

THOMAS STONE,
Complainant,
vs.
THOMAS FLOYD STONE, ET AL.,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 3932.

DECREE:

This cause coming on to be heard on this date is submitted for a decree upon the original verified Bill of Complaint; order of publication; proof of publication; motion for decree pro confesso and decree pro confesso, upon consideration of all of which the court is of the opinion that the complainant is entitled to the relief prayed for by him in the said Bill of Complaint: it is therefore, ORDERED, AJUDGED AND DECREED by the Court as follows:

1. The Complainant, Thomas Stone, and the Respondents, Gladys Maculasso, Edith DeMonts and Thomas Floyd Stone, are joint owners or tenants in common of the following described real property situated in Baldwin County, Alabama, to-wit:

Lot 1 in Block 1 in the Subdivision known as Eastwood, according to the official map or plat thereof which is recorded in Map Book 1 at page 96, Baldwin County, Alabama Records.

2. The interests of the said parties in the above described property is as follows:

Thomas Stone, one-fourth;
Gladys Maculasso, one-fourth;
Edith DeMonts, one-fourth;
Thomas Floyd Stone, one-fourth;

3. That the said real property cannot be equitably divided among the joint owners thereof without a sale of the same for division.

4. That Alice J. Duck, as Commissioner, be and she is hereby authorized and directed to sell, on Tuesday, June 24, 1958, at 11:30 A. M. at public outcry, for cash, in front of the Courthouse of Baldwin County, Alabama, the property hereinabove described, after first giving notice by publication in the Baldwin Times, a newspaper of general circulation published in Baldwin

County, Alabama, once a week for three successive weeks of the time, place, terms of sale, and a description of the property.

5. That Alice J. Duck, as Commissioner, shall immediately, upon the making of said sale, in the manner and form prescribed herein, report her actions herein to the court, so that the same may be confirmed or rejected, as may seem meet and proper.

6. That, upon the filing of the Commissioner's report, and after it has laid over for the time prescribed by law, the court proceed to ascertain what would be a reasonable attorney's fee to be paid to Complainant's Solicitor for his services in this cause, and to make and enter such other orders or decrees as may be just and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 15th day of May, 1958.

Hubert M. Hall
Judge.

THOMAS STONE,
Complainant,
vs.
THOMAS FLOYD STONE, ET AL.,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 3932

ORDER CONFIRMING COMMISSIONER'S SALE:

This day came Alice J. Duck, the commissioner heretofore appointed by the Court, and moves the Court that sale of the property of the joint owners thereof, heretofore made by said commissioner in pursuance of the order made on the 15th day of May, 1958, appointing her commissioner to sell certain property of said joint owners and by her duly reported to this Court on June 25, 1958, be now confirmed by an order of this court.

And it further appearing to the satisfaction of the Court from said report and from the evidence now herewith submitted that said property could not be equitably divided or partitioned without said sale; that the said commissioner had no personal or pecuniary interest in said sale, nor was she directly or indirectly a purchaser at said sale; that said sale was fairly conducted in strict accordance with law, and that said property sold for an amount not greatly less than its real value and that all of the terms of sale, as prescribed by the court, have been complied with.

And it further appearing from the report that the said property was sold to J. G. Jordan and that he has paid the purchase money in full and the property sold was situated in Baldwin County, Alabama, and is described as follows:

Lot 1 in Block 1 in the Subdivision known as Eastwood, according to the official map or plat thereof which is recorded in Map Book 1 at page 96, Baldwin County, Alabama Records.

It further appears to the Court that the purchase price for the said property was \$900.00.

It is, therefore, ORDERED by the Court that said sale be confirmed and that Alice J. Duck, the commissioner, make conveyance to the purchase aforesaid of all right, title and interest

which the said joint owners had in such property, which property was particularly described in the preceding paragraph.

The Court reserves jurisdiction of this cause for such other and further orders and decrees as may be necessary and proper in the premises.

~~July~~
August, 1958.

ORDERED, ADJUDGED AND DECREED on this the 19th day of

Robert M. Hall

Judge.

THOMAS STONE,

Complainant,

vs.

GLADYS MACULASSO, ET AL.,

Respondents.

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

NOTE OF TESTIMONY:

This cause coming on to be heard on this day is submitted for a final decree upon the following:

1. Original Bill of Complaint;
2. Motion to substitute party complainant;
3. Order of Substitution;
4. Order of publication;
5. Motion for decree pro confesso;
6. Decree pro confesso;
7. Decree dated May 15, 1958;
8. Notice of sale;
9. Report of sale;
10. Order confirming Commissioner's sale;
11. Testimony of Sam Little and Tolbert M. Brantley.

DATED this the 5 day of September, 1958.


Register.

J. B. BLACKBURN,
Solicitor for Complainant.

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

THOMAS STONE

COMPLAINANT

vs.

THOMAS FLOYD STONE, ET AL., RESPONDENT

I, Alice L. Miller

as Register and Commissioner

have called and caused to come before me Sam Little and

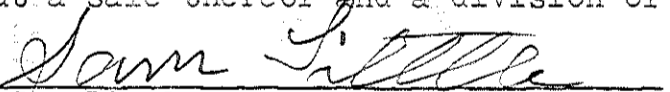
witness named in the requirement for Oral Examination, on the 18th day of August
19 58 , at the office of J. B. Blackburn, Bay Minette, Alabama

in , Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said Sam Little and

doth depose and say as follows:

My name is Sam Little and I am over the age of 21 years and a resident of Baldwin County, Alabama. I am familiar with and well know the value of real estate in the vicinity of Bay Minette and I well know Lot 1 in Block 1 in the Subdivision known as Eastwood, according to the official map or plat thereof which is recorded in Map Book 1 at page 96, Baldwin County, Alabama Records. I know the complainant, Thomas Stone, and the respondents, Gladys Maculasso, Edith DeMonts and Thomas Floyd Stone, and I know that they are all children of Floyd Stone, who was once the owner of the above described property. In my opinion, the sum of \$900.00 is a fair and reasonable market value of the said property and since the property has a dwelling house situated thereon, it could not be equitably divided among the joint owners without a sale thereof and a division of the proceeds.


Sam Little.

ORAL EXAMINATION

I, Alice L. Miller as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness _____ and read over to him and he signed the same in the presence of myself and _____ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness _____ or had proof made before me of the identity of said witness _____; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 18th day of August, 19 58 .

Alice L. Miller (x. S.)

No. _____ Page _____

**THE STATE OF ALABAMA
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

THOMAS STONE,

COMPLAINANT

vs.

THOMAS FLOYD STONE, ET AL.,

RESPONDENT

ORAL DEPOSITION

Filed _____, 19 _____

Register.

RECORDED IN

Record

Vol. _____ Page _____

Register.



THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

JIMMY FAULKNER
AND
BILL STEWART
PUBLISHERS

E. R. MORRISSETTE, JR.
EDITOR-MANAGER

Legal Notice

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

THOMAS STONE, Complainant,
vs. GLADYS MACULASSO, ET
AL., Respondents.

In this cause it is made to appear to the Court, by the affidavit of J. B. Blackburn, that Thomas Floyd Stone, one of the Respondents in this cause, is a non-resident of the State of Alabama; and further, that in the belief of said affiant, said respondent is over the age of twenty-one years.

It is therefore, ORDERED by the Court that publication be made in the Baldwin Times, a newspaper published in Baldwin County, State of Alabama, for four consecutive weeks, requiring the said Thomas Floyd Stone to appear and plead to, answer or demur to the Bill of Complaint in said cause, by the 6th day of January, 1958, or in thirty days thereafter a decree pro confesso may be rendered against him.

WITNESS my hand this 3rd day of December, 1957.

ALICE J. DUCK,
Register.

47-4tc.

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

Thomas Stone U.S.
Gladys Maculasso Etal, Respondents

COST STATEMENT

164 WORDS @ 6 1/2 cents \$ 10 66
I hereby certify this is correct, due and unpaid (paid).

Editor.

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

Date of 1st publication Dec 5, 1957 Vol. 69 No. 47
Date of 2nd publication Dec. 12, 1957 Vol. 69 No. 48
Date of 3rd publication Dec 19, 1957 Vol. 69 No. 49
Date of 4th publication Dec 24, 1957 Vol. 69 No. 50

Subscribed and sworn before the undersigned this 27 day of Dec, 1957.

Dorothy Meuter
Notary Public, Baldwin County.

Editor.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Alice L. Miller

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Sam Little

a witness in behalf of Thomas Stone in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein Thomas Stone

and Thomas Floyd Stone, et al.,
, Complainant

Respondent

on oath, to be by you administered, upon Sam Little
to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 18th day of August

, 1958

Alice L. Miller
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

THOMAS STONE

Complainant

VS.

THOMAS FLOYD STONE, ET AL.,

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

The State of Alabama, }
Baldwin County

CIRCUIT COURT. (Equity)

TERM, 19...

Thomas Stone
No. *3937* VS.
Glady's Maulassi

BILL OF COSTS

REGISTER'S FEES	AMOUNT	REGISTER'S FEES - Continued	AMOUNT
1. Filing Bills or other paper	1.80	56. Recording Copy of Decree in Probate Court	.25
2. Copy of Bill or other paper, 100 words	1.00	57. State Certificate	.50
3. Docketing Cause	1.75	58. Commission on Sales	15.80
4. Issuing Subpoena on Bills	.75		
5. Copies	1.50		
6. Entering Return	.15		
7. Order of Publication to Non-Residents	2.50		
8. Abstract for Publication, 100 words	.20		
9. Attachment Writ	1.00		
10. Injunction Writ	1.50		
11. Copy	.50		
12. Entering Return	.15		
13. Entering Appearance	.50		
14. Decree Pro Confesso	1.25		
15. Appointing Guardian ad litem	1.25		
16. Issuing Commission to take testimony	.75		
17. Receiving and Filing each pkg. of Testimony	.10		
18. Endorsing each pkg. of Depositions published	.10		
19. Entering Order Submitting Cause for Decree	.50		
20. Any Other Order	.25		
21. Noting All Testimony	.50		
22. Abstract Docket, each case	1.00		
23. Entering Decree, 500 words or less	2.00		
24. Entering Decree, over 500 words for every 100 word over 500	.20		
25. Taking Account, Swearing Witnesses, etc., per day	3.00		
26. Taking Testimony on Reference, 100 words	.20		
27. Report of 500 words or less	3.00		
28. Report of over 500 words, for every 100 words over 500	.20		
29. But when the amount claimed is less than \$500, and the Register is not required to pass upon any disputed item of indebtedness, Payment or credit Reference and Rept.	2.00		
30. Issuing Subpoena, each Witness	.25		
31. Witness Certificate	.25		
32. Issuing Execution	.75		
33. Entering Return	.15		
34. Taking and Approving Bond	1.00		
35. Making Complete Record, 100 words	.20		
36. Hearing Application for Appointment of Receiver or Trustee	3.00		
37. Settlement with Receiver or Trustee	4.00		
38. Examining Vouchers	.15		
39. Examining Answer	3.00		
40. Taking Question and Answer and Recording Same in proceedings to perpetuate testimony, per 100 words	.25		
41. For all other services relating to such proceedings	1.00		
42. Taking Testimony to relieve Minors of the Disabilities of non-age	5.00		
43. For making each Deed to property sold	3.00		
44. Notices sent by mail to creditors	.15		
45. Filing, receipting for and docketing each claim	.25		
46. Entries on Subpoena Docket	.50		
47. Entries on Commission Docket	.50		
48. Each Certificate or Affidavit with Seal	.75		
49. Each Certificate or Affidavit without Seal	.50		
50. Each Notice not otherwise provided for	.75		
51. Entering Orders by the Register	.50		
52. Recording Registration, Removal or Suggestion of Death of Trustee	.75		
53. Entering each Certificate of Supreme Court	.50		
54. Transcript at .15 per 100 words			
55. Certified Copy of Decree	1.50		
		56. Sheriff's Fees:	
		1. Summoning on Bill, Each Defendant	\$1.50
		2. Executing Writ of Injunction, or Ne Exeat, Each	1.50
		3. Executing Subpoenas for Witnesses, Each	.65
		4. Executing Writs of Possession, Each	5.00
		5. Executing Scire Facias or Notice, Each	1.50
		6. Taking and Approving Bonds, Each	1.00
		7. Impaneling Jury	.75
		8. Collecting Execution for Costs Only, Each	1.50
		9. Sheriff's Commissions	
		Total Sheriff's Fees	
		SUMMARY OF FEES, COSTS AND JUDGMENT	
		Fees in Circuit Court:	
		1. Register's Fees	41.05
		2. Ex-Register's Fees	
		3. Sheriff's Fees	
		4. Ex-Sheriff's Fees	
		5. Witness Fees	
		6. Commissioner's Fees	
		7. Guardian Ad Litem	
		8. Publisher's Fees <i>Times</i>	83.02
		9. Solicitor's Fees	106.65
		10. Court Reporter's Fees, Per Day or Fraction Thereof	5.00
		11. Trial Tax	4.50
		12. <i>Reg. Mule</i>	18.00
		13. <i>Reg. Mule</i>	33.9
		14. <i>Reg. Mule</i>	
		Fees and Costs in Inferior Court:	
		15. Clerk of Inferior Court, Fees	
		16. Sheriff's Fees	
		17. Witness Fees	
		18.	
		19.	
		20. Total Fees and Costs in Inferior Court	
		21. Total Fees and Costs	
		22. Judgment	
		23.	
		24.	
		25. Total Fees, Cost and Judgment	72.90

I certify that the within is a true and correct Bill of Costs in the within styled cause.

ATTEST: Register Circuit Court, Baldwin County, Ala.

Received payment this _____ day of _____, 19____

ATTEST: Register Circuit Court, Baldwin County, Ala.

No. 3932 Page _____

THE STATE OF ALABAMA
Baldwin County

Circuit Court

Thomas Stone
et al

vs. Plaintiff _____

Glady's Maculass

et al
Defendant _____

EQUITY COST BILL

Term, 19____

Fee Book _____, Page _____

Plaintiff's Attorney.

Defendant's Attorney.

Handwritten notes and scribbles at the bottom of the page, including numbers like 60, 40, 30 and various illegible markings.

THOMAS STONE,)	IN THE
)	
Complainant,)	CIRCUIT COURT OF BALDWIN COUNTY
)	ALABAMA. IN EQUITY
Vs.)	
)	NO. 3932
GLADYS MACULASSO, ET AL.,)	
)	
Respondents.)	

TOLBERT M. BRANTLEY, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Owen.

Q. What is your name, please?

A. Tolbert M. Brantley.

Q. What is your occupation?

A. Attorney at Law.

Q. How long have you practiced law?

A. Eight years.

Q. Have you examined the file in the case of Thomas Stone vs. Gladys Maculasso, et al?

A. I have.

Q. Are you familiar with charges generally made in this vicinity by Attorneys for handling cases of this kind?

A. I am.

Q. In your opinion, what is a reasonable Attorney's fee in this case for Complainant's Attorney?

A. \$125.00.

C E R T I F I C A T E:

I hereby certify that the foregoing is a true and correct transcript of the testimony of Tolbert M. Brantley, in the above styled cause, taken by me in open Court on this Day.

This September 4, 1958.

Louise D. ...
 Official Court Reporter, 28th
 Judicial Circuit of Alabama

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Gladys Maculasso, Edith de Monts and Thomas Floyd Stone to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding same, then and there to answer the Bill of Complaint of Thomas Stone, a minor, by C. L. White, as his guardian.

WITNESS my hand this 4 day of December, 1956.

As Register of the Circuit Court of
Baldwin County, Alabama, in Equity.

BILL OF COMPLAINT

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

Thomas Stone, a minor, over fourteen years of age, by C. L. White, as his guardian, presents this Bill of Complaint against Gladys Maculasso, Edith de Monts and Thomas Floyd Stone, and thereupon complainant shows unto the court and your Honor as follows:

1. The complainant is a minor over fourteen years of age, who resides in Flomaton in Escambia County, Alabama. C. L. White has been appointed, qualified and is now acting as guardian of the said minor, which said guardianship is now pending in the Probate Court of Baldwin County, Alabama.

Gladys Maculasso is a non-resident of the State of Alabama, whose residence and post office address is 421 Carnation Street, New Orleans 20, Louisiana.

Edith de Monts is a non-resident of the State of Alabama, whose residence and post office address is 111 Woodlawn Avenue, New Orleans 23, Louisiana.

Thomas Floyd Stone is a non-resident of the State of Alabama, whose residence and post office address is 225 Lapeyrouse Street, Houma, Louisiana.

All of the said respondents are over twenty-one years of age and of sound mind.

2. The complainant, Thomas Stone, and the respondents, Gladys Maculasso, Edith de Monts and Thomas Floyd Stone, are joint owners or tenants in common of the following described real property situated in Baldwin County, Alabama, to-wit:

Lot 1 in Block 1 in the subdivision known as Eastwood, according to the official map or plat thereof, which is recorded in Map Book 1 at page 96, Baldwin County, Alabama Records.

3. The interest of the said parties in the above described property is as follows:

Thomas Stone	One-fourth
Gladys Maculasso	One-fourth
Edith de Monts	One-fourth
Thomas Floyd Stone	One-fourth

4. The said property cannot be equitably divided without a sale thereof and a division of the proceeds.

5. It has been necessary for the complainant to employ and he has employed J. B. Blackburn, an attorney at law and solicitor in chancery, practicing at Bay Minette, Alabama, to file and prosecute this proceeding. The services rendered and to be rendered by the said attorney in connection with the sale of the said property is for the joint benefit of the said complainant and the said respondents.

PRAYER FOR PROCESS

Complainant prays that notice of the filing of this proceeding be given to each of the above named respondents by registered mail, requiring them to appear in this cause and plead, answer or demur to this Bill of Complaint within the time and in the manner provided by the laws of Alabama.

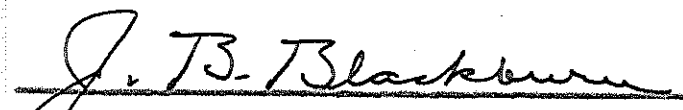
PRAYER FOR RELIEF

Complainant prays for the following separate and several relief:

1. That a decree be rendered determining that the complainant and the said respondents own the above described property, together with the improvements thereon, fix the interest of each of them in the said property, determine that it cannot be equitably divided without a sale thereof and a division of the proceeds, and that the said property be ordered sold for division between the complainant and the said respondents.

2. After the sale of the above described property and on confirmation of the said sale, that the attorney's fee to be paid to complainant's solicitor of record be fixed and ordered paid, and that the remainder of the proceeds of the said sale be ordered distributed to the complainant and the said respondents after deducting the other costs of this proceeding.

3. Complainant prays for such other, further and general relief as he may be equitably entitled to, the premises considered.


Solicitor for complainant.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says: That he is solicitor for the complainant in the above entitled cause; that he has read over the foregoing Bill of Complaint and that the facts stated therein are true.

J. B. Blackburn

Sworn to and subscribed before me on this the 30th day of November, 1956.

Alice L. Miller

Notary Public, Baldwin County, Alabama

438

NOTARY PUBLIC
DEC 4 1956
FILED

THOMAS STONE,
Complainant,
vs.
GLADYS MACULASSO, ET AL.,
Respondents.

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

AFFIDAVIT

Before me the undersigned authority, personally appeared J. B. Blackburn, who first being duly and legally sworn deposes and says:

That Thomas Floyd Stone, one of the Respondents in the above styled cause, is a non-resident of the State of Alabama; that his place of residence and post office address is unknown and that it cannot be ascertained after reasonable effort, and further, that in the belief of said affiant the said respondent is over the age of twenty-one years.

J. B. Blackburn

Sworn to and subscribed before
me on this the 3rd day of
December, 1957.

[Signature]
Notary Public, Baldwin County, Ala.

Filed. Dec. 3, 1957
Alice J. Duct,
Register

THOMAS STONE,	↓	
Complainant,	↓	IN THE CIRCUIT COURT OF
vs.	↓	BALDWIN COUNTY, ALABAMA
THOMAS FLOYD STONE, ET AL.,	↓	IN EQUITY. NO. 3932.
Respondents.	↓	

MOTION FOR DECREE PRO CONFESSO:

Now comes the Complainant in the above styled cause and shows unto the Register that a summons directed to the Respondents, Edith DeMonts and Gladys Maculasso, together with a copy of the Bill of Complaint in this cause, was issued and forwarded by registered mail on the 6th day of December, 1956, directed to said Respondents at their places of residence as shown by the Bill of Complaint; the postage on said letters was prepaid and the same marked "for delivery only to the person to whom addressed", and return receipt demanded; said demanded return receipts bearing the signatures Mrs. Edith DeMonts and Mrs. Gladys Maculasso were duly received and filed for record in this cause on the 12th day of December, 1956, and the 3rd day of January, 1957, respectively, and the said Respondents have to the date hereof failed to plead, answer or demur to the Bill of Complaint, all of which appears of record in this cause, wherefore, Complainant moves that a decree pro confesso be entered against said Respondents.

The Complainant also shows unto the Register that an order or publication was made on the 3rd day of December, 1957, which was duly published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks commencing on the 5th day of December, 1957, and which was directed to Thomas Floyd Stone, one of the Respondents in this cause, which required the said Respondent to plead, answer or demur to the Bill of Complaint in this cause by the 6th day of January, 1958, which the said Respondent has to this date failed to do, wherefore, the Complainant moves the Court to grant a decree pro confesso against the said Respondent.

DATED this 14th day of May, 1958.

Filed May 14, 1958
Alice J. Luck
Register

J. B. Blackman
 Solicitor for Complainant.

MOTION FOR DECREE PRO CONFESSO

THOMAS STONE,

Complainant,

vs.

THOMAS FLOYD STONE, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. 3932.


FILED
MAY 14 1958
CLERK OF DISTRICT COURT

THOMAS STONE,	↓	
Complainant,	↓	IN THE CIRCUIT COURT OF
vs.	↓	BALDWIN COUNTY, ALABAMA
THOMAS FLOYD STONE, ET AL.,	↓	IN EQUITY. NO. 3932.
Respondents.	↓	

DECREE PRO CONFESSO:

In this cause, it being made to appear to the Court, by the allegations of the Bill of Complaint, that the Respondents are non-residents of the State of Alabama, and that the original Bill of Complaint in this cause, together with a summons to answer said Bill within thirty days from the service thereof was deposited in the registered mail at the Post Office at Bay Minette, Alabama, by the Register of the Circuit Court of Baldwin County, Alabama, and addressed to Edith DeMonts and Gladys Maculasso, at their addresses as shown by the said Bill of Complaint; that Edith DeMonts received the summons and bill of complaint on the 12th day of December, 1956, as shown by the return receipt received and filed in this cause on the 12th day of December, 1956, and that Gladys Maculasso received the same in person on the 31st day of December, 1956, as shown by the return receipt received and filed in this cause on the 3rd day of January, 1957, and the said Respondents have failed to plead, answer or demur to the said bill to the date hereof; and it further appearing to the Court that order of publication directed to Thomas Floyd Stone heretofore made in this cause was published for four consecutive weeks, commencing on the 5th day of December, 1957, in the Baldwin Times, a newspaper of general circulation and published in Baldwin County, Alabama, and it further appearing to the Court that the said Thomas Floyd Stone has to the date hereof, failed to plead, answer or demur to the Bill of Complaint in this cause; it is therefore, on motion of Complainant, ORDERED, ADJUDGED AND DECREED by the Court that the said Bill of Complaint be, and hereby is, in all things taken as confessed against all of the said Respondents.

ORDERED, ADJUDGED AND DECREED on this the 14 day of May, 1958.



 Register.

DECREE PRO CONFESSO

THOMAS STONE,

Complainant,

vs.

THOMAS FLOYD STONE, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3932.

THOMAS STONE,

Complainant,

vs.

THOMAS FLOYD STONE, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. 3932.

NOTICE OF SALE:

Pursuant to the terms and provisions of a decree rendered in this cause on May 15th, 1958, the undersigned, as Commissioner, will sell at public outcry, to the highest bidder, for cash, at the front door of the Courthouse in Bay Minette, Baldwin County, Alabama, at 11:30 A. M. on the 24th day of June, 1958, the following described property situated in Baldwin County, Alabama, to-wit:

Lot 1 in Block 1 in the Subdivision known as Eastwood, according to the official map or plat thereof which is recorded in Map Book 1 at page 96, Baldwin County, Alabama Records.

The said sale will be made for the purpose of making division among the joint owners of said property.

DATED this 15th day of May, 1958.

Alice J. Duck
ALICE J. DUCK,
As Commissioner.

J. B. BLACKBURN,
Solicitor for Complainant.

Filed May 19, 1958
Alice J. Duck,
Register

THOMAS STONE,	¶	IN THE CIRCUIT COURT OF
Complainant,	¶	BALDWIN COUNTY, ALABAMA
vs.	¶	IN EQUITY. NO. 3932.
THOMAS FLOYD STONE, ET AL.,	¶	
Respondents.	¶	

REPORT OF SALE:

The undersigned, Alice J. Duck, the commissioner heretofore appointed to sell certain real estate for division and distribution among the joint owners thereof, which said real estate is particularly set forth and described in the decree of sale rendered in this cause and dated May 15, 1958, and also in the commission which was issued in this cause and addressed to the undersigned, which commission is referred to as a part of this report, respectfully represents unto the Court and your Honor that in pursuance of and in strict accordance with the directions of the said commission, and the statutes in such cases made and provided, she did, at 11:30 A. M. on the 24th day of June, 1958, sell at public outcry, in front of the Courthouse of this County, the property described in the said commission, which sale was to the highest and best bidder of said property and was fairly conducted in all respects. The said property was sold to J. G. Jordan for Nine Hundred Dollars (\$900.00) and the said property is situated in Baldwin County, Alabama, and is described as follows, to-wit:

Lot 1 in Block 1 in the Subdivision known as Eastwood, according to the official map or plat thereof, which is recorded in Map Book 1 at page 96, Baldwin County, Alabama Records.


The said property described above was sold for an amount not greatly less, or disproportionate to its real value.

The said purchaser has complied with the terms of the said sale and has paid the purchase price of the said property so purchased.

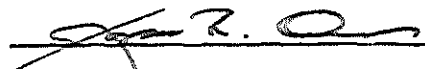
The undersigned commissioner having fully complied with the directions of the said commission, submits the foregoing as

her report of her actions in the premises.

The undersigned prays that she be allowed a reasonable amount for the services rendered by her in the premises; that she be ordered to divide the said funds according to law, and that such other orders be made and decrees rendered as may be requisite and proper in the premises.


As Commissioner.

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


Notary Public, Baldwin County, Alabama.

Filed June, 25, 1958
Alice J. Luck, Register

C. L. WHITE, as Guardian of
Thomas Stone, a minor,

Complainant,

vs.

GLADYS MACULASSO, ET AL.,

Respondents.

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

MOTION TO SUBSTITUTE PARTY COMPLAINANT

Now comes Thomas Stone, by his Solicitor, and shows unto the Court that since the filing of this suit, and on to-wit, September 27, 1957, his disabilities of non age were removed by the Circuit Court of Escambia County, Alabama, in Equity, and moves the Court to substitute the said Thomas Stone as the party Complainant in this said cause.

Dated this 29 day of November, 1957.

Filed - Dec. 3, 1957

J. B. Blackburn
Solicitor for Thomas Stone

ORDER OF SUBSTITUTION

Upon consideration of the above motion it is ORDERED, ADJUDGED AND DECREED that Thomas Stone, be, and he hereby is, substituted as the party complainant in this cause.

ORDERED, ADJUDGED AND DECREED on this the 29 day of November, 1957.

Hubert M. Hall
Judge.

THOMAS STONE,

Complainant,

vs.

GLADYS MACULASSO, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

In this cause it is made to appear to the Court, by the affidavit of J. B. Blackburn, that Thomas Floyd Stone, one of the Respondents in this cause, is a non-resident of the State of Alabama; and further, that in the belief of said affiant, said respondent is over the age of twenty-one years.

It is therefore, ORDERED by the Court that publication be made in the Baldwin Times, a newspaper published in Baldwin County, State of Alabama, for four consecutive weeks, requiring the said Thomas Floyd Stone to appear and plead to, answer or demur to the Bill of Complaint in said cause, by the 6th day of January, 1958, or in thirty days thereafter a decree pro confesso may be rendered against him.

WITNESS my hand this 3rd day of December, 1957.

Archie J. Duck
Register.

THOMAS STONE,

Complainant,

vs.

GLADYS MACULASSO, ET AL.,

Respondents.

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

FINAL DECREE:

This cause coming on to be heard on this day is submitted for a final decree on the pleadings filed and decrees heretofore rendered in this cause and the testimony of the witnesses, all as noted by the Register, from all of which the court finds as follows:

A. The property involved in this suit has heretofore been sold under the authority of former orders and decrees rendered in this cause which sale has been confirmed, for the total sum of Nine Hundred Dollars (\$900.00).

B. The interest of each party to this cause in the net proceeds of the said sale is as set forth in the original Bill of Complaint.

C. The court costs incurred in this proceeding, which is a common charge against the parties hereto, amounts to \$72.90.

D. The attorney's fee of \$125.00 allowed to J. B. Blackburn as Solicitor for Complainant, for services rendered by him in this cause is also a common charge against all of the parties to this proceeding.

Upon the consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. Alice J. Duck, as Register and Commissioner, is hereby authorized, empowered, instructed and directed to pay to herself as Register the sum of \$72.90 which amount is all of the court costs incurred in this proceeding.

2. The sum of \$125.00 shall be and it is hereby fixed and allowed to J. B. Blackburn, as Solicitor for the Complainant for services rendered by him as Solicitor for the Complainant in this cause and the Register is hereby authorized, empowered, instructed and directed to pay to J. B. Blackburn the said sum of \$125.00 for his services rendered in this said cause.

3. After the said amounts in paragraph 1 and 2 have been paid Alice J. Duck, as Register and Commissioner, will have in her possession for distribution to the parties hereto, the sum of \$702.10, which shall be distributed as follows:

Thomas Stone-----	\$175.53
Gladys Maculasso-----	175.53
Edith DeMonts-----	175.52
Thomas Floyd Stone-----	175.52

The said Register is authorized, empowered, instructed and directed to pay the said amounts to the said parties, take a receipt from each of said parties and file it in this cause.

4. Upon compliance of all of the terms and provisions of this decree this cause shall be fully and finally settled.

ORDERED, ADJUDGED AND DECREED on this the 5th day of September, 1958.

Hubert M. Hauer
Judge.

BILL OF COMPLAINT

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

Thomas Stone, a minor, over fourteen years of age, by C. L. White, as his guardian, presents this Bill of Complaint against Gladys Maculasso, Edith de Monts and Thomas Floyd Stone, and there-upon complainant shows unto the court and your Honor as follows:

1. The complainant is a minor over fourteen years of age, who resides in Flomaton in Escambia County, Alabama. C. L. White has been appointed, qualified and is now acting as guardian of the said minor, which said guardianship is now pending in the Probate Court of Baldwin County, Alabama.

Gladys Maculasso is a non-resident of the State of Alabama, whose residence and post office address is 421 Carnation Street, New Orleans 20, Louisiana.

Edith de Monts is a non-resident of the State of Alabama, whose residence and post office address is 111 Woodlawn Avenue, New Orleans 23, Louisiana.

Thomas Floyd Stone is a non-resident of the State of Alabama, whose residence and post office address is 225 Lapeyrouse Street, Houma, Louisiana.

All of the said respondents are over twenty-one years of age and of sound mind.

2. The complainant, Thomas Stone, and the respondents, Gladys Maculasso, Edith de Monts and Thomas Floyd Stone, are joint owners or tenants in common of the following described real property situated in Baldwin County, Alabama, to-wit:

Lot 1 in Block 1 in the subdivision known as Eastwood, according to the official map or plat thereof, which is recorded in Map Book 1 at page 96, Baldwin County, Alabama Records.

3. The interest of the said parties in the above described property is as follows:

Thomas Stone	One-fourth
Gladys Maculasso	One-fourth
Edith de Monts	One-fourth
Thomas Floyd Stone	One-fourth

4. The said property cannot be equitably divided without a sale thereof and a division of the proceeds.

5. It has been necessary for the complainant to employ and he has employed J. B. Blackburn, an attorney at law and solicitor in chancery, practicing at Bay Minette, Alabama, to file and prosecute this proceeding. The services rendered and to be rendered by the said attorney in connection with the sale of the said property is for the joint benefit of the said complainant and the said respondents.

PRAYER FOR PROCESS

Complainant prays that notice of the filing of this proceeding be given to each of the above named respondents by registered mail, requiring them to appear in this cause and plead, answer or demur to this Bill of Complaint within the time and in the manner provided by the laws of Alabama.

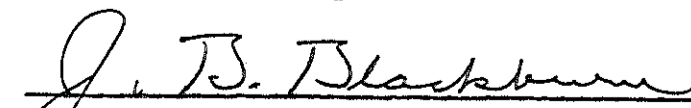
PRAYER FOR RELIEF

Complainant prays for the following separate and several relief:

1. That a decree be rendered determining that the complainant and the said respondents own the above described property, together with the improvements thereon, fix the interest of each of them in the said property, determine that it cannot be equitably divided without a sale thereof and a division of the proceeds, and that the said property be ordered sold for division between the complainant and the said respondents.

2. After the sale of the above described property and on confirmation of the said sale, that the attorney's fee to be paid to complainant's solicitor of record be fixed and ordered paid, and that the remainder of the proceeds of the said sale be ordered distributed to the complainant and the said respondents after deducting the other costs of this proceeding.

3. Complainant prays for such other, further and general relief as he may be equitably entitled to, the premises considered.


Solicitor for complainant.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says: That he is solicitor for the complainant in the above entitled cause; that he has read over the foregoing Bill of Complaint and that the facts stated therein are true.

J. B. Blackburn

Sworn to and subscribed before me on
this the 30th day of November, 1956.

Alvin L. Miller

Notary Public, Baldwin County, Alabama