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FRANK B. WALBRIDGE, et al  
Complainants,  
VS.  
B. R. WELLS, et al  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 803.

DECREES PRO CONFESSO

In this cause it being made to appear to the Register that a summons was served upon the Respondent, B. R. Wells, and on the Respondent, the State Bank of Elberta, a Corporation, on February 24, 1942, requiring them and each of them to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days from service of the said summons and the said Respondents, and each of them, having failed to appear and demur, plead to or answer the Bill of Complaint filed against them to the date hereof, it is now therefore, on motion of the Complainants ORDERED AND DECREED that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed against the said B. R. Wells and the State Bank of Elberta, a Corporation, Respondents aforesaid.

In this cause it being made to further appear to the Register that a summons and copy of the Bill of Complaint filed herein were mailed to the Respondents, Fleming Robb and Carrie Augusta Robb, each of whom are nonresidents of the State of Alabama, by the Register of this Court, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed" with return card or receipt demanded, addressed to the Register of this Court as such sending officer; that the said return card or receipt signed by the said Fleming Robb was received and filed by the Register of this Court on March 5, 1942, and that the said return card or receipt signed by the said Carrie Augusta Robb, was received and filed by the Register of this Court on March 7, 1942, and the said Respondents and each of them having failed for more than thirty days from the date the said return cards or receipts were received and filed by the Register of this Court, to appear and demur, plead to or answer the Bill of Complaint

filed against them herein, it is now therefore, on motion of the Complainants, ORDERED AND DECREED that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed against the said Fleming Robb and Carrie Augusta Robb, Respondents aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Court on this the 7th day of April, 1942.



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Register.

*The* **BALDWIN** *Times* BEST NEWSPAPER  
ALABAMA'S BEST COUNTY'S-  
BAY MINETTE, ALABAMA

**NOTICE OF SALE OF LAND**  
FRANK B. WALBRIDGE, et al  
Complainants  
VS  
B. R. WELLS, et al  
Respondents  
IN THE CIRCUIT COURT  
OF BALDWIN COUNTY,  
ALABAMA.  
IN EQUITY NUMBER 803.  
Under and by virtue of Orders and  
Decrees rendered by the Circuit Court  
of Baldwin County, Alabama, in Equity  
in this cause on April 9, 1942, and on  
January 31, 1944, the undersigned R. S.  
DUCK, as Commissioner, will sell for  
the purposes stated in the said Decrees,  
to the highest bidder, for cash, at the  
front door of the Court (House in Bay  
Minette, Baldwin County, Alabama, at  
11:30 A. M. Central War Time on Mon-  
day, the 6th day of March, 1944, the  
following described real property sit-  
uated in Baldwin County, Alabama, to-  
wiz:  
North ten acres of the Southeast  
Quarter of Southeast Quarter of Sec-  
tion Thirty (30) Township Seven (7)  
South Range Four (4) East, being  
otherwise described as follows:  
Beginning at the Northeast Corner  
of the Southeast Quarter of South-  
east Quarter of said Section 30, 2nd  
Twp. Range South 40 Rods; thence  
West 40 rods, thence North 20 rods;  
thence East 30 rods to place of be-  
ginning.  
R. S. DUCK, Commissioner

**AFFIDAVIT OF PUBLICATION**

STATE OF ALABAMA,  
BALDWIN COUNTY.

Ford Cook, being duly sworn, deposes and says  
that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper pub-  
lished at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Notice of Sale of Land

**COST STATEMENT**

187 WORDS @ 3 1/2 cents ..... \$ 6.60

I hereby certify this is correct, due and unpaid (paid).

Ford Cook  
Publisher.

Was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication Feb. 3, 1944 Vol. 55 No. 1

Date of 2nd publication Feb. 10, 1944 Vol. 55 No. 2

Date of 3rd publication Feb. 18, 1944 Vol. 55 No. 3

Date of 4th publication \_\_\_\_\_, 194\_\_\_\_ Vol. \_\_\_\_\_ No. \_\_\_\_\_

Subscribed and sworn before the undersigned this \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_.

Ora J. Nelson  
Notary Public, Baldwin County, State of Alabama  
Ford Cook  
Publisher.

# The BALDWIN Times

ALABAMA'S BEST COUNTY'S- BEST NEWSPAPER  
BAY MINETTE, ALABAMA

FRANK B. WALBRIDGE, et al  
Complainants,  
VS.  
E. R. WELLS, et al  
Respondents  
IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. NO. 803.  
IN EQUITY.  
**NOTICE OF SALE OF LANDS**  
Under and by virtue of a Decree rendered in this cause on April 8, 1942, by the Honorable F. W. Hare, Judge of the Circuit Court of Baldwin County, Alabama, sitting in Equity, wherein the undersigned Register was appointed Commissioner and ordered to advertise and sell the property hereinafter described:  
Notice is therefore hereby given that I, the undersigned Robert S. Duck, as such Commissioner and Register will proceed to sell to the highest bidder, for cash, at public outcry, at the front door of the Court House in Bay Minette, Baldwin County, Alabama, at the hour of twelve o'clock noon, on Monday, May 18, 1942, the following described real property situated in Baldwin County, Alabama, to-wit:  
North Ten (10) acres of the Southeast Quarter of Southeast Quarter of Section 30, Township 7 South Range 4 East, being otherwise described as follows: Beginning at the Northeast Corner of the Southeast Quarter of the Southeast Quarter of said Section 30 and run thence South 20 rods; thence West 80 rods; thence North 20 rods; thence East 80 rods to the place of beginning.  
The said land is to be sold for the purpose of making a division of the proceeds from said sale among the joint owners thereof who are as follows: Frank B. Walbridge, Eugene M. Walbridge, Fleming Robb and Carrie Augusta Robb.  
Robert S. Duck, as Commissioner and Register of the Circuit Court of Baldwin County, Alabama, in Equity.  
J. B. Blackburn  
Solicitor for Complainants. 11-35

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY.

J. H. Faulkner, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Walbridge vs. Wells

### COST STATEMENT

277 WORDS @ 3 1/2 cents ..... \$ 9.70

I hereby certify this is correct, due and unpaid ~~(paid)~~

J. H. Faulkner  
Publisher.

Was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication April 16, 1942 Vol. 53 No. 11

Date of 2nd publication " 23, 1942 Vol. 53 No. 12

Date of 3rd publication " 30, 1942 Vol. 53 No. 13

Date of 4th publication \_\_\_\_\_, 194   Vol. \_\_\_\_\_ No. \_\_\_\_\_

Subscribed and sworn before the undersigned this 23 day of May 1942

E. M. Blackburn  
Notary Public, Baldwin County.

J. H. Faulkner  
Publisher.

FRANK B. WALBRIDGE, et al  
Complainants,  
VS.  
B. R. WELLS, et al  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 803.

DECREE

This cause coming on to be heard on this date is submitted on the original verified Bill of Complaint, Certificate by the Register as to service by registered mail, Motion for Decrees Pro Confesso against the Respondents, B. R. Wells, State Bank of Elberta, a Corporation, Fleming Robb and Carrie Augusta Robb, Decrees Pro Confesso against the Respondents, B. R. Wells, State Bank of Elberta, a Corporation, Fleming Robb and Carrie Augusta Robb, and the testimony as noted by the Register, upon consideration of all of which the Court is of the opinion that the facts alleged in the Bill of Complaint filed herein are true and that the said Complainants are entitled to the relief prayed for by them, WHEREUPON, it is Ordered, Adjudged and Decreed by the Court as follows:

1. That the allegations of fact contained in the Bill of Complaint filed in this cause are true.
2. That the Affidavit of Claude Peteet dated August 22, 1940 and recorded in Deed Book number 73 N. S. at page 32, Baldwin County Records; the Affidavit of B. R. Wells dated August 22, 1940 and recorded in Deed Book 73 N. S. at page 32, Baldwin County Records; the Affidavit of George Hold which is not dated and which is recorded in Deed Book 73 N. S. at pages 32-3, Baldwin County Records; the Warranty Deed from Louisa Walbridge, a widow, to B. R. Wells dated June 9, 1938 and recorded in Deed Book 72 N. S. at page 193, Baldwin County Records be, and they are hereby each and all decreed to be absolutely void and of no effect and they and each of them are hereby in all respects cancelled and removed as clouds on the title of Frank B. Walbridge, Eugene M. Walbridge, Fleming Robb and Carrie Augusta

Robb in and to the following described real property situated in Baldwin County, Alabama, to-wit:

North Ten (10) acres of the Southeast Quarter of Southeast Quarter of Section 30, Township 7 South Range 4 East, being otherwise described as follows: Beginning at the Northeast Corner of the Southeast Quarter of the Southeast Quarter of said Section 30 and run thence South 20 rods; thence West 80 rods; thence North 20 rods; thence East 80 rods to the place of beginning.

3. That the mortgage from B. R. Wells and wife to the State Bank of Elberta, a Corporation, dated August 17, 1940 and recorded in Book Number 85 of Mortgages at pages 194-5, Baldwin County Records be and it is hereby decreed to be absolutely void and of no effect in so far as it applies or relates to the property hereinafter described and the said mortgage is hereby in all respects cancelled and removed as a cloud on the title of Frank B. Walbridge, Eugene M. Walbridge, Fleming Robb and Carrie Augusta Robb in and to the following described real property situated in Baldwin County, Alabama, to-wit:

North Ten (10) acres of the Southeast Quarter of Southeast Quarter of Section 30, Township 7 South Range 4 East, being otherwise described as follows: Beginning at the Northeast Corner of the Southeast Quarter of the Southeast Quarter of said Section 30 and run thence South 20 rods; thence West 80 rods; thence North 20 rods; thence East 80 rods to the place of beginning.

4. That the Complainants, Frank B. Walbridge and Eugene M. Walbridge, and the Respondents, Fleming Robb and Carrie Augusta Robb, are joint owners or tenants in common of the following described real property situated in Baldwin County, Alabama, to-wit:

North Ten (10) acres of the Southeast Quarter of Southeast Quarter of Section 30, Township 7 South Range 4 East, being otherwise described as follows: Beginning at the Northeast Corner of the Southeast Quarter of the Southeast Quarter of said Section 30 and run thence South 20 rods; thence West 80 rods; thence North 20 rods; thence East 80 rods to the place of beginning.

their respective interest therein being as follows: Frank B. Walbridge, one-third; Eugene M. Walbridge, one-third; Fleming Robb, one-sixth and Carrie Augusta Robb, one-sixth.

5. The said real property cannot be equitably divided among the joint owners thereof without a sale of the said property and a distribution of the proceeds, and the said property is hereby

NOTICE OF SALE OF LAND

FRANK B. WALBRIDGE, et al

Complainants,

VS.

B. R. WELLS, et al

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 803.

Under and by virtue of Orders and Decrees rendered by the Circuit Court of Baldwin County, Alabama in Equity in this cause on April 8, 1942, and on January 31, 1944, the undersigned R. S. Duck, as Commissioner, will sell for the purposes stated in the said Decrees, to the highest bidder, for cash, at the front door of the Court House in Bay Minette, Baldwin County, Alabama, at 11:30 A. M. Central War Time on Monday the 6th day of March, 1944, the following described real property situated in Baldwin County, Alabama, to-wit:

North ten acres of the Southeast Quarter of Southeast Quarter of Section Thirty (30) Township Seven (7) South Range Four (4) East, being otherwise described as follows:  
Beginning at the Northeast Corner of the Southeast Quarter of Southeast Quarter of said Section 30 and run thence South 20 rods; thence West 80 rods; thence North 20 rods; thence East 80 rods to place of beginning.

R. S. DUCK, Commissioner.

FRANK B. WALBRIDGE, et al

Complainants,

VS.

B. R. WELLS, et al,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 803.

MOTION FOR ORDER REVIVING CAUSE AND ORDERING  
SUBSTITUTION OF PARTIES.

TO THE HONORABLE R. S. DUCK, REGISTER IN EQUITY, BALDWIN COUNTY,  
ALABAMA:

Now comes Eugene M. Walbridge, one of the complainants in this cause, by J. B. Blackburn, as his Solicitor of Record, Nellie B. J. Walbridge, as Executrix of the Last Will and Testament of Frank Bertrand Walbridge, also known as and the same person as Frank B. Walbridge, one of the original complainants, and Nellie B. J. Walbridge, by J. B. Blackburn, as their Solicitor of Record, and respectfully represent as follows:

1. That Frank B. Walbridge, one of the original complainants in this cause, died on August 24, 1942 leaving a Last Will and Testament wherein and whereby the said Nellie B. J. Walbridge was named as Executrix and sole devisee, which said Last Will and Testament was admitted to probate and record in and by the Probate Court of Baldwin County, Alabama on the 21st day of July, 1942 and Letters Testamentary thereunder have been issued to the said Nellie B. J. Walbridge, as Executrix by the said Court.

2. This said cause of action survives and Nellie B. J. Walbridge, as Executrix of the Last Will and Testament of the said Frank Bertrand Walbridge and Nellie B. J. Walbridge are proper parties to be substituted as parties complainant in lieu of the said deceased complainant, Frank Bertrand Walbridge, also known as Frank B. Walbridge.

WHEREFORE, movants pray that an order be made by the Register as provided by Chancery Rule Number 35, reviving this cause in the names of Nellie B. J. Walbridge, as Executrix of the Last Will



and Testament of the said Frank B. Walbridge, Nellie B. J. Walbridge and Eugene M. Walbridge and further pray that the Register will order substitution of Nellie B. J. Walbridge, as Executrix of the Last Will and Testament of the said Frank B. Walbridge and Nellie B. J. Walbridge in lieu of the said deceased complainant, Frank B. Walbridge.

Movants further pray that such other orders be made and decrees rendered as may be requisite and proper in the premises.

EUGENE M. WALBRIDGE,

By

J. B. Blackburn

As his Solicitor of Record.

NELLIE B. J. WALBRIDGE, as Executrix of the Last Will and Testament of Frank B. Walbridge,

By

J. B. Blackburn

As her Solicitor of Record.

NELLIE B. J. WALBRIDGE,

By

J. B. Blackburn

As her Solicitor of Record.

STATE OF ALABAMA,     X

BALDWIN COUNTY.     X

Before me, the undersigned authority, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says:

That he is Solicitor of Record in this cause for Eugene M. Walbridge, Nellie B. J. Walbridge, as Executrix of the Last Will and Testament of Frank B. Walbridge, and Nellie B. J. Walbridge; that he has read over the foregoing motion and is informed and believes and on such information and belief, states the fact to be that the allegations contained in the said motion are true.

Sworn to and subscribed before me  
on this the 20th day of August, 1945.

Ora S. Nelson

Notary Public, Baldwin County, Alabama.

FRANK B. WALBRIDGE, et al  
Complainants,  
VS.  
B. R. WELLS, et al  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 803.

NOTE OF TESTIMONY

This cause is submitted on behalf of the Complainant upon  
the following:

1. Original Verified Bill of Complaint.
2. Certificate by Register.
3. Motion for Decrees Pro Confesso against B. R. Wells,  
State Bank of Elberta, a Corporation, Fleming Robb and Carrie Augusta  
Robb.
4. Decrees Pro Confesso against the Respondents, B. R.  
Wells, State Bank of Elberta, a Corporation, Fleming Robb and Carrie  
Augusta Robb.

Dated this 8th day of April, 1942.

J. T. T. Blackburn  
Solicitor for Complainants.

R. D. Wells  
Register.

**RECORDED**

NOTE OF TESTIMONY

FRANK B. WALBRIDGE, et al

Complainants,

VS.

B. R. WELLS, et al

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 803.

FRANK B. WALBRIDGE, et als

Complainants,

VS.

B. R. WELLS, et als

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 803.

DECREE

This cause coming on to be heard on this date is submitted on the Report of the Commissioner dated and filed in this cause on March 15, 1944, from which it appears that pursuant to the authority vested in the said Commissioner by the terms and provisions of the Decrees rendered in this cause on April 8, 1942 and on January 31, 1944 that he did sell the property involved in this proceeding which is the following described property in Baldwin County, Alabama, to-wit:

The North ten (10) acres of the Southeast Quarter of the Southeast Quarter of Section Thirty (30) Township Seven (7) South Range Four (4) East, being otherwise described as follows: Beginning at the Northeast Corner of the Southeast Quarter of Southeast Quarter of the said Section Thirty (30) and run thence South Twenty (20) rods; thence West Eighty (80) rods; thence North Twenty (20) rods; thence East Eighty (80) rods to the place of beginning;

at twelve o'clock noon on March 6, 1944, after having first given thirty days notice of the time, place and terms of the said sale, together with a description of the property by publication in the Baldwin Times, a newspaper published in Baldwin County, Alabama, once a week for three successive weeks, the said notice appearing in the issues of said paper of February 3, 1944, February 10, 1944 and February 17, 1944, to J. S. Lowrey for the sum of One Thousand Dollars (\$1,000.00) cash, that the said sale was in all respects fairly conducted and that the said property sold for an amount not greatly less than its real value and further that the purchase money has been paid, upon consideration of all of which IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the Report of R. S. Duck, as Commissioner dated and filed in this cause on March 15, 1944 be, and the same is hereby in all respects ratified and confirmed and that the said

sale was in all respects fairly conducted and the price received for the said property was not disproportionate to the value thereof. the said sale be and it hereby is in all respects fully ratified and confirmed and the said R. S. Duck, as Commissioner aforesaid is hereby ORDERED, AUTHORIZED, INSTRUCTED AND DIRECTED to make, execute and deliver to the said J. S. Lowrey, the purchaser at the said sale, a full and proper deed conveying to him all interest in the said property both legal and equitable heretofore held and owned by any and all of the joint owners to the said property.

2. It further appearing from the Report of the said Commissioner that B. R. Wells, one of the Respondents named in this cause, is in possession of the property involved in this proceeding, the Register of this Court is ORDERED, INSTRUCTED AND DIRECTED to issue a Writ of Assistance in the manner provided by law, directed to the Sheriff of Baldwin County, Alabama, requiring him to eject and remove the said B. R. Wells and all other person or persons holding the said property or any part thereof and put and place the said J. S. Lowrey or his assigns in the full, peaceable and quiet possession of the said property and maintain him or them in such possession of it.

3. Jurisdiction of this cause is reserved for such other and further orders and decrees as may become necessary and proper in the premises.

ORDERED, ADJUDGED AND DECREED this 12<sup>th</sup> day of April, 1944.

*A. W. Harl*

Judge.

FRANK B. WALBRIDGE, et al

Complainants,

VS.

B. R. WELLS, et als

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 803.

DECREE

This cause coming on to be heard on this date is submitted on the Register's Report filed herein on the 26th day of April, 1944 and upon the Petitions filed and Orders and Decrees heretofore rendered in this cause, upon consideration of all of which it is therefore ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The said Register's Report of April 26, 1944 be and it is hereby in all respects ratified and confirmed.

2. That the sum of Three Hundred Dollars (\$300.00) is a reasonable attorney's fee to be allowed J. B. Blackburn, the solicitor for the Complainants in this cause, which sum is hereby fixed and allowed him as his fee for services rendered in this cause, which said amount is hereby taxed against all of the parties to this cause to be apportioned among them according to their respective interests in the proceeds derived from the sale of the property involved in this proceeding. The said Register is hereby authorized, empowered, instructed and directed to pay the said amount from the proceeds of the sale of the said property which are now in his hands.

3. The Register of this Court having in compliance with the former Decrees rendered in this cause, had an abstract of title prepared, in which and for which he incurred a charge of \$78.50, he is hereby authorized, empowered, instructed and directed to pay the said amount from the proceeds of the sale of the said property which are now in his hands.

4. The respective interests of the parties interested in this proceeding which has been sold as recited in the former Decrees of this Court rendered in this cause, having been determined in and

by the Decree rendered in this cause dated April 8, 1942, and it appearing that after deducting the attorney's fee of Three Hundred Dollars (\$300.00), the abstract charge of Seventy-eight and 50/100 Dollars (\$78.50) and the balance of the Court costs amounting to Seventy-three and 90/100 Dollars (\$73.90), making total deductions of Four Hundred Fifty-two and 40/100 Dollars (\$452.40) there will remain on hand a net balance of Five Hundred Forty-seven and 60/100 Dollars (\$547.60) to be distributed among the parties interested in the proceeds of the said sale, therefore the Register of this Court is authorized, empowered, instructed and directed to pay to Nellie B. J. Walbridge, as Executrix of and under the Last Will and Testament of Frank B. Walbridge, Deceased, one-third of the said amount, or One Hundred Eighty-two and 53/100 Dollars; to Eugene M. Walbridge, one-third of the said amount, or One Hundred Eighty-two and 53/100 Dollars; to Fleming Robb, one-sixth of the said amount, or Ninety-one and 27/100 Dollars, and to Carrie Augusta Robb, one-sixth of the said amount, or Ninety-one and 27/100 Dollars.

5. The Register of this Court is instructed and directed to take receipts for all payments provided for in this Decree and file them in this cause, together with a Report showing full compliance with all of the terms and provisions of this Decree.

6. Jurisdiction of this cause is reserved for such other and further orders and Decrees as may be necessary and proper in the premises.

ORDERED, ADJUDGED AND DECREED this 15<sup>th</sup> day of June, 1944.

*A. W. Lare*

Judge.

FRANK B. WALBRIDGE, et al,  
Complainants,  
VS.  
B. R. WELLS, et al,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 803.

DECREE

This cause coming on again to be heard on this date, being the date heretofore set by the rules of this Court for calling the Equity Docket hereof, is submitted upon the pleadings filed and the orders and decrees heretofore rendered in this cause, from all of which it appears to the Court that each and all of the Respondents named herein are in default and that no notice to them or either of them is necessary; that a decree was rendered in this cause on the 8th day of April, 1942, which provided, among other things, that the property involved in this proceeding be sold and set the 18th day of May, 1942 as the date for such sale; that after the rendition of the said decree and before the date of the said sale, a motion for a new trial or rehearing was filed in this cause, which was not called to the attention of this Court within thirty days after the filing thereof and is now of no legal effect, but because of the said motion, the said sale so ordered in Paragraph Numbered 6 of the said decree was not held. The Court is of the further opinion that the property should be sold for the purposes stated in the said decree, WHEREUPON, it is therefore Ordered, Adjudged and Decreed by the Court as follows:

1. The Respondents and each of them are in default and no notice to them or either of them is necessary.
2. That Paragraph Numbered 6 of the said decree of April 8, 1942 be and it is hereby amended so that, as amended, it will read as follows:
  6. Robert S. Duck, Register of this Court, being a fit and proper person to be appointed Commissioner to make the said sale



is hereby appointed as such Commissioner and he is hereby ordered to proceed to sell the said property at public outcry at the front door of the Court House at Bay Minette, in Baldwin County, Alabama, at twelve o'clock noon on Monday, the 6th day of March, 1944, after having first given thirty days notice of the time, place and terms of the said sale, together with a description of the property by publication in the Baldwin Times, a newspaper published in the said county once a week for three successive weeks and that the said Commissioner make due report as to how he has executed this decree and he is further ordered to have a complete abstract of title covering the said property prepared and ready for delivery to any prospective purchaser for examination not less than five days prior to the day set for the sale and tax the costs thereof as a part of the costs of this proceeding.

3. The Register of this Court shall also file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama.

4. Jurisdiction of this cause is reserved for all such other further orders and decrees which may become necessary and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 3<sup>rd</sup> day of January, 1944.

W. W. Hare  
Judge.

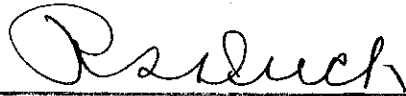
STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon B. R. Wells, State  
and  
Bank of Elberta, a Corporation, Fleming Robb, /Carrie Augusta Robb  
to appear within thirty days from the service of this writ in the  
Circuit Court, Equity Side, to be held for said county at the place  
of holding same, then and there to demur, plead to or answer the  
Bill of Complaint of Frank B. Walbridge and Eugene M. Walbridge.

Witness my hand this 22nd day of February, 1942.



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Register of the Circuit Court of  
Baldwin County, Alabama.

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

Your Orators, Frank B. Walbridge and Eugene M.

Walbridge, present this Bill of Complaint against B. R. Wells, State Bank of Elberta, a Corporation, Fleming Robb and Carrie Augusta Robb, and thereupon your Orators Complain and show unto the Court and your Honor as follows:

1. Your Orator, Frank B. Walbridge, is over twenty-one years of age and a resident of Kansas City, Missouri; Eugene M. Walbridge is over twenty-one years of age and a resident of Preston, Iowa; B. R. Wells is over twenty-one years of age and a resident of Baldwin County, Alabama; State Bank of Elberta is a corporation organized and existing under the laws of the State of Alabama with its principal place of business at Elberta, in Baldwin County, Alabama; Fleming Robb is over twenty-one years of age, a non-resident of the State of Alabama whose residence and post office address is 3443 Dudley Street, Lincoln, Nebraska and Carrie Augusta Robb is over twenty-one years of age, a non-resident of the State of Alabama, whose residence and post office address is Union, Nebraska.

2. Charles P. Walbridge, a resident of Foley, in Baldwin County, Alabama, died intestate on to-wit, December 10, 1935, leaving as his heirs and all of his heirs at the time of his death, his widow, Louisa Walbridge, Frank B. Walbridge, a brother, Eugene M. Walbridge, a brother, Fleming Robb, a nephew and Carrie Augusta Robb, a niece, the said parties being the heirs and all of the heirs of the said Charles P. Walbridge at the time of his death.

3. Since the death of the said Charles P. Walbridge, the widow, Louisa Walbridge, has died intestate and on this date the heirs and all of the heirs of the said Charles P. Walbridge, Deceased, are the said Frank B. Walbridge, Eugene M. Walbridge, Fleming Robb and Carrie Augusta Robb.

4. At the time of the death of the said Charles P. Walbridge, he owned and was in possession of the following described

property situated in Baldwin County, Alabama, to-wit:

North Ten (10) acres of the Southeast Quarter of Southeast Quarter of Section 30, Township 7 South Range 4 East, being otherwise described as follows: Beginning at the Northeast Corner of the Southeast Quarter of the Southeast Quarter of said Section 30 and run thence South 20 rods; thence West 80 rods; thence North 20 rods; thence East 80 rods to the place of beginning.

5. Claude Peteet, B. R. Wells and George Holk made affidavits stating that the said Louisa Walbridge was the sole and only heir of the said Charles P. Walbridge, Deceased, which said affidavits are recorded in Deed Book 73 N. S. at pages 32-3, Baldwin County Records, copies of which are hereto attached, marked Exhibits "A", "B" and "C" respectfully, which are by reference made a part hereof as though fully incorporated herein, all of which affidavits are entirely untrue. Thereafter, Louisa Walbridge, by deed dated June 9, 1938, which is recorded in Deed Book Number 72 N. S. at page 193, Baldwin County Records, a copy of which is hereto attached, marked Exhibit "D" and by reference made a part hereof as though fully incorporated herein, attempted to convey the said property to B. R. Wells and thereafter by mortgage dated August 17, 1940, and recorded in Book Number 85 of Mortgages at pages 194-5, Baldwin County Records, a copy of which is hereto attached, marked Exhibit "E" and by reference made a part hereof as though fully incorporated herein, the said B. R. Wells attempted to convey the said property, with other property, to the State Bank of Elberta, a Corporation, to secure a loan of Twelve Hundred Fifty Dollars (\$1250.00). The said property which was owned by the said Charles P. Walbridge at the time of his death and which is described in the said deed from Louisa Walbridge to B. R. Wells and in the mortgage from B. R. Wells and wife to the State Bank of Elberta, a Corporation, is now in the possession of the said B. R. Wells.

6. Your Orator further alleges that the above described real estate descended to the said Frank B. Walbridge, Eugene M. Walbridge, Fleming Robb and Carrie Augusta Robb under the laws of descent and distribution of the State of Alabama upon the death of the said Charles P. Walbridge, subject to the dower and homestead

EXHIBIT "A"

AFFIDAVIT

STATE OF ALABAMA

BALDWIN COUNTY

I, Claude Peteet, of Foley, Baldwin County, Alabama, depose and say as follows: That I have known Charles P. Walbridge and his wife, Louisa Walbridge, for a period of more than twenty years, that the said Charles P. Walbridge died during the fall of the year 1935 at Foley, Alabama, that when the said Charles P. Walbridge died he left as his sole surviving relative and heir, his wife, Louisa Walbridge, who has resided at Foley, Alabama, continuously since that time, that his wife, Louisa Walbridge died on July 9th. 1940 at Foley, Alabama.

I further depose and say that the said Charles P. Walbridge left no other heirs or relatives, and that his Estate was liable for no debts or other liabilities.

Witness my hand and seal this the 22nd. day of August, A. D. 1940.

Claude Peteet (SEAL)

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Margeny Wilson, a Notary Public in and for said County and State personally appeared Claude Peteet who signed the foregoing affidavit, and who states that the facts contained in the foregoing are true and correct and that he signed the same of his own free will and accord.

Margery Wilson  
Notary Public, Baldwin County, Alabama  
My Commission expires August, 1944.

Seal.

State of Alabama

Baldwin County

Probate Court

Filed in office this 23 day of August, 1940 at 8:00 A. M. and duly recorded in Deed Book No. 73 at page 32. G. W. Robertson, Judge of Probate.

Exhibit "C"

AFFIDAVIT

STATE OF ALABAMA

BALDWIN COUNTY

I, George Holk, of Foley, Baldwin County, Alabama depose and say as follows: That I have known Charles P. Walbridge and his wife, Louisa Walbridge, for a period of more than twenty years, that the said Charles P. Walbridge died during the fall of the year 1935 at Foley, Alabama, that when the said Charles P. Walbridge died he left as his sole surviving relative and heir, his wife, Louisa Walbridge, who has resided at Foley, Alabama continuously since that time, that his wife, Louisa Walbridge, died on July 9th 1940 at Foley, Alabama.

George Holk (SEAL)

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Margery Wilson, a Notary Public in and for said County and State, personally appeared George Holk, who signed the foregoing affidavit and who states that the facts contained in the foregoing are true and correct and that he signed the same of his own free will and accord.

Seal.

Margery Wilson  
Notary Public, Baldwin County,  
Alabama  
My Commission expires August, 1944.

State of Alabama

Baldwin County

Probate Court

Filed in office this 23 day of August, 1940, at 8:00 A. M. and duly recorded in Deed Book No. 73 at page 32-33. G. W. Robertson, Judge of Probate.

EXHIBIT "E"

(page two)

against the lawful claims of all persons.

In witness whereof the said mortgagors have hereunto set their hands and seals this 17th day of August, A. D., 1940.

B. R. WELLS (SEAL)  
ONGELLE WELLS (SEAL)

THE STATE OF ALABAMA

BALDWIN COUNTY.

I, \_\_\_\_\_, a Notary Public in and for said County and State hereby certify that B. R. Wells and Ongelle Wells, husband and wife, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that being informed of the contents of the conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 17th day of August, 1940.

Claude Peteet,  
Notary Public, Baldwin County  
Alabama.

Seal. My commission expires  
September 12, 1943.

THE STATE OF ALABAMA

BALDWIN COUNTY.

I, \_\_\_\_\_, a Notary Public, in and for said County and State, hereby certify that on the 17th day of August, 1940, came before me the within named Ongelle Wells, known to me to be the wife of the within named B. R. Wells, who being examined separate and apart from the husband touching her signature to the within conveyance acknowledged before me that she executed the same of her own free will and accord and without fear, constraints, or threats on the part of the husband.

In witness whereof I hereunto set my hand and seal this 17th day of August, 1940.

Claude Peteet,  
Notary Public, Baldwin County, Ala.

Seal. My Commission expires  
September 12, 1943.

EXHIBIT "E"

MORTGAGE DEED WITH POWER OF SALE.

STATE OF ALABAMA

BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS: That B. W. Wells and Ongelle Wells, husband and wife, hereinafter called mortgagors, in consideration of the sum of TWELVE HUNDRED FIFTY DOLLARS to them in hand paid by State Bank of Elberta Alabama, hereinafter called mortgagee, the receipt whereof, is hereby acknowledged, do by these presents GRANT, BARGAIN, SELL AND CONVEY unto the said mortgagee its successors and assigns forever, all

The north half of North half of Southeast Quarter of Southeast of Section 30, in Township 7 South of Range 4 East containing 10 acres more or less; also beginning at the Southeast corner of the Southeast Quarter of the Southeast Quarter of Section 30, Township 7 South of Range 4 East, thence West eighty rods, thence North thirty rods, thence East eighty rods, thence South thirty rods to place of beginning being the South fifteen acres of said Southeast Quarter of Southeast Quarter of Section 30, Township 7 South of Range 4 East, all being in Baldwin County, Alabama.

Mortgagor agrees to carry insurance in an amount acceptable to mortgagee.

Together with all and singular the tenements, rights, privileges and appertinances to said described premises in any wise belonging.

TO HAVE AND TO HOLD the same forever. PROVIDED ALWAYS, and these presents are upon the express condition that if said mortgagors shall well and truly pay unto the mortgagee the sum of \$1250 as evidenced by their said promissory note of even date herewith for like amount executed by the undersigned, due 12 months after date thereof and bearing interest at the rate of 7% per annum after maturity and shall also discharge all of the duties imposed upon said mortgagee by this mortgage then these presents shall become null and void, otherwise to remain in full force.

In event of default in the payment at maturity of said mortgage debt of any amount secured hereby mortgage is hereby authorized to sell said property at auction, for cash, after giving notice by advertisement once a week for three consecutive weeks in any newspaper then published in Baldwin County, Alabama, to make proper conveyance to purchaser, and the proceeds of sale to apply first to the payment of the costs of said sale including a reasonable attorneys fee, second to the payment of said mortgage debt and any sums herein provided for, the balance if any, to be paid over to the mortgagors. Mortgagee may purchase said property at said sale and in that event the auctioneer conducting the sale is authorized in the name of the mortgagors and as their attorney-in-fact to make deed to mortgagee. Mortgagors agree to pay such reasonable attorneys fees as may be incurred by the mortgagee in the collection of said mortgage debt or otherwise by reason of default on the part of the mortgagors. Mortgagors covenant that they are seized in fee simple of said property; that it is free from all incumbrances; that they will warrant the same to mortgagee and to the purchaser thereof



EXHIBIT "D"

WARRANTY DEED.

STATE OF ALABAMA,

BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, dollars to me in hand paid by B. R. Wells, the receipt whereof is hereby acknowledged, I, Louisa Walbridge, a widow, do GRANT, BARGAIN, SELL AND CONVEY unto the said B. R. Wells, the following described lands situated in Baldwin County, Alabama, to-wit:-

The North ten (10) acres of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirty (30) Township Seven South (7S) Range Four East (4E) Baldwin County, Alabama.

The dimensions of the above described 10 acres being twenty (20) rods North and South by eighty (80) rods East and West.

TO HAVE AND TO HOLD unto the said B. R. Wells heirs and assigns forever. And I do covenant with the said B. R. Wells that I am seized in fee of the above described premises; that I have the right to sell and convey the same, that the said premises are free from all encumbrances; and that I will and my heirs, executors and administrators shall forever warrant and defend the same to the said B. R. Wells heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS my hand and seal this 9th day of June, 1938.

Mrs. Louisa Walbridge L. S.

WITNESS:

Claude Peteet

STATE OF ALABAMA  
BALDWIN COUNTY.

I, Claude Peteet, a Notary Public, in and for said State and County, do hereby certify that Louisa Walbridge, widow, whose name is signed to the foregoing conveyance, and who is are known to me, acknowledged before me, on this day, that being informed of the contents of the said conveyance, I executed the same voluntarily on the day same bears date.

Given under my hand and official seal this 9th day of June, 1938.

Claude Peteet  
Notary Public, Baldwin County, Ala.

My commission expires October  
11, 1939. Seal.

FRANK B. WALBRIDGE, et al,  
Complainants,  
VS.  
B. R. WELLS, et al,  
Respondents.


IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 803.

ORDER REVIVING CAUSE AND ORDERING SUBSTITUTION  
OF PARTIES.

This matter coming on to be heard on this date is submitted on the ex parte motion of Eugene M. Walbridge, Nellie B. J. Walbridge, as Executrix of the Last Will and Testament of Frank Bertrand Walbridge, also known as Frank B. Walbridge, who was one of the original complainants in this cause, and Nellie B. J. Walbridge, by J. B. Blackburn, as their Solicitor of Record, which was filed in this cause on this date, from which it appears that the said movants are entitled to an order by the undersigned Register of this Court, reviving this cause and ordering substitution of proper parties complainant, Upon consideration of all of which, it is ORDERED, ADJUDGED AND DECREED by the Register as follows:

1. That the allegations contained in the said motion are true.
2. That this said cause be and it is hereby revived in the names of Nellie B. J. Walbridge, as Executrix of the Last Will and Testament of the said Frank B. Walbridge, Nellie B. J. Walbridge and Eugene M. Walbridge, as Complainants.
3. That the said Nellie B. J. Walbridge, as Executrix of the Last Will and Testament of the said Frank B. Walbridge, and Nellie B. J. Walbridge be and they are hereby substituted as parties complainant in lieu of the said original complainant, Frank B. Walbridge, now deceased.

ORDERED, ADJUDGED AND DECREED on this the 21st day of August, 1943.

  
Register in Equity, Baldwin County,  
Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

I, Robert S. Duck, Register in Equity, Baldwin County, Alabama, do hereby certify that I mailed a copy of the foregoing order by mail, postage prepaid, to B. R. Wells, Foley, Alabama; State Bank of Elberta, Elberta, Alabama, Fleming Robb, 3443 Dudley Street, Lincoln, Nebraska and Carrie Augusta Robb, Union, Nebraska on this the 21st day of August, 1943.

Dated this 21st day of August, 1943.



Register.

FRANK B. WALBRIDGE, et als

Complainants,

VS.

B. R. WELLS, et als

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 803.

#### REPORT OF COMMISSIONER

The undersigned, R. S. Duck, the Commissioner named in the Decrees rendered in this cause dated April 8, 1942 and January 31, 1944, hereby reports as follows:

1. That pursuant to the authority vested in him in and by the terms of the said Decrees, he did at twelve o'clock noon on the 6th day of March, 1944, after having first given thirty days notice of the time, place and terms of the said sale, together with a description of the property by publication in the Baldwin Times, a newspaper published in said county once a week for three successive weeks, the said notice appearing in the issues of said paper of February 3, 1944, February 10, 1944 and February 17, 1944, proceed to offer for sale and sell the following described property situated in Baldwin County, Alabama, to-wit:

The North ten (10) acres of the Southeast Quarter of the Southeast Quarter of Section Thirty (30) Township Seven (7) South Range Four (4) East, being otherwise described as follows: Beginning at the Northeast Corner of the Southeast Quarter of Southeast Quarter of the said Section Thirty (30) and run thence South Twenty (20) rods; thence West Eighty (80) rods; thence North Twenty (20) rods; thence East Eighty (80) rods to the place of beginning;

to J. S. Lowrey for the sum of One Thousand Dollars (\$1,000.00) cash.

2. The said Commissioner further reports that he has obtained an abstract of title to the property as provided in the said Decrees.

3. Commissioner is advised and therefore reports that the said property so sold is now in the possession of and occupied by B. R. Wells, one of the Respondents named in this cause.

4. The said sale was made in strict accord with the terms and provisions of the said Decrees, was in all respects fairly conducted and the said property sold for an amount not greatly less

than the real value and the purchaser has fully complied with the terms of the said sale and has paid to me as Commissioner in the said cause the full amount of the purchase money in cash, to-wit, the sum of One Thousand Dollars (\$1,000.00), all of which is reported to this Court as required by the said Decrees.

Dated this 15th day of March, 1944.

*R. S. Luck*

As Commissioner.

FRANK B. WALBRIDGE, et als

Complainants,

VS.

B. R. WELLS, et als

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 803.

WRIT OF ASSISTANCE

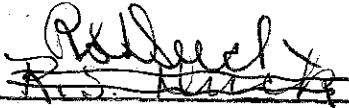
TO THE HONORABLE W. R. STUART, AS SHERIFF OF BALDWIN COUNTY, ALABAMA:

WHEREAS, by virtue of a decree of this Court rendered in this cause on April 12, 1944, the undersigned Register of this Court was ordered, instructed and directed to issue a Writ of Assistance in the manner provided by law, directed to the Sheriff of Baldwin County, Alabama, requiring him to eject and remove the said B. R. Wells and all other person or persons holding the said property or any part thereof and put and place J. S. Lowrey, who purchased the said property at the Commissioner's Sale heretofore held in this cause, in the full, peaceable and quiet possession of the said property and maintain him in the possession thereof.

Therefore, we command you that immediately after receiving this writ you go to and enter upon the piece or parcel of land involved in this proceeding, namely, the following described property situated in Baldwin County, Alabama, to-wit: The North ten (10) acres of the Southeast Quarter of Southeast Quarter of Section Thirty (30) Township Seven (7) South Range Four (4) East, being otherwise described as follows: Beginning at the Northeast Corner of the Southeast Quarter of Southeast Quarter of the said Section Thirty (30) and run thence South Twenty (20) rods, thence West Eighty (80) rods, thence North Twenty (20) rods, thence East Eighty (80) Rods to the place of beginning, and that you eject and remove therefrom B. R. Wells and all and every person or persons holding or detaining the said property or any part thereof against the said J. S. Lowrey and that you put and place the said J. S. Lowrey or his assigns in the full, peaceable and quiet possession of the said tract or parcel of land without delay,

and him, the said J. S. Lowrey, in such possession thereof, from time to time, maintain, keep and defend or cause to be kept, maintained and defended according to the true intent of the said decree and order of the said Court.

IN WITNESS WHEREOF, I have hereunto set my hand as Register and affixed the seal of the said Court on this the 31st day of May, 1944.

  
~~R. S. Smith~~

As Register of the Circuit Court of Baldwin County, Alabama, in Equity.

WRIT OF ASSISTANCE

FRANK B. WALBRIDGE, et als,

Complainants,

VS.

B. R. WELLS, et als

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 803.

*Filed*

*May 31, 1944*

*R. S. Duncle*

*Register*

*Entered this 9th day of June 1944  
by passing J. S. Finney - possession  
of the within described property and  
# handing copy of writ to Mr B. R. Wells  
M. R. Hunt  
Sheriff*



REPORT OF COMMISSIONER

FRANK B. WALBRIDGE, et als

Complainants,

VS.

B. R. WELLS, et als

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 803.

Filed on this the 15th day of  
March, 1944.

*B. R. Wells*  
*Complainant*

*Handwritten marks*

*3*

FRANK B. WALBRIDGE, et al  
Complainants,  
VS.  
B. R. WELLS, et als  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 803.

REPORT OF REGISTER ON REFERENCE

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

WHEREAS, by a Decree of this Court filed and enrolled in the above entitled cause on April 8, 1942, and by a Decree filed and enrolled in this cause on January 31, 1944 I was ordered, after a sale of the property described in these proceedings, to hold a reference to ascertain and report what is a reasonable attorney's fee for the services rendered by J. B. Blackburn, the solicitor for the Complainants in this cause:

NOW THEREFORE, having held a reference for the purpose of ascertaining the matters called for in the said Decree of reference I report as follows:

1. That the said reference was had at my office in the Court House of Baldwin County, Alabama on April 26, 1944, proper notice of which was given to all parties to this cause who are not in default and to whom no notice is necessary.

2. I examined on said reference the said J. B. Blackburn who presented to me a written agreement between the Complainants, Frank B. Walbridge and Eugene M. Walbridge, and J. B. Blackburn, dated December 11, 1941, by which J. B. Blackburn accepted employment in this case on a contingent basis and agreed to accept a fee for services in the Circuit Court of an amount equal to one-third of the interest of the said parties in the said property. I also examined W. H. Hawkins, an attorney at law and solicitor in chancery practicing at Bay Minette, Alabama, who testified that a fee of Three Hundred Dollars (\$300.00) in the said cause for the said J. B. Blackburn would be reasonable in view of the written

agreement and the services performed by him in this cause, and I therefore report that the sum of Three Hundred Dollars (\$300.00) is a reasonable fee to be paid to the said J. B. Blackburn for the services rendered by him in this cause.

I further report that I have had an abstract of title made as provided in the said Decree for which I incurred a charge of Seventy-eight and 50/100 Dollars ( \$78.50) which amount should be paid out of the proceeds of the said sale which are in my hands. The balance of the Court costs is \$73.90.

Respectfully submitted this 26th day of April, 1944.



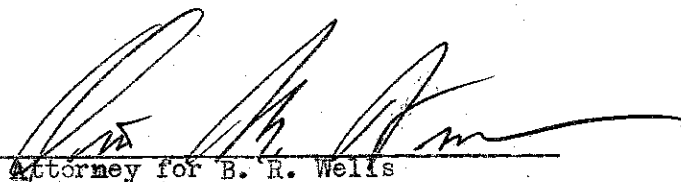
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Register.

STATE OF ALABAMA     )  
                                  )  
BALDWIN COUNTY        )

Before me, R. S. DUCK, Clerk of Circuit Court, in and for  
the aforesaid State and County, personally appeared ORVIS M. BROWN,  
Attorney for B. R. Wells, known to me, who being by me first duly  
sworn, deposes and says:

I am a resident of Robertsdale, Baldwin County, Alabama, and the  
Attorney for B. R. Wells, one of the respondents in the case of  
Title FRANK B. WALBRIDGE, et al vs B. R. WELLS, et al. B. R. Wells  
is in the possession of the property now in question by a Deed  
executed by LOUISA WALBRIDGE, who is now deceased, and who was the  
widow of the late CHARLES P. WALBRIDGE, deceased. It is alleged  
and the above entitled suit that the Complainant, FRANK B. WALBRIDGE  
is a brother of CHARLES P. WALBRIDGE, deceased. At the time the  
Respondent B. R. WELLS was served with process of the above suit  
it was not known there existed a last will and testament of  
CHARLES P. WALBRIDGE, deceased. Immediately at this time there  
has been discovered inclosed with some other ancient papers the last  
will and testament of CHARLES P. WALBRIDGE, deceased, which devises  
the land in question to his widow LOUISA WALBRIDGE, from whom  
B. R. WELLS, Respondent hold WARRANTY DEED, which will constitute  
a valid defense to the above entitled suit. When this was discovered  
time for answering and instituting the defense had passed, therefore  
B. R. WELLS, had been prevented from making a defense to said suit  
without any fault of his.

  
Attorney for B. R. Wells

Subscribed and sworn to  
before me by ORVIS M.  
BROWN, on this the 11th,  
day of April, 1942, as witness  
my hand and official notarial seal.

FRANK B. WALBRIDGE, et al  
Complainants,  
VS.  
B. R. WELLS, et al  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 803.

CERTIFICATE BY REGISTER AS TO SERVICE BY REGISTERED MAIL

I, the undersigned, R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that after the filing of the verified Bill of Complaint herein, and on to-wit, February 24, 1942, I mailed a copy of the Bill of Complaint in this said cause, together with a summons, requiring the Respondents, Fleming Robb and Carrie Augusta Robb, to appear within thirty days and demur, plead to or answer the said Bill of Complaint filed against them herein, by registered mail, postage prepaid, to each of the said Respondents; that the said registered articles were mailed by me to the said Carrie Augusta Robb, at Union, Nebraska, by registered mail as aforesaid; postage prepaid, marked "For delivery only to the person to whom addressed" with return card or receipt demanded addressed to me as such sending officer; that the said return card or receipt was received and filed by me on March 7, 1942; that the said registered articles were mailed by me to the said Fleming Robb at 3443 Dudley Street, Lincoln, Nebraska, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed", with return card or receipt demanded, addressed to me as such sending officer; that the said return card or receipt was received and filed by me on March 5, 1942.

Dated this 6th day of April, 1942.



Register.

FRANK B. WALBRIDGE, et al )  
Complainant )  
VS )  
B. R. WELLS, et al )  
Respondents )


IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA  
NUMBER 803

MOTION TO SET ASIDE DECREE

COMES the defendant in the above styled cause and moves the Court to set aside the judgment by default entered therein on to-wit the 8th day of April, on the following separate and several grounds, in support of which is filed herewith an affidavit of defendant;

1. The defendant had a meritorious defense to the action which he was prevented from making through mistake.
2. The defendant had a meritorious defense to the action which he was prevented from making through accident.
3. The defendant had a meritorious defense to the action and that newly discovered evidence material for the party applying, which he could not with reasonable diligence have discovered and produced at the trial.
4. The defendant has a meritorious defense to the action in that at this time there has been discovered the last will and testament of Charles P. Walbridge, which could not with reasonable diligence been discovered and produced at an earlier time.
5. The defendant had a meritorious defense to the action which he was prevented from making by reason of the fact that the newly discovered last will and testament of Charles P. Walbridge, deceased was not in his possession at the time service was perfected on him, and it was no fault of his that it was not discovered and produced.

AFFIDAVIT ATTACHED.

  
Attorney for B. R. Wells

Filed April 11th, 1942.

803 Feild  
Madison Street

position to set aside  
before

Deluel Opine 11/19/15  
D. Howard

**RECORDED**  
**INDEXED**

FRANK B. WALBRIDGE, et al

Complainants,

VS.

B. R. WELLS, et al

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 803.



803

RECORDED

Filed April 11 1945  
District  
Court

REPORT OF REGISTER ON REFERENCE

FRANK B. WALBRIDGE, et al

Complainants,

VS.

B. R. WELLS, et als

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 805.

FRANK B. WALBRIDGE, et al

Complainants,

VS.

B. R. WELLS, et al

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 803.

MOTION FOR DECREES PRO CONFESSO

Motion is hereby made for Decrees Pro Confesso on personal service against the Respondents B. R. Wells and the State Bank of Elberta, a Corporation, on the ground that a copy of the summons and complaint in this cause was served on each of the said Respondents by the Sheriff of Baldwin County, Alabama, on February 24, 1942, and that each of the said Respondents has failed for more than thirty days after said service upon them to appear in this cause and demur, plead to or answer the Bill of Complaint filed against them herein.

Motion is further made for Decrees Pro Confesso on service by registered mail against the Respondents, Fleming Robb and Carrie Augusta Robb on the ground that a copy of the said Bill of Complaint with a summons requiring the said Respondents to appear within thirty days from the service of said writ and demur, plead to or answer the Bill of Complaint filed herein, was mailed by the Register of this Court to each of the said Respondents who are each nonresidents of the State of Alabama, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed" with return card or receipt demanded addressed to the Register of this Court; that the said return card or receipt signed by the said Fleming Robb was received and filed by the Register of this Court on March 5, 1942, and the return card or receipt signed by the said Carrie Augusta Robb, was received and filed by the Register of this Court on March 7, 1942, and that each of the said Respondents has failed for more than thirty days to appear in this cause and demur, plead to or answer the Bill of Complaint filed against them herein:

WHEREFORE Complainants pray that Decrees Pro Confesso be rendered against the said Respondents and each of them. Complain-

ants further pray that such other orders may be made and decrees rendered as may be requisite and proper in the premises.

Dated this 7th day of April, 1942.

J. B. Blackburn  
Solicitor for Complainants.

LIS PENDENS NOTICE

STATE OF ALABAMA

BALDWIN COUNTY

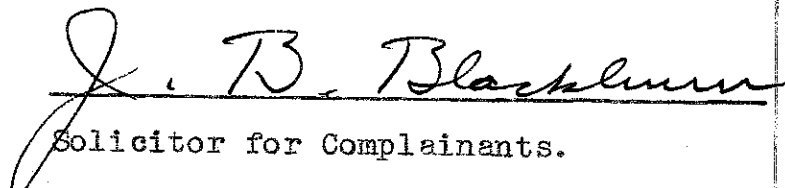
Notice is hereby given that Frank B. Walbridge and Eugene M. Walbridge did on this date file in the Circuit Court of Baldwin County, Alabama, Equity Side, their Bill of Complaint against B. R. Wells, the State Bank of Elberta, a Corporation, Fleming Robb and Carrie Augusta Robb, for the purpose of setting aside the deed from Louisa Walbridge to B. R. Wells dated June 9, 1938 and recorded in Deed Book Number 72 N. S. at page 193, Baldwin County Records, as a cloud on Complainants' title to the property hereinafter described; to cancel the mortgage from B. R. Wells to the State Bank of Elberta dated August 17, 1940 and recorded in Book 85 of Mortgages at pages 194-5, Baldwin County Records, in so far as the said mortgage is a cloud on the Complainants' title to the following described property situated in Baldwin County, Alabama, to-wit:

North Ten (10) acres of the Southeast Quarter of Southeast Quarter of Section 30, Township 7 South Range 4 East, being otherwise described as follows: Beginning at the Northeast Corner of the Southeast Quarter of the Southeast Quarter of said Section 30 and run thence South 20 rods; thence West 80 rods; thence North 20 rods; thence East 80 rods to the place of beginning.

The said suit is also filed for the purpose of selling the above described property for division among the joint owners thereof, namely: Frank B. Walbridge, Eugene M. Walbridge, Fleming Robb and Carrie Augusta Robb.

All persons are cautioned against purchasing or acquiring title to the property in any way except subject to the rights of the said Complainants.

Dated this 23rd day of February, 1942.

  
Solicitor for Complainants.

803

LIS PENDENS NOTICE

FRANK B. WALBRIDGE, et al  
*Eugene M. Walbridge*  
*William G. Walbridge*  
*Carrie Augusta Walbridge*  
Complainants,  
VS. 2-23-42

B. R. WELLS, et al

Respondents.

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

STATE OF ALABAMA, BALDWIN COUNTY

FEB 24 1942

~~1030~~ 1030

Recorded in the following Privilege Tax has  
been paid *1030* She following Privilege Tax has  
been paid *1030*  
Mortgage Tax *1030*  
Judge of Probate *1030*

By \_\_\_\_\_

*1030*  
*RS Wells* *45*

Bay Minette, Ala.,

4/9

1942

R B Luck

IN ACCOUNT WITH

G. W. ROBERTSON

JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording

from

to

Privilege Tax

Rec. Fee

Total

from Grand B Walbridge to B R Wells

-

1.75

1.75

45

2.20

Paid  
4/9/42  
BWR

1.00

1.00

*R D Black*

Bay Minette, Ala., 5/24 1942

IN ACCOUNT WITH  
**G. W. ROBERTSON**  
JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	Total
<i>LR Notes</i>	<i>Frank B. Welbridge</i>	<i>R D Black</i>			<i>45</i>
	<i>paid 5/24/42 GWR</i>				



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Street and Number,  
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REGISTERED ARTICLE

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Post Office Bay Minette, Alabama

INSURED PARCEL

No. \_\_\_\_\_

10-2251

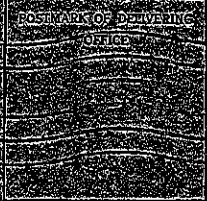
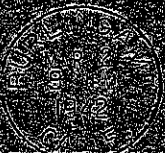
State

Registered with B/12

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PENALTY FOR PRIVATE USE TO VOID PAYMENT OF POSTAGE 300

POSTMARK OF DELIVERING OFFICE



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No. 3051

Post Office Bay Minette, Alabama

INSURED PARCEL

10-2251