

4563

SUMMONS

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summons ROY BEESLEY, also known as Roy A. Beesley, and NELL BEESLEY, 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, Alabama, at the place of holding same by A. A. CORTE & SONS, a partnership.

Witness my hand this the 4 day of May, 1959.

W. J. Neuch

CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

BILL OF COMPLAINT

A. A. CORTE & SONS, a partnership)	
COMPLAINANTS)	IN THE CIRCUIT COURT OF
VS:)	BALDWIN COUNTY, ALABAMA
ROY BEESLEY & NELL BEESLEY)	
RESPONDANTS)	IN EQUITY

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

Your Complainant A. A. CORTE & SONS, respectfully represents and shows unto your Honor:

COUNT I:

That it is a partnership with its principal place of business at Loxley, Alabama, and that ROY BEESLEY, also known as Roy A. Beesley and NELL BEESLEY are husband and wife, and each of them is over the age of twenty-one years and now reside at Pensacola, Florida.

COUNT II:

That on October 26, 1947, the said ROY BEESLEY, also known as Roy A. Beesley, borrowed ONE THOUSAND & 00/100 (\$1,000.00) DOLLARS cash from your complainants and executed a promissory note to evidence said indebtedness made by him which note was due and payable on the 26th day of November, 1947, with interest thereon at the rate of six per cent (6%) per annum from date until paid. This promissory note contained a waiver of exemptions as to personal property and provided for a reasonable attorney's fee for collection; that on October 26, 1947 and prior thereto and until the 4th day of August, 1950, the said ROY BEESLEY, also known as Roy A. Beesley, owned property in Baldwin County, Alabama, consisting of a house and two

(2) lots and half of a business lot with a commercial building thereon, which property is described as follows:

The East Half ($E\frac{1}{2}$) of Lot seven (7) in Block fifteen (15) in the Town of Foley, being a subdivision of a part of Sections twenty-eight (28) and twenty-nine (29), Township seven (7) South, Range four (4) East; and

Lots twenty-three (23) and twenty-four (24) in Block twenty-two (22) in the Town of Foley, as per plat of said Town of Foley recorded in the office of the Judge of Probate of Baldwin County, Alabama.

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

As will be more specifically shown by Exhibit B. attached to the original complaint.

COUNT III:

That the said NELL BEESLEY is the wife of said ROY BEESLEY, also known as Roy A. Beesley, and was his wife and lived with him on to wit, the 26th day of October, 1947, on the 4th day of August, 1950, and on the date of the filing of this Bill of Complaint; that on to wit, the 8th day of August, 1950, there was filed for record in Probate Court of Baldwin County, Alabama, in and by which the said ROY BEESLEY, also known as Roy A. Beesley, undertook to convey to the said NELL BEESLEY the property described above for a recited "consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration", and the deed also recited that "THE GRANTOR AND GRANTEE HEREIN ARE HUSBAND AND WIFE AND IT IS THE INTENTION OF THIS INSTRUMENT TO CONVEY THE ENTIRE FEE SIMPLE TITLE TO THE PROPERTY HEREINABOVE DESCRIBED TO THE GRANTEE", which deed is dated August 4, 1950, but the said ROY BEESLEY, also known as Roy A. Beesley, failed to attach to said Warranty Deed any Federal Revenue Documentary stamps, as is required by Federal Law when the consideration exceeds ONE HUNDRED & 00/100 (\$100.00) DOLLARS.

COUNT IV:

That on the 24th day of April, 1951, suit was filed on said promissory note by your complainants against the said ROY BEESLEY, also known as Roy A. Beesley, which is Circuit Court Case No. 1641, at law, and that a judgement was entered in said case on or about, to wit, June 10, 1951, in the amount of ONE THOUSAND THREE HUNDRED THIRTY-FIVE & 00/100 (\$1,335.00) DOLLARS, which Certificate of Judgement is recorded in Judgement Book 5, page 143, in the office of Judge of Probate, Baldwin County, Alabama. Your complaint further shows that execution was duly issued on said judgement and that said execution was duly returned by Sheriff of Baldwin County, Alabama, "no property found", and that said judgement, with costs and interest thereon, is still outstanding, due and unpaid.

Complainant avers that said conveyance was made without adequate consideration and is in truth a deed of gift, made with the intent to hinder, delay and defraud the creditors of said ROY BEESLEY, also know as Roy A. Beesley, including this complainant,

and that the same is therefore null and void and should be set aside and held for naught. A copy of said deed is hereto attached and marked Exhibit B and made a part of this complaint.

The premises considered, complainant prays that the said NELL BEESLEY and the said ROY BEESLEY, also known as Roy A. Beesley, may be made parties defendant to this bill of complaint; that proper subpoena may issue to them requiring them to plead, answer or demur to this bill of complaint within the time provided by law; that upon the hearing it may be decreed that the said conveyance made by the said ROY BEESLEY, also known as Roy A. Beesley, to the said NELL BEESLEY is void and that the same may be annulled and held for naught.


Complainant further prays that this Honorable Court will ascertain the amount of the indebtedness owing by the said ROY BEESLEY, also known as Roy A. Beesley, to this complainant on said judgement, and make a decree in favor of complainant therefor; that the property hereinabove described may be condemned to the payment of said debt, and if said debt is not paid within such time as may be stipulated in the decree of this court, then that said property may be sold under decree of this Honorable court for the payment of costs and expenses of this proceeding and the payment of said indebtedness. Complainant prays for such other, further and general relief as may be meet and proper in the premises.


Solicitor for Complainant

J. A. Corte, first duly sworn, deposes and says that he is a partner in A. A. Corte & Sons, and states that the allegations in this Bill of Complaint are true.


J. A. Corte

Sworn and subscribed before me this 1st day of May, 1959.


Notary Public

SUMMONS

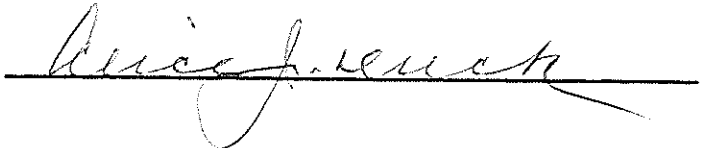
THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

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Witness my hand this the 4 day of May, 1959.



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a partnership)	
COMPLAINANTS)	IN THE CIRCUIT COURT OF
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VS:)	BALDWIN COUNTY, ALABAMA
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RESPONDANTS)	

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Lots twenty-three (23) and twenty-four (24) in Block twenty-two (22) in the Town of Foley, as per plat of said Town of Foley recorded in the office of the Judge of Probate of Baldwin County, Alabama.

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

As will be more specifically shown by Exhibit B. attached to the original complaint.

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Complainant further prays that this Honorable Court will ascertain the amount of the indebtedness owing by the said ROY BEESLEY, also known as Roy A. Beesley, to this complainant on said judgement, and make a decree in favor of complainant therefor; that the property hereinabove described may be condemned to the payment of said debt, and if said debt is not paid within such time as may be stipulated in the decree of this court, then that said property may be sold under decree of this Honorable court for the payment of costs and expenses of this proceeding and the payment of said indebtedness. Complainant prays for such other, further and general relief as may be meet and proper in the premises.


Solicitor for Complainant

J. A. Corte, first duly sworn, deposes and says that he is a partner in A. A. Corte & Sons, and states that the allegations in this Bill of Complaint are true.


J. A. Corte

Sworn and subscribed before
me this 1st day of May, 1959.


Notary Public

STATE OF ALABAMA
BALDWIN COUNTY

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of One dollar and other valuable considerations, to me in hand paid by Roy A. Beasley, the receipt whereof is hereby acknowledged, I, J. S. Graves, widower, do grant, bargain, sell and convey unto the said Roy A. Beasley, the following described lands situated in Baldwin County, Alabama, to-wit:

Lots Numbered Twenty-three (23) and Number Twenty-four (24), in Block Numbered Twenty-two (22), in Town of Foley, Alabama, as per plat of record of said Town of Foley, in office of Judge of Probate of Baldwin County, Alabama.

TOGETHER, with all improvements and developments on, and thereunto belonging,

TO HAVE AND TO HOLD to the said Roy A. Beasley, his heirs and assigns, forever. And I do covenant with the said Roy A. Beasley, that I am seized in fee of the above described premises; that I have the right to sell and convey the same, that the said premises are free from all encumbrances; and that I will and my heirs, executors and administrators shall forever WARRANT AND DEFEND the same to the said Roy A. Beasley, his heirs and assigns, against the lawful claims of all persons, whomsoever.

WITNESS my hand and seal this 14th day of November, 1939.

J. S. GRAVES

D.S.

WITNESSES:
EDWARD STILLING
ANNA R. CRAPPA

STATE OF FLORIDA
DADE COUNTY

I, EDWARD STILLING, a Notary Public in and for said State and County, do hereby certify that J. S. Graves, widower, whose name is signed to the foregoing conveyance, and who is known to me, acknowledge before me, on this day last, being informed of the contents of the said conveyance, he executed the same voluntarily on the day here bears date.

Given under my hand and official seal this 14th day of November, 1939.

SEAL

EDWARD STILLING
Notary Public, Dade County, Florida
State of Florida at Large, my
Commission expires April 14, 1943

STATE OF ALABAMA
BALDWIN COUNTY

PROBATE COURT

Filed in office this 14th day of July, 1939 at 8:41 A.M. and duly recorded in Deed Book 70 I.S. page 11 and I certify that ---, etc. DO Deed tax, and fee paid as required by law.

J. W. Robertson, Judge of Probate

J. W. Robertson, Judge of Probate

---000000---

Exhibit A.

STATE OF ALABAMA

BALDWIN COUNTY

WARRANTY DEED

BOOK 156 PAGE 193

THIS INDENTURE, made and entered into by and between ROY A. BEESLEY, hereinafter referred to as party of the first part, and NELL BEESLEY, hereinafter referred to as party of the second part, WITNESSETH:-

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration this day cash in hand paid to party of the first part by party of the second part, receipt whereof is hereby acknowledged, party of the first part has granted, bargained, sold and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto the party of the second part the following described real estate in Baldwin County, Alabama, to-wit:-

The East Half (E $\frac{1}{2}$) of Lot seven (7) in Block fifteen (15) in the Town of Foley, being a subdivision of a part of Sections twenty-eight (28) and twenty-nine (29), Township seven (7) South, Range four (4) East; and

Lots twenty-three (23) and twenty-four (24) in Block twenty-two (22) in the Town of Foley, as per plat of said Town of Foley recorded in the office of the Judge of Probate of Baldwin County, Alabama.

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

THE GRANTOR AND GRANTEE HEREIN ARE HUSBAND AND WIFE AND IT IS THE INTENTION OF THIS INSTRUMENT TO CONVEY THE ENTIRE FEE SIMPLE TITLE TO THE PROPERTY HEREINABOVE DESCRIBED TO THE GRANTEE.

TO HAVE AND TO HOLD unto the said party of the second part, her heirs and assigns, FOREVER.

And the said party of the first part, for himself and his heirs, executors and administrators, hereby covenants and warrants with and unto the said party of the second part, her heirs and assigns, that he is seized of an indefeasible estate in fee simple in and to all of the property hereinabove conveyed; that the same is free from all liens and encumbrances; that he has a good right to sell and convey the same as herein conveyed; that he will guarantee the peaceable possession thereof and that he will and his heirs, executors and administrators shall forever warrant and defend the same unto the said party of the second part, her heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the party of the first part hereunto sets his hand and affixes his seal on this the 4th day of August, 1950.

Roy A. Beesley SEAL

STATE OF ALABAMA

BALDWIN COUNTY

I, Cecil G. Chason, a Notary Public in and for said County in said State, hereby certify that Roy A. Beesley, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

(first page)

C. G. C.

E. Lubin B.

BOOK 156 PAGE 104

Given under my hand and Notarial Seal hereto affixed by me on this 4th day of August, 1950.

(affix seal)

[Signature]
Notary Public, Baldwin County
State of Alabama

STATE OF ALABAMA, BALDWIN COUNTY

d. 8/24/50 9:30 A.M.

recorded Deed book 156 page 193-4
I certify that the following Property Tax has been paid.

Land Tax ----- 2.00

Mortgage Tax -----

[Signature]
Judge of Probate

By [Signature]

CERTIFICATE OF JUDGMENT

Printed by The Baldwin Times, Bay Minette, Ala.

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, Term, 19.....

A. A. CORTE & SONS

Plaintiff....

Vs.

ROY BEESLEY

Defendant....

STATE OF ALABAMA, BALDWIN COUNTY
Filed 7-7-51
Recorded 7-14-51
book 5 page 143
MRS. F. A. Christian
Judge of Probate

I, ALICE J. DUCK, Clerk of the Circuit Court of Baldwin County,

Alabama, do hereby certify that on the 26th day of June, 1951,

a Judgment was rendered by said Court in the above stated cause, wherein

A. A. CORTE & SONS

was Plaintiff and ROY BEESLEY

was Defendant, in

favor of the said Plaintiff and against the said Defendant for the sum of

One thousand, three hundred, thirty-five and no/100 DOLLARS

and for the sum of Eleven and 15/100 DOLLARS

the costs in said suit, and that F. A. Christian

are the Attorneys of record for the Plaintiff in said cause.

Witness my hand this 26th day of June, 1951...

Alice J. Duck
Clerk, Circuit Court, Baldwin County, Alabama.

Exhibit C

6-26-51

CERTIFICATE OF JUDGMENT

A. A. Corte & Sons

23

Plaintiff

Vs.

5-143

Ray Beesley

17

Defendant

P. 50

Forest A. Christian
Clerk

DOLLARS

510

STATE OF ALABAMA,)
BALDWIN COUNTY.)

AFFIDAVIT OF NONRESIDENCE

A. A. CORTE & SONS,)
a partnership)
COMPLAINANTS) IN THE CIRCUIT COURT OF
VS:) BALDWIN COUNTY, ALABAMA
ROY BEESLEY & NELL BEESLEY)
RESPONDANTS) IN EQUITY

Personally appeared before me, GUS SCHULTZ, a notary public, FOREST A. CHRISTIAN, solicitor of record for Complainant in the above entitled cause, who being duly sworn, deposes and says that he is informed and verily believes that ROY BEESLEY, also known as Roy A. Beesley, and NELL BEESLEY, the Respondants in the above styled cause, are nonresidents of Alabama, and whose residence and post office address is 1515 E. DeSoto St., Pensacola, Florida, and that said respondents are in the belief of affiant over twenty-one years of age.


Forest A. Christian, Affiant

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


Gus Schultz, Notary Public