

IN THE MATTER OF THE ESTATE) IN THE CIRCUIT COURT OF
(
OF) BALDWIN COUNTY, ALABAMA,
(
JEFF TARVIN, Deceased.) IN EQUITY, NO. 3204.

PETITION FOR FINAL SETTLEMENT BY CONSENT
TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT,
SITTING IN EQUITY:

Now comes the Petitioner, Pearl Tarvin, as the widow of the decedent, and as Administratrix of the estate of Jeff Tarvin, deceased, having been heretofore duly and legally appointed by the Probate Court of Baldwin County, Alabama, as such Administratrix on the 12th day of December, 1953, and also come Andrew Tarvin, Jeff Tarvin, Dave Tarvin, Joe Tarvin, Felex Tarvin, Anette Tarvin, J. W. Tarvin, John Lee Tarvin, Minnie Robbins, Melvina Wearn, Maria Tarvin, Jelious Tarvin, Robertta Tarvin, Ella Read Tarvin, Patricia Tarvin, Coreen Tarvin, Hellen Tarvin, Jeff Tarvin, Jr., Jerry Tarvin, Betty Lue Tarvin, Daniel Tarvin, Labarron Tarvin, Elijah Tarvin, Annie Stalling, Lucille Davis, Frank Tarvin, Willie Mae Haywood, Fannie Mae Oliver, Tommy Lee Cannor, Mariah Weaver, Sylvia Sanders, Willis Weaver, Jr., Alberta Weaver, Charles Weaver, Raymond Weaver, and Hellon Stalling, who constitute all the heirs at law and next of kin of the decedent, by and through their attorneys, W. C. Beebe and C. LeNoir Thompson, each of said heirs at law and next of kin being over the age of twenty-one (21) years, and each of said heirs at law and next of kin by, and through their said attorneys, do hereby join in this application and petition for a final consent settlement of this estate, and respectfully show unto Your Honor and this Honorable Court as follows:

1. The administration of the estate of Jeff Tarvin, deceased was transferred from the Probate Court of Baldwin County, Alabama, to this Court and the administration of said estate is now pending in this Court.

2. No claims have been filed against said estate and more than six (6) months have lapsed since the appointment of Pearl Tarvin as Administratrix and of said estate, said Administratrix has not used any of the funds of said estate

for her own personal use and benefit, and the condition of said estate is in all respects such that a final settlement should be made and perfected, subject to the payment of court costs in this cause incurred.

3. All other matters pertaining to the distribution and administration of this estate have been settled between and among the parties hereto, and the heirs at law and next of kin of said decedent agree to pay all costs of court incurred in the administration of this estate, such costs to be paid upon the rendition of the decree for final settlement.

4. A report setting apart certain exemptions to the widow has been filed in this cause by the commissioners duly appointed by this court, and exceptions to the report have been filed by the heirs at law and next of kin, after the Supreme Court of Alabama, denied the appeal of the heirs at law from the ruling of this court on the demurrer to the exceptions theretofore filed, and the matter of the widow's exemption and the matter of the exceptions filed since such appeal to the Supreme Court of Alabama having been settled between and among the parties to this petition, and it is agreed that the widow is entitled to all the ^{personal} property set apart to her in the report of the commissioners, including the following:

1. All money in a savings account, No. 106649, in the First National Bank of Mobile, Alabama, in the amount of \$142.96.
2. All money in a savings account, No. 955, in the First National Bank of Atmore, Alabama, in the approximate amount of \$139.08, plus interest.
3. All the wearing apparel of Jeff Tarvin and of Pearl Tarvin, the widow; all yarn and cloth on hand intended for their use and consumption; all books kept and used in the family; all family portraits and pictures; all grain, stores and groceries on hand necessary for the support of the family for twelve (12) months after the death of Jeff Tarvin, deceased; all bedding, household and kitchen furniture.

5. It is further agreed that the widow, Pearl Tarvin, in conveying by quitclaim deed during the pendency of the administration of said estate, any interest that she might have in and to real estate other than that set apart to her by the commissioners in their report filed in this cause, has not waived her right to claim an exemption in lieu of homestead. It is further agreed that the widow, Pearl Tarvin, is entitled to an exemption in lieu of homestead in and to the real property which has heretofore been set apart to her as such exemption, which is located in Baldwin County, Alabama, and is described as follows:

East one-half of Southeast quarter of Section 5, Township 3 North, Range 3 East, Baldwin County, Alabama, containing 80 acres, more or less.

It is further agreed that the value of the widow's interest in said real property is \$300.00, which amount the widow acknowledges, upon the execution of this petition by her and by the said attorneys for said heirs at law and next of kin, she has received from said heirs at law and next of kin, in consideration of which, the widow has signed, sealed and delivered a quitclaim deed covering said real estate to the heirs at law and next of kin.

6. That the estate of Jeff Tarvin, deceased, consisted of the following real estate, located in Baldwin County, Alabama, described as follows:

East half of Southeast Quarter of Section 5; North-west Quarter of Southwest Quarter; West half of Northeast Quarter of Southwest Quarter of Section 9, all in Township 3 North, Range 3 East, Baldwin County, Alabama, containing 150.90 acres, more or less.

North half of Northeast Quarter of Northeast Quarter of Section 8, Township 3 North, Range 3 East, Baldwin County, Alabama, containing 20 acres, more or less.

North half of Northwest Quarter of Northeast Quarter of Section 8, Township 3 North, Range 3 East; Baldwin County, Alabama, containing 40 acres, more or less.

Northwest Quarter of Northeast Quarter of Section 27, Township 4 North, Range 3 East, Baldwin County, Alabama, containing 40 acres, more or less.

All of Northeast Quarter of Section 29, Township 4 North,

Range 3 East, lying East of the Alabama River, Baldwin County, Alabama, containing 60 acres, more or less.

· East half of Southeast Quarter of Section 5, Township 3 North, Range 3 East, Baldwin County, Alabama, containing 80 acres, more or less.

However, no income was received from said real property by the Administratrix as rental or from any other source. The rest of said estate consisted of the personal property described in the report of the commissioners which has been set apart to the widow.

7. It is further shown that Pearl Tarvin, as Administratrix of said estate has received the personal property described in the report of the commissioners and set apart to her as the widow, and that she, as personal representative, has delivered said personal property to herself, as the widow. It is further shown that no one, other than the parties to this petition, is entitled to or should receive the assets of said estate or any portion thereof.

THE PREMISES CONSIDERED, your Petitioners, in their respective capacities as herein set out, respectfully pray that this petition, with Exhibit "A", hereto attached, and made a part hereof, be taken by this Honorable Court and Your Honor, as and for the final settlement and accounting of the Administratrix of said estate, and that this petition be set down for hearing, notice of said hearing being hereby expressly waived by the said heirs at law and next of kin by and through their said attorneys, and that upon said hearing this Honorable Court be pleased to decree that Pearl Tarvin, as Administratrix of said estate, has discharged her duties in accordance with the law; that the Administratrix and the surety on her bond be discharged from all liability in and about the administration of said estate, and that such other, further and different orders and decrees be entered in the premises as may be necessary or proper for the final settlement and distribution of the estate, that Your Honor will discharge and release Pearl Tarvin, as Administratrix of said estate, upon the court costs incurred in this proceeding being paid, and that, upon compliance with the orders, decrees and mandates of this court, the said

Pearl Tarvin be relieved from any other further liability as such Administra-
trix, without further notice to the parties of interest herein named, said
notice being hereby expressly waived.

Respectfully submitted,

Pearl Tarvin

Pearl Tarvin, as Administratrix of the estate of
Jeff Tarvin, deceased, and as the widow of said
Jeff Tarvin, deceased.

W. C. Beebe

W. C. Beebe

C. Le Noir Thompson

C. Le Noir Thompson

As attorneys for all the heirs at law and next of
kin of Jeff Tarvin, deceased.

Telfair J. Mashburn, Jr.

Telfair J. Mashburn, Jr.

J. Terry Reynolds, Jr.

J. Terry Reynolds, Jr.

William R. Lauten

William R. Lauten

As attorneys for Pearl Tarvin, Administratrix
of the estate of Jeff Tarvin, deceased, and as the
widow of Jeff Tarvin, deceased.

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority in and for said County in said
State, personally appeared Pearl Tarvin, as the widow and as the Administra-
trix of the estate of Jeff Tarvin, deceased, who, being by me duly sworn, de-
poses and says that the allegations stated in the above and foregoing petition
are true and correct.

Pearl Tarvin

Affiant

Sworn to and subscribed before me
this 11th day of July, 1958.

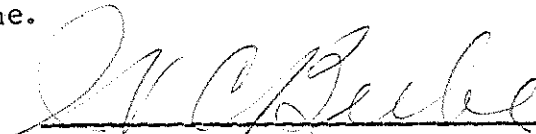
William A. Hill

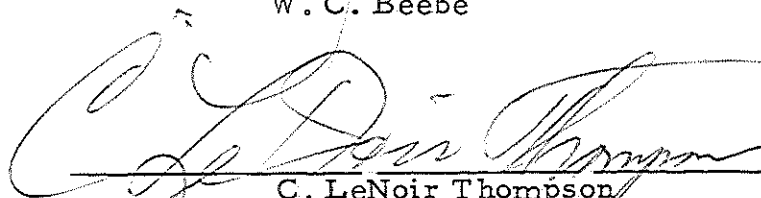
Notary Public, Mobile County, Alabama.

EXHIBIT "A"

STATE OF ALABAMA)
COUNTY OF BALDWIN)

We, W. C. Beebe and C. LeNoir Thompson, as attorneys for all the distributees, heirs at law and next of kin of Jeff Tarvin, deceased, do hereby acknowledge on behalf of the distributees, heirs at law and next of kin of Jeff Tarvin, deceased, that said distributees, heirs at law and next of kin have received from the estate of Jeff Tarvin, deceased, all of their respective, distributees' share to which they are or may be entitled and expressly consent and agree that the release and discharge of Pearl Tarvin, as the Administratrix of said estate, without the filing of any final accounting by said Administratrix, and without further notice to us or to the said distributees, heirs at law and next of kin of Jeff Tarvin, deceased, and on their behalf, we do hereby expressly waive notice of or publication relative to the final settlement of this estate, and we, on their behalf, do further consent and agree that said petition for final settlement be heard without further notice to the distributees, heirs at law and next of kin, of Jeff Tarvin, deceased, and we do expressly acknowledge that we are familiar with the contents of the petition for final settlement and we are agreeable to the same.


W. C. Beebe


C. LeNoir Thompson

As attorneys for all the distributees, heirs at law and next of kin of Jeff Tarvin, deceased, consisting of the following:

Andrew Tarvin, Jeff Tarvin, Dave Tarvin, Joe Tarvin, Felex Tarvin, Anette Tarvin, J. W. Tarvin, John Lee Tarvin, Minnie Robbins, Melvina Wearn, Maria Tarvin, Jelious Tarvin, Robertta Tarvin, Ella Read Tarvin, Patricia Tarvin, Coreen Tarvin, Hellen Tarvin, Jeff Tarvin, Jr., Jerry Tarvin, Betty Lue Tarvin, Daniel Tarvin, Labarron Tarvin, Elijah Tarvin, Annie Stalling, Lucille Davis, Frank Tarvin, Willie Mae Haywood, Fannie Mae Oliver, Tommy Lee Cannor, Mariah Weaver, Sylvia Sanders, Willis Weaver, Jr., Alberta Weaver, Charles Weaver, Raymond Weaver, and Hellon Stalling

IN THE MATTER OF THE ESTATE) IN THE CIRCUIT COURT OF BALDWIN
 OF JEFF TARVIN Deceased.) COUNTY, IN EQUITY
) No. 3204

IN THE MATTER OF THE SETTING APART OF EXEMPTIONS TO THE WIDOW

D E M U R R E R

Now comes Pearl Tarvin, the widow in the above matter and demurs to the alleged contest and to each of said reasons therefor, separately and severally, numbered 1, 2, 4, 5 and 6, and as separate and several grounds of such demurrer, sets down and assigns the following:

1. For that said reason constitutes no ground for contesting the setting apart of a homestead exemption or exemption in lieu of homestead to the widow.
2. For that it affirmatively appears that the real property set apart in the report of the commissioners is an exemption in lieu of homestead.
3. For that it affirmatively appears that the decedent was not required to live on the real property reported by the commissioners as his homestead in order for the court to set said property apart to the widow as an exemption in lieu of homestead.
4. For that it affirmatively appears that the alleged contest is not made in accordance with the law governing contests of reports of commissioners setting apart exemptions.
5. For that it affirmatively appears that the widow made no selection of the Northwest quarter of Northeast quarter of Section 27, Township 4 North, Range 3 East, or of that part of the Northeast quarter of Section 29, Township 4 South, Range 3 East, lying East of the Alabama River.
6. For that it affirmatively appears that the widow selected the property reported by the commissioners to be set apart to her as her exemption in lieu of homestead.
7. For that it affirmatively appears that the widow's interest in the property in Sections 27 and 29 was only a dower interest.
8. For that it affirmatively appears that the widow's interest in the property in Sections 27 and 29, Township 4 South, Range 3 East, consisted

of her dower right in said property.

9. For that it affirmatively appears that the widow's dower right in the real property of the decedent is separate and distinct from any right she may have as a homestead or as an exemption in lieu of homestead in the real property reported by the commissioners to be set apart to her as an exemption in lieu of homestead.

10. For that it affirmatively appears that the widow had no interest in the property conveyed on February 18, 1956, other than a dower interest.

11. For that it affirmatively appears that the conveyance of the widow's dower interest of certain property of the decedent does not prevent her from claiming an exemption in lieu of homestead out of other real property of the decedent.

12. For that it affirmatively appears that the widow had not selected as her homestead exemption or exemption in lieu of homestead the property conveyed by her on February 18, 1956, but that she had selected as her homestead exemption or exemption in lieu of homestead the property reported by the commissioners to be set apart to her as her homestead exemption or exemption in lieu of homestead.

13. For that it affirmatively appears that the widow is not barred from asserting her claim in the real property reported by the commissioners to be set apart to her as her exemption in lieu of homestead.

14. For that it affirmatively appears that the decedent had no property exempt to him from levy and sale.

15. For that it affirmatively appears that the property set apart by the appraisers does not exceed in area and value the limits of exemption set by the law and statutes of Alabama.

16. For that it affirmatively appears that the land, the interest of the widow in which was conveyed on February 18, 1956, is not the same land as that reported by the commissioners to be set apart to the widow or any part thereof.

17. For that it affirmatively appears that the widow has not abandoned or waived any right to have the East half of the Southeast quarter of Section 5, Township 3 North, Range 3 East, set apart to her as her homestead exemption or as exemption in lieu of homestead.

18. For that it affirmatively appears that the widow has not abandoned or waived any right to have real property of the decedent other than the property conveyed on February 18, 1956, set apart to her as a homestead exemption or as an exemption in lieu of homestead.

19. For that it affirmatively appears that the widow has not parted with any right to claim land of the decedent other than that which may have been conveyed on February 18, 1956, as exempt to her from administration as a homestead exemption or as an exemption in lieu of homestead.

J. Terry Reynolds, Jr.
William R. Green
Solicitors for Petitioner, Pearl Tarvin

10/1/56

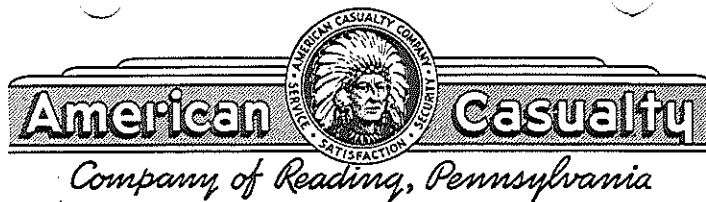
for and within each group (approximately 1000) of
which 1000 are in various areas of the New York State
and are of the same age, sex, and color. The average of the
average is 1000. The average is 1000.

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which 1000 are in various areas of the New York State
and are of the same age, sex, and color. The average of the
average is 1000. The average is 1000.

10/1/56

10/1/56

Filed 12/7/56
J. M. Kelly
Judy



ADMINISTRATOR'S BOND

THE STATE OF ALABAMA, BALDWIN COUNTY

PROBATE COURT, _____ 19____

KNOW ALL MEN BY THESE PRESENTS, THAT WE, PEARL TARVIN

AS PRINCIPAL, AND THE UNDERSIGNED AS SURETY

ARE HELD AND FIRMLY BOUND UNTO W. R. STUARTJUDGE OF PROBATE OF SAID COUNTY, AND HIS SUCCESSORS IN OFFICE IN THE PENAL SUMT OF
FIVE THOUSAND AND No/100- - - - - (\$5,000.00)- - - - - DOLLARSFOR THE PAYMENT OF WHICH, WELL AND TRULY TO BE MADE AND DONE, WE BIND OURSELVES,
AND EACH OF US, OUR AND EACH OF OUR HEIRS, EXECUTORS AND ADMINISTRATORS, JOINTLY
AND SEVERALLY, FIRMLY BY THESE PRESENTS.SEALED WITH OUR SEALS AND DATED, THIS 8th DAY OF DECEMBER 1953.THE CONDITION OF THIS OBLIGATION IS SUCH, THAT WHEREAS, PEARL TARVINHAS BEEN APPOINTED ADMINISTRATOR OF ESTATE OF JEFF TARVIN, DECEASED.NOW, THEREFORE, IF THE SAID PEARL TARVINSHALL WELL AND TRULY PERFORM ALL THE DUTIES WHICH ARE OR MAY BE BY LAW REQUIRED
OF HER AS SUCH ADMINISTRIX, THEN THIS OBLIGATION TO BE NULL AND VOID, OTHERWISE
TO REMAIN IN FULL FORCE AND EFFECT.AND WE, AND EACH OF US, HEREBY WAIVE ALL RIGHTS OF CLAIM OF EXEMPTION AS
TO PERSONAL PROPERTY WE OR EITHER OF US HAVE NOW OR MAY HEREAFTER HAVE, UNDER
THE CONSTITUTION AND LAWS OF ALABAMA, AND WE HEREBY SEVERALLY CERTIFY THAT WE
HAVE PROPERTY FREE FROM ALL INCUMBRANCE TO THE FULL AMOUNT OF THE ABOVE BOND.WITNESS OUR HANDS AND SEALS THIS 8th DAY OF DECEMBER 1953.Pearl Tarvin (L.S.)

(L.S.)

AMERICAN CASUALTY COMPANY
OF READING, PENNSYLVANIA (L.S.)BY W. R. Stuart (L.S.)

ATTORNEY IN FACT

TAKEN AND APPROVED, THIS 12th day of December 1953.W. R. Stuart

JUDGE OF PROBATE.

STATE OF ALABAMA, BALDWIN COUNTY

Filed Dec. 12, 1953 MRecorded Pro & Min book 2 page 338W. R. Stuart

Judge of Probate

CERTIFIED COPY



BOOK 002 PAGE 339

NO. 4873

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA, a Pennsylvania Corporation, having its principal office in the City of Reading, County of Berks, Commonwealth of Pennsylvania, pursuant to the following By-Law, adopted by the stockholders of the said Company on November 21st, 1950, to wit:

"Article VI—Section 2. Powers of Attorney—The President, or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on the behalf of the Company and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other written obligatory in the nature thereof, and they may, at any time, revoke the authority of any such Attorneys-in-Fact."

does hereby constitute and appoint

H. AUSTILL PHARR, JR., of
Mobile, Alabama.

its true and lawful attorney(s)-in-fact, to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise,

provided, however, that the penal sum
of any one such instrument executed hereunder shall not exceed ONE HUNDRED
THOUSAND AND NO/100 (\$100,000.00) DOLLARS

and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

ALL AUTHORITY HEREBY CONFERRED SHALL EXPIRE AND TERMINATE WITHOUT NOTICE AT MIDNIGHT OF 10-6-54

IN WITNESS WHEREOF, the AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA has caused these presents to be signed and its corporate seal to be affixed by its authorized officer this 26th day of August, 19 53

F. O. BEATTIE

Vice-President

COMMONWEALTH OF PENNSYLVANIA,
COUNTY OF BERKS, }

SS:

On this 26th day of August, 19 53, before me came the individual, to me personally known, who executed the preceding instrument, and being by me duly sworn, said that he is the therein described and authorized officer of the AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA; that the seal affixed to said instrument is the corporate seal of said Company, and the said corporate seal and his signature were duly affixed by the authority and direction of the said Corporation, and that Article VI, Section 2, of the By-Laws, of said Company, referred to in the preceding instrument, is now in force.

IN WITNESS WHEREOF, I have hereunto set my hand, and annexed my official seal at the City of Reading, the day and year first above written.

My commission expires March 23rd, 19 57

R. C. Pahl

Notary Public.

COMMONWEALTH OF PENNSYLVANIA,
COUNTY OF BERKS, }

SS:

I, W. E. Guerin, Assistant Secretary of the AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA, do hereby certify that the foregoing is a true and correct copy of Power of Attorney issued by said American Casualty Company of Reading, Pennsylvania, and that I have compared same with the ORIGINAL on file in the Home Office of said Company, and that it is a correct transcript thereof and of the whole of the said original, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of the Company at the City of Reading, Pennsylvania, this _____ day of _____, 19 _____

Assistant Secretary.

STATE OF ALABAMA

COUNTY OF BALDWIN

IN THE MATTER OF THE ESTATE OF) IN THE PROBATE COURT

JEFF TARVIN, DECEASED.

) NO. _____

GRANT OF LETTERS OF ADMINISTRATION

This day came Pearl Tarvin and filed her petition in writing and under oath, alleging that Jeff Tarvin, who at the time of his death was an inhabitant of this County, died intestate, on or about the year, 1944, leaving assets in this State consisting of real estate, and personal property, the estimated value of which personal property is FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS. That the death of the intestate has been more than forty days; and that the Petitioner is the widow of said decedent; and praying that Letters of Administration may be granted to said Pearl Tarvin upon her entering into bond in such sum and with such securities as are required by law; and said Pearl Tarvin, having filed bond, as such Administratrix, in the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, with American Surety Company as security thereon, payable and conditioned as the law directs and approved by the Judge of this Court:

It is ORDERED, ADJUDGED and DECREED by the Court that said Pearl Tarvin be and she is hereby appointed Administratrix of said Estate, and that Letters of Administration on said Estate do issue to said Pearl Tarvin forthwith.

It is further ORDERED, ADJUDGED AND DECREED by the Court that said Pearl Tarvin, as such Administratrix, proceed immediately to collect and take into her possession the goods and chattels, money, books, papers and evidences of debt of the decedent, and to make and return to this Court within two months, a full and complete inventory of the same.

Done this 12th day of December, 1953.

STATE OF ALABAMA, BALDWIN COUNTY

Recorded Pro & Min book 2 page 340W. R. StuartJudge of Probate HoW. R. Stuart
JUDGE OF PROBATE

LETTERS OF ADMINISTRATION

FORM 1100-3

72246 McQuiddy Printing Co., Nashville, Tenn.

THE STATE OF ALABAMA, Baldwin COUNTY

PROBATE COURT

LETTERS OF ADMINISTRATION

On the estate of Jeff Tarvin, deceased,

are hereby granted to Pearl Tarvin

who has duly qualified and given bond as such Administrator, and is authorized to administer such estate.

Witness my hand, and dated this 12th day of December, 1953.

STATE OF ALABAMA, BALDWIN COUNTY

Recorded 5743 Pro. Min. book 2 page 341

Judge of Probate.

W. R. Street
Judge of Probate

IN THE MATTER OF THE	I	IN THE CIRCUIT COURT OF
ESTATE OF JEFF TARVIN,	I	BALDWIN COUNTY, ALABAMA,
DECEASED	I	IN EQUITY
	I	NO. _____

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

Comes L. B. Tarvin and by leave of court first had and
obtained and intervenes in this cause specifically for the
purpose of making this motion:

And now moves this Honorable Court to strike from the
petition filed therein and from any and all orders, decrees and
papers therein those lands described as follows:

North half of Northeast quarter of Northeast
quarter and the North half of Northwest
quarter of Northeast quarter of Section 8,
Township 3 North, Range 3 East;

Northwest quarter of Northeast quarter of
Section 27, Township 4 North, Range 3 East;

All of the Northeast quarter that lies on
the East side of the Alabama River in Section
29, Township 4 North, Range 3 East;

And as ground for this motion this intervener says that
Jeff Tarvin was not the owner of the said lands at the time of
his death, but, that at the said time and at the time of the
filing of this motion, this petitioner was and is the owner of
the said lands, and that this court ought not to permit further
proceeding as to said lands because if the same are set aside as
exempt in this proceeding, such action by this court would cause,
create and any decree rendered would constitute a cloud on the
title of this petitioner to said lands.

And this petitioner offers to make proof of the matters
alleged in this motion.

BEEBE & SWEARINGEN

BY

W. Beebe
Attorneys for Petitioner

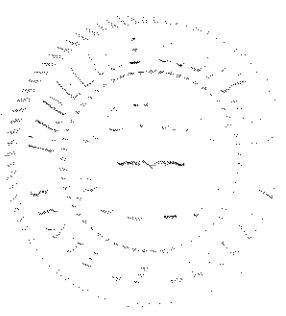
STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned Notary Public in and for said State and County, this day personally appeared W. C. Beebe, who is known to me and who being by me duly sworn, deposes and says that he is attorney for L. B. Tarvin and as such is authorized and directed by him to make and file the foregoing motion; that he has made a search of the records of Baldwin County, Alabama and that the facts stated in the foregoing motion are true.

W. C. Beebe

Sworn to and subscribed before me this the 7 day of July, 1954.

Madeline L. B. [Signature]
Notary Public, State of Alabama at large.



3204

7-



FILED

JUL 6 1954

ALICE J. JACK, REGISTERED

C. LENOIR THOMPSON

Attorney-At-Law

BAY MINETTE, ALABAMA

PHONES : 5941
7487

November 21, 1956

3204

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

Dear Mrs. Duck:

Please subpoena the following as witnesses for the Respondents in the matter pending before this court of Pearl Tarvin vs Tarvin et al, set for December 4th, at 1:30 P. M.,

Frank Earle and Ulmer Bradley, Blachsher, Alabama.
M. D. Cox, Stockton, Alabama.

Sincerely,

C. L. Thompson

*Done
11/23/56
K*

CLT/lw

Copy to: Honorable W. C. Beebe
Attorney At Law
Bay Minette, Alabama

ESTATE OF

JEFF TARVIN,

DECEASED.

IN THE
CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. IN EQUITY
NO. 3204

This cause coming on to be heard is submitted upon the Report of Commissioners and Appraisers, contest on behalf of Andrew Tarvin, et al., to the report of the Commissioners and Appraisers, demurrer of Pearl Tarvin to the contest to Commissioners' and Appraisers' Report;

The parties, in oral argument, of the demurrer, before the Court abandoned Grounds 1, 2 and 3 of the contest, and submitted the matter on grounds 4, 5 and 6 of the contest.

The Court, after hearing argument of Solicitors, and considering the contest and the demurrer thereto, is of the opinion that the demurrer is well taken and should be sustained; it being the opinion of the Court that the said Pearl Tarvin in conveying lands as described in the contest, and not being a part of those set apart to her as exempt in lieu of homestead did not thereby waive her rights to claim the exemptions in lieu of homestead;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the demurrer be and the same is hereby sustained.

IT IS FURTHER ORDERED that the contestants be and they are hereby allowed 20 days in which to file additional pleadings.

Dated this 11th day of December, 1956.

Hubert M. Hall
JUDGE

FILED

DEC 12 1956

ALICE L. BECK, Register

J. TERRY REYNOLDS, JR.
ATTORNEY AT LAW
605 FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA
TELEPHONE 3-3661

February 8, 1954

Mrs. Alice J. Duck, Register
Circuit Court of Baldwin County
Bay Minette, Alabama

Re: Estate of Jeff Tarvin, dec'd.

Dear Mrs. Duck:

Please find enclosed herewith a verified petition of the Administratrix of the Estate of Jeff Tarvin, deceased, which Estate is now pending in the Probate Court of Baldwin County. You will also find enclosed an order of the Circuit Court transferring the Cause from the Probate Court to the Circuit Court, in Equity, and an order of the Probate Court of Baldwin County making such transfer in compliance with the said decree of the Circuit Court.

Will you please file the petition, and give the order of the Circuit Court to Judge Hall to sign and then file the order in the cause in the Circuit Court, and then give Judge Stuart the order of the Probate Court and have him file the same in the cause in the Probate Court.

Thanking you for your assistance in this matter, I am

Yours very truly,


WILLIAM R. LAUTEN

WRL:bw

Encl. 3

IN THE MATTER OF THE ESTATE) IN THE CIRCUIT COURT OF
 OF JEFF TARVIN, DECEASED) BALDWIN COUNTY, ALABAMA
) IN EQUITY NO. _____

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT, SITTING IN EQUITY:

The following is a full inventory of all the goods and chattels, money, books, papers and evidences of debt of Jeff Tarvin, deceased, which have come into the knowledge of the Administratrix:

GOODS AND CHATTELS

1. Money in a savings account, No. 106649, in the First National Bank of Mobile, Mobile, Alabama, in the amount of \$134.70.
2. Money in a savings account, No. 955, in the First National Bank of Atmore, Atmore, Alabama, in the amount of \$139.08.
3. Money in a checking account in the Baldwin County Bank, Bay Minette, Alabama, in the name of Andrew Tarvin, in the amount of \$1,237.00.
4. Household furniture and other household goods located in Blacksher, Alabama.
5. Livestock.

Pearl Tarvin
 Administratrix

STATE OF ALABAMA

COUNTY OF MOBILE

Pearl Tarvin, Administratrix of the estate of Jeff Tarvin, deceased, being duly sworn, makes oath that the foregoing inventory made by her is full and complete as to the goods and chattels, debts and money, which were of the said deceased at the time of his death, so far as the same have come to her knowledge or possession.

Pearl Tarvin
 Affiant

Subscribed and sworn to before me

this 4th day of April, 1954.

Marion Mc Mullen
 Notary Public, Mobile County, Alabama

J. Leroy Reynolds, Jr.
William F. Lantieri
 Solicitors for Administratrix

RECORDS OF THE DISTRICT COURT

Handwritten signature



District Court of the District of Columbia
April 1934
Assigned and given to the

Handwritten signature

deputy, so far as the same have come to her knowledge in possession,
deputy and money, which were of the said deceased at the time of his
death by her in full and complete as to the goods and chattels,
deceased, being only owner, makes oath that the foregoing inventory
being sworn, Administration of the estate of said deceased,
COUNTY OF MONTGOMERY
CITY OF WASHINGTON

Handwritten signature

1. Inventory.

2. Description of property.

3. Description of property and given heretofore goods located in
amount of \$1,825.00.

4. Money in a savings account, No. 212, in the
City of Washington, District of Columbia, in the

name of the said deceased, in the amount of \$1,825.00.

5. Money in a savings account, No. 212, in the
City of Washington, District of Columbia, in the

name of the said deceased, in the amount of \$1,825.00.

GOODS AND CHATTELS

ADMINISTRATOR:

The said deceased, with the aid of the said Administrator of the
County of Montgomery, District of Columbia, and the said goods and
the following is a full inventory of all the goods and

Handwritten signature

SO THE FOREGOING INVENTORY OF THE ESTATE OF THE SAID DECEASED

IN WASHINGTON, D.C.

ON THIS DAY OF APRIL, 1934, at the City of Washington, D.C.

IN THE PRESENCE OF THE SIGNED) BY THE DISTRICT COURT OF

Handwritten signature

FILED
APR 17 1934
ALICE J. DICK, Register

EX PARTE PEARL TARVIN, as) IN THE CIRCUIT COURT OF
 Administratrix of the Estate) BALDWIN COUNTY, ALABAMA
 of JEFF TARVIN, deceased.) IN EQUITY
) NO. _____

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT, SITTING IN EQUITY:

Now comes the Petitioner, Pearl Tarvin, as Administratrix of the Estate of Jeff Tarvin, deceased, and shows unto Your Honor as follows:

O N E

That the Petitioner was appointed Administratrix of the Estate of Jeff Tarvin, deceased, by the Probate Court of Baldwin County, Alabama, on December 12, 1953.

T W O

That the Estate of Jeff Tarvin, deceased, is now pending in the Probate Court of Baldwin county, Alabama.

T H R E E

That in the opinion of the Petitioner the said Estate of Jeff Tarvin, deceased, can be better administered in the Circuit Court of Baldwin County, Alabama, in Equity, than in the Probate Court of Baldwin County, Alabama.

WHEREFORE, THE PREMISES CONSIDERED, your Petitioner prays that Your Honor will enter an order directed to the Probate Court of Baldwin County, Alabama, removing the said cause from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, in Equity, and your Petitioner prays for such other, further or different and general relief to which she may be entitled, the premises considered.

Pearl Tarvin
 Petitioner

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, personally appeared Pearl Tarvin, who being by me known and first duly sworn, deposes and says that she is the Petitioner in the above and foregoing petition, and that she signed the same, and that the allegations made therein are true

and correct.

Kearl Jarvin
affiant

Subscribed and sworn to before
me this 31st day of December, 1953.

Merlyn Mc Miller
Notary Public, Mobile County, Alabama

J. Arthur Reynolds, Jr. & William R. Satter
Solicitors for petitioner

2

Larson
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FILED
FEB 9 1954

JOHN L. DICK, Register



RECEIVED
FEB 10 1954
STATE OF OREGON
DEPARTMENT OF THE SECRETARY OF STATE

IN THE MATTER OF THE
ESTATE OF JEFF TARVIN,
Deceased.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
NO. 3204

TO THE HONORABLE H. M. HALL, JUDGE OF SAID COURT, IN EQUITY, SITTING:

Comes Frank Tarvin and Mariah Tarvin Weaver, heirs of Jeff Tarvin, deceased, and respondents in the said cause now pending before this Honorable Court, by their attorney of record, C. LeNoir Thompson and moves this Honorable Court to set aside the appointment of appraisers heretofore made by this Honorable Court and-or any report made by them in the above styled cause and as grounds for said motion shows as follows:

1.

That the said Frank Tarvin has not been served with all of the papers filed in said cause and material to his interest.

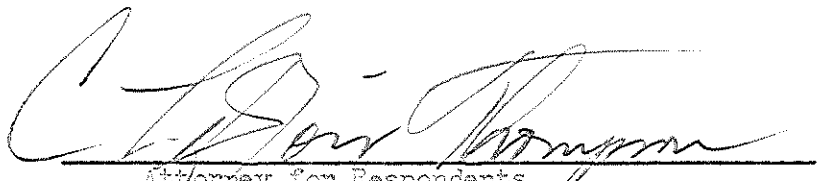
2.

That the said Mariah Tarvin Weaver has not been served with all of the papers filed in said cause and material to her interest.

3.

That the said C. LeNoir Thompson, Attorney of record for the afore-named Respondents has had no notice of any appointment of appraisers in this cause until learning of same accidental on the 21st day of February, after said appointment had been made.


WHEREFORE, this motion.


Attorney for Respondents.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority personally appeared C. LeNoir Thompson, who being duly sworn deposes and says: That the foregoing facts alleged in said motion are true and correct to the best of his information, knowledge and belief.

Sworn to and subscribed before me this 24th day of February, 1956.

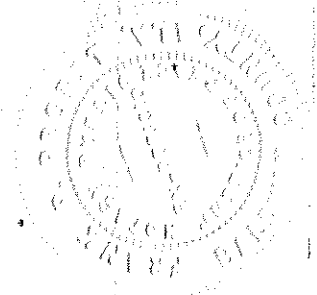

Notary Public, Baldwin County, Alabama.

14

FILED

24 1956

ALICE J. BOGA, REGISTRAR



IN THE MATTER OF THE) IN THE CIRCUIT COURT OF
 ESTATE OF JEFF TARVIN,) BALDWIN COUNTY, ALABAMA
 Deceased.) IN EQUITY
) NO. _____

PETITION BY WIDOW TO SET APART EXEMPTIONS
TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT SITTING IN
EQUITY

Now comes Pearl Tarvin, who makes this petition and respectfully represents unto Your Honor the following facts:

O N E

That she is over the age of twenty one years, a bona fide resident of Mobile County, Alabama, and is the widow of Jeff Tarvin, now deceased; that said Jeff Tarvin died intestate in the year of, to-wit, 1944; that at the time of his death he was a resident of Baldwin County, Alabama; that he left surviving him no minor children; that the administration of his estate is now pending in this Court and your Petitioner is Administratrix of said estate, having been appointed the same by the Probate Court of this County on December 12, 1953.

T W O

That said Jeff Tarvin left surviving him his widow, your Petitioner, and the following named heirs, next of kin and distributees of his estate, all of whom are over the age of twenty one years and of sound mind:

1. Andrew Tarvin, son, whose address is Blacksher, Alabama.
2. Joseph T. Tarvin, son, whose address is 1160 St. Madar Street, Mobile, Alabama.
3. Jack Tarvin, son, whose address is Prichard, Alabama.
4. J. T. Tarvin, son, whose address is Prichard, Alabama.
5. Felix Tarvin, son, whose address is 1160 St. Madar Street, Mobile, Alabama.
6. Mariah Tarvin Weaver, daughter, whose address is Blacksher, Alabama.
7. Annie Tarvin, daughter, whose address is Detroit, Michigan.
8. L. B. Tarvin, son, whose address is Detroit, Michigan.
9. Dave Tarvin, son, whose address is 222 Engine Street, Whistler, Alabama.
10. Jeff Tarvin, Jr., son, whose address is 227 Engine Street, Whistler, Alabama.

11. Willie Mae Hayworth, Granddaughter, being the daughter of decedent's deceased son, whose address is Youngstown, Ohio.
12. Lucille Tarvin Davis, daughter, whose address is Detroit, Michigan.
13. Frank Tarvin, son, whose address is Blacksher, Alabama.
14. Elijah Tarvin, son, whose address is Detroit, Michigan.

The Petitioner further alleges that the deceased, Jeff Tarvin, had about nine other children, but the Petitioner does not know whether they are living or dead, and if dead, whether they left any heirs or next of kin, and if so, whether such heirs or next of kin be living or dead, or what the addresses of such other children be, and if they be dead, what the addresses of such heirs or next of kin of such other children be. The Petitioner does not know the addresses of such heirs and next of kin of the decedent other than as stated in the preceding paragraph, although the Petitioner has made diligent search and inquiry to determine such addresses.

T H R E E

The said Jeff Tarvin, at the time of his death, was the owner of or had an interest in the following described real property, all of which is located in Baldwin County, Alabama, viz:

The Northwest quarter of the Southwest quarter of Section Nine, Township Three North, Range Three East, containing approximately Forty acres; West half of Northeast quarter of Southwest quarter of Section Nine, Township Three North, Range Three East, containing approximately Twenty acres; East Half of Southeast quarter of Section Five, Township Three North, Range Three East, containing approximately Eighty acres; Northeast quarter of Northwest quarter of Section Nine, Township Three North, Range Three East, containing approximately Forty acres; North half of Northeast quarter of Northeast quarter of Section Eight, Township Three North, Range Three East, containing approximately Twenty acres; North half of Northwest quarter of Northeast quarter of Section Eight, Township Three North, Range Three East, containing approximately Forty acres; Northwest quarter of Northeast quarter of Section Twenty Seven, Township Four North, Range Three East, containing approximately Forty acres; all of the Northeast quarter that lies on the East side of Alabama River in Section Twenty Nine, Township Four North, Range Three East, containing approximately Sixty acres.

F O U R

The following is a list of all the personal property of which your Petitioner has knowledge which was owned by said Jeff Tarvin, or in which said Jeff Tarvin had an interest, at the time of his decease:

1. Money in a savings account, No. 106649, in the First National Bank of Mobile, Mobile, Alabama, in the amount of \$134.70.
2. Money in a savings account, No. 955, in the First National Bank of Atmore, Atmore, Alabama, in the amount of \$139.08.
3. Money in a checking account in the Baldwin County Bank, Bay Minette, Alabama, in the name of Andrew Tarvin, in the amount of \$1,237.00.
4. Household furniture and other household goods located in Blacksher, Alabama.
5. Livestock.

F I V E

Your Petitioner further shows that the administration of the estate of Jeff Tarvin, deceased, is now pending in this Court, having been removed to this Court from the Probate Court of Baldwin County, Alabama, and that your petitioner is the duly appointed and acting administratrix of said estate.

S I X

Your Petitioner further shows that there has not been set apart to your Petitioner the personal property exemption to which she is entitled under the laws of the State of Alabama, and there has not been set apart to your Petitioner a homestead exemption to which she is entitled under the laws of the State of Alabama, and that there has been no money allotted to your Petitioner in lieu of homestead exemption, and that a homestead has not been carved out of the estate of Jeff Tarvin, deceased, from the real estate in which he had an interest at the time of his death, and which is above described, and Jeff Tarvin, at the time of his death, had no homestead exempt to him from levy and sale under process.

S E V E N

Your petitioner hereby selects the following described personal property to be set a side to her as exempt from administration under the laws of the State of Alabama:

1. Money in Savings Account No. 106649 in the First National Bank of Mobile, Mobile, Alabama, in the amount of \$134.70.
2. Money in Savings account, No. 955, in the First National Bank of Atmore, Atmore, Alabama, in the amount of \$139.08.
3. All bedding and household and kitchen furniture located in Blacksher, Baldwin County, Alabama.
4. The first \$726.22 in checking account in Baldwin County Bank, Bay Minette, Alabama, in the name of Andrew Tarvin.

E I G H T

Your Petitioner selects the following described real property to be carved out of the real estate above described and set apart to your Petitioner as exempt under the laws of the State of Alabama:

The Northwest quarter of the Southwest quarter of Section Nine, Township Three North, Range Three East, containing approximately Forty acres; West half of Northeast quarter of Southwest quarter of Section Nine, Township Three North, Range Three East, containing approximately Twenty acres; Northeast quarter of Northwest quarter of Section Nine, Township Three North, Range Three East, containing approximately Forty acres; North half of Northeast quarter of Northeast quarter of Section Eight, Township Three North, Range Three East, containing approximately Twenty acres; North half of Northwest quarter of Northeast quarter of Section Eight, Township Three North, Range Three East, containing approximately Forty acres.

That the above described real estate is in value less than SIX THOUSAND AND NO/100 (\$6,000.00) DOLLARS and in area less than One Hundred Sixty (160) acres.

N I N E

Your Petitioner further avers that there is no other real estate owned by the said Jeff Tarvin at the time of his death out of which an exempt homestead can be carved.

THE PREMISES CONSIDERED, your Petitioner prays that Your Honor will appoint appraisers of the estate of Jeff Tarvin, deceased, as provided by law, and issue to them a commission and direct them to appraise the above described property which is heretofore selected by your Petitioner in paragraph number Eight, and direct them to carve out of the real estate of said Jeff Tarvin, deceased, a homestead for your Petitioner, and to set apart said real property to your Petitioner as exempt, and your Petitioner further prays that the above described personal property, heretofore selected by your Petitioner in paragraph number Seven, or its equivalent in monetary value to the extent of ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS in cash, be set apart to your Petitioner. Your Petitioner further prays that Your Honor will direct such appraisers as may be appointed by this Court to report the appraisement and allotment of exemptions to Your Honor; that Your Honor will appoint an Administrator Ad Litem to represent the estate of Jeff Tarvin, deceased, in this proceedings, and will

appoint a Guardian Ad Litem and Attorney Ad Litem to represent the unknown heirs of said decedent; and that Your Honor will cause notice to be issued, directed to the heirs, named herein, and to every such person who may have an interest in such proceeding, advising them of this proceeding and requiring them to appear and show cause, if any, why said property should not be set apart to your Petitioner absolutely and in fee simple, and that Your Honor will cause to be published in The Baldwin Times, a newspaper published in Baldwin County, Alabama, once a week for three consecutive weeks, giving notice of the filing of the report of said appraisers or clerks, and of the day set for the hearing of said report, requiring them to show cause why said property should not be set apart to your Petitioner absolutely, and in fee simple, as to the real estate, as her homestead, and to allow the exemption of said personal property, as heretofore selected by your Petitioner, or its appraised value; that the real estate described herein, after being set apart as provided by law to the Petitioner be ordered by your Honor to be sold, and that the first SIX THOUSAND AND NO/100 (\$6,000.00) DOLLARS of the purchase money therefor be paid to your Petitioner as her homestead, or exemption in lieu of homestead, or if said real property be not sold, that upon a final hearing of this cause Your Honor will cause to enter a decree setting apart said real estate to your Petitioner absolutely and in fee simple, and as to the personalty that your Honor set apart said personalty to your Petitioner or the first ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS appraised value thereof.

Your Petitioner prays for such other, further, different or general relief to which she may be entitled, the premises considered.

Pearl Tarvin

Petitioner

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, the undersigned authority, in and for said County in said State, this day personally appeared Pearl Tarvin, who,

being known to me, after having been by me first duly sworn on oath, deposes and says that she is the Petitioner in the foregoing petition; that the facts contained therein are true and correct, and as to the allegations alleged to be upon information and belief, she verily believes to be true and correct.

Pearl Garvin

Affiant

Subscribed and sworn to before me
this 14th day of April, 1954.

Matthew McMullen

Notary Public, Mobile County, Alabama

J. Furry Reynolds, Jr.

William R. Porter

Solicitors for Petitioner

[illegible][illegible]

FILED
APR 27 1954

100-443887-100

IN THE MATTER OF THE) IN THE PROBATE COURT OF
 ESTATE OF JEFF TARVIN,) BALDWIN COUNTY, ALABAMA
 deceased.) NO. _____

TO THE HONORABLE W. R. STUART, JUDGE OF THE PROBATE COURT
OF BALDWIN COUNTY, ALABAMA

Your Petitioner, Pearl Tarvin, now residing at 65 Avenue L, Prichard, Alabama, in Mobile County, Alabama, being over the age of twenty-one years and of sound mind, respectfully represents and shows unto Your Honor as follows:

ONE

That in the year, to-wit, 1944, Jeff Tarvin departed this life in the County of Baldwin, State of Alabama, and that he did not leave a last will and testament. That the Petitioner is the widow of said Jeff Tarvin, deceased.

TWO

That the said Jeff Tarvin, decedent, at the time of his death, was a resident citizen of Baldwin County, Alabama, residing at Blacksher, Alabama, and that he left at the time of his death as his heirs, next of kin and distributees the following named persons, whose names, relationships to the decedent and addresses are as follows; to-wit:

Pearl Tarvin, widow of the deceased, who resides at 65 Avenue L, Prichard, Alabama, and who is over twenty-one years of age and of sound mind.

Andrew Tarvin, son of the deceased, who resides at Blacksher, Alabama, and who is over twenty-one years of age and of sound mind.

Joseph T. Tarvin, son of the deceased, who resides at 1160 St. Madar Street, Mobile, Alabama, and who is over twenty-one years of age and of sound mind.

Jack Tarvin, son of the deceased, who resides at Prichard, Alabama, and who is over twenty-one years of age and of sound mind.

J. T. Tarvin, son of the deceased, who resides at Prichard, Alabama, and who is over twenty-one years of age and of sound mind.

Felix Tarvin, son of the deceased, who resides at 1160 St. Madar Street, Mobile, Alabama, and who is over twenty-one years of age and of sound mind.

Mariah Tarvin Weaver, daughter of deceased, who resides at Blacksher, Alabama, and who is over twenty-one years of age and of sound mind.

Annie Tarvin, daughter of deceased, who resides at Detroit, Michigan, and who is over twenty-one years of age and of sound mind.

L. B. Tarvin, son of the deceased, who is residing at Detroit, Michigan, and whose address is c/o Annie Tarvin, Detroit, Michigan, and who is over twenty-one years of age and of sound mind.

Dave Tarvin, son of the deceased, who resides at 222 Engine Street, Whistler, Alabama, and who is over twenty-One years of age and of sound mind.

Jeff Tarvin, Jr., son of the deceased, who resides at 227 Engine Street, Whistler, Alabama, and who is over twenty-one years of age and of sound mind.

Willie Mae Hayworth, grand-daughter of the deceased, being the daughter of the decedent's deceased son, who resides at Youngstown, Ohio, and who is over twenty-one years of age and of sound mind.

Lucille Tarvin, Davis, daughter of the deceased, who resides at Detroit, Michigan, and who is over twenty-one years of age and of sound mind.

Frank Tarvin, son of deceased, who resides at Blacksher, Alabama, and who is over twenty-one years of age and of sound mind.

Elijah Tarvin, son of deceased, who resides at Detroit, Michigan, and who is over twenty-one years of age and of sound mind.

The Petitioner further alleges that the deceased had about nine other children, but the Petitioner does not know whether they are living or dead, and if dead, whether they left any heirs or next of kin, and if so, whether such heirs or next of kin be living or dead, and what the addresses of such other children are, and if they be dead, what the addresses of such heirs or next of kin be. The Petitioner does not know the addresses of such heirs and next of kin other than as stated in the preceding paragraph, although the Petitioner has made diligent search and inquiry to determine such addresses, and the Petitioner does not know whether any of the heirs or next of kin of the said decedent be minors and if they are minors whether a guardian has been appointed to represent such minors.

T H R E E

The Petitioner further alleges that Jeff Tarvin, deceased, left an estate in personalty, which your Petitioner believes to be of the value of about FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS, and probably not more, which your Petitioner is informed and believes, and upon such information and belief alleges to consist of the following, to-wit:

Household furniture and other household goods, located at the homestead in Baldwin County, Alabama.

Livestock

Money in an account in the Baldwin County bank, Bay Minette, Alabama, in the name of Andrew Tarvin. This account is a savings account, and the pass book is believed to be in the hands of C. LeNoir Thompson, Esquire, Bay Minette, Alabama.

Your Petitioner further alleges that Jeff Tarvin, at the time of his

death, left an estate in real property, which your Petitioner is informed and believes and upon such information and belief, alleges consists of an interest of the said Jeff Tarvin in the following described real estate, situated, lying and being in Baldwin County, Alabama, to-wit:

N. W. 1/4 of S. W. 1/4 of S. 9, T. 3 N., R. 3 E.,
containing approximately forty acres;
W. 1/2 of N. E. 1/4 of S. W. 1/4 of S. 9, T. 3 N., R. 3 E., containing approximately twenty acres;
E. 1/2 of S. E. 1/4 of S. 5, T. 3 N., R. 3 E.,
containing approximately eighty acres;
N. E. 1/4 of N. W. 1/4 of S. 9, T. 3 N., R. 3 E.,
containing approximately forty acres;
N. 1/2 of N. E. 1/4 of N. E. 1/4 of S. 8, T. 3 N. R. 3 E., containing approximately twenty acres;
N. 1/2 of N. W. 1/4 of N. E. 1/4 of S. 8, T. 3 N., R. 3 E., containing approximately forty acres;
N. W. 1/4 of N. E. 1/4 of S. 27, T. 4 N., R. 3 E.,
containing approximately forty acres;
All of the N. E. 1/4 that lies on the east side of Alabama River in S. 29, T. 4 N., R. 3 E.,
containing approximately sixty acres.

Your Petitioner avers that the estimated value of the rent of the above described real estate for a term of three years is, to-wit, ONE THOUSAND NINE HUNDRED TWENTY AND NO/100 (\$1,920.00) DOLLARS.

FOUR

Your Petitioner further respectfully represents unto Your Honor that she is a resident of Mobile County, State of Alabama, and is over the age of twenty-one years and of sound mind, and that she is desirous of being appointed Administratrix of this said Estate.

WHEREFORE, THE PREMISES CONSIDERED, the Petitioner prays that Your Honor will grant Letters of Administration on said Estate to the Petitioner, upon her entering into bond in such sum as is required by the statute, and with such security or securities as shall be approved by Your Honor, and your Petitioner further prays for such other, further, different or general relief to which the Petitioner may be entitled, the premises considered.

Respectfully submitted,

Pearl Tarvin
Petitioner

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, the undersigned authority, personally appeared Pearl Tarvin, who being known to me and being by me first duly sworn, deposes and says that the facts as alleged in the above petition are true and correct, and as to the facts which the petition alleges to be upon information and belief, the Petitioner, Pearl Tarvin verily believes the same to be true and

correct.

Pearl Tarvin
Affiant

Subscribed and sworn to before me this

8th day of December, 1953.

William M. Miller
Notary Public, Mobile County, Alabama

J. Leroy Reynolds & Wm. N. Fauter
Solicitors for Petitioner

STATE OF ALABAMA, BALDWIN COUNTY

Filed Dec 12, 1953 M

Recorded Pro. & Min. book 2 page 334

W. R. Stuart
Judge of Probate

JEFF TARVIN, deceased
ESTATE OF

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

Come Andrew Tarvin, Annie Tarvin, Lucille Tarvin, Felix Tarvin, Jeff Tarvin, Dave Tarvin and Joe Tarvin, the children and heirs of Jeff Tarvin, deceased, and except to the report of commissioners, James Driesback, Charles E. Gantt, and Maybin Phillips, heretofore made and filed in this cause July 12, 1956 and as grounds of exception say:

One: That the said lands so set apart were not the homestead of the said Jeff Tarvin at the time of his death.

Two: That at the time of his death the said Jeff Tarvin did not reside on the said lands or any part thereof or on any land described in the petition in this cause and described in the report of the commissioners in this cause, and this court is without jurisdiction to set apart the said lands or any lands to the said Pearl Tarvin, the widow of Jeff Tarvin, as exempt to her from the administration and payment of debts.

Three: That the said lands set apart to her in the report of the commissioners, namely the East half of the Southeast quarter of Section 5, Township 3 North, Range 3 East was at the time of the death of the said Jeff Tarvin of greater value than \$2,000.00.

Four: That heretofore on to-wit: February 18, 1956, while this matter was pending in this court and before the making and filing of the aforesaid report of commissioners the said Pearl Tarvin, as she had a right to do under the law of the State of Alabama, exercised her right of selection of the lands to be set apart to her in lieu of homestead as exempt to her from administration and payment of debts, and did select in lieu of homestead the following described lands, viz: the Northwest quarter of Northeast quarter of Section 27, Township 4 North, Range 3 East, and that part of the Northeast quarter of Section 29, Township 4 North, Range 3 East, lying East of Alabama River, and which said lands so selected by her as shown by the aforesaid report of the aforesaid commissioners and appraisers was of the value of \$2,500.00 as of the date of the death of the said Jeff Tarvin, deceased, and having so selected the same she did, for a valuable consideration, namely: the sum of \$ 400.00, sell the same to one Elijah Tarvin and that in and by selecting the said lands in lieu of homestead and in and by selling the same as aforesaid she abandoned

any and all claims to any and all other lands of the estate of the said Jeff Tarvin, deceased, as exempt to her from administration and payment of debts.

Five: That heretofore on to-wit: February 18, 1956, while this matter was pending in this court and before the making and filing of the aforesaid report of commissioners the said Pearl Tarvin, as she had a right to do under the laws of the State of Alabama, exercised her right of selection of the lands to be set apart to her in lieu of homestead as exempted to her from administration and payment of debts, and did select in lieu of homestead the following described lands, viz: the Northwest quarter of Northeast quarter of Section 27, Township 4 North, Range 3 East, and that part of the Northeast quarter of Section 29, Township 4 North, Range 3 East, lying East of the Alabama River, and which said lands so selected by her as shown by the aforesaid report of the aforesaid commissioners and appraisors was of the value of \$2,500.00 as of the date of the death of the said Jeff Tarvin, deceased, and having so selected the same she did, for a valuable consideration, namely: the sum of \$400.00, sell the same to one Elijah Tarvin and that in and by selecting the said lands in lieu of homestead and in and by selling the same as aforesaid she is estopped from claiming any and all other lands of the estate of the said Jeff Tarvin, deceased, as exempt to her from administration and payment of debts.

Six: That heretofore on to-wit: February 18, 1956, while this matter was pending in this court and before the making and filing of the aforesaid report of commissioners the said Pearl Tarvin, as she had a right to do under the laws of the State of Alabama, exercised her right of selection of the lands to be set apart to her in lieu of homestead as exempt to her from administration and payment of debts, and did select in lieu of homestead the following described lands, viz: the Northwest quarter of Northeast quarter of Section 27, Township 4 North, Range 3 East, and that part of the Northeast quarter of Section 29, Township 4 North, Range 3 East, lying East of Alabama River, and which said lands so selected by her as shown by the aforesaid report of the aforesaid commissioners and appraisors was of the value of \$2,500.00 as of the date of the death of the said Jeff Tarvin, deceased, and having so selected the same she did for a valuable consideration, namely: the sum of \$400.00, sell the same to one Elijah Tarvin and that in and by selecting the said lands in lieu of homestead and in and by selling the same

as aforesaid she waived any and all claims to any and all other lands of the estate of the said Jeff Tarvin, deceased, as exempt to her from administration and payment of debts.

Seven: That heretofore on to-wit: February 18, 1956, while this matter was pending in this court and before the making and filing of the aforesaid report of commissioners the said Pearl Tarvin, as she had a right to do under the laws of the State of Alabama, exercised her right of selection of the lands to be set apart to her in lieu of homestead as exempt to her from administration and payment of debts, and did select in lieu of homestead the following described lands, viz: the Northwest quarter of Northeast quarter of Section 27, Township 4 North, Range 3 East, and that part of the Northeast quarter of Section 29, Township 4 North, Range 3 East lying East of Alabama River, and which said lands so selected by her as shown by the aforesaid report of the aforesaid commissioners and appraisors was of the value of \$2,500.00 as of the date of the death of the said Jeff Tarvin, deceased, and having so selected the same she did for a valuable consideration, namely: the sum of \$400.00, sell the same to one Elijah Tarvin, and that in and by selecting the said lands in lieu of homestead and in and by selling the same as aforesaid she is therein and thereby barred from claiming any and all other lands of the estate of the said Jeff Tarvin, deceased, as exempt to her from administration and payment of debts.

Eight: That the said Pearl Tarvin, who is over the age of seventy years, is not entitled to have said lands set apart to her as exempt in lieu of homestead under the laws of the State of Alabama, in this, that: since the commencement of this proceeding to have lands set aside to her as the widow of the decedent, Jeff Tarvin, and before the filing of the said report of said commissioners and appraisors the said Pearl Tarvin, as she had a right to do under the laws of the State of Alabama, did exercise her right of selection of the lands to be set apart to her in lieu of homestead as exempt to her from administration and payment of debts, and did select in lieu of homestead the following described lands, viz: the Northwest quarter of Northeast quarter of Section 27, Township 4 North, Range 3 East, lying East of Alabama

River, and which said lands so selected by her as shown by the aforesaid report of the aforesaid commissioners and appraisors was of the value of \$2,500.00 as of the date of the death of the said Jeff Tarvin, deceased, and having so selected the same she did for a valuable consideration, namely: the sum of \$400.00 sell the same to one Elijah Tarvin, which said sum of money, in view of her life expectancy, is in excess of the value of her homestead right in the estate of the said Jeff Tarvin, deceased, and that therein and thereby the said Pearl Tarvin did obtain and receive the full benefit of her right of exemption in lieu of homestead out of the estate of the said Jeff Tarvin, deceased, and is not now and was not after her selection and sale as aforesaid entitled to have other and different lands set aside to her as exempt in lieu of homestead.

Beebe & Swearingen

By

W. P. Beebe
Solicitors for the above named heirs
of Jeff Tarvin, deceased.

IN THE MATTER OF THE
ESTATE OF JEFF TARVIN,
Deceased.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.
NO. _____

TO THE HONORABLE H. M. HALL, JUDGE OF SAID COURT, IN EQUITY, SITTING:

Comes Mariah Tarvin Weaver, heir of Jeff Tarvin, deceased, and Respondent in the said cause nowpending before this Honorable Court, and movesthis Honorable Court to set aside the appointment of appraisers hereTofore made by this Honorable Court and-or any report made by said appraisers in the above styled cause and as grounds for said motion shows as follows:

1.

That the said Mariah Tarvin Weaver has not been served with any papers filed in connection with an order of this Honorable Court concerning the appointment of appraisers in said matter or of notice of a petition for said appraisal and that said notice is material. That the first knowledge of said appraisal given to your Petitioner, Mariah Tarvin Weaver, when the appraisers appeared on the property.

2.

That the said Mariah Tarvin Weaver has not been served with notice of an amendment in said cause.

3.

That the said Mariah Tarvin Weaver, has not been served withnotice of the application for appointment of said appraisers.

4.

That the said Mariah Tarvin Weaver has not been served with notice of the appointment of said appraisers.

WHEREFORE, the said Complainant in said matter have named the said Mariah Tarvin Weaver as an heir of Jeff Tarvin, deceased, your Petitioner is entitled, as a party of record, to be served with all papers filed in said cause.

WHEREFORE, this motion.

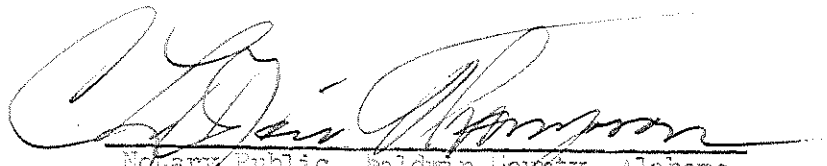
Mariah Tarvin Weaver
Respondent.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority personally appeared Mariah Tarvin Weaver, who being duly sworn deposes and says: That the foregoing facts alleged in said motion are true and correct to the best of her information, knowledge and belief.

Mariah Tarvin Weaver

Sworn to and subscribed before me this 25 day of February, 1956.


Notary Public, Baldwin County, Alabama.

FILED

MAR 27 1956

NOTARY PUBLIC

3204

(15)

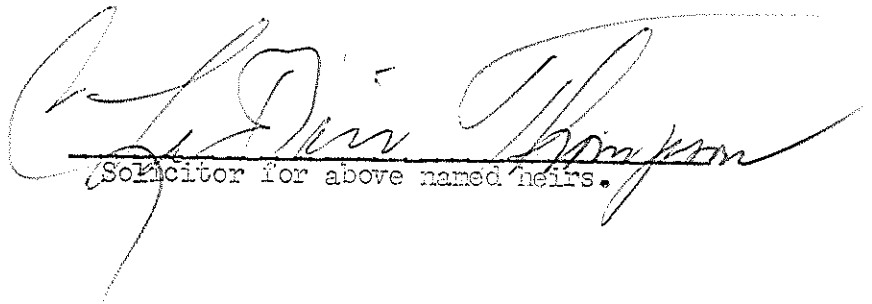
FILED
MAY 20 1955
ALB. J. DEAN, District

IN THE MATTER OF THE ESTATE
OF JEFF TARVIN, DECEASED

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

Comes Frank Tarvin, Maria Tarvin Weaver, et al., heirs of Jeff Tarvin,
deceased by their Solicitor of Record C. LeNoir Thompson and contest the setting
apart to Pearl Tarvin as the widow of Jeff Tarvin, deceased, the East half
of the Southeast quarter of Section 5, Township 3 North, Range 3 East, and
respectfully show unto your Honor and as a basis for said contest join in and
adopt the said exceptions noted in the contest filed by Andrew Tarvin, et al.

FILED
JUL 28 1956
ALICE J. DUCK, Register


Solicitor for above named heirs.

ESTATE OF

JEFF TARVIN,

Deceased.

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

NO.

MR. BEEBE: The Contestants abandon Grounds One,
Two and Three of their Contest.
The Court sustains the Petitioner's
demurrer to Grounds Four, Five and Six.

ESTATE OF

JEFF TARVIN, DEC'D

December 7, 1956

IN THE MATTER OF THE ESTATE) IN THE CIRCUIT COURT OF BALDWIN
 OF JEFF TARVIN, Deceased.) COUNTY, IN EQUITY
) No. 3204

IN THE MATTER OF THE SETTING APART OF EXEMPTIONS TO THE WIDOW

MOTION TO STRIKE EXEMPTIONS

Now comes Pearl Tarvin, the widow in the above styled cause and without waiving the right to test the sufficiency of the exemptions heretofore filed in this cause by the heirs of Jeff Tarvin, deceased, moves the court to strike the contest and strike the exceptions and grounds of contest, separately and severally, and moves the court to confirm the report of the commissioners allowing the widow the exemptions as reported, and as separate and several grounds for such motion says as follows:

1. For that the report of the commissioners was on file in this cause more than thirty (30) days before the filing of any exceptions thereto.
2. For that said contest or exceptions to the report of the commissioners was not filed within the time allowed by law.
3. For that no contest or exceptions to the report of the commissioners was filed within thirty (30) days from the filing of the commissioners' report.
4. For that no contest or exceptions to the report of the commissioners was filed within thirty (30) days from the notice to any of said heirs of the filing of said report of the commissioners.

Jeffrey J. Malliburn Jr.
J. Terry Reynolds Jr.
William R. Lane
 Solicitors for Movant, Pearl Tarvin

FILED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

MOTION TO STRIKE EXCEPTIONS

That the undersigned, being duly sworn, deposes and says that the within motion was made and filed for the purpose of striking the exceptions to the petition for partition of the premises described in the petition, and that the undersigned is a party to the said petition and is entitled to the relief prayed for in the same.

Subscribed and sworn to before me this 1st day of November, 1956.

Notary Public for Baldwin County, Alabama.

Witness my hand and the seal of my office this 1st day of November, 1956.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3204

IN THE MATTER OF THE ESTATE OF
JEFF TARVIN, Deceased.

MOTION TO STRIKE EXCEPTIONS.

FILED
NOV. 1956
ALICE J. DUCK, Register

) IN THE CIRCUIT COURT OF
 IN THE MATTER OF THE ESTATE) BALDWIN COUNTY, ALABAMA,
 OF JEFF TARVIN, deceased) IN EQUITY
)

Come Jeff Tarvin and Andrew Tarvin, for and on behalf of themselves and the other heirs of Jeff Tarvin, deceased, and demurring to the petition of Pearl Tarvin heretofore filed in the above styled cause and as grounds of demurrer say:

1. That the allegations of the said petition do not show that the petitioner has a right to the relief prayed for.
2. That the allegations of the said petitioner shows on its face that the petitioner is not entitled to the relief prayed for.
3. For ought that appears from the said petition the said Jeff Tarvin did not reside on the lands described in the petition at the time of his death.
4. For it does not appear from the said petition that the lands described therein were all of the lands owned by Jeff Tarvin at the time of his death.
5. 5. That it does not appear from the said petition that the lands described in the petition were the homestead of Jeff Tarvin at the time of his death.

Beebe & Swearingen

By W. C. Beebe

Solicitors for the heirs of
 Jeff Tarvin, deceased.

①

3204

In The Matter
of the estate of
Jeff Farmer, died

Demurrers

Re FILED

MAY 8 1956

ALICE L. DUCK, Register

FILED

MAY 11 1955

ALICE L. DUCK, Register

Requester Laidlaw

IN THE MATTER OF THE ESTATE	1	SUPREME COURT OF THE STATE OF
		ALABAMA
OF JEFF TARVIN, DECEASED	1	ON APPEAL FROM THE CIRCUIT COURT
	1	OF BALDWIN COUNTY, IN EQUITY

It is agreed between the parties to this cause that the transcript in this cause shall consist of:

1. The petition of Pearl Tarvin to the Probate Court of Baldwin County for letters administration on the estate of Jeff Tarvin, deceased, dated December 8, 1953, filed December 12, 1953.
2. Order of W. R. Stuart, Judge of Probate of Baldwin County dated December 12, 1953, appointing Pearl Tarvin administratrix of the estate of Jeff Tarvin, deceased.
3. Letters Administration issued to Pearl Tarvin, December 12, 1953 on the estate of Jeff Tarvin, deceased.
4. Notice of Pearl Tarvin of her appointment as administratrix, together with the affidavit of the publisher, dated December 17, 1953.
5. Order of W. R. Stuart, Judge of Probate of Baldwin County, dated February 24, 1954 transferring the administration of the estate of Jeff Tarvin, deceased, from the Probate Court of Baldwin County to the Circuit Court of Baldwin County, in equity.
6. Petition of Pearl Tarvin dated December 31, 1953, filed February 9, 1954 to the Honorable H. M. Hall, Judge of the Circuit Court, sitting in equity, for transfer of the administration of the estate of Jeff Tarvin, deceased, from the Probate Court of Baldwin County to the Circuit Court, sitting in equity.
7. Order of Honorable H. M. Hall, Judge of the Circuit Court, dated February 9, 1954, filed February 10, 1954, ordering the transfer of the administration of the estate of Jeff Tarvin, deceased, from the Probate Court of Baldwin County to the Circuit Court, sitting in equity.
8. Petition by Pearl Tarvin, widow, to set apart exemptions to her out of estate of Jeff Tarvin, deceased, dated April 14, 1954, filed April 17, 1954.

9. Inventory of the goods and chattels of the estate of Jeff Tarvin, deceased, filed by Pearl Tarvin, administratrix, dated April 14, 1954, filed April 17, 1954.

10. Amendment by Pearl Tarvin, widow, of her petition to set aside exemptions to her out of the estate of Jeff Tarvin, deceased, dated April 14, 1955, filed April 18, 1955.

11. Amendment of Pearl Tarvin, widow, of her petition to set apart exemptions out of the estate of Jeff Tarvin, deceased, dated September 7, 1955, filed September 9, 1955.

12. Order of Honorable H. M. Hall, Judge of the Circuit Court, sitting in equity, dated January 28, 1956, filed January 28, 1956, appointing James Driesback, Mabyn Phillips and Charles Gantt commissioners and appraisers of the estate of Jeff Tarvin, deceased.

13. Report of commissioners and appraisers setting apart exemptions for the widow made by James Driesback, Charles E. Gantt and Mabyn Phillips, dated June 27, 1956 and filed June 27, 1956.

14. Contest of the report of the commissioners setting apart exemptions to Pearl Tarvin, widow, filed by Andrew Tarvin and others July 23, 1956.

15. Exceptions to the report of the commissioners filed by Frank Tarvin and others, July 23, 1956.

16. Motion to strike exceptions filed by Pearl Tarvin November 6, 1956.

17. Demurrers to contest and exceptions filed by Pearl Tarvin, December 7, 1956.

18. Abandonment of grounds of contest 1, 2 and 3 made by W. C. Beebe, Solicitor for Andrew Tarvin and others.

19. Order of the court sustaining the demurrers to contest and exceptions filed by Andrew Tarvin and others and Frank Tarvin and others, made by Honorable H. M. Hall, Judge, December 11, 1956 and filed December 12, 1956.

20. Notice of Appeal filed by Frank Tarvin and others January 4, 1957.

21. Security for cost on appeal signed by Andrew Tarvin and others filed January 4, 1957.

22. Certificate of appeal dated January 8, 1957 by Alice J. Duck, Register.

It is further agreed that all other papers in the file of said cause be ommitted from the transcript.

Beebe & Swearingen

By

W. C. Beebe
W. C. Beebe

C. Lenoir Thompson
C. Lenoir Thompson
Solicitors for Appellants
J. Terry Reynolds, Jr.
William R. Lauten

By William R. Lauten
William R. Lauten

Telfair J. Mashburn, Jr.
Telfair J. Mashburn
Solicitors for Appellees

3204

Stipulation

Estate of
Jeff. L. L. L.

Decem. 1957

FILED

FEB 14 1957

ALICE J. BUCK, Register

IN THE MATTER OF THE ESTATE)
OF JEFF TARVIN, deceased

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 3204.

IN THE MATTER OF THE SETTING APART OF THE EXEMPTIONS OF THE
WIDOW
MOTION TO STRIKE

Now comes the widow, Pearl Tarvin, and respectfully moves the court to strike separately and severally exceptions numbered 1, 2, 3, 4, 5, 6, 7 and 8 of the exceptions to the report of the commissioners heretofore filed by the heirs of Jeff Tarvin, deceased, and assigns the following separate and several grounds of such motion as to each such numbered exception, separately and severally, viz:

1. For that said exception numbered one (1) has been heretofore waived by the exceptors.

2. For that said exception numbered one (1) has been heretofore abandoned by the exceptors.

3. For that said exception numbered one (1) has been waived and abandoned by the exceptors as will appear from the record of this case.

4. For that said exception numbered two (2) has been heretofore waived by the exceptors.

5. For that said exception numbered two (2) has been heretofore abandoned by the exceptors.

6. For that said exception numbered two (2) has been waived and abandoned by the exceptors as will appear from the record of this case.

7. For that said exception numbered three (3) has been heretofore waived by the exceptors.

8. For that said exception numbered three (3) has been heretofore abandoned by the exceptors.

9. For that said exception numbered three (3) has been waived and abandoned by the exceptors as will appear from the record of this case.

10. For that said exception constitutes no ground for exception to the setting apart of an exemption in lieu of homestead to the widow.

11. For that it affirmatively appears that the real property reported by the commissioners to be set apart is an exemption in lieu of homestead.

12. For that said decedent was not required to live on the real property reported by the commissioners as his homestead for the court to set such property apart to the widow as an exemption in lieu of homestead.

13. For that the alleged exceptions are not made in accordance with the law governing excepting to reports of commissioners setting apart exemptions or reporting real property to be set apart as an exemption in lieu of homestead.

14. For it affirmatively appears that the widow made no selection of the Northwest quarter of Northeast quarter of Section 27, Township 4 North, Range 3 East, or that part of the Northeast quarter of Section 29, Township 4 North, Range 3 East, lying East of the Alabama River.

15. For that it affirmatively appears that the widow had selected and did select the property reported by the commissioners to be set apart to her as her exemption in lieu of homestead.

16. For that it affirmatively appears that the widow did not part with her homestead exemption right or any exemption of homestead right merely because she may have executed a quitclaim deed to some property other than that set apart by the commissioners as her exemption in lieu of homestead.

17. For that it affirmatively appears that the widow has no homestead interest or exemption in lieu of homestead in the property that was conveyed by quitclaim deed on February 18, 1956.

18. For that it affirmatively appears that the execution of a quitclaim deed, by the widow, quitclaiming any interest which she may have, does not prevent her from claiming a homestead exemption right or an exemption in lieu of homestead out of other real property of the decedent.

19. For that it affirmatively appears that the decedent owned but a small fractional interest in the real property conveyed and that the interest of the widow, if any, in the property conveyed was but a small fraction of what her exemption in lieu of homestead consisted.

20. For that it affirmatively appears that the widow had no intention whatever of selecting as her homestead exemption or exemption in lieu of homestead any of the property quitclaimed to Elijah Tarvin on February 18, 1956.

21. For that it affirmatively appears that the consideration for the deed to Elijah Tarvin was less than the value of the exemption right of the widow.

22. For that it affirmatively appears that the widow had not selected as her homestead exemption or exemption in lieu of homestead any of the property conveyed by her on February 18, 1956, but that she had selected as her homestead exemption or exemption in lieu of homestead the property reported by the commissioners to be set apart to her as her homestead exemption or exemption in lieu of homestead.

23. For that it affirmatively appears that the widow is not barred from asserting her claim in the real property reported by the commissioners to be set apart to her as her exemption in lieu of homestead.

24. For that it affirmatively appears that the decedent had no property exempt to him from levy and sale.

25. For that it affirmatively appears that the property set apart by the appraisers does not exceed in area and value the limits of exemption set by the Law and Statutes of Alabama.

26. For that it affirmatively appears that the property quitclaimed on February 18, 1956, by the widow is not the same land as that reported by the commissioners to be set apart to the widow or any part thereof.

27. For that it affirmatively appears that the property quitclaimed by the widow on February 18, 1956, is not the same land that was heretofore selected by the widow as her homestead exemption or her exemption in lieu of homestead.

28. For that it affirmatively appears that the widow has not abandoned or waived any right to have the East half of the Southeast quarter of Section 5, Township 3 North, Range 3 East, Baldwin County, Alabama, set apart to her as her exemption in lieu of homestead.

29. For that it affirmatively appears that the widow has not abandoned or waived any right to have real property of the decedent other than the property conveyed on February 18, 1956, set apart to her as a homestead exemption or as an exemption in lieu of homestead.

30. For that it affirmatively appears that the widow has not parted with any right to claim land of the decedent other than that which may have been conveyed on February 18, 1956, as exempt to her from administration as a homestead exemption or as an exemption in lieu of homestead.

31. For that it affirmatively appears that the widow is very old and should have the exemption set apart with all due dispatch.

32. For that it affirmatively appears that the setting apart of the exemption to the widow should be no longer delayed.

33. For that it affirmatively appears that if the setting apart of the exemption to the widow be delayed she will lose her exemption entirely.

34. For that it affirmatively appears that the widow is entitled to a homestead exemption or exemption in lieu of homestead and that the setting apart of such exemption should be no longer delayed.

J. Terry Reynolds, Jr.
William R. Lauten
Solicitors for Widow, Pearl Tarvin

3204

FILED

JUL 17 1957

ALICE J. DUCK, Register

[Handwritten signature]
ALICE J. DUCK, Register

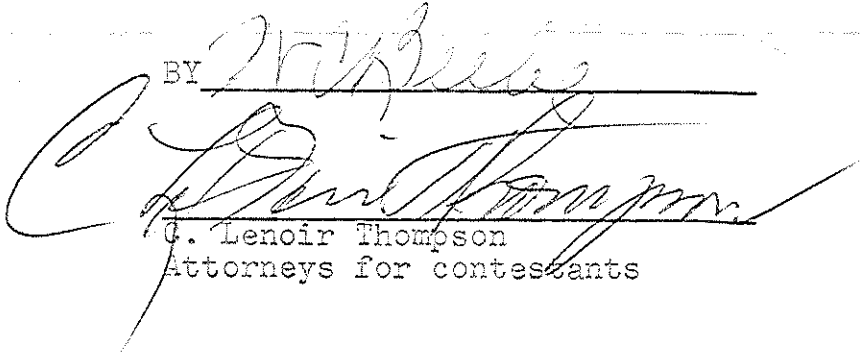
IN THE MATTER OF THE ESTATE OF
JEFF TARVIN, deceased

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
In Equity

Come Andrew Tarvin, Annie Tarvin, Lucille Tarvin, Felix Tarvin, Jeff Tarvin, Dave Tarvin, Frank Tarvin and Mariah Tarvin Weaver, the children and heirs of Jeff Tarvin, deceased, the contestants in the above styled cause, by their attorneys of record, and give notice of appeal to the Supreme Court of Alabama from the decree of the Judge of the 28th Judicial Circuit, sitting in equity, in and for Baldwin County, Alabama, entered on the 11th day of December, 1956, sustaining the demurrers of Pearl Tarvin, the widow of Jeff Tarvin, deceased, petitioner, filed December 7th, 1956, to the fourth, fifth and sixth grounds of contest filed by contestants July 23, 1956, to the report of commissioners filed July 12, 1956.

BEEBE & SWEARINGEN

BY


C. Lenoir Thompson
Attorneys for contestants

3204
Jeff Jarvis

23

FILED
JAN 4 1957
AEE 1 REC. Register

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

1st Div., No. 712

ANDREW TARVIN ET AL., Appellants

vs.

PEARL TARVIN, Appellee,

From BALDWIN Circuit Court.
IN EQUITY NO. 3204

The State of Alabama,
City and County of Montgomery, }

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages, numbered from one to Three inclusive, contain a full, true and correct copy of the opinion of said Supreme Court in the above stated cause, as the same appears and remains of record and on file in this office.

Witness, J. Render Thomas, Clerk of the Supreme
Court of Alabama, this the 23rd day of

May, 19 57

J. Render Thomas
Clerk of the Supreme Court of Alabama

THE SUPREME COURT OF ALABAMA

October Term, 19 56-57

1st Div., No. 712

ANDREW TARVIN ET AL.,
Appellant,s

vs.

PEARL TARVIN
Appellee.

From BALDWIN CIRCUIT Court.
IN EQUITY NO. 3204

COPY OF OPINION

BROWN PRINTING CO., MONTGOMERY 1955

IN THE MATTER OF THE ESTATE)	IN THE CIRCUIT COURT OF
OF	
JEFF TARVIN,)	BALDWIN COUNTY, ALABAMA
Deceased.)	IN EQUITY
)	NO. 3204

AMENDMENT OF PETITION BY WIDOW TO SET APART EXEMPTIONS
TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT SITTING
IN EQUITY

Now comes Pearl Tarvin, and amends her petition heretofore filed in this case as follows:

By amending paragraph ONE thereof so that the same shall read as follows:

ONE

That she is over the age of 21 years, a bona fide resident of Mobile County, Alabama, and is the widow of Jeff Tarvin, now deceased; that said Jeff Tarvin died intestate on, to-wit, the 16th day of December, 1945, that at the time of his death he was a resident of Baldwin County, Alabama; that he left surviving him no minor children; that the administration of his estate is now pending in this Court and your petitioner is administratrix of this estate having been appointed the same by the Probate Court of this County on December 12, 1953.

By amending paragraph TWO so that number 7 of the heirs named therein shall read as follows:

7. Annie Tarvin Stallings, daughter, whose address is Detroit, Michigan.

And by amending paragraph TWO thereof so that number 11 in said paragraph shall read as follows:

11. Willie Mae Haywood, also known as Willie Mae Hayworth, granddaughter, being the daughter of decedent's deceased son, whose address is Youngstown, Ohio.

By adding numbers 15, 16, and 17 of said paragraph TWO as follows:

15. Fannie Mae Oliver, whose address is Youngstown, Ohio.

16. Tommie Lee Cannon, whose address is Youngstown, Ohio.

17. Annette Tarvin, whose address is someplace in Mississippi.

By amending paragraph EIGHT thereof so that the same shall read as follows:

EIGHT

Your petitioner selects the following described real property to be set apart to your petitioner as exempt under the laws of the State of Alabama:

East half of Southeast Quarter of Section 5, Northwest Quarter of Southwest Quarter and West half of Northeast Quarter of Southwest Quarter of Section 9, all in Township 3, North of Range 3 East, containing 150.90 acres, more or less.

That the above described real estate is in value less than TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS and in area less than One Hundred Sixty (160) acres.

By amending the PRAYER FOR RELIEF by changing the amount of the purchase money to be paid to your petitioner as her exemption in lieu of homestead from the first SIX THOUSAND AND NO/100 (\$6,000.00) DOLLARS to the first TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS.

J. Terry Reynolds, Jr.
Attorney for Petitioner

STATE OF ALABAMA

COUNTY OF MOBILE

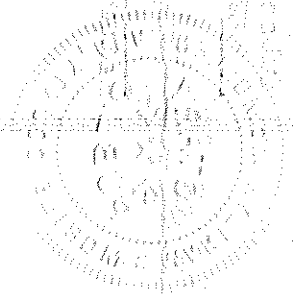
Before me the undersigned authority in and for said County in said State, personally appeared William R. Lauten, who, being known to me, and having been by me first duly sworn, deposes and says that he is one of the solicitors of record for the petitioner, and that he is informed and believes and upon such information and belief alleges that the facts contained in the foregoing amendment to the petition are true and correct.

William R. Lauten
Affiant

Subscribed and sworn to before me this
14th day of April, 1955.

William M. McMillan
Notary Public, Mobile County, Alabama

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WASHINGTON, D.C. 20530

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IN THE MATTER OF THE ESTATE OF
JEFF TARVIN, deceased

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
In Equity

The contestants having taken an appeal and given notice thereof from the decree of the Judge of the 28th Judicial Circuit, sitting in equity, in the above styled cause rendered on the 11th day of December, 1956, sustaining the demurrers of Pearl Tarvin, the widow of Jeff Tarvin, deceased, petitioner, filed December 7, 1956 to the fourth, fifth and sixth grounds of contest filed by the contestants July 23, 1956 to the report of the commissioners, filed July 12, 1956, we, the undersigned Andrew Tarvin, ~~Frank Tarvin~~, ~~Isabelle Tarvin~~, Felix Tarvin, Jeff Tarvin, Dave Tarvin, ~~Frank Tarvin~~ and ~~Mariash Tarvin Weaver~~, as principal, and Frank E. Gault and _____, as surety, acknowledge themselves surety for all costs in the said appeal in the penal sum of One Hundred (\$100.00) Dollars, as to which we hereby waive our right of exemption to personal property under the Constitution and laws of the State of Alabama, this

4 day of January, 1957

Andrew Tarvin (SEAL)

Joe L. Tarvin (SEAL)

Dave Tarvin (SEAL)

Jeff Tarvin Jr (SEAL)

Felix Tarvin (SEAL)

Mariash E. Tarvin Weaver (SEAL)

Frank J. Tarvin (SEAL)

As principal (SEAL)

As surety (SEAL)

Frank E. Gault (SEAL)

As surety (SEAL)

Approved 1-4-57
W. J. Ruck
Register

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FILED

JAN 4 1957

U.S. DEPT. OF JUSTICE

IN THE MATTER OF THE
ESTATE OF JEFF TARVIN,
Deceased.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY
NO. 3204

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT SITTING IN EQUITY.

Come your petitioners, Maria Tarvin Weaver and Frank Tarvin with leave first had from this Honorable Court and move this Honorable Court to strike from that certain petition to set aside exemptions filed by Pearl Tarvin in the above styled cause before this Honorable Court, the following described property and as cause for said motion show unto this Honorable Court as follows:

1.

That a certain parcel of the said property described in said petition is not the property of the said Jeff Tarvin, deceased or was it ever the property of Jeff Tarvin, deceased, as alleged by the said Pearl Tarvin.

2.

That the said allegations are false and are a fraud on the descendants of Cornelia Jones.

3.

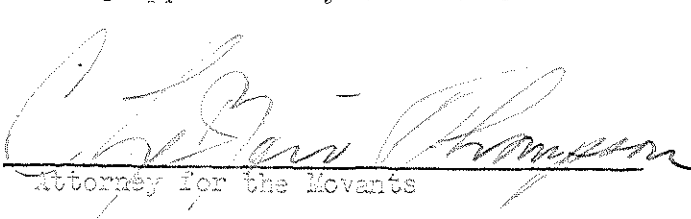
That the said property was never the property of Jeff Tarvin, deceased.

4.

That the said property was the property of Cornelia Jones during her life time and descended to the petitioners and to four other children of Cornelia Jones, brothers and sisters of your Petitioners.

5.

That said property of Cornelia Jones, deceased, is more particularly described as the Northeast Quarter of the Northwest Quarter of Section 9, Township 3 North, Range 3 East, containing approximately 40 acres and situate in Baldwin County, Alabama.


Attorney for the Movants

STATE OF ALABAMA

BALDWIN COUNTY

BOOK 022 PAGE 224

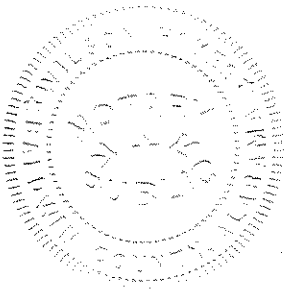
Personally appeared before me, Wilson Hayes, a
Notary Public in and for said State and County, J. LeNoir Thompson, who
being duly sworn says on oath that he is the attorney of record for Maria
Tarvin Weaver and Frank Tarvin, Plaintiff in the above styled cause, and
further states that to the best of the affiant's information, knowledge
and belief the foregoing facts are true and correct.

J. LeNoir Thompson
Affiant

Sworn to and subscribed before me, this 30th day of June, 1951.

Wilson Hayes
Notary Public, Baldwin County, Alabama.

J. LeNoir Thompson
Attorneys for the Plaintiffs.



3204

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

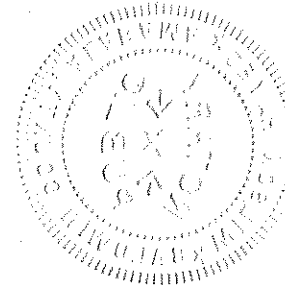
IN THE ESTATE OF THE ESTATE OF

JERRY TAYLOR, Deceased.

NOTICE TO STRIKE

C. LeNoir Thompson
Attorney At Law
Bay Minette, Alabama

FILED
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ALICE J. WICK, Register



IN THE MATTER OF THE ESTATE
OF JEFF TARVIN, DECEASED

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

Come, Andrew Tarvin, Annie Tarvin, Lucille Tarvin, Felix Tarvin, Jeff Tarvin, Dave Tarvin and Joe Tarvin, the children and heirs of Jeff Tarvin, deceased, and contest the setting apart to Pearl Tarvin as the widow of Jeff Tarvin, deceased, the East half of the Southeast quarter of Section 5, Township 3 North, Range 3 East, and respectfully show unto your Honor:

* 1. That the said lands so set apart were not the homestead of the said Jeff Tarvin at the time of his death.

* 2. That at the time of his death the said Jeff Tarvin did not reside on the said land or any part thereof or on any land described in the petition in this cause and described in the report of the commissioners in this cause, and this court is without jurisdiction to set apart the said lands or any lands to the said Pearl Tarvin, the widow of Jeff Tarvin, as exempt to her from the administration and payment of debts.

* 3. That the said lands set apart to her in the report of the commissioners, namely the East half of the Southeast quarter of Section 5, Township 3 North, Range 3 East was at the time of the death of the said Jeff Tarvin of greater value than \$2,000.00.

4. That the said Pearl Tarvin exercising her right of selection of the lands to be set aside to her as exempt from the administration and payment of debts did heretofore on February 18, 1956 select the Northwest quarter of the Northeast quarter of Section 27, Township 4 North, Range 3 East, (and that portion of the Northeast quarter of Section 29, Township 4 North, Range 3 East) lying East of Alabama River, and is therein and thereby barred from asserting any claim to homestead rights to any other lands of the said Jeff Tarvin.

5. That the said Pearl Tarvin exercising her right of selection of the lands to be set aside to her as exempt from the administration and payment of debts did on February 18, 1956, select the above described land and the said Pearl Tarvin sold and conveyed the said lands namely the Northwest quarter of the Northeast quarter of Section 27,

Township 4 North, Range 3 East and that part of the Northeast quarter of Section 29, Township 4 North, Range 3 East, lying East of Alabama River, to Elijah Tarvin and thereupon and thereby she abandoned and waived any and all right to have the East half of the Southeast quarter of Section 5, Township 3 North, Range 3 East and as well any other lands of the said Jeff Tarvin, deceased, set aside to her as exempt from administration and payment of debts.

6. That the said Pearl Tarvin exercising her right of selection of the lands to be set aside to her as exempt from administration and payment of debts did heretofore on February 18, 1956 select the Northwest quarter of Northeast quarter of Section 27, Township 4 North, Range 3 East, and that part of the Northeast quarter of Section 29, Township 4 ^{NORTH} ~~SOUTH~~, Range 3 East, lying East of Alabama River and sold and conveyed the said lands to Elijah Tarvin and therein and thereby parted with any and all rights under the Laws of the State of Alabama to claim land of Jeff Tarvin as exempt to her from administration and payment of debts.

BEEBE & SWEARINGEN

BY

W. O. Beebe

Solicitor for said named heirs.

Filed 7-23-12

IN THE MATTER OF THE ESTATE) IN THE CIRCUIT COURT OF BALDWIN
OF JEFF TARVIN, Deceased.) COUNTY, IN EQUITY
) No. 3204

IN THE MATTER OF THE SETTING APART OF EXEMPTIONS TO THE WIDOW

MOTION TO TEST SUFFICIENCY OF CONTEST OF EXEMPTIONS

Now comes Pearl Tarvin, the widow in the above entitled cause, and, desiring to test the sufficiency of the exceptions or reasons separately and severally, contesting the exemptions, which exemptions were heretofore filed by the heirs of Jeff Tarvin, deceased, respectfully moves the court to set said exceptions or reasons down to test the sufficiency thereof, and says that said exceptions, separately and severally are insufficient on the following and several grounds:

1. For that said reason constitutes no ground for contesting the setting apart of a homestead exemption or exemption in lieu of homestead to the widow.
2. For that it affirmatively appears that the real property set apart in the report of the commissioners is an exemption in lieu of homestead.
3. For that it affirmatively appears that the decedent was not required to live on the real property reported by the commissioners as his homestead in order for the court to set said property apart to the widow as an exemption in lieu of homestead.
4. For that it affirmatively appears that the alleged contest is not made in accordance with the law governing contests of reports of commissioners setting apart exemptions.
5. For that it affirmatively appears that the widow made no selection of the Northwest quarter of Northeast quarter of Section 27, Township 4 North, Range 3 East, or of that part of the Northeast quarter of Section 29, Township 4 South, Range 3 East, lying East of the Alabama River.
6. For that it affirmatively appears that the widow selected the property reported by the commissioners to be set apart to her as her exemption in lieu of homestead.

7. For that it affirmatively appears that the widow's interest in the property in Sections 27 and 29 was only a dower interest.

8. For that it affirmatively appears that the widow's interest in the property in Sections 27 and 29, Township 4 South, Range 3 East, consisted of her dower right in said property.

9. For that it affirmatively appears that the widow's dower right in the real property of the decedent is separate and distinct from any right she may have as a homestead or as an exemption in lieu of homestead in the real property reported by the commissioners to be set apart to her as an exemption in lieu of homestead.

10. For that it affirmatively appears that the widow had no interest in the property conveyed on February 18, 1956, other than a dower interest.

11. For that it affirmatively appears that the conveyance of the widow's dower interest of certain property of the decedent does not prevent her from claiming an exemption in lieu of homestead out of other real property of the decedent.

12. For that it affirmatively appears that the widow had not selected as her homestead exemption or exemption in lieu of homestead the property conveyed by her on February 18, 1956, but that she had selected as her homestead exemption or exemption in lieu of homestead the property reported by the commissioners to be set apart to her as her homestead exemption or exemption in lieu of homestead.

13. For that it affirmatively appears that the widow is not barred from asserting her claim in the real property reported by the commissioners to be set apart to her as her exemption in lieu of homestead.

14. For that it affirmatively appears that the decedent had no property exempt to him from levy and sale.

15. For that it affirmatively appears that the property set apart by the appraisers does not exceed in area and value the limits of exemption set by the law and statutes of Alabama.

16. For that it affirmatively appears that the land, the interest of the widow in which was conveyed on February 18, 1956, is not the same land as

that reported by the commissioners to be set apart to the widow or any part thereof.

17. For that it affirmatively appears that the widow has not abandoned or waived any right to have the East half of the Southeast quarter of Section 5, Township 3 North, Range 3 East, set apart to her as her homestead exemption or as exemption in lieu of homestead.

18. For that it affirmatively appears that the widow has not abandoned or waived any right to have real property of the decedent other than the property conveyed on February 18, 1956, set apart to her as a homestead exemption or as an exemption in lieu of homestead.

19. For that it affirmatively appears that the widow has not parted with any right to claim land of the decedent other than that which may have been conveyed on February 18, 1956, as exempt to her from administration as a homestead exemption or as an exemption in lieu of homestead.

J. Terry Reynolds, Jr.
William R. Tarvin
Solicitors for Movant, Pearl Tarvin

I certify that I have served,
a copy of the foregoing by leaving
a copy at the offices of Beebe
and Swearingin in Bay Minette,
Alabama, this 17th day of
October, 1957.

J. Terry Reynolds, Jr.
Solicitor for Pearl
Tarvin

3204

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FILED
OCT 16 1957
ALICE J. BUCK, Registrar

as a domesticated exemption or as an exemption in lieu of domesticated.

have been conveyed on January 10, 1957, as exempt to her from examination being with any right to claim any of the benefits and privileges of a widow and

12. It is noted that it was determined that the widow was not

domesticated exemption or as an exemption in lieu of domesticated.

when the property conveyed on January 10, 1957, was exempt to her as a

exemption or as an exemption in lieu of domesticated.

of Section 2, however, it is noted that the widow was not exempted from examination or relief and right to have the property of the deceased exempted

13. It is noted that the widow was not

thereof.

that reported by the commissioners to be set apart to the widow or any part

EX PARTE PEARL TARVIN, as) IN THE CIRCUIT COURT OF
 Administratrix of the Estate)
 of JEFF TARVIN, deceased) BALDWIN COUNTY, ALABAMA
) NO. _____
)

ORDER

This day came Pearl Tarvin, as Administratrix of the Estate of Jeff Tarvin, deceased, and filed her petition in this Court alleging that she is the Administratrix of the Estate of Jeff Tarvin, deceased, having been appointed the same by the Probate Court of Baldwin County, Alabama, on December 12, 1953, and that the said Estate is pending in the Probate Court of Baldwin County, Alabama, and that the said Estate can be better administered in the Circuit Court of Baldwin County, Alabama, in Equity, than in the Probate Court of Baldwin County, Alabama; it is, therefore, CONSIDERED,

ORDERED, ADJUDGED and DECREED that the said Estate be transferred from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, in Equity, and that all the papers, containing the original file, and all proceedings had in the Probate Court of Baldwin County, Alabama, together with all documents relating to the administration of the Estate of Jeff Tarvin, deceased, be removed and delivered to the Circuit Court of Baldwin County, Alabama, in Equity.

DONE and ORDERED this the 9th day of ~~December~~ ^{February}, 1953

Hubert M. Hall
 Circuit Judge

[illegible]

copy we are

FILED
FEB 20 1954

Alice J. Duck, Registrar

Count of Belgium County, Province, on December 28, 1925, and the
 County, Province, having been abolished are now in the Province
 of Belgium and in the Department of the People of 1925.
 of 1925, Province, and since the section in this County
 and the County, Province, as administratively of the Estate

Figure 1. The effect of the initial concentration of the monomer on the polymerization of α -methylstyrene initiated by BuLi in THF at -78°C . The polymerization was carried out in the presence of 1.0×10^{-2} mole/l. of BuLi in THF at -78°C . The polymerization was carried out in the presence of 1.0×10^{-2} mole/l. of BuLi in THF at -78°C . The polymerization was carried out in the presence of 1.0×10^{-2} mole/l. of BuLi in THF at -78°C .

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ESTATE OF JEFF TARVIN,
Deceased.

) IN THE PROBATE COURT OF
) BALDWIN COUNTY, ALABAMA
) NO. _____

IN THE MATTER OF THE REMOVAL TO THE CIRCUIT COURT, IN EQUITY.

The Judge of the Circuit Court of Baldwin County, Alabama, Honorable Hubert M. Hall, having granted the petition for the transfer or removal of the Estate of Jeff Tarvin, deceased, to the Circuit Court of Baldwin County, Alabama, in Equity, as shown by decree dated the ____ day of December, 1953, a copy of said decree being this day filed and recorded in this cause; it is, THEREFORE,

ORDERED, ADJUDGED and DECREED, and it is the judgment of this Court, that the original file of all proceedings had in the Probate Court, together with all papers and documents, relating to the administration of the Estate of Jeff Tarvin, deceased, be and the same are hereby delivered to the Circuit Court of Baldwin County, Alabama, in Equity, in obedience to said decree rendered by the said Judge of the Circuit Court.

DONE this the ____ day of December, 1953.

Judge of Probate

STATE OF TEXAS

DOES and we of December, 1922

referred to the said Judge of the District Court.

and County, Texas, in and to the obedience to said decree

he and she came and personally delivered to the District Court of said

to the satisfaction of the Judge of said County, Texas, and

before said Judge, together with all papers and documents, relating

to the same, and the said wife of said proceedings was in the

presence of said Judge and District, and it is the judgment of

the Court

*Estate of
Jeff. J. J. J.*

the said wife and the said husband, and it is the

the District Court of said County, Texas, in and to the

presence of the Judge of said County, Texas, and

the said Judge of said County, Texas, and

the said Judge of said County, Texas, and

the said Judge of said County, Texas, and

NO.

Deceased.

STEWART, J. J. J.

State of Texas.

in the District Court of

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN THE CHANCERY COURT OF BALDWIN COUNTY

To Andrew Tarvin et als

Or To Reynolds & Lauten, Solicitors of record.

Whereas, on the 4th day of January, 1957,

Andrew Tarvin, Annie Tarvin, Frank Tarvin and Mariah Tarvin Weaver

took an appeal from the decree rendered on the 11th day of December

1956, by the Circuit Court of said county, in the cause of

Estate of Jeff Tarvin, Deceased

versus

Now, therefore, you are cited to appear as required by law, before the Supreme Court of Alabama, to defend on said appeal, if you think proper so to do.

Witness my hand this 8th day of January, 1957.

Alice J. French
Register in Chancery.

25

No .3204

Received 9 day of Jan 1952
and on 11 day of Jan 1952

I served a copy of the within Citation
on John J. Mashburn

By service on J. J. Mashburn
Citation
TAYLOR WILKINS, Sheriff
By W. A. Tolbert D.
omi

Estate Component

of
vs.

JEFF TARVIN, XXXXXXXX
decease d Respondent

CITATION OF APPEAL

IN EQUITY

Issued _____ day of _____, 19____

IN THE MATTER OF THE ESTATE
OF JEFF TARVIN,
Deceased.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.
NO. _____

TO THE HONORABLE H. M. HALL, JUDGE OF SAID COURT, IN EQUITY, SITTING:

Comes Frank Tarvin, heir of Jeff Tarvin, deceased, and Respondent in the said cause now pending before this Honorable Court, and moves this Honorable Court to set aside the appointment of appraisers heretofore made by this Honorable Court and-or any report made by said appraisers in the above styled cause and as grounds for said motion shows as follows:

1.

That the said Frank Tarvin has not been served with any papers filed in connection with an order of this Honorable Court concerning the appointment of appraisers in said matter or of notice of a petition for said appraisal and that said notice is material. That the first knowledge of said appraisal given to your Petitioner, Frank Tarvin, when the appraisers appeared on the property.

2.

That the said Frank Tarvin has not been served with notice of an amendment in said cause.

3.

That the said Frank Tarvin, has not been served with notice of the application for appointment of said appraisers.

4.

That the said Frank Tarvin has not been served with notice of the appointment of said appraisers.

WHEREFORE, the said Complainant in said matter have named the said Frank Tarvin as an heir of Jeff Tarvin, deceased, your Petitioner is entitled, as a party of record, to be served with all papers filed in said cause.

WHEREFORE, this motion.

Frank Tarvin
Respondent.

FILED

MAR 20 1956

ALICE J. DUCK, Reg.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority personally appeared Frank Tarvin, who being duly sworn deposes and says: That the foregoing facts alleged in said motion are true and correct to the best of his information, knowledge and belief.

Frank Tarvin

Sworn to and subscribed before me this 25 day of February, 1956.

Charles Thompson
Notary Public, Baldwin County, Alabama.

IN THE MATTER OF THE) IN THE CIRCUIT COURT OF
ESTATE OF JEFF TARVIN,) BALDWIN COUNTY, ALABAMA
) IN EQUITY
) NO. 3204

IN THE MATTER OF THE EXEMPTIONS TO THE WIDOW

TO JAMES DRIESBACH
MAYBIN PHILLIPS
CHARLES GANTT
COMMISSIONERS AND APPRAISERS OF THE
ESTATE OF JEFF TARVIN, deceased:

You are hereby commissioned and directed to set apart and allow to Pearl Tarvin, the widow of Jeff Tarvin, deceased, the personal property exempt to her by law, as follows, to-wit: All the wearing apparel of the decedent and of Pearl Tarvin, the widow; all yarn and cloth on hand intended for their use and consumption; all books kept and used in the family; and all family portraits and pictures; all grain, stores and groceries on hand necessary for the support of the family for twelve months after the decedent's death, and all bedding, household and kitchen furniture necessary for the use and comfort of the said Pearl Tarvin, to be selected by her and in addition thereto, ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS in value of personal property of said estate, allowing the said Pearl Tarvin, the widow, to select the same, having due regard to her selection heretofore made in her petition, as amended, on file in this case.

You will also appraise the homestead of the said decedent occupied by him at the time of his death, or to which he was then entitled, with a full and accurate description of the same, and if it is a part of a tract of land exceeding in area one hundred sixty (160) acres, you will also report that fact.

AND WHEREAS, heretofore a petition was filed in this Court by Pearl Tarvin, setting forth therein among other things that she is the widow of Jeff Tarvin, deceased, late a resident of Baldwin County, Alabama, and that said decedent departed this life intestate, leaving surviving him Pearl Tarvin, the widow, and no minor children; and alleging further that at the time of his death said decedent had no homestead exempt to him from levy and sale under process, and that on the 12th day of December, 1953, letters of administration were granted to Pearl Tarvin; that more than twenty (20) days have elapsed since the appointment of said administratrix, and that the administration of said estate is now pending in this Court and that no exemptions have been set apart to her in lieu

of such homestead as provided by law; but that he owned and possessed in his own right or had an interest in the following described real estate, situate, lying and being in Baldwin County, Alabama, to-wit:

East Half of Southeast Quarter of Section 5; Northwest Quarter of Southwest Quarter; West Half of Northeast Quarter of Southwest Quarter of Section 9, all in Township 3 North, Range 3 East, containing 150.90 acres, more or less.

North Half of Northeast Quarter of Northeast Quarter of Section 8, Township 3 North, Range 3 East, containing twenty acres, more or less.

North Half of Northwest Quarter of Northeast Quarter of Section 8, Township 3 North, Range 3 East, containing 40 acres, more or less.

Northwest Quarter of Northeast Quarter of Section 27, Township 4 North, Range 3 East, containing 40 acres, more or less.

All the Northeast Quarter of Section 29, Township 4 North, Range 3 East, lying East of the Alabama River, containing sixty acres, more or less.

You are therefore appointed commissioners to set off and allow by metes and bounds as exempt to said widow in lieu of homestead, so much of the property above described as with the improvements and appurtenances will not exceed in value TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS and in area one hundred sixty (160) acres, having due regard to the selection of said real property heretofore made by the widow in her petition, as amended, on file in this case. And you will make your report of the exemptions so set off and allowed by you to this Court in writing within ten (10) days from the date of this writ.

DONE AND ORDERED this 28 day of January, 1956.

Hubert W. Stace
CIRCUIT JUDGE

2204

13-

Filed 1-28-66
A. J. W. H. K.
Kee

IN THE MATTER OF THE ESTATE) IN THE CIRCUIT COURT OF BALDWIN
 OF) COUNTY, ALABAMA
 JEFF TARVIN, DECEASED.) IN EQUITY
) NO. 3204

AMENDMENT OF PETITION BY WIDOW TO SET APART EXEMPTIONS
TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT SITTING
IN EQUITY

Now comes Pearl Tarvin, Petitioner, and amends her petition as amended, heretofore filed in this cause as follows:

1. By amending paragraph six thereof so that the same shall read as follows:

SIX

Your Petitioner further shows that there has not been set apart to your Petitioner and she has not received the personal property exemptions to which she is entitled under the laws of the State of Alabama; that Jeff Tarvin, deceased, at the time of his death, had no homestead exempt to him from levy and sale under process; that your Petitioner has not obtained the benefits of an exemption under Section 654, Title 7, 1940 Code of Alabama; that there has not been set apart to your Petitioner and she has not received a homestead exemption to which she is entitled under the laws of the State of Alabama; that she has not received an exemption in lieu of homestead to which she is entitled under Section 662, Title 7, 1940 Code of Alabama; and that no homestead has been carved out of any real estate owned by Jeff Tarvin or in which he had an interest at the time of his death.

2. By amending the prayer of said petition so that the same shall read as follows:

THE PREMISES CONSIDERED, your Petitioner prays

(1) that Your Honor will appoint appraisers of the Estate of Jeff Tarvin, deceased, as provided by law, and issue to them a commission to appraise the real property of Jeff Tarvin, deceased, which he owned or had an interest in at the time of his death, and to appraise the above described real property which has been selected by your Petitioner in paragraph eight, as amended, and direct them to carve out of the real estate of Jeff Tarvin, deceased, by metes and bounds, a homestead for your Petitioner, which shall be in value not more than TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS and in area not more than one hundred sixty (160) acres, and to set apart to

your Petitioner a life interest in such homestead, and if such appraisers find that Jeff Tarvin owned no real estate out of which a homestead exemption can be carved and had no homestead exempt to him from levy and sale under process and that your Petitioner has not obtained the benefits of an exemption under Section 654, Title 7, 1940 Code of Alabama, your Petitioner prays that the real estate heretofore selected by your Petitioner be sold and that TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS of the purchase money applied in the purchase of a homestead for the benefit of your Petitioner as an exemption to her in lieu of homestead as provided by Section 662, Title 7, 1940 Code of Alabama.

(2) That Your Honor will appoint appraisers to appraise and set apart to your Petitioner as exempt the above described personal property heretofore selected by your Petitioner in paragraph seven or its equivalent in monetary value to the extent of ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS in cash.

(3) That Your Honor will direct such appraisers as may be appointed by this Court to report the appraisement and allotment of exemptions to this Honorable Court.

(4) That Your Honor will appoint an administrator ad litem to represent the Estate of Jeff Tarvin, deceased, in this proceeding and will appoint a guardian ad litem to represent the unknown heirs of such decedent.

(5) That Your Honor will cause notice to be issued, directed to the heirs named herein, and to every other such person who may have an interest in such proceeding, advising them of this proceeding and requiring them to appear and show cause, if any they may have, why said real property selected should not be set apart to your Petitioner for life or why such real estate selected shall not be sold and TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS OF the purchase money applied toward the purchase of a homestead for the benefit of your Petitioner and why said personal property selected or its equivalent in value to the extent of ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS should not be set apart to your Petitioner.

(6) That when said report has been filed by the appraisers so appointed, Your Honor will set a day for the hearing of such report and will cause to be published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, once a week for three (3) consecutive weeks publication giving notice of the filing of the report of said appraisers and of the day set for the hearing of said report.

(7) That upon a hearing of the report of the appraisers that Your Honor will allow to your Petitioner the personal and real estate exemptions to your Petitioner as prayed for.

And if your Petitioner be mistaken in the relief prayed for, that she be granted such other, further and different relief to which she may be equitably entitled to receive.

Pearl Tarvin
Petitioner

STATE OF ALABAMA

COUNTY OF MOBILE

Personally appeared before me, the undersigned authority in and for said County in said State, Pearl Tarvin, who being known to me and being by me first duly sworn, deposes and says that she is informed and believes and upon such information and belief alleges that the allegations made in the above and foregoing petition, as last amended, are true and correct.

Pearl Tarvin
Affiant

Sworn to and subscribed before me

this 7th day of September, 1955.

Paula McMillen
Notary Public, Mobile County, Alabama

J. Terry Reynolds, William R. Lauten, and
Telfair J. Mashburn, Jr.

By William R. Lauten
Solicitors for Petitioner

IN THE MATTER OF THE) IN THE CIRCUIT COURT OF
 ESTATE OF JEFF TARVIN,) BALDWIN COUNTY, ALABAMA
 Deceased.) IN EQUITY
) NO. _____

IN THE MATTER OF THE WIDOW'S EXEMPTIONS

Pearl Tarvin, as administratrix of the Estate of Jeff Tarvin, deceased, having this day filed in this Court her petition in writing duly verified by oath, claiming an exemption out of the real estate owned by said decedent, in favor of said Pearl Tarvin, as the widow, and whereas said petition alleged that there were no minor children of said decedent and set forth all of the facts authorizing said exemption; describing the real estate out of which the exemption is claimed, stating a selection of such real estate, which selection is in area less than 160 acres and in value less than \$6,000.00; and praying that commissioners may be appointed to set apart such exemption out of said real estate; and which said petition set forth all the facts authorizing an exemption of personal property to said widow, describing said personal property out of which the exemption is claimed, and selecting certain personal property of the value of \$1,000.00 and certain other personal property more particularly described as all bedding, household and kitchen furniture located in Blacksher, Baldwin County, Alabama;

IT IS ORDERED that Noah Dean,
J.W. Wischak and Peter B. McConnell who are
 disinterested householders or free holders of this County be and
 they are hereby appointed commissioners whose duty it shall be,
 as soon as practicable, not exceeding thirty days, after being
 sworn faithfully to perform the duties for which they are appointed,
 to appraise and to set off and allot by metes and bounds, out of
 the real estate owned by said decedent at the time of his death,
 a homestead exemption not exceeding in value \$6,000.00 and in area
 160 acres in favor of said widow, Pearl Tarvin, having due regard
 to the selection from said real estate owned by the decedent at
 the time of his death, which selection is described in said peti-
 tion of the widow; and to appraise the personal property coming

into the knowledge of the Appraisers, and to set apart to the widow, Pearl Tarvin, having due regard to a selection made by her in her petition, personal property of the value of \$1,000.00, and other personal property described as all bedding, household and kitchen furniture located in Blacksher, Baldwin County, Alabama; and within ten days thereafter to make a written report to this Court of the exemption of such real estate and of such personal property so set off and allotted by the Appraisers and of their appraisement thereof and if such real property set apart to the widow as her homestead exemption constitutes all of the property owned by the decedent at the time of his death, said commissioners will state that fact in their said report to this Court.

Hubert M. Hall
Circuit Judge

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 19 56-57

To the REGISTER of the CIRCUIT Court of

BALDWIN County, Greeting:

Whereas, the Record and Proceedings of the CIRCUIT Court IN EQUITY

of said county, in a certain cause lately pending in said Court between

ANDREW TARVIN. ET AL. Appellant S,

and

PEARL TARVIN Appellee,

wherein by said Court, ~~at the~~ it was considered

adversely to said appellant S, were brought before our Supreme Court, by appeal taken, pursuant

to law, on behalf of said appellant S:

Now, it is hereby certified, That it was thereupon considered and ordered by our Supreme Court on the 23rd day of MAY 19 57, * * * *

* * * * *, that the said appeal be and stand dismissed; ~~and that it was further considered and ordered that the appellants, and~~ ex mero motu for want of jurisdiction.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED, AND DECREED that the appellants:

Andrew Tarvin; Felix Tarvin;

Joe L. Tarvin; Mariah E. Tarvin;

Dave Tarvin; and

Jeff Tarvin, Jr.; Frank J. Tarvin;

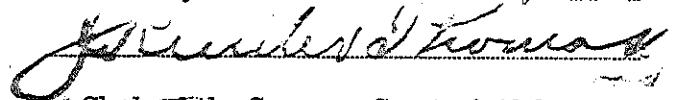
AND Frank Earle,

surety on the appeal bond, pay * * * * * the costs accruing on said appeal in this Court and in the Court below.

And it appearing that said parties have waived their rights of exemption under the laws of Alabama, let execution issue accordingly.

Witness, J. Render Thomas, Clerk of the Supreme Court of Alabama, at the Judicial Department Building, this the

23rd day of May 19 57.


Clerk of the Supreme Court of Alabama.

NO. 3204

THE SUPREME COURT OF ALABAMA

October Term, 19 56-57

1st Div., No. 712

ANDREW TARVIN, ET AL.,

Appellant, S

v.

PEARL TARVIN,

Appellee.

From Baldwin Circuit Court.

CERTIFICATE OF DISMISSAL

The State of Alabama

Baldwin County.

} Filed

this 21 day of May 19 57

IN THE MATTER OF THE) IN THE CIRCUIT COURT OF
ESTATE OF JEFF TARVIN,) BALDWIN COUNTY, ALABAMA,
Deceased.) IN EQUITY,
) NO. 3204

REPORT OF COMMISSIONERS AND APPRAISERS
SETTING APART EXEMPTIONS TO THE WIDOW

We, the undersigned, James Driesbach, Maybin Phillips, and Charles Gantt, Commissioners and Appraisers heretofore appointed by this Honorable Court to make a full and complete inventory and appraisement of the real and personal property owned by Jeff Tarvin at the time of his death, and to set off and allow by metes and bounds as exempt to Pearl Tarvin, the widow of Jeff Tarvin, in lieu of homestead, so much of the real property as, with the improvements and appurtenances, will not exceed in value \$2,000.00 and in area one hundred sixty acres, having due regard to the selection of such real property made by the said Pearl Tarvin, the widow of Jeff Tarvin, deceased, and the personal property which is exempt to her by law, now report unto the Court as follows:

The following is an inventory of all the real property owned by Jeff Tarvin at the time of his death, or in which he had an interest at the time of his death, and the value of such real property is set beside each parcel:

East half of Southeast Quarter of Section 5; Northwest Quarter of Southwest Quarter; West half of Northeast Quarter of Southwest Quarter of Section 9, all in Township 3 North, Range 3 East, Baldwin County, Alabama, containing 150.90 acres, more or less-----VALUE-----\$3,772.50

North half of Northeast Quarter of Northeast Quarter of Section 8, Township 3 North, Range 3 East, Baldwin County, Alabama, containing 20 acres, more or less-----VALUE----- 500.00

North half of Northwest Quarter of Northeast Quarter of Section 8, Township 3 North, Range 3 East, Baldwin County, Alabama, containing 40 acres, more or less-----VALUE----- 1,000.00

Northwest Quarter of Northeast Quarter of Section 27, Township 4 North, Range 3 East, Baldwin County, Alabama, containing 40 acres, more or less-----VALUE----- 1,000.00

All the Northeast Quarter of Section
29, Township 4 North, Range 3 East,
lying East of the Alabama River, Baldwin
County, Alabama, containing 60 acres,
more or less-----VALUE---\$1,500.00

The following is an inventory of all the personal property
of Jeff Tarvin, deceased, at the time of his death, and the
value of such personal property is set beside each item thereof;

1. Money in a savings account, No.
106649, in the First National
Bank of Mobile, Mobile, Alabama,
in the amount of-----\$ 134.70
2. Money in a savings account, No.
955, in the First National Bank
of Atmore, Atmore, Alabama, in
the amount of----- 139.08
3. All the wearing apparel of Jeff
Tarvin and of Pearl Tarvin, the
widow; all yarn and cloth on hand
intended for their use and consump-
tion; all books kept and used in
the family; all family portraits
and pictures; all grain, stores
and groceries on hand necessary for
the support of the family for twelve
months after the death of Jeff Tarvin,
deceased; all bedding, household and
kitchen furniture of the total value
of----- 5.00

The above is all the real and personal property owned by
Jeff Tarvin, deceased, or in which he had an interest at the
time of his death, so far as we have been able to determine.

We further report to the court that we have and do hereby
set apart and allow to Pearl Tarvin, the widow of Jeff Tarvin,
deceased, all the personal property above described.

We further report to the Court that we have and do hereby
set apart and allow to Pearl Tarvin, the widow of Jeff Tarvin,
deceased, the following described real property as exempt to
her in lieu of homestead;

East half of Southeast Quarter of Section 5,
Township 3 North, Range 3 East, Baldwin County,
Alabama, containing 80 acres, more or less
-----VALUE---\$2000.00

In witness whereof, we have hereunto set our hands this
27th day of June, 1956.

James A. Riebeck
As Commissioner and Appraiser

Charles E. Lantz
As Commissioner and Appraiser

Malcolm Phillips
As Commissioner and Appraiser

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, the undersigned authority, in and for said County in said State, personally appeared James Driesbach, Maybin Phillips and Charles Gantt, who, being by me first duly sworn, depose and say that they are informed and believe and upon such information and belief state that the above and foregoing appraisal and report to the Court setting apart the exemptions to Pearl Tarvin, the widow of Jeff Tarvin, deceased, is true and correct.

James Driesbach
Affiant

Maybin Phillips
Affiant

Charles Gantt
Affiant

Sworn to and subscribed before me this
22nd day of June, 1956.

J. T. Reynolds, Jr.
Notary Public, Baldwin County, Alabama

3204

16

[Faint, illegible handwritten notes]

IN EQUITY, NO. 3204.

FINAL DECREE ON CONSENT SETTLEMENT

lieved from all further liability; and

It being duly proven to the satisfaction of the Court that the said Pearl Tarvin is the widow of said Jeff Tarvin, deceased, and that she is over the age of twenty-one (21) years, and that Andrew Tarvin, Jeff Tarvin, Dave Tarvin, Joe Tarvin, Felex Tarvin, Anette Tarvin, J. W. Tarvin, John Lee Tarvin, Minnie Robbins, Melvina Wearn, Maria Tarvin, Jelious Tarvin, Robertta Tarvin, Ella Read Tarvin, Patricia Tarvin, Coreen Tarvin, Hellen Tarvin, Jeff Tarvin, Jr., Jerry Tarvin, Betty Lue Tarvin, Daniel Tarvin, Lebaron Tarvin, Elijah Tarvin, Annie Stalling, Lucille Davis, Frank Tarvin, Willie Mae Haywood, Fannie Mae Oliver, Tommy Lee Connor, Mariah Weaver, Sylvia Sanders, Willis Weaver, Jr., Alberta Weaver, Charles Weaver, Raymond Weaver and Hellen Stalling are the only heirs at law and next of kin of Jeff Tarvin, deceased, and that they are each over the age of twenty-one (21) years; that all of said heirs at law and next of kin are represented by W. C. Beebe and C. LeNoir Thompson, as their attorneys, and that said attorneys have the authority to act in behalf of said heirs at law and next of kin in all matters and things pertaining to this proceeding; that the notice of this hearing has been waived by the said heirs at law and next of kin and by the widow; that Pearl Tarvin, as the widow of Jeff Tarvin, deceased, has acknowledged that she has received the full share of said decedent's estate, to which she would be entitled under the Exemption Laws of the State of Alabama, and that the other heirs at law have received their full distributive share of said decedent's estate; that the facts alleged in said petition are true and that all legal charges against said estate have been paid in full, including the costs of court, and that there have been no claims filed against the estate, the Court is of the opinion that the petition and the prayer thereof should be granted and that the said Pearl Tarvin, as Administratrix of the estate of Jeff Tarvin, deceased, and the surety on her bond as such Administratrix should be discharged from all further liability;

It is ORDERED, ADJUDGED AND DECREED by the Court that the said petition and the prayer thereof be, and the same are hereby, approved, passed and allowed as a consent, final settlement of said estate and that the said Pearl Tarvin, as Administratrix of the estate of Jeff Tarvin, deceased,

and the surety on her bond as such Administratrix go hence and be relieved
of all further duty and liability.

8/22/58

Hubert M. Hall
CIRCUIT JUDGE

recd 8-22-58

3204

M

Filed 8-22-58
Dee J. R. R. R.
Register

JIMMY FAULKNER
PUBLISHER

THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

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

Est. Jeff Tarvin, Dec.

NOTICE OF APPOINTMENT

ESTATE OF
JEFF TARVIN, Deceased

Probate Court

Letters of Administration upon the
Estate of said deceased having been
granted to the undersigned on the 12th
day of December, 1953, by the Hon W.
R. Stuart, Judge of the Probate Court of
Baldwin County, notice is hereby given
that all persons having claims against
said estate are hereby required to pre-
sent the same within time allowed by
law or the same will be barred.

PEARL TARVIN

Administratrix of said estate.

W. R. Lauten &
J. Terry Reynolds, Jr.
Attorney for Administratrix.

48-31c.

COST STATEMENT

94 WORDS @ 5 cents — — — \$ 4 70

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

E. R. Mounsett Jr
Editor Publisher.

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

Date of 1st publication Dec. 17, 1953 Vol. 64 No. 48

Date of 2nd publication Dec. 24, 1953 Vol. 64 No. 49

Date of 3rd publication Dec. 31, 1953 Vol. 64 No. 50

Date of 4th publication _____, 195____ Vol. _____ No. _____

Subscribed and sworn before the undersigned this 31 day of Dec, 1953

Dorothy Martin
Notary Public, Baldwin County.

E. R. Mounsett Jr
Editor Publisher.

Filed 12/31/53
W. R. Stuart Judge
No. 1

JEFF TARVIN,
Deceased,

ESTATE OF.

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA.

And now comes Alice J. Duck, as Register of Circuit Court, in Equity, and files in this Court a certified copy of a Decree made and entered in the premises in the said Circuit Court, in Equity, which said Decree orders that the Estate of Jeff Tarvin, deceased, be transferred to the said Circuit Court, in Equity;

WHEREUPON, It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the said Estate of Jeff Tarvin, Deceased, being Probate File Number 3291, be, and it hereby is, in its entirety, transferred to the said Circuit Court, in Equity.

Witness by hand this the 24th day of February 1954.

A handwritten signature in cursive script, appearing to read "A. R. Stuart", is written over a horizontal line.

Judge of Probate.

IN THE MATTER OF THE ESTATE) IN THE CIRCUIT COURT OF BALDWIN
 OF JEFF TARVIN Deceased.) COUNTY, IN EQUITY
) No. 3204

IN THE MATTER OF THE SETTING APART OF EXEMPTIONS TO THE WIDOW

DEMURRER

Now comes Pearl Tarvin, the widow in the above matter and demurs to the alleged contest and to each of said reasons therefor, separately and severally, numbered 1, 2, 4, 5 and 6, and as separate and several grounds of such demurrer, sets down and assigns the following:

1. For that said reason constitutes no ground for contesting the setting apart of a homestead exemption or exemption in lieu of homestead to the widow.
2. For that it affirmatively appears that the real property set apart in the report of the commissioners is an exemption in lieu of homestead.
3. For that it affirmatively appears that the decedent was not required to live on the real property reported by the commissioners as his homestead in order for the court to set said property apart to the widow as an exemption in lieu of homestead.
4. For that it affirmatively appears that the alleged contest is not made in accordance with the law governing contests of reports of commissioners setting apart exemptions.
5. For that it affirmatively appears that the widow made no selection of the Northwest quarter of Northeast quarter of Section 27, Township 4 North, Range 3 East, or of that part of the Northeast quarter of Section 29, Township 4 South, Range 3 East, lying East of the Alabama River.
6. For that it affirmatively appears that the widow selected the property reported by the commissioners to be set apart to her as her exemption in lieu of homestead.
7. For that it affirmatively appears that the widow's interest in the property in Sections 27 and 29 was only a dower interest.
8. For that it affirmatively appears that the widow's interest in the property in Sections 27 and 29, Township 4 South, Range 3 East, consisted

of her dower right in said property.

BOOK 022 PAGE 203

9. For that it affirmatively appears that the widow's dower right in the real property of the decedent is separate and distinct from any right she may have as a homestead or as an exemption in lieu of homestead in the real property reported by the commissioners to be set apart to her as an exemption in lieu of homestead.

10. For that it affirmatively appears that the widow had no interest in the property conveyed on February 18, 1956, other than a dower interest.

11. For that it affirmatively appears that the conveyance of the widow's dower interest of certain property of the decedent does not prevent her from claiming an exemption in lieu of homestead out of other real property of the decedent.

12. For that it affirmatively appears that the widow had not selected as her homestead exemption or exemption in lieu of homestead the property conveyed by her on February 18, 1956, but that she had selected as her homestead exemption or exemption in lieu of homestead the property reported by the commissioners to be set apart to her as her homestead exemption or exemption in lieu of homestead.

13. For that it affirmatively appears that the widow is not barred from asserting her claim in the real property reported by the commissioners to be set apart to her as her exemption in lieu of homestead.

14. For that it affirmatively appears that the decedent had no property exempt to him from levy and sale.

15. For that it affirmatively appears that the property set apart by the appraisers does not exceed in area and value the limits of exemption set by the law and statutes of Alabama.

16. For that it affirmatively appears that the land, the interest of the widow in which was conveyed on February 18, 1956, is not the same land as that reported by the commissioners to be set apart to the widow or any part thereof.

17. For that it affirmatively appears that the widow has not abandoned or waived any right to have the East half of the Southeast quarter of Section 5, Township 3 North, Range 3 East, set apart to her as her homestead exemption or as exemption in lieu of homestead.

18. For that it affirmatively appears that the widow has not abandoned or waived any right to have real property of the decedent other than the property conveyed on February 18, 1956, set apart to her as a homestead exemption or as an exemption in lieu of homestead.

19. For that it affirmatively appears that the widow has not parted with any right to claim land of the decedent other than that which may have been conveyed on February 18, 1956, as exempt to her from administration as a homestead exemption or as an exemption in lieu of homestead.

J. Terry Reynolds, Jr.
William R. Hatten
Solicitors for Petitioner, Pearl Tarvin

IN THE MATTER OF THE ESTATE) IN THE CIRCUIT COURT OF
OF JEFF TARVIN, DECEASED) BALDWIN COUNTY, ALABAMA
IN EQUITY No. _____

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT, SITTING IN
EQUITY:

The following is a full inventory of all the goods and
chattels, money, books, papers and evidences of debt of Jeff
Tarvin, deceased, which have come into the knowledge of the
Administratrix:

GOODS AND CHATTELS

1. Money in a savings account, No. 106649, in the First
National Bank of Mobile, Mobile, Alabama, in the amount
of \$134.70.
2. Money in a savings account, No. 955, in the First National
Bank of Atmore, Atmore, Alabama, in the amount of \$139.08.
3. Money in a checking account in the Baldwin County Bank,
Bay Minette, Alabama, in the name of Andrew Tarvin, in the
amount of \$1,237.00.
4. Household furniture and other household goods located in
Blacksher, Alabama.
5. Livestock.

Pearl Tarvin
Administratrix

STATE OF ALABAMA

COUNTY OF MOBILE

Pearl Tarvin, Administratrix of the estate of Jeff Tarvin,
deceased, being duly sworn, makes oath that the foregoing inventory
made by her is full and complete as to the goods and chattels,
debts and money, which were of the said deceased at the time of his
death, so far as the same have come to her knowledge or possession.

Pearl Tarvin
Affiant

Subscribed and sworn to before me
this 15th day of April, 1954.

Hubert M. Hall
Notary Public, Mobile County, Alabama

J. Perry Reynolds & J. R. Lantier
Solicitors for Administratrix

Div. No. _____

CERTIFICATE OF APPEAL. (Equity Cases.)

No. 204

ESTATE of JEFF TARVIN, deceased

Complainant.

VS.

Respondent.

I, Alice J. Duck

Register of the Circuit Court In Equity,

County, Alabama, hereby certify that in the cause of

ESTATE OF JEFF TARVIN, deceased

Complainant,

VS.

Respondent,

which was tried and determined in this Court on the 11th day of

December

1956

, in which there was a decree in favor of the

~~Complainant~~ Pearl Tarvin

On the 4th day of January 1957, the Contestants

took an appeal to the

Supreme

of Alabama, to be holden of and for said State.

I further certify that Andrew Tarvin, Joe L. Tarvin, Dave Tarvin, Jeff Tarvin, Jr., Felix Tarvin, Mariah Tarvin Weaver, Frank J. Tarvin, and Frank Earle

filed security for cost of appeal, to the Supreme Court,

on the 4th day of January

1957

and that Andrew Tarvin, Joe Tarvin, Dave Tarvin, Jeff Tarvin, Jr., Felix Tarvin, Mariah E. Tarvin Weaver, Frank J. Tarvin, and Frank Earle

are sureties on the appeal bond.

I further certify that notice of said appeal was on the

day of January

1957

served on Reynolds & Lauten

as attorney of record for said appellee.

Witness my hand and the seal of this Court, this the 8th day of January, 1957

Alice J. Duck

Register of the Circuit Court In Equity of

Baldwin

County, Alabama.

MAY 23 1957

THE STATE OF ALABAMA - - - - - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1956-57

1 Div. 712

Andrew Tarvin, et al.

v.

Pearl Tarvin

Appeal from Baldwin Circuit Court, In Equity

OOOOWYN, JUSTICE.

On December 12, 1953, Pearl Tarvin, the widow of Jeff Tarvin who died intestate in Baldwin County, Alabama, on December 16, 1945, filed in the probate court of Baldwin County a petition seeking her appointment as administratrix of said decedent's estate. Pursuant to said petition letters of administration were granted to her on December 12, 1953. On December 31, 1953, she filed in the circuit court

2.

of Baldwin County, in equity, a petition for removal of the administration to that court. On February 9, 1954, such order for transfer was entered. On April 17, 1954, Pearl Tarvin filed in the equity court a petition to have her widow's exemptions set apart to her. This petition was amended on April 14, 1955, and again on September 7, 1955.

On January 28, 1956, the court appointed three commissioners and appraisers to appraise and set apart the claimed exemptions. On July 12, 1956, the commissioners and appraisers made their report. On July 23, 1956, the heirs of Jeff Tarvin filed exceptions to the report. On November 6, 1956, Pearl Tarvin moved to strike said exceptions. On December 7, 1956, she also demurred to "the alleged contest" and exceptions. On December 11, 1956, a decree was entered sustaining said demurrer and allowing "the contestants * * * 20 days in which to file additional pleadings." It is from that ruling that this appeal is brought by some of the heirs.

The right to appeal is purely statutory, and an appeal taken without statutory authority must be dismissed for want of jurisdiction. American Life Ins. Co. v. Powell, 259 Ala. 70, 65 So. 2d 516; Clary v. Cassels, 258 Ala. 183, 61 So. 2d 692; Skinner v. Phillips, 257 Ala. 138, 57 So. 2d 515; McGregor v. McGregor, 250 Ala. 662, 35 So. 2d 685; Sicard v. Ingalls, 250 Ala. 585, 35 So. 2d 342; Johnson v. Barnes, 250 Ala. 292, 34 So. 2d 144, 145; Devane v. Smith, 216 Ala. 177, 112 So. 837; Nelson v. Cornelius, 206 Ala. 688, 95 So. 170; Coker v. Fountain, 200 Ala. 95, 75 So. 471; 4 C.J.S., Appeal & Error, § 18, p. 81. We find no statutory authority to support the appeal in this case; hence, we have no alternative but to dismiss it.

3.

The only statutory authority for appeals from interlocutory decrees in equity is that given by § 755, Tit. 7, Code 1940. It is there provided that an appeal lies "from any decree rendered by the circuit court in equity cases, sustaining or overruling a demurrer to a bill in equity, or to a cross-bill, * * * to be taken within thirty days from the rendition thereof to the supreme court."

Clearly, the exceptions filed to the report of the commissioners and appraisers is not "a bill in equity" or "a cross-bill" within the meaning of those terms as used in § 755. Nor is the decree appealed from in any sense a "final decree" under § 754, Tit. 7, Code 1940.

The question being one of jurisdiction, the appeal must be dismissed ex mero motu. Vaughan v. Vaughan, 262 Ala. 20, 22, 76 So. 2d 157; Willingham v. Hood, 242 Ala. 686, 688, 8 So. 2d 181; Hicks v. Ward, 240 Ala. 236, 237, 198 So. 705; Holland v. Dwight Mfg. Co., 231 Ala. 506, 507, 165 So. 756; Devane v. Smith, 216 Ala. 177, 178, 112 So. 837, *supra*.

Appeal dismissed.

Lawsen, Stakely and Merrill, JJ., concur.