

ED ADAMS,)(
Complainant,)(
-vs-)(
UNA COCKRELL and WALLACE F.)(
COCKRELL, as Executor of the)(
Last Will and Testament of)(
Willis L. Cockrell, deceased,)(
Respondents.)(
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes the complainant, Ed Adams, in the above styled cause and exhibits this his bill of complaint against Una Cockrell and Wallace F. Cockrell, as Executor of the Last Will and Testament of Willis L. Cockrell, deceased, and shows unto your Honor and unto this Honorable Court as follows:-

1. That he is over the age of twenty-one years and a resident of the State of Alabama; that the respondents are both over the age of twenty-one years and residents of the State of Alabama.

2. That heretofore on, to-wit, the 15th day of October, 1949, complainant purchased certain real estate in Baldwin County, Alabama, from W. L. Cockrell, this being Willis L. Cockrell, now deceased, and Una Cockrell, his wife, said instrument being recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 146NS, Pages 129-30, and which said instrument was filed for record on the 21st day of October, 1949; that the description of the land as shown on this instrument was as follows, viz:-

The following described lands situated in Baldwin County, Alabama, to-wit:

LOTS TWELVE AND THIRTEEN- Beginning at a stake in Alligator Bayou, at the Northeast corner of the Ward Grant, Section five (5), Township eight (8) South, Range two (2) East, run South 31 degrees and 30 minutes East 541 feet to a stake for a BEGINNING CORNER:-

Thence North 89 degrees and 30 minutes West 1433 ft. to a stake on the bank of Weeks Bay; thence South 19 degrees 30 minutes West to a stake; thence South 89 degrees and 25 minutes East 1519 feet to a stake on the East line of Ward Grant; thence North 31 degrees and 30 minutes 100 feet to place of beginning, containing TWO AND 68/100 ACRES, more or less, and being a fractional part of Lot No. one (1) in the Division, W. M. and Rosa Lee Weeks Estate, in the Ward Grant, in Section five (5), Township eight (8) South, Range two (2) East, Baldwin County, Alabama.

3. Complainants shows that through a mistake of the notary public who drafted this instrument, or of some other person not

himself, the description contained in this instrument, being that hereinabove set out, does not correctly describe the land which the grantors intended to convey and which complainant intended to purchase and has taken into his possession.

4. Complainant further shows that it was the intention of the grantors to convey and of the complainant to purchase all the property owned in this section, township and range by the grantors, this being the property purchased by the said W. L. Cockrell by instrument dated the 11th day of May, 1948, and of record in the office of the Judge of Probate of Baldwin County, Alabama, which said instrument described the following real estate, to-wit:-

Those certain parcels of real property in the County of Baldwin, State of Alabama, more particularly described as follows:

Lot No. Twelve: Beginning at a stake in Alligator Bayou, the Northeast corner of Ward Grant, Section five (5), Township eight (8) South, Range two (2) East, run South 31 degrees 30 minutes East 541 feet to a stake; thence North 89 degrees 20 minutes West 1435 feet to a stake on the bank of Weeks Bay; thence North up said Bay 250 feet to the Mouth of Alligator Bayou; thence Eastwardly up said Bayou with its meanderings, to the place of beginning, containing ten (10) acres, more or less, and being a fractional part of Lot No. 1 in the Division of the estate of Wm and Rosalee Weeks in the above named Ward Grant.

Lot No. Thirteen: Starting at a stake in Alligator Bayou, the Northeast corner of the Ward Grant, Section five (5), Township eight (8) South, Range two (2) East, run South 31 degrees 30 minutes East 541 feet to a stake for a beginning corner; thence North 89 degrees 20 minutes West 1433 feet to a stake on the bank of Weeks Bay; thence South 19 degrees 30 minutes West 90 feet to a stake; thence South 89 degrees 25 minutes East 1519 feet to a stake on the East line of the Ward Grant; thence North 31 degrees 30 minutes West 100 feet to place of beginning, containing two and sixty eight hundredths (2/68) acres, more or less, and being a fractional part of Lot No. 1 in the division of the Wm & Rosalee Weeks estate in the Ward Grant, Section five (5).

5. Complainant further shows that he is in the actual, open, notorious, peaceable and adverse possession of the property last above described, the corners thereto having been exhibited to him by the said W. L. Cockrell, and that the consideration for the purchase of said property has been paid, excepting only a real estate mortgage which is now outstanding and which constitutes a lien and a part of the purchase price.

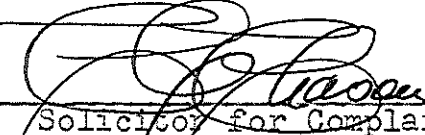
6. Complainant further shows that the said Willis L. Cockrell, now deceased, left a Will by which Wallace F. Cockrell is the duly appointed Executor and by the terms of which said Will, the said

Una Cockrell, the widow of said decedent, is the sole heirs and beneficiary of the estate of the said Willis L. Cockrell, deceased.

7. Complainant further shows that the mistake in the description of the property was mutual as it was the intention of the grantors to convey and for your complainant to purchase the property as described in Count 4 hereof and that the accident is to his prejudice inasmuch as the description in the instrument executed and delivered to him does not set out clearly all of the land purchased.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED: your complainant prays that Una Cockrell and Wallace F. Cockrell, as Executor of the Last Will and Testament of Willis L. Cockrell, deceased, be made party defendant to this cause by the usual process of this Honorable Court, requiring them to plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the statutes in such cases made and provided; that upon a final hearing of this cause, may it please the Court to make and enter a decree reforming the instrument by which your complainant purchased said land by substituting therein the description contained in Count 4 hereof for the erroneous description contained in Count 1 hereof, written through mutual mistake as aforesaid, and that your Honor may cause a copy of said decree reforming said instrument to be placed of record in the office of the Judge of Probate of Baldwin County, Alabama, and that this Honorable Court will make and enter all such other or further orders and decrees that may be meet and proper in the premises, as in duty bound he will ever pray.

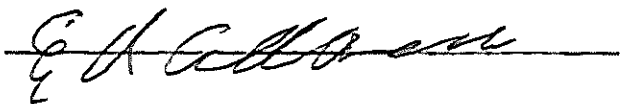

Solicitor for Complainant

as set out on the instrument furnished to Claude Peteet by Mr. Cockrell; this instrument was the deed by which Cockrell had purchased the property; the description as set out in this deed and which was to have been in the deed by which I purchased was as follows:

Those certain parcels of real property in the County of Baldwin, State of Alabama, more particularly described as follows: Lot No. Twelve: Beginning at a stake in Alligator Bayou, the Northeast corner of Ward Grant, Section five (5), Township eight (8) South, Range two (2) East, run South 31 degrees 30 minutes East 541 feet to a stake; thence North 89 degrees 20 minutes West 1435 feet to a stake on the bank of Weeks Bay; thence North up said Bay 250 feet to the Mouth of Alligator Bayou; thence Eastwardly up said Bayou with its meanderings, to the place of beginning, containing ten (10) acres, more or less, and being a fractional part of Lot No. 1 in the Division of the estate of Wm and Rosalee Weeks in the above named Ward Grant.

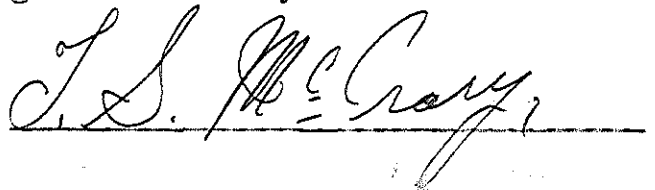
Lot No. Thirteen: Starting at a stake in Alligator Bayou, the Northeast corner of the Ward Grant, Section five (5), Township eight (8) South, Range two (2) East, run South 31 degrees 30 minutes East 541 feet to a stake for a beginning corner; thence North 89 degrees 20 minutes West 1433 feet to a stake on the bank of Weeks Bay; thence South 19 degrees 30 minutes West 90 feet to a stake; thence South 89 degrees 25 minutes East 1519 feet to a stake on the East line of the Ward Grant; thence North 31 degrees 30 minutes West 100 feet to place of beginning, containing two and sixty-eight hundredths (2/68) acres, more or less, and being a fractional part of Lot No. 1 in the division of the Wm & Rosalee Weeks estate in the Ward Grant, Section five (5);

it was the intention of W. L. Cockrell and his wife to convey this property to me according to the description last above shown and I took possession of the property in accordance with this description and have been in the actual, open, notorious, peaceable and adverse possession since the date of my purchase, to-wit, October 21, 1949; I have paid all the consideration for the sale excepting a real estate mortgage which is a part of the consideration but is now a lien on the property; W. L. Cockrell left a will which has been filed for probate in Mobile County and under the terms of which Wallace F. Cockrell was appointed Executor and Una Cockrell the sole legatee and devisee of the estate; the mistake in the description of the property was mutual, therefore, this Court has been asked to make a decree reforming the instrument, setting out therein the correct description of the property which the grantors intended to convey and did convey and which I intended to purchase and did purchase and took and remain in possession of.



TESTIMONY OF T. S. McCrary:

My name is T. S. McCrary; I am over the age of twenty-one years and a resident of Foley, Baldwin County, Alabama; I was employed by W. L. Cockrell at the time of the sale of the property on Weeks Bay in Baldwin County, Alabama, to Ed Adams; I knew of the sale to Adams at the time it was being made and Cockrell informed me that he was selling all of the property he owned on Weeks Bay in Baldwin County to Ed Adams; I am not familiar with the legal description of the property but know the corners and know that Cockrell put Adams in possession of the entire plot of land and that it was his intention to convey the entire plot to Ed Adams; I also know that it was Adams intention to buy the entire plot and, therefore, if the deed by which the sale was made does not describe all of the property that Cockrell owned on Weeks Bay, it was through mistake on the part of ~~the~~ both parties; I also know Una Cockrell, the wife of W. L. Cockrell, and know that she understood that her husband had conveyed the entire plot of land and that she signed the conveyance with this understanding.



as set out on the instrument furnished to Claude Peteet by Mr. Cockrell; this instrument was the deed by which Cockrell had purchased the property; the description as set out in this deed and which was to have been in the deed by which I purchased was as follows:

Those certain parcels of real property in the County of Baldwin, State of Alabama, more particularly described as follows:
Lot No. Twelve: Beginning at a stake in Alligator Bayou, the Northeast corner of Ward Grant, Section five (5), Township eight (8) South, Range two (2) East, run South 31 degrees 30 minutes East 541 feet to a stake; thence North 89 degrees 20 minutes West 1435 feet to a stake on the bank of Weeks Bay; thence North up said Bay 250 feet to the Mouth of Alligator Bayou; thence Eastwardly up said Bayou with its meanderings, to the place of beginning, containing ten (10) acres, more or less, and being a fractional part of Lot No. 1 in the Division of the estate of Wm and Rosalee Weeks in the above named Ward Grant.

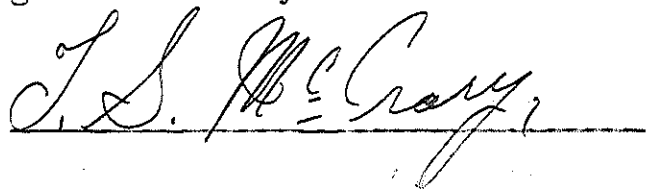
Lot No. Thirteen: Starting at a stake in Alligator Bayou, the Northeast corner of the Ward Grant, Section five (5), Township eight (8) South, Range two (2) East, run South 31 degrees 30 minutes East 541 feet to a stake for a beginning corner; thence North 89 degrees 20 minutes West 1433 feet to a stake on the bank of Weeks Bay; thence South 19 degrees 30 minutes West 90 feet to a stake; thence South 89 degrees 25 minutes East 1519 feet to a stake on the East line of the Ward Grant; thence North 31 degrees 30 minutes West 100 feet to place of beginning, containing two and sixty-eight hundredths (2/68) acres, more or less, and being a fractional part of Lot No. 1 in the division of the Wm & Rosalee Weeks estate in the Ward Grant, Section five (5);

it was the intention of W. L. Cockrell and his wife to convey this property to me according to the description last above shown and I took possession of the property in accordance with this description and have been in the actual, open, notorious, peaceable and adverse possession since the date of my purchase, to-wit, October 21, 1949; I have paid all the consideration for the sale excepting a real estate mortgage which is a part of the consideration but is now a lien on the property; W. L. Cockrell left a will which has been filed for probate in Mobile County and under the terms of which Wallace F. Cockrell was appointed Executor and Una Cockrell the sole legatee and devisee of the estate; the mistake in the description of the property was mutual, therefore, this Court has been asked to make a decree reforming the instrument, setting out therein the correct description of the property which the grantors intended to convey and did convey and which I intended to purchase and did purchase and took and remain in possession of.



TESTIMONY OF T. S. McCrary:

My name is T. S. McCrary; I am over the age of twenty-one years and a resident of Foley, Baldwin County, Alabama; I was employed by W. L. Cockrell at the time of the sale of the property on Weeks Bay in Baldwin County, Alabama, to Ed Adams; I knew of the sale to Adams at the time it was being made and Cockrell informed me that he was selling all of the property he owned on Weeks Bay in Baldwin County to Ed Adams; I am not familiar with the legal description of the property but know the corners and know that Cockrell put Adams in possession of the entire plot of land and that it was his intention to convey the entire plot to Ed Adams; I also know that it was Adams intention to buy the entire plot and, therefore, if the deed by which the sale was made does not describe all of the property that Cockrell owned on Weeks Bay, it was through mistake on the part of ~~the~~ both parties; I also know Una Cockrell, the wife of W. L. Cockrell, and know that she understood that her husband had conveyed the entire plot of land and that she signed the conveyance with this understanding.



THE STATE OF ALABAMA }
Baldwin County }

Circuit Court of Baldwin County, Alabama,
(In Equity)

ED ADAMS

COMPLAINANT

vs.

UNA COCKRELL and WALLACE F.

RESPONDENT

COCKRELL, as Executor of the
Last Will and Testament of Willis L. Cockrell, deceased.

I, Lorna Underwood

as Register and Commissioner in chancery

have called and caused to come before me Ed Adams and T. S. McGrary

witnesses named in the requirement for Oral Examination, on the 16th day of June

1945, at the office of C. G. Chason

in Foley, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said Ed Adams and T. S. McGrary

doth depose and say as follows:

TESTIMONY OF ED ADAMS:

My name is Ed Adams; I am over the age of twenty-one years and a resident of Baldwin County, Alabama; Una Cockrell and Wallace F. Cockrell are both over the age of twenty-one years and residents of the State of Alabama; on October 15, 1949, I purchased and went into possession of certain real estate in Baldwin County, Alabama, which I bought from W. L. Cockrell, this being one and the same person as Willis L. Cockrell, now deceased, and Una Cockrell, his wife, by deed which is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 146NS, Pages 129-30; the description of the property as shown in that instrument was as follows:

Lots twelve and thirteen- Beginning at a stake in Alligator Bayou, at the Northeast corner of the Ward Grant, Section five (5), Township eight (8) South, Range two (2) East, run South 31 degrees and 30 minutes East 541 feet to a stake for a BEGINNING CORNER:-

Thence North 89 degrees and 30 minutes West 1433 feet to a stake on the bank of Weeks Bay; thence South 19 degrees 30 minutes West to a stake; thence South 89 degrees and 25 minutes East 1519 feet to a stake on the East line of Ward Grant; thence North 31 degrees and 30 minutes 100 feet to place of beginning, containing TWO AND 68/100 ACRES, more or less, and being a fractional part of Lot No. one (1) in the Division, W. M. and Rosa Lee Weeks Estate, in the Ward Grant, in Section five (5), Township eight (8) South, Range two (2) East, Baldwin County, Alabama;

Claude Peteet, a notary public in Foley, Alabama, drafted this deed for Mr. & Mrs. Cockrell and they told him that they were conveying to me all of their property on Weeks Bay and gave him another paper from which to obtain the description; through a mistake on the part of Claude Peteet, the notary public, the description as hereinabove set out does not correctly describe the land nor was it in accordance with the description

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

20 June 1950

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Ala.

Dear Mrs. Duck:-

In looking through my file on the Adams case I find
that I omitted sending the Waiver. It is enclosed here-
with.

Yours very truly,


C. G. Chason

CGC:lu

Encl: 1

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

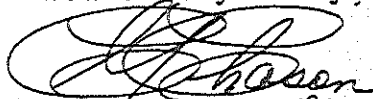
17 June 1950

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Ala.

Dear Mrs. Duck:-

Enclosed herewith are papers in the Ed Adams vs.
Una Cockrell and Wallace F. Cockrell case. Please de-
liver to Judge Mashburn Monday morning. Fix Commissioner's
fee at \$10.00 and tax as a part of the costs.

Yours very truly,


C. G. Chason *ll*

CGC:lu

Encls:

vs.

Willis L. Cockrell, deceased.

Circuit Court of Baldwin County

and Testimony of Ed Adams and T. S. McCrary

and in behalf of Defendant upon Acceptance of Service, Answer and Waiver
of notice of appointment of Commissioner and of taking of testi-
mony.

Register.

RECORDED

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

ED ADAMS

vs.

UNA COCKRELL and WALLACE F.
COCKRELL, as Executor of the
Last Will and Testament of
Willis L. Cockrell, deceased.

NOTE OF TESTIMONY

Filed in Open Court this 19th

day of

June, 1940

Register.

Printed By The Baldwin Times

ED ADAMS,

Complainant,

vs.

UNA COCKRELL and WALLACE F.
COCKRELL, as Executor of the
Last Will and Testament of
Willis L. Cockrell, deceased,

Respondents.

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

It is agreed between complainant, Ed Adams, and the respondents, Una Cockrell and Wallace F. Cockrell, as Executor of the Last Will and Testament of Willis L. Cockrell, deceased, in the above entitled cause, that the testimony in this case may be taken by LORNA UNDERWOOD, or some other suitable person as Commissioner, without the formal issuance of a commission, at any time or place, and without any notice thereof to the undersigned respondents, Una Cockrell, and Wallace F. Cockrell; and that the cause may be submitted for final decree at any time without notice to the undersigned Una Cockrell and Wallace F. Cockrell, respondents.

STATE OF ALABAMA
COUNTY OF BALDWIN

E. A. Adams

Mrs. Una Cockrell

Wallace F. Cockrell

I, Cecil G. Chason, a notary public in and for said state and county, do hereby certify that ED ADAMS, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Witness my hand and official seal this 15 day of June, 1950.

Cecil G. Chason
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA

STATE OF ALABAMA
COUNTY OF MOBILE

I, Walter W. Widener, a notary public in and for said state and county, do hereby certify that Una Cockrell and Wallace F. Cockrell, whose names are signed to the fore-

going instrument, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Witness my hand and official seal this 14 day of June, 1950.

W. W. W. W. W.
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

Probate Judge

Bay Minette, Ala., 6/30, 1950

Received of Mrs. Duck

[illegible]

FOR RECORD

TOTAL \$

1998] MARSHALL & BRUCE-BIRMINGHAM

.....
Judge of Probate.

ED ADAMS,

Complainant,

vs.

UNA COCKRELL and WALLACE F.
COCKRELL, as Executor of the
Last Will and Testament of
Willis L. Cockrell, deceased,

Respondents.

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

Come the respondents, UNA COCKRELL, and WALLACE F.
COCKRELL, as Executor under the Last Will and Testament of
Willis L. Cockrell, deceased, and for answer to the Bill
of Complaint exhibited against them in the above entitled
cause, say:

1. Answering Paragraph 1 of the Bill, the respondents
admit that each of them is over the age of twenty-one (21)
years, and resides in the County of Mobile, State of Alabama.
~~Respondents are without knowledge as to the age and residence~~
of the Complainant, Ed Adams.

2. Answering Paragraph 2 of the Bill, respondents admit
that the Complainant purchased certain real estate in Baldwin
County, Alabama, from W. L. Cockrell, who is one and the same
person as Willis L. Cockrell, now deceased, and Una Cockrell,
his wife, who is one of the respondents in this cause, but
respondents are without knowledge as to the date of executing
the conveyance to the complainant, the recording thereof, or
the description of the real property as set forth in said
instrument of conveyance.

3. Respondents are without knowledge sufficient to en-
able them to answer Paragraph 3 of the Bill, and therefore,
neither admit nor deny the allegations thereof.

4. Respondents admit the allegations of Paragraph 4 of
the Bill.

5. Answering Paragraph 5 of the Bill, respondents admit that possession of the premises to the full extent of the bounds thereof as above described, was delivered by the said W. L. Cockrell to the complainant.

6. Respondents admit the allegations of Paragraph 6 of the Bill of Complaint.

7. Respondents are without personal knowledge sufficient to inform them as to whether or not a mistake was made in the description of the property as set forth in the deed of conveyance to the complainant on, to-wit, the 15th day of October, 1949, but admit that it was the intention of the grantors to convey to the complainant the real property as described in Paragraph 4 of the Bill of Complaint.

Mrs. Una Cockrell

Wallace F. Cockrell
Respondents

John M. McKee & John Hunter
Solicitors for Respondents.

ED ADAMS,

) (

Complainant,

) (

-vs-

) (

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

UNA COCKRELL and WALLACE F.
COCKRELL, as Executor of the
Last Will and Testament of
Willis L. Cockrell, deceased,

) (

IN EQUITY

) (

Respondents.

) (

) (

FINAL DECREE

This cause coming on to be heard was submitted on Bill of Complaint, Answer and Waiver by Respondents and Testimony as filed in said cause, and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in said complaint;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that that certain instrument of conveyance, dated the 15th day of October, 1949, and of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 146NS, Pages 129-30, be and the same is hereby reformed so that the description therein shall read as follows, to-wit:-

Those certain parcels of real property in the County of Baldwin, State of Alabama, more particularly described as follows:

Lot No. Twelve: Beginning at a stake in Alligator Bayou, the Northeast corner of Ward Grant, Section five (5), Township eight (8) South, Range two (2) East, run South 31 degrees 30 minutes East 541 feet to a stake; thence North 89 degrees 20 minutes West 1435 feet to a stake on the bank of Weeks Bay; thence North up said Bay 250 feet to the Mouth of Alligator Bayou; thence Eastwardly up said Bayou with its meanderings, to the place of beginning, containing ten (10) acres, more or less, and being a fractional part of Lot No. 1 in the Division of the estate of Wm and Rosalee Weeks in the above named Ward Grant.

Lot No. Thirteen: Starting at a stake in Alligator Bayou, the Northeast corner of the Ward Grant, Section five (5), Township eight (8) South, Range two (2) East, run South 31 degrees 30 minutes East 541 feet to a stake for a beginning corner; thence North 89 degrees 20 minutes West 1433 feet to a stake on the bank of Weeks Bay; thence South 19 degrees 30 minutes West 90 feet to a stake; thence South 89 degrees 25 minutes East 1519 feet to a stake on the East line of the Ward Grant; thence North 31 degrees 30 minutes West 100 feet to place of beginning, containing two and sixty-eight hundredths (2/68) acres, more or less, and being a fractional part of Lot No. 1 in the division of the Wm & Rosalee Weeks estate in the Ward Grant, Section five (5).

155 102

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the substitution in said instrument of the description as aforesaid for the erroneous description contained therein shall in no way invalidate said conveyance, but that it shall have the full force and effect as if the description herein shown had been a part of the conveyance on the date of its execution and delivery.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register shall within thirty (30) days from the rendition of the decree file a certified transcript thereof for record in the Probate Court of Baldwin County, Alabama, properly indexing said decree to show the names of the Respondents, Una Cockrell and Willis L. Cockrell, by Wallace P. Cockrell, as Executor of the Estate of Willis L. Cockrell, deceased, in the direct indexes and the name of the Complainant in the indirect indexes of said records.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant, Ed Adams, pay the costs herein to be taxed, for which execution may issue.

Dated this 26th day of June, 1950.

Telfair J. Mashburn, Jr.
Judge of the Circuit Court
of Baldwin County, Alabama,
in equity

I, ALICE J. DUCK, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

WITNESS my hand and seal this 26th day of June, 1950.

Alice J. Duck
Register of the Circuit Court
In Equity

STATE OF ALABAMA, BALDWIN COUNTY

Filed 6-30-50 10 A.M.

Recorded Filed Book 155 page 101-2

P. M. S. T. T.
Judge of Probate

301-155

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the instrument in said instrument of the description as aforesaid for the erroneous description contained therein shall in no way invalidate said conveyance, but that it shall have the full force and effect as if the description herein shown had been a part of the conveyance on the date of its execution and delivery.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties shall within thirty (30) days from the rendition of the decree file a certified transcript thereof for record in the Probate Court of Baldwin County, Alabama, properly indexing said decree to show the names of the respondents, the Decedent and Willis L. Cookwell, as Decedent, in the event indexes and the name of the complainant in the event indexes of said records. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the complainant, Ed Adams, pay the costs herein to be taxed, for which execution may be issued.

Wm. Cookwell 49
Willis J. Cookwell
By Wallace J. Cookwell
6/10/50

155-101-2

Wm. Cookwell

Dated this 20th day of June, 1950.

Walter J. Washburn, Jr.
Judge of the Circuit Court
of Baldwin County, Alabama,
in equity

I, ALICE J. DUCK, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.
WITNESS my hand and seal this 20th day of June, 1950.

Alice J. Duck
Register of the Circuit Court
in Equity

STATE OF ALABAMA, BALDWIN COUNTY
10 A.M.
6-30-50
Recorded
101-2
Judge of Probate

JOHNSTON, McCALL & JOHNSTON
LAWYERS
EIGHTH FLOOR FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

SAMUEL M. JOHNSTON
DAN T. McCALL, JR.
WILLIAM E. JOHNSTON
PERCY W. JOHNSTON, JR.
SAMUEL M. JOHNSTON, JR.

June 14, 1950

MAILING ADDRESS:
P. O. BOX 550
MOBILE 4, ALABAMA

Mrs. Alice J. Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed is the answer of the respondents, Wallace F. Cockrell and Una Cockrell, to the Bill of Complaint filed against them by Ed Adams through his solicitor, Mr. Cecil Chason. Please file this answer on behalf of the respondents. I have today mailed a copy of it to Mr. Chason.

Very truly yours,


Dan T. McCall, Jr.

DTM, jr/lg

Encl.

ED ADAMS,

Complainant,

-VS-

UNA COCKRELL and WALLACE F.
COCKRELL, as Executor of the
Last Will and Testament of
Willis L. Cockrell, deceased,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FINAL DECREE

This cause coming on to be heard was submitted on Bill of Complaint, Answer and Waiver by Respondents and Testimony as filed in said cause, and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in said complaint;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that that certain instrument of conveyance, dated the 15th day of October, 1949, and of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 146NS, Pages 129-30, be and the same is hereby reformed so that the description therein shall read as follows, to-wit:-

Those certain parcels of real property in the County of Baldwin, State of Alabama, more particularly described as follows:

Lot No. Twelve: Beginning at a stake in Alligator Bayou, the Northeast corner of Ward Grant, Section five (5), Township eight (8) South, Range two (2) East, run South 31 degrees 30 minutes East 541 feet to a stake; thence North 89 degrees 20 minutes West 1435 feet to a stake on the bank of Weeks Bay; thence North up said Bay 250 feet to the Mouth of Alligator Bayou; thence Eastwardly up said Bayou with its meanderings, to the place of beginning, containing ten (10) acres, more or less, and being a fractional part of Lot No. 1 in the Division of the estate of Wm and Rosalee Weeks in the above named Ward Grant.

Lot No. Thirteen: Starting at a stake in Alligator Bayou, the Northeast corner of the Ward Grant, Section five (5), Township eight (8) South, Range two (2) East, run South 31 degrees 30 minutes East 541 feet to a stake for a beginning corner; thence North 89 degrees 20 minutes West 1433 feet to a stake on the bank of Weeks Bay; thence South 19 degrees 30 minutes West 90 feet to a stake; thence South 89 degrees 25 minutes East 1519 feet to a stake on the East line of the Ward Grant; thence North 31 degrees 30 minutes West 100 feet to place of beginning, containing two and sixty-eight hundredths (2/68) acres, more or less, and being a fractional part of Lot No. 1 in the division of the Wm & Rosalee Weeks estate in the Ward Grant, Section five (5).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the substitution in said instrument of the description as aforesaid for the erroneous description contained therein shall in no way invalidate said conveyance, but that it shall have the full force and effect as if the description herein shown had been a part of the conveyance on the date of its execution and delivery.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register shall within thirty (30) days from the rendition of the decree file a certified transcript thereof for record in the Probate Court of Baldwin County, Alabama, properly indexing said decree to show the names of the Respondents, Una Cockrell and Willis L. Cockrell, by Wallace F. Cockrell, as Executor of the Estate of Willis L. Cockrell, deceased, in the direct indexes and the name of the Complainant in the indirect indexes of said records.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant, Ed Adams, pay the costs herein to be taxed, for which execution may issue.

Dated this _____ day of June, 1950.

Judge of the Circuit Court
of Baldwin County, Alabama,
in equity

I, ALICE J. DUCK, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

WITNESS my hand and seal this _____ day of June, 1950.

Register of the Circuit Court
In Equity

ED ADAMS,) (
Complainant,) (
-vs-) (IN THE CIRCUIT COURT OF
) (BALDWIN COUNTY, ALABAMA
UNA COCKRELL and WALLACE F.) (
COCKRELL, as Executor of the) (IN EQUITY
Last Will and Testament of) (
Willis L. Cockrell, deceased,) (
Respondents.) (

FINAL DECREE

This cause coming on to be heard was submitted on Bill of Complaint, Answer and Waiver by Respondents and Testimony as filed in said cause, and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in said complaint;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that that certain instrument of conveyance, dated the 15th day of October, 1949, and of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 146NS, Pages 129-30, be and the same is hereby reformed so that the description therein shall read as follows, to-wit:-

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the substitution in said instrument of the description as aforesaid for the erroneous description contained therein shall in no way invalidate said conveyance, but that it shall have the full force and effect as if the description herein shown had been a part of the conveyance on the date of its execution and delivery.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register shall within thirty (30) days from the rendition of the decree file a certified transcript thereof for record in the Probate Court of Baldwin County, Alabama, properly indexing said decree to show the names of the Respondents, Una Cockrell and Willis L. Cockrell, by Wallace F. Cockrell, as Executor of the Estate of Willis L. Cockrell deceased, in the direct indexes and the name of the Complainant in the indirect indexes of said records.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant, Ed Adams, pay the costs herein to be taxed, for which execution may issue.

Dated this 26th day of June, 1950.

Jefair G. Mashburn Jr.
Judge of the Circuit Court
of Baldwin County, Alabama,
in equity

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Lorna Underwood

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Ed Adams and T. S. McNary

as witnesses in behalf of Ed Adams in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

Ed Adams is

Complainant
and Una Cockrell and Wallace F. Cockrell, as Executor of the
Last Will and Testament of Willis L. Cockrell, deceased, are

Respondent S

on oath, to be by you administered, upon them
to take and certify the depositionS of the witnessS and return the same to our Court, with all convenient speed, under your hand.

Witness 15th day of June, 1950

Audrey Leuck

Register.

Commissioner's Fee, \$ 10.00

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

ED ADAMS

Complainant

VS.

UNA COCKRELL and WALLACE F.
COCKRELL, as Executor of the
last Will and Testament of
Willis I. Cockrell, deceased

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Lorna Underwood

WITNESSES:

Ed Adams

T. S. McGarry

2485