

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

Your Orator, the Baldwin County Bank, a Corporation, brings this Bill of Complaint against I. F. Mixon Hardware Company, H. H. Mixon, Lauda D. Leak, Administratrix of the Estate of Martha I. Mixon, Deceased, and Orpah M. Hall, and thereupon your Orator complains and shows unto the Court as follows:

1. Your Orator is a Corporation organized and existing under the laws of the State of Alabama, with its principal place of business in Bay Minette, Baldwin County, Alabama; the Respondent, I. D. Mixon Hardware Company is a partnership or individual venture doing business in Bay Minette, Baldwin County, Alabama; the Respondent, H. H. Mixon is over twenty-one years of age and a resident of Baldwin County, Alabama; the Respondent, Lauda D. Leak, is over twenty-one years of age, a resident of Baldwin County, Alabama, and is the Administratrix of the Estate of Martha I. Mixon, Deceased, who was duly appointed as such by the Probate Court of Baldwin County, Alabama, and who is now serving and acting in this capacity; the Respondent, Orpah M. Hall, is over twenty-one years of age, and a resident of Baldwin County, Alabama.

2. The Respondents, I. F. Mixon Hardware Company, H. H. Mixon and Mrs. I. F. Mixon who was the same person as Martha I. Mixon, now deceased, are indebted to your Orator in the sum of \$1820.00 due by a promissory note in the sum of \$1820.00, made by them on to-wit, the 22nd day of December, 1931, and payable on to-wit, the 22nd day of January, 1932, together with interest thereon which sum of money is still due and unpaid; that by, in and as a part of the note the said Respondents agreed to pay all costs of collecting, securing or attempting to collect or secure the said note including a reasonable attorney's fee, and waived all rights of exemptions under the Constitution and Laws of Alabama as to personal property, and your Orator now claims the benefit of this

waiver. A copy of the said note is hereto attached, marked Exhibit "A" and made a part of this Bill of Complaint as though fully incorporated herein.

3. That while the Respondent, Mrs. I. F. Mixon, the same person as Martha I. Mixon, was indebted to your Orator as hereinabove set out, she conveyed, or purported to convey Lots Numbered 1, 2 and 3 in Block 3; Lots Numbered 1 and 2 in Block 26 and Lot Numbered 8 in Block Numbered 27, all in the Hand Land Company's Addition to the Town of Bay Minette, Baldwin County, Alabama, to her daughter, Orpah M. Hall, by deed dated June 15, 1933, a true copy of which is hereto attached, marked Exhibit "B" and made a part of this Bill of Complaint as though fully incorporated herein, which said conveyance, while it recites a consideration, was in fact a deed of gift and/or voluntary conveyance.

4. The deed from Martha I. Mixon to Orpah M. Hall, a true copy of which is hereto attached, marked Exhibit "B" and made a part hereof as though fully incorporated herein, which conveyed or purported to convey Lots Numbered 1, 2 and 3 in Block 3; Lots Numbered 1 and 2 in Block 26 and Lot Numbered 8 in Block Numbered 27, all in the Hand Land Company's Addition to the Town of Bay Minette, Baldwin County, Alabama, was made by the said Martha I. Mixon, the same person as Mrs. I. F. Mixon, to her daughter, Orpah M. Hall, while the said Grantor was indebted to your Orator as hereinabove set out, in secret trust for the said Grantor, for her own benefit and for the benefit of her Estate in that since the date of the said conveyance and up to the time of her death she retained possession of the said property and collected rents on a part of it and that since her death the rents on it have been paid to and collected by the Respondent, Lauda D. Leak, as Administratrix of the Estate of the said Martha I. Mixon, Deceased.

5. At the time of making and delivering the deed from Martha I. Mixon to Orpah M. Hall, a true copy of which is hereto attached, marked Exhibit "B" and made a part hereof as though fully incorporated herein, which conveyed or purported to convey Lots

Numbered 1, 2 and 3 in Block 3; Lots Numbered 1 and 2 in Block 26 and Lot Numbered 8 in Block Numbered 27, all in the Hand Land Company's Addition to the Town of Bay Minette, Baldwin County, Alabama, there was a secret agreement or understanding between Martha I. Nixon, the same person as Mrs. I. F. Nixon, and her daughter, Orpah M. Hall, while the said Grantor was indebted to your Orator as hereinabove set out whereby the said Grantor reserved an interest, benefit or advantage in the said property to herself and/or her Estate inconsistent with the terms of the conveyance in that she retained possession of the said property and collected rents on a part of it up to the time of her death and since her death the said rents have been paid to and collected by the Respondent, Lauda D. Leak, Administratrix of the Estate of Martha I. Nixon, Deceased.

6. The deed from Martha I. Nixon to Orpah M. Hall, a true copy of which is hereto attached, marked Exhibit "B" and made a part hereof as though fully incorporated herein which conveyed or purported to convey Lots 1, 2 and 3 in Block 3; Lots Numbered 1 and 2 in Block 26 and Lot Numbered 8 in Block Numbered 27, all in the Hand Land Company's Addition to the Town of Bay Minette, Baldwin County, Alabama, was made by the said Martha I. Nixon, the same person as Mrs. I. F. Nixon, to her daughter, Orpah M. Hall, while the said Martha I. Nixon was indebted to your Orator as hereinabove set out and it conveyed or purported to convey substantially all of the property of the said Martha I. Nixon which was subject to levy and sale under execution for the payment of her debts, for a consideration which your Orator alleges to be simulated and factitious and/or if in fact there was a consideration as recited in the deed it was wholly inadequate and clearly less than the real value of the said property; and your Orator avers and charges that the said conveyance or purported conveyance was so made by the said Grantor and accepted by the said Grantee with the intent to hinder, delay and defraud your Orator in the collection of the above described indebtedness.

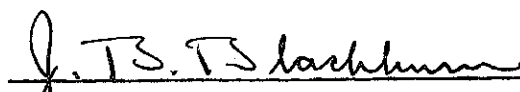
PRAYER FOR PROCESS.

Your Orator prays that the said I. F. Mixon Hardware Company, H. H. Mixon, Lauda D. Leak, Administratrix of the Estate of Martha I. Mixon, Deceased, and Orpah M. Hall be made parties Respondent to this Bill of Complaint and that the usual process of this Honorable Court do forthwith issue to them and each of them.

PRAYER FOR RELIEF.

Your Orator prays that upon a final hearing of this cause a proper judgment and/or decree be rendered fixing the amount which the Respondents, I. F. Mixon Hardware Company, H. H. Mixon, and Mrs. I. F. Mixon, the same person as Martha I. Mixon, are indebted to your Orator upon the above described note, including all interest, costs, and expenses of this proceeding and a reasonable attorney's fee; that the above described conveyance or purported conveyance be set aside as to your Orator as fraudulent and void, and that the property described therein, together with any other property of the three said Respondents be subjected to the satisfaction of the indebtedness adjudged and decreed to be due your Orator by them.

Your Orator prays for such other, further and general relief as it may be entitled to the premises considered.


Solicitor for Complainant.

FOOT NOTE: Each of the Respondents is required to answer each and every paragraph of the foregoing Bill of Complaint Numbered 1 to 6 both inclusive, but not under oath, the benefit whereof is hereby expressly waived.

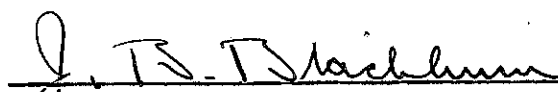

Solicitor for Complainant.

EXHIBIT "A"

"\$1820.00

BAY MINETTE, ALA. 12/22 192³¹

On the 22nd day of January 192³², I, we, or either of us, promise to pay to the order of Baldwin County Bank, of Bay Minette, Alabama.

Eighteen Hundred & Twenty -----DOLLARS, for value received in gold coin of the United States of the present standard weight and fineness.

Negotiable and payable at Baldwin County Bank, Bay Minette, Alabama.

The parties to this instrument, whether maker, endorser, surety, or guarantor, each for himself, hereby severally waive as to this debt, or any renewal thereof, all rights of exemption under the Constitution and Laws of Alabama, as to personal property, and they each severally agree to pay all costs of collecting or securing or attempting to collect or secure this note, including a reasonable attorney's fee, whether the same be collected or secured by suit or otherwise. And the maker, endorser, surety or guarantor of this note severally waives demand presentment, protest, notice of protest, suit and all other requirements necessary to hold them and they agree that time of payment may be extended without notice to them of such extension. The bank at which this note is payable is hereby wuthorized to apply, on or after maturity to the payment of this debt any funds in said bank belonging to the maker, surety, endorser, guarantor, or any one of them. All suits for the collection of this note may be prosecuted in any County in this State that the payee or assignee elects.

Witness our hand and seal the day above given.

Attest: _____ I F Mixon Hdw Co (Seal)

Attest: _____ H H Mixon (Seal)

_____ Mrs I F Mixon (Seal) "

EXHIBIT "B"

STATE OF ALABAMA }
BALDWIN COUNTY }

KNOW ALL MEN BY THESE PRESENTS; that Martha I, Mixon, a widow, in consideration of the sum of Twenty-three hundred fifty and no/100 dollars (\$2350.00) to her in hand paid by Orpah M. Hall, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the said Orpah M. Hall all the following described real property situated in the county of Baldwin, State of Alabama, to-wit:

Lots Numbers One (1), Two (2) and Three (3) in Block number Three (3). Lots Numbers One (1) and Two (2) in Block Number Twenty-six (26), and Lot number eight (8) in Block number twenty-seven (27) in Hand Land Company's Addition to Bay Minette.

Together with, all and singular, the rights, members, privileges, tenements, hereditations and appurtenances thereunto belonging or in anywise appertaining.

To have and to hold unto the said Orpah M. Hall, her heirs and assigns, forever.

In Witness Whereof, the said Martha I. Mixon, a widow, has hereunto set her hand and seal, on this the 15th day of June, 1933.

Mrs. Martha I. Mixon (seal)

\$2.50 U.S.I.R. stamp
attached. Cancelled
M.I.M. 6-15-33.

State of Alabama, }
Baldwin County. }

I, H. M. Hall, a Notary Public in and for said county, in said State, hereby certify that Martha I. Mixon, a widow, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 15 day of

June, 1933.

(Seal)

H.M.Hall, Notary Public,
Baldwin County, Alabama.

The State of Alabama, X
 :
Baldwin County. X

Probate Court.

Filed in office this 19 day of June, 1933, 1:30 P.M.
and duly recorded in Deed Book No. 54 N.S., pages 138-9; and I
certify that \$2 cts 50 license or privilege tax, paid as required
by an Act of the Legislature, approved September 14, 1923.

G.W.Humphries, Judge of
Probate by J. L. Kessler
Clerk
G.W.Humphries, Judge of
Probate.

The State of Alabama, X
 :
Baldwin County. X

I, G.W.Humphries, Judge of the Probate Court and Custodian of the Records and Files of the same, in and for said Baldwin County, State of Alabama, do hereby certify that the above and foregoing is a true, correct and complete copy of an instrument of writing as the same appears of record in Deed Record 54 N.S. pages 138-39.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal, at Bay Minette, in said County, this the 2nd day of November, A.D., 1934.

G. W. Humphries
Judge of Probate.

(Seal of Probate Court)

Original

BILL OF COMPLAINT

BALDWIN COUNTY BANK,

Complainant,

VS.

I. F. NIXON HARDWARE COMPANY, et al

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Filed on this the 2nd day of November, 1934.

Handwritten signature

J. B. BLACKBURN

ATTORNEY AT LAW

BAY MINISTTE, ALABAMA

The State of Alabama, { Circuit Court of Baldwin County, In Equity.
Baldwin County.

To Any Sheriff of the State of Alabama--GREETING:

WE COMMAND YOU, That you summon I. F. Nixon Hardware Company,
H. H. Nixon, Lauda D. Leak, Administratrix of the Estate of Martha I.
Nixon, Deceased, and Orpha M. Hall,

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 Sum-
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by
Baldwin County Bank, a Corporation,

against said I. F. Nixon, Hardware Company, Lauda D. Leak, Administratrix
of the Estate of Martha I, Nixon, Deceased, and Orpha M. Hall,

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, M. A. Stone, Register of said Circuit Court, this 5th day of
November, 1934

M. A. Stone Register

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

Deerick page 81
RECORDED

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SERVE ON _____
Circuit Court of Baldwin County
IN EQUITY

No. _____
SUMMONS

Baldwin Co. Bonds

VS.

S. F. Mirron Hardware Co
et al

J. H. Baldwin
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____
day of _____ 193__

SHERIFF

Executed this 6th day of

November 1934


by leaving a copy of the within Summons with

S. F. Mirron Hardware Co. H. H. Mirron,

Bonds Agent and Dryden M. Hall
Defendant

W. B. Stewart

Sheriff

By 

Deputy Sheriff

*Extra copy of this summons filed 11/6/34 by
[redacted] copy of within on
11/17/34 on [redacted] manager
of S. F. Mirron Hardware Co. and
copy on the mirror, signed
by bonds agent I seek an
admission that is of the
estate of Mirron & Mirron
revenue*
W. B. Stewart
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BALDWIN COUNTY BANK, a
Corporation,

Complainant,

VS.

I. F. MIXON HARDWARE COMPANY,
et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. _____.

Comes the Complainant in the above entitled
cause and shows unto the Register that no Answer or Cross Bill
has been filed by the Respondents or any of them in this cause.

WHEREFORE, the Complainant, through its Attor-
ney, requests the Register to dismiss the said cause as provided
by Section 6555 of the 1923 Code of Alabama.

BALDWIN COUNTY BANK, a Corpor-
ation,
Complainant,

By J. B. T. Stacklenn

As its Attorney.