

4557

IN THE MATTER OF THE GUARDIAN-  
SHIP OF JERRY MALCOLM STAMPS AND  
JAMES FLETCHER STAMPS, JR.

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Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
  
IN EQUITY

ORDER FIXING DATE TO HEAR PETITION

This day came Desmond B. Howard, as Guardian of Jerry Mal-  
colm Stamps and James Fletcher Stamps, Jr., minors, and filed a pe-  
tition in writing, under oath, praying that this Court confirm a  
sale by the Guardian of interests in lands held by the said minors  
as tenants in common with their mother, Desmond B. Howard in her in-  
dividual capacity; and the Court having considered the same is of the  
opinion that the petition should be set down for hearing on a date  
not less than twenty days from the filing of said petition and that  
a guardian ad litem should be appointed to represent and protect the  
interests of the minors; it is, therefore

ORDERED and DECREED by the Circuit Court of Baldwin County,  
Alabama, In Equity, as follows:

1. That the petition of Desmond B. Howard, as Guardian of  
Jerry Malcolm Stamps and James Fletcher Stamps, Jr., minors, this  
day filed in this court, be, and the same is hereby set down for  
hearing on the 20<sup>th</sup> day of May, 1959, at 9:00 A. M.
2. That Renewt Cope Esquire, a practicing  
attorney in Bay Minette, Alabama, be, and he hereby is appointed as  
guardian ad litem to represent and protect the interests of Jerry  
Malcolm Stamps and James Fletcher Stamps, Jr., minors, at said hear-  
ing and in this proceeding generally.
3. That the said guardian ad litem be given notice of the  
filing of the petition and of the date set for the hearing thereof  
by the Register of this Court.

Done this the 23 day of April, 1959.

Robert M. Lee  
Circuit Judge

DESMOND B. HOWARD,  
individually and as  
Guardian of JERRY MALCOLM  
STAMPS and JAMES FLETCHER  
STAMPS, JR.,

Complainant,

vs.

JERRY MALCOLM STAMPS and  
JAMES FLETCHER STAMPS, JR.,  
Minors,

Respondents.

X  
X  
X  
X  
X  
X  
X  
X  
X  
X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
  
IN EQUITY

CERTIFICATE OF SERVICE

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, In Equity, do hereby certify that I, in my capacity as such, in the above styled cause did, on the 6 day of July, 1959, mail to each of the infant Respondents personally a copy of the Bill of Complaint in said cause addressed to them at the address shown in the Amended Bill of Complaint; and I did also on the same date mail two copies of the Amended Complaint to Desmond B. Howard, as Guardian for Jerry Malcolm Stamps and James Fletcher Stamps, Jr. at the address shown in the Amended Bill of Complaint, all in accordance with the provisions of Equity Rule 5-2 (c). I further certify that there was attached to each of the copies of the Bill of Complaint a Summons to answer the same within thirty days from the receipt thereof and that said copies were sent by certified mail with return receipt requested and the postage was prepaid.

Witness my hand this the 9 day of July, 1959.

*Alice J. Duck*  
Alice J. Duck, Register



Q. Could that property be divided in kind so that three owners would receive an equal part?

A. It could not be divided at all; it is too small for any division.

Q. Mr. Lindsey, did you know Mrs. Desmond Stamps, who is now Desmond D. Howard?

A. I do.

Q. Is she now over 21 years of age?

A. She is.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Cooper, Guardian Ad Litem.

Q. Do you know if Mrs. Stamps had any children?

A. She did.

Q. How many?

A. Two.

Q. Are those the two children whose names are mentioned in the case that we are now having?

A. Yes sir.

Q. Relative to the lot out on Hand Avenue and 10th Street, I believe, do you have any idea what a fair value of that lot would be?

A. Yes I do.

Q. What do you think would be a fair value?

A. \$2,000.00 to \$2,500.00.

Q. Mr. Lindsey, you have been in the insurance and real estate business quite a long time around town here?

A. Yes sir.

Q. And you say this lot is worth \$2,000 to \$2,500. Do you base that on your experience in the real estate business?

A. My knowledge of other property of like nature in that locality.

Q. And would you give us your idea of the value of the property in the Mayo sub-division on the old Daphne Road?

A. I will have to think a minute--

Q. What would you say would be a fair valuation of that lot?--

Could you get as much as \$1,000 for that?

A. ---

Q. What would you say would be the fair market value for the parcel of land in the Mayo Subdivision on the Old Daphne Road?

A. I think \$1,000.00 would be reasonable.

Q. I believe you stated on direct examination that neither of these lots could be sub-divided into three parts?

A. They could not.

Q. Do you know if Mrs. Stamps or atleast that used to be Mrs. Stamps -Does she still live in Bay Minette?

A. I don't believe she does and I do not know her address.

Q. She does live out of town?

A. Yes sir.

MR. STONE: At this time we would like to introduce as Complainant's Exhibit 1 an exemplified copy of petition for letters of guardianship, the order appointing guardian and letters of guardianship from the County Judge's Court of Dade County, Florida, the Petition of Desmond B. Howard for letters of Guardianship over the persona and estate of her two sons, Jerry Malcolm Stamps and James Fletcher Stamps, Jr. and ask that it be marked Complainant's Exhibit 1.

We also, at this time, would like to introduce and have marked Complainant's Exhibit 2, the testimony of Walter Lindsey and E. R. Morrissette, Jr., taken in this Court on May 20, 1959, and certified to by the Court Reporter.

The Complainant would like leave of the Court to introduce a certified copy of a warranty deed from James F. Stamps and Desmond EStamps, his wife, to Desmond S<sub>t</sub>amps, Jerry Malcolm Stamps and James Fletcher Stamps, Jr., dated October 18, 1954, and recorded in Deed Book 254 N. S. at pages 214-15

conveying the lands described in the bill of Complaint  
as Parcels A. and B.

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

I hereby certify that the foregoing, consisting of pages  
1 to 4 both inclusive, correctly sets forth a true and correct  
transcript of the testimony in the above styled cause, taken  
by me on this the 26th day of August, 1959.

Louise Dusenberry  
Court Reporter

EXHIBIT A

In the County Judges' Court  
In and for Dade County, Florida

In re. Guardianship of

JERRY MALCOLM STAMPS and  
JAMES FLETCHER STAMPS, JR.

No. 45663-B

Petition for Appointment of Guardian -- Minority (744.30)

The petition of **DESMOND B. HOWARD** respectfully shows:<sup>1</sup>

1. Petitioner resides at **Miami**, **Dade** County, Florida, and her post-office address is **1845 N. W. 85th Street, Miami, Florida.**

2. The following named persons, minors, whose ages, residences, and post-office addresses are as follows:

Name	Age	Residence and Post-office Address
JERRY MALCOLM STAMPS	13	1845 N.W. 85th St., Miami, Florida
JAMES FLETCHER STAMPS, JR.	9	1845 N.W. 85th St., Miami, Florida

Said minors related to petitioner as: **natural sons.**

3. Said minors are the owners of real and personal property of the approximate value of **\$2,350.00**, described as follows:

Two parcels of land, both located in Baldwin County, Alabama, conveyed jointly to them and their mother by a Warranty Deed recorded in the Office of the Judge of Probate of Baldwin County, Alabama in Deed Book 215 N.S. at Pages 213-14.

4. The name and address of the person most closely related to said minors <sup>is</sup> ~~are~~ <sub>s/II</sub> as follows:<sup>2</sup>

Name	Relationship	Address
<b>DESMOND B. HOWARD</b>	<b>Mother</b>	<b>1845 N.W. 85th St., Miami, Florida.</b>

In the County Judges' Court  
In and for Bada County, Florida

In re. Guardianship of  
JERRY MALCOLM STAMPS and  
JAMES FLETCHER STAMPS, JR.

No. 45663-B

Order Appointing Guardian (744.34)

The petition of **DESMOND B. HOWARD** for the appointment  
of a guardian of the<sup>1</sup> **property** **JERRY MALCOLM STAMPS and**  
**JAMES FLETCHER STAMPS, JR.** persons are  
coming on this day to be heard; and it appearing to the court that said ~~person is incompetent because~~  
of **minority** persons own property in the State of Alabama  
<sup>2</sup> that said ~~person owns property in this state,~~ and that it is neces-  
sary for a guardian to be appointed; and the court having jurisdiction and being fully advised;

It is ordered and adjudged that **DESMOND B. HOWARD** be, and  
s h e is hereby, appointed as guardian of the **property** 4  
of **JERRY MALCOLM STAMPS and**  
**JAMES FLETCHER STAMPS, JR.**, incompetents because of **minority** .  
It is further ordered and adjudged that the said **DESMOND B. HOWARD** be,  
and s h e is hereby, required to give bond in the amount of **\$4,700.00** ,  
payable to the governor of the state of Florida and to his successors in office and conditioned to per-  
form faithfully all h e r duties as such guardian, according to law.<sup>5</sup>

This order entered in Miami, Florida, 2 February, 19 59 .

(C.J.SEAL)

Frank B. Dowling  
County Judge

The foregoing instrument was filed February 2, 1959 and duly recorded  
and verified in Record of Guardianship

Frank B. Dowling, County Judge  
By Melba C. Dick, Clerk  
(C.J.SEAL)

1. Person, or of the property, or of both.
2. Minority or mental or physical incompetency.
3. A guardian may be appointed for the person or the property or both. One person may be appointed as guardian of the person and another as guardian of the property.
4. The order must state the specific nature of the incapacity found to be existing. F. S. A. 744.34.
5. The bond must be joint and several. F. S. A. 744.38.



IN THE COUNTY JUDGE'S COURT IN AND FOR DADE COUNTY, FLORIDA

In RE: Guardianship of

JERRY MALCOLM STAMPS and  
JAMES FLETCHER STAMPS, JR.

No. 45663-B

LETTERS OF GUARDIANSHIP

Whereas, DESMOND B. HOWARD was appointed guardian of the Property of JERRY MALCOLM STAMPS and JAMES FLETCHER STAMPS, JR., by the undersigned County Judge on Monday, February 2nd, 19 59; and

Whereas, the said guardian has taken oath and given bond, as required by law, and is entitled to letters of guardianship;

Now, therefore, I, FRANK B. DOWLING, County Judge in and for the County of Dade, in the State of Florida, by virtue of the power and authority by law in me vested, do hereby declare the said DESMOND B. HOWARD to be duly qualified under the laws of the State of Florida to act as guardian of the Property of JERRY MALCOLM STAMPS and JAMES FLETCHER STAMPS, JR., incompetent because of Minority, with full power to ask, demand, sue for, recover, and receive any assets belonging to said incompetent; to pay the debts of said incompetent, if any, so far as the assets of ~~their~~ s and their estate will permit and the law direct, and to protect the interests of said incompetent ~~and their~~ estate according to law, and to render due accounts of ~~their~~ guardianship.

In witness whereof, I hereunto set my hand and affix the seal of said court, at Miami, Florida, 4

February, 19 59.

(C.J.SEAL)

Frank B. Dowling  
County Judge  
**FRANK B. DOWLING**

Filed and Recorded this FEB. 4, 1959 in GUARDIANSHIP Book \_\_\_\_\_ Page \_\_\_\_\_  
FRANK B. DOWLING, County Judge, By MELBA C. DICK, Clerk.  
(C.J.SEAL)

~~I HEREBY CERTIFY that the foregoing is a true and correct copy of the original as it appears on record in the County Judge's Court in and for Dade County, Florida, and that the same is in full force and effect.~~

~~IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court this day of February, 19 59.~~

~~Clerk, County Judge's Court~~

# CERTIFICATE

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I, the undersigned, Clerk of the County Judge's Court in and for the County of Dade and State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Petition for Appointment of Guardian, Order Appointing Guardian and Letters of Guardianship issued to Desmond B. Howard as Guardian of Jerry Malcolm Stamps and James Fletcher Stamps, Jr., Minors

as the same appears on file and record in this court.

And I further certify that said Petition has been duly filed,  
Order and Letters are in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Court at

Miami, Florida, this 5th day of February, 1959

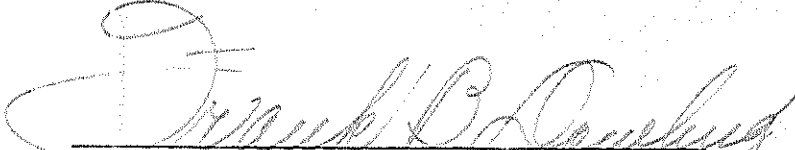
  
*Hessie Lancaster*  
Clerk, County Judge's Court

STATE OF FLORIDA }  
COUNTY OF DADE } SS.

COUNTY JUDGE'S COURT

I, the undersigned County Judge being one of the Judges of the County Judge's Court in and for Dade County, Florida, do hereby certify that the Clerk whose name is subscribed to the foregoing certificate was at the time of signing and sealing the same, a duly appointed and qualified Clerk of the County Judge's Court in and for said County and said State, and that full faith and credit are and of right should be given to all h\_er official acts as such Clerk in all courts of record and elsewhere, and that h\_er foregoing attestation is in due form of law and by proper officer.

Given under my hand and official seal this 5th day of February, 19 59.

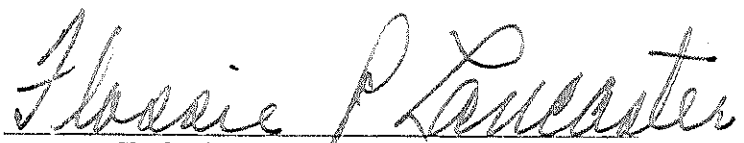
  
County Judge

STATE OF FLORIDA }  
COUNTY OF DADE } SS.

COUNTY JUDGE'S COURT

I, the undersigned Clerk of the County Judge's Court in and for Dade County, Florida, do hereby certify that the County Judge whose signature is appended to the foregoing certificate was, at the time of signing and sealing the same, one of the Judges of the County Judge's Court in and for said County and said State, duly commissioned and qualified; and that full faith and credit are and of right should be given to all his official acts as such County Judge in all Courts of record and elsewhere.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Miami, Dade County, Florida, this 5th day of February, 19 59.

  
Clerk of the County Judge's Court

Com Ex 2 -

\$5.00

FILED

May 20 59

ALICE L. DUCK, CLERK REGISTER

IN THE MATTER OF THE GUARDIANSHIP  
OF JERRY MALCOLM STAMPS AND JAMES  
FLETCHER STAMPS, JR.,

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

MR. STONE: Judge, this comes before your Honor on the petition of Desmond B. Howard, as guardian of Jerry Malcolm Stamps and James Fletcher Stamps Jr., minors - sworn petition, which was filed in this Court and which was set down for hearing on this day to confirm a sale by the Guardian of the interest of the minors in two parcels of property situated in Bay Minette, one parcel to Joyce H. Morrissette and the other parcel to John E. Smith.

WALTER LINDSEY, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Stone.

Q. Is this Mr. Walter Lindsey?

A. Yes sir.

Q. Mr. Lindsey, what is your business or occupation?

A. Real Estate and insurance business.

Q. How long have you been in the real estate business?

A. 10 years.

Q. Have you bought and sold and acted as agent of buyers and sellers of property in the Bay Minette area during that time?

A. I have.

Q. Do you know the reasonable market value of property in and around Bay Minette - residential and otherwise?

A. I do.

Q. Are you familiar with the property known as Lot 6 in the Mayo Sub-division, according to the Official Map or Plat thereof which is recorded in Map Book 1 page 112, Baldwin County, Alabama?

A. Yes sir.

Q. What, Mr. Lindsey, is the fair and reasonable market value of that property?

A. I would consider \$1,000.00 as reasonable.

Q. Are you also familiar with the lot in Block 113 in Hand Land Company's Addition to Bay Minette, Alabama, described as Beginning at the Northeast corner of said Block and running then Southeasterly along the West line of Hand Avenue 150 feet to a point; thence Southwesterly and at right angles to West line of Hand Avenue 144 feet to a point; thence Northwesterly and parallel with the west line of Hand Avenue 150 feet to a point; thence Northeasterly and at right angles to the West line of Hand Avenue 144 feet to the point of beginning?

A. I am very familiar with it.

Q. What in your opinion, Mr. Lindsey, is a reasonable market value of that lot?

A. I would say from \$2,000. to \$2,500 is reasonable.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Cooper, guardian ad litem.

Q. Mr. Lindsey, what do you base the value that you have just set of \$2,000.00 to \$2500.00 on the last named lot; that is Lot 113 of Hand Land Company's Addition to Bay Minette?

A. I live about a block and a half from the lot and am very familiar with it and know the price of property in the neighborhood.

Q. Now Mr. Lindsey, on Parcel 2, Lot 6 in the Mayo Sub-division, do you base your opinion on similar grounds?

A. Yes sir . I pass by the property often and know what is on it.

Q. How long did you say you have been in the real estate business in Bay Minette?

A. 10 years.

E. R. MORRISSETTE, JR., BEING FIRST DULY SWORN, TESTIFIED AS  
FOLLOWS:

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Examination by Mr. Stone.

Q. Is this E. R. Morrissette, Jr.?

A. Yes sir.

Q. Are you the husband of Joyce <sup>H.</sup> Morrissette?

A. I am.

Q Did you and your wife agree to purchase from Mrs.  
Desmond B. Howard and her two minor sons the property about  
which Mr. Lindsey has just testified located on Hand Avenue  
here in Bay Minette?

A. We did.

Q. What, Mr. Morrissette, was the price you agreed to pay for  
the property?

A. \$2,500.00

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

I hereby certify that the foregoing, consisting of  
pages 1 to 3 both inclusive, correctly sets forth a true and  
correct transcript of the testimony as taken by me in open court  
on this the 20th day of May, 1959.

Louise Dussubine  
Court Reporter

WARRANTY DEED

BOOK 215 PAGE 213

STATE OF ALABAMA )  
BALDWIN COUNTY )

THIS INDENTURE, made and entered into on this the 18<sup>th</sup> day of October, 1954, by and between James F. Stamps and Desmond E. Stamps, his wife, hereinafter referred to as the parties of the first part, and Desmond E. Stamps, Jerry Malcolm Stamps and James Fletcher Stamps, Jr., hereinafter referred to as the parties of the second part, WITNESSETH:

The parties of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to them this day in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, have and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said parties of the second part, the following described real property situated in Baldwin County, Alabama, to-wit:

That tract of land situated in Block 113 of Hand Land Company's Addition to Bay Minette, Alabama, beginning at the Northeast corner of said Block and running thence Southeasterly along the West line of Hand Avenue 150 feet to a point; thence Southwesterly and at right angles to West line of Hand Avenue 144 feet to a point; thence Northwesterly and parallel with the West line of Hand Avenue 150 feet to a point; thence Northeasterly and at right angles to the West line of Hand Avenue 144 feet to point of beginning, intending to describe and convey and there is hereby conveyed the same property as that conveyed by the Bay Minette Land Company to Emanuel Davidson by deed dated October 11, 1935, and recorded in Deed Book 63 at pages 580-1, Baldwin County, Alabama Records.

Lot 6 in the Mayo Subdivision, according to the official map or plat thereof which is recorded in Map Book 1, page 112, Baldwin County, Alabama Records.

TO HAVE AND TO HOLD, unto the said parties of the second part, their heirs, and assigns, forever.

The parties of the first part for themselves, their heirs, executors and administrators, hereby covenant and warrant to and with the said parties of the second part, their heirs and assigns, that they are seized of an indefeasible estate in and to the said property; that they have a good right to convey the same as herein contained; that they will guarantee the peaceable possession thereof; that the said property is free from all liens and encumbrances and that they will and their heirs, executors, and administrators forever warrant and defend the same unto the said parties of the second part their heirs and assigns, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and affixed their seals on this the day and year first above written.

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 11/18/54 2 P M  
Recorded \_\_\_\_\_ book \_\_\_\_\_ page \_\_\_\_\_  
and I certify that the following Privilege Tax  
has been paid.  
Deed Tax \_\_\_\_\_  
Mortgage Tax \_\_\_\_\_

W. R. Stewart  
Judge of Probate  
By \_\_\_\_\_

James F. Stamps (SEAL)  
Desmond E. Stamps (SEAL)



STATE OF TENNESSEE )  
HAMILTON COUNTY )

I, Hazel M. Simmons, a Notary Public, with-  
in and for said County in said State, hereby certify that James F.  
Stamps, whose name is signed to the foregoing instrument and who  
is known to me, acknowledged before me on this day that, being in-  
formed of the contents of the instrument, they executed the same  
voluntarily on the day the same bears date.

Given under my hand and seal on this the 20th day of  
October, 1954.

Hazel M. Simmons  
Notary Public, Hamilton County, Tennessee

STATE OF ALABAMA )  
BALDWIN COUNTY )

I, Y. Albert M. Brantley, a Notary Public, with-  
in and for said County in said State, hereby certify that Desmond E.  
Stamps, whose name is signed to the foregoing instrument and who  
is known to me, acknowledged before me on this day that, being in-  
formed of the contents of the instrument, they executed the same  
voluntarily on the day the same bears date.

~~November~~ Given under my hand and seal on this the 17th day of  
~~October~~, 1954.

Y. Albert M. Brantley  
Notary Public, Baldwin County, Alabama

REC. 217. M. 617.



The State of Alabama,  
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing —two— pages

contain a full, true and complete copy of the Warranty Deed from James F. Stamps  
and Desmond F. Stamps to Desmond E. Stamps, Jerry Malcolm  
Stamps and James Fletcher Stamps, Jr.

as the same appears of record in my office in Deed Book No. 215

page 213-214.

Given under my hand and seal of office, this 28<sup>th</sup> day of August, 1959

W. R. Stuart  
Judge of Probate

IN THE MATTER OF THE GUARDIAN-  
SHIP OF JERRY MALCOLM STAMPS  
AND JAMES FLETCHER STAMPS, JR.,  
Minors,

Y  
Y  
Y  
Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

DECREE CONFIRMING SALE BY GUARDIAN OF PROPERTY OF  
WARDS AND REMOVAL OF FUNDS TO STATE OF FLORIDA

This matter coming on to be heard was submitted upon the verified petition of Desmond B. Howard, as Guardian for Jerry Malcolm Stamps and James Fletcher Stamps, Jr., minors; the order of this Court entered in April 23, 1959, setting said petition down for hearing and appointing a guardian ad litem to represent and protect the interests of said minors in said proceeding; the acceptance and answer of the guardian ad litem denying all of the allegations of the petition and the testimony of Walter M. Lindsey and E. R. Morrissette, Jr. taken orally in open court and transcribed by the court reporter; and the Court having considered all of the same is of the opinion that it is in the best interests of said minors that their undivided interests in the land herein designated as "PARCEL A" be sold to Joyce H. Morrissette and that their undivided interests in the land herein designated as "PARCEL B" be sold to John E. Smith, and that the price of Two Thousand Five Hundred Dollars (\$2,500.00) heretofore paid by the said Joyce H. Morrissette and the price of One Thousand Dollars (\$1,000.00) heretofore paid by John E. Smith, is the fair and reasonable market price for each of said parcels of property and that conveyance should be made to them for such consideration; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, in Equity, that the sale by Desmond B. Howard as the Guardian of Jerry Malcolm Stamps and James Fletcher Stamps, Jr., minors, to Joyce H. Morrissette of the following described real property situated in Baldwin County, Alabama, viz:

PARCEL A

That tract of land situated in Block 113 of Hand Land Company's Addition to Bay Minette, Alabama, beginning at the Northeast corner of said Block and running thence Southeasterly along the West line of Hand Avenue 150 feet to a point; thence Southwesterly and at right an-

gles to West line of Hand Avenue 144 feet to a point; thence Northwesterly and parallel with the West line of Hand Avenue 150 feet to a point; thence Northeasterly and at right angles to the West line of Hand Avenue 144 feet to the point of beginning, intending to describe the same property as that conveyed by the Bay Minette Land Company to Emmanuel Davidson by deed dated October 11, 1935, and recorded in Deed Book 63, at pages 580-1, Baldwin County, Alabama, Records,

for and at the price of Two Thousand Five Hundred Dollars (\$2,500.00) be, and the same is hereby, confirmed; and the said Desmond B. Howard, as Guardian, aforesaid, be, and she hereby is, authorized, directed and empowered to execute and deliver to the said Joyce H. Morrissette a good and sufficient Statutory Warranty Deed conveying the interests of said minors in said property.

It is further ORDERED, ADJUDGED and DECREED by the Court that the sale by Desmond B. Howard, as Guardian of Jerry Malcolm Stamps and James Fletcher Stamps, Jr., minors, to John E. Smith of their undivided interests in and to the following described real property situated in Baldwin County, Alabama, to-wit:

PARCEL B

Lot 6 in the Mayo Subdivision, according to the official map or plat thereof which is recorded in Map Book 1, at page 112, Baldwin County, Alabama, Records,

for and at the price of One Thousand Dollars (\$1,000.00) be, and the same is hereby, confirmed; and the said Desmond B. Howard, as Guardian, aforesaid, be, and she hereby is, authorized, directed and empowered to execute and deliver to the said John E. Smith a good and sufficient Statutory Warranty Deed to said property.

And now comes Desmond B. Howard, as Guardian, aforesaid, by her attorneys, and exhibits to the Court a Statutory Warranty Deed executed by her on the 20th day of April, 1959, conveying the undivided interests of said minors to Joyce H. Morrissette in the property hereinabove directed to be sold to her; and the Court having examined said instrument for contents, form and execution is of the opinion that said deed is, in all respects, in full compliance with the terms of this decree and is a good and proper conveyance of the interests of said minors; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that the deed dated April 20, 1959,

from Desmond B. Howard, individually and Therman Howard, her husband, and Desmond B. Howard, as Guardian of Jerry Malcolm Stamps and James Fletcher Stamps, Jr., minors, to Joyce H. Morrissette, be, and the same is hereby in all respects confirmed, as evidenced by the certificate of this Court affixed to said deed.

And now comes Desmond B. Howard, as Guardian, aforesaid, by her attorneys, and exhibits to the Court a Statutory Warranty Deed executed by her on the 20th day of April, 1959, conveying the undivided interests of said minors to John E. Smith in the property hereinabove directed to be sold to him; and the Court having examined said instrument for contents, form and execution is of the opinion that said deed is, in all respects, in full compliance with the terms of this decree and is a good and proper conveyance of the interests of said minors; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that the deed dated April 20, 1959, from Desmond B. Howard, individually and Therman Howard, her husband, and Desmond B. Howard, as Guardian of Jerry Malcolm Stamps and James Fletcher Stamps, Jr., minors, to John E. Smith, be, and the same is hereby in all respects confirmed, as evidenced by the certificate of this Court affixed to said deed.

And it further appearing to the Court that the said Jerry Malcolm Stamps and James Fletcher Stamps, Jr., minors, were the owners of an undivided one-half interest in and to the property conveyed to Joyce H. Morrissette for and at the price of Two Thousand Five Hundred Dollars (\$2,500.00) and are therefore entitled to the sum of Six Hundred Twenty-five Dollars (\$625.00) each out of the proceeds of said sale, which proceeds are now on deposit in the Baldwin County Bank of Bay Minette, Alabama, to the account of Desmond B. Howard as Guardian for said minors; and inasmuch as the guardianship of said minors is pending in the County Judge's Court of Dade County, Florida, and it would be to the best interest of said minors if said funds were removed from the Baldwin County Bank in Bay Minette, Alabama, to the account of the Guardian in Dade County, Florida; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that Desmond B. Howard, as Guardian

of Jerry Malcolm Stamps and James Fletcher Stamps, Jr., minors, be, and she hereby is, authorized, directed and empowered to remove from the State of Alabama to the State of Florida the total sum of One Thousand Two Hundred Fifty Dollars (\$1,250.00), the amount due said minors from the sale of the property herein confirmed, to Dade County, Florida, to be there administered by her for said minors under the jurisdiction and control of the County Judge's Court of Dade County, Florida, and the laws of the State of Florida.

And it further appearing to the Court that the said Jerry Malcolm Stamps and James Fletcher Stamps, Jr., minors, were the owners of an undivided one-third interest in and to the property conveyed to John E. Smith for and at the price of One Thousand Dollars (\$1,000.00) and are therefore entitled to the sum of One Hundred Sixty-six Dollars and Sixty-seven Cents (\$166.67) each out of the proceeds of said sale, which proceeds are now on deposit in the Baldwin County Bank of Bay Minette, Alabama, to the account of Desmond B. Howard as Guardian for said minors; and inasmuch as the guardianship of said minors is pending in the County Judge's Court of Dade County, Florida, and it would be to the best interest of said minors if said funds were removed from the Baldwin County Bank in Bay Minette, Alabama, to the account of the Guardian in Dade County, Florida; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that Desmond B. Howard, as Guardian of Jerry Malcolm Stamps and James Fletcher Stamps, Jr., minors, be, and she hereby is, authorized, directed and empowered to remove from the State of Alabama to the State of Florida the total sum of Three Hundred Thirty-three Dollars and Thirty-four Cents (\$333.34), the amount due said minors from the sale of property herein confirmed, to Dade County, Florida, to be there administered by her for said minors under the jurisdiction and control of the County Judge's Court of Dade County, Florida, and the laws of the State of Florida.

It is further ORDERED, ADJUDGED and DECREED by the Court that the costs of this proceeding be, and they are hereby, taxed against the said Desmond B. Howard, as Guardian, aforesaid, and she

is hereby authorized and directed to pay such costs out of the funds  
in her hands belonging to said minors.

Done this the 20th day of May, 1959.

Hubert W. Hall  
Circuit Judge

IN THE MATTER OF THE GUARDIAN-  
SHIP OF JERRY MALCOLM STAMPS  
AND JAMES FLETCHER STAMPS, JR.

X

X

X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

NOTICE OF APPOINTMENT OF GUARDIAN AD  
LITEM, ACCEPTANCE OF SERVICE OF PETITION  
AND DENIAL OF ALLEGATIONS OF PETITION

TO: Kenneth Cooper ESQUIRE:

YOU WILL PLEASE TAKE NOTICE that in and by the terms of a decree of the Circuit Court of Baldwin County, Alabama, In Equity, dated April \_\_\_\_\_, 1959, you were appointed as guardian ad litem for Jerry Malcolm Stamps and James Fletcher Stamps, Jr. to represent and protect their interests in the matter of a petition filed by Desmond B. Howard, as Guardian of said minors, to confirm the sale of two parcels of land in which said minors own interests as tenants in common, with their mother, Desmond B. Howard, in her individual capacity, and that said petition has been set down for hearing on May 20, 1959.

There is attached to this notice a copy of said petition.

Done this 23 day of April, 1959.

Alice J. Duck  
Alice J. Duck, Clerk

STATE OF ALABAMA

BALDWIN COUNTY

I, Kenneth Cooper, Guardian ad Litem for Jerry Malcolm Stamps and James Fletcher Stamps, Jr., minors, in the above noted proceeding, do hereby accept service of the within notice and a copy of the petition of the Guardian to sell lands in which said minors are interested as tenants in common and do hereby deny each and every allegation of said petition and demand strict proof thereof.

Done this the 23<sup>rd</sup> day of April, 1959.

233

Kenneth Cooper  
Guardian ad Litem

IN THE MATTER OF THE GUARDIAN-  
SHIP OF JERRY MALCOLM STAMPS  
and JAMES FLETCHER STAMPS, JR.,  
MINORS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

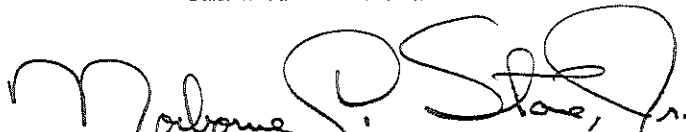
MOTION TO SET ASIDE DECREE AND AMENDED PETITION

Comes now Desmond B. Howard, as Guardian for Jerry Malcolm Stamps and James Fletcher Stamps, Jr., Minors, by her attorneys, and moves this Honorable Court to set aside and hold for naught its decree in this matter rendered on May 20, 1959, and as grounds for said motion assigns the following:

That the attorney for John E. Smith, the purchaser of "PARCEL B" as described in the original petition filed in this matter has taken the position that the sale to his client was not properly confirmed by this Honorable Court in that the two minors herein involved, Jerry Malcolm Stamps and James Fletcher Stamps, Jr., were not properly before this Court.

Respectfully submitted,

CHASON & STONE

By:   
Attorneys for Desmond B. Howard as  
Guardian for Jerry Malcolm Stamps and  
James Fletcher Stamps, Jr., Minors

And now comes Desmond B. Howard, as Guardian for Jerry Malcolm Stamps and James Fletcher Stamps, Jr., Minors, by her attorneys, and amends the petition heretofore filed in this cause so that the same shall be and read as follows:

DESMOND B. HOWARD, individually,  
and as Guardian for JERRY MALCOLM  
STAMPS and JAMES FLETCHER STAMPS,  
JR., Minors,

Complainant,

vs.

JERRY MALCOLM STAMPS and JAMES  
FLETCHER STAMPS, JR., Minors,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

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

Comes your Complainant, Desmond B. Howard, individually  
and as Guardian for Jerry Malcolm Stamps and James Fletcher Stamps,



Jr., Minors, and respectfully represents and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That she is over the age of twenty-one years and a resident citizen of Miami, Dade County, Florida, her more particular address being 1845 Northwest 85th Street, Miami, Florida. That she is the Mother of Jerry Malcolm Stamps, a minor sixteen (16) years of age, and James Fletcher Stamps, Jr., a minor twelve (12) years of age, both of which minors reside with your Complainant at the above noted address. That she is also the Guardian of said minors, having been appointed as such by the County Judge's Court of Dade County, Florida, on the 2nd day of February, 1959, an exemplified copy of her appointment and the proceedings relative thereto being attached to the original petition filed in this cause and marked "EXHIBIT A" and by reference made a part of this amended petition as though fully incorporated herein.

SECOND:

That she in her individual capacity is a joint owner and tenant in common with said minors in the following described parcels of land situated in Bay Minette, Baldwin County, Alabama, viz:

PARCEL A

That tract of land situated in Block 113 of Hand Land Company's Addition to Bay Minette, Alabama, beginning at the Northeast corner of said Block and running thence Southeasterly along the West line of Hand Avenue 150 feet to a point; thence Southwesterly and at right angles to West line of Hand Avenue 144 feet to a point; thence Northwesterly and parallel with the West line of Hand Avenue 150 feet to a point; thence Northeasterly and at right angles to the West line of Hand Avenue 144 feet to the point of beginning, intending to describe the same property as that conveyed by the Bay Minette Land Company to Emmanuel Davidson by deed dated October 11, 1935, and recorded in Deed Book 63, at pages 580-1, Baldwin County, Alabama, Records.

PARCEL B

Lot 6 in the Mayo Subdivision, according to the official map or plat thereof which is recorded in Map Book 1, at page 112, Baldwin County, Alabama, Records.

That said parcels of land consist of lots in the City of Bay Minette, Alabama, and there is a house located on "PARCEL B" which is of little or no value and there are no improvements on "PARCEL A" except some

shrubbery and flowers planted thereon. That neither of said parcels can be equitably divided between the owners thereof without a sale of the same and a division of the proceeds of such sale.

THIRD:

That your Complainant is the owner of an undivided one-third interest in and to the property described as "PARCEL A" and said minors are each the owners of an undivided one-third interest in said parcel. That your Complainant is the owner of an undivided one-third interest in and to the property described as "PARCEL B" and said minors are each the owners of an undivided one-third interest in said parcel. That it is for the best interests of said minors that said property be sold and the proceeds divided among the joint owners.

FOURTH:

That your Complainant, individually and as Guardian for the said minors has entered into an agreement with Joyce H. Morrissette to convey to her the property described as "PARCEL A" for and in consideration of the sum of Twenty-five Hundred Dollars (\$2,500.00) upon approval of such sale by this Honorable Court and confirmation of the conveyance of the interests of said minors in said property. That your Complainant has also entered into a contract with John E. Smith for the conveyance to him of the property described as "PARCEL B" for and in consideration of the sum of One Thousand Dollars (\$1,000.00) and upon approval of the sale by this Honorable Court and confirmation of the conveyance of the interests of said minors in said property.

FIFTH:

That it has been necessary that your Complainant employ an attorney to bring this proceeding and to that end she has employed the firm of Chason & Stone, Bay Minette, Alabama, in order to secure the sale of said property and a division of the proceeds among the joint owners.

SIXTH:

That said minors do not have a Guardian appointed under the laws of this State over their person or estate who could defend

this action for and in the name of said minors. That there is attached hereto an affidavit by Norborne C. Stone, Jr., one of the attorneys for the Complainant as required by Equity Rule 5, z (c).

PRAYER FOR PROCESS

The premises considered your Complainant respectfully prays that this Honorable Court will, upon the filing of this petition, cause a copy of this petition to be mailed to each of the minor Respondents at the address shown hereinabove and also two copies thereof to be mailed to Desmond B. Howard, as Guardian of the said minors at said address. And your Complainant further prays that this Honorable Court will appoint a guardian ad litem to represent and defend said minor Respondents in this action.

PRAYER FOR RELIEF

The premises considered your Complainant respectfully prays that upon a final hearing of this cause that this Honorable Court will:

1. Enter an order or decree determining that the lands hereinabove described cannot be equitably divided or partitioned without a sale thereof and a division of the proceeds of such sale among the owners;

2. Determine that it is to the best interests of said minors that their interests in said parcels be sold in accordance with the agreements hereinabove referred to;

3. Authorize and direct the conveyance of said property at private sale in accordance with the agreements hereinabove referred to with Joyce H. Morrissette and John E. Smith, respectively, and authorize and direct your Complainant as Guardian of Jerry Malcolm Stamps and James Fletcher Stamps, Jr., to execute a conveyance to said parties in accordance with said agreements, and confirm the sale so made;


4. Order the proceeds from the said sales to be paid to the Register of this Court and authorize and direct the disbursement of such proceeds to the persons entitled thereto after deducting all lawful expenses and also authorize the transfer of said proceeds from the State of Alabama, to your Complainant as Guardian in the State of Florida.

5. Fix and determine a reasonable attorney's fee to be allowed Chason & Stone for their services in this matter and also to the Guardian ad Litem appointed by this Honorable Court.

And your Complainant prays for such other, further and different relief as in equity will be meet and proper.

Respectfully submitted,

CHASON & STONE

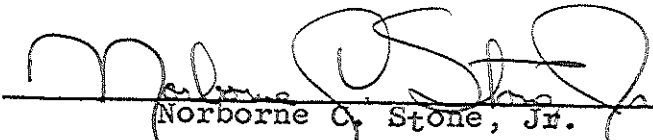
By:   
Attorneys for Desmond B. Howard, individually, and as Guardian for Jerry Malcolm Stamps and James Fletcher Stamps, Jr.

STATE OF ALABAMA

BALDWIN COUNTY

Before me G. Mac Humphries, a Notary Public, in and for said County in said State, personally appeared Norborne C. Stone, Jr., 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 his name is Norborne C. Stone, Jr., and that he is one of the attorneys of record for the Complainant in the above and foregoing instrument and that he is informed and believes and upon such information and belief alleges that the facts alleged in the foregoing instrument are true.

  
Norborne C. Stone, Jr.

Sworn to and subscribed before me on this 19<sup>th</sup> day of June, 1959.

  
Notary Public, Baldwin County, Alabama

The above and foregoing motion having been called to the attention of the Court, and the Court having considered the same it is hereby ORDERED that the same be set down for hearing on June 22, 1959.

This 19<sup>th</sup> day of June, 1959

IN THE MATTER OF THE GUARDIAN- X  
SHIP OF JERRY MALCOLM STAMPS X  
AND JAMES FLETCHER STAMPS, JR., X  
MINORS. X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ORDER SETTING ASIDE DECREE

This cause coming on to be heard again was submitted on the motion of Desmond B. Howard as Guardian for Jerry Malcolm Stamps and James Fletcher Stamps, Jr., minors, heretofore filed in this cause on June 19, 1959, and continued until this date, to set aside the decree heretofore entered in this cause on May 20, 1959; and the Court having considered such motion and the grounds therefor is of the opinion that said motion should be granted; it is, therefore

ORDERED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that its decree made and entered in the above styled cause on May 20, 1959, be, and the same is hereby set aside and held for naught;

It is further ORDERED, ADJUDGED and DECREED by the Court that this proceeding continue on the amended complaint filed in this cause by Desmond B. Howard, individually and as Guardian for Jerry Malcolm Stamps and James Fletcher Stamps, Jr., minors.

Done this the 24 day of June, 1959.

Hubert M. Wall  
Circuit Judge

DESMOND B. HOWARD,  
individually and as  
Guardian of JERRY MALCOLM  
STAMPS and JAMES FLETCHER  
STAMPS, JR.,

Complainant,

vs.

JERRY MALCOLM STAMPS and  
JAMES FLETCHER STAMPS, JR.,  
Minors,

Respondents.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ORDER APPOINTING GUARDIAN AD LITEM

It having been made to appear in the above styled cause that the Respondents are both minors and that a Guardian ad Litem should be appointed to represent and defend them in this cause; it is therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that Hon. Kenneth Cooper, a practicing attorney in Bay Minette, Alabama, be, and he hereby is, appointed as Guardian ad Litem to represent and defend Jerry Malcolm Stamps and James Fletcher Stamps, Jr. in the above styled cause.

It is further ORDERED, ADJUDGED and DECREED by the Court that the said Guardian ad Litem be furnished with a copy of this order and of the amended complaint in this cause.

Done this the 9 day of July, 1959.

  
Register

I, Kenneth Cooper, do hereby accept service of a copy of the foregoing order and of a copy of the Amended Bill of Complaint in the above styled cause and I do waive further service upon me as Guardian ad Litem for Jerry Malcolm Stamps and James Fletcher Stamps, Jr. of notice of my appointment as Guardian ad Litem and of a copy of the Amended Bill of Complaint.

This 9 day of July, 1959.

  
Kenneth Cooper

DESMOND B. HOWARD,  
individually and as  
Guardian of JERRY MALCOLM  
STAMPS and JAMES FLETCHER  
STAMPS, JR.,

Complainant,

vs.

JERRY MALCOLM STAMPS and  
JAMES FLETCHER STAMPS, JR.,  
Minors,

Respondents.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

ANSWER OF GUARDIAN AD LITEM

Comes now the undersigned Kenneth Cooper as Guardian ad Litem for Jerry Malcolm Stamps and James Fletcher Stamps, Jr., minors, and for answer to the Bill of Complaint heretofore filed in this cause says as follows:

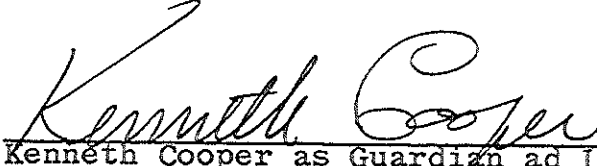
He denies, for and on behalf of said minors, each and every allegation of the Bill of Complaint and demands strict proof thereof.

Respectfully submitted,

FILED

AUG 26 1959

ALICE J. DUCK, Register

  
Kenneth Cooper as Guardian ad Litem  
for Jerry Malcolm Stamps and James  
Fletcher Stamps, Jr., Minors

DESMOND B. HOWARD,  
individually and as  
Guardian of JERRY MALCOLM  
STAMPS and JAMES FLETCHER  
STAMPS, JR.,

Complainant,

vs.

JERRY MALCOLM STAMPS and  
JAMES FLETCHER STAMPS, JR.,  
Minors,

Respondents.

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

FINAL DECREE

This cause coming on to be heard was submitted on behalf of the Complainant on the Bill of Complaint, Order Appointing Guardian ad Litem, Acceptance of Service and Appointment by Guardian ad Litem, Testimony taken orally before the Court and transcribed by the Court Reporter on May 20, 1959, and on August 26, 1959, and filed in said cause and on the acceptance of service and waiver of notice heretofore filed by the Guardian ad Litem for James Fletcher Stamps, Jr., and Jerry Malcolm Stamps, minor Respondents herein and service upon said minor Respondents under the terms and provisions of Equity Rule 5, 2(c), Alabama Equity Rules, as shown by the Certificate of Service by the Register of this Court; and on behalf of the minor Respondents herein on the answer of the Guardian ad Litem heretofore filed in this cause; and it appearing to the Court that the Complainant is over the age of twenty-one years and a resident citizen of Miami, Dade County, Florida, residing at 1845 Northwest 85th Street, Miami, Florida, and that she is the mother of Jerry Malcolm Stamps, a minor sixteen (16) years of age and James Fletcher Stamps, Jr., a minor twelve (12) years of age, both of which minors reside with the Complainant at the above noted address; and that she is also the Guardian of said minors having been appointed as such by the County Judges Court of Dade County, Florida, on the 2nd day of February, 1959, as shown by the exemplified copy of her appointment and the proceedings relative thereto heretofore filed in this cause. And it further appearing to the Court that the Complainant in her individual capacity is a joint owner and tenant in common with said minors of



the following described real property situated in Baldwin County, Alabama, viz:

PARCEL A

That tract of land situated in Block 113 of Hand Land Company's Addition to Bay Minette, Alabama, beginning at the Northeast Corner of said Block and running thence Southeasterly along the West line of Hand Avenue 150 feet to a point; thence Southwesterly and at right angles to West line of Hand Avenue 144 feet to a point; thence Northwesterly and parallel with the West line of Hand Avenue 150 feet to a point; thence Northeasterly and at right angles to the West line of Hand Avenue 144 feet to the point of beginning, intending to describe the same property as that conveyed by the Bay Minette Land Company to Emmanuel Davidson by deed dated October 11, 1935, and recorded in Deed Book 63, at pages 580-1, Baldwin County, Alabama, Records.

PARCEL B

Lot 6 in the Mayo Subdivision, according to the official map or plat thereof which is recorded in Map Book 1, at page 112, Baldwin County, Alabama, Records.

and that said parcels of land consist of lots in the City of Bay Minette and that there is a house located on Parcel B which is of little or no value and there are no improvements on Parcel A except some shrubbery and flowers planted thereon and that neither of said parcels can be equitably divided between the owners thereof without a sale of the same and a division of the proceeds of such sale; that the Complainant is the owner of an undivided one-third interest in and to each of said parcels and each of the Respondents are the owners of an undivided one-third interest in each of said parcels and that it is for the best interests of said minors that said parcels of land be sold and the proceeds of such sale divided among the joint owners thereof in accordance with their respective proportionate interests. And it further appearing to the Court that the Complainant, individually and as Guardian of said minors, has entered into an agreement with Joyce H. Morrissette to convey to her the property described as "PARCEL A" for and in consideration of the sum of Two Thousand Five Hundred Dollars (\$2,500.00) and that said sum is the fair and reasonable market value of said property; and that the Complainant, individually and as Guardian for said minors, has entered into an agreement with John E. Smith to convey to him the property described as "PARCEL B" for the sum of One Thousand Dollars

(\$1,000.00) which is the fair and reasonable market value for said property. And it further appearing to the Court that it has been necessary that the Complainant employ an attorney to bring this proceeding and to file the Bill of Complaint herein and that she has employed the firm of Chason & Stone, Attorneys at Law, Bay Minette, Alabama, for such purposes and that said minors do not have a guardian appointed under the laws of the State of Alabama over their person and estate. And the Court having considered all of the above is of the opinion that the Complainant is entitled to the relief prayed for in the Bill of Complaint. It is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, as follows:

1. That each of the parcels of land hereinabove described are owned by the Complainant Desmond B. Howard, individually, and Jerry Malcolm Stamps and James Fletcher Stamps, Jr., minors, as tenants in common, and that each of said persons owns an undivided one-third interest in each of said parcels of land.
2. That neither of the parcels of land hereinabove described can be equitably divided or partitioned among the joint owners thereof without a sale of the same and a division of the proceeds therefrom among such owners and that it would be to the best interests of said minor owners that their interests in said parcels be sold and the proceeds of such sale paid over to their mother, Desmond B. Howard, as Guardian of their respective persons and estates.
3. That the above parcels of land be sold for a division of the proceeds among the joint owners thereof in accordance with the proportions of ownership hereinabove set forth at private sale in accordance with the contracts of sale hereinabove referred to with Joyce H. Morrissette and John E. Smith, respectively, which said contracts and the sale and conveyance to be made thereunder, are hereby ratified and confirmed as being to the best interests of said minors.
4. That Desmond B. Howard, as Guardian aforesaid, be, and she is hereby, authorized, directed and empowered to sell and convey the right, title and interest of Jerry Malcolm Stamps and James Fletcher Stamps, Jr., in and to "PARCEL A", hereinabove described, to Joyce H. Morrissette at private sale for the sum of Two Thousand

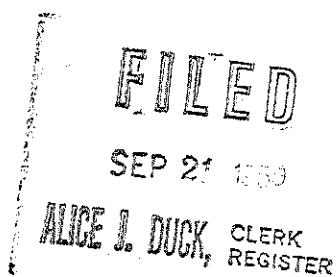
Five Hundred Dollars (\$2,500.00); and that she, in her capacity as Guardian of said minors, is likewise authorized, directed and empowered to sell "PARCEL B", hereinabove described to John E. Smith at private sale for the sum of One Thousand Dollars (\$1,000.00), upon the payment of the purchase price for each of said parcels to the Register of this Court by each of said purchasers for distribution by the Register.

5. That upon the payment of said proceeds of said sales into this Court as hereinabove provided the Register of this Court will, after deducting all costs of this proceeding, including a Guardian ad Litem fee to be paid to Hon. Kenneth Cooper for his services as such in the amount of \$ 50<sup>00</sup>, disburse the balance of the proceeds of such sales to Desmond B. Howard, individually, of a one-third thereof, and to Desmond B. Howard, as Guardian of Jerry Malcolm Stamps and James Fletcher Stamps, Jr., of the remaining two-thirds thereof.

6. That the said Desmond B. Howard, as the Guardian of Jerry Malcolm Stamps and James Fletcher Stamps, Jr., minors, be, and she hereby is, authorized and directed to transfer the proceeds of such sales to Miami, Dade County, Florida, where she and said minors reside, to be there subject to the jurisdiction of the County Judge's Court of Dade County, Florida, under the Guardianship therein pending.

Done this 21 day of September, 1959.

Hubert M. Hall  
Circuit Judge



IN THE MATTER OF THE GUARDIANSHIP  
OF JERRY MALCOLM STAMPS AND JAMES  
FLETCHER STAMPS, JR.

Y  
Y  
Y  
Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

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

Comes your Petitioner, the undersigned Desmond B. Howard,  
as Guardian of Jerry Malcolm Stamps and James Fletcher Stamps, minors,  
and respectfully represents and shows unto Your Honor as follows:

FIRST:

That your Petitioner is over the age of twenty-one years  
and is a resident citizen of Dade County, Florida, her more particu-  
lar address being 1845 Northwest 85th Street, Miami, Florida. That  
she is the mother of Jerry Malcolm Stamps, age thirteen (13), and  
James Fletcher Stamps, Jr., age nine (9), both of which minors re-  
side with your petitioner at the above noted address in Miami,  
Florida.

SECOND:

That your Petitioner is the guardian of the property of  
said minors, having been appointed as such by the County Judges'  
Court in and for Dade County, Florida, in and by the terms of a de-  
cree of that Court dated February 2, 1959, and Letters of Guardian-  
ship were issued to her by said Court on February 4, 1959, an exempli-  
fied copy of the petition of your Petitioner in said Court, the decree  
of said Court and the Letters of Guardianship issued to your Petition-  
er being attached hereto and marked "Exhibit A" and by reference made  
a part hereof as though fully incorporated herein.

THIRD:

That your Petitioner in her individual capacity is the  
joint owner and tenant in common with said minors in the following  
described parcels of real property situated in Baldwin County, Ala-  
bama, to-wit:

PARCEL ONE: That tract of land situated in Block  
113 of Hand Land Company's Addition to Bay Minette,

Alabama, beginning at the Northeast corner of said Block and running thence Southeasterly along the West line of Hand Avenue 150 feet to a point; thence Southwesterly and at right angles to West line of Hand Avenue 144 feet to a point; thence Northwesterly and parallel with the West line of Hand Avenue 150 feet to a point; thence Northeasterly and at right angles to the West line of Hand Avenue 144 feet to the point of beginning, intending to describe the same property as that conveyed by the Bay Minette Land Company to Emmanuel Davidson by deed dated October 11, 1935, and recorded in Deed Book 63 at pages 580-1, Baldwin County, Alabama Records.

PARCEL TWO: Lot Six (6) in the Mayo Subdivision, according to the official map or plat thereof which is recorded in Map Book 1, page 112, Baldwin County, Alabama, Records,

having acquired the same under and by virtue of that certain Warranty Deed dated October 18, 1954, from James F. Stamps and your Petitioner who was the wife of the said James F. Stamps on October 18, 1954, as the same appears of record in Deed Book 215 N. S. at pages 213-14 in the Office of the Judge of Probate of Baldwin County, Alabama.

FOURTH:

There is no valid authority to sell the interest of the above named minors in said property vested in any person by the terms of any instrument under which such minors hold such interest in said property and such sale is not prohibited or restricted by such instrument. That your Petitioner, individually and as guardian for the above named minors, has sold the above described parcels of land for a division of the proceeds thereof among the owners thereof. That she, in her capacity aforesaid, has sold the property designated as "PARCEL ONE" to Joyce H. Morrissette, and she has sold the property described above and designated as "PARCEL TWO" to John E. Smith. All of said purchasers live in Bay Minette, Baldwin County, Alabama.

FIFTH:

That there are no adult next of kin of said minors resident in the State of Alabama and not interested in such sale.

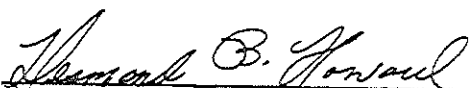
WHEREFORE, the premises considered, your Petitioner respectfully prays that upon the filing of this petition that this Honorable Court will enter an order or decree fixing a day for the hearing of this petition not less than twenty days from the filing thereof and will, in and by the terms of said order or decree, appoint a guardian ad litem to represent the interest of the wards upon such hear-

ing. And your Petitioner further prays that on the day set for the hearing of this petition or on any day to which the same might be continued, that this Honorable Court will proceed to hear this petition and the evidence in connection therewith and will enter an order or decree confirming the sales of the two parcels of land hereinabove described as being to the best interest of the wards and will confirm the same and, full payment having been made to your Petitioner as guardian for the interest of the minors, that such order shall also direct your Petitioner as guardian to make conveyance of the interest of the wards in the two parcels of land hereinabove described to the purchasers thereof.

And your Petitioner prays that after the confirmation of such sales by this Honorable Court and of the conveyance as made by your Petitioner that this Honorable Court will, in and by the terms of a proper order or decree, authorize and direct your Petitioner to remove the proceeds from such sale from the State of Alabama to the State of Florida to be administered there by her as guardian of said minors, aforesaid.

And your Petitioner prays for such other, further and different orders and decrees as in the premises will be meet and proper.

Respectfully submitted,

  
Desmond B. Howard, as Guardian of Jerry  
Malcolm Stamps and James Fletcher Stamps,  
Jr., Minors.

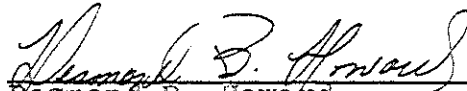
CHASON & STONE  
Attorneys at Law  
Bay Minette, Alabama  
Attorneys for Guardian

STATE OF FLORIDA  
COUNTY OF DADE

Before me, CHARNELLE H. SUMMERS, JR., a Notary  
Public, in and for said County in said State, personally appeared

Desmond B. Howard who is known to me and, who after being by me first duly and legally sworn, did depose and say under oath as follows:

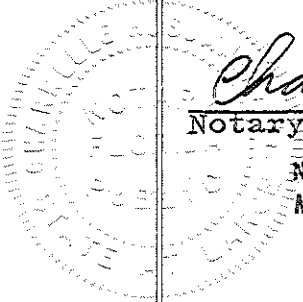
That her name is Desmond B. Howard and that she executed the foregoing petition as guardian of Jerry Malcolm Stamps and James Fletcher Stamps, Jr., Minors, and that the facts alleged therein are true and correct.

  
Desmond B. Howard

Sworn to and subscribed before me on  
this the 2nd day of APRIL,  
1959.

  
Notary Public, Dade County, Florida

Notary Public, State of Florida at Large  
My Commission Expires Feb. 23, 1962  
Bonded by American Fire & Casualty Co.

  
*Filed*  
*Sept. 23, 1959*