

1086

TILDA M. MOSLEY, INDIVIDUALLY,
AND AS GUARDIAN, OF JOSEPH MOSLEY,
JUNIOR MOSLEY, TILDA L. MOSLEY,
AND ANNIE FRANCES MOSLEY, minors,

Complainants,

VS.

SALLIE SEAY, RUTH KING, WILLIAM
J. MOSLEY, JR., MARTHA JANE
FOWLER AND BETTY JERKINS,

Respondents.

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

TO THE HON. F. W. HARE, JUDGE OF THE TWENTY-FIRST CIRCUIT OF
ALABAMA:

In pursuance to a Decree of the Circuit Court of
Baldwin County, Alabama, made on the 10th day of April, 1944,
directing the undersigned as Register of said Court to offer
for sale to the highest bidder for cash at public outcry in
front of the courthouse door of Baldwin County, Alabama, on the
15th day of May, 1944, during the legal hours of sale, after giv-
ing due notice of the same by publication in a newspaper publish-
ed in Baldwin County, Alabama, for a period of thirty days prior
thereto, I did proceed to sell the following described real
estate situated in Baldwin County, Alabama, to-wit:-

East half of Southeast Quarter (E $\frac{1}{2}$ of SE $\frac{1}{4}$)
of Section Two (2), Township Four (4) South,
Range Three (3) East

in pursuance of and compliance with said decree, and at said
sale Mrs. Alice S. Ellis was the highest and best bidder for the
same, her bid being \$1775.00, which money she has paid into my
hands as Register and I have the same in hand as Register of this
Court for further orders of the court; that as directed in said
decree I held a reference to ascertain a reasonable solicitors
fee to be paid Hybart & Chason, Solicitors for the Complainants,
in the aforesaid cause, and I have ascertained this reasonable
solicitors fee on said reference as being the sum of Two Hundred
Twenty-five Dollars (\$225.00)

Dated this 15th day of May, 1944.

R. R. Beck
Register.

TILDA M. MOSLEY, INDIVIDUALLY
AND AS GUARDIAN OF JOSEPH MOSLEY,
JUNIOR MOSLEY, TILDA L. MOSLEY,
AND ANNIE FRANCIS MOSLEY, Minors,

Complainants,

VS.

SALLIE SEAY, RUTH KING, WILLIAM
J. MOSLEY, JR., MARTHA JANE
FOWLER AND BETTY JERKINS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

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

Your Oratrix Tilda M. Mosley, individually and
as Guardian of the above named minors, humbly complaining of
the Respondents in a matter that will hereinafter appear, shows
unto your Honor and unto this honorable Court, as follows:-

FIRST:

That your Oratrix is over the age of twenty-one
years and a resident of Stapleton, Alabama; that Joseph Mosley,
Junior Mosley, Tilda L. Mosley, and Annie Francis Mosley, are
all minors over the age of fourteen years and reside with your
oratrix at Stapleton in Baldwin County, Alabama; that the res-
pondents are all over the age of twenty-one years and residents
of Stapleton in Baldwin County, Alabama.

SECOND:

Your Oratrix further shows unto your Honor that
the Probate Court of Baldwin County, Alabama, entered a decree
on the 13th day of March, 1944, setting apart to your Oratrix, the
minor children above named and the respondents above named, as their
homestead the following described real property situated in Bald-
win County, Alabama, to-wit:-

East half of Southeast Quarter (E $\frac{1}{2}$ of SE $\frac{1}{4}$)
of Section Two (2), Township Four (4) South,
Range Three (3) East;

that such property was set apart to the complainants and respond-
ents above named in fee simple; that there is attached to this
Bill of Complaint and marked Exhibit A and made a part hereof,

heirs their proportion of the same and that the amount due such
widow and minor children be reinvested for them.

FIFTH:

Your Oratrix further shows unto your Honor that it
is to the interest of the minors that such land be sold and the
proceeds derived therefrom reinvested under order of this court
for the benefit of such widow and minor children.

Your oratrix as the widow of William J. Mosley, de-
ceased, who was the owner of the above described property at the

EXHIBIT B

THE STATE OF ALABAMA,
BALDWIN COUNTY.

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)
)

PROBATE COURT.

LETTERS OF GUARDIANSHIP OVER THE ESTATE OF
Joseph Mosley, a minor over the age of fourteen years,
Junior Mosley, a minor over the age of fourteen years,
Tilda L. Mosley, a minor over the age of fourteen years,
Annie Francis Mosley, a minor over the age of fourteen years,
are hereby granted to Tilda M. Mosley, who has duly qualified
and given bond as required by law, and is authorized to dis-
charge all the functions attached to said guardianship.

Dated this 13th day of March, A. D., 1944.

G. W. ROBERTSON, Judge of Probate.

TILDA M. MOSLEY, INDIVIDUALLY,
AND AS GUARDIAN, OF JOSEPH MOSLEY,
JUNIOR MOSLEY, TILDA L. MOSLEY,
AND ANNIE FRANCES MOSLEY, minors,

Complainants,

vs.

SALLIE SEAY, RUTH KING, WILLIAM
J. MOSLEY, JR., MARTHA JANE
FOWLER AND BETTY JERKINS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.


This cause coming on to be heard on the Register's report of the sale of the lands heretofore ordered, to be sold by him, and the reference to ascertain a reasonable attorney's fee to be paid to Hybart and Chason, Solicitors for the Complainant and the same being understood by the court.

It is ordered, adjudged and decreed that said report be and the same is confirmed, and it further appearing to the court from said report that Mrs. Alice S. Ellis was the highest and best bidder for the lands involved in this suit and which was ordered sold by the Register, and that she has complied with her bid for the same by paying into the registry of this court the sum of Seventeen Hundred Seventy-five Dollars (\$1775.00), that the Register of this court shall proceed to execute his deed to her conveying the entire interest of the complainants and respondents in and to said lands and deliver the same to her.

It is further ordered that the Register of this Court pay over to Hybart and Chason the sum of Two Hundred Twenty-five Dollars (\$225.00), being the amount ascertained by him to be reasonable as their Solicitor's fee in prosecuting this cause of action.

It is further ordered that after deducting his cost and said solicitor's fee in these proceedings from the amount bid for said lands, the Register report to the court the balance of money in his hands for further orders of this court.

Dated this 27th day of May, 1944.


JUDGE.

TILDA M. MOSLEY, INDIVIDUALLY,
AND AS GUARDIAN OF JOSEPH MOSLEY,
JUNIOR MOSLEY, TILDA L. MOSLEY
AND ANNIE FRANCES MOSLEY,

Complainants,

VS.

SALLIE SEAY, RUTH KING, WILLIAM
J. MOSLEY, JR., MARTHA JANE
FOWLER AND BETTY JERKINS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

EQUITY SIDE.

This cause coming on to be heard is submitted on the Bill of Complaint and Answers of the Respondents together with the proof taken by the Court orally; and it appearing to the Court that the following described real estate, in Baldwin County, Alabama, to-wit:-

East half of Southeast Quarter
of Section 2, Township 4 South,
Range 3 East

can not be equitably partitioned and divided among the joint owners thereof without a sale of the same.

And it further appearing to the Court that the Complainants and the Respondents each own an undivided one-tenth interest in and to said lands, it is therefore, Ordered, Adjudged and Decreed that the Register of this Court after giving due notice of the same by publication in a newspaper published in Baldwin County, Alabama, for a period of thirty days, shall proceed to sell on the 15th day of May, 1944 before the Courthouse door of said County, for partition and division among the joint owners of the aforesaid property, at public outcry during the legal hours of sale to the highest bidder for cash, the property above described.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register hold a reference to ascertain a reasonable solicitors' fee to be taxed as a part of the costs in compensation of Hybart & Chason, Solicitors for Complainants, in the maintenance of this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register shall make his report of said sale together with his

said reference, and all other matters, including the distribution of the proceeds of said sale, are held up awaiting the incoming of the Register's report as directed.

DATED this 10th day of April, 1944.

J. M. Stare
Judge.

TILDA M. MOSLEY, INDIVIDUALLY
AND AS GUARDIAN OF JOSEPH MOSLEY,
JUNIOR MOSLEY, TILDA L. MOSLEY,
AND ANNIE FRANCES MOSLEY, Minors,

Complainants,

VS.

SALLIE SEAY, RUTH KING, WILLIAM
J. MOSLEY JR., MARTHA JANE FOWLER
AND BETTY JERKINS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

TO W. H. HAWKINS:

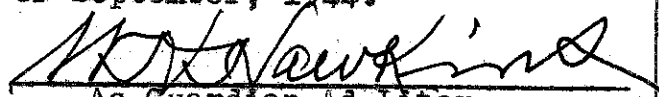
You are hereby notified that under a Decree of
F. W. Hare, Judge of the Circuit Court of Baldwin County, Alabama,
in Equity, said decree being dated the 16th day of August, 1944,
you were appointed as Guardian Ad Litem for Joseph Mosley, Junior
Mosley, Tilda L. Mosley and Annie Frances Mosley, Minors, at a
reference to be held September 7, 1944 at 10:00 o'clock A. M.,
which reference is for the purpose as set out in said decree.

WITNESS my hand and seal as Register of the Circuit
Court of Baldwin County, Alabama, this 1st day of September, 1944.


Register.

I, W. H. HAWKINS, hereby accept my appointment as
Guardian Ad Litem as hereinabove set out and agree to represent
such minors at said reference. I, as such Guardian Ad Litem,
hereby deny the allegations of the Petition filed by the said
Guardian and demand strict proof of the same.

Dated this 1st day of September, 1944.


As Guardian Ad Litem.

H. H. Clark, Reg.

IN ACCOUNT WITH

G. W. ROBERTSON

JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	Total
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<i>New Albert Lewis</i>		<i>John W. Moody</i>	<i>1.00</i>	<i>75</i>	<i>1.75</i>
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Paul W. Moody

TILDA M. MOSLEY, INDIVIDUALLY
AND AS GUARDIAN OF JOSEPH MOSLEY,
JUNIOR MOSLEY, TILDA L. MOSLEY,
AND ANNIE FRANCES MOSLEY, Minors,

Complainants,

VS.

SALLIE SEAY, RUTH KING, WILLIAM J.
MOSLEY JR., MARTHA JANE FOWLER,
AND BETTY JERKINS,

Respondents.

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

FINAL DECREE

This cause coming on to be heard is submitted on the Report of reference of R. S. Duck as Register of the Circuit Court of Baldwin County, in Equity, said report being dated September 7, 1944, and it appearing to the court that under an order of said court dated August 16, 1944 directing that a reference be held to determine certain matters therein set forth and directing that the Register set a day for such reference; that the said Register caused such reference to be held September 7, 1944, and it further appearing to the court from the report of such Register that Albert Sawyer and Effie Sawyer are the owners of the following described property situated in Baldwin County, Alabama, viz:-

Commence at the Southeast corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 32, Township 3 South, Range 3 East, thence run West along the South line of said Section 225 feet for a point of beginning, thence North 218 feet, thence West 210 feet, thence South 218 feet, thence East 210 feet to the place of beginning, containing 1 acre, more or less,

which they have agreed to sell the said Tilda M. Mosley and Joseph Mosley, Junior Mosley, Tilda L. Mosley and Annie Frances Mosley, and that said property has a reasonable market value of \$750 which is the price that is to be paid the said Albert Sawyer and Effie Sawyer, and that said property will make a suitable home for Tilda M. Mosley and her minor children, and

It further appearing to the court that there is now in the hands of such Register the sum of \$750 which was the money

of Sallie Seay, Ruth King, William J. Mosley Jr. Martha Jane Fowler and Betty Jerkins, but which sum of money was duly assigned by them to their mother Tilda M. Mosley, and it appearing to the court that the report of such Register has been on file in his office for more than ten days since the making of the same and no objection having been filed to such report and the court understanding the same, the court is of the opinion that such report should be confirmed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the report of such Register is hereby confirmed and that upon the said Albert Sawyer and Effie Sawyer tendering a Warranty Deed properly executed and properly conveying the following described property situated in Baldwin County, Alabama, viz:-

Commence at the Southeast corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 32, Township 3 South, Range 3 East, thence run West along The south line of said Section 225 feet for a point of beginning, thence North 218 feet, thence West 210 feet, thence South 218 feet, Thence East 210 feet to the place of beginning, containing 1 acre more or less.

to the said Tilda M. Mosley, Joseph Mosley, Junior Mosley, Tilda L. Mosley, and Annie Frances Mosley, that the Register shall pay out of the money now in his hands in this cause the sum of \$750 to the said Albert Sawyer and Effie Sawyer, and that the Register shall cause such deed to be recorded in the office of the Judge of Probate of Baldwin County, Alabama, the recording fee to be taxed as a part of the costs of this cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Tilda M. Mosley is the owner of the sum of \$750 which was paid into the Register of this court for the use of Sallie Seay, Ruth King, William J. Mosley Jr., Martha Jane Fowler and Betty Jerkins, which was duly transferred and assigned by them to the said Tilda M. Mosley.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the said Register shall deduct from the said sum of \$750 the amount of the court costs due in this proceeding and the

balance remaining after the payment of such court costs shall
be paid by the said Register to the said Tilda M. Mosley.

DATED this 20th day of September, 1944.

J. M. Hare

Judge.

TILDA M. MOSLEY, INDIVIDUALLY
AND AS GUARDIAN OF JOSEPH MOSLEY,
JUNIOR MOSLEY, TILDA L. MOSLEY,
AND ANNIE FRANCES MOSLEY, Minors,

Complainants,

VS.

SALLIE SEAY, RUTH KING, WILLIAM
J. MOSLEY JR., MARTHA JANE FOWLER
AND BETTY JERKINS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

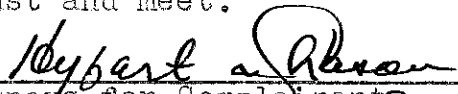
IN EQUITY.

Your Petitioner, Tilda M. Mosley, Guardian of Joseph Mosley, Junior Mosley, Tilda L. Mosley and Annie Frances Mosley, minors, shows unto your Honor that in this cause your Honor ordered and decreed a sale of certain property belonging to her and her nine children, four of which are minors, and of whom she is their Guardian; that the property was sold under the orders of this Court and on the 27th day of May, 1944 your Honor confirmed said sale; that said property that was sold was the homestead of her and her children at the time of the death of their father and ^{her} husband; that the proceeds of said sale after deducting the costs of the proceedings amounted to One Thousand Five Hundred Dollars (\$1,500.00), which sum of money was paid by the purchaser into the Registry of this Court and is there being held under the direction of the court for reinvestment. Your Petitioner further shows unto your Honor that she and her said minor children are entitled to the sum of Seven Hundred Fifty Dollars (\$750.00) out of said monies so held by the Register of the Court. Your Petitioner further shows unto your Honor that she and her said minor children have no home and that Albert Sawyer and Effie Sawyer are the owners of the following described lands situated in Baldwin County, Alabama, to-wit:-

Commence at the Southeast Corner of the Southeast Quarter of the Southeast Quarter of Section 32 in Township 3 South of Range 3 East, thence run West along the South line of said Section 225 feet for a point of beginning, thence North 218 feet, thence West 210 feet, thence South 218 feet, thence East 210 feet to the place and point of beginning, containing one acre, more or less.

That on said lands is a house that is suitable for a home for her and her said minor children, and that said property is well worth the sum of Seven Hundred Fifty Dollars (\$750.00) and would be a good investment for that amount of money. Your Petitioner further shows unto your Honor that her adult children who are as follows: Sallie Seay, Ruth King, William J. Mosley Jr., Martha Jane Fowler and Betty Jerkins, and who are entitled to Seven Hundred Fifty Dollars (\$750.00) of said monies, have assigned to her all of their right, title and interest in the same and have directed the Register of this Court to pay over to your Petitioner all monies that are in his hands belonging to them; a copy of said assignment is hereto attached marked Exhibit A and made a part of this Petition.

The premises considered your Petitioner prays that your Honor will set this Petition down for hearing and that your Honor will cause due notice to be given said minors of the date of said hearing and direct as to who and upon whom said notice is to be served, and that your Honor will appoint a Guardian Ad Litem to represent said minors. Your Petitioner further prays that upon a hearing of this Petition that your Honor will direct the Register of this Court to pay over to the said Albert Sawyer and Effie Sawyer, the owners of said property the sum of \$750.00 when they present a Warranty Deed to him conveying to your Petitioner and her said minor children the aforesaid property duly executed by said grantors. Your Petitioner further prays that your Honor will direct the Register of this Court to pay over to her such monies as belong to her aforesaid adult children which have been duly assigned to her by them. Your Petitioner prays for such other, further and different relief as in Equity may seem just and meet.


Attorneys for Complainants

TILDA M. MOSLEY, INDIVIDUALLY
AND AS GUARDIAN OF JOSEPH MOSLEY,
JUNIOR MOSLEY, TILDA L. MOSLEY,
AND ANNIE FRANCES MOSLEY, Minors,

Complainant,

VS.

SALLIE SEAY, RUTH KING, WILLIAM
J. MOSLEY, JR., MARTHA JANE
FOWLER AND BETTY JERKINS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

We, the undersigned respondents in the above styled cause, hereby authorize and direct R. S. Duck as the Register of said Court to pay over to our mother, Tilda M. Mosley, any and all sums of money which may be due us and each of us that was derived from the sale of the property in this cause in which we had an interest, hereby waiving any claim that we may have to any part of such proceeds. It is our will and desire that the said Tilda M. Mosley, our mother, receive the full amount due us under such sale in order that she may reinvest it in a home for our minor brothers and sisters and for our said mother.

Witness our hands and seals this 1st day of June, 1944.

WITNESS:

A. J. Thorpe

Edith Read

Sally Clark

Effie M. Sawyer

J. S. Byrd

Sallie L. Seay

Ruthie M. King

William J. Mosley Jr.

Martha Jane Fowler

Bettie Jerkins

TILDA M. MOSLEY, INDIVIDUALLY
AND AS GUARDIAN OF JOSEPH MOSLEY,
JUNIOR MOSLEY, TILDA L. MOSLEY
AND ANNIE FRANCIS MOSLEY, Minors,

Complainants,

VS.

SALLIE SEAY, RUTH KING, WILLIAM
J. MOSLEY, JR., MARTHA JANE
FOWLER AND BETTY JERKINS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Come the Respondents in the above styled cause
and for Answer to the Complaint filed in said cause say:-

FIRST:

They admit the allegations contained in paragraph
One of the Bill of Complaint.

SECOND:

They deny the allegations contained in paragraph
Two of said Bill of Complaint and demand strict proof thereof.

THREE:

They deny the allegations contained in paragraph
Three of the Bill of Complaint and demand strict proof thereof.

FOURTH:

They deny the allegations contained in paragraph
Four of the Bill of Complaint and demand strict proof thereof.

FIFTH:

They deny the allegations contained in paragraph
Five of the Bill of Complaint and demand strict proof thereof.

Sallie Seay
Ruth King
William J. Mosley, Jr.
Martha Jane Fowler
Betty Jerkins
Respondents.

TILDA M. MOSLEY, INDIVIDUALLY
AND AS GUARDIAN OF JOSEPH MOSLEY,
JUNIOR MOSLEY, TILDA L. MOSLEY,
AND ANNIE FRANCIS MOSLEY, Minors,

Complainants,

VS.

SALLIE SEAY, RUTH KING, WILLIAM
J. MOSLEY, JR., MARTHA JANE
FOWLER AND BETTY JERKINS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

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

Your Oratrix Tilda M. Mosley, individually and
as Guardian of the above named minors, humbly complaining of
the Respondents in a matter that will hereinafter appear, shows
unto your Honor and unto this honorable Court, as follows:-

FIRST:

That your Oratrix is over the age of twenty-one
years and a resident of Stapleton, Alabama; that Joseph Mosley,
Junior Mosley, Tilda L. Mosley, and Annie Francis Mosley, are
all minors over the age of fourteen years and reside with your
oratrix at Stapleton in Baldwin County, Alabama; that the res-
pondents are all over the age of twenty-one years and residents
of Stapleton in Baldwin County, Alabama.

SECOND:

Your Oratrix further shows unto your Honor that
the Probate Court of Baldwin County, Alabama, entered a decree
on the 13th day of March, 1944, setting apart to your Oratrix, the
minor children above named and the respondents above named, as their
homestead the following described real property situated in Bald-
win County, Alabama, to-wit:-

East half of Southeast Quarter (E½ of SE¼)
of Section Two (2), Township Four (4) South,
Range Three (3) East;

that such property was set apart to the complainants and respond-
ents above named in fee simple; that there is attached to this
Bill of Complaint and marked Exhibit A and made a part hereof,

a copy of the Decree confirming the report of the Commissioners setting such property apart to them.

THIRD:

Your Oratrix further shows unto your Honor that on the 13th day of March, 1944, she was appointed by the Probate Court of Baldwin County, Alabama, as Guardian of the Estate of the above named minors; that there is attached hereto marked Exhibit B and made a part hereof, a copy of Letters of Guardianship issued to her.

FOURTH:

Your Oratrix further shows unto your Honor that she and the minor children above named each own an undivided one-tenth interest in the above described property and that each of the respondents above named own an undivided one-tenth interest in said property. Your Oratrix further shows unto your Honor that there is a house standing on the above described land, that part of the land has been cleared and is now being cultivated and part of it is pasture land; and that said lands can not be equitably divided among the owners thereof, and that it will be necessary that the same be sold under order of this Court for a petition and division, and that the monies derived from such sale after deducting the costs of these proceedings, be divided by giving to the adult heirs their proportion of the same and that the amount due such widow and minor children be reinvested for them.

FIFTH:

Your Oratrix further shows unto your Honor that it is to the interest of the minors that such land be sold and the proceeds derived therefrom reinvested under order of this court for the benefit of such widow and minor children.

Your oratrix as the widow of William J. Mosley, deceased, who was the owner of the above described property at the time of his death, hereby expresses her desire to sell said property and consents that the same be sold for a division among the adult owners thereof and for ^a reinvestment for the minors.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises your Oratrix prays that your Honor will cause the usual writ of process to issue to Sallie Seay, Ruth King, William J. Mosley Jr. Martha Jane Fowler and Betty Jerkins, Respondents in said cause, requiring them to plead, answer or demur to this Bill of Complaint within the time as required by law and the rules of this honorable court.

PRAYER FOR RELIEF.

The premises considered your Oratrix prays that on a final hearing of this cause that your Honor will order and decree that said land be sold for Partition and division and that the sum derived from such sale belonging to your Oratrix and the minor children, who are complainants in this Bill of Complaint, be reinvested for them under order of this honorable court for the benefit of such widow and minor children. Your oratrix further prays that the remainder of the purchase money, that is the amount due the respondents, be paid over to them by this honorable court. Your oratrix further prays for such other, further, different and general relief as in equity may seem just and meet.

Tilda M. Mosley
Individually and as Guardian of
Joseph Mosley, Junior Mosley, Tilda
L. Mosley, and Annie Francis Mosley,
Minors, Complainants.

HYBART & CHASON
Solicitors for Complainants.

EXHIBIT A

ESTATE OF WILLIAM J. MOSLEY, DECEASED) PROBATE COURT, BALDWIN
COUNTY, ALABAMA.
MARCH 13, 1944.

In the matter of the application to set apart exemptions of homestead to widow and minor children of said decedent.

This the 13th day of March, A. D., 1944, having been appointed by the court for hearing the report of Arthur Hale and Charlie Dean, Commissioners heretofore appointed by the Court, to set apart exemptions of personal property and a homestead to said widow and the minor children, at the time of the death of said decedent. And it appearing that immediately upon the filing of the said Report, the court gave notice to Betty Jerkins, Joseph Mosley, Junior Mosley, Tilda Mosley and Annie Frances Mosley, of the filing of said report and of the date set for hearing the same, for ten days by personal service; and it further appearing that all of the adult next of kin, being of sound mind, have waived notice of the filing of said report and of the day set for hearing the same, by instrument now on file in this cause.

And it appearing to the satisfaction of the court that said Commissioners acted with fairness and that said exemptions are not excessive, and that no exceptions have been filed to said report.

It is therefore Ordered, Adjudged and Decreed by the Court, that said Report be, and the same is hereby confirmed.

It appearing to the Court that the property so set apart by the Commissioners aforesaid, is all the property owned by said decedent at the time of his death, and is less than is allowed them as exempt under the laws of Alabama; It is further ordered, adjudged and decreed by the Court, that the title to said real property, shall vest in said widow and the minor children of said decedent at the time of his death, share and share alike, absolutely.

G. W. Robertson
Judge of Probate.

EXHIBIT B

THE STATE OF ALABAMA,
BALDWIN COUNTY.

PROBATE COURT.

LETTERS OF GUARDIANSHIP OVER THE ESTATE OF
Joseph Mosley, a minor over the age of fourteen years,
Junior Mosley, a minor over the age of fourteen years,
Tilda L. Mosley, a minor over the age of fourteen years,
Annie Francis Mosley, a minor over the age of fourteen years,
are hereby granted to Tilda M. Mosley, who has duly qualified
and given bond as required by law, and is authorized to dis-
charge all the functions attached to said guardianship.

Dated this 13th day of March, A. D., 1944.

REGISTERED
[Signature]
FILED IN BOOK 1007

IN TESTIMONY

WHEREFORE I HEREBY CERTIFY
THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL

G. W. ROBERTSON, Judge of Probate.

REGISTERED

FILED IN BOOK 1007
MARCH 13 1944
BALDWIN COUNTY, ALABAMA

27

COMPLISHED

FILED IN BOOK 1007
MARCH 13 1944
BALDWIN COUNTY, ALABAMA

FILED IN BOOK 1007

10201

TILDA M. MOSLEY, INDIVIDUALLY
AND AS GUARDIAN OF JOSEPH MOSLEY,
JUNIOR MOSLEY, TILDA L. MOSLEY,
AND ANNIE FRANCES MOSLEY, Minors,

Complainants,

VS.

SALLIE SEAY, RUTH KING, WILLIAM
J. MOSLEY JR., MARTHA JANE
FOWLER AND BETTY JERKINS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

TESTIMONY OF TILDA M. MOSLEY:

Q. Mrs. Mosley did you petition the court to allow you to buy the home that your daughter Effie Sawyer and Albert Sawyer own near Stapleton?

A. Yes, Sir.

Q. Is this property described as: Commence at the SE corner of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32, Township 3 South, Range 3 East, thence run West along the South line of said Section 225 feet for a point of beginning, thence North 218 feet, thence West 210 feet, thence South 218 feet, thence East 210 feet to the place of beginning, containing 1 acre, more or less? Is that the proper description of this property you want to buy?

A. Yes, Sir.

Q. What kind of house is on that piece of land?

A. Its a lumber house-four-room house.

Q. Four-room lumber house?

A. Yes.

Q. How far is it from the nearest church?

A. Its about $\frac{1}{2}$ or $\frac{3}{4}$ mile and from my church its about a mile and a half.

Q. How close is the nearest school?

A. About one-half or $\frac{3}{4}$ mile.

Q. Is this house and approximately an acre of ground reasonably worth \$750?

A. Well I guess--I think it is. It would cost that much to put the building on it.

Q. In other words you think it would cost at least that much to put the building up

A. Yes.

Q. If you buy this building and acre of ground will it be a suitable home for your minor children and you?

A. Yes, Sir.

Q. Who does this property now belong to?

A. Albert Sawyer and Effie Sawyer.

Q. Mrs. Mosley did Sallie L. Seay, Ruth M. King, William Mosley Jr., Martha Jane Fowler and Betty Jerkins sign this paper dated June 1, 1944 assigning and transferring to you any money that would come to them out of the sale of the homestead held some time ago?

A. Yes, Sir.

Q. Is this the paper they signed?

A. Yes, Sir.

We will ask that a copy of this paper be attached to the testimony of Mrs. Mosley and marked Exhibit "A" to her testimony.

Q. Was it the desire and intention of all of your children just named that you should have anything coming to them out of this estate?

A. They want to turn it all over to me.

Q. Was there \$750 paid in to the Register of the Court for the use of these children?

A. Yes.

CROSS-EXAMINATION OF GUARDIAN AD LITEM

NONE.

TESTIMONY OF A. H. HALE

DIRECT EXAMINATION BY ATTORNEY FOR COMPLAINANTS.

Q. Mr. Hale are you acquainted with the acre of land in the SE corner of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32, Township 3 South, Range 3 East with the four room house that is on it that now belongs to Albert Sawyer and Effie Sawyer?

A. Yes.

Q. Please give us as accurately as you can a description of the

type of house that is on this land.

A. Well its just board and in a square, four rooms house. Its porched off on front--I haven't been in the house, I've just come by it and never been in it.

Q. How large is it?

A. I don't know-- I don't know what size you would say it was.

Q. Would you say it was large enough house for Mrs. Mosley and her minor child to live in?

A. Yes I think so.

Q. What would you say is a reasonable market value of this house and acre of land at the present time?

A. Well, I think the house would cost the money she is paying for it without anything else and it has a good pump in the yard and it would cost \$100 to put it in.

Q. Would you say that if she gets this property for \$750 that she is making a good trade?

A. I would think so.

Q. How far is it to the nearest church from this property?

A. About 3/4 mile.

Q. How far to the nearest school?

A. about the same distance.

Q. Mr. HalE you are not related to Effie Sawyer of Albert Sawyer or to Mrs. Mosley or to any of her children, and you have no interest in this proceedings?

A. No.

CROSS EXAMINATION BY GUARDIAN AD LITEM:

Q. Mr. HalE is any other building except the house on the place?

A. Not any--No I wouldn't say, unless they put it up right lately.

Q. Is the place fenced?

A. Yes. Yard fence.

Q. What material is used in the house?

A. Its just pine lumber-covered with tin.

Q. Four rooms?

A. Yes.

Q. You don't know the size of the rooms--you have never been in it?

A. No, I haven't been it.

Q. And you would think \$750 is a reasonable price for the place?

A. Yes I do.

TESTIMONY OF C. A. DEAN

DIRECT EXAMINATION BY ATTORNEY FOR COMPLAINANTS.

Q. Mr. Dean are you acquainted with this land and house owned by Albert Sawyer and Effie Sawyer that they are offering to sell to Mrs. Tilda M. Mosley?

A. Yes, Sir.

Q. What would you say is a fair and reasonable market price of that house and lot at this time?

A. Well, I believe that they are getting a fair bargain at this time by getting it for \$750.

Q. You think it is reasonably worth at this time \$750?

A. At this time, yes.

Q. Would it make a suitable home for Mrs. Mosley and her minor children?

A. Yes, I guess so. I think she should have some more land to go with-farming land.

Q. Is it located near where her other children live?

A. Yes, Sir.

Q. How near is it to a church?

A. About 3/4 mile.

Q. And about the same distance to the nearest school?

A. That's right.

Q. Mr. Dean you are not related to Effie Sawyer or her husband or Mrs. Mosley, or have any interest in this proceeding?

A. No, Sir.

CROSS EXAMINATION BY GUARDIAN AD LITEM.

Q. Have you ever been in the house?

A. I have been in the house but they didn't have it finished. They built more on since I was in it.

Q. How many rooms are in the house?

A. At the time I was in - two rooms- but they built another room or maybe two rooms since then and a gallery maybe.

Q. What size are these rooms?

A. I just don't know exactly. I didn't pay much attention to the size.

Q. What convenience have they got there? They have water and lights?

A. Yes they have a pump and have the house wired and will get lights later.

Q. Any land close by that she could get more land in connection with this place you know of?

A. I don't know.

Q. You think that \$750 is a reasonable price for that place?

A. Yes, sir, I think so.

EXHIBIT "A"

TILDA M. MOSLEY, INDIVIDUALLY)
AND AS GUARDIAN OF JOSEPH MOSLEY,)
JUNIOR MOSLEY, TILDA L. MOSLEY,)
AND ANNIE FRANCES MOSLEY, Minors,)

Complainants,

VS.

SALLIE SEAY, RUTH KING, WILLIAM)
J. MOSLEY, JR., MARTHA JANE)
FOWLER AND BETTY JERKINS,)

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

We, the undersigned respondents in the above styled cause, hereby authorize and direct R. S. Duck as the Register of said Court to pay over to our mother, Tilda M. Mosley, any and all sums of money which may be due us and each of us that was derived from the sale of the property in this cause in which we had an interest, hereby waiving any claim that we may have to any part of such proceeds. It is our will and desire that the said Tilda M. Mosley, our mother, receive the full amount due us under such sale in order that she may reinvest it in a home for our minor brothers and sisters and for our said mother.

Witness our hands and seals this 1st day of June,
1944.

Witness:

A. J. Thorpe
Edith Read
Sally Clark
Effie M. Sawyer
J. L. Byrd

Sallie L. Seay
Ruthie M. King
William J. Mosley Jr.
Martha Jane Fowler
Bettie Jerkins

TILDA M. MOSLEY, INDIVIDUALLY
AND AS GUARDIAN OF JOSEPH MOSLEY,
JUNIOR MOSLEY, TILDA L. MOSLEY,
AND ARNIE FRANCES MOSLEY, Minors,

Complainants,

VS.

SALLIE SEAY, RUTH KING, WILLIAM
J. MOSLEY, JR., MARTHA JANE FOWLER
AND BETTY JERKINS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY

N O T I C E

TO ISABELLE REID:-

You are hereby notified that F. W. Hare, as Judge of the Circuit Court of Baldwin County, Alabama, in Equity, has ordered me, R. S. Duck, as Register of said Court, to hold a Reference in the above styled cause after giving you as the sister of the above named minors who are complainants in said cause and as their adult next of kin not interested in the proceeding ten days notice of the day set for having such Reference. You are further notified that said Reference will be had in my office in the Courthouse in Bay Minette, Baldwin County, Alabama, at ten o'clock A. M. on Thursday, September 7, 1944, at which time and place you can appear if you see fit to do so and you can give in evidence any matters necessary or pertinent in connection with such Reference. Said Reference will be held by me as such Register to ascertain the value of the home that said minors propose to buy, the name of the seller, the location of the property relative to churches and schools, and a description of such property; also to ascertain the amount of money that was paid into the Registry of this Court for the use of Sallie Seay, Ruth King, William J. Mosley, Jr., Martha Jane Fowler, and Betty Jerkins, and whether this money has been assigned by them to their mother, Tilda M. Mosley.

Witness my hand and seal of said Court on this
the 22nd day of August, 1944.

Rebeck

REGISTER

THE STATE OF ALABAMA
Baldwin County

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

TILDA M. MOSLEY, ET AL COMPLAINANT

VS.

SALLIE SEAY, ET AL RESPONDENT

I, R. S. Duck

as Register and Commissioner

have called and caused to come before me

W. J. Mosley, Jr.

witness named in the Requirement for Oral Examination, on the 10th day of April

1944, at the office of In open Court, before Hon. F. W. Hare, Judge

in Bay Minette, Alabama, and having first sworn said witness to speak the truth,

the whole truth, and nothing but the truth, the said W. J. Mosley, Jr.

doth depose and say as follows:

OVER

TILDA M. MOSLEY, ET AL.,

VS.

SALLY SEAY, ET AL.

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

This matter coming on for hearing on petition of Tilda M. Mosley, individually and as guardian of Joseph Mosley, Junior Mosley, Tilda L. Mosley and Annie Frances Mosley, her minor children, petitioning the Court that an investment of SEVEN HUNDRED FIFTY AND 00/100 (\$750.00) DOLLARS in a home be made for her and her children out of moneys belonging to them flowing from the sale of their homestead, which has heretofore been had under the decree of this Court, and the proceeds of said sale being now in the hands of the Register, viz: FIFTEEN HUNDRED (\$1500.00) DOLLARS, SEVEN HUNDRED FIFTY AND 00/100 (\$750.00) DOLLARS of which she alleges belongs to her and her said minor children, and the balance of said FIFTEEN HUNDRED (\$1500.00) DOLLARS having been assigned by her adult children to her, said adult children being the Respondents in said cause. And she petitions that said sum be turned over to her, All of which is understood by the Court-


IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Register of this Court shall proceed to hold a reference, after giving 10 days notice of the time and place of holding the same, to Isabelle Reid, sister of said minors, and their adult next of kin, and that W. H. Hawkins, a practicing Attorney, be and is appointed Guardian ad litem to represent said minors on said reference. That said Register is to ascertain on said reference the value of the home that said money belonging to the petitioner and her minor children is proposed to be invested in; the name of the seller; its location relative to churches and schools and a description of the same.

2. The amount of money that was paid into the Registry of this Court for the use of Sallie Seay, Ruth King, William J. Mosley, Jr. Martha Jane Fowler and Betty Jenkins, and whether this sum of money has been assigned to the Petitioner, Tilda M. Mosley by the said Sallie Seay, Ruth King, William J. Mosley, Jr., Martha Jane Fowler and Betty Jenkins.

Said register is to report his said findings relative to the matters herein set out to this Court, together with the evidence thereon.

All further orders and decrees are held up for the incoming of said report.

Dated at Monroeville, Alabama, this 16th day of August, 1944.


JUDGE

TILDA M. MOSLEY, INDIVIDUALLY,
AND AS GUARDIAN OF JOSEPH MOSLEY,
JUNIOR MOSLEY, TILDA L. MOSLEY,
AND ANNIE FRANCES MOSLEY, Minors,

Complainants,

VS.

SALLIE SEAY, RUTH KING, WILLIAM
J. MOSLEY, JR., MARTHA JANE
FOWLER AND BETTY JERKINS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

We, the undersigned respondents in the above styled cause, hereby authorize and direct R. S. Duck as the Register of said Court to pay over to our mother, Tilda M. Mosley, any and all sums of money which may be due us and each of us that was derived from the sale of the property in this cause in which we had an interest, hereby waiving any claim that we may have to any part of such proceeds. It is our will and desire that the said Tilda M. Mosley, our mother, receive the full amount due us under such sale in order that she may reinvest it in a home for our minor brothers and sisters and for our said mother.

Witness our hands and seals this 1st day of

June, 1944.

Sallie L. Seay
Ruth M. King
William M. Mosley, Jr.
Martha Jane Fowler
Betty Jerkins

Witnesses
Al Payne
Edith Reed
Sally Clark

Effie M. Sawyer

J. S. Boyd

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

May.

Term, 1944

Tilda M Mosley et al.

No. 1086 vs.

Sallie Seay et al.

BILL OF COSTS

REGISTER'S FEES	AMOUNT	SHERIFF'S FEES:	AMOUNT
Fees in Circuit Court—		Summoning on Bill, Each Defendant.....	1.50
Docketing Cause, One fee only of.....	1 00	Executing Writ of Injunction, or Ne Exeat, each.....	1.50
Issuing Summons on Bill, each.....	.50*	Executing Subpoenas for Witnesses, each.....	.65
Issuing Copies Thereof, each.....	.40	Executing Writs of Possession, each.....	5.00
Entering Return of Same, each.....	.15	Executing Scire Facias or Notice, each.....	1.50
Orders of Publication to Non-Residents, each.....	1 00	Taking and Approving Bonds, each.....	1.00
Filing Bill or Other Paper, each.....	1 00	Impanelling Jury.....	.75
Copies of Same, Per 100 Words.....	.15	Collecting Execution for Costs Only, each.....	1.50
Entering Appearances, each.....	.25*	Sheriff's Commissions.....	
Issuing Writs of Injunction, Ne Exeat, each.....	1.50		
Issuing Copies Thereof, each.....	.50		
Entering Return of Same, each.....	.15		
Decrees Pro Confesso, each.....	1.00*		
Order Appointing Guardian Ad Litem, each.....	1.00*		
Issuing Commissions to Take Testimony, each.....	.50		
Taking Testimony, Per Day.....	1.50		
Taking Testimony, Per 100 words.....	.20		
Receiving and Filing Depositions, each pkg.,.....	.10		
Indorsing Depositions Published, each pkg.....	.10		
All Entries on Commission Docket, Each Cause.....	.50		
Entering Order Submitting Cases for Decree, each.....	.50		
Other Orders of Court, each.....	.25		
Noting Testimony on Hearing of Cause, each.....	.50		
Entering Decrees, of 500 Words or Less, each.....	.75		
Per 100 words over 500.....	.15		
Taking Accounts, etc., on Ref., per Day.....	3.00*		
Taking Testimony on Reference Relating to Trustees, etc., per 100 words.....	.15		
Reference and Reports, each.....	2.00*		
Reports of 500 Words or Less.....	2.50		
Per 100 Words over 500.....	.15		
Issuing Subpoenas for Witnesses, each.....	.25		
Issuing Witness Certificates, each.....	.25		
All Entries on Subpoena Docket, each Cause.....	.50		
Taking and Approving Bonds, each.....	1.00		
Making Complete Record, per 100 Words.....	.15		
Hearing, etc., Regarding Appointment of Re- ceiver or Trustee.....	3.00		
Settlements with Receiver or Trustee, each.....	3.00		
Examining Vouchers in Settlements, each.....	.10		
Examining Answers on Exceptions, each Answer.....	.30		
Removal Disabilities on Non-Age.....			
Commissions on Sales.....	1775.00		
Making Deeds to Property Sold, each.....	2.00		
Receiving and Paying Out Money Other Than That Arising from Sales.....			
Certificates or Affidavits, with Seal, each.....	.50		
Certificates or Affidavits without Seal, each.....	.25		
Issuing Scire Facias or other Notice, each.....	.50		
Other Orders of Register, except Cont., each.....	.50		
Entering Certificates of Supreme Court, each.....	.50		
Transcript for Supreme Court, per 100 words, each.....	.15		
Additional Copies, per 100 words.....	.05		
Appeal Bond, each.....	1.00		
Certificate of Appeal, each.....	.50		
Notice of Appeal, each.....	.50		
Report to State Board of Health, each case.....	.50		
Certificate of Judgment, each.....	.25		
Issuing Executions, each.....	.75		
Entering Returns Thereof, each.....	.15		
Copy Decree.....	1 00		
	37 319		
Total Register's Fees			
		Total Sheriff's Fees	
		SUMMARY OF FEES, COSTS, AND JUDGMENT	
		Fees in Circuit Court—	
		Register's Fees.....	37 319
		Ex-Register's Fees.....	
		Sheriff's Fees.....	
		Ex-Sheriff's Fees.....	
		Witness Fees.....	
		Commissioner's Fees.....	
		Guardian Ad Litem.....	
		Publisher's Fees <i>Baldwin Times.</i>	9 81
		Solicitor's Fees <i>H. & C.</i>	225 00
		Court Reporter's Fees, Per Day or fraction thereof.....	5.00
		Trial Tax.....	3 00
		Fees and Costs in Inferior Court:	
		Clerk of Inferior Court Fees.....	
		Sheriff's Fees.....	
		Witness Fees.....	
		Total Fees and Costs in Inferior Court	275 00
		Total Fees and Costs	1775 00
		Judgment	1775 00
		Less Cost.	275 00
		Balance, XXXXXXXXX	1500.00
		10 Shares \$150.00 each	

JAMES H. FAULKNER
EDITOR AND PUBLISHER

The BALDWIN

Times

ALABAMA'S BEST COUNTY'S-

BEST NEWSPAPER

BAY MINETTE, ALABAMA

TILDA M. MOSLEY, INDIVIDUALLY,
AND AS GUARDIAN OF JOSEPH
MOSLEY, JUNIOR MOSLEY, TILDA
L. MOSLEY, AND ANNIE FRANCES
MOSLEY, Minors,
Complainants,
vs.
SALOME GRAY, RUTH KING, WILLIAM

AFFIDAVIT OF PUBLICATION

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

Notice of Sale

COST STATEMENT

218 WORDS @ 4 1/2 cents \$ 9.81

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

Ford Cook

Publisher.

Was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication	<u>April 13</u>	, 194	<u>4</u>	Vol. <u>53</u>	No. <u>11</u>
Date of 2nd publication	<u>" 20</u>	, 194	<u>4</u>	Vol. <u>53</u>	No. <u>12</u>
Date of 3rd publication	<u>" 27</u>	, 194	<u>4</u>	Vol. <u>53</u>	No. <u>13</u>
Date of 4th publication	<u>May 4</u>	, 194	<u>4</u>	Vol. <u>53</u>	No. <u>14</u>

Subscribed and sworn before the undersigned this 15 day of May, 1944

Notary Public, Baldwin County.

[Signature]

Ford Cook
Publisher.

TILDA M. MOSLEY, INDIVIDUALLY,
AND AS GUARDIAN OF JOSEPH MOSLEY,
JUNIOR MOSLEY, TILDA L. MOSLEY,
AND ANNIE FRANCES MOSLEY, Minors,

Complainants,

VS.

SALLIE SEAY, RUTH KING, WILLIAM
J. MOSLEY, JR., MARTHA JANE
FOWLER AND BETTY JERKINS,

Respondents.

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

NOTICE OF SALE.

By virtue of a decree rendered in the above styled cause by F. W. Hare, as Judge of said Court, on April 10, 1944, I, as Register of said Court, shall proceed to sell at public outcry, to the highest bidder for cash, in front of the Courthouse Door of Baldwin County, Alabama, within the legal hours of sale, on May 15, 1944, for the purpose of partition and division among the joint owners thereof, the following described real estate situated in Baldwin County, Alabama, to-wit:-

East half of Southeast Quarter (E $\frac{1}{2}$
of SE $\frac{1}{4}$) of Section Two (2), Town-
ship Four (4) South, Range Three (3)
East.

This notice is given, said sale will be held, and the proceeds thereof applied, all in accordance with the Decrees of said Court and the Statutes in such cases made and provided.

WITNESS my hand and seal as Register of said Court on this the 11th day of April, 1944.


Register.

TILDA M. MOSLEY, INDIVIDUALLY
AND AS GUARDIAN OF JOSEPH MOSLEY,
JUNIOR MOSLEY, TILDA L. MOSLEY,
AND ANNIE FRANCES MOSLEY, Minors,

Complainants,

VS.

SALLIE SEAY, RUTH KING, WILLIAM
J. MOSLEY JR. MARTHA JANE FOWLER,
AND BETTY JERKINS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

TO THE HON. F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT
OF ALABAMA:

IN pursuance to a decree of the Circuit Court of
Baldwin County, Alabama, in Equity, made on August 16, 1944
directing me, R. S. Duck, as Register of said court to hold a
reference in the above styled cause to ascertain the value of the
home that the money belonging to the Petitioner and her minor
children is proposed to be invested in the name of the Petitioner,
its location relative to churches and schools and a description
of the same, and to ascertain the amount of the money that was
paid into the Register of this court for the use of Sallie Seay,
Ruth King, William J. Mosley, Martha Jane Fowler and Betty Jerkins,
and whether this sum of money has been assigned to the Petitioner
Tilda M. Mosley by the said Sallie Seay, Ruth King, William J.
Mosley Jr., Martha Jane Fowler and Betty Jerkins and ordering
that he give ten days notice of the time and place of holding said
reference to Isable Reid, a sister of said minors and the adult
next of kin, I hereby beg leave to report as follows:-

First: That I set said reference down for 10:00
o'clock A. M. on Thursday September 7, 1944 at my office in the
Court house in Bay Minette, Alabama, and gave notice to Isabel
Reid of the time and place set for hearing the same, which notice
was served on her August 24, 1944 more than ten days before the
day set for such hearing, and I gave notice to W. H. Hawkins of
his appointment as Guardian Ad Litem for the minor children named
in said cause, and the said W. H. Hawkins accepted such appointment.

Second: That on the 7th day of September, 1944 at
10:00 o'clock A. M. there came before me Tilda A. Mosley, Petition-

er, A. H. Hale and C. A. Dean, all resident citizens of Stapleton in Baldwin County, Alabama, the said W. H. Hawkins being present and acting as Guardian Ad Litem for said minor children; that I took the testimony of said Tilda M. Mosley, A. H. Hale and C. A. Dean, which testimony was reduced to writing and has been filed in this court; a copy of which testimony is attached hereto and made a part of this report.

Third: That after the taking of such testimony I find that the property which has been offered for sale to the said Tilda M. Mosley as a home for her and Joseph Mosley, Junior Mosley, Tilda L. Mosley and Annie Frances Mosley, minors, is described as follows:

Commence at the Southeast Corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 32, Township 3 South, Range 3 East, thence run West along the South line of said Section 225 feet for a point of beginning, thence North 218 feet, thence West 210 feet, thence South 218 feet, thence East 210 feet to the place of beginning, containing 1 acre, more or less.

That said property now belongs to Albert Sawyer and Effie Sawyer; that said property would be a suitable home for the said Tilda M. Mosley and her minor children above named; that said property is located about 1/2 or 3/4 mile from a church and from the school, and is located near the home of other members of the same family. I find that such property has a reasonable and fair value of \$750 and that it would be to the interest of said Tilda M. Mosley and the minor children named in said petition to purchase the same out of the funds now in my hands as such register.

Fourth: I further find that there is now in my hands as Register of this court the sum of \$750 belonging to Sallie Seay, Ruth King, William J. Mosley Jr. Martha Jane Fowler and Betty Jerkins, and which has been assigned and transferred to their mother Tilda M. Mosley by an instrument dated June 1, 1944, a copy of such assignment being attached to the testimony of Tilda M.

Mosley and marked Exhibit "A", the original being on file in my office.

WITNESS my hand and seal as Register of the Circuit Court of Baldwin County, Alabama, on this the 7th day of September, 1944.


Register.

1086

Q. What size are these...
A. I just don't know exactly. I didn't pay much attention to the size.

Q. What convenience have they got there? They have water and lights?
A. Yes they have a pump and have the house wired and will get lights later.

Q. Any kind close by...
A. I don't know.

Q. You think that...
A. Yes, I think that...

REPORT OF REGISTER.

THE DAWSON, MOSTERS ET AL,

Complainants,

SATLITE SEAY, ET AL,

Respondents.

IN THE CIRCUIT COURT OF

BARBUDWIN COUNTY, ALABAMA.

IN EQUITY.

FILED SEPTEMBER 22, 1944.

Register.

no connection
to more land
in connection
places?

TILDA M. MOSLEY, INDIVIDUALLY
AND AS GUARDIAN OF JOSEPH MOSLEY,
JUNIOR MOSLEY, TILDA L. MOSLEY,
AND ANNIE FRANCES MOSLEY, Minors,

Complainants,

VS.

SALLIE SEAY, RUTH KING, WILLIAM
J. MOSLEY JR., MARTHA JANE
FOWLER AND BETTY JERKINS,

Respondents.

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

TESTIMONY OF TILDA M. MOSLEY:

Q. Mrs. Mosley did you petition the court to allow you to buy the home that your daughter Effie Sawyer and Albert Sawyer own near Stapleton?

A. Yes, Sir.

Q. Is this property described as: Commence at the SE corner of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32, Township 3 South, Range 3 East, thence run West along the South line of said Section 225 feet for a point of beginning, thence North 218 feet, thence West 210 feet, thence South 218 feet, thence East 210 feet to the place of beginning, containing 1 acre, more or less? Is that the proper description of this property you want to buy?

A. Yes, Sir.

Q. What kind of house is on that piece of land?

A. Its a lumber house-four-room house.

Q. Four-room lumber house?

A. Yes.

Q. How far is it from the nearest church?

A. Its about $\frac{1}{2}$ or $\frac{3}{4}$ mile and from my church its about a mile and a half.

Q. How close is the nearest school?

A. About one-half or $\frac{3}{4}$ mile.

Q. Is this house and approximately an acre of ground reasonably worth \$750?

A. Well I guess--I think it is. It would cost that much to put the building on it.

Q. In other words you think it would cost at least that much to put the building up

A. Yes.

Q. If you buy this building and some of ground will it be a suitable home for your minor children and you?

A. Yes, Sir.

Q. Who does this property now belong to?

A. Albert Sawyer and Effie Sawyer.

Q. Mrs. Mosley did Sallie L. Seay, Ruth M. King, William Mosley Jr., Martha Jane Fowler and Betty Jerkins sign this paper dated June 1, 1944 assigning and transferring to you any money that would come to them out of the sale of the homestead held some time ago?

A. Yes, Sr.

Q. Is this the paper they signed?

A. Yes, Sir.

We will ask that a copy of this paper be attached to the testimony of Mrs. Mosley and marked Exhibit "A" to her testimony.

Q. Was it the desire and intention of all of your children just named that you should have anything coming to them out of this estate?

A. They want to turn it all over to me.

Q. Was there \$750 paid in to the Register of the Court for the use of these children?

A. Yes.

CROSS-EXAMINATION OF GUARDIAN AD LITEM

NONE.

TESTIMONY OF A. H. HALE

DIRECT EXAMINATION BY ATTORNEY FOR COMPLAINANTS.

Q. Mr. Hale are you acquainted with the some of land in the SE corner of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32, Township 3 South, Range 3 East with the four room house that is on it that now belongs to Albert Sawyer and Effie Sawyer?

A. Yes.

Q. Please give us as accurately as you can a description of the

type of house that is on this land.

A. Well its just board and in a square, four rooms house. Its porched off on front--I haven't been in the house, I've just come by it and never been in it.

Q. How large is it?

A. I don't know-- I don't know what size you would say it was.

Q. Would you say it was large enough house for Mrs. Mosley and her minor child to live in?

A. Yes I think so.

Q. What would you say is a reasonable market value of this house and acre of land at the present time?

A. Well, I think the house would cost the money she is paying for it without anything else and it has a good pump in the yard and it would cost \$100 to put it in.

Q. Would you say that if she gets this property for \$750 that she is making a good trade?

A. I would think so.

Q. How far is it to the nearest church from this property?

A. About 3/4 mile.

Q. How far to the nearest school?

A. about the same distance.

Q. Mr. Hale you are not related to Effie Sawyer of Albert Sayer or to Mrs. Mosley or to any of her children, and you have no interest in this proceedings?

A. No.

CROSS EXAMINATION BY GUARDIAN AD LITEM:

Q. Mr. Hale is any other building except the house on the place?

A. Not any--No I wouldn't say, unless they put it up right lately.

Q. Is the place fenced?

A. Yes. Yard fence.

Q. What material is used in the house?

A. Its just pine lumber-covered with tin.

Q. Four rooms?

A. Yes.

Q. You don't know the size of the rooms--you have never been in it?

A. No, I haven't been it.

Q. And you would think \$750 is a reasonable price for the place?

A. Yes I do.

TESTIMONY OF C. A. DEAN

DIRECT EXAMINATION BY ATTORNEY FOR COMPLAINANTS.

Q. Mr. Dean are you acquainted with this land and house owned by Albert Sawyer and Effie Sawyer that they are offering to sell to Mrs. Tilda M. Mosley?

A. Yes, Sir.

Q. What would you say is a fair and reasonable market price of that house and lot at this time?

A. Well, I believe that they are getting a fair bargain at this time by getting it for \$750.

Q. You think it is reasonably worth at this time \$750?

A. At this time, yes.

Q. Would it make a suitable home for Mrs. Mosley and her minor children?

A. Yes, I guess so. I think she should have some more land to go with-farming land.

Q. Is it located near where her other children live?

A. Yes, Sir.

Q. How near is it to a church?

A. About 3/4 mile.

Q. And about the same distance to the nearest school?

A. That's right.

Q. Mr. Dean you are not related to Effie Sawyer or her husband or Mrs. Mosley, or have any interest in this proceeding?

A. No, Sir.

CROSS EXAMINATION BY GUARDIAN AD LITEM.

Q. Have you ever been in the house?

A. I have been in the house but they didn't have it finished. They built more on since I was in it.

Q. How many rooms are in the house?

A. At the time I was in - two rooms- but they built another room or maybe two rooms since then and a gallery maybe.