

1410

STATE OF ALABAMA)

BALDWIN COUNTY)

TO ANY LAWFUL OFFICER OF THE COUNTY OF BALDWIN:

Summon Bernice E. Boyd to appear before me on the 21 day of September, 1949, at the City Hall, Foley, Baldwin County, Alabama, to answer the complaint of Dean G. Almon and Ellen D. Almon, and there make return of this summons.

WITNESS my hand this the 13 day of September, 1949.

Justice of the Peace..

DEAN G. ALMON and ELLEN
D. ALMON,

Plaintiffs,

vs.

BERNICE E. BOYD,

Defendant

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IN THE JUSTICE COURT OF
W. R. HOWELL, JUSTICE OF
THE PEACE, BEAT 14,
BALDWIN COUNTY, ALABAMA.

The Plaintiffs sue to recover possession of the following tract of land situated in Baldwin County, Alabama, to-wit:

Lots 12, 13, 14, 15 and 16, in Block 3 of Southport Unit of Gulf Shores Ala. as shown on a map thereof recorded in Map Book 1 page 151 in the Probate office of Baldwin County, Alabama, including all fixtures and equipment located on said property used in the operation of a restaurant located thereon a list of said fixtures being attached hereto and made a part hereof the same as if written herein.]

of which they were in possession, and upon which, pending such possession, and before the commencement of this suit the Defendant lawfully entered under a contract between the Plaintiffs and the Defendant, a copy of which is hereto attached, marked exhibit "A" and made a part hereof, and which now the Defendant, after the termination of her possessory interest, the Defendant having waived any notice required by law for the repossession of the said property, unlawfully detains, together with ONE HUNDRED (\$100.00) DOLLARS for the detention thereof.

E. M. Hall (Signed)
Attorney for the Plaintiffs.

State of Alabama }
Baldwin County }

This contract of purchase and sale made and entered into in duplicate this 29th day of Jan. 1949, by and between Bernice E. Boyd, hereinafter called Purchaser, and Dean G. Almon and wife Ellen D. Almon, hereinafter called Sellers;

WITNESSETH: In consideration of the premises and the mutual covenants herein contained it is agreed by and between said parties as follows;

1. The Sellers agree to sell to the Purchaser the following described property in Baldwin County Alabama;

Lots 12, 13, 14, 15, and 16 in Block 3 of Southport Unit of Gulf Shores, Ala. as shown on a map thereof recorded in Map Book 1 Page 151 in the Probate office of Baldwin County Alabama, including all fixtures and equipment located on said property used in the operation of a restaurant located thereon a list of said fixtures being attached hereto and made a part hereof the same as if written herein.

The Sellers agree to pay all taxes for the year 1949, to transfer to Purchaser all insurance now in force on said property and to give Purchaser a clear title to same, all the above being contingent on this transaction being closed on or before March 28, 1949.

2. In consideration of the above Purchaser agrees to give to Sellers on the execution of this contract and as a part of the earnest money or down payment on the above property a warranty deed, subject to a mortgage thereon which Sellers agree to assume, to that certain house and lot in Birmingham, Ala. located at 2930 Norwood Blvd. and fully described in that certain warranty deed from John A. Barranco et als executed on or about March 14, 1947, and recorded in Deed Book 3876 Page 99 in the Office of the Probate Judge of Jefferson County, Alabama which full description is made a part of this instrument the same as if written herein. It is specifically understood and agreed that should this transaction fail of consumation for any fault whatsoever on the part of the Purchaser, including a failure of Purchaser's husband to execute the mortgage hereinafter provided for title to said Birmingham property shall remain in Sellers as liquidated damages for failure to carry out this contract.

Purchaser further covenants and agrees to pay the Sellers \$5,000.00 cash on or before said March 28, 1949 failing which Sellers may declare this contract void and immediately repossess said Baldwin County property and Purchaser hereby waives any notice required by law for the recovery of said possession; to pay the further sum to Sellers of \$11,000.00 in 3 equal sums represented by 3 promissory notes bearing 5 % interest payable when the principal sums are payable, the first note payable April 1, 1950, the second note payable April 1, 1952, with the right to Purchaser to pay any part or all of said \$11,000.00 at any time with interest to date of payment said notes to be secured by a First Mortgage on said property and equipment herein described; to insure said property for fire and storm in an amount equal to two-thirds of the amount of the unpaid balance; not to commit or permit waste on said property and to maintain said premises and equipment in as good condition as now exists natural wear and tear excepted. Purchaser further agrees to pay all notes on said Birmingham property through January 1949, to pay all 1948 taxes due thereon, to assign, set over and transfer all insurance now in force on said Birmingham property and to pay any

dents outstanding for alterations and repairs.

In Witness Whereof we have hereunto set our hands and seals on the date above written.

Bernice E. Boyd (Signed) L. S.

Dean G. Almon (Signed) L. S.

Ellen D. Almon (Signed) L. S.

State of Alabama)
Baldwin County)

I, _____ a Notary Public
in and for said State and County, hereby certify that Bernice
E. Boyd, Dean G. Almon and wife Ellen D. Almon whose names are
signed to the foregoing instrument, and who are known to me,
acknowledged before me on this date that, being indormed of the
contents of said instrument they executed the same voluntarily
on the day the same bears date.

Given under my hand and official seal of office this
29 day of Jan. 1949.

Robert M. Undine (Signed)
Notary Public.

1 250 Gal. Butane Gas Tank	5 Skillets
1 Flood Light	1 Dutch Oven
1, Neon Sign	5 Sauce Pans
1 24" Attic Fan	14 Miscellaneous Kitchen Tools
1 R.C. Allen Cash Register	2 Egg Poachers
1 Victor 23 case beverage Box (elec)	2 Bread Boxes
1 (7-Up) 13 case drink box (Elec)	2 Potato Peelers
1 Wall Cabinet	3 Strainers
1 Glass Pie Case	2 Cake Pans
1 Electric Vaculator Coffee Maker	2 Platters
1 Oasis Electric Water Cooler	9 Butter dishes
1 Utility Table	37 Cereal & Dessert dishes
1 Coffee Stand	3 large bowls
24 Chairs	6 serving trays
1 Baby Chair	2 car serving trays
11 Stools	1 flour can
1 Fountain Sink	1 Pie marker
1 Silverware Tray	1 Muffin tin
5 Glass Racks	1 Cornstick pan
14 Ash Trays	1 grater
8 Sugar Containers	1 coffee measurer
3 Cream Containers	1 Swing-a-way Can Opener
13 Salt Shakers	1 Biscuit pan
10 Pepper Shakers	1 Large aluminum Pitcher
6 Napkin Holders	9 Refrigerator Dishes
1 Cigarette Case	1 Onion chopper
1 Restaurant Grill with warmer	1 Lemon juicer
1 #82 Garland Range	1 Dish Pan
1 Gas Refrigerator	1 Wash Pan
1 Electric Refrigerator	1 Wooden mop bucket with
1 Electric Deep Freezer, 6 ft. G. E.	step-on wringer
1 9' three compartment sink with	1 fly sprayer
side arm heater	1 sink plunger
1 30 Gal. Mission Hot Water Tank	5 menu holders
1 Butane Gas Heater	1 Pabst counter beer opener
4 Kitchen Tables	12 Plastic Lilly Tulip caps
1 Scalding Rack	1 Cahister Set
41 Table Knives	1 Pencil Sharpener
40 Table Forks	Ice Cream Scooper
17 Cocktail Forks	5 Serving Tables
59 Teaspoons	
13 Ice Tea Spoons	
11 Table Spoons	
26 Coffee Cups	
32 Coffee Saucers	
71 Water Glasses	
78 Miscellaneous Glasses	
42 Dinner Plates	
28 Sandwich Saucers & Plates	
1 Glass Coffee Maker	
2 Metal Tops for Coffee Maker	
2 Protector Rubber Mats	
1 Metal Ice Cream Cone Holder	
1 Glass Ice Cream Cone Holder	
4 Steaks Weights	
5 Butcher Knives	
6 Tin Pie Pans	
8 Glass Pie Pans	
3 Roasters	
2 Deep Fat Fryers with baskets	

Oregon
No 1410

Received in Sheriff's Office
this 27 day of Sept, 1949
TAYLOR WILKINS, Sheriff

Dean G. Almon +
Ellen G. Almon
Is

Bernice Boyd

Executed 9-27-1949

By leaving copy with

Dean G. Almon +
M. R. Howell

Sheriff
Taylor Wilkins

By

Edwigh Steadman

Filed

9-27-49

Curie French
clerk

To HON. M. R. HOWELL, JUSTICE OF THE PEACE, Beat Fourteen, Baldwin
County, Alabama:

You will take note that the following order was rendered by the
Circuit Court of Baldwin County on the 27th day of *Sept* 1949.

"Ex parte: Bernice E. Boyd.

"In re: Dean G. Almon and Ellen D. Almon, Plaintiffs, vs.
Bernice E. Boyd, Defendant, in the Justice Court, Beat Fourteen,
Baldwin County, Alabama.

"Comes the petitioner by her attorneys and files in this Court
her petition praying that a writ of prohibition be directed to the
Hon. M. R. Howell, as Justice of the Peace in Beat Fourteen, Bald-
win County, Alabama, restraining and prohibiting him from proceeding
further in the unlawful detainer case now pending in the Justice
Court of Beat Fourteen, Baldwin County, Alabama, the style of the
cause being Dean G. Almon and Ellen D. Almon, Plaintiffs vs.
Bernice E. Boyd, Defendant.

"Said petition being submitted and duly examined and under-
stood by the Court, it is considered and ordered that the rule nisi
issue to the said M. R. Howell, as Justice of the Peace of Beat
Fourteen, Baldwin County, Alabama, commanding and requiring him
to show cause before the Circuit Court of Baldwin County, Alabama
on the 6th day of *Oct* ^{at 10:00 AM.} 1949, why the writ of prohibition
should not issue to him as prayed for in said petition.

"It is further ordered that the Hon. M. R. Howell, Justice of
the Peace, be restrained from further proceeding in the unlawful
detainer case as above styled until further ordered by this Court."

Now, then, in pursuance to the foregoing order the rule nisi
hereby issues to the said Hon. M. R. Howell, Justice of the Peace,
of Beat Fourteen, Baldwin County, Alabama, commanding and requiring
him to show cause before the Circuit Court of Baldwin County, Alabama
on the 6th day of *Oct* 1949, why the writ of prohibition should
not be issued to him as prayed for in said petition.

Done this the 27th day of *Sept* 1949.

W. J. Luck
Clerk of the Circuit Court,
Baldwin County, Alabama.

EX PARTE

BERNICE E. BOYD,
Petitioner.

IN THE
CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

In re: Dean G. Almon and Ellen D. Almon, Plaintiffs, vs.
Bernice E. Boyd, Defendant, in the Justice Court, Beat Fourteen,
Baldwin County, Alabama.

Comes the petitioner by her attorneys and files in this Court
her petition praying that a writ of prohibition be directed to the
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ceeding further in the unlawful detainer case now pending in the
Justice Court of Beat Fourteen, Baldwin County, Alabama, the style
of the cause being Dean G. Almon and Ellen D. Almon, Plaintiffs,
vs. Bernice E. Boyd, Defendant.

Said petition being submitted and duly examined and understood
by the Court, it is considered and ordered that the rule nisi issue
to the said M. R. Howell, as Justice of the Peace of Beat Fourteen,
Baldwin County, Alabama, commanding and requiring him to show cause
before the Circuit Court of Baldwin County, Alabama on the 6th
day of *October*, 1949, *at 10:00 A.M.*, why the writ of prohibition should not
issue to him as prayed for in said petition.

It is further ordered that the Honorable M. R. Howell, Justice
of the Peace, be restrained from further proceeding in the unlawful
detainer case as above styled until further ordered by this court.

Done this 27th day of *September*, 1949.

Jeffrey J. Mathis, Jr.
JUDGE

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Figure 1. The effect of the initial concentration of the monomer on the polymerization of α -methylstyrene initiated by BuLi in THF at -78°C . The polymerization was carried out in the presence of 0.01 mole-% of BuLi in THF at -78°C . The polymerization was carried out in the presence of 0.01 mole-% of BuLi in THF at -78°C . The polymerization was carried out in the presence of 0.01 mole-% of BuLi in THF at -78°C .

[illegible]

Filed 9-27-49
Alice French
Clerk

EX PARTE

BERNICE E. BOYD,
Petitioner

IN THE
CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

TO THE HON. TELFAIR J. MASHBURN, JR., Judge of said Court:

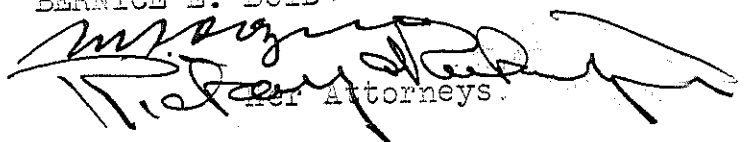
Now comes Bernice E. Boyd, Petitioner, through her attorneys, and shows to the Court that Dean G. Almon and Ellen D. Almon have filed suit in unlawful detainer before the Hon. M. R. Howell, Justice of the Peace of Beat 14, Baldwin County, and petitioner attaches a copy of said summons and complaint to this petition and makes it a part thereof.

Petitioner further shows that it appears from said complaint that the action is an action to try title to real estate contrary to the statutes and constitution of the State of Alabama, and that in spite of this appearing on its face, the said Hon. M. R. Howell, as Justice of the Peace, did issue a summons and complaint against petitioner, which is to be tried September 28, 1949.

Wherefore, petitioner prays that a rule nisi issue from this Honorable Court directed to the said Hon. M. R. Howell, Justice of the Peace, and Dean G. Almon and Ellen D. Almon, ordering and directing them to appear before this Honorable Court at a date and time to be fixed by this Court, then and there to show cause why the Hon. Mr. R. Howell as Justice of the Peace should not be prohibited from proceeding further with said suit, other than to make such orders as the court shall direct.

Petitioner further prays that on a final hearing hereof this Honorable Court will grant a writ of prohibition, mandamus or other remedial writ, ordering and directing the said Hon. M. R. Howell, Justice of the Peace, from further harassing, annoying or threatening the said petitioner in said Justice Court in this cause.

BERNICE E. BOYD -


Her Attorneys

STATE OF ALABAMA

BALDWIN COUNTY

Before me the undersigned authority in and for said State and County, personally appeared M. F. Dozier, who being by me first duly sworn, deposes and says that the matters of fact alleged in the foregoing petition are true and correct to his own personal knowledge.

M. F. Dozier

Subscribed and sworn to before me this 27 day of Sept 1949.

Ora S. Nelson
Notary Public.

WILLIAM D. VICTOR, Notary Public
Dated at Vicksburg, Mississippi

WILLIAM D. VICTOR, Notary Public

WILLIAM D. VICTOR, Notary Public

WILLIAM D. VICTOR, Notary Public

STATE OF TEXAS

YAMUO COUNTY

DEAN G. ALMON and
ELLEN D. ALMON, Plaintiffs

Ex parte vs

BERNICE E. BOYD

Petitioner

Petition of Bernice E. Boyd

Bernice E. Boyd

204/13/20

Bernice E. Boyd

RICKARBY & RICKARBY
Attorneys