

EX PARTE

THOMAS MELVIN COURTNEY,
a Minor.

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

IN EQUITY.

AMENDED

PETITION FOR REMOVAL OF DISABILITIES OF NON-AGE.

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

Comes EDNA ERLA COURTNEY and by leave of court first had
and obtained, amends her petition for removal of disabilities of non-
age of Thomas Melvin Courtney, a minor, so that the same shall read
as follows:

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

Comes EDNA ERLA COURTNEY and respectfully shows unto your
Honor:

That she is the mother of Thomas Melvin Courtney, a minor
over the age of eighteen (18) years, who is in the custody of your
petitioner; that the petitioner is not the Guardian of the said
minor; that there is no Guardian of the person and property of the
said minor; that your petitioner is a resident of Baldwin County,
Alabama; that the said Thomas Melvin Courtney, as an heir of E. L.
Courtney, deceased, is the owner of property in his own right; that
the said Thomas Melvin Courtney is of mature judgment, sober and in-
dustrious, and fully capable of handling his own affairs; that it is
to the interests of the said Thomas Melvin Courtney that his disabil-
ities of non-age be removed, so that he may sue and be sued, contract
and be contracted with, sell and convey real and personal property
and have and exercise all the rights, powers and privileges with
reference to his said estate as if he were twenty-one years of age.

WHEREFORE, your petitioner prays that notice of this peti-
tion be given to the said Thomas Melvin Courtney; that a day be set
for hearing of this petition and that upon such hearing this Honor-
able Court will make and enter a decree removing the disabilities of
non-age of the said Thomas Melvin Courtney, and authorizing and em-
powering him to sue and be sued, contract and be contracted with,

buy and sell property and generally to have and exercise the rights, powers and privileges over his estate as if he were twenty-one years of age.

Edna Eria Courtney
Petitioner.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned, a Notary Public in and for said State and County, this day personally appeared EDNA ERIA COURTNEY, who being by me duly sworn, on oath deposes and says that she is the mother of Thomas Melvin Courtney; that the said Thomas Melvin Courtney is a minor over the age of eighteen years and under the age of twenty-one years; that he resides with and is in the custody of your petitioner; that the said minor is of mature judgment, sober and industrious and fully capable of handling his own affairs, and that it is to the interests of the said minor that the disabilities of non-age be removed; that the averments in the foregoing petition are true.

Edna Eria Courtney

Sworn to and subscribed before
me on this the 17 day of
April, 1938.

Carl P. Blaham
Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned, a Notary Public in and for said State and County, this day personally appeared W. L. Baldwin, who being by me first duly sworn, on oath deposes and says that he has known Thomas Melvin Courtney for more than five (5) years continuously next preceding the making of this affidavit; that Thomas Melvin Courtney is a young man of sober and industrious habits, reasonably well educated and well capable of handling his own business affairs; that he owns property in his own right and that it is to the interest of the said minor that his disabilities of non-age be removed and he be authorized and empowered to sue and be sued, to contract and be contracted with, to sell and convey real property, and to do and perform any and all acts as though he were fully twenty-one years of age.

W. L. Baldwin

Sworn to and subscribed before
me on this the 14 day of
May, 1938.

W. L. Baldwin
Notary Public, Baldwin County,
Alabama.

RECORDED

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned, a Notary Public in and for said State and County, this day personally appeared _____, who being by me first duly sworn, on oath deposes and says that he has known Thomas Melvin Courtney for more than five (5) years continuously next preceding the making of this affidavit; that Thomas Melvin Courtney is a young man of sober and industrious habits, reasonably well educated and well capable of handling his own business affairs; that he owns property in his own right and that it is to the interest of the said minor that his disabilities of non-age be removed and he be authorized and empowered to sue and be sued, to contract and be contracted with, to sell and convey real property, and to do and perform any and all acts as though he were fully twenty-one years of age.

A. H. H. Embury

Sworn to and subscribed before me on this the 25 day of March, 1938.

Carl L. Blaham
Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned, a Notary Public in and for said State and County, this day personally appeared P.W. Porter, who being by me first duly sworn, on oath deposes and says that he has known Thomas Melvin Courtney for more than five (5) years continuously next preceding the making of this affidavit; that Thomas Melvin Courtney is a young man of sober and industrious habits, reasonably well educated and well capable of handling his own business affairs; that he owns property in his own right and that it is to the interest of the said minor that his disabilities of non-age be removed and he be authorized and empowered to sue and be sued, to contract and be contracted with, to sell and convey real property, and to do and perform any and all acts as though he were fully twenty-one years of age.

P.W. Porter

Sworn to and subscribed before me on this the 14 day of May, 1938.

Carl P. Blaham
Notary Public, Baldwin County,
Alabama.

1-722
D. J. Jones
RECORDED

EX PARTE

THOMAS MELVIN COURTNEY,
a Minor.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

PETITION FOR REMOVAL OF DISABILITIES OF NON-AGE.

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

Comes EDNA ERLA COURTNEY and respectfully shows unto your
Honor:

That she is the mother of Thomas Melvin Courtney, a minor
over the age of eighteen (18) years, who is in the custody of your
petitioner; that your petitioner is a resident of Baldwin County,
Alabama; that the said Thomas Melvin Courtney, as an heir of E. L.
Courtney, deceased, is the owner of property in his own right; that
the said Thomas Melvin Courtney is of mature judgment, sober and in-
dustrious, and fully capable of handling his own affairs; that it is
to the interests of the said Thomas Melvin Courtney that his disabil-
ities of non-age be removed, so that he may sue and be sued, contract
and be contracted with, sell and convey real and personal property
and have and exercise all the rights, powers and privileges with
reference to his said estate as if he were twenty-one years of age.

WHEREFORE, your petitioner prays that notice of this peti-
tion be given to the said Thomas Melvin Courtney; that a day be set
for hearing of this petition and that upon such hearing this Honor-
able Court will make and enter a decree removing the disabilities of
non-age of the said Thomas Melvin Courtney, and authorizing and em-
powering him to sue and be sued, contract and be contracted with,
buy and sell property and generally to have and exercise the rights,
powers and privileges over his estate as if he were twenty-one years
of age.

Edna Erla Courtney
Petitioner.

STATE OF ALABAMA

BALDWIN COUNTY.

Before me, the undersigned, a Notary Public in and for said State and County, this day personally appeared EDNA ERLA COURTNEY, who being by me duly sworn, on oath deposes and says that she is the mother of Thomas Melvin Courtney; that the said Thomas Melvin Courtney is a minor over the age of eighteen years and under the age of twenty-one years; that he resides with and is in the custody of your petitioner; that the said minor is of mature judgement, sober and industrious and fully capable of handling his own affairs, and that it is to the interests of the said minor that the disabilities of non-age be removed.

Edna Erla Courtney

Sworn to and subscribed before
me on this the 15th day of
February, 1938

Leve L. Blouhan
Notary Public, Baldwin County
Alabama.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned, a Notary Public in and for said State and County, this day personally appeared Carl L. Blaham, who being by me first duly sworn, on oath deposes and says that he has known Thomas Melvin Courtney for more than five (5) years continuously next preceding the making of this affidavit; that Thomas Melvin Courtney is a young man of sober and industrious habits, reasonably well educated and well capable of handling his own business affairs; that he owns property in his own right and that it is to the interest of the said minor that his disabilities of non-age be removed and he be authorized and empowered to sue and be sued, to contract and be contracted with, to sell and convey real property, and to do and perform any and all acts as though he were fully twenty-one years of age.

Carl L. Blaham

Sworn to and subscribed before
me on this the 25 day of
March, 1938.

Gayle Wilder
Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned, a Notary Public in and for said State and County, this day personally appeared F. W. Porter, who being by me first duly sworn, on oath deposes and says that he has known Thomas Melvin Courtney for more than five (5) years continuously next preceding the making of this affidavit; that Thomas Melvin Courtney is a young man of sober and industrious habits, reasonably well educated and well capable of handling his own business affairs; that he owns property in his own right and that it is to the interest of the said minor that his disabilities of non-age be removed and he be authorized and empowered to sue and be sued, to contract and be contracted with, to sell and convey real property, and to do and perform any and all acts as though he were fully twenty-one years of age.

J. M. Porter

Sworn to and subscribed before me on this the 25th day of March, 1938.

Carl F. Blathan
Notary Public, Baldwin County,
Alabama.

**CHANCERY EXECUTION
BILL OF COSTS**

No. 397 *Ex Parte* Thomas Melvin Courtney Vs. Plaintiff
Defendant

| FEES OF REGISTER | | Dollars | Cents | Brought Forward | \$ |
|--|-------|---------|-------|---|-----------------|
| Filing each bill and other papers | \$ 10 | | 90 | For Receiving, keeping and paying out or distributing money, etc.; 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%. | 4 85 |
| Issuing each subpoena | 50 | | 50 | Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received. | |
| Issuing each copy thereof | 40 | | 40 | Each notice sent by mail to creditor | 15 |
| Entering each return thereof | 15 | | 15 | Filing, receipting for and docketing each claim, etc. | 25 |
| For each order of publication | 1 00 | | 15 | For all entries on subpoena docket, etc. | 50 |
| Issuing writ of injunction | 1 50 | | 15 | For all entries on commission docket, etc. | 50 |
| For each copy thereof | 50 | | 15 | Making final record, per 100 words | 15 |
| Entering each return thereof | 15 | | 15 | Certified copy of decree | 1 00 |
| Issuing Writ of Attachment | 1 00 | | 15 | Report of divorce to State Health Office (Acts 1915) | 50 |
| Entering each return thereof | 15 | | 15 | Total Fees of Register | 9 35 |
| Docketing each case | 1 00 | 1 00 | 25 | FEES OF SHERIFF | |
| Entering each appearance | 25 | | 25 | Serving and returning subpoena on deft. | \$ 50 |
| Issuing each decree pro confesso on per. ser. | 1 00 | | 25 | Serving and returning subpoena for witness | 65 |
| Issuing each decree pro confesso on publica. | 1 00 | | 25 | Levyng attachment | 3 00 |
| Each order appointing guardian | 1 00 | | 25 | Entering and returning same | 25 |
| Any other order by Register | 50 | | 25 | Selling property attached | 75 |
| Issuing commission to take testimony | 50 | | 25 | Impaneling Jury | 75 |
| Receiving and filing | 10 | | 25 | Executing writ of possession | 2 50 |
| Endorsing each package | 10 | | 25 | Collecting execution for costs | 1 50 |
| Entering order submitting cause | 50 | | 25 | Serving and returning sci. fa., each | 65 |
| Entering any other order of court | 25 | | 25 | Serving and returning notice | 65 |
| Noting all testimony | 50 | | 25 | Serving and returning writ of injunction | 1 50 |
| Abstract of cause, etc. | 1 00 | | 25 | Serving and returning writ of exeat | 1 50 |
| Entering each decree | 75 | | 25 | Taking and approving bonds, each | 75 |
| For every 100 words over 500 | 15 | | 25 | Collecting money on execution | |
| Taking account, etc. | 3 00 | | 25 | Making deed | 2 50 |
| Taking testimony, etc. | 15 | | 25 | Serving and returning application, etc. | 1 00 |
| Each report, 500 words or less | 2 50 | | 25 | Serving attachment, contempt of court | 1 50 |
| For every 100 words over 500 | 15 | | 25 | Total Fees of Sheriff | 4 75 |
| Amount claimed less than \$500, etc. | 2 00 | | 25 | RECAPITULATION | |
| Issuing each subpoena | 25 | | 25 | Register's Fees | 9 35 |
| Witness certificate, each | 25 | | 25 | Sheriff's Fees | 4 75 |
| Issuing execution, each | 75 | | 25 | Commissioner's Fees | |
| Entering each return | 15 | | 25 | Solicitor's Fees | |
| Taking and approving bond, each | 1 00 | | 25 | Witness Fees | |
| Making copy of bill, etc. | 15 | | 25 | Guardian Ad Litem | |
| Each notice not otherwise provided for | 50 | | 25 | Printer's Fees | |
| Each certificate or affidavit, with seal | 50 | | 25 | Trial Tax | 3 00 |
| Each certificate or affidavit, no seal | 25 | | 25 | Recording Decree in Probate Court | |
| Hearing and passing on application, etc. | 3 00 | | 25 | Total | \$ 17 10 |
| Each settlement with receiver, etc. | 3 00 | | 25 | | |
| Examining each voucher of Receiver, etc. | 10 | | 25 | | |
| Examining each answer, etc. | 3 00 | | 25 | | |
| Recording resignation, etc. | 75 | | 25 | | |
| Entering each certificate to Supreme Court | 50 | | 25 | | |
| Taking questions and answers, etc. | 25 | | 25 | | |
| For all other ser relating to such proceedings | 1 00 | | 25 | | |
| For services in proceeding to relieve minors, etc.. same fee as in similar cases. | | | 25 | | |
| Commission on sales, etc: 1st \$100, 2 per ct.; all over \$100 and not exceeding \$1,000, 1 1-2 per ct: all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct. | | | 25 | | |
| Sub Total Carried Forward | | 4 85 | | | |

The State of Alabama, } No. 397
Baldwin County. } Circuit Court, In Equity Term, 1938
To Any Sheriff of the State of Alabama—GREETING:

You are hereby commanded, That of the goods and chattels, lands and tenements of Thomas Melvin Courtney, Petitioner, Defendant

you cause to be made the sum of Seventeen and 10/100 Dollars,
which was taxed against him as costs and Plaintiff
recovered of him on the 17th day of May 1938
by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____ Dollars,

costs of suit, and have the same to render to the said R S Duck, Register
and make return of this Writ and the execution thereof, according to law.

Interest from 193 to date of collection _____

Witness my hand, this 17th day of July 1938

R. S. Duck Register.
By H. E. Smith, Deputy

TWENTY-FIRST JUDICIAL CIRCUIT
OF ALABAMA

F. W. HARE, JUDGE
R. L. JONES, CIRCUIT SOLICITOR
M. R. FARISH, COURT REPORTER
MONROEVILLE, ALABAMA

April 1, 1938

Mr. R. S. Duck,
Bay Minette, Alabama.

Dear Bob:

In the matter of the petition of Thomas Melvin Courtney for the removal of disabilities of non-age, I wish you would call to the attention of the attorneys representing this party that the petition fails to show whether the parent is the Guardian of such minor, as required by Section 8280. They will also observe that there is a failure to comply with the requirement of Section 8282, to the effect that a copy of the petition must be served on the minor by the sheriff. These requirements are jurisdictional.

Hope to see you next week.

Your friend,



FWH/f.

The State of Alabama, }
Baldwin County } Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

THOMAS MELVIN COURTNEY, a minor,

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

EDNA ERLA COURTNEY

against said

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, Robert S. Duck, Register of said Circuit Court, this 16th day of February 1938

R. S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

RECORDED

5-432
Done

Emerson 13 1831

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned, a Notary Public in and for said State and County, this day personally appeared Case L Blohan, who being by me first duly sworn, on oath deposes and says that he has known Thomas Melvin Courtney for more than five (5) years continuously next preceding the making of this affidavit; that Thomas Melvin Courtney is a young man of sober and industrious habits, reasonably well educated and well capable of handling his own business affairs; that he owns property in his own right and that it is to the interest of the said minor that his disabilities of non-age be removed and he be authorized and empowered to sue and be sued, to contract and be contracted with, to sell and convey real property, and to do and perform any and all acts as though he were fully twenty-one years of age.

Case L Blohan

Sworn to and subscribed before me on this the 14 day of May, 1938.

Gayle Wilder
Notary Public, Baldwin County,
Alabama.

EX PARTE,

THOMAS MELVIN COURTNEY,

a Minor.

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(
)
(
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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

PETITION FOR REMOVAL OF DISABILITIES
OF NON-AGE.

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

Comes EDNA ERLA COURTNEY, and respectfully
shows unto your Honor:

That she is the mother of THOMAS MELVIN COURTNEY,
a minor over the age of eighteen (18) years, who is in the custody
of your petitioner; that your petitioner is a resident of Baldwin
County, Alabama; that the said THOMAS MELVIN COURTNEY, as an
heir of E. L. Courtney, deceased, is the owner of property in his
own right; that the said THOMAS MELVIN COURTNEY is of mature judg-
ment, sober and industrious, and fully capable of handling his own
affairs; that it is to the interests of the said THOMAS MELVIN
COURTNEY that his disabilities of non-age be removed, so that he
may sue and be sued, contract and be contracted with, sell and
convey real and personal property and have and exercise all the
rights, powers and privileges with reference to his said estate
as if he were twenty-one years of age.

WHEREFORE, your Petitioner prays that notice
of this petition be given to the said THOMAS MELVIN COURTNEY; that
a day be set for hearing of this petition and that upon such hear-
ing this Honorable Court will make and enter a decree removing
the disabilities of non-age of the said THOMAS MELVIN COURTNEY,
and authorizing and empowering him to sue and be sued, contract
and be contracted with, buy and sell property and generally to have
and exercise the rights, powers and privileges over his estate as
if he were twenty-one years of age.

EDNA ERLA COURTNEY,
Petitioner.

REGISTER'S CERTIFICATE.

I, R. S. DUCK, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the above and foregoing is a true, correct and full copy of the original decree rendered by the Judge of the Circuit Court of Baldwin County, Alabama, on the 17th day of May, 1938; which said original is on file and enrolled in my office.

GIVEN under my hand and seal of office, this the 19th day of May, 1938.

Register, Circuit Court of
Baldwin County, Alabama,
In Equity.

EX PARTE

THOMAS MELVIN COURTNEY,
A Minor.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

This cause coming on to be heard and evidence being adduced, and the court being satisfied that it is to the interests of Thomas Melvin Courtney, a minor over the age of eighteen (18) years, that his disabilities of non-age be removed, and that he be invested with the right to sue and be sued, contract and be contracted with, sell and convey real and personal property and have and exercise all the rights, powers and privileges with reference to his said estate as if he were twenty-one years of age;

It is therefore ORDERED, ADJUDGED AND DECREED that the disabilities of non-age of the said Thomas Melvin Courtney be and the same are hereby removed and that he be and is hereby invested with the right to sue and be sued, contract and be contracted with, buy and sell real and personal property and generally to have and exercise the rights, powers and privileges over his estate as if he were twenty-one years of age.

Done this the 17th day of May, 1938.

P. W. Hare
Judge.

ORVIS M. BROWN
ATTORNEY AT LAW
BALDWIN BUILDING
ROBERTSDALE, ALA.

May 2nd, 1938

Orvis M. Brown,
Attorney at Law
Robertsdale, ALA.

Dear Brown:

After considering the facts in the Divorce case as explained to me, I am of the opinion that it would be to my best interest to withdraw the Answer and Cross-Bill and go ahead and get the Divorce, leaving the custody of the Child with the Court, and I am hereby authorizing you to withdraw the pleadings and get the Divorce.

Yours very truly,

Hubert S. Rhodes

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned, a Notary Public in and for

said State and County, this day personally appeared John P. Johnson

who being by me first duly sworn, on oath depose

and say that he has known Thomas Melvin Courtney for more than

five (5) years continuously next preceding the making of this affi-

davit that Thomas Melvin Courtney is a young man of sober and in-

dustrious habits, reasonably well educated and well capable of hand-

ling his own business affairs; that he owns property in his own right

and that title to the interest of the said minor that his disability-

ties of non-age be removed and he be authorized and empowered to

and be sued, to contract and be contracted with, to sell and

convey real property, and to do and perform any and all acts as

though he were fully twenty-one years of age.

John P. Johnson

Sworn to and subscribed before
me on this the 14 day of
May, 1938.

John P. Johnson
Notary Public, Baldwin County,
Alabama.

RECORDED
7-17-38

[Handwritten signature and notes]

3/21/34

Serve on

Circuit Court of Baldwin County
IN EQUITY

No. 397

SUMMONS

EX PARTE,

THOMAS MELVIN COURTNEY,

a minor,

vs.

BEER, HALL & BEER,

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this

16th

day of

Feb

, 193*4*

M. Williams

SHERIFF

Executed this

19th

day of

Feb

193*4*

by leaving a copy of the within Summons with

Thomas Melvin Courtney

Defendant

M. Williams

Sheriff

By

John Williams

Deputy Sheriff

July 17 1938
J. P. [unclear]

STATE OF ALABAMA
BALDWIN COUNTY.

Before me, the undersigned, a Notary Public in and for

John L. [unclear] said State and County, this day personally appeared
[unclear], who being by me first duly sworn, on oath deposes

and says that he has known Thomas Melvin Courtney for more than
five (5) years continuously next preceding the making of this affi-
davit; that Thomas Melvin Courtney is a young man of sober and in-
dustrious habits, reasonably well educated and well capable of hand-
ling his own business affairs; that he owns property in his own right
and that it is to the interest of the said minor that his disabili-
ties of non-age be removed and he be authorized and empowered to
sue and be sued, to contract and be contracted with, to sell and
convey real property, and to do and perform any and all acts as
though he were fully twenty-one years of age.

[Signature]

Sworn to and subscribed before
me on this the 17 day of
July, 1938.

[Signature]
Notary Public, Baldwin County,
Alabama.

RECORDED *Over*
2 - 363

EX PARTE
THOMAS MELVIN COURTNEY,
a Minor.

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

DECREE.

Filed this 18 day *May* 19 *37*
F. S. Register
Clerk-Register

RECORDED

and
7-430

WITHDRAWAL OF CROSS-BILL.

Received 4 1938
Robert R. Foster

397