

1742

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon W. P. Green and Donelda Green to appear within thirty days from the service of this writ in the Circuit Court to be held for said County, Equity Side, then and there to answer the Complaint of Pearl S. Berga.

WITNESS my hand this 12 day of October, 1946.

R. S. Muck

Register.

By Alice J. Muck  
D. R.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Oratrix, Pearl S. Berga, presents this Bill of Complaint against W. P. Green and Donelda Green and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix and the Respondents are each over twenty-one years of age and residents of Baldwin County, Alabama.
2. On or about February 11, 1946 your Oratrix advanced to the Respondents the sum of One Thousand One Hundred Twenty Dollars (\$1120.00), with the understanding that the said Respondents would use the said sum so advanced to purchase an automobile and that when the said automobile was so purchased they would give your Oratrix a mortgage thereon.
3. The said Respondents used the said sum of One Thousand One Hundred Twenty Dollars (\$1120.00) so advanced to them by your Oratrix and purchased a 1941 two-door Chevrolet Sedan with Kansas Tag Number 36-3617, which automobile is now in the possession of the said Respondents in Baldwin County, Alabama, which said automobile is the only automobile owned by the Respondents, or either of them.
4. The said Respondents have paid your Oratrix the sum of One Hundred Thirty-three Dollars (\$133.00) to apply on the amount due her by them, but they have failed and refused, after demand by your Oratrix, to make, execute and deliver to her a mortgage on the said automobile, which they agreed to do before and at the time the said sum of One Thousand One Hundred Twenty Dollars (\$1120.00) was advanced to them by your Oratrix.
5. The Respondents have no tangible property, except the said automobile.

PRAYER FOR PROCESS

Your Oratrix prays that the Court will take jurisdiction of the cause made by this Bill of Complaint and that due notice thereof in the form and manner prescribed by law be given to the Respondents, requiring them to appear and plead, answer or demur

to this Bill of Complaint within the time prescribed by law.

PRAYER FOR RELIEF

Your Oratrix prays for the following relief:

1. That a Reference be held to determine the amount of the indebtedness due by the Respondents to the Complainant in this cause.

2. That on a final hearing of this cause a proper order or decree be rendered, establishing the amount due to the Complainant by the Respondents and also establishing an equitable lien or mortgage on the said automobile.

3. Your Oratrix further prays for such other, further and general relief as she may be equitably entitled to, the premises considered.

J. B. Blackburn  
Solicitor for Complainant.

IN EQUITY  
AND IN THE CIRCUIT COURT OF  
THE DISTRICT OF COLUMBIA

Respondents

W. B. GILLEN AND DOUGLASS GILLEN

Complainant

DEBORAH B. HENRY

OR COMPLAINANT  
ORIGINAL DOCKETS AND LITIGATION

11/1/55

1742

ORIGINAL SUMMONS AND BILL  
OF COMPLAINT

PEARL S. BERGA,

Complainant

VS

W. P. GREEN AND DONELDA GREEN,

Respondents

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

Filed

10-12-46

R.S. Luckey, Clerk  
By Alice J. Luckey, P.R.

Executed by serving  
copy on the within  
Oct 23 1946  
C.E. Garrett Sheriff  
H. F. Hall P. S.

720

PEARL S. BERGA

COMPLAINANT

VS

W. P. GREEN AND  
DORIELDA GREEN

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

NO. 1742

Now comes the Respondents, separately and severally and for answer to the Complainant's bill of complaint says:

1.

They admit the allegation contained in paragraph one.

2.

They deny the allegation contained in paragraph two and demands strict proof of the same.

3.

They deny the allegation contained in paragraph three and demand strict proof of the same.

4.

They admit the allegation as to the payment of \$133.00, as contained in paragraph four, but deny all other allegations therein and demand strict proof of the same.

5.

They deny the allegation contained in paragraph and demand strict proof of the same.

The Respondents for further answer to the Complainant's bill of complaint say: that the Respondents were living in Texas; that the Complainant came out to Texas and lived with them for some time; that the Complainant offered to, and did give to the Respondents money with which to buy an automobile, but it was expressly understood that the Complainant would ask no security for the money, but that it was to be a gift; that there was never any agreement as to the Respondents giving the Complainant any security for the money given by her to them.

*S. S. S. S.*  
Solicitor for the Respondents

1742

PEARL S. BERGA

COMPLAINANT

VS

W. P. GREEN AND  
DONELDA GREEN

RESPONDENTS

ANSWER AND ~~WOODR~~

*Filed*

*11-23-46*

*Alice J. Nuck  
Reg.*

PEARL S. BERGA

COMPLAINANT

VS

W. P. GREEN AND DONALDA  
GREEN,

RESPONDENTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 1742

This cause coming on to be heard was submitted upon the pleadings, and testimony taken orally before the court, and the Court after considering the pleadings, and hearing and considering the testimony, in open Court, on behalf of the Complainant and the Respondents is of the opinion that the Complainant is not entitled to the relief prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, by the Court, that the Complainant's bill of complaint, be and the same hereby is dismissed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the costs of this proceeding be taxed against the Complainant for which let execution issue.

DATED this the 17th day of July, 1947.

F. M. Hare  
JUDGE

174

PEARL S. BERGA

COMPLAINANT

VS

W. P. GREEN AND DONALDA  
GREEN

RESPONDENTS

DECREE DISMISSING CASE

Filed  
7-18-47  
Alice J. Neuch  
Register



STATE OF ALABAMA, BALDWIN COUNTY  
Filed Oct. 12, 1946 ..... 94 M  
Recorded Lis Pend book 2 page 117  
W. R. Stewart  
Judge of Probate

PEARL S. BERGA,  
Complainant,  
VS.  
W. P. GREEN and DONELDA GREEN,  
Respondents.

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

LIS PENDENS NOTICE

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Complainant in this cause did, on this date, file in the Circuit Court of Baldwin County, Alabama, Equity Side, a Bill of Complaint against the Respondents, in which she alleged, in substance, that she furnished money to the Respondents upon their promise to use the said money to purchase an automobile and that after the said automobile was purchased they would execute a mortgage to the said Complainant thereon; that the said Respondents used the money so advanced to them by the Complainant and purchased a Chevrolet two-door Sedan, which now has thereon Kansas Tag Number 36-3617, which is the only automobile owned by the Respondents, or either of them; that after purchasing the said automobile with the money furnished by the Complainant, the Respondents have failed and refused to so execute the mortgage thereon.

The Complainant in her said Bill of Complaint prays that the amount of the indebtedness to her be established, a decree rendered in her favor therefor and that an equitable lien or mortgage be established on the said automobile to secure the amount due the said Complainant by the said Respondents.

All persons are cautioned against purchasing the said automobile, except subject to the rights of the Complainant in this suit.

Dated this 12th day of October, 1946.

J. B. Blackburn  
Solicitor for Complainant.

10-12-46

LIS PENDENS NOTICE

PEARL S. BERGA, 19

VS. Complainant,

W. P. GREEN and  
DONELDA GREEN, ~~VS~~

Respondents.

2-11-7

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY

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R. 75

R. S. Wink

1742

Bay Minette, Ala., 10-12, 1946

B. A. Nuss

75	75
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**TOTAL \$** 100.00

W. R. Stewart  
R. M.

**Judge of Probate.**