet to the point of beginning, containing 6 acres, more or less, except a 20 foot strip off the West side of said property conveyed to Baldwin County for a public road,

Together with, all and singular, the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging or in any wise appertaining.

The above described property is now owned by Morris Taylor and is sold under and by virtue of said decrees to satisfy or be applied upon an indebtedness due by Morris Taylor to The Peoples Fertilizer Company, a corporation, the Complainant in said cause.

IN WITNESS WHEREOF, I have hereunto set my hand and seal as Register of the Circuit Court of Baldwin County, Alabama, In Equity, on this 15 day of December, 1958.

265

Alice J. Duck
Register

United States District Court

FOR THE SOUTHERN DISTRICT OF ALABAMA

RECEIVED

C-1319 MAR 13 1958

U.S. MARSHAL Mobile, Ala.

CIVIL ACTION FILE NO. 1975.

PEOPLES FERTILIZER COMPANY, a corporation,

MORRIS TAYLOR, et als.

TO MORRIS TAYLOR, Bay Minette, Alabama.

NOTE: The attorney who requested your attendance as a witness is responsible for the payment of your fees, mileage and expenses.

YOU ARE COMMANDED to appear at the County Courthouse, before John Mandeville Clerk of the Circuit Court, Mobile County, in the city of Mobile, Alabama, on the 21ST day of MARCH, 1958, at 2:00 o'clock P. M. to testify on behalf of the defendant after revival, Vada Parsons Potts

at the taking of a deposition in the above entitled action pending in the United States District Court for the Southern District of Alabama.

Dated Mar. 13, 1958.

C. LeNoir Thompson, Attorney for Vada Parsons Potts Bay Minette, Alabama.

Address

WILLIAM J. O'CONNOR,

Clerk.

Minnie Peare Cox Deputy Clerk.

1. Strike the words "and bring with you" unless the subpoena is to require the production of documents or tangible things, in which case the documents and things should be designated in the blank space provided for that purpose.

RETURN ON SERVICE

Received this subpoena at Mobile Ala on 3-13-1958 and on 3-17-1958 at RFD. Robertsdale, Ala served it on the within named Morris Taylor by delivering a copy to him and tendering to him the fee for one day's attendance and the mileage allowed by law.

Dated: , 19

Service Fees Travel \$ 9.00 Services \$.50 Total \$ 9.50

J. L. May, U.S. Marshal By Stanley L. Lantieri

U. S. DISTRICT COURT SOU. DIST. ALA. FILED IN CLERK'S OFFICE

MAR 17 1958 this

WILLIAM J. O'CONNOR CLERK

Subscribed and sworn to before me, a day of 19

Note.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

RECEIVED

6-1319
MAR 13 1958

United States District Court

FOR THE
SOUTHERN DISTRICT OF ALABAMA

U.S. MARSHAL
Mobile, Ala.

CIVIL ACTION FILE No. 1975.

PEOPLES FERTILIZER COMPANY, a corporation,

vs.

MORRIS TAYLOR, et als.

TO MR. KEENER T. BLACKMARR
311 FEDERAL BUILDING
MOBILE, ALABAMA

NOTE: The attorney who requested your attendance as a witness is responsible for the payment of your fees, mileage and expenses.

YOU ARE COMMANDED to appear at the County Courthouse, before John Mandeville Clerk of the Circuit Court of Mobile County, in the city of Mobile, Alabama on the 21ST day of MARCH, 1958, at 2:00 o'clock P. M. to testify on behalf of the defendant after revival, Vada Parsons Potts,

at the taking of a deposition in the above entitled action pending in the United States District Court for the Southern District of Alabama.

Dated March 13, 1958

C. LeNoir Thompson
Attorney for Vada Parsons Potts
Bay Minette, Alabama
Address

WILLIAM J. O'CONNOR,
Clerk.
Minnie Louise Cox
Deputy Clerk.

1. Strike the words "and bring with you" unless the subpoena is to require the production of documents or tangible things, in which case the documents and things should be designated in the blank space provided for that purpose.

RETURN ON SERVICE

Received this subpoena at Mobile Ala on 3-13-1958
and on 3-17-1958 at Mobile, Ala
served it on the within named Keener T. Blackmarr
by delivering a copy to him and tendering to him the fee for one day's attendance and the mileage allowed by law.

Dated: _____, 19____

Service Fees
Travel \$.....
Services
Total \$ 1.50

J. L. May, U.S. Marshal
By: Stanley J. Fontana
Deputy U.S.M.

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

Subscribed and sworn to before me, a
day of _____ 19____

MAR 17 1958 this

WILLIAM J. O'CONNOR
CLERK

Note.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

RECEIVED

C-1319

United States District Court

MAR 13 1958

FOR THE

SOUTHERN DISTRICT OF ALABAMA

U.S. MARSHAL
Mobile, Ala.

CIVIL ACTION FILE NO. 1975.

PEOPLES FERTILIZER COMPANY, a corporation,

MORRIS TAYLOR, et als. ^{vs.}

TO MR. WILLIAM H. COWAN
104 ST. JOSEPH STREET
MOBILE, ALABAMA

NOTE: The attorney who requested your attendance as a witness is responsible for the payment of your fees, mileage and expenses.

YOU ARE COMMANDED to appear at the County Courthouse, before John Mandeville Clerk of the Circuit Court, Mobile County, in the city of Mobile, Alabama on the 21ST day of MARCH, 1958, at 2:00 o'clock P. M. to testify on behalf of the defendant after revival, Vada Parsons Potts

at the taking of a deposition in the above entitled action pending in the United States District Court for the Southern District of Alabama.

Dated March 13, 1958

C. LeNoir Thompson,
Attorney for Vada Parsons Potts
Bay Minette, Alabama
Address

WILLIAM J. O'CONNOR,
Clerk.
By Minnie Pearl Cox
Deputy Clerk.

1. Strike the words "and bring with you" unless the subpoena is to require the production of documents or tangible things, in which case the documents and things should be designated in the blank space provided for that purpose.

RETURN ON SERVICE

Received this subpoena at Mobile, Ala on 3-13-1958
and on 3-17-1958 at Mobile, Ala.
served it on the within named William H. Cowan
by delivering a copy to him and tendering to him the fee for one day's attendance and the mileage allowed by law.

Dated: _____, 19____

Service Fees
Travel \$
Services
Total \$.50

J. L. May, U.S. Marshal
By Stanley Fountain
Deputy USM.

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE
this

Subscribed and sworn to before me, a
day of 19

MAR 17 1958

Note.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.
WILLIAM J. O'CONNOR
CLERK

RECEIVED

6-1319
MAR 13 1958

United States District Court

FOR THE
SOUTHERN DISTRICT OF ALABAMA

U.S. MARSHAL
Mobile, Ala.

CIVIL ACTION FILE No. 1975.

PEOPLES FERTILIZER COMPANY, a corporation,

vs.

MORRIS TAYLOR, et al.

TO DAISY OPAL TAYLOR,
Bay Minette, Alabama.

NOTE: The attorney who requested your attendance as a witness is responsible for the payment of your fees, mileage and expenses.

YOU ARE COMMANDED to appear at the County Courthouse, before John Mandeville, Clerk of the Circuit Court, Mobile County, in the city of Mobile, Alabama on the 21ST day of MARCH, 1958, at 2:00 o'clock P. M. to testify on behalf of the defendant after revival, Vada Parsons Potts,

at the taking of a deposition in the above entitled action pending in the United States District Court for the Southern District of Alabama.

Dated March 13, 1958.

C. LeNoir Thompson

Attorney for Vada Parsons Potts
Bay Minette, Alabama

Address

WILLIAM J. O'CONNOR,

Clerk.

By Mimmie Pearl Cox
Deputy Clerk.

1. Strike the words "and bring with you" unless the subpoena is to require the production of documents or tangible things, in which case the documents and things should be designated in the blank space provided for that purpose.

RETURN ON SERVICE

Received this subpoena at Mobile Ala on 3-13-1958 and on 3-17-1958 at Bay Minette Ala served it on the within named Daisy Opal Taylor by delivering a copy to her and tendering to her the fee for one day's attendance and the mileage allowed by law.

Dated:

....., 19.....

Service Fees

Travel \$.....
Services
Total \$.50

J. L. May, U.S. Marshal
By H. Stanley Zamboni
Deputy USM.

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

MAR 17 1958

Subscribed and sworn to before me, a
day of 19

Note.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

WILLIAM J. O'CONNOR
CLERK

United States District Court

FOR THE

SOUTHERN DISTRICT OF ALABAMA

CIVIL ACTION FILE No. 1975.

PEOPLES FERTILIZER COMPANY, a corporation,

MORRIS TAYLOR, et als.

TO MORRIS TAYLOR, Bay Minette, Alabama.

NOTE: The attorney who requested your attendance as a witness is responsible for the payment of your fees, mileage and expenses.

YOU ARE COMMANDED to appear at the County Courthouse, before John Mandeville Clerk of the Circuit Court, Mobile County, in the city of Mobile, Alabama, on the 21ST day of MARCH, 19 58, at 2:00 o'clock P. M. to testify on behalf of the defendant after revival, Vada Parsons Potts

at the taking of a deposition in the above entitled action pending in the United States District Court for the Southern District of Alabama.

Dated Mar. 13, 19 58.

C. Lenoir Thompson, Attorney for Vada Parsons Potts Bay Minette, Alabama. Address

WILLIAM J. O'CONNOR,

Clerk.

By

[Signature]

Deputy Clerk.

1. Strike the words "and bring with you" unless the subpoena is to require the production of documents or tangible things, in which case the documents and things should be designated in the blank space provided for that purpose.

RETURN ON SERVICE

Received this subpoena at on and on at served it on the within named by delivering a copy to h and tendering to h the fee for one day's attendance and the mileage allowed by law.

Dated: , 19.....

Service Fees By Travel Services Total \$

Subscribed and sworn to before me, a this day of 19

Note.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

United States District Court

FOR THE

SOUTHERN DISTRICT OF ALABAMA

CIVIL ACTION FILE NO. 1975.

PEOPLES FERTILIZER COMPANY, a corporation,

vs.

MORRIS TAYLOR, et al.

NOTE: The attorney who requested your attendance as a witness is responsible for the payment of your fees, mileage and expenses.

TO DAISY OPAL TAYLOR, Bay Minette, Alabama.

YOU ARE COMMANDED to appear at the County Courthouse, before John Mandeville, Clerk of the Circuit Court, Mobile County, in the city of Mobile, Alabama on the 21ST day of MARCH, 1958, at 2:00 o'clock P. M. to testify on behalf of the defendant after revival, Vada Parsons Potts,

at the taking of a deposition in the above entitled action pending in the United States District Court for the Southern District of Alabama.

Dated March 13, 1958

C. LeNoir Thompson Attorney for Vada Parsons Potts Bay Minette, Alabama

WILLIAM J. O'CONNOR, Clerk.

By [Signature] Deputy Clerk.

1. Strike the words "and bring with you" unless the subpoena is to require the production of documents or tangible things, in which case the documents and things should be designated in the blank space provided for that purpose.

RETURN ON SERVICE

Received this subpoena at ... on ... at ... on ... served it on the within named ... by delivering a copy to h ... and tendering to h ... the fee for one day's attendance and the mileage allowed by law.

Dated: ... , 19...

Service Fees ... Travel ... Services ... Total \$

Subscribed and sworn to before me, a ... this day of ... 19...

Note.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

United States District Court

FOR THE

SOUTHERN DISTRICT OF ALABAMA

CIVIL ACTION FILE NO. 1975.

PEOPLES FERTILIZER COMPANY, a corporation,

MORRIS TAYLOR, et als.

vs.

TO MR. WILLIAM H. COWAN
104 ST. JOSEPH STREET
MOBILE, ALABAMA

NOTE: The attorney who requested your attendance as a witness is responsible for the payment of your fees, mileage and expenses.

YOU ARE COMMANDED to appear at the County Courthouse, before John Mandeville Clerk of the Circuit Court, Mobile County, in the city of Mobile, Alabama on the 21ST day of MARCH, 19 58, at 2:00 o'clock P. M. to testify on behalf of the defendant after revival, Vada Parsons Potts

at the taking of a deposition in the above entitled action pending in the United States District Court for the Southern District of Alabama.

Dated March 13, 19 58

C. LeNoir Thompson,
Attorney for Vada Parsons Potts
Bay Minette, Alabama
Address

WILLIAM J. O'CONNOR,
Clerk.

By [Signature] Deputy Clerk.

1. Strike the words "and bring with you" unless the subpoena is to require the production of documents or tangible things, in which case the documents and things should be designated in the blank space provided for that purpose.

RETURN ON SERVICE

Received this subpoena at ... on ... at ... served it on the within named ... by delivering a copy to h ... and tendering to h ... the fee for one day's attendance and the mileage allowed by law.

Dated: ... , 19

Service Fees
Travel \$
Services
Total \$

By

Subscribed and sworn to before me, a ... this day of ... 19 ...

Note.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

United States District Court

FOR THE
SOUTHERN DISTRICT OF ALABAMA

CIVIL ACTION FILE NO. 1975.

PEOPLES FERTILIZER COMPANY, a corporation,

vs.
MORRIS TAYLOR, et als.

NOTE: The attorney who requested your attendance as a witness is responsible for the payment of your fees, mileage and expenses.

TO MR. KEENER T. BLACKBARR
311 FEDERAL BUILDING
MOBILE, ALABAMA

YOU ARE COMMANDED to appear at the County Courthouse, before John Mandeville Clerk of the Circuit Court of Mobile County, in the city of Mobile, Alabama on the 21ST day of MARCH, 19 58, at 2:00 o'clock P. M. to testify on behalf of the defendant after revival, Vada Parsons Potts,

at the taking of a deposition in the above entitled action pending in the United States District Court for the Southern District of Alabama.

Dated March 13, 19 58

C. LeNoir Thompson
Attorney for Vada Parsons Potts
Bay Minette, Alabama
Address

WILLIAM J. O'CONNOR,
Clerk.
By *WJOC*
Deputy Clerk.

1. Strike the words "and bring with you" unless the subpoena is to require the production of documents or tangible things, in which case the documents and things should be designated in the blank space provided for that purpose.

RETURN ON SERVICE

Received this subpoena at _____ on _____ at _____ served it on the within named _____ by delivering a copy to h _____ and tendering to h _____ the fee for one day's attendance and the mileage allowed by law.

Dated: _____, 19 _____

Service Fees By _____
Travel \$ _____
Services _____
Total \$ _____

Subscribed and sworn to before me, a _____ this _____ day of _____ 19 _____

Note.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT
OF ALABAMA, SOUTHERN DIVISION

PEOPLES FERTILIZER COMPANY,
A CORPORATION,

COMPLAINANT

VS.

MORRIS TAYLOR, DAISY OPAL
TAYLOR AND ANNIS MOORER,
As Guardian of H. M. PARSONS,
a person of unsound mind,

RESPONDENTS

CIVIL ACTION NO. 1975.

TO: John Chason, Attorney for Plaintiff, and Morris Taylor
and Daisy Opal Taylor:

Please take notice that Vada Parsons Potts, one of
the defendants after revival, in the above entitled cause,
will take the depositions of Morris Taylor and Daisy Opal
Taylor, Defendants, whose address is Bay Minette, Alabama,
and the Honorable William H. Cowan, 104 St. Joseph Street,
Mobile, Alabama, and the Honorable Keener T. Blackmarr,
311 Federal Building, Mobile, Alabama, upon oral examination
on the 21st day of March, 1958 at 2:00 o'clock in the after-
noon, at the County Courthouse, Mobile, Alabama, before the
Honorable John Mandeville, Clerk of the Circuit Court of
Mobile County, Alabama, hereby designated as the officer
before whom such depositions shall be taken.

C. Le Noir Thompson
Attorney for Vada Parsons Potts,
Defendant after revival.

Address: Bay Minette, Alabama.

I, C. LeNoir Thompson, one of the attorneys in the above-
entitled cause, hereby certify that on this 12th day of March,
1958, a copy of the foregoing notice was mailed to the Hon.
John Chason, attorney for the plaintiff, and to Morris Taylor
and Daisy Opal Taylor, at their respective addresses, in

accordance with the provisions of the Federal Rules of Civil
Procedure.

This 12th day of March, 1958.

C. LeNoir Thompson

C. LeNoir Thompson

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

MAR 12 1958

WILLIAM J. O'CONNOR
CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA

FILE COPY

PEOPLES FERTILIZER COMPANY,
A Corporation,

Plaintiff,

VERSUS

MORRIS TAYLOR, ET AL,

Defendants.

CIVIL ACTION NO. 1975.

This cause comes on to be heard in open Court
on the Plaintiff's motion to remand this cause to the Circuit
Court of Baldwin County, Alabama, In Equity.

Arguments are heard and,

THEREUPON, the Plaintiff's motion to remand
this cause to the Circuit Court of Baldwin County, Alabama, In
Equity is hereby taken under SUBMISSION.

Made at Mobile, Alabama, this the 4th day of
March A. D., 1958.

Daniel H. Thomas
UNITED STATES DISTRICT JUDGE.

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED AND ENTERED THIS THE
4 DAY OF March
1958, MINUTE ENTRY
NO. 4403
WILLIAM J. O'CONNOR, CLERK
BY *W. J. O'Connor*
DEPUTY CLERK

STYLE OF CAUSE

COUNSEL

John Charon

Peoples Fertilizer Co

VS.,

Morris Taylor et al.

CIVIL

ACTION

Le Noir Thompson

NO. 1975

March 4, 1958

PROCEEDINGS
JURORS

*Plaintiff's Motion to re-Mand to the
Circuit Court of Baldwin Co. Ala.*

Taken under supervision.

JUDGE'S CHAMBERS
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF ALABAMA

POST OFFICE BOX 137

MOBILE 2, ALABAMA

February 26, 1958

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

FEB 26 1958

WILLIAM J. O'CONNOR
CLERK

DANIEL H. THOMAS
JUDGE

Mr. John Chason
Chason & Stone
Arcade Building
Bay Minette, Alabama

Mr. C. LeNoir Thompson
Bay Minette, Alabama

In re: Civil Action 1975
Peoples Fertilizer Company
v. Morris Taylor, et al.

Gentlemen:


Mr. Chason's motion to remand, filed yesterday, fixes the tentative date of March 4, at 10:00 a.m., for the hearing of the motion. This date, I understand from Mr. Chason, has been cleared with Mr. Thompson, and I am therefore confirming it and advising you that the motion will be placed on Judge Thomas's calendar for the morning of March 4. As there are two other fairly lengthy motions already set for that morning, you may have to wait as much as an hour before your motion is reached.

With regards, I am

Sincerely yours,

Secretary to Judge Thomas

Copy to Mr. W. J. O'Connor, Clerk
Mr. Donald F. Pierce, Law Clerk



February 26, 1958

Re: Civil Action No. 1975.

Peoples Fertilizer Company vs. Morris Taylor, et al.

Miss Flock:

On February 25, 1958 plaintiff filed a motion to remand the above cause with request for oral argument and hearing set for March 4, 1958 at 10:00 o'clock, or as soon thereafter as counsel can be heard.

mp

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DIVISION OF THE

SOUTHERN DISTRICT OF ALABAMA

PEOPLES FERTILIZER COMPANY, a corporation,

Complainant,

vs.

MORRIS TAYLOR, DAISY OPAL TAYLOR and ANNIS MOORER, as Guardian of H. M. Parsons, a person of unsound mind,

Respondents.

X
X
X
X
X
X
X
X
X
X

CIVIL ACTION NO. 1975.

Now comes the Complainant in the above styled cause, by its attorney, and moves the Court to remand the above styled cause to the Circuit Court of Baldwin County, Alabama, in Equity, and as grounds for its motion respectfully assigns the following, separate-ly and severally.

FIRST:

That the petition to remove such cause was not filed within the time allowed by law.

SECOND:

That Vada Parsons Potts, being the only non-resident Res-pondent in an action against several Respondents who are resident citizens of the State of Alabama and the action not being a separable controversy was not entitled to have the same removed to this Court.

THIRD:

That the Defendant Vada Parsons Potts was made a party Res-pondent in the above styled cause by an order of revival entered in said cause by Hubert M. Hall as Judge of the Circuit Court of Bald-win County, Alabama, in Equity, which order was rendered on January 21, 1958, and on January 23, 1958, a citation of revival was issued to such non-resident Respondent and was mailed to her by Alice J. Duck, Register of said Court, by certified mail with return receipt requested. That such Respondent duly received such order of citation

on January 27, 1958, as shown by the receipt which was returned to the Circuit Court of Baldwin County, Alabama, In Equity, and filed in said cause on February 1, 1958. That more than twenty (20) days elapsed from the date of the receipt by the Respondent Vada Potts of such citation and the day that she filed her petition to remove said cause from the Circuit Court of Baldwin County, Alabama, In Equity, to this Court.

FOURTH:

That the Peoples Fertilizer Company, a corporation, is the Complainant in the above styled cause and Morris Taylor, Daisy Opal Taylor, Prince Griffin, as Executor of the estate of H. M. Parsons, Deceased, Annis Parsons Moorer, Golda Parsons Friedhoff, Nettie Parsons Williams and Margaret Parsons Griffin, all of whom are resident citizens of the State of Alabama, and Vada Parsons Potts, who is a resident citizen of Douglas, Kansas, are parties Respondent in said cause. That such cause should not have been removed from the Circuit Court of Baldwin County, Alabama, In Equity, to this Court because of diversity of citizenship between the Complainant and the Respondent Vada Parsons Potts while there are six other Respondents who are indispensable parties in said cause of action, all of whom are resident citizens of the State of Alabama and said cause of action was not a separable controversy.

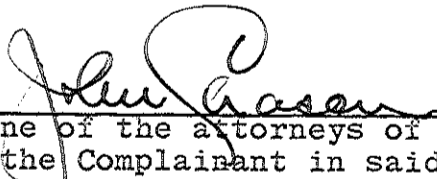
FIFTH:

That the above styled cause was pending against H. M. Parsons and others in the Circuit Court of Baldwin County, Alabama, In Equity, during his lifetime and the death of the said H. M. Parsons having been suggested to the court on the 12th day of July, 1957, as provided by the laws of the State of Alabama, and a motion to revive said cause having been duly filed with such Court by the Complainant on the 21st day of January, 1958, as provided by the laws of the State of Alabama, an order was entered by the Circuit Court of Baldwin County, Alabama, In Equity, on January 21, 1958, directing the Respondents Prince Griffin, as Executor of the estate of

H. M. Parsons, Deceased; Annis Parsons Moorer, Vada Parsons Potts, Golda Parsons Friedhoff, Nettie Parsons Williams and Margaret Parsons Griffin, be issued a citation by the Register of said Court, which citation was duly issued by Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, In Equity, on January 23, 1958, and was duly served upon such parties as shown by a copy of such citation which is attached hereto and marked Exhibit "A" and by reference made a part hereof, except as to Vada Parsons Potts, and service was had upon her by certified mail, with a return receipt requested, a copy of such receipt being attached hereto and marked Exhibit "B" and made a part hereof. That the said Vada Parsons Potts is the only non-resident of the State of Alabama, who is a party to said cause, all of the remaining Respondents being resident citizens of the State of Alabama, and being indispensable parties in said cause.

WHEREFORE, the Complainant prays that an order be made and entered in this cause remanding the same to the Circuit Court of Baldwin County, Alabama, In Equity, from which Court said cause was transferred to this Court and that Vada Parsons Potts be required to pay all costs and disbursements incurred by reason of the filing of her petition to remove such cause.

Respectfully submitted,


As one of the attorneys of record
for the Complainant in said cause

STATE OF ALABAMA

BALDWIN COUNTY


Before me, Blanche White, 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, did depose and say under oath as follows:

That he is one of the attorneys of record for the Complainant in that certain cause which has been pending in the Circuit Court of Baldwin County, Alabama, In Equity, in which the Peoples Fertil-

zer Company, a corporation, is the Complainant, and Morris Taylor, Daisy Opal Taylor, Prince Griffin, as Executor of the estate of H.M. Parsons, Deceased, Annis Parsons Moorner, Vada Parsons Potts, Golda Parsons Friedhoff, Nettie Parsons Williams and Margaret Parsons Griffin, are the Respondents in said cause and in which the Respondent Vada Parsons Potts has filed her petition to remove said cause to the United States District Court for the Southern Division of the Southern District of Alabama. That he prepared the foregoing motion to remand such cause to the Circuit Court of Baldwin County, Alabama, In Equity, and he is informed and believes and upon such information and belief states that all of the matters and facts alleged therein are true and correct.




Sworn to and subscribed before me
on this the 25th day of February,
1958.


Notary Public, Baldwin County, Alabama
My Commission expires 10/16/60

NOTICE OF MOTION TO C. LENOIR THOMPSON, BAY MINETTE,
ALABAMA, AS ATTORNEY FOR RESPONDENT VADA PARSONS POTTS

Please take notice that the undersigned will bring the above motion on for hearing before the United States District Court for the Southern Division of the Southern District of Alabama, in the chambers of Hon. Daniel H. Thomas, presiding Judge, on the 4th day of March, 1958, at 10:00 o'clock A. M., or as soon thereafter as counsel can be heard.


Attorney for Complainant, Peoples
Fertilizer Company, a corporation,
Bay Minette, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

I, John Chason, one of the attorneys of record for the Complainant in the above styled cause, do hereby certify that I have this day delivered a copy of the foregoing motion and the notice of motion to C. Le Noir Thompson, attorney at law, Bay Minette, Alabama, as one of the attorneys for the Respondent Vada Parsons Potts.

Dated this the 25 day of February 1958.

John Chason

*Complainant requests oral argument
John Chason
Att'y for Complainant*

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

FEB 25 1958

WILLIAM J. O'CONNOR
CLERK

"EXHIBIT A"

PEOPLES FERTILIZER COMPANY,
A CORPORATION,

X

Complainant,

X

IN THE CIRCUIT COURT OF

vs.

X

BALDWIN COUNTY, ALABAMA

X

MORRIS TAYLOR, DAISY OPAL
TAYLOR AND ANNIS MOORER, as
Guardian of H. M. Parsons,
a person of unsound mind,

X

IN EQUITY

X

Respondents,

X

X

TO ANY SHERIFF OF THE STATE OF ALABAMA

Under and by virtue of an order and decree made and entered by the Circuit Court of Baldwin County, Alabama, In Equity, on January 21, 1958, the above styled cause was revived against Prince Griffin, as Executor of the estate of H. M. Parsons, Deceased, and against Annis Parsons Moorers, Bay Minette, Alabama; Vada Parsons Potts, Douglas, Kansas; Golda Parsons Friedhoff, 2901 Springhill Avenue, Crichton Station, Mobile, Alabama; Nettie Parsons Williams, 304 Marine Street, Mobile, Alabama; and Margaret Parsons Griffin, Fairhope, Alabama, as parties Respondent and such order provided that a citation issue to each of the parties, against whom such cause is revived, notifying such parties of such revival.

You are hereby directed to cite the above named parties to appear within thirty (30) days from the date on which this citation is served on such party and defend the suit brought by Peoples Fertilizer Company, a corporation, as above set out if he or she sees fit to do so.

IN WITNESS WHEREOF, I, Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, In Equity, have set my hand and seal on this the 23rd day of January, 1958.

/s/ Alice J. Duck
Register

(SEAL)

Received 24 day of Jan 1958
And on 24 day of Jan 1958
Served a copy of the within
Citation on Annis Parson Moorer

TAYLOR WILKINS,
Sheriff

By Tolbert D.S.

EXECUTED

This 30 day of Jan 1958
By serving a copy of the within
on Golda Parsons Friedhoff

RAY D. BRIDGES,
Sheriff

By W M. Wade D.S

EXECUTED

This 28 day of Jan 1958
By serving a copy of the within
on Nettie Parsons Williams

RAY D. BRIDGES,
Sheriff

By L. Driggers D.S

Received ___ day of ___ 195__
and on 7 day of Feb 1958 I
served a copy of the within
Citation on Margaret Parson
Griffin Prince Griffin, as Exc.
of Est of H. M. Parsons

TAYLOR WILKINS,
Sheriff

By Edleigh Steadham D.S

(2) Fairhope

Sheriff claims 140 miles at
Ten Cents per mile
Total \$14.00

TAYLOR WILKINS
Sheriff

By Steadham
Deputy Sheriff

FILED

January 23, 1958

Alice J. Duck, Register

1/27

STATE OF ALABAMA

BALDWIN COUNTY

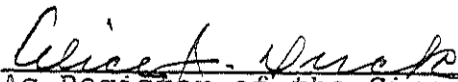
Before me, John Gason, a Notary Public, in and for said County in said State, personally appeared Alice J. Duck, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That her name is Alice J. Duck, and that she is the Register of the Circuit Court of Baldwin County, Alabama, In Equity, and was such Register on January 23, 1958. That as such Register she has custody of all of the Pleadings in Case Number 3927, in which cause the Peoples Fertilizer Company, a corporation, is Complainant, and Morris Taylor, Daisy Opal Taylor, Prince Griffin, as Executor of the Estate of H. M. Parsons, Deceased, Annis Parsons Moorner, Vada Parsons Potts, Golda Parsons Friedhoff, Nettie Parsons Williams and Margaret Parsons Griffin are the Respondents.

Affiant says that on January 21, 1958, Hubert M. Hall, as Judge of the Circuit Court of Baldwin County, Alabama, In Equity, entered his order and decree that the cause of Peoples Fertilizer Company, a corporation, Complainant, vs. Morris Taylor, Daisy Opal Taylor and Annis Moorner, as guardian of H. M. Parsons, a person of unsound mind, Respondents, be revived against Prince Griffin as Executor of the estate of H. M. Parsons, Deceased, Annis Parsons Moorner, Vada Parsons Potts, Golda Parsons Friedhoff, Nettie Parsons Williams and Margaret Parsons Griffin. That on January 23, 1958, Affiant duly made and entered a citation directed to the Sheriff of Baldwin County, Alabama, citing Prince Griffin, as Executor of the estate of H. M. Parsons, Deceased, Annis Parsons Moorner, Bay Minette, Alabama; Vada Parsons Potts, Douglas, Kansas; Golda Parsons Friedhoff, 2901 Springhill Avenue, Crichton Station, Mobile, Alabama; Nettie Parsons Williams, 304 Marine Street, Mobile, Alabama; and Margaret Parsons Griffin, Fairhope, Alabama, to appear within thirty (30) days from the date that such citation is served on such party and defend the suit brought by Peoples Fertilizer Company, a corporation, if he or

she sees fit to do so. That a copy of such citation which is attached as Exhibit "A" to the Petition to Remand said cause is a true and correct copy of such citation and the notations on the back thereof showing service on all of such parties, except Vada Parsons Potts, is a true and correct copy of the returns shown thereon. That the original citation which contains the return of the officers executing the same is now on file in the Office of Affiant as Register and she has custody thereof.

Affiant says further that she has examined Exhibit "B" which is attached to the Petition to Remand filed by the Complainant in said cause and Exhibit "B" is a true and correct copy of the return receipt which she attached to the certified letter in which she gave Vada Parsons Potts a copy of such citation in said cause above referred to and the original of such receipt card is now on file in the Office of Affiant, as Register of the Circuit Court of Baldwin County, Alabama, In Equity. That such card shows that such citation was received by Mrs. Vada Potts on January 27, 1958. Affiant is personally acquainted with Morris Taylor, Daisy Opal Taylor, Prince Griffin, Margaret Parsons Griffin, Annis Parsons Moorer, Golda Parsons Friedhoff and Nettie Parsons Williams, who are Respondents in said cause and knows of her own personal knowledge that such Respondents are resident citizens of the State of Alabama. Affiant says further that Morris Taylor and Daisy Opal Taylor have been parties in said cause since the same was originally filed in the Circuit Court of Baldwin County, Alabama, In Equity.


As Register of the Circuit Court of
Baldwin County, Alabama, In Equity

Sworn to and subscribed before me
on this the 25th day of February,
1958.

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

FEB 25 1958


Notary Public, Baldwin County, Alabama

WILLIAM J. O'CONNOR
CLERK

my Com. Expires Sept. 15-1960

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

JOHN CHASON
NORBORNE C. STONE, JR.

PHONE 3641

February 21, 1958

Hon. William J. O'Connor, Clerk
United States District Court
Federal Building
Mobile, Alabama

Civ. 1975

Dear Billy:

Re: Peoples Fertilizer Company, Inc.,
A Corporation vs. Morris Taylor, et al.

Yesterday, February 20, 1958, Mr. C. LeNoir Thompson brought to this office a copy of his petition for removal of the above noted cause from the Circuit Court of Baldwin County, Alabama to your Court, along with other papers in connection with that petition. In acknowledging service of a copy of the petition, bond, etc., I failed to note that under the place provided for my signature that it was shown that this firm was the attorneys for Peoples Fertilizer Company and Morris Taylor.

We are not, of course, attorneys for Morris Taylor in this proceeding and we would like for your records to reflect this oversight on our part.

You will note that we are sending Mr. Thompson a copy of this letter and we have also advised him of the fact that we are writing this letter in a telephone conversation this morning.

With best personal regards and with every good wish, we are

Yours very truly,

CHASON & STONE

NCS:jaw
CC: Mr. C. LeNoir Thompson
Attorney at Law
Bay Minette, Alabama

By: 
U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

FEB 24 1958

WILLIAM J. O'CONNOR
CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DIVISION
OF ALABAMA, SOUTHERN DIVISION.

PEOPLES FERTILIZER COMPANY,
A CORPORATION,

COMPLAINANT

VS

MORRIS TAYLOR, DAISY OPAL
TAYLOR AND ANNIS MOORER, as
Guardian of H. M. Parsons, a
person of unsound mind,

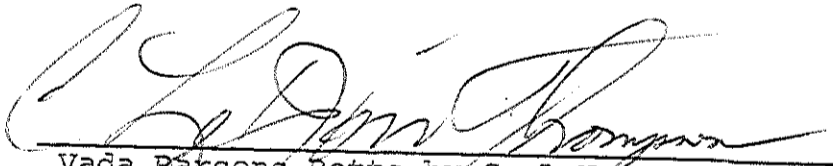
RESPONDENTS

* IN THE UNITED STATES
* ~~XXXXXXXXXXXXXXXXXXXX~~
* DISTRICT COURT,
* ~~XXXXXXXXXXXXXXXXXXXX~~
* SOUTHERN DISTRICT OF ALABAMA
* ~~XXXXXXXXXXXX~~
* SOUTHERN DIVISION

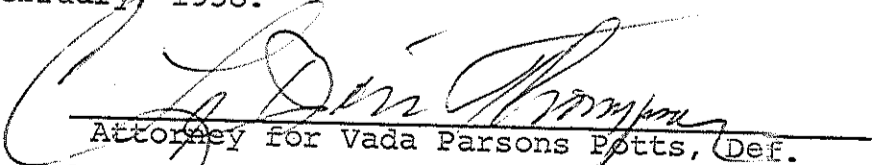
TO: JOHN CHASON, OF CHASON & STONE, Attodneys of Record for
PEOPLES FERTILIZER COMPANY, A CORPORATION, and MORRIS TAYLOR,
DEFENDANT:

Please take notice the undersigned, as attorneys for the
Defendant in the above entitled cause, have this 20 day
of February, 1958, filed a petition and bond in the United
States District Court for the Southern District of Alabama,
Southern Division, petitioning that Court to remove from the
Circuit Court of Baldwin County, Alabama, to the United States
District Court for the Southern District of Alabama, Southern
Division, that said cause wherein Peoples Fertilizer Company, a
Corporation is plaintiff and Vada Parsons Potts is the Defendant.

The notice given is in compliance with Title 28, U.S.C.A,
Paragraph 1446.


Vada Parsons Potts by C. LeNair Thompson,
her Attorney of Record.


Marbome Stone
I hereby certify that I have this day served a true copy of
the above notice and of the petition and bond therein referred to on
~~JOHN CHASON~~ of CHASON & STONE, Attorneys of Record for the Plaintiff,
at Bay Minette, Alabama; and Morris Taylor, ^{Def.} Bay Minette, Alabama;
this the 20 day of February, 1958.


Attorney for Vada Parsons Potts, Def.

I hereby acknowledge receipt ^{a copy} of the above notice, ~~a copy thereof~~
and of the petition and bond therein referred to, this the 20th
day of February, 1958.

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

FEB 21 1958


Attorney for Plaintiff, and ~~Attorney for~~
~~Morris Taylor, Defendant.~~

WILLIAM J. O'CONNOR
CLERK

C. LeNOIR THOMPSON

Attorney-At-Law

BAY MINETTE, ALABAMA

PHONES: 5941
7487

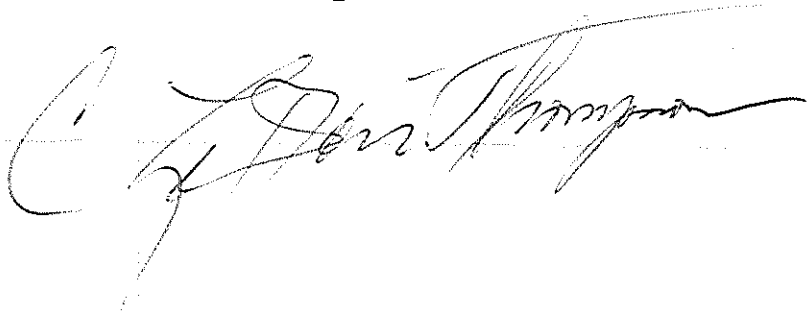
February 19, 1958

Honorable William J. O'Connor, Clerk,
United States District Court
Federal Building
Mobile, Alabama

Dear Mr. O'Connor:

Attached is acknowledgment of service in the Peoples
Fertilizer Company case by Mr. Norborne Stone of Chason and
Stone. This certificate was accidently left out of a letter
mailed earlier this evening.

Sincerely,



CLT/lw

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

FEB 21 1958

WILLIAM J. O'CONNOR
CLERK

PEOPLES FERTILIZER COMPANY,
A CORPORATION

COMPLAINANT

VS

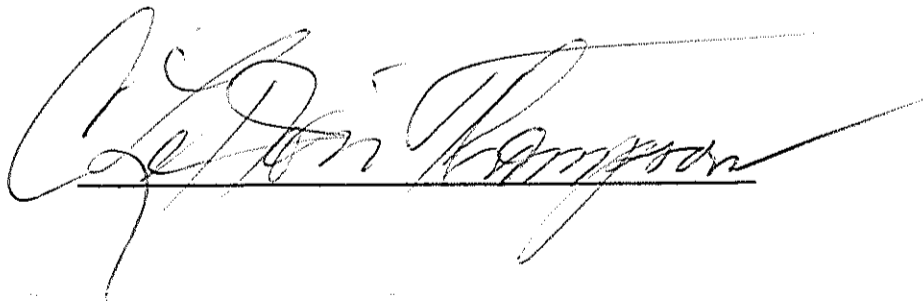
MORRIS TAYLOR, DAISY OPAL
TAYLOR AND ANNIS MOORER, as
Guardian of H. M. Parsons, a
person of unsound mind.

RESPONDENTS

* IN THE UNITED STATES
*
* DISTRICT COURT,
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* SOUTHERN DISTRICT OF ALABAMA
*
* SOUTHERN DIVISION.
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I, C. LeNoir Thompson, one of the attorneys for the defendant in the above entitled cause, do hereby certify that I have this 20 day of February, 1958, served a copy of the petition and bond for removal of the above entitled cause from the Circuit Court of Baldwin County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division, at Mobile, Alabama, upon Norborne Stone, of Chason & Stone, the attorneys of record for the plaintiff, by delivering a copy of said petition to the said Norborne Stone, at his office, Bay Minette, Alabama.

And I do further certify that I have this 20 day of February, 1958, served a copy of the petition and bond with the Clerk of the Circuit Court of Baldwin County, Alabama, by delivering a copy of said petition and bond, to the Clerk of said Court at Bay Minette, Alabama.



U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

FEB 21 1958

WILLIAM J. O'CONNOR
CLERK

PEOPLES FERTILIZER COMPANY
A CORPORATION

COMPLAINANT

VS

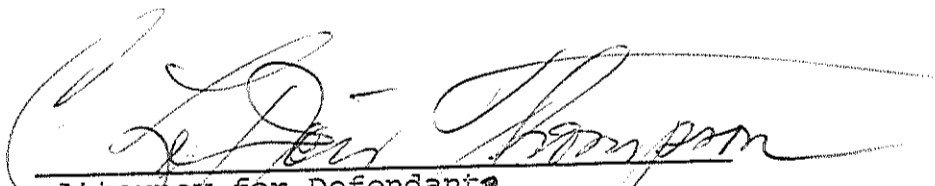
MORRIS TAYLOR, DAISY OPAL
TAYLOR AND ANNIS MOORER, as
Guardian of H. M. Parsons, a
person of unsound mind.

Respondents

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IN THE UNITED STATES
DISTRICT COURT,
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION.

I, C. LeNoir Thompson, one of the attorneys for the de-
fendant in the above entitled cause, do hereby certify that
I have this 20 day of February, 1958, served a copy
of the petition and bond for removal of the above entitled
cause from the Circuit Court of Baldwin County, Alabama, to
the United States District Court for the Southern District of
Alabama, Southern Division, at Mobile, Alabama, upon Morris
Taylor, Defendant, by delivering a copy of said petition to
the home of the said Morris Taylor, Bay Minette, Alabama.


Attorney for Defendants
Vada Parsons Potts

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

FEB 21 1958

WILLIAM J. O'CONNOR
CLERK

C. LeNOIR THOMPSON

Attorney-At-Law

BAY MINETTE, ALABAMA

February 20, 1958

PHONES: 5941
7487

Honorable William J. O'Connor, Clerk,
United States District Court,
Federal Building,
Mobile, Alabama.

Dear Mr. O'Connor:

Attached is my certificate of service and acknowledgment of same by Attorney Norborne Stone, Counsel for Peoples Fertilizer Company, and also attached is my certificate of service on Mr. Stone and the Circuit Clerk, Mrs. Alice J. Duck.

Sincerely,

CLT/m

*Service is also had on
Morris Jaybent as on
Attached Certificate*

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

FEB 21 1958

WILLIAM J. O'CONNOR
CLERK

STATE OF ALABAMA
BALDWIN COUNTY

Civil 1975

KNOW ALL MEN BY THESE PRESENTS, That VADA PARSON POTTS, as principal and FIDELITY & CASUALTY COMPANY of NEW YORK, a corporation, as surety, are held and firmly bound unto PEOPLES FERTILIZER COMPANY, a corporation, in the penal sum of FIVE HUNDRED and no/100 (\$500.00) DOLLARS, payment whereof well and truly to be made unto the said Peoples Fertilizer Company, a corporation, or its assigns, we bind ourselves, our heirs, successors and assigns and representatives jointly and severally firmly by these presents, yet upon these conditions the said Vada Parson Potts is the petitioner in the United States District Court for the Southern District of Alabama, Southern Division, for the removal of a certain cause pending in the Circuit Court of Baldwin County, Alabama, wherein Vada Parson Potts is the defendant and Peoples Fertilizer Company, a corporation is the plaintiff.

Now if the said Vada Parson Potts will pay all costs and disbursements incurred by reason of the removal of said cause should it be determined that the case was not removable or was improperly removed, then this obligation to be void, otherwise in full force and effect.

IN WITNESS WHEREOF Vada ParsonsPotts has hereunto set her hand and seal and Fidelity & Casualty Company of New York, a corporation has caused this bond to be signed by Walter Lindsey, its duly appointed and acting attorney in fact this the 20 day of February, 1958.

Vada ParsonsPotts

By Vada Parsons Potts
Walter Lindsey
Attorney at Law

FIDELITY & CASUALTY COMPANY OF NEW YORK,
a corporation.

BY: Walter Lindsey
ATTORNEY-IN-FACT.

APPROVED:

Samuel H. Jones
U. S. DISTRICT JUDGE.

The Fidelity and Casualty Company of New York

The Pioneer Bonding Company of the United States

BONDING DEPARTMENT

80 MAIDEN LANE, NEW YORK, N. Y.

Know all Men by these Presents:

That The Fidelity and Casualty Company of New York has made, constituted, and appointed, and by these presents does make, constitute, and appoint Walter M. Lindsey of Bay Minette, Alabama

its true and lawful attorney for it and in its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertakings, and contracts of suretyship to be given to all obligees

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of fifty thousand dollars.

In Witness Whereof The Fidelity and Casualty Company of New York has caused its official seal to be hereunto affixed, and these presents to be signed by one of its vice presidents and attested by one of its assistant secretaries this 30th day of March, 1953

The Fidelity and Casualty Company of New York

By John C. Brodsky
Vice President.

Attest:

A. J. Miller
Assistant Secretary.

Bond 1245F. 5M. ★ (51011745)

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

FEB 20 1953

WILLIAM J. O'CONNOR
CLERK

STATE OF NEW YORK,
COUNTY OF NEW YORK,

ss.:

A. J. Miller

being duly sworn, deposes and says:

That he is an assistant secretary of The Fidelity and Casualty Company of New York, the corporation which is described in and which executed the instrument overleaf; that he knows the corporate seal of the said corporation; that the seal affixed to the instrument overleaf is the corporate seal of The Fidelity and Casualty Company of New York, and was thereto affixed by order and authority of the board of directors of the said Company; that he signed his name thereto by like order and authority; that he is acquainted with JOHN C. BRODSKY, and knows him to be a Vice President of the said Company; that the signature of the said JOHN C. BRODSKY subscribed to the said instrument is in the genuine handwriting of the said JOHN C. BRODSKY, and was thereto subscribed by order and authority of the said board of directors of the said Company; that the said Company is duly and legally incorporated under the laws of the State of New York, and has complied with and is now complying with the provisions of the Act of Congress of August 13, 1894, allowing certain corporations to be accepted as surety on bonds.

The deponent further states that the following is a true copy of an extract from the minutes of a meeting of the board of directors of the said Company held at its office in the City of New York on the 17th day of January, 1951, a quorum being present, and the resolution contained in the said extract was unanimously adopted and is now in full force and effect:

"RESOLVED, That FRANK A. CHRISTENSEN, President of the Company, J. VICTOR HERD, Executive Vice President of the Company, WILLIAM L. BATES and JOHN C. BRODSKY, each a Vice-President of the Company, be, and that each of them hereby is, authorized to execute powers of attorney qualifying the attorney named in the given power of attorney to execute in behalf of The Fidelity and Casualty Company of New York bonds, undertakings, and all contracts of suretyship; and that any Vice-President, or any Secretary, or any Assistant Secretary thereto the seal of the Company."

Sworn to before me this

A. J. Miller

Assistant Secretary.

30th day of March, 1953

Florence Carroll

COMMISSIONER OF DEEDS,
CITY OF NEW YORK.

I, H. Paliotto

an attorney of The Fidelity and Casualty Company of New York, do hereby certify that I have compared the copy of the power of attorney overleaf and the foregoing copy of the affidavit annexed to the said power of attorney with the originals now on file in the home office of the said Company, and that the same are correct transcripts therefrom and of the whole of the said originals, and that the said power of attorney has not been revoked and is now in full force and effect.

In testimony whereof I have hereunto set my hand and affixed the seal of the said Company this

20 day of Feb.

in the year of one thousand nine hundred and Fifty Eight.

H. Paliotto

Attorney.

PEOPLES FERTILIZER COMPANY,
A CORPORATION

COMPLAINANT

VS

MORRIS TAYLOR, DAISY OPAL
TAYLOR AND ANNIS MOORER, as
Guardian of H. M. Parsons, a
person of unsound mind,

RESPONDENTS

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~~IN THE CIRCUIT COURT OF~~
IN THE UNITED STATES DISTRICT
~~COURT FOR THE SOUTHERN DISTRICT~~
~~OF ALABAMA~~
OF ALABAMA
CASE NO. 1975

Comes now VADA PARSONS POTTS, Defendant in the above entitled cause, and presents this petition for removal of said action from the Circuit Court of Baldwin County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division, and shows and represents unto the Court as follows:

That the above entitled suit was begun against this defendant in the Circuit Court of Baldwin County in the State of Alabama and that service on this Defendant is of record in said Circuit Court as of February 1, 1958, and that at the time said suit was begun and service had, and at the present time the said Defendant was and still is a citizen and resident of the State of Kansas.

That the Plaintiff in said suit was and still is a corporation, incorporated in the State of Alabama with its main office at Foley in Baldwin County, Alabama; and that said suit is between an Alabama corporation and a citizen and resident of a different State to-wit, Kansas. That the matter in dispute in said suit and for which said suit is brought exceeds the sum of Three Thousand (\$3,000.00) Dollars excluding all interest and costs; and said Defendant has a good defense.

That said suit arises as follows: that the said corporation claims a judgment against a certain Morris Taylor, and alleges that your Petitioner and other heirs of one H. M. Parsons, deceased, are holders of certain real property which the said Peoples Fertilizer Company, a corporation alleges is the subject of a conspiracy between the said Morris Taylor and H. M. Parsons during his life time; and the allegations further allege that the said H. M. Parsons took title to said property under a scheme or plan for the purpose of fraud and;

Your Petitioner further shows unto this Honorable Court that the said Morris Taylor was on or about the time indicated in the

allegations of the said Plaintiff, to-wit, Peoples Fertilizer Company, a corporation, that the said Morris Taylor was a defendant in the criminal division of the said United States District Court of the Southern District of Alabama, Southern Division, and, further,

That the said Morris Taylor was shortly thereafter a defendant in an action by the United States as Plaintiff, being Civil action number 1246, of record in this Honorable Court, and a judgment in the amount of Eight Thousand Four Hundred Nineteen and 64/100 (\$8,419.64) Dollars and costs was rendered against the said Morris Taylor, and further that at said times, the said Morris Taylor, made statements to officials and employees of the United States Department of Justice at the times he was a defendant in said Criminal Case, and was a defendant in said Civil Case that he had no property other than personal property.

That the Petitioner has not yet appeared or pleaded in said action; that service was had upon your Petitioner, Vada Parsons Potts, in said suit by registered mail by the Clerk of the Circuit Court of Baldwin County, Alabama on to-wit; the first day of February, 1958, less than twenty days before filing of this petition; that a copy of all process, pleadings and orders that have been served upon the defendant in the above entitled cause are attached to this petition;

That said Defendant will promptly after the filing of the petition and Bond, give written notice thereof to the plaintiff; and will file a copy of said petition with the Clerk of the Circuit Court of Baldwin County, Alabama;

WHEREFORE the petitioner prays this Honorable Court that this petition and bond may be accepted and approved and that said suit be removed to the United States District Court for the Southern District of Alabama, Southern Division, and that the Circuit Court of Baldwin County, Alabama, proceed no further in the premises.

VADA PARSONS POTTS.

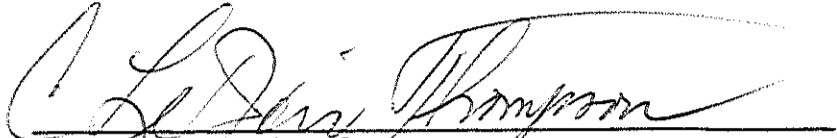
BY: 

C. LeNoir Thompson, ATTORNEY.

STATE OF ALABAMA
BALDWIN COUNTY


Personally appeared before me, the undersigned authority, C. LeNoir Thompson, who being by me first duly sworn deposes and

says that he is one of the attorneys for Vada Parsons Potts, and as such is duly authorized to remove that certain suit wherein Vada Parsons Pugh is the defendant, from the Circuit Court of Baldwin County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division; that he has read the above and foregoing petition and that the facts stated therein are true.


C. LeNoir Thompson.

Subscribed and sworn to before me this 20 day of February, 1958.


Notary Public,


ATTORNEY FOR PETITIONER (DEFENDANT)
Bay Minette, Alabama.

OF COUNSEL:

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

FEB 20 1958

WILLIAM J. O'CONNOR
CLERK

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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 Morris Taylor, Daisy Opal Taylor and Annis Moorner, as guardian of H. M. Parsons, a person of unsound mind, 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 Peoples Fertilizer Company a corporation, as Complainant against Morris Taylor, Daisy Opal Taylor and Annis Moorner, as guardian of H. M. Parsons, a person of unsound mind, as Respondents.

Witness my hand this 27 day of November, 1955.

/s/ Alice J. Duck.

Register.

PEOPLES FERTILIZER COMPANY
A CORPORATION,

COMPLAINANT

VS

MORRIS TAYLOR, DAISY OPAL
TAYLOR AND ANNIS MOORER, as
guardian of H. M. Parsons, a
person of unsound mind,

RESPONDENTS

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

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND
TO THE HONORABLE HUBERT M. HALL, JUDGE THEREOF:

Comes your Complainant, Peoples Fertilizer Company, and files this its Bill of Complaint and shows unto this Court and unto Your Honor as follows:

FIRST:

That the Complainant is a corporation organized under the laws of the State of Alabama, with its principal place of business at Foley, Alabama. That all of the Respondents are resident citizens of Baldwin County, Alabama, and are all over the ages of twenty-one years. On April 6, 1955, H. M. Parsons was adjudged insane and on April 7, 1955, Annis Moorner was appointed as his guardian by the Probate Court of Baldwin County, Alabama.

SECOND:

That Morris Taylor was justly indebted to the Peoples Fertilizer Company on September 22, 1947, on which date a suit was filed against him by the Complainant in the Circuit Court of Baldwin County, Alabama, being cause number 1094, and a copy of the Summons and Complaint in such suit was served on him by the Sheriff of Baldwin County, Alabama, on September 24, 1947. That at the time of the filing of such suit Morris Taylor was the owner of the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at the Southwest Corner of the Southwest Quarter of the Southeast Quarter of Section 16, Township 2 South, Range 3 East, and run thence North 488.5 feet to a point, thence run East 535 feet to a point, thence run South 488.5 feet to a point, thence run West 535 feet to the point of beginning, containing 6 acres more or less, except a 20 foot strip off the West side of said property conveyed to Baldwin County for a public road.

That such property had been acquired by Morris Taylor from John G. Murphy by warranty deed dated February 28, 1945, which said deed is recorded in the Office of the Probate Judge of Baldwin County, Alabama, in Deed Book 89, Page 92, in which deed Daisy Opal Taylor, one of the Respondents, and the wife of Morris Taylor, was named as the grantee but Complainant is informed and believes and upon such information and belief alleges that such deed was made to her in order that she might hold such property in trust for Morris Taylor who was the actual owner of the same. That Daisy Opal Taylor and Morris Taylor, her husband, conveyed a portion of said property to James B. Crabtree by warranty deed dated November 15, 1946, which said deed is recorded in the Office of the Probate Judge of Baldwin County, Alabama, in Deed Book 114, Page 102, and on September 4, 1947, the said James B. Crabtree and wife reconveyed the property which he had acquired to Daisy Opal Taylor, said deed being recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 123, Page 40, that Complainant is informed and believes and upon such information and belief alleges that Daisy Opal Taylor was to hold the same in trust for her husband, Morris Taylor.

THIRD:

That while the above mentioned suit which had been brought

by the Complainant against Morris Taylor was pending the said Daisy Opal Taylor and Morris Taylor, her husband, entered into a scheme or plan with the said H. M. Parsons to defraud your Complainant. That it was agreed between the said Daisy Opal Taylor and Morris Taylor, her husband, on the one part, and H. M. Parsons on the other part, that Daisy Opal Taylor and Morris Taylor would convey to H. M. Parsons the property described in the second paragraph of this Bill of Complaint, which said property had two houses located thereon. It was further agreed between them that Daisy Opal Taylor and Morris Taylor would have the right to occupy and use, without rent, the house located nearest Bay Minette and H. M. Parsons would have the right to occupy or rent out the other house and this was to continue for a period of 10 years, at the expiration of which time the entire property was to be sold by H. M. Parsons and the proceeds of such sale was to be divided equally between Morris Taylor and H. M. Parsons. In accordance with such fraudulent agreement the said Daisy Opal Taylor and Morris Taylor, her husband, executed a warranty deed to H. M. Parsons on April 27, 1948, conveying the following described property situated in Baldwin County, Alabama, viz:

Beginning at the Southwest Corner of Southwest Quarter of Southeast Quarter of Section 16, Township 2 South, Range 3 East and run thence North 438.5 feet, thence run East 535 feet, thence run South 438.5 feet, thence run West 535 feet to the point of beginning, containing 6 acres more or less except 20 feet for road off West side heretofore conveyed to Baldwin County,

which said deed was recorded in the Office of the Probate Judge of Baldwin County, Alabama, in Deed Book 130, Page 63. That it was discovered that a mistake had been made in the description in said property and on May 10, 1948, the said Daisy Opal Taylor and Morris Taylor executed a deed of correction to H. M. Parsons conveying the property described in paragraph two of the Bill of Complaint, which said deed of correction was recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 130, Page 183.

FOURTH:

That subsequent to the execution and recording of these deeds mentioned in the last paragraph of this Bill of Complaint your Complainant secured a judgment in its suit against Morris Taylor hereinabove referred to, which judgment was rendered September 27, 1948, in favor of your Complainant and against Morris Taylor, one of the Respondents in the sum of Six Thousand Three Hundred Forty-two

Dollars and Seventy-one Cent (\$5,342.71) and Fifteen Dollars and Fifty-five Cent (\$15.55) cost of court. That a certificate of judgment was recorded in the Office of the Judge of Probate of Baldwin County, Alabama, on October 1, 1948, in Judgment Book 4, Page 188. Your Complainant further shows unto Your Honor that no part of such judgment has ever been paid. The said H. M. Parsons has not conveyed any part of the property hereinabove referred to.

FIFTH:

Your Complainant hereby offers to do equity.

PRAYER FOR PROCESS

The premises considered, your Complainant prays that the above named Morris Taylor, Daisy Opal Taylor and Annis Moorer, as guardian of H. M. Parsons, a person of unsound mind, be made a party Respondent to this cause by the usual writ or process of this Honorable Court requiring them to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this court and the Statutes in such cases made and provided.

PRAYER FOR RELIEF

Your Complainant further prays that upon a final hearing of this cause that the deed from Daisy Opal Taylor and Morris Taylor, her husband, to H. M. Parsons dated April 27, 1948, and recorded in Deed Book 130, Page 63, Probate Records of Baldwin County, Alabama, and the deed from Daisy Opal Taylor and Morris Taylor, her husband, to H. M. Parsons dated May 10, 1948, and recorded in Deed Book 130, Page 183, Probate Records of Baldwin County, Alabama, be declared null and void and of no force and effect and that this court shall order the Register of such court to note on the margin of the record where such deeds are recorded that they have been declared null and void. That this court shall order the Register of such court to sell the property described in paragraph two of the Bill of Complaint in a manner and at a time and place as fixed by this court in order to satisfy the judgment recovered by the Complainant, together with interest thereon and that this court shall decree that Morris Taylor shall be the owner of any money derived from the sale of such property, in excess of the amount due the Complainant under its said judgment. That this court shall also render such other orders and decrees as may be requisite in the premises.

CHASON & STONE.
BY: /s/ John Chason
Solicitors for Complainant.

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

FEB 20 1956

WILLIAM J. O'CONNOR
CLERK

PEOPLES FERTILIZER COMPANY
A CORPORATION,

Complainant,

vs.

MORRIS TAYLOR, DAISY OPAL
TAYLOR and ANNIS MOORER, as
guardian of H. M. PARSONS, a
person of unsound mind,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes the Complainant in the above styled cause and amends its Bill of Complaint heretofore filed in said cause by adding paragraph sixth as follows:

SIXTH:

That a short time prior to April 27, 1948, when a warranty deed was executed by Daisy Opal Taylor and Morris Taylor, her husband, to H. M. Parsons as set out in paragraph "Third." of the original Bill of Complaint filed in this cause, the said Morris Taylor, Daisy Opal Taylor, his wife, and H. M. Parsons entered into an oral agreement that such deed would be executed for the purpose of hindering, delaying or defrauding your Complainant in its collection of money due to such Complainant by the said Morris Taylor and such deed was executed by Morris Taylor and Daisy Opal Taylor, his wife, and accepted by H. M. Parsons for the purpose of hindering, delaying or defrauding your Complainant.

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

FEB 20 1958

By:

W. J. O'Connor
Solicitors for Complainant

WILLIAM J. O'CONNOR
CLERK

PEOPLES FERTILIZER COMPANY
A CORPORATION,

Complainant,

vs.

MERRIS TAYLOR, DAISY OPAL
TAYLOR AND ANNIE MOORE, as
Guardians of H. M. PARSONS,
a person of unsound mind,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

TO ANY PARTY OF THE STATE OF ALABAMA

Under and by virtue of an order and decree made and
entered by the Circuit Court of Baldwin County, Alabama, in Equity,
on January 21, 1938, the above styled cause was revived against
Pyrae Griffin, as Executor of the estate of H. M. Parsons, Deceased,
and against Annie Parsons Moser, Bay Minette, Alabama; Vera Parsons
Potts, Douglas, Kansas; Golda Parsons Friedhoff, 2861 Springhill
Avenue, Crichton Station, Mobile, Alabama; Nettie Parsons Williams,
304 Marine Street, Mobile, Alabama; and Margaret Parsons Griffin,
Fairhope, Alabama, as parties Respondent and such order provided
that a citation issue to each of the parties, against whom such cause
is revived, notifying such parties of such revival.

You are hereby directed to cite the above named parties
to appear within thirty days (30) from the date on which this cita-
tion is served on such party and defend the suit brought by Peoples
Fertilizer Company, a corporation, as above set out if he or she
sees fit to do so.

IN WITNESS WHEREOF, I Alice J. Duck, as Register of
the Circuit Court of Baldwin County, Alabama, in Equity, have set
my hand and seal on this the 12th day of January, 1938.

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

FEB 20 1938

Alice J. Duck (REAL)
Register

WILLIAM J. O'CONNOR
CLERK

FILED
JAN 23 1938
BALDWIN COUNTY, ALA.
CLERK'S OFFICE

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the heirs at law, next of kin and legatees under the Last Will and Testament of H. M. Parsons, Deceased, and such notice having been served upon Lenoir Thompson as such attorney of record, and the Complainant having this day filed its motion to revive such cause as above set out;

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the above styled cause be, and the same is, hereby revived against Prince Griffin as Executor of the estate of H. M. Parsons, Deceased, and against Annis Parsons Moore, Vada Parsons Potts, Golda Parsons Friedhoff, Nettie Parsons Williams and Margaret Parsons Griffin, as the heirs at law, next of kin and legatees under the Last Will and Testament of H. M. Parsons, Deceased.

It is further ORDERED that a citation issue to each of the parties against whom the cause is revived, notifying such parties of such revival as required by law.

Done this the 21st day of January, 1958.

U. S. DISTRICT
COURT
SOUTH DISTRICT
FILED IN OFFICE

Hubert M. Hall
Circuit Judge

FEB 20 1958

PEOPLES FERTILIZER COMPANY,
A CORPORATION,

Complainant,

vs.

MORRIS TAYLOR, DAISY OPAL
TAYLOR AND ANNIS MOORER, as
Guardian of H. M. Parsons, a
person of unsound mind,

Respondents.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

The Complainant in the above styled cause, acting by and through its Solicitors of Record Chason & Stone, having given notice to Lenoir Thompson as Attorney of Record for Annis Moorner, as Guardian of H. M. Parsons, a person of unsound mind, that the Complainant would file its motion on this day to revive said cause against Prince Griffin as Executor of the estate of H. M. Parsons, Deceased, and against Annis Parsons Moorner, Vada Parsons Potts, Golda Parsons Friedhoff, Nettie Parsons Williams and Margaret Parsons Griffin, as the heirs at law, next of kin and legatees under the Last Will and Testament of H. M. Parsons, Deceased, and such notice having been served upon Lenoir Thompson as such attorney of record, and the Complainant having this day filed its motion to revive such cause as above set out;

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the above styled cause be, and the same is, hereby revived against Prince Griffin as Executor of the estate of H. M. Parsons, Deceased, and against Annis Parsons Moorner, Vada Parsons Potts, Golda Parsons Friedhoff, Nettie Parsons Williams and Margaret Parsons Griffin, as the heirs at law, next of kin and legatees under the Last Will and Testament of H. M. Parsons, Deceased.

It is further ORDERED that a citation issue to each of the parties against whom the cause is revived, notifying such parties of such revival as required by law.

Done this the 21st day of January, 1958.


Hubert M. Hall
Circuit Judge

PEOPLES FERTILIZER COMPANY,	X	
A Corporation,	X	
	X	IN THE CIRCUIT COURT OF
Complainant,	X	
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
MORRIS TAYLOR, DAISY OPAL	X	
TAYLOR, PRINCE GRIFFIN, as	X	
Executor of the Estate of	X	
H. M. Parsons, Deceased,	X	IN EQUITY
ANNIS PARSONS MOORER, VADA	X	NO. 3927
PARSONS POTTS, GOLDA PARSONS	X	
FRIEDHOFF, NETTIE PARSONS	X	
WILLIAMS and MARGARET PARSONS	X	
GRIFFIN,	X	
	X	
Respondents,	X	

It appearing to the Court from the petition filed by the Complainant in said cause that the decrees of this Court dated November 4, 1958, and December 12, 1958, entered in said cause, have not been complied with because an appeal was taken by certain of the Respondents to the Supreme Court of Alabama, and

It further appearing to the Court that the decree of this Court was affirmed by the Supreme Court of Alabama, and an application for rehearing was denied by such Court, and that the provisions of the former decrees of this Court should now be complied with;

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that Alice J. Duck, as Register of said Court shall sell the property described in the Bill of Complaint filed in said cause as the property of Morris Taylor, at public auction, to the highest bidder for cash after having given notice of the time, place and terms of such sale by advertisement in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, for four (4) consecutive weeks and such sale shall be held in front of the courthouse door in Bay Minette Alabama, at 11:30 o'clock A. M. on Monday, February 29, 1960. And the Register of this Court is hereby authorized to receive the amount paid for such property at such sale and to execute a proper deed conveying said property to the purchaser thereof and the Register is directed to pay the amount so received to the Peoples Fertilizer Company, a corporation, to apply upon its judgment against Morris Taylor unless such amount should be in excess of the amount due the Peoples Fertilizer Company, a corporation, under such judgment,. Should said

property sell at such sale for an amount in excess of the amount due Peoples Fertilizer Company, a corporation, under such judgment, any amount remaining shall be paid to the said Morris Taylor, one of the Respondents in said cause, unless such amount shall become liable for other debts due by the said Morris Taylor.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Sheriff of Baldwin County, Alabama, is hereby directed to put the purchaser at such sale in possession of said property and should any person or persons who are now in possession of said property fail or refuse to vacate the same within ten days from the date of such sale, the Sheriff is hereby directed to remove such person or persons so in possession without further order of this court.

That the Register of this Court shall cause a certified copy of this decree to be filed in the Office of the Judge of Probate of Baldwin County, Alabama, and to be properly indexed in the proper records therein, and the cost of recording the same to be taxed as a part of the cost of this proceeding.

That the Court costs which have accrued in this cause shall be taxed against the Respondents in said cause, in equal amounts, against each Respondent, for which let execution issue.

Done this the 27 day of January, 1960.

FILED

JAN 27 1960

ALICE J. DICK, CLERK
REGISTER

Hubert M. ...

Judge

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 Morris Taylor, Daisy Opal Taylor and Annis Moorner, as guardian of H. M. Parsons, a person of unsound mind, 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 Peoples Fertilizer Company a corporation, as Complainant against Morris Taylor, Daisy Opal Taylor and Annis Moorner, as guardian of H. M. Parsons, a person of unsound mind, as Respondents.

Witness my hand this 21 day of Nov., 1956.

David J. Smith
Register

PEOPLES FERTILIZER COMPANY,
A CORPORATION,

Complainant,

vs.

MORRIS TAYLOR, DAISY OPAL
TAYLOR AND ANNIS MOORER, as
guardian of H. M. PARSONS, a
person of unsound mind,

Respondents.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND
TO THE HONORABLE HUBERT M. HALL, JUDGE THEREOF:

Comes your Complainant, Peoples Fertilizer Company, and
files this its Bill of Complaint and shows unto this Court and unto
Your Honor as follows:

FIRST:

That the Complainant is a corporation organized under the
laws of the State of Alabama, with its principal place of business
at Foley, Alabama. That all of the Respondents are resident citizens

of Baldwin County, Alabama, and are all over the ages of twenty-one years. On April 6, 1955, H. M. Parsons was adjudged insane and on April 7, 1955, Annis Moorer was appointed as his guardian by the Probate Court of Baldwin County, Alabama.

SECOND:

That Morris Taylor was justly indebted to the Peoples Fertilizer Company on September 22, 1947, on which date a suit was filed against him by the Complainant in the Circuit Court of Baldwin County, Alabama, being cause number 1094, and a copy of the Summons and Complaint in such suit was served on him by the Sheriff of Baldwin County, Alabama, on September 24, 1947. That at the time of the filing of such suit Morris Taylor was the owner of the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at the Southwest Corner of the Southwest Quarter of the Southeast Quarter of Section 16, Township 2 South, Range 3 East, and run thence North 488.5 feet to a point, thence run East 535 feet to a point, thence run South 488.5 feet to a point, thence run West 535 feet to the point of beginning, containing 6 acres more or less, except a 20 foot strip off the West side of said property conveyed to Baldwin County for a public road.

That such property had been acquired by Morris Taylor from John G. Murphy by warranty deed dated February 28, 1945, which said deed is recorded in the Office of the Probate Judge of Baldwin County, Alabama, in Deed Book 89, Page 92, in which deed Daisy Opal Taylor, one of the Respondents, and the wife of Morris Taylor, was named as the grantee but Complainant is informed and believes and upon such information and belief alleges that such deed was made to her in order that she might hold such property in trust for Morris Taylor who was the actual owner of the same. That Daisy Opal Taylor and Morris Taylor, her husband, conveyed a portion of said property to James B. Crabtree by warranty deed dated November 15, 1946, which said deed is recorded in the Office of the Probate Judge of Baldwin County, Alabama, in Deed Book 114, Page 102, and on September 4, 1947, the said James B. Crabtree and wife reconveyed the property which he had acquired to Daisy Opal Taylor, said deed being recorded in the Office

of the Judge of Probate of Baldwin County, Alabama, in Deed Book 123, Page 40, that Complainant is informed and believes and upon such information and belief alleges that Daisy Opal Taylor was to hold the same in trust for her husband, Morris Taylor.

THIRD:

That while the above mentioned suit which had been brought by the Complainant against Morris Taylor was pending the said Daisy Opal Taylor and Morris Taylor, her husband, entered into a scheme or plan with the said H. M. Parsons to defraud your Complainant. That it was agreed between the said Daisy Opal Taylor and Morris Taylor, her husband, on the one part, and H. M. Parsons on the other part, that Daisy Opal Taylor and Morris Taylor would convey to H. M. Parsons the property described in the second paragraph of this Bill of Complaint, which said property had two houses located thereon. It was further agreed between them that Daisy Opal Taylor and Morris Taylor would have the right to occupy and use, without rent, the house located nearest Bay Minette and H. M. Parsons would have the right to occupy or rent out the other house and this was to continue for a period of 10 years, at the expiration of which time the entire property was to be sold by H. M. Parsons and the proceeds of such sale was to be divided equally between Morris Taylor and H. M. Parsons. In accordance with such fraudulent agreement the said Daisy Opal Taylor and Morris Taylor, her husband, executed a warranty deed to H. M. Parsons on April 27, 1948, conveying the following described property situated in Baldwin County, Alabama, viz:

Beginning at the Southwest Corner of Southwest Quarter of Southeast Quarter of Section 16, Township 2 South, Range 3 East and run thence North 438.5 feet, thence run East 535 feet, thence run South 438.5 feet, thence run West 535 feet to the point of beginning, containing 6 acres more or less except 20 feet for road off West side heretofore conveyed to Baldwin County,

which said deed was recorded in the Office of the Probate Judge of Baldwin County, Alabama, in Deed Book 130, Page 63. That it was discovered that a mistake had been made in the description in said property and on May 10, 1948, the said Daisy Opal Taylor and Morris Taylor executed a deed of correction to H. M. Parsons conveying the

~~the~~ property described in paragraph two of the Bill of Complaint, which said deed of correction was recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 130, Page 183.

FOURTH:

That subsequent to the execution and recording of these deeds mentioned in the last paragraph of this Bill of Complaint your Complainant secured a judgment in its suit against Morris Taylor hereinabove referred to, which judgment was rendered September 27, 1948, in favor of your Complainant and against Morris Taylor, one of the Respondents in the sum of Six Thousand Three Hundred Forty-two Dollars and Seventy-one Cent (\$5,342.71) and Fifteen Dollars and Fifty-five Cent (\$15.55) cost of court. That a certificate of judgment was recorded in the Office of the Judge of Probate of Baldwin County, Alabama, on October 1, 1948, in Judgment Book 4, Page 188. Your Complainant further shows unto Your Honor that no part of such judgment has ever been paid. The said H. M. Parsons has not conveyed any part of the property hereinabove referred to.

FIFTH:

Your Complainant hereby offers to do equity.

PRAYER FOR PROCESS

The premises considered, your Complainant prays that the above named Morris Taylor, Daisy Opal Taylor and Annis Moorner, as guardian of H. M. Parsons, a person of unsound mind, be made a party Respondent to this cause by the usual writ or process of this Honorable Court requiring them to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this court and the Statutes in such cases made and provided.

PRAYER FOR RELIEF

Your Complainant further prays that upon a final hearing of this cause that the deed from Daisy Opal Taylor and Morris Taylor, her husband, to H. M. Parsons dated April 27, 1948, and recorded in

Deed Book 130, Page 63, Probate Records of Baldwin County, Alabama, and the deed from Daisy Opal Taylor and Morris Taylor, her husband, to H. M. Parsons dated May 10, 1948, and recorded in Deed Book 130, Page 183, Probate Records of Baldwin County, Alabama, be declared null and void and of no force and effect and that this court shall order the Register of such court to note on the margin of the record where such deeds are recorded that they have been declared null and void. That this court shall order the Register of such court to sell the property described in paragraph two of the Bill of Complaint in a manner and at a time and place as fixed by this court in order to satisfy the judgment recovered by the Complainant, together with interest thereon and that this court shall decree that Morris Taylor shall be the owner of any money derived from the sale of such property, in excess of the amount due the Complainant under its said judgment. That this court shall also render such other orders and decrees as may be requisite in the premises.

CHASON & STONE

filed Nov. 27, 1956

Alice J. Luck, Reg.

Executed - Nov. 27, 1956

By:

[Signature]
Solicitors for Complainant

PEOPLES FERTILIZER COMPANY,
A Corporation,

Complainant,

vs.

MORRIS TAYLOR, DAISY OPAL
TAYLOR, PRINCE GRIFFIN, as
Executor of the Estate of
H. M. Parsons, Deceased,
ANNIS PARSONS MOORER, VADA
PARSONS POTTS, GOLDA PARSONS
FRIEDHOFF, NETTIE PARSONS
WILLIAMS and MARGARET PARSONS
GRIFFIN,

Respondents.

X
X
X
X
X
X
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X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes the Complainant in the above styled cause and demurs to the special pleas filed by the Respondents and which are contained in an instrument which the Respondents term an answer to the complaint, and assigns the following separate and several grounds, viz:

1. That special pleas "1", "2", "3" and "10" do not state a defense to the cause of action.
2. That special pleas "1", "2", "3" and "10" are vague and indefinite.
3. That plea "1" which attempts to set out a limitation of ten years is not a defense to this cause of action as this suit is based upon fraud and not upon a contract.
4. That plea "2" is not a defense to this cause of action as this suit is based upon fraud and not upon an oral contract.
5. That plea "3" is not a defense to this cause of action as this suit is based upon fraud and not upon the statutes of fraud.
6. That plea "10" is not a defense to this cause of action as a deed taken in lieu of foreclosure is not a protection against intervening liens.

FILED
JUN 17 1958
ALICE L. DUCK, CLERK
REGISTER

CHASON & STONE

262 By: *[Signature]*
Solicitors for Complainant

DEMURRER TO SPECIAL PLEAS

PEOPLES FERTILIZER COMPANY,
A Corporation,

Complainant,

vs.

MORRIS TAYLOR, ET AL.

Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

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