

The State of Alabama,

PROBATE COURT.

JEFFERSON

COUNTY.)

1951

To the Hon. Tom C. Garner

Judge of Probate:

The undersigned Edwin E. Swalley

your petitioner, by appointment of this Court Guardian of Frank Edwin Swalley, age 15 years;

Bonita Clarie Swalley, age 13 years; Carolyn Joyce Swalley, age 10 years; and

Nancy Grace Swalley, age 9 years,

Minors ~~the ages of fourteen years~~ respectfully represents that the said Minors are

seized and possessed of the following described property, to wit: The NW<sup>1</sup>/<sub>4</sub> of Section 20, Township 20 South, Range 2 East, except three acres in the southeast corner east of Yellow Leaf Creek, situated in Shelby County, Alabama, containing in all 157 acres, more or less.

3/4 interest in the minerals in and under the above described land has heretofore been reserved by the Federal Land Bank of New Orleans and the Federal Farm Mortgage Corporation.

Said property being subject to a mortgage for the principal balance of \$1980.00 due to the Federal Land Bank of New Orleans, the same being recorded in Mortgage Book 196 Page 283 in the Probate Office of Shelby County, Alabama.

That owing to the following facts and circumstances, to wit: That said land constitutes a farm situated in Shelby County and that said minor reside with their Guardian in Jefferson County, Alabama and are unable to cultivate or look after said farm and the same is depreciating in value and said minors are unable to realize any fair return on their investment in said farm,

and the interest of said minors would be promoted it would be to the interest of the said Minor ~~s~~ to sell the above described property and invest the proceeds thereof in government bonds.

Your petitioner further shows this Court that there is no parent having custody of said minors residing in the State of Alabama and that said minors are in the custody of your petitioner, as their guardian.

The premises considered, your petitioner prays that the Court will make and enter a decree authorizing petitioner, as Guardian aforesaid, to sell said property upon the terms and conditions and at such place as may be prescribed by the Court.

v Edwin E. Swalley  
GuardianSworn to and subscribed before me, this the 28<sup>TH</sup> day of DECEMBERNOTARY PUBLIC  
My Commission Expires



The State of Alabama,

PROBATE COURT.

JEFFERSON

COUNTY.

January 25th 1952

This being the day heretofore set to hear the petition in writing, under oath, of

Edwin E. Swalley

Guardian of Frank Edwin Swalley, Bonita Claire Swalley, Carolyn Joyce Swalley and  
 Nancy Grace Swalley  
 Minor S., for an order to sell certain property hereinafter described, for reinvestment in  
 government bonds.

said day being not less than twenty nor more than thirty days from the time of making said petition, now  
 comes the said petitioner and moves the Court that said petition be granted. And it appearing to the Court  
 that Herbert Peterson

heretofore appointed Guardian ad Litem to represent the said Minor..., and Frank Edwin Swalley, Age 15  
 years; Bonita Claire Swalley, age 13 years; Carolyn Joyce Swalley, age 10 years; and  
 Nancy Grace Swalley, age 9 years,  
 Minor S. residing in this State, and Edwin E. Swalley, the guardian and  
 custodian

of said Minor S. have been duly notified of said petition and the day set for hearing the same, by  
 citations served upon them not less than ten days before this day, and that notice of this petition and the day  
 set for hearing the same has been given by publication for three successive weeks in the

*Southern Labor Review* a newspaper published in said County; and the  
 said Herbert Peterson

heretofore appointed Guardian ad Litem  
 to represent and defend the interest of said Minor S. in all matters pertaining to this proceeding, coming now  
 and consenting to serve as said Guardian ad Litem, denying in writing the allegations contained in said  
 petition and demanding proof, the Court now proceeds to hear said petition. And it appearing to the  
 satisfaction of the Court, from the evidence taken by the depositions of

Edwin E. Swalley, Jesse Johnson and C. Edward Clark  
 disinterested witnesses, and other competent legal evidence, that it is necessary or would be to the interest of  
 the Minor S. to sell the property mentioned in said petition, described as follows, to wit:

The NW $\frac{1}{4}$  of Section 20, Township 20 South, Range 2 East, except three acres in  
 the southeast corner east of Yellow Leaf Creek, situated in Shelby County,  
 Alabama, containing in all 157 acres, more or less.

$\frac{3}{4}$  interest in the minerals in and under the above described land has  
 heretofore been reserved by the Federal Land Bank of New Orleans and the  
 Federal Farm Mortgage Corporation.

Said property being subject to a mortgage for the principal balance of  
 \$1980.00 due to the Federal Land Bank of New Orleans, the same being recorded  
 in Mortgage Book 196 Page 283 in the Probate Office of Shelby County, Alabama,

for the purpose of reinvestment in government bonds.

It is therefore ordered, adjudged, and decreed by the Court that the said petition be granted, and the  
 said Edwin E. Swalley is hereby ordered to sell the above described  
 property, between the hours of 11 o'clock in the forenoon and 4 o'clock in the afternoon, on the 1st  
 day of March 1952 at Columbiana, Alabama

at public sale to the highest bidder, after first having given notice of the day, place, and terms of said sale,  
 and a description of the property, for three successive weeks in the *Shelby County Reporter*  
*Democrat* a newspaper published in said County, and that he make report,  
 under oath, of said sale to this Court within thirty days after the same is made.

It is further ordered that said sale be made on the following terms, viz.: for cash

It is further ordered that said petition and all orders relating thereto be recorded.

*Tom C. Garner*

Judge of Probate.



## ORDER CONFIRMING GUARDIAN'S SALE OF LANDS

IN THE MATTER OF THE ESTATE OF  
FRANK EDWIN SWALLEY, BONITA CLAIRE  
SWALLEY, CAROLYN JOYCE SWALLEY and  
NANCY GRACE SWALLEY, minors.

IN THE PROBATE COURT OF  
JEFFERSON COUNTY, ALABAMA

On this 7th day of April, 1952, comes Edwin E. Swalley, guardian of Frank Edwin Swalley, Bonita Claire, Swalley, Carolyn Joyce Swalley and Nancy Grace Swalley, minors, and said guardian having, on the 25th day of March, 1952, filed his report in writing under oath, setting forth, among other things, that on the 1st day of March, 1952, he proceeded and sold at public outcry, at Columbiana, in Shelby County, Alabama, the lands set forth and particularly described in said former order and decree, and that said lands were purchased at said sale by C. E. Adams for the sum of \$6,150.00 cash and the assumption by him of that certain mortgage executed by E. E. Swalley and wife, Hazel J. Swalley to the Federal Land Bank of New Orleans on August 29, 1946, for the principal balance of \$1,980.00, the same being recorded in Mortgage Book 196 Page 283 in the Probate Office of Shelby County, Alabama, the said guardian now moves the Court that said sale be confirmed.

And it appearing to the satisfaction of the Court, from said report, and from the evidence now therewith submitted, that said sale has been fairly conducted, and in compliance with the terms of the said order and the statute in such cases, that said lands were bid in for a sum equal to their value, and that the amount so bid for said lands by said C. E. Adams was the highest and best bid for the same, and that the said purchaser has fully complied with the terms of sale as required by law and said decree of sale,

It is therefore ordered, adjudged and decreed, that said sale be and the same is hereby approved and in all things ratified and confirmed by the order and authority of this Court.

It is therefore ordered by the Court that the said Edwin E. Swalley, guardian, convey to the said C. E. Adams all claim, right, title or interest which the said minors had and held in and to said lands.

It is further ordered that said report and all other papers on file relating to this proceeding be recorded.

It is further ordered that said guardian pay the costs of this proceeding, to be allowed to him against the estate of said minors.

Tom C. Garner  
Judge of Probate

THE STATE OF ALABAMA,  
JEFFERSON COUNTY.

PROBATE COURT

I, TOM C. GARNER, Judge of the Court of Probate, in and for said County in said State hereby certify that the foregoing contains a full, true and correct copy of the Guardian's petition to sell property for re-investment, Order Granting Petition and Order Confirming Guardian's Sale of Land

in the matter of the Estate of Frank Edwin Swalley, et al, minors,

as the same appears on file and of record, in this office.

Given under my hand and official seal, this  
the 22nd day of May, 19 52.

Tom C. Garner  
Judge of Probate.

Filed in the office of the Probate Judge on the 11 day of June 1952 at 10 o'clock PM  
and recorded in Deed Book 153 Page 429 this 22 day of June 1952.  
Deed Tax        Mortgage Tax        has been paid.  
L.C. Walker, Judge of Probate