

CHANCERY EXECUTION

BILL OF COSTS

665

No. 665. Mittie Foster, and Isolene King.

W L Brown.

Plaintiff

Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$
Filing each bill and other papers.....	\$	30	For Receiving, keeping and paying	
Issuing each subpoena.....	50	50	out or distributing money, etc.; 1st	
Issuing each copy thereof.....	40	40	\$1,000, 1%, all over \$1,000, and not	
Entering each return thereof.....	15	15	over \$5,000, 3-4 of 1%; all over \$5,-	
For each order of publication.....	1 00		000 and not exceeding \$10,000, 1-2	
Issuing writ of injunction.....	1 50		of 1%, all over \$10,000 1-4 of 1%.	
For each copy thereof.....	50		Receiving, keeping and paying out	
Entering each return thereof.....	15		money paid into court, etc., 1-2 of	
Issuing Writ of Attachment.....	1 00		1% of amount received.	
Entering each return thereof.....	15		Each notice sent by mail to creditor...	15
Docketing each case.....	1 00	1 00	Filing, receipting for and docketing	
Entering each appearance.....	25	25	each claim, etc.....	25
Issuing each decree pro confesso on			For all entries on subpoena docket,	
per. ser.	1 00		etc.	50
Issuing each decree pro confesso on			For all entries on commission docket,	
publication	1 00		etc.	50
Each order appointing guardian.....	1 00		Making final record, per 100 words	
Any other order by Register.....	50		Certified copy of decree.....	1 00
Issuing commission to take testimony...	50		Report of divorce to State Health	
Receiving and filing.....	10		Office	50
Endorsing each package.....	10		(Acts 1915)	
Entering order submitting cause.....	50		Total Fees of Register.....	6 75.
Entering any other order of court.....	25	25	FEES OF SHERIFF	
Noting all testimony.....	50		Serving and returning subpoena on	
Abstract of cause, etc.....	1 00		def.	\$1 50
Entering each decree.....	75		Serving and returning subpoena for	
For every 100 words over 500.....	15		witness	65
Taking account, etc.....	3 00		Levying attachment.....	3 00
Taking testimony, etc.....	15		Entering and returning same.....	25
Each report, 500 words or less.....	2 50		Selling property attached.....	
For every 100 words over 500.....	15		Impaneling Jury.....	75
Amount claimed less than \$500, etc.....	2 00		Executing writ of possession.....	2 50
Issuing each subpoena.....	25		Collecting execution for costs.....	1 50
Witness certificate, each.....	25		Serving and returning sci. fa., each	65
Issuing execution, each.....	75	75	Serving and returning notice.....	65
Entering each return.....	15	1 50	Serving and returning writ of injunc-	
Taking and approving bond, each.....	1 00		tion	1 50
Making copy of bill, etc.....	15		Serving and returning writ of exeat.	1 50
Each notice not otherwise provided for	50		Taking and approving bonds, each...	75
Each certificate or affidavit, with seal...	50		Collecting money on execution.....	
Each certificate or affidavit, no seal.....	25		Making deed	2 50
Hearing and passing on application, etc.	3 00		Serving and returning application,	
Each settlement with receiver, etc.....	3 00		etc.	1 00
Exam'ing each voucher of Receiver, etc.	10		Serving attachment, contempt of	
Examining each answer, etc.....	3 00		court	1 50
Recording resignation, etc.....	75		Total Fees of Sheriff.....	3 00
Entering each cert. to Supreme Court...	50		RECAPITULATION	
Taking questions and answers, etc.....	25		Register's Fees	6 75.
For all other ser. relating to such			Sheriff's Fees	3 00
proceedings	1 00		Commissioner's Fees	
For services in proceeding to relieve			Solicitor's Fees	
minors, etc., same fee as in similar			Witness Fees	
cases.			Guardian Ad Litem.....	
Commission on sales, etc.: 1st \$100, 2 per			Printer's Fees	
ct.; all over \$100 and not exceeding			Trial Tax	3 00
\$1,000, 1½ per ct.; all over \$1,000,			Recording Decree in Probate Court...	
an dnot exceeding \$20,000, 1 per ct.;				
all over \$20,000, ¼ of 1 per ct.			Total.....	12 75,
Sub Total Carried Forward.....	3 75			

The State of Alabama, } No. 665. Circuit Court, In Equity Feb. Term, 1943
 Baldwin County. }

To Any Sheriff of the State of Alabama—GREETINGS:
 You are hereby commanded, That of the goods and chattels, lands and tenements of
Mittie Foster, and Isolene King. Defendant.....
 you cause to be made the sum of 12 75, Costs only. Dollars,
 which case was Dismissed. Plaintiff.....
 recovered of _____ on the 1st day of Feb. 1943
 by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of
12 75, only. Dollars,
 costs of suit, and have the same to render to the said R S Duck.
 and make return of this Writ and the execution thereof, according to law.

Interest from _____ 194_____ to date of collection.
 Witness my hand, this 15th day of March. 1943
R S Duck, Register.

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 W. L. BROWN 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 Mittie Foster and Isolene King against said W. L. Brown, 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, R. S. DUCK, Register of said Circuit Court, this 25th day of September, 1940.

R. S. Duck

Register.

MITTIE FOSTER and ISOLENE KING,

Complainants,

VS.

W. L. BROWN,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Your Complainants, MITTIE FOSTER and ISOLENE KING, humbly complaining against the Respondent, W. L. BROWN, respectfully represent and show unto your Honor and this Honorable Court as follows:

1. That the Complainants and the Respondent are all over twenty-one years of age; that the Complainant, Mittie Foster, and the Respondent, W. L. Brown, are residents of Baldwin County, Alabama, and the Complainant, Isolene King, a resident of Mobile County, Alabama.

2. That the Complainants and the Respondent are the sole and only surviving heirs of J. L. Brown, who died intestate in Baldwin County, Alabama, on to-wit, March 14th, 1940, and, but for the execution of the conveyance hereinafter referred to, all would have shared equally in the property hereinafter described; that the said J. L. Brown, on to-wit, June 17th, 1936, executed to the Respondent, W. L. Brown, a deed conveying to the said Respondent all the property owned by the said J. L. Brown; that a copy of said deed is hereto attached, marked Exhibit "A" and asked to be taken

as a part hereof as though herein fully set out.

3. That on the date of the execution of the conveyance herein referred to, the said J. L. Brown was an old man and was at that time and had been for sometime prior thereto, because of his advanced years and physical infirmities of unsound mind to the extent that he was not capable of attending to his affairs, and was not, on the date of the execution of said deed, capable of executing the same or of knowing what he was doing; that the said J. L. Brown, subsequent to the date of the said conveyance hereinabove referred to, often made the statement that after his death he wished for his property to be divided equally among his three children, the Complainants and the Respondent herein.

4. That on to-wit, June 17th, 1936, the date of the deed hereinabove referred to, the said J. L. Brown was an old man and was at that time and had been for a number of years prior thereto, because of his advanced years and physical and mental infirmities, easily influenced; that the Respondent knowing and fully realizing the physical and mental condition of his father, J. L. Brown, persuaded him to execute the said deed conveying to him, the Respondent, all of the property owned by the said J. L. Brown; that the said deed was not the free act of the said J. L. Brown, but the result of the undue influence and fraud practiced upon the said J. L. Brown by the Respondent, his son.

5. That the deed herein referred to, from the said J. L. Brown to W. L. Brown, dated June 17th, 1936, recites a consideration of One (\$1.00) Dollar and other good and valuable considerations, however, the Complainants state that there was no consideration paid by the said W. L. Brown to the said J. L. Brown for the execution of said deed, but that the same was as a result of the fraud and undue influence practiced by the Respondent upon the said J. L. Brown, who was at that time a man advanced in years and who was incapable because of his mental and physical condition to fully comprehend and realize what he was doing.

6. The Complainants submit themselves to the jurisdiction of the Court and agree to abide by all orders and decrees of this Court, in the premises.

WHEREFORE, the premises considered, Complainants pray that your Honor will take jurisdiction of the cause made by this Bill of Complaint and that by proper process, make the said W. L. Brown party respondent to this cause, requiring him to plead, answer or demur to the same, within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainants further pray that this Honorable Court will, upon a final hearing hereof, enter an order and decree to the effect that the conveyance hereinabove referred to, from J. L. Brown to W. L. Brown, dated June 17th, 1936, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 59 NS, pages 341-2, a copy of which is hereto attached marked Exhibit "A", was procured by fraud and is a nullity; that the said W. L. Brown acquired nothing thereby; that the Respondent, by virtue of the aforesaid deed, has no title to said land and that he be required to convey to the Complainants an undivided two-thirds interest therein, within thirty days from the date of the decree, and failing therein, that the Register of this Court be empowered, directed and required to execute and deliver a deed conveying an undivided two-thirds interest in said land to your Complainants.

Complainants pray for such other, further, different or general relief as they may be in equity and good conscience entitled to receive, and as in duty bound they will ever pray.

BEEBE & HALL,

By: Edm Hall
Solicitors for Complainants.

STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

Before me, the undersigned authority, in and for said County, in said State, personally appeared MITTIE FOSTER, who is known to me and who having been by me first duly sworn, deposes and says that she is informed and believes, and on such information and belief states that each and every allegation and paragraph of the Bill of Complaint to which this affidavit is attached is true.

Mittie Foster

Sworn to and subscribed before me this 23rd day of September, 1940.

M Dewitt Parker
Notary Public, Baldwin County, Ala.

EXHIBIT "A"

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS, That in consideration of One Dollar and other good and valuable considerations dollars to the undersigned grantor, J. L. Brown, a widower, in hand paid by W. L. Brown, the receipt whereof is acknowledged, I, the said J. L. Brown, a widower, do grant, bargain, sell and convey unto the said W. L. Brown, subject to the life estate herein reserved, the following described real estate, to-wit:

The Southeast quarter of the Northeast quarter of Section 35, Township 2 North, Range 4 East of St. Stephens Meridian, in Baldwin County, Alabama, containing 40 acres, more or less. Also 2 acres more or less, described as follows: Beginning at the Northeast corner of the Southwest quarter of the Northeast quarter of Section 35, in Township 2 North, Range 4 East, thence running South 100 yards to a point; thence West 110 yards more or less to the East line of public road, thence Northeasterly along the East line of public road 110 yards to the North line of said quarter quarter; thence East 40 yards more or less to point of beginning, containing 2 acres, more or less, and all lying in the Southwest quarter of the Northeast quarter of above section, situated in Baldwin County, Alabama.

The grantor reserves unto himself an estate for life in said property.

TO HAVE AND TO HOLD to the said W. L. Brown, his heirs and assigns forever.

And I do, for myself and for my heirs, executors and administrators, covenant with the said W. L. Brown, his heirs and assigns, that I am lawfully seized in fee simple of said premises; that they are free from all encumbrances; that I have a good right to sell and convey the same as aforesaid; that I will, and his heirs, executors, and administrators, shall warrant and defend the same to the said W. L. Brown, his heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 17th day of June, 1936.

his
J. L. X BROWN (SEAL)
mark

WITNESSES:
J. M. Jones
W. R. Peavy.

THE STATE OF ALABAMA,)
ESCAMBIA COUNTY.)

I, J. M. JONES, a Notary Public, in and for said County, in said State, hereby certify that J. L. Brown, 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, he executed the same voluntarily on the day the same bears date.

Given under my hand this 17th day of June, 1936.

J. M. Jones, Notary Public.

(Seal)

Filed for record June 20th, 1936, at 10:00 A. M.
Recorded 59 NS, pages 341-2.

MITTIE FOSTER
and
ISOLENE KING,
COMPLAINANTS:

vs.

W. L. BROWN
DEFENDANT.

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

: IN EQUITY. NO. 1665
:
:

Now comes the defendant in the above styled cause and demurs to the complaint, and to each every paragraph of the Bill of Complaint, separately and severally and as grounds for same says.

1. That said Bill of Complaint contains no equity.
2. That the allegations set out therein are vague and indefinite.
3. That the allegations contained therein are but conclusions of the pleader.


Solicitor for DEFENDANT W. L.

BROWN

Please ack.
Date filed
[Signature]

MARVIN
BROWNS/
Place

665
8-177

RECORDED

BILL OF COMPLAINT

MITTIE FOSTER and
ISOLENE KING,

Complainant,

VS.

W. L. BROWN,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed September 25, 1940
R. S. Duvich, Register

Received in Sheriff's Office
this 25 day of Sept., 1940
W. R. STUART, Sheriff

*Executed this the
0-21 day of Oct 1940
by showing a copy
of the within Bill of
Complaint on
W. F. Brown*

*W. R. Stuart
Sheriff
by Fletcher Little
P.S.*

Slimmer

RECORDED

Final Order 25, 1948
R.S. Smith, Secretary