

MAUDE WHITE, as Executrix
of the Estate of C. L.
White, Deceased,
Complainant,

vs.

THOMAS STONE, ET AL.,
Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

NO. 4417.

RECEIPT:

I, Thomas Floyd Stone, do hereby acknowledge receipt of the amount of \$141.85 in full payment of my distributive share of the proceeds paid into court by the complainant in the above styled cause.

DATED this 16 day of June, ~~1966~~ 1967

Thomas Floyd Stone

Thomas Floyd Stone.

801 N.W. 23 Ct.

Miami, Fla.

MAUDE WHITE, as Executrix	Ø	IN THE CIRCUIT COURT OF
of the Estate of C. L.		
White, Deceased,	Ø	
		BALDWIN COUNTY, ALABAMA
Complainant,	Ø	
vs.	Ø	IN EQUITY. NO. 4417.
THOMAS STONE, ET AL.,	Ø	
Respondents.	Ø	

FINAL DECREE:

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

(A.) The Complainant, Maude White, as Executrix of the Estate of C. L. White, Deceased, has in her possession and under her control the sum of \$713.30 which belongs to the four respondents and which amount was collected by the said C. L. White, Deceased, during his lifetime as rent for the rental value of property belonging to the four respondents.

(B.) The interest of each party to this cause in the net proceeds of the said amount is as follows:

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

(C.) The court costs incurred in this proceeding, which is a common charge against the parties hereto, except the complainant, amounts to \$ 45.90.

(D.) The attorney's fee of \$ 100.00 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, except the complainant.

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

1. The complainant, Maude White, as Executrix of the Estate of C. L. White, Deceased, is hereby given the right to interplead and is ordered to pay to the Register of this Court the amount held by her as aforesaid for distribution in accordance with the terms of this decree.

2. Maude White, as Executrix of the Estate of C. L. White, Deceased, upon payment to Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, of the sum of \$713.30, shall be released and relieved from any further or other liability or duty in the premises and the said respondents are hereby joined from making any further claim against her by virtue of the custody or control of the said sum of money.

3. Alice J. Duck, as Register, and Commissioner, is hereby authorized, empowered, instructed and directed to pay to herself, as Register, the sum of \$ 45.90, which amount is all of the court costs incurred in this proceeding.

4. The sum of \$ 100.00, shall be, and it is hereby fixed and allowed 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 \$ 100.00, take his receipt therefor and file it in this cause.

5. After the amounts heretofore ordered to be paid have been so paid by Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, she will have in her possession for distribution to the Respondents the sum of \$ 567.40 which shall be distributed as follows:

Thomas Stone-----	\$ 141.85
Gladys Maculasso-----	\$ 141.85
Edith DeMonts-----	\$ 141.85
Thomas Floyd Stone-----	\$ 141.85

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

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

ORDERED, ADJUDGED AND DECREED on this the 14 day of October, 1959.

Hubert M. Hase

Judge.

FILED

OCT 14 1959

ALICE J. DUCK, CLERK
REGISTER

MAUDE WHITE, as Executrix
of the Estate of C. L.
White, Deceased,

Complainant,

vs.

THOMAS STONE, ET AL.,

Respondents.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. 4417.

NOTE OF TESTIMONY:

This cause coming on to be heard on this date is submitted for a final decree on the part of the complainant upon the following:

1. Original bill of complaint;
2. Motion for decree pro confesso;
3. Decree pro confesso;
4. Testimony of Kenneth Cooper.

DATED this 10th day of October, 1959.

Oliver H. Hatcher
Register.

J. B. BLACKBURN,
Solicitor for Complainant.

Filed 10-10-59
Oliver H. Hatcher
Register

MAUDE WHITE, as Executrix	Ø		
of the Estate of C. L.	Ø		IN THE CIRCUIT COURT OF
White, Deceased,	Ø		
	Ø	Complainant,	BALDWIN COUNTY, ALABAMA
	Ø	vs.	
THOMAS STONE, ET AL.,	Ø		IN EQUITY. NO. 4417.
	Ø	Respondents.	
	Ø		

MOTION FOR DECREE PRO CONFESSO

Now comes the complainant, by her Solicitors, and shows unto the Court that the respondent, Thomas Stone, was served with a copy of the summons and complaint in this cause on November 8, 1958; that the respondent, Thomas Floyd Stone, was personally served with a copy of the bill of complaint in this cause on May 4, 1959; that on May 4, 1959, the Register of the Circuit Court of Baldwin County, Alabama, in Equity, mailed, by registered mail, to the respondent, Edith DeMons, also known as Edith Demots, a copy of the summons and complaint in this cause, which said registered mail was marked "for delivery only to the person to whom addressed"; that a return receipt was received by the Register of the Circuit Court in Equity on May 21, 1959, signed by Edith Demots; that on August 28, 1959, the Register of the Circuit Court of Baldwin County, Alabama, in Equity, mailed, by registered mail, to the respondent, Gladys Maculasso, also known as Gladys Macaluso, a copy of the summons and complaint in this cause, which said registered mail was marked "for delivery only to the person to whom addressed"; that a return receipt was received by the Register of the Circuit Court, in Equity, on August 30, 1959, signed by Gladys Macaluso; and the said respondents having failed to the date hereof to plead, answer or demur to the said Bill of Complaint:

WHEREFORE, complainant moves the court to enter a decree pro confesso against the said respondents and each of them.

DATED this 9th day of October, 1959.

FILED

OCT 9 1959

ALICE J. DUCK, Register

J. B. Blunk

Solicitor for Complainant.

MAUDE WHITE, as Executrix	Ø	
of the Estate of C. L.		IN THE CIRCUIT COURT OF
White, Deceased,	Ø	
		BALDWIN COUNTY, ALABAMA
Complainant,	Ø	
vs.	Ø	
THOMAS STONE, ET AL.,	Ø	IN EQUITY. NO. 4417.
Respondents.	Ø	

DECREE PRO CONFESSO

In this cause it appears to the court that a copy of the summons and bill of complaint in this cause was served on the respondent, Thomas Stone, on November 8, 1958, that a copy of the summons and bill of complaint in this cause was personally served on the respondent, Thomas Floyd Stone, on May 4, 1959; that a copy of the Bill of complaint in this cause was mailed to the respondent, Edith Demots on May 4, 1959, by registered mail, which registered mailed was marked "for delivery only to the person to whom addressed", and that the return receipt requested with the registered mail was returned to the register of this court on May 21, 1959, signed "Edith Demots"; that a copy of the bill of complaint in this cause was mailed to the respondent, Gladys Maculasso on August 26, 1959, which registered mail was marked "for delivery only to the person to whom addressed", and that the return receipt requested with the registered mail was returned to the Register of this Court on August 30, 1959, signed "Gladys Macaluso"; and it appears to the court that none of the said respondents have filed any pleadings in this cause; it is therefore, ORDERED, ADJUDGED AND DECREED that the Bill of Complaint be and it hereby is taken as confessed against the said Respondents and each of them.

ORDERED, ADJUDGED AND DECREED this 9th day of October, 1959.


 Register.

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

Maude White, as Executrix of the Estate of C. L. White, Deceased, presents this Bill of Complaint against Thomas Stone, Gladys Maculasso, Edith DeMonts and Thomas Floyd Stone, and thereupon, Complainant shows unto the Court and your Honor as follows:

1. Your Complainant is over the age of twenty-one years and a resident of Baldwin County, Alabama, and has been appointed, qualified and is now acting as Executrix of the Estate of C. L. White, Deceased.

Thomas Stone is a minor over the age of eighteen years, whose disabilities of non-age have been removed and whose address is Thomas Stone, c/o of Mr. W. R. Macks, Route I, Box 43, Flomaton, Alabama.

Gladys Maculasso, is a non-resident of the State of Alabama, whose last known residence and Post Office address was 421 Carnation Street, New Orleans 20, Louisiana.

Edith DeMonts is a non-resident of the State of Alabama, whose last known residence and Post Office Address was 111 Woodlawn Avenue, New Orleans 23, Louisiana.

Thomas Floyd Stone is a non-resident of the State of Alabama, whose last known residence and Post Office address was 225 Lapeyrouse Street, Houma, Louisiana.

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

2. Your Complainant, Maude White, as Executrix of the Estate of C. L. White, Deceased, has in her possession and under her control, the sum of Seven Hundred Thirteen and 30/100 Dollars (\$713.30), which she alleges belongs to the four respondents named herein, and which amount was collected by the said C. L. White, Deceased, during his lifetime as rent for the rental value of property belonging to the four respondents.

3. The interests of the four respondents in the said property which was rented by the said C. L. White during his lifetime, is as follows:

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

4. Your Complainant avers that she is now and has at all times, been ready, willing and anxious to pay the person or persons legally entitled to receive the said sum of money, but there are conflicting claims made to the said funds; that your Complainant is a mere stakeholder and has no interest in the said controversy, and cannot determine without hazard to herself which one of the respective claimants is legally entitled to receive the same and in what amount; and she is in doubt as to which one of the aforesaid Respondents are right in his or her claim, and cannot pay over the money to anyone of the said claimants without taking upon herself the responsibility of determining the doubtful questions of law and fact arising out of the said transaction, and without incurring the risk of being subjected to a possible double liability if it should finally appear that she has wrongfully determined in favor of one of such claimants at the expense of the other.

5. Your Complainant avers that she has been called upon to employ the services of a Solicitor for the purpose of protecting her interest arising out of the conflicting claims of the said claimants or Respondents as aforesaid, and to file this Bill of Complaint in the nature of a bill of interpleader in her behalf, and that she will be compelled to incur costs and expenses in the prosecution of this suit, all of which sums of money your Complainant alleges are and should be a legal charge upon the money which she has in her possession and should be ordered repaid to her on a final decree in this cause.

PRAYER FOR PROCESS:

Complainant prays that notice of the filing of this proceeding be given to each of the above named Respondents according to the rules of this Court, 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 an order be made or decree rendered giving your Complainant the right to interplead and to pay to the Register of this Court the amount held by her as aforesaid, and that the said Respondents be directed to interplead and propound their respective claims to said fund.

(2) That upon the payment of said amount to the Register of this Court that the Complainant be relieved and released from further or other liability or duty in the premises and that the Respondents be enjoined from making any further claim against her by virtue of her custody or control of the said sum of money.

(3) That she be allowed her costs in this behalf expended and a reasonable attorney's fee for filing this Bill of Complaint.

(4) Complainant prays for such other, further, different and general relief to which she may be entitled in the premises.

EX 11-8-58
5-4-59

J. B. Blackburn
Solicitor for Complainant.

The State of Alabama,
Baldwin County.

}

Circuit Court, Baldwin County

No. 4417

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon THOMAS STONE, ET AL

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against.....

THOMAS STONE, ET AL....., Defendant.....

by MAUDE WHITE, as Executrix of the Estate of C.L. White, Deceased.....

....., Plaintiff.....

Witness my hand this 28 day of October 19 58

Alvin J. Duck, Clerk

40 miles

No. 4417 Page _____

The State of Alabama
Baldwin County

CIRCUIT COURT

MAUDE WHITE, as Executrix of the
Estate of C.L. White, Deceased
Plaintiffs

vs.

THOMAS STONE, ET AL

Defendants

Summons and Complaint

Filed Oct. 28, 1958 19 _____

Alicia J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

10/30 19 58

_____, Sheriff

I have executed this summons

this 8 Nov. 19 58

by leaving a copy with

Thomas Stone

Sheriff's Claims 40
miles in executing this
4.00 at 10c per

W. R. Emman Sheriff

Deputy Sheriff