

4720

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

}

Circuit Court

TO: HELEN McDOWELL

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

NEWTON W. MCINTYRE

a witness in behalf of NEWTON W. MCINTYRE in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein

NEWTON W. MCINTYRE, Complainant

and

D. O. FOWLER Respondent

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

Witness day of , 195

Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

NEWTON W. MCINTYRE

Complainant

VS.

D. O. FOWLER

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

HELEN MCDOWELL

WITNESSES:

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

NEWTON MCINTYRE

COMPLAINANT

vs.

D. O. FOWLER

RESPONDENT

I, Helen McDowell

as Register and Commissioner

have called and caused to come before me Newton W. McIntyre

witness named in the requirement for Oral Examination, on the day of

19 59, at the office of THOMPSON & WHITE

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

truth, the whole truth, and nothing but the truth, the said Newton W. McIntyre

doth depose and say as follows:

My name is Newton W. McIntyre. I am over the age of 21 and a resident of Baldwin County, Alabama, and have been about three years. The Respondent, D. O. Fowler, who is a widower, is over the age of 21 and is presently in Biloxi, Mississippi.

On December 24, 1957, Mr. D. O. Fowler and I entered into a purchase agreement which is handed herewith and attached to this testimony hereto and made a part of said testimony. This agreement is recorded in Deed Book 270, page 546 being filed on October 4, 1958, in the Probate Office of Baldwin County, Alabama. The agreement provides for the sale by Mr. D. O. Fowler to me of the property described in this petition the description being set out in the agreement and said property lies in Baldwin County, Alabama. The terms of the agreement show the purchase price of said lands to be Eight Hundred Sixty-four (\$864.00) Dollars and which sum has been paid in accordance with the payments acknowledged in the said agreement and the payments acknowledged by the signature of Mr. D. O. Fowler two original receipts given by Mr. D. O. Fowler to me, the petitioner in this cause. I have paid the entire purchase price in full and have made demand of Mr. D. O. Fowler that he execute a warranty deed conveying said property to me clear of all incumbrances. These demands have been made on more than one occasion and Mr. D. O. Fowler has failed or refused to comply with the terms of the contract by executing a warranty deed conveying said property to me.

I respectfully ask this Honorable Court by proper decree to order the Clerk of this Honorable Court to execute by proper conveyance said lands to me.

Newton W. McIntyre

ORAL EXAMINATION

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

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

Given under my hand and seal, this 17 day of December, 1959.

Helen McDowell (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

_____ **COMPLAINANT**

vs.

_____ **RESPONDENT**

ORAL DEPOSITION

Filed 12-17, 1959

Chas. Powell, Register
RECORDED IN

Record

Vol. _____ Page _____

Register.

 NEWTON W. MCINTYRE

 vs.

 D. O. FOWLER

THE STATE OF ALABAMA
 Baldwin County

IN EQUITY
 Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____
 testimony of Newton W. McIntyre.

and in behalf of Defendant upon _____ decree pro confesso

C. L. ... Thompson

Alice J. ...
 Register

177

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 18.....

day of Dec....., 1949

W. J. ...
Register.

The State of Alabama,
Baldwin County.

No. CIRCUIT COURT, IN EQUITY.

NEWTON W. McINTYRE Complainant.....

Vs.

D. O. FOWLER Defendant.....

Motion is hereby made for a Decree Pro Confesso against

D. O. FOWLER Defendant.....

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant....., and that said summons was duly served by Registered Mail, according to law, and that said Defendant.....ha.s.... failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 10 day of Nov, 1954

[Signature] Solicitor.

No. Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT, IN EQUITY

..... NEWTON W. MCINTYRE

Vs.

..... D. O. FOWLER

MOTION FOR DECREE PRO CONFESSO
AFTER NOTICE BY REGISTERED MAIL

Filed, 19.....

Register.

Recorded in Record,

Vol. Page

Register.

Vertical text on the right side of the page, possibly a date or reference number.

Main body of vertical text on the right side, likely a legal notice or filing information.

Vertical text on the far right side, possibly a date or reference number.

Newton McIntyre

Vs.

D. O. Fowler

CIRCUIT COURT OF
Baldwin County.

IN EQUITY

In this cause it being made to appear to the Register that on the 5th
day of October, 1959, a copy of the Bill of Complaint filed in this cause was
sent to W. O. Fowler

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom
addressed," and return receipt demanded addressed to the Register of this Court; and that on the
9 day of Oct, 1959, such receipt was duly
received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer
or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered,
adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things
taken as confessed against the said W. O. Fowler
Defendant

This the 17 day of Dec, 1959
W. O. Fowler Register

No. _____

**CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA**

In Equity.

Vs.

**DECREE PRO CONFESSO AFTER
NOTICE BY REGISTERED MAIL**

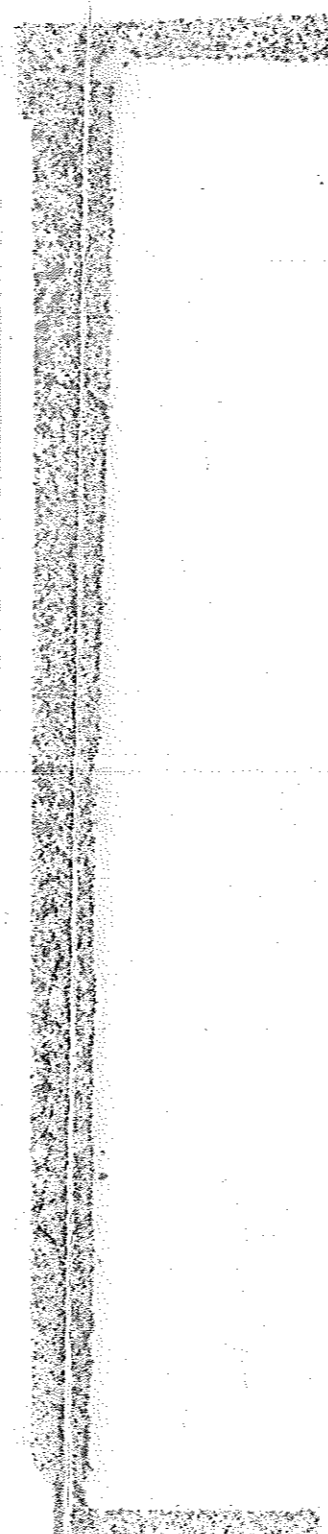
Filed in office this _____ day of

_____, 19____

_____, Register

Entered in O. B. _____ Page _____

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100 0000 - 1000 0000

NEWTON W. MCINTYRE	X	IN THE CIRCUIT COURT OF
COMPLAINANT	X	BALDWIN COUNTY, ALABAMA
VS	X	IN EQUITY.
D. O. FOWLER	X	CASE NO. _____
RESPONDENT	X	

This cause coming on to be heard was submitted for a final decree upon the original bill of complaint filed October 5, 1959, decree pro confesso against the Defendant, D. O. Fowler, and testimony of Newton W. McIntyre, the Complainant herein; and certain exhibits, being: the original purchase contract duly executed by D. O. Fowler and Newton W. McIntyre and signed receipts for the full amount payable under the contract, which provided for sale by D. O. Fowler to Newton W. McIntyre of the following described lands:

Beginning at the Southwest corner of the Southeast Quarter of Northwest Quarter of Section 32, Township 3 South, Range 3 East, run thence North 177 feet to the North side of a dirt road, thence East along the North line of said dirt road 567 feet to a point which is the Southwest corner of lands conveyed by J. L. Jones to the grantor herein, thence continuing Eastwardly along the North side of said public road 229 feet to the Southwest corner of lands conveyed by grantor to J. C. Mosley, thence North 190 feet to the Northwest corner of lands conveyed to J. C. Mosley for a point of beginning; thence North 218 feet, more or less to the North line of the lands conveyed to grantor by J. L. Jones; thence East along the said line 95 feet; thence South 218 feet to the Northeast corner of lands conveyed by grantor to J. C. Mosley; thence West, along the North line of the J. C. Mosley land, 95 feet to the point of beginning;

the description of which was set forth in the complaint herein, as noted by the Register,

The Court is, therefore, after considering all of the pleadings and the testimony, of the opinion and to the conclusion that the Complainant is entitled to the relief prayed for:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the said D. O. Fowler having been paid in full by said Complainant, Newton W. McIntyre, the said Respondent, D. O. Fowler, by a proper conveyance, convey to the Complainant, which, according to the testimony in the record is the same property as described in the contract of sale or offer to purchase entered into by and between the Complainant and the Respondent, to-wit:

Beginning at the Southwest corner of the Southeast Quarter of Northwest Quarter of Section 32, Township 3 South, Range 3 East, run thence North 177 feet to the North side of a dirt road, thence East along the North line of said dirt road 567 feet to a point which is the Southwest corner of lands conveyed by J. L. Jones to the grantor herein, thence continuing Eastwardly along the

North side of said public road 229 feet to the Southwest corner of lands conveyed by grantor to J. C. Mosley, thence North 190 feet to the Northwest corner of lands conveyed to J. C. Mosley for a point of beginning; thence North 218 feet, more or less to the North line of the lands conveyed to grantor by J. L. Jones; thence East along the said line 95 feet; thence South 218 feet to the Northeast corner of lands conveyed by grantor to J. C. Mosley; thence West, along the North line of the J. C. Mosley land, 95 feet to the point of beginning.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that if the Respondent should fail or refuse to execute proper conveyance and deliver abstract of title to the property involved within thirty days from the date hereof, then the Register of the Circuit Court of Baldwin County, Alabama, is authorized, directed and empowered to execute proper conveyance to the Complainant, conveying all of the right, title and interest that the Complainant had, or has in and to said property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Respondent be, and he hereby is taxed with the cost herein, for which execution may issue.

Dated at Bay Minette, Alabama, this 18th day of December, 1959.

FILED

DEC 19 1959

ALICE J. DUCK, CLERK
REGISTER

J. C. Mosley
Judge, 28th Judicial Circuit of Alabama

JOHN P. BEEBE
ATTORNEY AT LAW

~~XXXXXXXXXXXX~~
Robertsdale, Ala.

October 5th, 1959

Mrs. Alice J. Duck, Register,
Circuit Court, Baldwin County,
Bay Minette, Alabama.

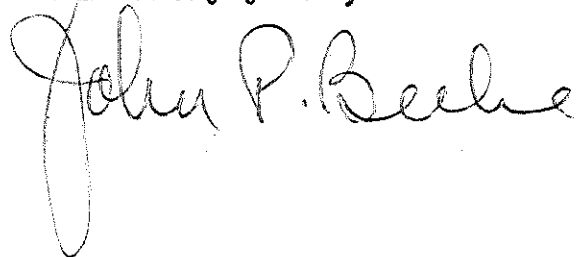
Dear Mrs. Duck:

I enclose original and one copy of bill of complaint in the matter of Mary Odessa Hughes vs. Lewis Young Hughes, being a petition for divorce, with a request that the matter be filed in your office and that service of process be obtained against the defendant, who operates a Gulf Filing Station in the City of Foley, Alabama.

You will note that I did not attach a summons to the bill of complaint.

Thanking you, I am

Sincerely yours,

A handwritten signature in cursive script that reads "John P. Beebe". The signature is written in dark ink and is positioned below the typed name "John P. Beebe".

plainant with his fist and slung her about the porch of their house, which took place at three o'clock in the morning, when he the said Defendant came home in a drunken condition in the company of another woman, whose name is unknown to your Complainant; that on the 4th day of July, 1959, at the filing station operated by the Defendant in the City of Foley, Baldwin County, Alabama, in the presence of others the said Defendant struck at the Complainant and threatened to cut her throat and to kill her with a club which he held in his hand at the time, and did curse and abuse your Complainant; that from such conduct she has every reasonable apprehension to believe and does believe that should she continue to live with him he would inflict grave bodily injury upon her attendant with danger to her life and health.

SIXTH: That the said Defendant is able bodied, in good health and owns and operates a filing station in the City of Foley, Baldwin County, Alabama, from such operation clears at least Five Hundred Dollars monthly and owns real estate in Baldwin County, Alabama, and is amply able to make suitable, proper and sufficient contribution to your Complainant for her support and for the support of their said children, and for her cost incurred herein, including a reasonable attorney's fee.

WHEREFORE, your Complainant prays that this Honorable Court will take jurisdiction of the cause made by this bill of complaint, and make the said Lewis Young Hughes party Defendant hereto and by appropriate process require him to plead, answer or demur to the same within the time and under the pains and penalties prescribed by this Honorable Court; that your Honor will order a reference to determine alimony pendente lite, and attorney's fees to be paid by the Defendant to your Complainant.

Complainant further prays that upon the final hearing of this cause this Honorable Court will make and enter a decree forever dissolving the bonds of matrimony existing between this Complainant and the said Defendant; and that your Complainant be awarded such

SUMMONS AND COMPLAINT

Moore Prtg. Co.

The State of Alabama,
Baldwin County.

}

Circuit Court, Baldwin County

No.

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Lewis Young Hughes

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

Lewis Young Hughes, Defendant

by Mary Odessa Hughes, Plaintiff

Witness my hand this 6th day of October 1959.

Alice J. Duck, Clerk

No. _____ Page _____

The State of Alabama
Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

Summons and Complaint

Filed _____ 19____

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at _____

Received In Office

_____ 19____

_____, Sheriff

I have executed this summons

this _____ 19____

by leaving a copy with _____

_____, Sheriff

_____, Deputy Sheriff

alimony as to your Honor shall seem just and proper, and shall further determine the amount that shall be paid to this Complainant by the said Defendant for the care and support of their minor children, namely: Lewis Young Hughes, Jr., and Larry Wayne Hughes, and shall award to your Complainant the custody of the said minor children, and the Complainant prays for such other, further or different relief as in equity and good conscience she shall be entitled to receive in the premises.

Filed
10-6-29

John P. Beebe

Solicitor for Complainant