

4394

ANNIE D. WELCH,
Complainant,

vs.

ARCHIE FLOWERS AND LaVADA
FLOWERS,
Respondents.

§
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§
§
§

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

MOTION:

Now comes the Complainant, by her Solicitor, and shows unto the Court that since the filing of the Bill of Complaint in this cause, she has ascertained that the Respondent, LaVada Flowers, has now remarried and that her name and Post Office address is LaVada Jackim, 1306 Treme Street, New Orleans, Louisiana;

WHEREFORE, Complainant moves the Court to substitute as a party Respondent in this cause LaVada Jackim in the place of LaVada Flowers.

FILED

OCT 28 1958

ALICE J. DUCK, CLERK REGISTER


Solicitor for Complainant.

- Q. What was the consideration for that deed?
- A. What do you mean?
- A. Why did you give them that deed -- Did they promise you anything in return?
- A. What they done, they said if I deeded them my home they would stay there with me and take care of me as long as I lived.
- Q. Did they fulfill that promise?
- A. No sir.
- Q. Did they stay there with you any time and take care of you?
- A. No.
- Q. Do you wish to declare this deed void, Mrs. Welch, and exercise the option which you are authorized to exercise and annul this deed?
- A. Yes.
- Q. Do you want to set it aside -- Set the deed aside?
- A. Yes sir, I want my deeds back.

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 evidence as taken by me in open Court, before Hon. Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama.

This 30th day of April, 1959.

Laura J. Dussubinsky
Official Court Reporter

BOOK 277 PAGE 551

ANNIE D. WELCH,)	IN THE CIRCUIT COURT OF
Complainant,)	BALDWIN COUNTY, ALABAMA
vs.)	IN EQUITY. NO. 4394.
ARCHIE FLOWERS, ET AL.,)	
Respondents.)	

FINAL DECREE:

This cause coming on to be heard on this date is submitted on behalf of the Complainant on the original Bill of Complaint; Motion filed October 28, 1958; Order dated October 29, 1958; Answer and waiver of LaVada Jachim; Motion for decree pro confesso; Decree pro confesso and testimony of the Complainant taken in open court on this date, from all of which the Court finds as follows:

1. The allegations of the Bill of Complaint are true and the Complainant is entitled to the relief prayed for therein.
2. That the Complainant on May 2, 1956, executed a conveyance to the property described in the Bill of Complaint and that the total or material part of the consideration for the said conveyance was the agreement by the respondents herein named to support the Complainant, the grantor, during the remainder of her life; that the said respondents failed and refused to support the Complainant for any time whatsoever and that the said deed or conveyance, which is marked Exhibit "A" and attached to the original Bill of Complaint should be declared void under the provisions of Section 15, Title 20 of the 1940 Code of Alabama.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The deed from Annie D. Welch, a widow, to Archie Flowers and LaVada Flowers, which said deed is dated May 2, 1956, and recorded in Deed Book 253 at pages 210-11, is hereby annulled and declared to be void.

2. The Respondents, Archie Flowers and LaVada Jachim, formerly LaVada Flowers, have no right, title, interest in, lien

or encumbrance upon the property described in the said deed from Annie D. Flowers, which deed is dated May 2, 1956, and recorded in Deed Book 253 at pages 210-11.

3. The Register of this Court shall forthwith file a certified copy of this decree in the Office of the Judge of Probate of Baldwin County, Alabama, and the Judge of Probate is hereby ordered to note on the margin of the record wherein the said conveyance is recorded that the same has been annulled and cancelled as a cloud on the title of the Complainant, Annie D. Welch.

4. The costs of this proceeding in the amount of \$ 31.24, is hereby taxed against the Complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 30th day of April, 1959.

Hubert M. Hall

Judge.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is filed and recorded in this office.

WITNESS MY HAND AND SEAL THIS 1st day of May, 1959

Alice J. Duck
Register of Circuit Court, in Equity

STATE OF ALABAMA, BALDWIN COUNTY
Filed 5-5-59 book 277 page 551-2
Recorded Duck MR. Stewart
Judge of Probate 2

Handwritten initials

Handwritten notes on right margin



ANNIE D. WELCH,

Complainant,

vs.

ARCHIE FLOWERS AND LaVADA
JACKIM, formerly LaVada
Flowers,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

ORDER:

In this cause, it appearing from the motion this day filed by the Complainant, that the Respondent, LaVada Flowers, has remarried and that her name and Post Office Address is now LaVada Jackim, 1306 Treme Street, New Orleans, Louisiana; it is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the said LaVada Jackim be substituted as a party Respondent in the place of LaVada Flowers and that service be had upon her by registered mail.

ORDERED, ADJUDGED AND DECREED on this the 29 day October, 1958.

Hubert M Hall
Judge.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon ARCHIE FLOWERS AND
LaVADA FLOWERS, 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 the same, then and there to answer the complaint
of ANNIE D. WELCH.

WITNESS my hand this 7 day of October, 1958.

Alice J. Stuck
Register.

ANNIE D. WELCH,
Complainant,
vs.
ARCHIE FLOWERS AND LaVADA
FLOWERS,
Respondents.

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

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

Your Complainant, Annie D. Welch, by her Solicitor, re-
spectfully represents and shows unto the Court and your Honor as
follows:

1. Your Complainant is over the age of twenty-one years
and is a resident of Baldwin County, Alabama; the Respondent, Archie
Flowers is over the age of twenty-one years and is a resident of
Baldwin County, Alabama; the Respondent, LaVada Flowers, is over the
age of twenty-one years and a resident of Baldwin County, Alabama,
but she is presently out of the State of Alabama, and is living in
New Orleans, Louisiana, but her Post Office address is unknown and
cannot be ascertained after reasonable and diligent efforts with
regard thereto.

2. Your Complainant is the owner, subject to the matters
hereinafter alleged, and is in the actual possession of the follow-
ing described property situated in Baldwin County, Alabama, to-wit:

Beginning at the Southeast corner of Block 208 of the Hand Land Company's Addition to Bay Minette as recorded in Book 4 N. S. pages 158-60, Baldwin County Probate Records, run thence Northerly along the West line of Dobson Avenue 105 feet; run thence Westerly, parallel to the South line of said Block 208, 210 feet; run thence Southerly, parallel to Dobson Avenue, 105 feet; run thence 210 feet to the point of beginning,

That she executed on May 2, 1956, a conveyance of the above described realty, of which the total or material part of the consideration was the agreement by the grantees therein named to support your complainant, the grantor, during the remainder of her life. There is attached hereto, marked Exhibit "A", and by reference made a part hereof, a copy of said conveyance referred to above, in which conveyance the grantees were the Respondents herein named and the grantor was your Complainant.

3. Your Complainant further alleges that although a material part of the consideration for the above conveyance was the agreement of the Respondents to support your Complainant during her life, that they failed and refused to do so; that they lived in the dwelling house situated on the said property until about September 1957, but during the said period of time the Respondents did not care for or support your Complainant in any way.

4. Your Complainant has caused a complete and thorough examination of the records in the Office of the Probate Judge of Baldwin County, Alabama, to be made by her Solicitor, and there are no bona fide purchasers for value, lienees or mortgagees without notice who would be affected by this proceeding.

5. Your Complainant does hereby declare the deed hereinabove referred to, and which is attached hereto and marked Exhibit "A", void and does hereby exercise the option vested in her under the provisions of Section 15, Title 20 of the 1940 Code of Alabama, and files this suit in Equity to annul the said conveyance and does hereby offer to do equity in the premises.

PRAYER FOR PROCESS:

The premises considered, your Complainant respectfully prays that this Court will make the said Respondents parties to this cause and that notice of the filing of this Bill of Complaint be

given to them in accordance with law and rules of this Honorable Court.

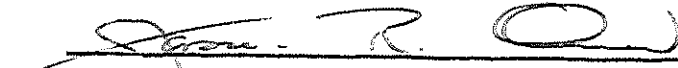
PRAYER FOR RELIEF:

The premises considered, your Complainant prays that upon a final hearing of this cause that this Court will enter an order or decree annulling the conveyance hereinabove referred to, a copy of which is attached as Exhibit "A", and, in and by the terms of said decree declare the Respondents have no right, title, interest in, lien or encumbrance upon the said property, and will cause the Register of this Court to file a certified copy of said decree in the Office of the Judge of Probate of Baldwin County, Alabama, and to note on the margin of the record wherein said conveyance is recorded that the same has been annulled and cancelled as a cloud on the title of your Complainant. Your Complainant further prays for such other, further and different relief as she may be equitably entitled, the premises considered.

FILED

OCT 7 1958

ALICE J. DUCK, CLERK
REGISTER



Solicitor for Complainant.

Executed Oct. 8, 1958

EXHIBIT "A"

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MAN BY THESE PRESENTS, that I, ANNIE D. WELCH, a widow, GRANTOR, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable considerations, to me in hand paid by ARCHIE FLOWERS and LAVADA FLOWERS, husband and wife, GRANTEES, the receipt whereof is hereby acknowledged, do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said grantees, as joint tenants with the right of survivorship, so that upon the death of one of them before a severance, the interest of such deceased joint tenant shall pass to the survivor of them, the following described property in Baldwin County, Alabama, to-wit:

Beginning at the Southeast corner of Block 208 of the Hand Land Company's Addition to Bay Minette as recorded in Book 4 NS pages 158-60, Baldwin County Probate Records, run thence Northerly along the West line of Dobson Avenue 105 feet; run thence Westerly, parallel to the South line of said block 208, 210 feet; run thence Southerly, parallel to Dobson Avenue, 105 ft; run thence 210 ft. to the point of beginning.

TO HAVE AND TO HOLD with the appurtenances thereunto belonging, unto the said grantees, as joint tenants with the right of survivorship, so that upon the death of one of them before a severance, the interest of such deceased joint tenant shall pass to the survivor of them.

RESERVING HOWEVER a life estate in and to the premises to ANNIE D. WELCH, the Grantor herein.

AND I do covenant with the said grantees, that I am lawfully seized in fee simple of the said premises, that I have a good right to sell and convey the same as aforesaid, that said premises are free from all liens and encumbrances, and that I will, and my heirs and assigns, shall forever warrant and defend the title to and the possession of the same unto the said grantees, their heirs and assigns forever, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 2nd day of May, 1956.

/s/ Annie D. Welch (LS)

STATE OF ALABAMA

BALDWIN COUNTY

I, James H. Lindsey, a Notary Public in and for said State and County, hereby certify that ANNIE D. WELCH, a widow, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 2nd day of May, 1956.

/s/ James H. Lindsey
Notary Public, Baldwin County, Ala.

(seal affixed)

My commission expires
January 10, 1960.

ANNIE D. WELCH,

Complainant,

vs.

ARCHIE FLOWERS AND LaVADA
JACHIM, formerly LaVada
Flowers,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. 4394.

ANSWER AND WAIVER:

Now comes LaVada Jachim, formerly LaVada Flowers, one of the respondents in the above styled cause and waives notice of the filing of the Bill of Complaint in said cause, waives service of the said Bill of Complaint and notice of the date set for hearing same and consents and agrees that a final decree be rendered in accordance with the prayer for relief in the said cause, all without further notice to her.

FILED
DEC 17 1958
ALICE J. DUCK, CLERK
REGISTER

La Vada Jachim.
LaVada Jachim.

ANNIE D. WELCH,
Complainant,
vs.
ARCHIE FLOWERS, ET AL.,
Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 4394.

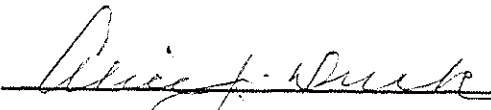
DECREE PRO CONFESSO:

In this cause it appearing to the Court that a copy of the Summons and Bill of Complaint in this cause was served on the Respondent, Archie Flowers, by personal service on October 8, 1958, and it further appearing to the Court that the said Respondent has to the date hereof failed to plead, answer or demur to the said Bill of Complaint; it is, therefore,

ORDERED, ADJUDGED AND DECREED on motion of the Complainant, that a decree pro confesso be taken against the said Respondent.

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

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Register.

ANNIE D. WELCH,
Complainant,
vs.
ARCHIE FLOWERS, ET AL.,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 4394.

MOTION FOR DECREE PRO CONFESSO:

Now comes the Complainant, by her Solicitor, and shows unto the Court that a copy of the Summons and Bill of Complaint in this cause was served on the Respondent, Archie Flowers, by personal service thereof on October 8, 1958, which said summons required the said Respondent to plead, answer or demur within thirty days from the service thereof, which the said Respondent has to the date hereof failed to do;

WHEREFORE, Complainant moves the Court to make and enter a decree pro confesso against the said Respondent.

DATED this 15th day of December, 1958.

FILED

DEC 17, 1958

ALICE J. DUCK, CLERK
REGISTER



Solicitor for Complainant.

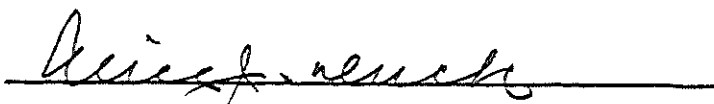
ANNIE D. WELCH,)
Complainant,) IN THE CIRCUIT COURT OF
vs.) BALDWIN COUNTY, ALABAMA
ARCHIE FLOWERS, ET AL.,)
Respondents.) IN EQUITY. NO. 4394

NOTE OF SUBMISSION:

This cause coming on to be heard on this date is submitted on behalf of the Complainant on the following:

1. Original Bill of Complaint.
2. Motion filed on October 28, 1958.
3. Order dated October 29, 1958, substituting LaVada Jachim, as party respondent in the place of LaVada Flowers.
4. Answer and waiver of LaVada Jachim.
5. Motion for decree pro confesso.
6. Decree pro confesso.
7. Testimony of the Complainant, Annie D. Welch, taken in open court on April 30, 1959.

DATED this 30th day of April, 1959.


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

JAMES R. OWEN,
Solicitor for Complainant.

ANNIE D. WELCH,)	IN THE CIRCUIT COURT OF
Complainant,)	BALDWIN COUNTY, ALABAMA
vs.)	
ARCHIE FLOWERS, ET AL.,)	IN EQUITY. NO. 4394.
Respondents.)	

FINAL DECREE:

This cause coming on to be heard on this date is submitted on behalf of the Complainant on the original Bill of Complaint; Motion filed October 28, 1958; Order dated October 29, 1958; Answer and waiver of LaVada Jachim; Motion for decree pro confesso; Decree pro confesso and testimony of the Complainant taken in open court on this date, from all of which the Court finds as follows:

1. The allegations of the Bill of Complaint are true and the Complainant is entitled to the relief prayed for therein.
2. That the Complainant on May 2, 1956, executed a conveyance to the property described in the Bill of Complaint and that the total or material part of the consideration for the said conveyance was the agreement by the respondents herein named to support the Complainant, the grantor, during the remainder of her life; that the said respondents failed and refused to support the Complainant for any time whatsoever and that the said deed or conveyance, which is marked Exhibit "A" and attached to the original Bill of Complaint should be declared void under the provisions of Section 15, Title 20 of the 1940 Code of Alabama.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The deed from Annie D. Welch, a widow, to Archie Flowers and LaVada Flowers, which said deed is dated May 2, 1956, and recorded in Deed Book 253 at pages 210-11, is hereby annulled and declared to be void.
2. The Respondents, Archie Flowers and LaVada Jachim, formerly LaVada Flowers, have no right, title, interest in, lien

or encumbrance upon the property described in the said deed from Annie D. Flowers, which deed is dated May 2, 1956, and recorded in Deed Book 253 at pages 210-11.

3. The Register of this Court shall forthwith file a certified copy of this decree in the Office of the Judge of Probate of Baldwin County, Alabama, and the Judge of Probate is hereby ordered to note on the margin of the record wherein the said conveyance is recorded that the same has been annulled and cancelled as a cloud on the title of the Complainant, Annie D. Welch.

4. The costs of this proceeding in the amount of \$ 312.4, is hereby taxed against the Complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 30th day of April, 1959.

Robert M. Jace

Judge.