

3193

Respondent

(page 1)

I filed this proceeding and obtained consent and waivers from all of the parties, and have so conducted the proceedings that a decree will be binding on those having a contingent interest by way of remainder. in your opinion what is a reasonable fee for an Attorney filing and handling a proceeding of this kind?

- A. In view of the fact that it is a proceeding by consent, I think \$4,000.00 would be a reasonable fee. If it was not a consent division it would be much more.

MR. GARET V. ALDRIDGE, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED:

---

Examination by Mr. Blackburn.

Q. Are you Mr. Gareth V. Aldridge?

A. Yes, sir.

Q. What is your position at this time?

A. I am one of the Trust Officers of the Merchants National Bank of Mobile.

Q. The Merchants National Bank of Mobile is the trustee named in the last will and testament of Mr. A. W. Slaughter, deceased?

A. Yes, sir.

Q. How long have you been employed in your present capacity?

A. I have been in the Bank for 15 or 16 years, and have been in this capacity since 1941.

Q. You were in this capacity when the will of Mr. A. W. Slaughter was probated?

A. Yes, sir.

- Q. You are familiar with the affairs of the estate?
- A. Yes, sir.
- Q. And are you familiar with the tract of land jointly owned by The Merchants National Bank, as Trustee and Mr. Ashton B. Slaughter and Dupree Slaughter?
- A. Yes, sir.
- Q. I will ask you what has been done by the Bank, as Trustee and the two gentlemen (referring to Mr. Ashton B. Slaughter and Mr. Dupree Slaughter) relative to working out a partition of the property?
- A. It was deemed advisable at the time to divide the property in kind and we employed the most informed and experienced independent people we could find to recommend a division of the land for us.
- Q. Who was tha ?
- A. The firm of Palmeroy & McGowin.
- Q. Explain what they do?
- A. Palmeroy & McGowin are forest managers and do ~~xxxx~~ cruising work and appraisals, and we have used them as individuals before in anything connected with the forestry business, or forest lands, thatthey are experienced in.
- Q. They did, at your request, make a cruise and survey of this property did they not?
- A. Yes, sir.
- Q. Was that done for the purpose of dividing the land into shares that neither of the interested parties knew which share he would get, or dividing it into two equal shares, and Palmeroy & McGowin had no way of knowing who would get what share?

A. That is right

Q. And Palmeroy & McGowin had no way of knowing who would get the different tracts, or who would get what?

A. That is right.

Q. They did do that, and furnished you a detailed survey and cruise?

A. Yes, sir.

Q. More than one?

A. Yes, sir.

Q. Have you those with you?

A. Yes, sir.

MR. BLACKBURN: Would you like to see those?

THE COURT: No.

Q. Mr. Aldridge, what valuation - approximate valuation - did Palmeroy & McGowin put on the property?

A. I believe it was \$280,000.00.

Q. You are fully familiar with these lands and have seen them yourself and been over them and are fully familiar with all of these reports?

A. Yes, sir.

Q. I will ask you if tracts 1 and 2 described in this bill of complaint divide the lands into two equal parts?

A. In my opinion, they do.

Q. I will ask you further, Mr. Aldridge, if, in your opinion, it is to the best interest, both to the Bank, as Trustee, and the two gentlemen here, Mr. Ashton B. Slaughter and Mr. Dupree Slaughter, that these lands be partitioned in kind in the way



set out in this bill of complaint?

A. Yes, sir.

Q. Do you think that is the best thing to do?

A. Yes, sir, I think that it is the best thing to do.

Q. I will ask you this: In this division, is it not true that the lands allocated, if the court sees fit to partition it in the way we ask, is it not true that the lands which will be allocated to Mr. Ashton B. Slaughter and Dupree Slaughter contain a few more acres than the lands allocated to the Bank, as Trustee?

A. I believe that is correct.

Q. What was the purpose of that? Why was that, Mr. Aldridge, that a few more acres is included in the property that is to be conveyed to the two Messrs. Slaughters than that conveyed to the Bank as Trustee?

A. There are a number of title defects in connection with the lands that Mr. Ashton B. Slaughter and Mr. Dupree Slaughter will get, and that was for more of an off set for the title defects.

Q. I will ask you, if it was not the considered judgment of both yourself and associates, and Mr. Ashton B. Slaughter and Mr. Dupree Slaughter that they take these lands so that they could work out with the other people the title troubles rather than be tied up with the life estate that goes with the Bank?

A. Yes, sir.

Q. Mr. Aldridge, in connection with this matter, you had abstracts made, did you not?

A. Yes, sir.

Q. And referred them to me for examination did you not?

A. Yes, sir.

Q. I believe you have already stated that in your opinion this is a fair and equitable division of the property?

A. Yes.

MR. BLACKBURN: We would like to introduce in evidence at this time, and ask that it be identified as Complainant's Exhibit 1, certified copy of the Last will and testament of Mr. A. W. Slaughter, deceased, which is dated January 22, 1945, and which is recorded in Book E. of Wills at pages 140-143, Baldwin County, Alabama, records.

MR. ASHTON B. SLAUGHTER, ONE OF THE RESPONDENTS, BEING FIRST  
DULY SWORN, TESTIFIED:

Examination by Mr. Blackburn.

Q. Are you Mr. Ashton B. Slaughter?

A. Yes, sir.

Q. Mr. Slaughter, you are one of the joint owners of the property involved in this suit, are you not?

A. Yes, sir.

Q. What interest do you individually own?

A. 1/4

Q. The other 3/4 is owned, 1/4 by Mr. Dupree Slaughter and the

other one half is owned by the Merchants National Bank, as trustee, under the last will and testament of Mr. A. W. Slaughter?

A. Yes, sir.

Q. You are a married man?

A. Yes, sir.

Q. Is your wife living?

A. Yes, sir.

Q. What is her name?

A. Elizabeth B. Slaughter.

Q. Do you have any children?

A. Yes, sir.

Q. Who are they?

A. Carolyn S. Martin and the other is Elizabeth S. Slaughter.

Q. Are they both over 21 years of age and residents of Baldwin County, Alabama?

A. Yes, sir.

Q. You are familiar with the proposed division of these lands, are you not?

A. Yes, sir.

Q. In your opinion, is the division as set out in the bill of complaint that has been filed in this cause a fair and equitable division of the lands?

A. In my opinion, it is.

Q. I will ask you further if, in your opinion, it is to the best interest of all parties interested in this proceeding that these lands be partitioned in kind in the manner set out

in this bill of complaint?

A. Yes, sir.

Q. I will ask you further if you have not been fully advised about some title troubles as to some of the lands that you and your brother will get?

A. I have.

A. You all are taking that with full knowledge of those defects, thinking that you can work them out?

A. Yes, sir.

Q. Now should you die today your heirs would be your wife and two daughters, would they not?

A. Yes, sir.

MR. DUPREE SLAUGHTER, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Blackburn.

Q. Are you Mr. Dupree Slaughter?

A. Yes, sir.

Q. You too are one of the joint owners of this property?

A. Yes, sir.

Q. You are an unmarried man, are you not?

A. Yes, sir.

Q. Is your mother living?

A. Yes, sir.

Q. What is her name?

A. Georgia H. Slaughter.

Q. Your brother, Mrs Ashton B. Slaughter, is living?

A. Yes, sir



I hereby certify that the foregoing, consisting of pages 1 to 9, both inclusive, correctly sets forth a true and correct transcript of the testimony taken by me in said cause in open court, on January 29, 1954, before Hon. Hubert M. Hall, Judge of said Court.

This 1st day of February, 1954.

Louise Dascenburg  
Official Court Reporter

MERCHANTS NATIONAL BANK OF MOBILE, )  
 A National Banking Association, as )  
 Trustee under the Last Will and )  
 Testament of A. W. Slaughter, )  
 Deceased, )  
 VS. Complainant, )  
 )  
 ) IN THE CIRCUIT COURT OF  
 ) BALDWIN COUNTY, ALABAMA  
 )  
 ) IN EQUITY  
 ASHETON B. SLAUGHTER, ET AL, )  
 Respondents. )

REPORT

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF  
 BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

The undersigned Merchants National Bank of Mobile, a  
 National Banking Association, as Trustee under the Last Will and  
 Testament of A. W. Slaughter, Deceased, the complainant in this  
 cause, and Asheton B. Slaughter and Dupree Slaughter, two of the  
 respondents named in this cause, do hereby report as follows:

1. The said complainant has made, executed and delivered  
 to the said respondents, Asheton B. Slaughter and Dupree Slaughter,  
 a deed in the form and manner prescribed in the decree rendered  
 in this cause and dated January 29, 1954, conveying the property  
 described in the said decree as Tract One.

2. The respondents, Asheton B. Slaughter and Elizabeth B.  
 Slaughter, his wife, and Dupree Slaughter, unmarried, have made,  
 executed and delivered to the said complainant a deed in the form  
 and manner prescribed in the decree rendered in this cause and  
 dated January 29, 1954, conveying the property described in the  
 said decree as Tract Two.

3. The court costs incurred in this proceeding have been  
 paid.

WHEREFORE, the said parties pray that their said actions  
 in the premises be fully and finally confirmed.

Dated this 5th day of February, 1954.

THE MERCHANTS NATIONAL BANK OF MOBILE,  
 A National Banking Association, as Trustee  
 under the Last Will and Testament of  
 A. W. Slaughter, Deceased,

By

*Grant V. Aldridge*

As its Trust Officer.

FILED

1-29-54

ALICE J. DUCK, Register

Asheton B. Slaughter.

Apree Slaughter.

Two of the respondents named in the  
above entitled cause.



MERCHANTS NATIONAL BANK OF MOBILE, )  
a National Banking Association, as )  
Trustee under the Last Will and )  
Testament of A. W. Slaughter, )  
Deceased, )

Complainant, )

VS. )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ASHETON B. SLAUGHTER, ET AL, )

Respondents. )

### REQUEST FOR ORAL EXAMINATION OF WITNESSES

Now comes the complainant and requests the court to take the testimony of complainant's witnesses, namely: Gareth V. Aldridge, Asheton B. Slaughter, Dupree Slaughter, W. C. Beebe and T. J. Mashburn, Jr., when this cause is heard in open court in the manner provided by Equity Rule Number 56, as amended.

Dated this 28 day of January, 1954.

J. B. Blackburn  
Solicitor for complainant.

3193

REQUEST FOR ORAL EXAMINATION OF  
WITNESSES

MERCHANTS NATIONAL BANK OF MOBILE,  
a National Banking Association,  
as Trustee under the Last Will and  
Testament of A. W. Slaughter,  
Deceased,

VS. Complainant,

ASHETON B. SLAUGHTER, ET AL,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

FILED  
29 1954  
JAN 29 1954  
JAN 29 1954

MERCHANTS NATIONAL BANK OF MOBILE,	)	
a National Banking Association, as	)	
Trustee under the Last Will and	)	
Testament of A. W. Slaughter, De-	)	IN THE CIRCUIT COURT OF
ceased,	)	
	)	BALDWIN COUNTY, ALABAMA
Complainant,	)	IN EQUITY
VS.	)	
	)	
ASHETON B. SLAUGHTER, ET AL,	)	
	)	
Respondents.	)	

DECREE

On written request of the complainant, it is ordered that the testimony of the complainant's witnesses on the hearing of this cause, which witnesses are described in the written application filed by the complainant in this cause on this date, be taken orally in the manner provided by Equity Rule Number 56, as amended.

By consent of the parties, it is further ordered that this cause be set for hearing and heard at ten o'clock A. M. on January 29, 1954.

ORDERED, ADJUDGED AND DECREED on this the 29 day of January, 1954.

Hubert M. Hall  
Judge

3193

RECORDED

MERCHANTS NATIONAL BANK OF MOBILE,  
a National Banking Association,  
as Trustee under the Last Will  
and Testament of A. W. Slaughter,  
Deceased,

Complainant,

VS.

ASHETON B. SLAUGHTER, ET AL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

FILED  
JAN 29 1954

THE MERCHANTS NATIONAL BANK OF )  
 MOBILE, a National Banking )  
 Association, as Trustee under )  
 the Last Will and Testament of )  
 A. W. Slaughter, )

IN THE CIRCUIT COURT OF  
 BALDWIN COUNTY, ALABAMA

Complainant, )  
 VS. )

IN EQUITY

ASHETON B. SLAUGHTER, ET AL, )

Respondents. )

### ANSWER

Now come the respondents, Dupree Slaughter, Georgia H. Slaughter, Harriett S. Swanson, Arabelle Byrne and Gladin S. Byrne, and do each hereby waive notice of the filing of the Bill of Complaint in this cause and of the date set for hearing same.

We and each of us admit each and all of the allegations of the said Bill of Complaint, and consent and agree that a decree be rendered in accordance with the prayer of the said petition.

We and each of us further consent and agree that all interlocutory decrees, which may be or become necessary in this cause before the rendition of a final decree, be had and made without notice to us and any of us, all of which is hereby expressly waived.

Dated this 19 day of January, 1954.

Dupree Slaughter  
 Dupree Slaughter

Witnesses to mark:

Mrs. Maude B. Cogburn R.N.  
J. B. Blackledge

Georgia H. Slaughter <sup>Her</sup>  
 Georgia H. Slaughter <sup>Mark</sup>

Harriett S. Swanson  
 Harriett S. Swanson

Arabelle Byrne  
 Arabelle Byrne

Gladin S. Byrne  
 Gladin S. Byrne

STATE OF ALABAMA )  
 \*  
 BALDWIN COUNTY )

I, Mary Lee Blackburn, a Notary Public, within and for said County in said State, hereby certify that Dupree Slaughter, 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.

Given under my hand and official seal on this the 19 day of January, 1954.

Mary Lee Blackburn  
 Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA )  
 \*  
 MOBILE COUNTY )

I, J. B. Blackburn, a Notary Public, within and for ~~said County in said State~~, hereby certify that Georgia H. Slaughter, 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, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 27th day of January, 1954.

J. B. Blackburn  
 Notary Public, <sup>State of</sup> ~~Mobile County~~, Alabama,  
 at Large.

STATE OF ALABAMA )  
 \*  
 CLARKE COUNTY )

I, Alice M. Downey, a Notary Public, within and for said County in said State, hereby certify that Harriett S. Swanson, 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, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 27th day of January, 1954.

Alice M. Downey  
 Notary Public, <sup>State at large</sup> ~~Clarke County~~, Alabama.

STATE OF ALABAMA )  
COUNTY OF Baldwin )

BOOK 015 PAGE 159

I, Mary Lou Blackburn, a Notary Public, within and for said County in said State, hereby certify that Arabelle Byrne, 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, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 19 day of January, 1954.

Mary Lou Blackburn  
Notary Public, Baldwin County, Alabama.

STATE OF MISSISSIPPI )  
LEE COUNTY )

I, Clyde Thomas Benson, a Notary Public, within and for said County in said State, hereby certify that Gladin S. Byrne, 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.

Given under my hand and official seal on this the 26 day of January, 1954.

Clyde Thomas Benson  
Notary Public, Lee County, Mississippi.

Affix seal.

My Commission Expires September 11, 1955

FILED

1-29-54

ALICE J. DECK, Register

THE MERCHANTS NATIONAL BANK OF )  
 MOBILE, a National Banking As- )  
 sociation, as Trustee under )  
 the Last Will and Testament of )  
 A. W. Slaughter, ) IN THE CIRCUIT COURT OF  
 Complainant, ) BALDWIN COUNTY, ALABAMA  
 VS. )  
 ) IN EQUITY  
 ASHETON B. SLAUGHTER, E T AL, )  
 Respondents. )

ANSWER

Now come the respondents, Asheton B. Slaughter, Elizabeth B. Slaughter, Carol S. Martin and Elizabeth S. Sawyer, and do each hereby waive notice of the filing of the Bill of Complaint in this cause and of the date set for hearing same.

We and each of us admit each and all of the allegations of the said Bill of Complaint, and consent and agree that a decree be rendered in accordance with the prayer of the said petition.

We and each of us further consent and agree that all interlocutory decrees, which may be or become necessary in this cause before the rendition of a final decree, be had and made without notice to us or any of us, all of which is hereby expressly waived.

Dated this 28 day of January, 1954.

Asheton B. Slaughter  
 Asheton B. Slaughter

Elizabeth B. Slaughter  
 Elizabeth B. Slaughter

Carol S. Martin  
 Carol S. Martin

Elizabeth S. Sawyer  
 Elizabeth S. Sawyer



STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

BOOK 015 PAGE 161

I, L. G. Perkins, a Notary Public, within and for said County in said State, hereby certify that Asheton B. Slaughter, Elizabeth B. Slaughter, Carol S. Martin and Elizabeth S. Sawyer, whose names are signed to the foregoing 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.

Given under my hand and official seal on this the 28 day of January, 1954.

L. G. Perkins  
Notary Public, Baldwin County, Alabama.

FILED

1-29-54  
ALICE J. DICK, Register

MERCHANTS NATIONAL BANK OF MOBILE, )  
a National Banking Association, as )  
Trustee under the Last Will and )  
Testament of A. W. Slaughter, De- )  
ceased, )

VS. )

ASHETON B. SLAUGHTER, ET AL, )  
Respondents. )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

#### FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree upon the original Bill of Complaint; Answers of all respondents; Complainant's written request that the testimony of its witnesses be taken in open court in the manner provided by Equity Rule Number 56, as amended; Decree of this court setting this cause for hearing on this date; and the testimony of the witnesses for the complainant taken in open court, from all of which, the court finds as follows:

A. The complainant, one of its Trust Officers, and its attorney, and the respondents, Asheton B. Slaughter and Dupree Slaughter, are present in open court and ready for the trial of this cause. All of the respondents named in this cause have filed answers in which they and each of them have admitted all of the allegations of the Bill of Complaint, and have consented and agreed that the relief prayed for therein be granted, so that this court may now proceed to a final disposition of this cause without further notice to any person, firm or corporation.

B. All of the allegations of the Bill of Complaint are true and the complainant is entitled to the relief prayed for therein.

Upon consideration of all of which, it is, therefore,  
ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The complainant, in its capacity as Trustee under the Last Will and Testament of A. W. Slaughter, Deceased, and the respondents, Asheton B. Slaughter and Dupree Slaughter, are joint owners or tenants in common of the following described real property situated in Baldwin County, Alabama, to-wit:

IN TOWNSHIP 3 NORTH, RANGE 2 EAST:

	<u>Section</u>
All of that part of the North Half of Fractional Section 2, Township 3 North, Range 2 East, which lies in Baldwin County, Alabama	2
Southeast Quarter of Northeast Quarter; Fractional South Half	25
Fractional North Half of Northwest Quarter	36
That part of the Abraham Walker Grant, Section 37, in the said township and range, which lies South of a line which would normally be the line between Sections 24 and 25 in the said township and range	37

IN TOWNSHIP 3 NORTH, RANGE 3 EAST:

All of Fractional Section 19	19
West Half of Section 20	20
East Half of Southeast Quarter	21
All of Section 30	30
Northwest Quarter of Northeast Quarter; North Half of Northwest Quarter	31

IN TOWNSHIP 4 NORTH, RANGE 2 EAST:

All of Section 35 which lies South of the Alabama River	35
---	----

2. The complainant, as said Trustee, owns an undivided one-half interest in and to the said property described above, for the uses and purposes stated in the Last Will and Testament of A. W. Slaughter, Deceased. The other undivided one-half interest in the said property is owned by the respondents, Asheton B. Slaughter and Dupree Slaughter.

3. The said property described above can be equitably divided or partitioned in kind between the complainant, as said Trustee, and the respondents, Asheton B. Slaughter and Dupree Slaughter, by dividing it into Tracts One and Two, as set out and described in the said Bill of Complaint. The complainant, as said Trustee, is hereby fully and completely authorized, empowered and directed to make, execute and deliver to the respondents, Asheton B. Slaughter and Dupree Slaughter, a deed conveying all right, title and interest which A. W. Slaughter owned at the time of his death

and which the complainant, as said Trustee, now owns in and to the following described real property situated in Baldwin County, Alabama, to-wit:

TRACT ONE

IN TOWNSHIP 3 NORTH, RANGE 2 EAST:

	<u>Section</u>
All of that part of the North Half of Fractional Section 2 which lies in Baldwin County, Alabama	2
Southeast Quarter of Northeast Quarter; Fractional South Half	25
Fractional North Half of Northwest Quarter	36
All of that part of the South Half of the Abraham Walker Grant, Section 37, which lies South of a line which would normally be the line between Sections 24 and 25 in the said township and range	37

IN TOWNSHIP 3 NORTH, RANGE 3 EAST:

West Half of Southwest Quarter	19
East Half of Southeast Quarter	21
West Half of West Half; Southeast Quarter of Southwest Quarter	30
Northwest Quarter of Northeast Quarter; North Half of Northwest Quarter	31

IN TOWNSHIP 4 NORTH, RANGE 2 EAST:

All of Section 35 which lies South of the Alabama River	35
---	----

The said deed from the said complainant, as said Trustee, to the respondents, Asheton B. Slaughter and Dupree Slaughter, shall be delivered to the said respondents in exchange for a deed from the two said respondents and Elizabeth B. Slaughter, the wife of Asheton B. Slaughter, which describes and conveys Tract Two, as hereinafter described.

4. The respondent, Asheton B. Slaughter, together with his wife, Elizabeth B. Slaughter, and the respondent, Dupree Slaughter, unmarried, are hereby authorized, empowered and directed to make, execute and deliver to the complainant, as Trustee under the Will of A. W. Slaughter, Deceased, all of their right, title and interest in and to the following described real property situated in Baldwin County, Alabama, to-wit:

TRACT TWO

IN TOWNSHIP 3 NORTH, RANGE 3 EAST:

	<u>Section</u>
All of Fractional Section 19, EXCEPT the West Half of the Southwest Quarter thereof	19
West Half of Section 20	20
East Half; East Half of Northwest Quarter; Northeast Quarter of Southwest Quarter	30

The said deed from the said Asheton B. Slaughter and Elizabeth B. Slaughter, his wife, and Dupree Slaughter, unmarried, shall be delivered to the said complainant, as Trustee, in exchange for a deed from the complainant, as said Trustee, which conveys Tract One, as described above.

5. The Last Will and Testament of A. W. Slaughter, Deceased, dated January 22, 1945, and recorded in Book "E" of Wills at pages 140-43, Baldwin County, Alabama Records, created a contingent remainder in the said decedent's interest in the property involved in this proceeding in favor of the heirs of Asheton B. Slaughter and Dupree Slaughter on their respective deaths. The respondents, Elizabeth B. Slaughter, Carol S. Martin and Elizabeth S. Sawyer are all of the heirs of Asheton B. Slaughter, should he die at this time. The respondents, Georgia H. Slaughter, Asheton B. Slaughter, Harriett S. Swanson, Arabelle Byrne and Gladin S. Byrne, are all of the heirs of Dupree Slaughter, should he die at this time; and the said respondents, therefore, represent the said class of heirs of Asheton B. Slaughter and Dupree Slaughter. This decree and the partition which is ordered and decreed herein shall be and are binding in all respects on all parties to this proceeding and on all of the heirs of Asheton B. Slaughter and Dupree Slaughter, as the said heirs exist at the time of the deaths of Asheton B. Slaughter and Dupree Slaughter, even though some of the parties who may be heirs of the said Asheton B. Slaughter and Dupree Slaughter at the time of their respective deaths are not in being at this time.

6. The sum of \$ 2500 shall be and the same is hereby fixed and allowed as compensation to be paid to J. B. Blackburn, solicitor for the complainant in this cause, for the services rendered by him, which said fee is hereby taxed as a part of the costs of this proceeding.

7. The complainant and the respondents, Asheton B. Slaughter and Dupree Slaughter, shall, after execution and delivery of the deeds which are ordered to be executed and delivered in this decree, report their action to this court for final confirmation.

8. The Register of this court shall forthwith file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

9. The costs of this proceeding are hereby taxed against the complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 29<sup>th</sup> day of January, 1954.

Hubert M. T. Lee  
Judge



LAST WILL AND TESTAMENT OF A. W. SLAUGHTER

I, A. W. Slaughter, also known as Archer W. Slaughter, of Tensaw, Baldwin County, Alabama, being over the age of twenty-one years and of sound mind and disposing memory, do make, publish and declare this to be my Last Will and Testament, hereby revoking all former wills and codicils by me at anytime heretofore made.

ITEM ONE:

65  
I desire that all of my just debts, funeral expenses and taxes be paid as soon after my death as may be convenient. In the event there should not be sufficient cash available for these purposes by the time payment becomes necessary, my Executor is expressly authorized to renew any notes of mine which may be unpaid at the time of my death, securing the same with such collateral of mine as may be deemed expedient. My Executor is likewise specifically authorized to make other notes in order to raise the necessary cash for these purposes to avoid as far as possible any sacrifice of my estate by reason of a forced liquidation in order to pay said debts, funeral expenses and taxes.

ITEM TWO:

I direct that all inheritance taxes and all fees and charges of administration of my estate through and including final settlement by the Executor be paid proportionately from the legacies given in this will. My said Executor is directed to prorate all of the said charges among the various legatees in proportion to the value of the said legacies. The determination of final valuation is left to the exclusive discretion of my said Executor who shall have a lien on the property described in the various legacies to secure payment of the charges due by the respective legatees.

ITEM THREE:

I give, devise and bequeath to my sister, Ada Belle Hays, the sum of Two Thousand Dollars (\$2,000.00) and a life estate in and to the West Half of Southeast Quarter of Section 33, Township 3 North Range 3 East in Baldwin County, Alabama, and after her death



the said real property shall pass to and vest in her legal heirs forever.

ITEM FOUR:

I give, devise and bequeath to my niece, Arabelle Byrne, the sum of One Thousand Dollars (\$1,000.00).

ITEM FIVE:

I give, devise and bequeath to my niece, Harriett Swanson, the sum of Nine Hundred Dollars (\$900.00).

ITEM SIX:

I give, devise and bequeath to my niece, Hattie Slaughter Reedy, the sum of One Thousand Dollars (\$1,000.00).

ITEM SEVEN:

I give, devise and bequeath to my niece, Miriam Slaughter Rice, the sum of One Thousand Dollars (\$1,000.00).

ITEM EIGHT:

65 I give, devise and bequeath to the legal heirs of my deceased sister, Georgia S. Kirtland, as they exist at the time of my death, the sum of One Thousand Dollars (\$1,000.00) which amount shall be divided among them as provided by the laws of descent and distribution of the State of Alabama and release to the said parties the debt or obligation which they owe me at the time of my death.

ITEM NINE:

I give, devise and bequeath to my nephews, William Slaughter and Wright Slaughter, a life estate in and to all of the Southwest Quarter except the Southeast Quarter of the Southeast Quarter of Southwest Quarter of Section 33, Township 3 North Range 3 East and on the death of my said nephews I give, devise and bequeath the said property to their heirs who survive them. This legacy is made with the express understanding that it does not release the debt or obligation due me by the said William Slaughter.

ITEM TEN:

I give, devise and bequeath to my nephew, Pendleton Slaughter, a life estate in and to the Northwest Quarter of Southwest Quarter and West Half of Northeast Quarter of Southwest



Quarter of Section 21, Township 3 North Range 3 East, in Baldwin County, Alabama, and after his death the said property shall pass to and vest in his legal heirs forever.

ITEM ELEVEN:

I give, devise and bequeath to Jesse Slaughter and Carl Slaughter, a life estate in and to the Fractional Northeast Quarter and Fractional Northwest Quarter of Section 1, Township 2 North, Range 2 East in Baldwin County, Alabama, containing 25 acres, more or less; the Northeast Quarter of Southeast Quarter of Section 32, Township 3 North Range 3 East and the Northwest Quarter of the Northwest Quarter of Northwest Quarter of Section 33, Township 3 North Range 3 East, and after their death the said property shall pass to and vest in their legal heirs.

ITEM TWELVE:

I give, devise and bequeath to The Merchants National Bank of Mobile, a National Banking Association, chartered under the laws of the United States of America and having its principal place of business in the city and county of Mobile, State of Alabama, all of the rest, residue and remainder of my property of whatsoever nature or kind, whether real, personal or mixed, howsoever held and wheresoever situated including every interest in property that I may possess; but this devise is made in trust for the following purposes, to-wit:

(a) My Trustee shall set aside from the said trust fund or property the sum of Twenty-five Hundred Dollars (\$2500.00) and pay the income therefrom in as near equal semi-annual installments as may be practical, to my sister, Hattie J. Vaughn, during her life and on her death the said amount of Twenty-five Hundred Dollars (\$2500.00) or so much thereof as remains shall be paid to her legal heirs which survive her in the proportions prescribed by the laws of descent and distribution of the State of Alabama. The word "income" as used in this paragraph shall be construed to



mean income as hereinafter described in this will.

In the event any emergency shall arise during the life of my said sister which will make it necessary to spend a part of the said principal sum of Twenty-five Hundred Dollars (\$2500.00) for her care or upkeep, the said Trustee is authorized and empowered in its discretion to use any part of the said fund to meet such condition and its judgment in the matter shall be final.

(b) All of the remainder of the said trust fund or property shall be held and managed by my said Trustee as a trust fund for the use and benefit of my nephews, Asheton B. Slaughter and Dupree Slaughter and it shall pay the net income accruing from this trust estate in as nearly equal semi-annual installments as may be practical to my said nephews, share and share alike. In the event the income received from this trust estate should at anytime prove insufficient because of any great emergency during the life of either of my said nephews such as accident or illness might impose and the income be insufficient to meet such extraordinary or unusual conditions, then, in that event the said Trustee is authorized and empowered in its discretion to use any part of this trust estate to meet such condition for either of my said nephews but my said Trustee shall not at anytime expend more than one-half of said trust estate for the use or benefit of either of my said nephews.

ITEM THIRTEEN:

In making investments hereunder the only limitations imposed upon the Trustee are the general rules of good faith and accordingly the Trustee is specifically authorized and empowered to acquire as suitable investments hereunder any stocks, common or preferred, or bonds, of whatsoever nature, type or character, or notes, mortgages, loans, real estate, commodities or such investment media as the Trustee hereunder may believe to be for the best



interest of my estate and the beneficiaries hereunder. Accordingly I specifically waive any and all constitutional prohibitions, legislative enactments or other governmental rules and regulations now or hereafter enacted or prescribed in the matter of investment of trust funds by trustees in the State of Alabama or elsewhere in the United States of America.

ITEM FOURTEEN:

In the execution of the trusts herein created the Trustee shall be charged with such rights, powers and duties as are hereafter set forth:

(1) The Merchants National Bank of Mobile, as Executor and Trustee shall keep accurate books of account which shall at all times during the legal business hours of the said Merchants National Bank of Mobile be open to the inspection of any heir who may, under this will, be entitled to receive income or principal. The said The Merchants National Bank of Mobile, as Executor and Trustee, shall also render annual reports to each of the beneficiaries receiving income or principal from my said Trust Estate showing all receipts, investments and disbursements made on behalf of my estate.

(2) The Trustee may retain any of the original real or personal property constituting my trust estate at the time of death for such time as it shall deem best, and may dispose of any personal property at anytime constituting a part of my trust estate by sale or exchange and make, execute and deliver proper conveyance therefor according to its discretion and without reference to any statutes prescribing legal investments for Trustees in Alabama.

Likewise the Trustee may participate in any reorganization consolidation or merger of any corporation, the stocks, bonds or other securities which I may own at the time of my death and receive and continue to hold upon the trust hereby created any stocks, bonds or other securities which may be allotted to the Trustee by reason of any participation in any such reorganization, consolidation or merger.

(3) The Trustee is authorized and empowered to cause



any stocks or securities at any time held under this Trust to be registered in the name of such nominee or nominees as it may designate.

(4) All realized appreciation in the value of real estate, bonds or other securities resulting from sale or other disposition thereof shall be considered principal and not income. Proceeds from sale of timber shall be considered principal and not income. Likewise, all cash dividends received whether extraordinary or otherwise, shall be treated as income. All other dividends however received, whether as stocks, warrants, bonds or otherwise shall be treated as principal and not as income. In the matter of expenditures for the care and maintenance of any real estate the Trustee hereunder shall be free to determine whether such items shall be charged to principal or income or partly to principal and partly to income.

(5) The Trustee shall not be required to set up any sinking fund or other fund to amortize or absorb the premium at which any property may have been purchased or may be held by the Trustee, however, if the Trustee deems it wise to amortize such premiums it is specifically authorized and empowered to do so.

(6) All divisions herein ordered to be made shall be made by my Trustee named in cash or in kind and partly in cash and partly in kind but any securities or other property so distributed in kind shall be taken at its fair market value at the time of such distribution or if the same have not a market value, then at such value as the Trustee shall deem proper and the divisions so made shall be final, conclusive and binding upon all parties interested in such distribution.

#### ITEM FIFTEEN

In the event of the death of either of my nephews, Asheton B. Slaughter, or Dupree Slaughter, while my said Trustee is acting as provided in this Will, and if the nephew who dies shall



leave no child or children surviving him, the said Trustee shall pay the entire income to the surviving nephew. If the nephew who dies shall leave a child or children surviving him, one-half of the income shall be paid to the said child or children and the other half to the surviving nephew. If both of my nephews shall die leaving a child or children surviving them, one-half of the income shall be paid to the child or children of each of my deceased nephews. In the event both nephews shall die and neither of them shall leave a child or children surviving them, the income shall then be paid to their legal heirs in the manner and in the proportions prescribed by the laws of descent and distribution of the State of Alabama.

ITEM SIXTEEN

When my nephew, Dupree Slaughter, reaches forty years of age on March 12, 1954, the trust fund shall be paid, in the manner hereinafter provided, to my nephews, Asheton B. Slaughter, and Dupree Slaughter, share and share alike.

Should either of my said nephews die before March 12, 1954 and leave no child surviving them on the said date, then in such event, the Trustee shall at that time pay over to the nephew who survives, in the manner hereinafter provided, the entire trust fund.

Should either of my nephews die prior to March 12, 1954, and leave a child or children surviving him on the said date, then, in such event the Trustee shall pay over the trust fund to the surviving nephew and the child or children of the deceased nephew, in the manner hereinafter provided, share and share alike, per stirpes and not per capita. Should both of my said nephews die before March 12, 1954 and shall both leave a child or children surviving them on the said date, then in such event the said trust fund shall on the said date be paid, in the manner hereinafter provided to the child or children of my said nephews surviving, share and share alike, per stirpes and not per capita.



Should both of my said nephews die before March 12, 1954 and neither of my said nephews shall leave a child or children surviving them on the said date, then, the said trust fund shall at that time be paid over to the legal heirs of my two said nephews surviving them on the said date in the manner provided by the laws of descent and distribution of the State of Alabama.

Any conveyance of real property by my said Trustee to my said nephews or either of them as provided in this item of this will, shall only convey a life estate therein to my said nephew or nephews with the remainder to their heirs. There shall be no limitation on the right of the said Trustee to convey other property or make other conveyances to other persons as provided in this paragraph of this will.

ITEM SEVENTEEN

I hereby nominate, constitute and appoint The Merchants National Bank of Mobile, a National Banking Association, organized under the National Banking Laws of the United States, having its principal place of business in the city of Mobile, Alabama, as the sole Executor and Trustee of this my Last Will and Testament, and direct that no bond for the faithful performance of its duties as such Executor or Trustee be required of it in this state or in any other jurisdiction. I further direct that my said Executor be not required to file any inventory or appraisement of my estate. The Trustee herein named and my Executor being one and the same, it is authorized and empowered in its several capacities to make personal investments from time to time as it may see fit; to make sale of any or all of my personal estate either publicly or privately upon such terms and conditions as it may see fit to impose and to make, execute and deliver proper conveyance of same and the purchaser shall not be required to look to the application of the purchase price.

My said Trustee and Executor is authorized and empowered in its several capacities to collect all rents, profits, income,



dividends or issue of every kind and nature due my estate; to repair, remodel or rebuild any portion thereof; to compromise or adjust any claims in favor of or against my estate without the necessity of first obtaining any court order.

My said Trustee and Executor is authorized and empowered in its several capacities to sell, convey, lease, lease oil, gas and mineral rights, sublet my real estate and to make, execute and deliver such deeds, leases, bills of sale or other written instruments which may be necessary and the purchaser shall not be required to look to the application of the purchase price or lease money, for the duration of the trust or beyond if the Trustee deems the same to be prudent and provided that during the life of my said nephews, Ashton B. Slaughter, and Dupree Slaughter, they shall each consent to the conveyance, lease or other written instrument, which consent shall be evidenced by their signing the said instrument. In the event either of my said nephews shall die the consent of the survivor shall then be required and should both of my nephews die then the power of my said Executor and Trustee to sell, lease and convey the said real estate shall be absolute.

Should both of my said nephews request sale or lease of all or any part of the said real estate this shall not obligate my said Executor and Trustee to make such lease or conveyance unless it in its prudent discretion shall consider such lease or other conveyance proper.

#### ITEM EIGHTEEN

Any person or persons named in this will or interested in my estate who shall contest it shall thereby forfeit the legacy provided for him or them herein and his or their entire interest in my estate shall be forfeited and become a part of my residuary estate and be distributed in the manner provided herein.

IN TESTIMONY WHEREOF, I, the said A. W. Slaughter, have to this my Last Will and Testament, contained in this and the eight



preceding sheets, subscribed my name and affixed my seal on this the 22nd day of January, 1945.

A. W. Slaughter

(SEAL)

The writing contained in this and the nine preceding sheets was signed and sealed by the above named A. W. Slaughter, also known as Archer W. Slaughter, and by him published and declared as being his Last Will and Testament, in the presence of us, who have subscribed our names as witnesses at his request, in his presence and in the presence of each other on this the 22nd day of January, 1945.

H. Volney

Chas. S. Nelson

J. B. Blackburn

State of Alabama, |  
Baldwin County. |

I, W.R. Stuart, Judge of the Court of Probate, in and for said county and State, do hereby certify, that the within instrument of writing, has this day, in said court, and before me, as the Judge thereof, been duly proven, by the proper testimony, to be the genuine last Will and Testament of A.W. Slaughter, deceased; and that said will together with said proof thereof have been recorded in my office, in Book of Wills E at pages 140 to 143.

In witness of all which, I have hereto set my hand, and the seal of the said Court, this 24th day of April, A.D., 1947.



W.R. Stuart  
Judge of Probate.



(2)

RECORDED

LAST WILL AND TESTAMENT OF  
A. W. SLAUGHTER

*Proponents Asks*  
*2 -*

*April 13, 1947*

*L. D. Slaughter*

*Recorded*

*Filed in office of Judge  
of Probate Court, Baldwin  
Co. Ala. Jan 15, 1947*

*W. R. Stewart  
Judge of Probate  
by J. L. K. 646*

J. B. BLACKBURN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

STATE OF ALABAMA,  
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of the Probate Court in and for said State and County, hereby certify  
that the within and foregoing Eleven Photostatic pages  
contain a full, true and complete copy of the Last Will and Testament of A. W. Slaughter,  
deceased, with certificate of proof thereon,

as the same appears of record in my office in Will Book No. "E"  
Page 140 to 143.

Given under my hand and seal of office, this 18th day of June, 1953.

W. R. Stuart

Judge of Probate.

By: Lila J. Glower  
Chief Clerk

BILL OF COMPLAINT

BOOK 015 PAGE 152

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

The complainant, The Merchants National Bank of Mobile,  
a National Banking Association, as Trustee under the Last Will and  
Testament of A. W. Slaughter, Deceased, presents this Bill of Com-  
plaint against Asheton B. Slaughter, Dupree Slaughter, Elizabeth B.  
Slaughter, Carol S. Martin, Elizabeth S. Sawyer, Georgia H.

Slaughter, Harriett S. Swanson, Arabelle Byrne and Gladin S. Byrne  
and, thereupon, the complainant complains and shows unto the court  
and your Honor as follows:

1. The complainant is a National Banking Association  
with its principal place of business at Mobile in Mobile County,  
Alabama, and has been appointed, qualified and is now acting as  
Trustee under the Last Will and Testament of A. W. Slaughter, De-  
ceased, which Will is dated January 22, 1945, and is recorded in  
Book "E" of Wills at pages 140-43, Baldwin County, Alabama Records.

The respondents, Asheton B. Slaughter, Dupree Slaughter,  
Elizabeth B. Slaughter, Carol S. Martin, Elizabeth S. Sawyer and  
Georgia H. Slaughter, are residents of Baldwin County, Alabama.  
The respondent, Harriett S. Swanson, is a resident of Clarke County,  
Alabama. The respondent, Arabelle Byrne, is a resident of Escambia  
County, Alabama, and the respondent, Gladin S. Byrne, is a non-  
resident of the State of Alabama, whose residence and post office  
address is Tupelo, Lee County, Mississippi.

All of the said respondents are over twenty-one years of  
age and of sound mind.

2. The complainant, in its capacity as said Trustee, and  
the respondents, Asheton B. Slaughter and Dupree Slaughter, are  
joint owners of the following described real property situated in  
Baldwin County, Alabama, to-wit:

IN TOWNSHIP 3 NORTH, RANGE 2 EAST:

All of that part of the North Half of Fractional  
Section 2, Township 3 North, Range 2 East, which  
lies in Baldwin County, Alabama

Section

2

	Section
Southeast Quarter of Northeast Quarter; Fractional South Half	25
Fractional North Half of Northwest Quarter	36
That part of the Abraham Walker Grant, Section 37, in the said township and range, which lies South of a line which would normally be the line between Sections 24 and 25 in the said township and range	37

IN TOWNSHIP 3 NORTH, RANGE 3 EAST:

All of Fractional Section 19	19
West Half of Section 20	20
East Half of Southeast Quarter	21
All of Section 30	30
Northwest Quarter of Northeast Quarter; North Half of Northwest Quarter	31

IN TOWNSHIP 4 NORTH, RANGE 2 EAST:

All of Section 35 which lies South of the Alabama River	35
--	----

The complainant, in its capacity as Trustee, owns an undivided one-half interest in and to all of the above described lands, and the remaining undivided one-half interest therein is owned by the respondents, Asheton B. Slaughter and Dupree Slaughter.

3. The above described lands can be equally and equitably divided between the complainant, as said Trustee, and the respondents, Asheton B. Slaughter and Dupree Slaughter, and it is to the best interest of all parties interested in the said lands that they be so divided before termination of the trusts which were created in and by the Last Will and Testament of the said A. W. Slaughter.

The complainant, as said Trustee, and the respondents, Asheton B. Slaughter and Dupree Slaughter, have obtained the services of Pomeroy and McGowin, forest managers and timber cruisers of Monticello, Arkansas, and Chapman, Alabama, to make an examination and cruise of the said property with the idea of dividing it into two equal tracts. The said firm and its employees cruised the timber on the said property and recommended a division thereof without regard to which of the parties to this proceeding would take either part of the said lands.

	<u>Section</u>
Southeast Quarter of Northeast Quarter; Fractional South Half	25
Fractional North Half of Northwest Quarter	36
That part of the Abraham Walker Grant, Section 37, in the said township and range, which lies South of a line which would normally be the line between Sections 24 and 25 in the said township and range	37

IN TOWNSHIP 3 NORTH, RANGE 3 EAST:

All of Fractional Section 19	19
West Half of Section 20	20
East Half of Southeast Quarter	21
All of Section 30	30
Northwest Quarter of Northeast Quarter; North Half of Northwest Quarter	31

IN TOWNSHIP 4 NORTH, RANGE 2 EAST:

All of Section 35 which lies South of the Alabama River	35
--	----

The complainant, in its capacity as Trustee, owns an undivided one-half interest in and to all of the above described lands, and the remaining undivided one-half interest therein is owned by the respondents, Asheton B. Slaughter and Dupree Slaughter.

3. The above described lands can be equally and equitably divided between the complainant, as said Trustee, and the respondents, Asheton B. Slaughter and Dupree Slaughter, and it is to the best interest of all parties interested in the said lands that they be so divided before termination of the trusts which were created in and by the Last Will and Testament of the said A. W. Slaughter.

The complainant, as said Trustee, and the respondents, Asheton B. Slaughter and Dupree Slaughter, have obtained the services of Pomeroy and McGowin, forest managers and timber cruisers of Monticello, Arkansas, and Chapman, Alabama, to make an examination and cruise of the said property with the idea of dividing it into two equal tracts. The said firm and its employees cruised the timber on the said property and recommended a division thereof without regard to which of the parties to this proceeding would take either part of the said lands.

The respondents, Asheton B. Slaughter and Dupree Slaughter, have agreed to accept, and the complainant, as said Trustee, recommends that it be authorized to convey to them in a division and partition of the said property, the following described lands situated in Baldwin County, Alabama, which are hereinafter designated as Tract One, to-wit:

TRACT ONE

IN TOWNSHIP 3 NORTH, RANGE 2 EAST:

	<u>Section</u>
All of that part of the North Half of Fractional Section 2 which lies in Baldwin County, Alabama	2
Southeast Quarter of Northeast Quarter; Fractional South Half	25
Fractional North Half of Northwest Quarter	36
All of that part of the South Half of the Abraham Walker Grant, Section 37, which lies South of a line which would normally be the line between Sections 24 and 25 in the said township and range	37

IN TOWNSHIP 3 NORTH, RANGE 3 EAST:

West Half of Southwest Quarter	19
East Half of Southeast Quarter	21
West Half of West Half; Southeast Quarter of Southwest Quarter	30
Northwest Quarter of Northeast Quarter; North Half of Northwest Quarter	31

IN TOWNSHIP 4 NORTH, RANGE 2 EAST:

All of Section 35 which lies South of the Alabama River	35
---	----

The complainant, in its capacity as said Trustee, will accept in a division and partition of the said property, when authorized by this court, the following described part of the said lands, which are hereinafter designated as Tract Two, situated in Baldwin County, Alabama, to-wit:

TRACT TWO

IN TOWNSHIP 3 NORTH, RANGE 3 EAST:

	<u>Section</u>
All of Fractional Section 19, EXCEPT the West Half of the Southwest Quarter thereof	19
West Half of Section 20	20
East Half; East Half of Northwest Quarter; Northeast Quarter of Southwest Quarter	30

The proposed division and partition of the said lands, which are jointly owned by the complainant, as said Trustee, and the respondents, Asheton B. Slaughter and Dupree Slaughter, into Tracts One and Two, as set out above, is fair and equitable in all respects.

4. A. W. Slaughter, who was a tenant in common with the respondents Asheton B. Slaughter and Dupree Slaughter, did, in his lifetime and by his said Last Will and Testament, devise the freehold interest which he owned in the above described property and all of his other real property to the said respondents, Asheton B. Slaughter and Dupree Slaughter, for life with a contingent interest by way of remainder to the heirs of Asheton B. Slaughter and Dupree Slaughter.

The respondent, Asheton B. Slaughter, is a married man and should he die at this time, his heirs would be the respondent Elizabeth B. Slaughter, his wife; and the respondents Carol S. Martin and Elizabeth S. Sawyer, his daughters.

The respondent, Dupree Slaughter, is an unmarried man and should he die at this time, his heirs would be the respondent Georgia H. Slaughter, his mother; the respondent Asheton B. Slaughter, his brother; the respondent Harriett S. Swanson, his sister; the respondent Arabelle Byrne, his niece; and the respondent Gladin S. Byrne, his nephew.

5. It has been necessary for the complainant to employ J. B. Blackburn, an Attorney at Law and Solicitor in Chancery, practicing in Bay Minette in Baldwin County, Alabama, for the purpose of securing an equitable division of the said property, and his compensation should be paid by the complainant, in its capacity as said Trustee, and by the respondents, Asheton B. Slaughter and Dupree Slaughter. The said complainant, as said Trustee, has sufficient funds in its possession belonging to the said trusts with which to pay whatever fee is fixed by this court for the said services rendered by its solicitor.

## PRAYER FOR PROCESS

Complainant prays that the court will take jurisdiction of this Bill of Complaint, and that due notice thereof in the form and manner prescribed by law be given to all necessary and proper parties.

## PRAYER FOR RELIEF

Complainant prays for the following separate and several relief:

A. That on the date set for hearing this Bill of Complaint, a decree be rendered authorizing the complainant, in its capacity as said Trustee, to convey to the respondents, Asheton B. Slaughter and Dupree Slaughter, Tract One, as described above, in exchange for a conveyance from the respondents, Asheton B. Slaughter and wife and Dupree Slaughter, conveying to the complainant, as said Trustee, Tract Two described above.

B. That the court ascertain and fix a reasonable fee for the services rendered in this cause by J. B. Blackburn, complainant's solicitor of record, and tax the said fee as a part of the costs of this proceeding.

C. That it be adjudged and decreed that the partition so ordered shall be binding upon all parties who are named as respondents in this cause, and the person or persons having the said contingent interest by way of remainder, their heirs and assigns.

D. Complainant further prays for such other, further and general relief as it may be equitably entitled to, the premises considered.

Respectfully submitted,

J. B. Blackburn  
Solicitor for complainant.

FILED

Aug. 29-54

ALICE L. DUCK, Register



MERCHANTS NATIONAL BANK OF MOBILE, ) a National Banking Association, as ) Trustee under the Last Will and ) Testament of A. W. Slaughter, De- ) ceased, )	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
Complainant, )	
VS. )	IN EQUITY
ASHETON B. SLAUGHTER, ET AL, )	
Respondents. )	

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree upon the original Bill of Complaint; Answers of all respondents; Complainant's written request that the testimony of its witnesses be taken in open court in the manner provided by Equity Rule Number 56, as amended; Decree of this court setting this cause for hearing on this date; and the testimony of the witnesses for the complainant taken in open court, from all of which, the court finds as follows:

A. The complainant, one of its Trust Officers, and its attorney, and the respondents, Asheton B. Slaughter and Dupree Slaughter, are present in open court and ready for the trial of this cause. All of the respondents named in this cause have filed answers in which they and each of them have admitted all of the allegations of the Bill of Complaint, and have consented and agreed that the relief prayed for therein be granted, so that this court may now proceed to a final disposition of this cause without further notice to any person, firm or corporation.

B. All of the allegations of the Bill of Complaint are true and the complainant is entitled to the relief prayed for therein.

Upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The complainant, in its capacity as Trustee under the Last Will and Testament of A. W. Slaughter, Deceased, and the respondents, Asheton B. Slaughter and Dupree Slaughter, are joint owners or tenants in common of the following described real proper situated in Baldwin County, Alabama, to-wit:

IN TOWNSHIP 3 NORTH, RANGE 2 EAST:

	<u>Section</u>
All of that part of the North Half of Fractional Section 2, Township 3 North, Range 2 East, which lies in Baldwin County, Alabama	2
Southeast Quarter of Northeast Quarter; Fractional South Half	25
Fractional North Half of Northwest Quarter	36
That part of the Abraham Walker Grant, Section 37, in the said township and range, which lies South of a line which would normally be the line between Sections 24 and 25 in the said township and range	37

IN TOWNSHIP 3 NORTH, RANGE 3 EAST:

All of Fractional Section 19	19
West Half of Section 20	20
East Half of Southeast Quarter	21
All of Section 30	30
Northwest Quarter of Northeast Quarter; North Half of Northwest Quarter	31

IN TOWNSHIP 4 NORTH, RANGE 2 EAST:

All of Section 35 which lies South of the Alabama River	35
---	----

2. The complainant, as said Trustee, owns an undivided one-half interest in and to the said property described above, for the uses and purposes stated in the Last Will and Testament of A. W. Slaughter, Deceased. The other undivided one-half interest in the said property is owned by the respondents, Asheton B. Slaughter and Dupree Slaughter.

3. The said property described above can be equitably divided or partitioned in kind between the complainant, as said Trustee, and the respondents, Asheton B. Slaughter and Dupree Slaughter, by dividing it into Tracts One and Two, as set out and described in the said Bill of Complaint. The complainant, as said Trustee, is hereby fully and completely authorized, empowered and directed to make, execute and deliver to the respondents, Asheton B. Slaughter and Dupree Slaughter, a deed conveying all right, title and interest which A. W. Slaughter owned at the time of his death

and which the complainant, as said Trustee, now owns in and to the following described real property situated in Baldwin County, Alabama, to-wit:

TRACT ONE

IN TOWNSHIP 3 NORTH, RANGE 2 EAST:

	<u>Section</u>
All of that part of the North Half of Fractional Section 2 which lies in Baldwin County, Alabama	2
Southeast Quarter of Northeast Quarter; Fractional South Half	25
Fractional North Half of Northwest Quarter	36
All of that part of the South Half of the Abraham Walker Grant, Section 37, which lies South of a line which would normally be the line between Sections 24 and 25 in the said township and range	37

IN TOWNSHIP 3 NORTH, RANGE 3 EAST:

West Half of Southwest Quarter	19
East Half of Southeast Quarter	21
West Half of West Half; Southeast Quarter of Southwest Quarter	30
Northwest Quarter of Northeast Quarter; North Half of Northwest Quarter	31

IN TOWNSHIP 4 NORTH, RANGE 2 EAST:

All of Section 35 which lies South of the Alabama River	35
---	----

The said deed from the said complainant, as said Trustee, to the respondents, Asheton B. Slaughter and Dupree Slaughter, shall be delivered to the said respondents in exchange for a deed from the two said respondents and Elizabeth B. Slaughter, the wife of Asheton B. Slaughter, which describes and conveys Tract Two, as hereinafter described.

4. The respondent, Asheton B. Slaughter, together with his wife, Elizabeth B. Slaughter, and the respondent, Dupree Slaughter, unmarried, are hereby authorized, empowered and directed to make, execute and deliver to the complainant, as Trustee under the Will of A. W. Slaughter, Deceased, all of their right, title and interest in and to the following described real property situated in Baldwin County, Alabama, to-wit:

TRACT TWO

IN TOWNSHIP 3 NORTH, RANGE 3 EAST:

	<u>Section</u>
All of Fractional Section 19, EXCEPT the West Half of the Southwest Quarter thereof	19
West Half of Section 20	20
East Half; East Half of Northwest Quarter; Northeast Quarter of Southwest Quarter	30

The said deed from the said Asheton B. Slaughter and Elizabeth B. Slaughter, his wife, and Dupree Slaughter, unmarried, shall be delivered to the said complainant, as Trustee, in exchange for a deed from the complainant, as said Trustee, which conveys Tract One, as described above.

5. The Last Will and Testament of A. W. Slaughter, Deceased, dated January 22, 1945, and recorded in Book "E" of Wills at pages 140-43, Baldwin County, Alabama Records, created a contingent remainder in the said decedent's interest in the property involved in this proceeding in favor of the heirs of Asheton B. Slaughter and Dupree Slaughter on their respective deaths. The respondents, Elizabeth B. Slaughter, Carol S. Martin and Elizabeth Sawyer are all of the heirs of Asheton B. Slaughter, should he die at this time. The respondents, Georgia H. Slaughter, Asheton B. Slaughter, Harriett S. Swanson, Arabelle Byrne and Gladin S. Byrne, are all of the heirs of Dupree Slaughter, should he die at this time; and the said respondents, therefore, represent the said class of heirs of Asheton B. Slaughter and Dupree Slaughter. This decree and the partition which is ordered and decreed herein shall be and are binding in all respects on all parties to this proceeding and on all of the heirs of Asheton B. Slaughter and Dupree Slaughter, as the said heirs exist at the time of the deaths of Asheton B. Slaughter and Dupree Slaughter, even though some of the parties who may be heirs of the said Asheton B. Slaughter and Dupree Slaughter at the time of their respective deaths are not in being at this time.

6. The sum of \$ 2500.00 shall be and the same is hereby fixed and allowed as compensation to be paid to J. B. Blackburn, solicitor for the complainant in this cause, for the services rendered by him, which said fee is hereby taxed as a part of the costs of this proceeding.

7. The complainant and the respondents, Asheton B. Slaughter and Dupree Slaughter, shall, after execution and delivery of the deeds which are ordered to be executed and delivered in this decree, report their action to this court for final confirmation.

8. The Register of this court shall forthwith file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

9. The costs of this proceeding are hereby taxed against the complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 29 day of January, 1954.

(S) HUBERT M. HALL  
Judge

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I, Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the above and foregoing instrument is a true and correct copy of a decree rendered in the case of Merchants National Bank of Mobile, a National Banking Association, as Trustee under the Last Will and Testament of A. W. Slaughter, Deceased, complainant, vs. Asheton B. Slaughter, et al, respondents, in the Circuit Court of Baldwin County, Alabama, in Equity, on this date, as the same appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the court on this the 29th day of January, 1954.

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

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 2-1-54 3:45 PM  
Recorded Deed book 205 page 5761  
W. R. Stewart  
Judge of Probate ES