

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JOHN WATTS SCOTT, GRACE REVERE SCOTT, THOMAS JEFFERSON SCOTT, MARY BELL SCOTT FRANKLIN, LUCIUS GASTON SCOTT and NANCY SCOTT GUY to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County, Equity Side, then and there to answer the Bill of Complaint filed against them by MARY BELL SCOTT GAY.

WITNESS my hand this 14th day of May, 1951.

W. J. Reuck
Registrar.

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Oratrix, Mary Bells Scott Gay, presents this Bill of Complaint against John Watts Scott, Grace Revere Scott, Thomas Jefferson Scott, Mary Bell Scott Franklin, Lucius Gaston Scott, and Nancy Scott Gay and, thereupon, your Oratrix complains and shows unto the Court and your Honor as follows:

1. She is over twenty-one years of age and a non-resident of the State of Alabama. The Respondents are each over twenty-one years of age and their places of residence and post office addresses are as follows:

John Watts Scott, Jemison, Alabama.

Grace Revere Scott,
211A DeSales Avenue,
Mobile 17, Alabama,

or

432 South McDonough Street,
Montgomery, Alabama.

Thomas Jefferson Scott,
2400 Otis Street Northeast,
Washington, D. C.

Mary Bell Scott Franklin,
Box 525
Wialua Star Route,
Wialua, Oahu, T. H.

Lucius Gaston Scott,
310 McDonald Street,
Mobile, Alabama.

Nancy Scott Gay,
Box 535,
Wialua Star Route,
Wialua, Oahu, T. H.

2. Your Oratrix and the Respondents are joint owners or tenants in common of the following described real property situated in Baldwin County, Alabama, to-wit:

Lot or Subdivision 2 of Fractional Section 18, Township 9 South, Range 5 East of St. Stephens Meridian, containing 160.59 acres, more or less, except the following described property:

EXCEPTION NUMBER 1: Beginning at an iron pin or stake at the Southwest corner of the Northwest Quarter of Fractional Section 18, Township 9 South, Range 5 East; thence North along the West line of said Section 18 a distance of 245 feet; thence North 69 degrees 44 minutes East a distance of 103.5 feet, more or less, to a point 100 feet due East of said West line; thence South and parallel to said West line of Section 18 a distance of 600 feet, more or

less, to the boundary of the Gulf of Mexico at a point 100 feet due East of said West line of Section 18; thence Southwesterly along said boundary line of the Gulf of Mexico a distance of 103.5 feet, more or less, to said West line of Section 18; thence North along said West line of Section 18 a distance of 355 feet, more or less, to the point of beginning.

Said 100 ft. by 600 ft. lot lying in the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter (known as Lot 2) of Fractional Section 18, Township 9 South, Range 5 East and containing 1.38 acres, more or less, being the property heretofore conveyed by Gaston Scott and Mary Belle Gay to Julia Heins Jolley by deed dated April 7, 1948 and recorded in Deed Book 130 at pages 209-10, Baldwin County, Alabama Records.

EXCEPTION NUMBER 2: A strip of land 120 feet wide and 2860.2 feet long, the centerline of which is described as beginning at a point where said centerline, as now located and staked out, intersects the West line of Fractional Section 18, Township 9 South, Range 5 East, said point of intersection being 2210 feet, more or less, South of the Northwest corner of said Section 18; thence North 69 degrees 44 minutes East a distance of 228.7 feet; thence Northeasterly along a curve to the left (concave northwesterly) having a radius of 5729.65 feet, a distance of 600 feet; thence North 63 degrees 44 minutes East a distance of 1970.5 feet; thence Northeasterly along a curve to the right (concave Southeasterly), having a radius of 5729.65 feet, a distance of 61.0 feet to the point of ending at intersection with the East line of the West Half (Lot 2) of Fractional Section 18, Township 9 South, Range 5 East, said point being 1252 feet, more or less, South of the Northeast corner of said West Half of Fractional Section 18.

Said strip of land lying in the West Half (lot 2) of Fractional Section 18, Township 9 South, Range 5 East and containing 7.88 acres, more or less, being the property heretofore conveyed by Gaston Scott and Mary Belle Gay to the State of Alabama by deed dated June 3, 1948 and recorded in Deed Book 130 at pages 395-6, Baldwin County, Alabama Records.

EXCEPTION NUMBER 3: A strip of land 330 feet wide lying West of and adjoining the East line of West Half (Lot 2) of Fractional Section 18, Township 9 South, Range 5 East, lying between the Gulf of Mexico and the 120-foot strip of land conveyed unto the State of Alabama for the use and benefit of the State Highway Department, described as beginning at a point where the South line of said 120-foot strip of land intersects said East line of West Half (Lot 2), which point is 1312 feet, more or less, South of the Northeast corner of the West Half (Lot 2) of said Fractional Section 18; thence South along said East line of West Half (Lot 2) a distance of 1130 feet, more or less, to the Gulf of Mexico; thence Westerly along the Gulf of Mexico a distance of 340 feet, more or less, to a point 330 feet West of and at right angles to said East line of West Half (Lot 2); thence North along a line 330 feet West of and parallel to said East line of West Half (Lot 2) a distance of 1085 feet, more or less, to the South line of said 120-foot strip of land; thence North 63 degrees

44 minutes East along said South line a distance of 310 feet, more or less, to a point; thence continuing North-easterly along said South line on a curve to the right (concave Southeasterly) having a radius of 5669.65 feet, a distance of 42 feet, more or less, to the point of beginning.

Said strip of land lying in the West Half (lot 2) of Fractional Section 18, Township 9 South, Range 5 East and containing 8.33 acres, more or less, being the property heretofore conveyed by Gaston Scott and Mary Belle Gay to the State of Alabama by deed dated May 8, 1948 and recorded in Deed Book 130 at pages 169-70, Baldwin County, Alabama Records.

3. The interests of your Oratrix and the Respondents in the above described property are as follows:

Mary Belle Scott Gay, one-half.
John Watts Scott, one-twelfth.
Grace Revere Scott, one-twelfth.
Thomas Jefferson Scott, one-twelfth.
Mary Bell Scott Franklin, one-twelfth.
Lucius Gaston Scott, one-twelfth.
Nancy Scott Guy, one-twelfth.

4. Part of the said property is improved and has buildings situated thereon, while the remainder of the said property is unimproved, because of which it cannot be equitably divided among the said joint owners without a sale thereof and a division of the proceeds.

5. It has been necessary for your Oratrix to employ J. B. Blackburn, of Bay Minette, Alabama, and the firm of McCorvey, Turner, Rogers, Johnstone & Adams, of Mobile, Alabama, for the purpose of filing this suit to effect a division of the said property among the said joint owners.

6. It will be to the best interest of all parties to this cause that an abstract of title be made to the above described property, in order that this abstract can be examined by prospective purchasers prior to a sale, the cost of which should be taxed as a part of the costs of this proceeding.

PRAYER FOR PROCESS

Your Oratrix prays that the Court will take jurisdiction of this Bill of Complaint and that due notice thereof, in the form and manner prescribed by law, be given to the Respondents, requir-

ing them to appear and plead, answer or demur to this Bill of Complaint within the time allowed by law.

PRAYER FOR RELIEF

Your Oratrix prays for the following separate and several relief:

1. That the above described property be ordered sold in the manner prescribed by law for a division among the said joint owners.
2. That the Register of this Court be authorized and empowered to have a complete abstract of title, covering all of the above described property, made for examination by prospective purchasers and that the cost of such abstract be taxed as a part of the costs of this proceeding.
3. That this Court will make and enter a proper order or decree fixing the Solicitors' fee to be paid to your Oratrix's Solicitors, making it a common charge against the proceeds of the sale of the said property.
4. That such other orders be made and decrees rendered as may be requisite and proper in the premises.

J. B. Blackburn
M. C. Conroy, Turner, Rogers, Johnson
Adams
Solicitors for Oratrix.

The Complainant, Mary Belle Scott Gay, being a non-resident of the State of Alabama, I hereby acknowledge myself as security for the court costs which will be incurred in this proceeding.

J. B. Blackburn

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared J. B. BLACKBURN, who, after being by me first duly and legally sworn, deposes and says: That he is one of the Solicitors for the Complainant in this suit; that he is informed and believes and that on such information and belief states the fact to be that the allegations contained in the foregoing Bill of Complaint are true.

J. B. Blackburn

Sworn to and subscribed before me on this the 18th day of May, 1951.

Mary Lou Blackburn

Notary Public, Baldwin County, Alabama.

TAYLOR SCOTT GAY, As Executor of
the Estate of MARY BELLE SCOTT
GAY, also known as MARY BELLE
GAY, Deceased,

Complainant,

vs.

JOHN WATTS SCOTT, et al.,

Respondents.

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

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

Comes now Dorothy J. Boothby, by her Solicitors, and
respectfully represents and shows unto this Court and unto your
Honor as follows:

FIRST:

That her name is Dorothy J. Boothby; that she is over the
age of twenty-one years and a resident citizen of the State of
Florida, her more particular address being 1127 Andors Avenue,
Coral Gables, Florida.

SECOND:

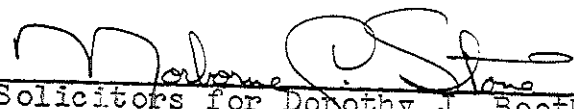
That she is one and the same person as the Lessee in that
certain lease, a copy of which is hereto attached marked Exhibit
"A", and by reference made a part hereof as though the same was
incorporated herein, by the terms of which she leased from George
Gaston Scott and Mary Belle Scott Gay, now deceased, the lands des-
cribed in the Amended Bill of Complaint heretofore filed in this
cause, and which lease is still in force and effect.

WHEREFORE, the premises considered, your Petitioner respect-
fully prays that her appearance and intervention in this cause be
noted by the Register and that notice thereof be given to the parties
as provided by law and to their Solicitors of Record, where such is
the case, and that upon a final determination of this cause if the
lands described in said Amended Bill of Complaint are ordered sold
that the same be sold subject to the lease noted above and that if

the lands are partitioned that whosoever is allotted the piece or parcel of land upon which she has a lease, that said allotment be made subject to the said lease. And your Petitioner offers to do equity in this cause and prays for such other, further and different orders and decrees as in equity will be meet and proper.

Respectfully submitted,

CHASON & STONE

By: 
Solicitors for Dorothy J. Boothby

E. J. DUCK, Circuit Clerk

Baldwin County

BAY MINETTE, ALA.

Registered
For Delivery Only To Person
To Whom Addressed
Return Receipt Requested

Mary Bell Scott Franklin,

Box 525

Wialau Star Route,

Wialau, Oahu, T. H.

Now

- Hawaii -

THIS LEASE,

Made this 13th day of November, A. D. 1948

BY AND BETWEEN Mary Belle Gay and Gaston Scott, herein called the Lessors, and Dorothy Boothby, herein called Lessee,

WITNESSETH, That in consideration of the covenants herein contained, on the part of the said lessee to be kept and performed and said lessors do hereby lease to the said lessee, the following described property: A certain vacant lot of land parallel lines 600 feet said lot lying East of and adjoining the lot previously conveyed to Julia H. Jolly and lying and being in NW $\frac{1}{4}$ of Sec. 18 Tp 9 South Range 5 East St. Stephens Meridian, Baldwin County, Alabama.

TO HAVE AND TO HOLD the same for the term of Twenty years from the _____ day of _____ A. D. 19____ the said lessee paying therefor the annual rent of Two Hundred & no/100 Dollars.

And the said lessee covenant with the said lessor to pay the said rent in monthly payments of \$16.60 each on the 1st day of each and every month for the said term, the first payment to be made on the _____ day of _____; to make no unlawful, improper or offensive use of the premises; not to assign this lease or to sublet any part of said premises without the written consent of the lessor; not to use said premises for any other purpose than as a dwelling, and to quit and deliver up said premises at the end of said term in as good condition as they are now (ordinary wear and decay and damage by the elements only excepted). And the said lessee hereby covenant and agree that if default shall be made in the payment of the rent as aforesaid, or if the said lessee shall violate any of the covenants of this lease, then said lessee shall become tenant at sufferance, hereby waiving all right of notice, and the lessor shall be entitled immediately to re-enter and re-take possession of the demised premises.

19____ WITNESS our hands and seals this _____ day of _____ A. D.,

Signed, Sealed and Delivered in Presence of:)

Irene Grant /s/	}	Mary Belle Gay /s/seal
Alice B. Dalton /s/		Gaston Scott /s/seal

STATE OF FLORIDA)
PENELLAS COUNTY)

I HEREBY CERTIFY, That on this day before me an officer duly authorized to administer oaths and take acknowledgements, personally appeared Mary Belle Gay and Gaston Scott, to me well known to be the individuals described in and who executed the foregoing lease, and they acknowledged before me that they executed the same for the purposes therein expressed.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal at Clearwater, _____, said County and State, this 13th day of November, A. D. 1948

Irene Grant /s/

Notary Public

(Seal Affixed)

My Commission expires on the 18th day of September, 1951.

FILED

JUN 19 1956

ALICE B. DALTON, Notary Public

Respondents.

DECREE

This cause coming on to be heard is submitted on the stipulation of counsel of parties holding the majority interest in the lands hereinafter described, which stipulation has been heretofore filed in this cause, the testimony taken in open court, as noted by the Register, after notice to all remaining parties in interest or their attorneys of record, on the 10th day of June, 1958, which matter has been resubmitted to the court on this date, and the court renders its decree as hereinafter noted, based upon its Findings of Fact, as follows:

FINDINGS OF FACT

A. This cause was regularly set for hearing on June 10, 1958, notice of which was heretofore given to all parties interested in this proceeding or their solicitors of record and to the guardian ad litem for the minor respondents.

B. That the real property involved in this suit is the following described real property situate, lying and being in Baldwin County, Alabama, to-wit:

Lot or Subdivision 2 of Fractional Section 18, Township 9 South, Range 5 East of St. Stephens Meridian, containing 160.59 acres, more or less, subject to the following exceptions:

EXCEPTION NO. 1: That certain real property more particularly described in the conveyance made by Gaston Scott and Mary Belle Gay to Julia Heins Jolley by deed dated April 7, 1948, recorded in Deed Book 130, pages 209-10, of the Probate Court Records of Baldwin County, Alabama, and

EXCEPTION NO. 2: That certain real property more particularly described in the conveyance made by Gaston Scott and Mary Belle Gay to the State of Alabama by deed dated June 3, 1948, recorded in Deed Book 130, pages 395-6, of the Probate Court Records of Baldwin County, Alabama, and

EXCEPTION NO. 3: That certain real property more particularly described in the conveyance made by Gaston Scott and Mary Belle Gay to the State of Alabama by deed dated May 8, 1948, recorded in Deed Book 130, pages 169-70, of the Probate Court Records of Baldwin County, Alabama.

C. That the above described real property, at the time of said hearing, was owned by the following named persons and in the following proportions:

1. William David Gay	1.5/18ths
2. Taylor S. Gay	1.5/18ths
3. Dorothy Gay Fullerton	1.5/18ths
4. Lois Gay Chandler	1.5/18ths
5. Thomas Jefferson Scott and Irene Scott, husband and wife	6/18ths
6. Thomas Jefferson Scott, individually	1/18th
7. John Watts Scott	1/18th
8. Grace Revere Scott	1/18th
9. Mary Belle Scott Franklin	1/18th
10. Nancy Scott Gay Benton Mason	1/18th
11. Stephen Kyle Scott, Marguehrita Scott and Elizabeth Gaston Scott, the minor children of Lucius Gaston Scott, Deceased	1/18th

D. The deed from Elizabeth Zachry Scott and husband, Lucius Gaston Scott, to Stephen Kyle Scott, Marguehrita Scott and Elizabeth Gaston Scott, the minor children of Lucius Gaston Scott, dated July 17, 1951, recorded in Deed Book 167 at pages 417-18, Baldwin County, Alabama Records, a copy of which is attached to and made a part of the amended bill of complaint in this cause, in which the said copy of the said deed is referred to and described as Exhibit A, conveyed all right, title and interest of the said Elizabeth Zachry Scott and husband, Lucius Gaston Scott, to the said children, including the dower interest of the said Elizabeth Zachry Scott, who was the wife of the said Lucius Gaston Scott at the time the said conveyance was made. The form of the said deed is such that it did not convey title to the property described therein to Lucius Gaston Scott and Elizabeth Zachry Scott as trustees for the said children.

E. The above described property consists of one portion thereof facing the Gulf of Mexico and bounded on its North by a paved highway, and another portion thereof which fronts on said paved highway and extends Northwardly therefrom; that both portions

are unimproved and capable of being equitably divided in kind.

F. There is no legal evidence before the court supporting any claim on the part of the petitioner, Dorothy J. Boothby, and the court therefore finds that the said Dorothy J. Boothby has no interest in the property involved in this proceeding.

G. A survey of the property will be necessary to enable the court to make a division of the property involved in this suit in kind.

H. That no evidence has been presented with reference to the allowance and allocation of attorneys' fees, the court reserving the right to determine same.

I. That any matter not covered by this decree should be reserved for further action by this court.

DECREE

WHEREFORE, and after considering the foregoing facts, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The property involved in this proceeding, which is the following described real property situated in Baldwin County, Alabama, to-wit:

Lot or Subdivision 2 of Fractional Section 18, Township 9 South, Range 5 East of St. Stephens Meridian, containing 160.59 acres, more or less, subject to the following exceptions:

EXCEPTION NO. 1: That certain real property more particularly described in the conveyance made by Gaston Scott and Mary Belle Gay to Julia Heins Jolley by deed dated April 7, 1948, recorded in Deed Book 130, pages 209-10, of the Probate Court Records of Baldwin County, Alabama; and

EXCEPTION NO. 2: That certain real property more particularly described in the conveyance made by Gaston Scott and Mary Belle Gay to the State of Alabama by deed dated June 3, 1948, recorded in Deed Book 130, pages 395-6, of the Probate Court Records of Baldwin County, Alabama; and

EXCEPTION NO. 3: That certain real property more particularly described in the conveyance made by Gaston Scott and Mary Belle Gay to the State of Alabama by deed dated May 8, 1948, recorded in Deed Book 130, pages 169-70, of the Probate Court Records of Baldwin County, Alabama,

was at the time of the filing of this proceeding and on the date of the hearing had in this cause on June 10, 1958, jointly owned by the parties to this proceeding and can be partitioned in kind among them as follows:

a. William David Gay	1.5/18ths
b. Taylor S. Gay	1.5/18ths
c. Dorothy Gay Fullerton	1.5/18ths
d. Lois Gay Chandler	1.5/18ths
e. Thomas Jefferson Scott and Irene Scott, husband and wife	6/18ths
f. Thomas Jefferson Scott, individually	1/18th
g. John Watts Scott	1/18th
h. Grace Revere Scott	1/18th
i. Mary Belle Scott Franklin	1/18th
j. Nancy Scott Gay Benton Mason	1/18th
k. Stephen Kyle Scott, Marguehrita Scott and Elizabeth Gaston Scott, the minor children of Lucius Gaston Scott, Deceased	1/18th

2. Harold W. Graham, a competent civil engineer, residing in Baldwin County, Alabama, shall be and he is hereby appointed and designated as a surveyor to survey the property described in this decree and prepare a plat, in which he shall divide the said property into eighteen (18) equal parts and in such way and manner as the lots South of the highway and fronting on the Gulf may be allocated to the same owners insofar and as to such extent as may be practicable within the physical limitations imposed by the fact that the two parcels are not identical as the lots lying North of the highway, it being found by the court that the value of said lots shall be determined on the basis of front footage on the Gulf of Mexico as to that part of the land touching the water, and front footage on the road as to that part of the said land lying North of the road. The said surveyor is hereby authorized, empowered, instructed and directed to make such plat as will accurately describe each part and parcel of the said land in such form and manner that the plat, when recorded, with the court's final decree of division, can be used to identify and describe each tract of the said land.

3. Dorothy J. Boothby has and holds no right, title or interest in or to the above described lands, and the lease claimed by her on the said lands is hereby adjudged to be invalid and of no effect.

4. Jurisdiction of this cause is reserved for the purpose of making all further orders or decrees as may be necessary

or proper, including specifically the allowance and allocation of attorneys' fees.

ORDERED, ADJUDGED AND DECREED on this the 7th day of January, 1960.

Robert M. Steele
Judge

FILED
JAN 8 1960
ALICE L. DUCK, CLERK
REGISTER

20.
STIPULATION OF COUNSEL OF PARTIES HOLDING MAJORITY INTEREST

TAYLOR SCOTT GAY, as Executor
of the Estate of MARY BELLE
SCOTT GAY, also known as MARY
BELLE GAY, Deceased,

Complainant

- VS -

JOHN WATTS SCOTT, et al,

Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 2650

Now comes Taylor Scott Gay, as Executor of the Estate of Mary Belle Scott Gay, deceased, the Complainant in the above entitled cause, by and through his Attorneys of Record, namely, McGorvey, Turner, Johnston, Adams and May, of Mobile, Alabama, and J. B. Blackburn, of Bay Minette, Alabama (who also represent Lois Gay Chandler, Dorothy Gay Fullerton, William David Gay and Taylor Scott Gay, individually, and as devisees under the will of Mary Belle Scott Gay, the decedent); and Thomas Jefferson Scott, III and Irene F. Scott, individually, and as husband and wife, who are among the Respondents in the above entitled cause, by and through their counsel of record, namely, Holberg, Tully & Mobley, of Mobile, Alabama, who stipulate and agree, as follows:

I

That the parties to this stipulation represent the ownership of 13/18ths of the real property more particularly described in the pleading; that for the purpose of this stipulation and for the purpose of division thereof as hereinafter respectfully suggested, it is respectfully recommended that said real property be considered as consisting of three separate ownerships, as follows:

OWNERSHIP A being an undivided 6/18ths owned by the Complainant, for the use and purposes stated in the Last Will and Testament of said Mary Belle Scott Gay, deceased.

OWNERSHIP B being an undivided 7/18ths owned by the above named Respondents, namely, Thomas Jefferson Scott, III and Irene F. Scott, and

OWNERSHIP C being an undivided 5/18ths owned by John Watts Scott, Grace Revere Scott, Mary Belle Scott Franklin, Nancy Scott Guy Mason Benton, and the heirs of Lucius Gaston Scott, deceased, namely, the following miners: Stephen Kyle Scott, Marguerite Scott and Elizabeth Gaston Scott.

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ALICE J. DUCK, CLERK
REGISTER

II

That although the said land in question is capable of division in kind as to all of the respective and fractional owners thereof, that equity would best be served, at this time, by division in kind reflecting the ownership into Parcels A, B and C, being identical to Ownerships A, B and C, as in the paragraph next above provided, that is to say:

PARCEL A (OWNERSHIP A) - An undivided 6/18ths.
PARCEL B (OWNERSHIP B) - An undivided 7/18ths.
PARCEL C (OWNERSHIP C) - An undivided 5/18ths.

III

That the said land in question is located in the extreme South part of Baldwin County, Alabama, with a portion of the property being what is known as "Gulf Beach - water frontage" property, and another portion thereof being unimproved land removed from the beach by a considerable distance and an intervening paved highway; and that the values attributable to the two types of property are substantially different. The parties agree that the land can be partitioned in kind; and that the character of the land, being distinguishable between that which touches the water and that which does not, requires that any division in kind recognize said distinction. Wherefore, the parties hereto further stipulate that three proportionate parcels be carved out of the land North of said intervening highway and three proportionate parcels be carved out of the land lying South of said intervening highway, each of which shall, to the extent practicable, be rectangular in shape and be next and adjacent to its counterpart except for the intervening paved road.

IV

The parties further stipulate and agree that the Court shall cause a survey to be made of the said land, instructing the Surveyor, who shall be a licensed Surveyor of the State of Alabama, to divide the said land into three parcels as hereinabove provided, and to make his report thereof to the Court.

V

That the reasonable costs and fees required for the survey and the Surveyor's report shall be taxed as costs in this cause.

VI

The parties further stipulate and agree that the Complainant has prayed of this Court the allowance of a fee for the services of his Solicitors and that the Respondents, Thomas Jefferson Scott, III and Irene F. Scott, have in like manner made similar prayer for the allowance of a fee for the services of their Solicitors based on the alleged services rendered all of the owners by said Solicitors in this cause; that as to such Solicitors' fees, the parties agree:

- A. That the Court consider the matter of fees based on proof adduced by counsel for the respective parties.
- B. That the Complainant denies that the Respondent is in fact or at Law entitled to an allowance for Solicitors' fees and reserves the right to contest any claim of the same.
- C. That the Respondent denies that the Complainant is in fact or at Law entitled to an allowance for Solicitors' fees and reserves the right to contest any claim of the same.
- D. That the Court, at the appropriate time, set down for hearing the matter of Solicitors' fees, giving each of the parties an opportunity to be heard and to produce evidence in support of their respective contentions, following which the Court will fix and allow such Solicitors' fees to such party or parties as are entitled thereto, in such sum as in the Court's discretion may be deemed proper and just and that any fees so fixed and determined by the Court be taxed as part of the costs in said cause.
- E. That any such determination by the Court as to Solicitors' fees shall be without prejudice to any party with respect to the right to appeal therefrom.

VII

The costs in this case shall be taxed against each of the parties proportionate to their interest in the land as a whole, and no party shall be responsible for the costs taxed against the other. But as to any party who shall within the time provided by law, fail to pay the costs taxed and assessed against such party, the said party's interest in the particular parcel of land as identified by the said survey may be sold for the recovery of such costs.

IN WITNESS WHEREOF, Counsel of Record, as aforesaid, execute this stipulation and respectfully cause same to be laid before the Honorable Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, in Equity sitting, as their agreement made and entered in the interest of achieving complete equity between the parties and an end to litigation to the benefit of all and to the prejudice of

none, and with due regard for the advantages of releasing the property to the several rightful ownerahips that the use and enjoyment thereof be not further delayed.

Taylor Scott Gay, as Executor of the Estate
of Mary Belle Scott Gay, Deceased,

By: McCORVEY, TURNER, JOHNSTONE, ADAMS AND MAY

Ben H. Turner

Of Counsel, Appearing

J. B. BLACKBURN

J. B. Blackburn

Of Counsel, Appearing

Lois Gay Chandler, Dorothy Gay Fullerton,
William David Gay and Taylor Scott Gay, in-
dividually, and as devisees under the will
of Mary Belle Scott Gay, the decedent,

By: McCORVEY, TURNER, JOHNSTONE, ADAMS AND MAY

Ben H. Turner

Of Counsel, Appearing

J. B. BLACKBURN

J. B. Blackburn

Of Counsel, Appearing

Thomas Jefferson Scott, III and Irene F. Scott,

By: HOLBERG, FULLY & MOBLEY

Raymond B. Holberg

Of Counsel, Appearing

LAW OFFICES
KNABE & NACHMAN

WALTER J. KNABE
M. ROLAND NACHMAN, JR.

HILL BUILDING
MONTGOMERY 1, ALABAMA

TELEPHONE
AMHERST 2-1606

COUNSEL
J. HADEN ALDREDGE
INVESTMENT BUILDING
WASHINGTON, D. C.

June 12, 1957

Mrs. Alice J. Duck
Register in Equity
Circuit Court
Courthouse
Bay Minette, Alabama

Re: Mary Belle Scott Gay
vs. J. W. Scott, et al

Dear Mrs. Duck:

We enclose herewith additional copies of the motion in the above styled cause as you requested in your letter of June 10. We also enclose check in the amount of \$4.00 to cover the cost of the letters that will go by certified mail.

If we can be of further assistance please advise.

Yours very truly,

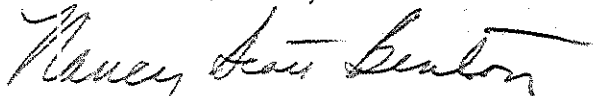


MRN/ge

Dear Mrs. Duck,

I have reason to believe that I have not been informed of the present activity in the Gay-Scott settlement and distribution filed with you in 1951. Please examine the docket and let me know what was done. If you will be so kind, if necessary I can come down there.

Sincerely yours,

A handwritten signature in cursive script that reads "Nancy Scott Benton".

Nancy Scott Benton
PO Box 15
Anniston, Alabama

March 25, 1954

EXHIBIT A

QUIT CLAIM DEED

STATE OF ALABAMA)

*

BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That we, Elizabeth Zachry Scott and husband, Lucius Gaston Scott, in consideration of the sum of Twenty-five Dollars (\$25.00) to us in hand paid by Madeleine Gibbs Scott et al, the receipt of which we do hereby acknowledge, do remise, release, quit claim and convey to the minor children of Lucius Gaston Scott and his divorced wife, Madeleine Gibbs Scott, namely, Stephen Kyle Scott and Marguehrita Scott, and the children of Lucius Gaston Scott and his wife, Elizabeth Zachry Scott, namely, Elizabeth Gaston Scott, and to any child born to Lucius Gaston Scott and his wife, Elizabeth Zachry Scott subsequently, share and share alike all their right, title, interest and claim to the following described real estate, located in Baldwin County, State of Alabama, to-wit:

Partial Southwest Quarter of Partial Section 18,
Township Nine (9) South, Range Five (5) East,
Baldwin County, State of Alabama.

TO HAVE AND TO HOLD the aforegranted premises to the said minor children of Lucius Gaston Scott mentioned above, their heirs and assigns forever.

It is a part of the consideration of this deed that Lucius Gaston Scott and Elizabeth Zachry Scott shall act as trustees, without bond, until the aforementioned children shall reach their majority.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this the 17 day of July, 1951.

(S)
Dwight Steele,
Witness.

(Signed) LUCIUS GASTON SCOTT
(Signed) ELIZABETH ZACHRY SCOTT

L. S.
L. S.

(S)
Dwight Steele,
witness

STATE OF ALABAMA)

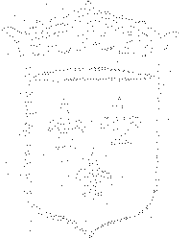
)

BALDWIN COUNTY)

I, G. M. McLeod, a Notary Public, within and for said County in said State, hereby certify that Lucius Gaston Scott, whose name is signed to the foregoing Conveyance and who is known to me, acknowledged before me on this date that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

GIVEN under my hand this 17 day of July, A. D., 1951.

(Signed) G. M. McLEOD
Notary Public in and for Baldwin County,
Alabama.



Circuit Court
Baldwin County
Alabama

Gay
Beach

Dear Sir,

The property left by my uncle Tom J. Scott is going to have to support four (4) widows and four(4) orphans. As soon as I can obtain the license money I will come down to get the lunch stand running again. Thank you for your kindness and consideration, but under no circumstances can D. W. Gay or Grace R. Scott sell that place without paying their prorata share of the taxes back to the date of Uncle Toms' death. I.e., 1938.

Sincerely yours

Nancy Scott Mason

Nancy Scott Mason

% Attorney Walter J. Knabe
PO Box 113
Montgomery, Alabama

26 April 195 2

PRESIDENT

MR. T. CALDWELL DELANEY,
DEAN, UNIVERSITY MILITARY SCHOOL
MOBILE, ALABAMA

VICE PRESIDENT

CAPTAIN WILBUR W. WOODS,
UNITED STATES COAST GUARD
MOBILE, ALABAMA

VICE PRESIDENT

MR. VINCENT FONDE KILBORN,
OUTLAW, SEALE AND KILBORN
MOBILE, ALABAMA

VICE PRESIDENT

MRS. RACHEL DUKE HAMILTON CANNON,
COLONIAL MOBILE BOOK SHOP
MOBILE, ALABAMA

EXECUTIVE SECRETARY

MRS. GRACE RIVIERE SCOTT,
HEAD TRANSLATOR FOR FOUNDATION
MOBILE, ALABAMA

TREASURER

MR. ALFRED L. STAPLES,
STAPLES, PAKE, GRIFFIN, LIMITED
MOBILE, ALABAMA

COLONIAL RESEARCH FOUNDATION

INCORPORATED

211-A DESALES AVENUE

MOBILE 17, ALA.

BOARD OF TRUSTEES

WILLIAM BROUGHTON BUSH
MOBILE, ALABAMA

RABBI BERTRAM W. KORN
AMERICAN JEWISH ARCHIVES
HEBREW UNION COLLEGE
CINCINNATI, OHIO

MR. FRANCIS INGE
MOBILE, ALABAMA

MR. WILLIAM D. MCCAIN, DIRECTOR
ARCHIVES AND HISTORY DEPARTMENT
STATE OF MISSISSIPPI
JACKSON, MISSISSIPPI

SENATOR W. T. CASH, SECRETARY
STATE LIBRARY BOARD
STATE LIBRARIAN STATE OF FLORIDA
TALLAHASSEE, FLORIDA

MR. JULIAN C. YONGE, DIRECTOR
P. K. YONGE LIBRARY OF FLORIDA HISTORY,
UNIVERSITY OF FLORIDA
EDITOR, FLORIDA HISTORICAL QUARTERLY
GAINESVILLE, FLORIDA

JUDGE ROBERT L. WILLIAMS,
PRESIDENT OKLAHOMA HISTORICAL SOCIETY
FORMER GOVERNOR OF OKLAHOMA
OKLAHOMA CITY AND DURANT, OKLAHOMA

MR. SIDNEY LOUIS VILLERE
917 SOLOMON PLACE
NEW ORLEANS, LOUISIANA

REVEREND ANDREW CAPESIUS,
OF THE ORDER OF SAINT BENEDICT
LIBRARIAN SAINT BERNARD COLLEGE
SAINT BERNARD, ALABAMA

DOCTOR HENRY THOMAS SHANKS,
DEAN BIRMINGHAM-SOUTHERN COLLEGE
HEAD OF HISTORY DEPARTMENT

MR. EDWARD C. DECELLE
MOBILE, ALABAMA

DOCTOR GEORGE IRONS,
HEAD DEPARTMENT OF HISTORY
HOWARD COLLEGE
BIRMINGHAM, ALABAMA

DOCTOR JOHN C. DAWSON,
MEMBER L'ACADEMIE FRANCAISE,
ROMANCE LANGUAGE DEPARTMENT OF
UNIVERSITY OF ALABAMA

MR. K. J. CLARK, SUPERINTENDENT
OF SCHOOLS, MOBILE COUNTY
MOBILE, ALABAMA

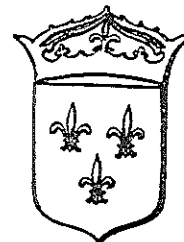
DOCTOR A. B. MOORE
DEAN OF THE GRADUATE SCHOOL
HEAD, DEPARTMENT OF HISTORY
UNIVERSITY OF ALABAMA

PADRE MARIANO CUEVAS, S. J.,
HISTORIAN SOCIETY OF JESUS
ASOCIACION HISTORICA AMERICANISTA
MEXICO CITY, D. F.

MR. THOMAS S. HUNTER, HISTORIAN
ASOCIACION HISTORICA AMERICANISTA
MONTERREY, NUEVA LEON
MEXICO

MR. JOHN GLENNON
HISTORICAL WRITER
MOBILE, ALABAMA

MRS. J. E. BECK
HISTORICAL WRITER
MOBILE, ALABAMA



ROBERT EDWARD VARNER
ATTORNEY AND COUNSELOR AT LAW
TUSKEGEE, ALABAMA
—
TELEPHONE 912

September 30, 1952

Register of Chancery
Baldwin County

Re: Mary Belle Scott Gay

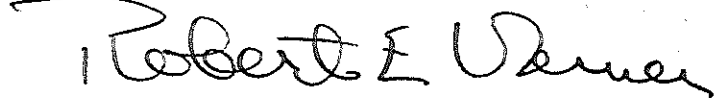
Dear Sir:

Vs John Watts Scott et als

I believe that the enclosed petition should be
considered in the Chancery Court of Baldwin County along
with the above style cause.

I should greatly appreciate you filing the same
cause for me.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Robert E. Varner". The signature is written in a cursive style with a large, sweeping initial "R".

Robert E. Varner

REV/sl

4815 - 25th Rd., N.
Arlington 7, Va.

January 6, 1961

Mr. Ralph G. Holberg, Jr.
Mobile, Alabama

*Dispendents
Exp 1 -*

Dear Ralph:

The attached 10 checks (for the years 1951-1960) and tax receipts (the tax receipt for 1951 is missing) represent amounts of money that I personally paid the Tax Collector of Baldwin County for taxes on Fractional Lot 2 (less certain exceptions) of Section 18-95-5, which land is involved in the instant Gay-Scott suit. The total of these checks amounts to \$602.64, for which only one party, Mr. Kilborn of Mobile, reimbursed me for this expense. Mr. Kilborn gave me a check for \$6.93 toward the 1959 taxes, leaving a balance due me of \$595.71.

Yours sincerely,

Thomas J. Scott

Thomas J. Scott

Encs.

Washington, D. C.

Affirmed to before me this 6th day of January, 1961.

Agnes M. Ruge

Agnes M. Ruge
Notary Public

My comm. expires 8/31/63

3

ROBERT EDWARD VARNER
ATTORNEY AND COUNSELOR AT LAW
TUSKEGEE, ALABAMA

TELEPHONE 912

November 5, 1952

Miss Alice J. Duck
Register of Chancery
Baldwin County
Bay Minette, Ala.

Re: Mary Belle Scott Gay
Vs
John Watts Scott, et als

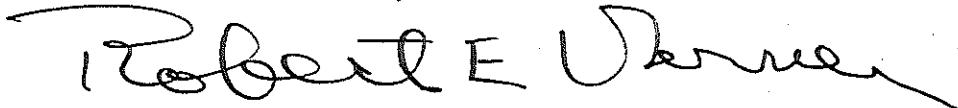
Dear Miss Duck,

I greatly regret the unnecessary confusion caused you
by a misunderstanding by my secretary.

Some time ago I filed demurrers to the above cause. The
cause has since been amended; I wish you to refile the demurrers
to the complaint as amended. In this County, it is customary
for the register to simply mark the file "Refiled to Bill of
Complaint as amended this ___ day of ___ 1952" and signed by the
register. If this is the custom in Baldwin County, I shall
appreciate your refiling the demurrer for me. If this is not the
custom kindly let me know so that I may send you more demurrers.

I appreciate your tolerance in this matter and apologize for
the unnecessary trouble caused you.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Robert E. Varner". The signature is fluid and cursive, with a large, sweeping initial "R".

Robert E. Varner

June 13, 1957

Knabe & Nachman, Attorneys
Hill Building
Montgomery, Alabama

RE: Mary Belle Scott Gay

VS: J. W. Scott, et al

Gentlemen:

The motion that was filed in the above styled cause on June 6, 1957 is set down for hearing Tuesday, June 18, 1957, and all of the other attorneys in this case is hereby notified to be present.

Yours very truly,

Register In Equity

cc; Chason & Stone, Bay Minette, Ala.
Wilters & Brantley, Bay Minette, Ala.
J. B. Blackburn, Bay Minette, Ala.
Holbery, Tully & Alderidge, Mobile, Ala.
Robert Edward Varner, Tuskegee, Ala.

AJD:ajb

LAW OFFICES

RICKARBY & RICKARBY

ELLIOTT G. RICKARBY
(DECEASED)

FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

3 June 1953

Mr. Tolbert M. Brantley
Attorney at Law
Bay Minette, Ala.

Dear Mr. Brantley:

Re: Prentice-Hall
Vs: E. C. Steedley

Our records show that we returned this claim
on December 15, 1952, suggesting that the for-
warders send it to an attorney in Bay Minette
for collection.

Yours very truly,


E. G. Rickarby, Jr.

R/i

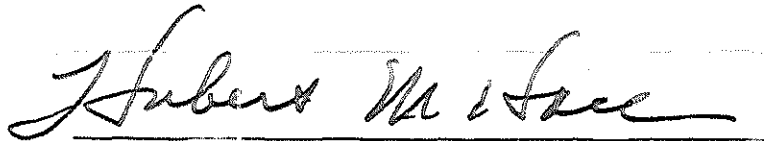
MARY BELLE SCOTT GAY,
Complainant,
vs.
JOHN W. SCOTT, ET AL.,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 2650.

ORDER APPOINTING GUARDIAN AD LITEM:

In this cause it appearing to the court that Stephen Kyle Scott, Marguehrita Scott and Elizabeth Gaston Scott are minor respondents interested in this cause and are not represented therein, it is ORDERED that Telfair J. Mashburn, Jr., an attorney at law and solicitor in chancery shall be and he hereby is appointed guardian ad litem to represent the said minors in this cause.

ORDERED, ADJUDGED AND DECREED on this the 5th day of June, 1958.


Judge.

ALICE J. DUCK, Circuit Clerk

Baldwin County
BAY MINETTE, ALA.

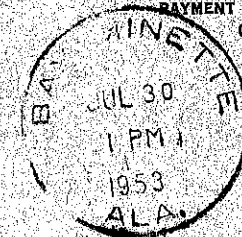
*Registered
for delivery only to person
to whom addressed
Return Receipt Requested*

Nancy Scott Guy,
Box 535
Wialau Star Route,
Wialau, Oahu, T. H.

POST OFFICE DEPARTMENT
POST OFFICE, Bay Minette, Ala.

OFFICIAL BUSINESS
(No. 4)

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300
(PMGC)



*Mrs Alice Duck
City*

Reg receipt

RECEIPT FOR REGISTERED ARTICLE No. 72

Fee paid 31

7-30-57 (Date)

Mass postage paid 1

Return receipt fee 7

Special delivery fee

Declared value, \$ none

Surcharge paid, \$

Restricted delivery
(Accepting employee will place
initials in proper space)

in person 2/0

or order

Fee paid

From

Albie J. Jones

(Sender)

Addressed to

3301 Memphis

(Street and number)

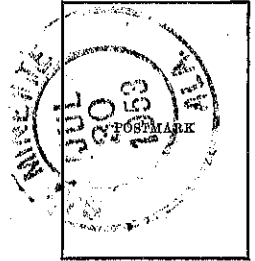
(Addressed)

(Post office and State)

(Post office and State)

Postmaster, per M

GPO c9-10-12868-5



SEARCH FOUNDATION

214 LEGAL AVENUE

MONTELEONE, ALA.

Fancy Scott Mason
53 South McDonough
Montgomery 5, Alabama
or % WJ Knabe PO Box 113

104.75
19.75



Clerk

Circuit Court

Baldwin County Court House

Day Minette, Alabama

RECEIPT FOR REGISTERED ARTICLE No.

id 30

8-12-52 100

postage paid 1

value, \$ none

fees paid, \$

Return receipt fee
Special delivery fee

Restricted delivery
(Accepting employee will place initials in proper space)

in person 20
or order
Fees paid

Alice J. Smith

Addressed to Mary Bullent Franklin 108 So. Main St. #3, Charleston, N.C.
(Street and number) (City, office and State)
GPO c9-16-12666-5 (Post office and State)

Postmaster, per



RECEIPT FOR REGISTERED ARTICLE No.

id 30

8-12-52 101

postage paid 1 ct

value, \$ none

fees paid, \$

Return receipt fee
Special delivery fee

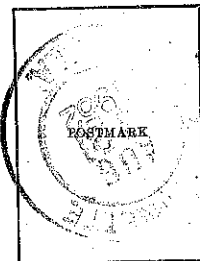
Restricted delivery
(Accepting employee will place initials in proper space)

in person 20
or order
Fees paid

Alice J. Smith

Addressed to Thos. Jeff. Scott, 2340 Old # N.E., Wash. D.C.
(Street and number) (City, office and State)
GPO c9-16-12666-5 (Post office and State)

Postmaster, per



WASHINGTON, D.C. December 27 1951

15-68
511

BANK OF COMMERCE AND SAVINGS

OF WASHINGTON, D.C.

OF M. H. Wilkins, Tax Collector \$ 31⁷¹

XX Thirty-one and ⁷¹/₁₀₀ DOLLARS

578

Thomas J. Scott

BANK NOTE GUARANTEE CO., BALTO.

WASHINGTON, D.C. December 20 1954

15-68
511

BANK OF COMMERCE AND SAVINGS

OF WASHINGTON, D.C.

OF M. H. Wilkins, Tax Collector \$ 31⁹²

XX Thirty-one and ⁹²/₁₀₀ DOLLARS

582

J. Marya Scott

Thomas J. Scott

BANK NOTE GUARANTEE CO., BALTO.

WASHINGTON, D.C. December 16 1953 No. 39



15-68
511

PAY
TO THE
ORDER OF

M. H. Wilkins, Tax Collector \$ 32 ⁴²

xxx Thirty-two and 42/100 — DOLLARS

Beat 13
Assessment
No. 741

AMERICAN BANK NOTE COMPANY, BALLO.

Thomas J. Scott

WASHINGTON, D.C. November 28 1952 No. 49



15-68
511

PAY
TO THE
ORDER OF

M. H. Wilkins, Tax Collector \$ 35 ³⁶

xxx Thirty-five and 36/100 — DOLLARS

Baldwin &
Tax Receipt 704

AMERICAN BANK NOTE COMPANY, BALLO.

Thomas J. Scott

7 Washington, D.C. Dec. 30 1958 15-4
511

The Second National Bank

OF WASHINGTON

he
er of Perry Prescott, Tax Collector \$ 125 ⁴⁹/₁₀₀

One hundred twenty-five and ⁴⁹/₁₀₀ Dollars

Thomas J. Scott

Washington, D.C. Dec 28 1959 No. 76

The First National Bank

OF WASHINGTON

15-4
511

IE
ROF PERRY PRESCOTT, TAX COLLECTOR \$ 124 ⁷⁴/₁₀₀

One hundred twenty-four and ⁷⁴/₁₀₀ DOLLARS

Thomas J. Scott

01 Washington, D.C. Dec. 23 1957 15-4
511

The Second National Bank

OF WASHINGTON

the
er of M. H. Wilkins, Tax Collector \$ 32 ⁴²/₁₀₀

32 Thirty-two and ⁴²/₁₀₀ Dollars

1411
Thomas J. Scott

Washington, D.C. Dec. 27 1955 No. 21

SEVENTH ST. OFFICE 503 SEVENTH ST. N.W.

The Second National Bank

15-4
511

Pay to the
order of

Tax Collector, Baldwin County, Ga. \$ 31⁹²

XXX Thirty-one and 92/100 ----- Dollars

Taxes lot 2

NW 1/4 Sec 18-9-5

Estate of Mary A. Scott

Thomas J. Scott

Washington, D.C. Dec 21 1956 No. 8

The Second National Bank

15-4
511

Pay to the
order of

M. H. Wilkins, Tax Collector \$ 31⁹²

XX Thirty-one and 92/100 ----- Dollars

Baldwin Co.
Taxes
1086

Thomas J. Scott



Washington, D.C. Dec. 15 1960 No. 68

The First National Bank

15-4
511

PAY TO THE
ORDER OF

Perry Prescott, Tax Collector \$ 124⁷⁴

XX One hundred twenty-four and 74/100 ----- DOLLARS

Receipt No
1560

Thomas J. Scott

State, County and City Taxes

THOS. J. SCOTT -2-
4815-25TH RD. N-ARLINGTON, VA.

-13-

Tax Receipt for Year 1958

BEAT 13

Receipt No.	STATE AND COUNTY VALUATIONS					SCHOOL DISTRICT		CITY				TOTAL TAX DUE
	HOMESTEAD		RESIDUE					Rate	Name	Valuation	Tax	
	Rate	Valuation	Rate	Real Valuation	Personal Valuation							
1512	1 15		1 80	5940		30	5940				00	124 74

THOS. J. SCOTT -2-
4815-25TH RD. N-ARLINGTON, VA.

-13-

This Receipt represents payment in full for Taxes, Fees, Penalties and Costs due to State of Alabama, Baldwin County, Towns and Baldwin County Schools for Year 1958 as shown below.

RECEIVED PAYMENT

DEC 31 1958

PERRY PRESCOTT
TAX COLLECTOR

PERRY PRESCOTT, Tax Collector
BALDWIN COUNTY, BAY MINETTE, ALA.

Pd. by Ck. ☒
Pd. by Cash ☐
Pd. by Mo. ☐

Assessor Fee	75
Citation Fee	
SUB TOTAL	125.49
PENALTY	
Interest	
Decree	
Advertising Cost	
Total Tax, Fees and Cost	

State, County and City Taxes

THOMAS J SCOTT NO 2
4815 - 25TH RD. N. ARLINGTON 7 VA

-13-

Tax Receipt for Year 1960

BEAT 13

RECEIPT NUMBER	STATE AND COUNTY VALUATIONS					SCHOOL DISTRICT		CITY				ASSESSOR FEE	TOTAL TAX DUE
	HOMESTEAD		RESIDUE					Valuation	Rate	Tax	City		
	Rate	Valuation	Rate	Real Valuation	Personal Valuation	Rate	Valuation						
1560	1.15		1.80	5940		.30	5940			00		124 74	

DEC 1 9 1960

THOMAS J SCOTT NO 2
4815 - 25TH RD. N. ARLINGTON 7 VA

PERRY PRESCOTT
TAX COLLECTOR

BALDWIN COUNTY, BAY MINETTE, ALA.

Pd. by Ck. ☒
Pd. by Cash ☐
Pd. by Mo. ☐

SUB TOTAL	
PENALTY	
Interest	
Decree	
Advertising Cost	
Total Tax, Fees and Cost	

This Receipt represents payment in full for Taxes, Fees, Penalties and Costs due to State of Alabama, Baldwin County, Towns and Baldwin County Schools for Year 1960 as shown below.

State, County and City Taxes

THOS. J. SCOTT -2-
4815-25TH RD. N-ARLINGTON, VA.

-13-

Tax Receipt for Year 1959

BEAT NO. 13

RECEIPT NUMBER	STATE AND COUNTY VALUATIONS					SCHOOL DISTRICT	CITY				ASSESSOR FEE	TOTAL TAX DUE		
	HOMESTEAD		RESIDUE				Rate	Valuation	Valuation	Rate			Tax	City
	Rate	Valuation	Rate	Real Valuation	Personal Valuation									
1 531	1.15		1.80	59 40		.30	594 0					12 474		

RECEIVED PAYMENT

Pd. by Ck. ☒

SUB TOTAL

State, County and City Taxes

THOS. J. SCOTT -2-
4815-25TH RD. N-ARLINGTON, VA.

Tax Receipt for Year 1957

BEAT 13

Receipt No.	STATE AND COUNTY VALUATIONS					SCHOOL DISTRICT			CITY				TOTAL TAX DUE
	HOMESTEAD		RESIDUE										
	Rate	Valuation	Rate	Real Valuation	Personal Valuation	Rate	Valuation		Rate	Name	Valuation	Tax	
1411	1 15		1 80	1520		30	1520					00	31 92

THOS. J. SCOTT -2-
4815-25TH RD. N-ARLINGTON, VA.

This Receipt represents payment in full for Taxes, Fees, Penalties and Costs due to State of Alabama, Baldwin County, Towns and Baldwin County Schools for Year 1957 as shown below.

M. H. WILKINS, Tax Collector
BALDWIN COUNTY, BAY MINETTE, ALA.

Per _____

DEC 31 1957
M. H. WILKINS
TAX COLLECTOR

Pd. by Ck. ☒
Pd. by Cash ☐
Pd. by Mo. ☐

Assessor Fee	50
Citation Fee	
SUB TOTAL	32 42
PENALTY	
Interest	
Decree	
Advertising Cost	
Total Tax, Fees and Cost	

State, County and City Taxes

THOS. J. SCOTT -2-
4815-25TH RD. N-ARLINGTON, VA.

Tax Receipt for Year 1956

BEAT NO. 13

Receipt No.	STATE AND COUNTY VALUATIONS					SCHOOL DISTRICT			CITY				TOTAL TAX DUE
	HOMESTEAD		RESIDUE										
	Rate	Valuation	Rate	Real Valuation	Personal Valuation	Rate	Valuation		Rate	Name	Valuation	Tax	
1086	1 15		1 80	1520		30	1520				00	31 92	
RECEIVED PAYMENT													

THOS. J. SCOTT -2-
4815-25TH RD. N-ARLINGTON, VA.

This Receipt represents payment in full for Taxes, Fees, Penalties and Costs due to State of Alabama, Baldwin County, Towns and Baldwin County Schools for Year 1956 as shown below.

M. H. WILKINS, Tax Collector
BALDWIN COUNTY, BAY MINETTE, ALA.

Per _____

DEC 24 1956

M. H. WILKINS
TAX COLLECTOR

Pd. by Ck. ☐
Pd. by Cash ☐
Pd. by Mo. ☐

Assessor Fee	
Citation Fee	
SUB TOTAL	
PENALTY	
Interest	
Decree	
Advertising Cost	
Total Tax, Fees and Cost	

State, County and City Taxes

THOS. J. SCOTT -2-
4815-25TH RD. N-ARLINGTON, VA.

-13-

Tax Bill for Year 1955

Beat 13

Receipt No.	STATE AND COUNTY VALUATIONS					SCHOOL DISTRICT		CITY				TOTAL TAX DUE
	HOMESTEAD		RESIDUE									
	Rate	Valuation	Rate	Real Valuation	Personal Valuation	Rate	Valuation	Rate	Name	Valuation	Tax	
908	1 15		1 80	1520		30	1520				00	31 92
RECEIVED PAYMENT												

THOS. J. SCOTT -2-
4815-25TH RD. N-ARLINGTON, VA.

This Receipt represents payment in full for Taxes, Fees, Penalties and Costs due to State of Alabama, Baldwin County, Towns and Baldwin County Schools for Year 1955 as shown below.

M. H. WILKINS, Tax Collector
BALDWIN COUNTY, BAY MINETTE, ALA.

Per _____

RECEIVED PAYMENT

DEC 30 1955

M. H. WILKINS
TAX COLLECTOR

Pd. by Ck. ☒
Pd. by Cash ☐
Pd. by Mo. ☐

Assessor Fee	
Citation Fee	
SUB TOTAL	
PENALTY	
Interest	
Decree	
Advertising Cost	
Total Tax, Fees and Cost	

State, County and City Taxes

THOS. J. SCOTT
4815-25TH RD. N-ARLINGTON, VA.

-13-

Tax Receipt for Year 1954

Beat 13

Receipt No.	STATE AND COUNTY VALUATIONS					SCHOOL DISTRICT			CITY				TOTAL TAX DUE
	HOMESTEAD		RESIDUE			Rate	Valuation		Rate	Name	Valuation	Tax	
	Rate	Valuation	Rate	Real Valuation	Personal Valuation								
776	1 15		1 80	1520		30	1520				00	31 92	

THOS. J. SCOTT
4815-25TH RD. N-ARLINGTON, VA.

This Receipt represents payment in full for Taxes, Fees, Penalties and Costs due to State of Alabama, Baldwin County, Towns and Baldwin County Schools for Year 1954 as shown below.

M. H. WILKINS, Tax Collector

Per _____

RECEIVED PAYMENT

DEC 23 1954

M. H. WILKINS
TAX COLLECTOR

Pd. by Ck. ☒
Pd. by Cash ☐
Pd. by Mo. ☐

Assessor Fee	
Citation Fee	
SUB TOTAL	
PENALTY	
Interest	
Decree	
Advertising Cost	
Total Tax, Fees and Cost	

State, County and City Taxes

THOS. J. SCOTT
4815-25TH RD. N-ARLINGTON, VA.

Tax Receipt for Year 1953 Beat No. 13

Receipt No.	STATE AND COUNTY VALUATIONS					SCHOOL DISTRICT		CITY				TOTAL TAX DUE	
	HOMESTEAD		RESIDUE			Rate	Valuation	Rate	Name	Valuation	Tax		
	Rate	Valuation	Rate	Real Valuation	Personal Valuation								
741	1 15		1 80	1520		30	1520				00	31 92	
												Assessor Fee	50
												Citation Fee	
												SUB TOTAL	32 42
												PENALTY	
												Interest	
												Decree	
												Advertising Cost	
												Total Tax, Fees and Cost	

THOS. J. SCOTT
4815-25TH RD. N-ARLINGTON, VA.

This Receipt represents payment in full for Taxes, Fees, Penalties and Costs due to State of Alabama, Baldwin County, Towns and Baldwin County Schools for Year 1953 as shown below.

RECEIVED PAYMENT
DEC 19 1953
M. H. WILKINS
TAX COLLECTOR

M. H. WILKINS, Tax Collector

Pd. by Ck. ☒
Pd. by Cash ☐
Pd. by Mo. ☐

Per _____

State, County and City Taxes

J.W. SCOTT, FOR EST.
GASTON SCOTT, JEMISON, ALA.

Tax Receipt for Year 1952 Beat No. 13

Receipt No.	STATE AND COUNTY VALUATIONS					SCHOOL DISTRICT		CITY				TOTAL TAX DUE	
	HOMESTEAD		RESIDUE			Rate	Valuation	Rate	Name	Valuation	Tax		
	Rate	Valuation	Rate	Real Valuation	Personal Valuation								
704	1 15		1 80	1660		30	1660				00	34 86	
												Assessor Fee	50
												Citation Fee	
												SUB TOTAL	35.36
												PENALTY	
												Interest	
												Decree	
												Advertising Cost	
												Total Tax, Fees and Cost	

J.W. SCOTT, FOR EST.
GASTON SCOTT, JEMISON, ALA.

This Receipt represents payment in full for Taxes, Fees, Penalties and Costs due to State of Alabama, Baldwin County, Towns and Baldwin County Schools for Year 1952 as shown below.

RECEIVED PAYMENT
DEC 1 1952
M. H. WILKINS
TAX COLLECTOR

M. H. WILKINS, Tax Collector

Pd. by Ck. ☒
Pd. by Cash ☐
Pd. by Mo. ☐

Per _____

LAW OFFICES
HOLBERG, TULLY AND ALDRIDGE
SUITE 631-636 - FIRST NATIONAL BANK BLDG.
P. O. BOX 47
MOBILE 1, ALABAMA

Aug.
27th,
1952.

Hon. Telfair Mashburn
Judge, Circuit Court
Baldwin County
Bay Minette, Alabama

Dear Judge Mashburn:

There is presently pending in your Court a Chancery proceeding instituted by Mary Belle Scott Gay vs. John W. Scott, pertaining to certain lands in the extreme South part of Baldwin County.

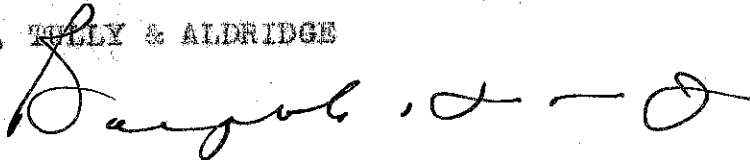
We take this occasion to advise the Court of our employment by Mr. Thomas J. Scott and to respectfully ask that we be placed of record as Solicitors for him in this proceeding.

You will observe that we are sending carbon copies of this letter to Mrs. Duck, Mr. Blackburn and Mr. McCorvey, in order that they, too, may be advised of our interest and participation in this case.

We remain,

Sincerely yours,

HOLBERG, TULLY & ALDRIDGE



By
Ralph G. Holberg, Jr.

RGH/m

CC: Mr. J. B. Blackburn
Attorney at Law
Bay Minette, Alabama

CC: McCorvey, Turner, Rogers, Johnstone & Adams
Attorneys at Law
Merchants National Bank Building
Mobile, Alabama

CC: Mr. Thomas J. Scott

CC: Mrs. Alice Duck, Clerk

C
n
e
ly

LAW OFFICES
RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

3 June 1953

Mr. Tolbert M. Brantley
Attorney at Law
Bay Minette, Ala.

Dear Mr. Brantley:

Re: Prentice & Hall
Vs: E. C. Steedley

Our records show that we returned this claim
on December 15, 1952, suggesting that the for-
warders send it to an attorney in Bay Minette
for collection.

Yours very truly,

E. G. Rickarby, Jr.

R/1

LAW OFFICES
KNABE & NACHMAN

WALTER J. KNABE
M. ROLAND NACHMAN, JR.

HILL BUILDING
MONTGOMERY 1, ALABAMA

TELEPHONE
AMHERST 2-1606

COUNSEL
J. HADEN ALLOREDGE
INVESTMENT BUILDING
WASHINGTON, D. C.

June 4, 1957

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

Re: Mary Belle Scott Gay, Complainant
V.
J. W. Scott, et al, Respondents
Case No. 2650

Dear Mrs. Duck:

Enclosed please find the motion of Nancy Scott Benton, one of the respondents in the above styled cause, to dismiss and strike the complaint.

I should appreciate your advising me when the motion has been filed. We should also appreciate a hearing before the court at a convenient time in the near future. If it is deemed necessary that copies of this motion be sent to the respondents, please notify me of the names and addresses of all of the respondents so that copies may be sent to them.

Thank you for your trouble.

Most Sincerely,



MRN/ms
Enclosure

TAYLOR SCOTT GAY, As Executor
of the Estate of MARY BELLE
SCOTT GAY, also known as MARY
BELLE GAY, Deceased,

Complainant,

vs.

JOHN WATTS SCOTT, et al.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes now Dorothy J. Boothby, by her solicitors, and files
this her amended motion to intervene in the above styled cause which
is now pending in this Court and assigned the following separate
and several grounds in support thereof:

1. That she has an interest in the matter in litigation.
2. That she would be prejudiced by a decree rendered in
said cause.
3. That she would be adversely affected by a distribution
or other disposition of the property which is the subject matter
of the suit.

Respectfully submitted,

CHASON & STONE

By: Marion G. Stone

Filed
10-27-55

Service accepted
11-3-1955
J. B. Blackburn
of counsel for
comp.

MARY BELLE SCOTT GAY,
Complainant,
vs.
JOHN W. SCOTT, ET AL.,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 2650.

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM:

TO: TELFAIR J. MASHBURN, JR.

You are hereby notified that you have been appointed as guardian ad litem to represent Stephen Kyle Scott, Marguehrita Scott and Elizabeth Gaston Scott, who are minor respondents interested in this cause.

DATED this 5 day of June, 1958.

Telfair J. Mashburn
Judge.

STATE OF ALABAMA
BALDWIN COUNTY

I, the undersigned Telfair J. Mashburn, Jr., do hereby accept appointment as guardian ad litem to represent Stephen Kyle Scott, Marguehrita Scott and Elizabeth Gaston Scott, minor respondents interested in this cause, and for answer to the Bill of Complaint filed in this cause, hereby deny each and all of the allegations thereof and demand strict proof of same.

DATED this 6th day of June, 1958.

Telfair J. Mashburn
As Guardian Ad Litem for Stephen
Kyle Scott, Marguehrita Scott and
Elizabeth Gaston Scott.

TAYLOR SCOTT GAY, as Executor of
the Estate of Mary Belle Scott
Gay, also known as Mary Belle
Gay, Deceased,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 2650

DEMURRER AND ANSWER TO PETITION OF DOROTHY J. BOOTHBY

Now comes the complainant, by his solicitors, and demurs
to the petition filed in this cause by Dorothy J. Boothby on
June 19, 1956, and as grounds for such demurrer assigns, separately
and severally, the following:

1. No facts are alleged to show that the petitioner,
Dorothy J. Boothby, has an interest in the matter in litigation.

2. The allegations of the said petition are but con-
clusions of the pleader.

3. No facts are alleged to show that the lease described
in and attached to the said petition is now in full force and effect.

4. The allegation in the said petition reading as fol-
lows, "and which lease is still in force and effect", is a con-
clusion of the pleader.

5. It affirmatively appears from the said lease that it
is for a term of twenty years from the _____ day of _____,
A. D., 19____, and no facts are alleged to show when the lease
became or becomes effective.

6. It affirmatively appears from the said lease that it
is not in force and effect at this time.

7. It does not allege that the said Dorothy J. Boothby
is in possession of the property described in the said lease.

8. For aught that appears in the said petition, said
Dorothy J. Boothby has surrendered possession of the property de-
scribed in the said lease and has ceased to pay the rent due under
the said lease.

9. No facts are alleged to show that Dorothy J. Boothby
has paid the rents due under the said lease to the lessors or to
anyone authorized to receive such payments for the lessors.

10. No facts are alleged to show that the said Dorothy J. Boothby is entitled to the relief which she is seeking in and by the said petition.

11. There is no equity in the petition.

Without waiving the foregoing demurrer, but insisting thereon, the complainant files this as his answer to the said petition filed in this cause by the said Dorothy J. Boothby on June 19, 1956, and alleges the following:

1. Complainant admits the allegations of paragraph Numbered First of the petition.

2. Complainant admits that the petitioner, Dorothy J. Boothby, is the lessee in the lease, a copy of which is attached to the said petition and marked "Exhibit A", but denies that the said lease is now in force and effect.

3. For further answer to the said petition, complainant alleges that the said Dorothy J. Boothby is not in possession of the said property described in the said lease; that she was not in the possession of the said property described in the said lease when she first attempted to intervene in this cause, and that the said lease has lapsed because of the failure of the lessee, Dorothy J. Boothby, to pay the rents provided for in the said lease.

Having fully answered the said petition filed by the said Dorothy J. Boothby, complainant prays that it be dismissed and that the complainant be discharged with his reasonable costs in this behalf expended.

Filed
7-10-56

J. T. Blackburn
M. C. Carvey, Turner, Rogers, Johnston
Solicitors for complainant. *(B)*

DEMURRER AND ANSWER TO PETITION
OF DOROTHY J. BOOTHBY.

TAYLOR SCOTT GAY, as Executor of
the Estate of Mary Belle Scott
Gay, also known as Mary Belle
Gay, Deceased,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 2650

FILED

JUL 10 1956

ALICE J. DUCK, Register

TAYLOR SCOTT GAY, as Executor
of the Estate of MARY BELLE
SCOTT GAY, also known as MARY
BELLE GAY, Deceased,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL,

Respondents.

IN THE CIRCUIT COURT OF

HALDWIN COUNTY, ALABAMA

IN EQUITY

MOTION TO SET DATE FOR TRIAL

Now comes the complainant by his solicitors, and the
respondents, Thomas Jefferson Scott III and Irene F. Scott, by
their solicitors, and move the court to set this case for trial
on August 20, 1957, or, if impossible to set the said case on the
said date, to set it for trial as near the said date as possible.

J. B. Blackburn

W. C. Conner, Turner, Rodgers, Johnson
Solicitors for complainant

HOLBERG, TULLY AND MOBLEY

By Ralph H. Holberg
(B)

Solicitors for above named respondents

Filed
7-16-57

2650
MOTION TO SET DATE FOR TRIAL

TAYLOR SCOTT GAY, as Executor of
the Estate of MARY BELLE SCOTT GAY
also known as MARY BELLE GAY,
Deceased,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed 7-16-57
Reice H. H. H.
Register

TAYLOR SCOTT GAY, as Executor of
the Estate of MARY BELLE SCOTT
GAY, also known as MARY BELLE
GAY, DECEASED,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

REGISTER'S CERTIFICATE AS TO SERVICE

I, Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that I did on this date mail a copy of the decree rendered in this cause and dated April 15, 1958, setting this cause for hearing on June 10, 1958, to the following:

1. Ralph G. Holberg, c/o Holberg, Tully and Mobley, First National Bank Building, Mobile, Alabama.
2. Norborne C. Stone, c/o Chason and Stone, Bay Minette, Alabama.
3. Tolbert M. Brantley, c/o Wilters and Brantley, Bay Minette, Alabama.

Dated this 18 day of April, 1958.

Alice J. Duck
Register

4/18/58

REGISTER'S CERTIFICATE AS TO
SERVICE

TAYLOR SCOTT GAY, as Executor of
the Estate of MARY BELLE SCOTT
GAY, also known as MARY BELLE
GAY, DECEASED,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

MARY BELLE SCOTT GAY,)
)
COMPLAINANT,) IN THE CIRCUIT COURT OF
)
V.) BALDWIN COUNTY,
)
J. W. SCOTT, ET AL.,) ALABAMA, IN EQUITY.
)
RESPONDENTS.) No. 2650.

Comes Nancy Scott Benton, one of the respondents in the above styled cause, and moves to strike and dismiss out of the said court the suit heretofore filed by Mary Belle Scott Gay, complainant in this cause. And as grounds for her said motion, the said Nancy Scott Benton assigns the following, separately and severally:

1. Complainant died on September 20, 1953, More than twelve months have passed since the death of the complainant as aforesaid.

2. Pursuant to the provisions of Title 7, Section 153 (1), Code of Alabama 1940, as amended, the substitution of an heir, successor, or personal representative of a deceased party to a suit in equity must be made within twelve months after the death of the said decedent by order of the Register or the Judge of the equity court in which the suit is pending. No such substitution for Mary Belle Scott Gay, the deceased complainant in this cause, has been made.

WHEREFORE, THE PREMISES CONSIDERED, your movant, Nancy Scott Benton, prays that this Court will strike the complaint in this cause from the records of this court, and shall dismiss the suit out of this court. And your movant prays for such other, further, and different relief as this Honorable Court may deem necessary and proper in the premises.

Nancy Scott Benton
Nancy Scott Benton

STATE OF ALABAMA)
MONTGOMERY COUNTY)

Before me, Gloria J. Elder, a Notary Public
in and for said State at Large, personally appeared

2.

Nancy Scott Benton, who is known to me, who being first duly sworn, deposes on oath and says as follows:

That she has read the foregoing motion, and that the statements therein made are true and correct.

Nancy Scott Benton
Nancy Scott Benton

SWORN TO and SUBSCRIBED before me this 1st day of
June, 1957.

Thomas Elder
Notary Public, State of Alabama,

at Large.

Filed
6-6-57

MARY BELLE SCOTT GAY,
Complainant,
VS.
JOHN WATTS SCOTT, ET AL.,
Respondents.

IN THE CIRCUIT COURT OF
BALEWIN COUNTY, ALABAMA
IN EQUITY NO. 2650

DECREE OF REVIVOR

Taylor Scott Gay, having filed his Petition setting up that Mary Belle Scott Gay, the Complainant in this cause, has died since the commencement of this suit and that Letters Testamentary under the Last Will and Testament of said Complainant have been issued to him as Executor of said estate by the Probate Court of Middlesex County, Massachusetts; that he has qualified and is now acting as said Executor and praying that he be allowed to enter and prosecute the above styled cause in his own name as said Executor in the same manner as the Complainant might have done had she continued to live; it is, therefore

ORDERED, ADJUDGED AND DECREED by the Court that the said Petition be granted and that this cause be revived in the name of Taylor Scott Gay, as Executor of the estate of Mary Belle Scott Gay, also known as Mary Belle Gay, and he is hereby allowed and permitted to enter and prosecute the above styled cause in his own name as said Executor, in the same manner as Mary Belle Scott Gay might have done had she continued to live.

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

Judge.

4
2
6
TAYLOR SCOTT GAY, as Execu-
tor of the Estate of MARY
BELLE SCOTT GAY, also known
as MARY BELLE GAY, DECEASED,

Complainant,

vs.

JOHN WATTS SCOTT, et al,

Respondents

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) IN EQUITY

) NO. 2650

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, SITTING IN EQUITY:

Comes now Charles M. Kilborn of Mobile County, Alabama,
and shows unto the Court as follows:

1. Charles M. Kilborn purchased the undivided one-
eighteenth interest of Grace Revere Scott in the land, the
subject of this litigation. Said deed is dated December
29, 1958 and recorded in Deed Book 273 Pages 582-4 of the
records in the office of the Judge of the Probate Court of
Baldwin County, Alabama.

WHEREFORE Charles M. Kilborn prays that Your Honor
will substitute him in the above styled cause in the place
of said Grace Revere Scott, will note the appearance of
his attorney Benjamin H. Kilborn and will give notice of
all further proceedings in said cause to him through his
attorney Benjamin H. Kilborn.

FILED

MAY 10 1960

AUDIE J. DICK, CLERK
RECEIVED

Benjamin H. Kilborn
BENJAMIN H. KILBORN

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JOHN WATTS SCOTT, GRACE REVERE SCOTT, THOMAS JERRERSON SCOTT, IRENE SCOTT, MARY BELL SCOTT, FRANKLIN, LUCIUS GASTON SCOTT, STEPHEN KYLE SCOTT, MARGUEHRITA SCOTT, ELIZABETH GASTON SCOTT, LUCIUS GASTON SCOTT AND ELIZABETH ZACHRY SCOTT, as Trustees, AND NANCY SCOTT GUY to appear within thirty(30) days from the service of this writ in the Circuit Court to be held for said County, Equity Side, then and there to answer the Bill of Complaint filed against them by MARY BELLE SCOTT GAY.

WITNESS my hand this 11th day of August, 1952.

Dee J. Hester
Register.

MARY BELLE SCOTT GAY,

Complainant,
vs.

JOHN WATTS SCOTT, ET ALS,
RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

AMENDED BILL OF COMPLAINT

TO THE HONORABLE TELFAIR J. WASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Now comes the complainant, Mary Belle Scott Gay, and amends the Bill of Complaint heretofore filed by her in this cause, so that, as amended, it will read as follows:

Your Oratrix, Mary Belle Scott Gay, presents this amended Bill of Complaint against John Watts Scott, Grace Revere Scott, Thomas Jefferson Scott, Irene Scott, Mary Bell Scott Franklin, Lucius Gaston Scott, Stephen Kyle Scott, Margushrita Scott, Elizabeth Gaston Scott, Lucius Gaston Scott and Elisabeth Zachry Scott, as Trustees, and Nancy Scott Guy, and, thereupon, your Oratrix complains and shows unto the Court and your Honor as follows:

1. She is over twenty-one years of age and a non-resident of the State of Alabama. The respondents are, except as shown below, each over twenty-one years of age and their places of residence and post office addresses are as follows:

John Watts Scott,
C/o Land Department,
United States Steel Corporation,
Brown-Marx Building,
Birmingham, Alabama.

Grace Revere Scott,
432 South McDonough Street,
Montgomery, Alabama.

Thomas Jefferson Scott,
2340 Otis Street, Northeast,
Washington, D. C.

Irene Scott,
2340 Otis Street, Northeast,
Washington, D. C.

Mary Bell Scott Franklin,
108 South Mesa,
Apartment Number 3,
Carlsbad, New Mexico.

Lucius Gaston Scott,
Romar Beach,
Baldwin County, Alabama.

Stephen Kyle Scott,
Fairhope, Alabama.

Margushrita Scott,
Fairhope, Alabama.

Elizabeth Gaston Scott,
Romar Beach,
Baldwin County, Alabama.

Lucius Gaston Scott and
Elizabeth Zachry Scott, as Trustees,
Romar Beach,
Baldwin County, Alabama.

Nancy Scott Guy,
458 South McDonough Street,
Montgomery, Alabama.

The above named Stephen Kyle Scott and Margushrita Scott are minors under fourteen years of age and reside with their mother, Madeleine Gibbs Scott, at Fairhope, Alabama.

Elizabeth Gaston Scott is a minor under fourteen years of age and resides with her father and mother, Lucius Gaston Scott and Elizabeth Zachry Scott, at Romar Beach, Baldwin County, Alabama.

Lucius Gaston Scott and Elizabeth Zachry Scott are trustees, as provided in the deed from Lucius Gaston Scott and Elizabeth Zachry Scott, his wife, to Stephen Kyle Scott et al, dated July 17, 1951, which is recorded in Deed Book 167 at pages 417-18, Baldwin County, Alabama Records, a copy of which is hereto attached, marked "Exhibit A" and by reference made a part hereof as though fully incorporated herein. The above named respondents who reside outside of the State of Alabama are non-residents of the State of Alabama.

2. Your Oratrix and the respondents are joint owners or tenants in common of the following described real property situated in Baldwin County, Alabama, to-wit:

Lot or Subdivision 2 of Fractional Section 18, Township 9 South, Range 5 East of St. Stephens Meridian, containing 160.59 acres, more or less, except the following described property:

EXCEPTION NUMBER 1: Beginning at an iron pin or stake at the Southwest corner of the Northwest Quarter of Fractional Section 18, Township 9 South, Range 5 East; thence North along the West line of said Section 18 a distance of 24.5 feet; thence North 69 degrees 44 minutes East a distance of 103.5 feet, more or less, to a point 100 feet due East of said West line; thence South and parallel to said West line of Section 18 a distance of 600 feet, more or less, to the boundary of the Gulf of Mexico at a point

100 feet due East of said West line of Section 18; thence Southwesterly along said boundary line of the Gulf of Mexico a distance of 103.5 feet, more or less, to said West line of Section 18; thence North along said West line of Section 18 a distance of 355 feet, more or less, to the point of beginning; said 100 ft. by 600 ft. lot lying in the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter (known as Lot 2) of Fractional Section 18, Township 9 South, Range 5 East and containing 1.38 acres, more or less, being the property heretofore conveyed by Gaston Scott and Mary Belle Gay to Julia Heins Jolley by deed dated April 7, 1948 and recorded in Deed Book 130 at pages 209-10, Baldwin County, Alabama Records.

EXCEPTION NUMBER 2: A strip of land 120 feet wide and 2860.2 feet long, the center line of which is described as beginning at a point where said center line, as now located and staked out, intersects the West line of Fractional Section 18, Township 9 South, Range 5 East, said point of intersection being 2210 feet, more or less, South of the Northwest corner of said Section 18; thence North 69 degrees 44 minutes East a distance of 228.7 feet; thence Northeasterly along a curve to the left (concave northwesterly) having a radius of 5729.65 feet, a distance of 600 feet; thence North 63 degrees 44 minutes East a distance of 1970.5 feet; thence Northeasterly along a curve to the right (concave Southeasterly), having a radius of 5729.65 feet, a distance of 61.0 feet to the point of ending at intersection with the East line of the West half (Lot 2) of Fractional Section 18, Township 9 South, Range 5 East, said point being 1252 feet, more or less, South of the Northeast corner of said West Half of Fractional Section 18; said strip of land lying in the West Half (Lot 2) of Fractional Section 18, Township 9 South, Range 5 East and containing 7.88 acres, more or less, being the property heretofore conveyed by Gaston Scott and Mary Belle Gay to the State of Alabama by deed dated June 3, 1948 and recorded in Deed Book 130 at pages 395-6, Baldwin County, Alabama Records.

EXCEPTION NUMBER 3: A strip of land 330 feet wide lying West of and adjoining the East line of West Half (Lot 2) of Fractional Section 18, Township 9 South, Range 5 East, lying between the Gulf of Mexico and the 120-foot strip of land conveyed unto the State of Alabama for the use and benefit of the State Highway Department, described as beginning at a point where the South line of said 120-foot strip of land intersects said East line of West Half (Lot 2), which point is 1312 feet, more or less, South of the Northeast corner of the West Half (Lot 2) of said Fractional Section 18; thence South along said East line of West Half (Lot 2) a distance of 1130 feet, more or less, to the Gulf of Mexico; thence Westerly along the Gulf of Mexico a distance of 340 feet, more or less, to a point 330 feet West of and at right angles to said East line of West Half (Lot 2); thence North along a line 330 feet West of and parallel to said East line of West Half (Lot 2) a distance of 1085 feet, more or less, to the South line of said 120-foot strip of land; thence North 63 degrees 44 minutes East along said South line a distance of 310 feet, more or less, to a point; thence continuing Northeasterly along said South line on a curve to the right (concave Southeasterly) having a radius of 5669.65 feet, a distance of 42 feet, more or less, to the point of be-

ginning; said strip of land lying in the West Half (Lot 2) of Fractional Section 18, Township 9 South, Range 5 East and containing 8.33 acres, more or less, being the property heretofore conveyed by Gaston Scott and Mary Belle Gay to the State of Alabama by deed dated May 8, 1948 and recorded in Deed Book 130 at pages 169-70, Baldwin County, Alabama Records.

3. The interests of your Gratrix and the respondents in the above described property are as follows:

Mary Belle Scott Gay	24/54
John Watts Scott	4/54
Grace Revere Scott	4/54
Thomas Jefferson Scott	7/54
Irene Scott	3/54
Mary Bell Scott Franklin	4/54
Nancy Scott Guy	4/54
Stephen Kyle Scott,	
Marguehrita Scott, Elizabeth	
Gaston Scott, Lucius Gaston	
Scott, and Lucius Gaston	
Scott and Elizabeth Zachry	
Scott, as Trustees as afore-	
said,	4/54

4. Part of the said property is improved and has buildings situated thereon, while the remainder of the said property is unimproved, because of which it cannot be equitably divided among the said joint owners without a sale thereof and a division of the proceeds.

5. It has been necessary for your Gratrix to employ J. B. Blackburn, of Bay Minette, Alabama, and the firm of McCorvey, Turner, Rogers, Johnstone & Adams, of Mobile, Alabama, for the purpose of filing this suit to effect a division of the said property among the said joint owners.

6. It will be to the best interest of all parties to this cause that an abstract of title be made to the above described property, in order that this abstract can be examined by prospective purchasers prior to a sale, the cost of which should be taxed as a part of the costs of this proceeding.

PRAYER FOR PROCESS

Your Gratrix prays that the Court will take jurisdiction of this Bill of Complaint and that due notice thereof, in the form and manner prescribed by law, be given to the respondents, requiring them to appear and plead, answer or demur to this Bill of Complaint within the time allowed by law.

PRAYER FOR RELIEF

Your Oratrix prays for the following separate and several relief:

1. That a Guardian Ad Litem be appointed to represent the above named minor respondents in this proceeding.
2. That the above described property be ordered sold in the manner prescribed by law for a division among the said joint owners.
3. That the Register of this court be authorized and empowered to have a complete abstract of title, covering all of the above described property, made for examination by prospective purchasers and that the cost of such abstract be taxed as a part of the costs of this proceeding.
4. That this Court will make and enter a proper order or decree fixing the Solicitors' fee to be paid to your Oratrix's Solicitors, making it a common charge against the proceeds of the sale of the said property.
5. That such other orders be made and decrees rendered as may be requisite and proper in the premises.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS,

By _____

Solicitors for Complainant.

The Complainant, Mary Belle Scott Gay,
being a non-resident of the State of
Alabama, I hereby acknowledge myself as
security for the court costs which will
be incurred in this proceeding.

STATE OF ALABAMA)

*

BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared J. B. BLACKBURN, who, after being by me first duly and legally sworn, deposes and says: That he is one of the Solicitors for the Complainant in this suit; that he is informed and believes and that on such information and belief states the fact to be that the allegations contained in the foregoing Bill of Complaint are true.

Sworn to and subscribed before me on
this the _____ day of _____,
1951.

Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA)
BALDWIN COUNTY)

I, G. M. McLeod, a Notary Public, within and for said County in said State, hereby certify that Elizabeth Zachry Scott, whose name is signed to the foregoing Conveyance and who, being made known to me, acknowledged before me on this date that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand this 17 day of July, A. D., 1951.

(Signed) G. M. McLEOD
Notary Public in and for Baldwin
County, Alabama.

STATE OF ALABAMA)
BALDWIN COUNTY)

I, G. M. McLeod, a Notary Public, within and for said County in said State, hereby certify that Elizabeth Zachry Scott, whose name is signed to the foregoing Conveyance and being well aware that the above described property is the homestead of Lucius Gaston Scott and Elizabeth Zachry Scott and who being made known to me, acknowledged before me on this date that, being informed of the contents of the conveyance, she executed the same voluntarily and without coercion on the day the same bears date.

Given under my hand this the 17 day of July, A. D., 1951.

(Signed) G. M. McLEOD
Notary Public in and for Baldwin
County, Alabama.

Filed 7-24-51
Recorded Deed Book 167 at
pages 417-18.

FILED
JAN 11 1961
JUNE 1 1961
CLERK
REGISTERED

IN THE

CIRCUIT COURT OF BALDWIN COUNTY.

ALABAMA. IN EQUITY.

NO. 2650

~~~~~

Examination by Mr. Blackburn.

A. H. W. Graham.

Q. Mr. Graham, what profession are you engaged in?

A. Engineering and surveying.

Q. How long have you been engaged in that profession?

A. Since 1910.

Q. Did you prepare this map in accordance with instructions from this Court?

A. According to the decree of the Court, yes.

Q. I will ask you, Mr. Graham, if that map is a correct map of the tract of land involved in this proceeding?

A. It is.

Q. Does that divide the property into 18 lots?

A. Yes sir.

Q . Of equal value?

A. I would say that they are of equal value throughout.

Q. You have divided it into blocks A. and B.?

A. Yes sir.

Q. One block being north of the road and the other South of the road?

A. Yes sir.

Q. Are all of those lots of equal value, in your opinion?

A. I would say so, yes. I see no choice.

MR. BLACKBURN: We offer in evidence this map and ask that it be identified as Complainant's Exhibit 1.

Q. Now Mr. Graham, I show you here statement dated September 20, 1960, in the amount of \$500.00?

A. Right.

Q. Is that the amount of your charges for making this survey and plat?

A. Total charges.

Q. Is that a reasonable amount for your services?

A. I consider it so from the work involved in the survey - It is very reasonable.

MR. BLACKBURN: We introduce this bill in evidence and ask that it be identified as Complainant's Exhibit 2.

Q. When you get north of the road there, that gets pretty rough, does it not?

A. Yes sir.

EXAMINATION BY MR. T. J. MASHBURN, JR. GUARDIAN AD LITEM OF THE MINORS INVOLVED:

Q. Mr. Graham, in dividing this property into lots, did you try to get the same square acreage into each lot?

A. No. My instructions were to get the same amount of frontage on the highway and the same amount of frontage on the gulf - equal width, but not acreage. Of course, the acreage would be practically equal going all of the way through.

Q. If you took a lot out of Block A. and Block B.?

A. Yes, if you took a lot out in front and one behind it, it would be practically the same; the value is not on an acreage basis; it is on the basis of front footage.

Q. Now if one of the parties were awarded, say Lot 17 in Block A. He should get the same lot in Block B. to be sure the acreage

(page 2)

is the same?

- A. Approximately the same; of course, there is an over-lap on the State Park. If he got 18 and 18 on the back, he couldn't get 17 and 18 on the front, because the State Park does not go all of the way through.

EXAMINATION BY MR. WILSON HAYES:

Q. The beach property on all of these lots is of approximately the same character?

A. There is no difference -- no choice. It is practically the same type of sand dunes all the way through; no wet spots - all high, dry ground.

Q. Is there, in your opinion, any choice to be placed on the relative position of the lots?

A. I can not see as there would be any bearing on any value at all, because there is no visible difference.

Q. How deep a place is Lily lake indicated on this plat?

A. About four feet deep.

Q. Is it fresh, salt or brackish water?

A. Brackish.

Q. Does it stay in water all of the time?

A. It does.

MR. KILBORNE: (EXAMINATION)

Q. Mr. Graham, you consider these lots 2, 3, 4, 5, and 6, where you have the lake, you would have no highway frontage on those lots?

A. Practically none; that would be the only factor concerning the value of the back lots.

Q. Do you consider those back lots where the lake is on the highway to be of equal value?

A. Further up the road where there is a little distance between them - No, I would require filling on the front lots - I would

say there is some difference.

Q. What difference, in your opinion, would there be?

A. Well I don't know; a bulldozer in there could smoothe the land and lake up; that would be a minor operation; any of them that wanted to fill in the lake, there is plenty of material to fill it and it could easily be done.

Q. Dirt costs about \$.35 a square yard to move?

A. A couple of hundred dollars would fill each lot.

Q. To make the lots equal in value an allowance should be made for whatever cost it would take?

A. I would judge there should be a differential in there.

Q. The State does not own that lake?

A. No; they have no control over it.

EXAMINATION BY MR. HAYES:

Q. Mr. Graham, is there any <sup>tree</sup> ~~tree~~ coverage at all on the back lots?

A. Well it is full I think, but nothing in there of merchantable value.

Q. Is there anything in there that would enhance the value of the property as far as building is concerned?

A. No, there is no preference in any of it back there -- any of the back part.

ON RE-DIRECT EXAMINATION BY MR. BLACKBURN:

Q. It would be to some advantage to the joint owners of the property to get complete title to their respective parts, would it not?

A. It certainly would.

EXAMINATION BY MR. KILBORNE:

Q. On this Lot 1 in Block B., you have approximately 231.9 feet on the highway. Do you consider that to be of equal value with the other lots?

A. I don't consider that frontage; I don't consider the highway frontage on those front lots of any value to them.

Q. Just the beach front on that?

A. Right.

MR. J. O. SIMS, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY  
SWORN, TESTIFIED AS FOLLOWS:

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Examination by Mr. Blackburn.

Q. What is your name, please?

A. J. O. Sims.

Q. Mr. Sims, what business are you engaged in?

A. Real Estate business.

Q. Where do you live?

A. Gulf Shores, Alabama.

Q. Are you familiar with the property involved in this suit and  
shown by that map?

A. Yes sir.

Q. Have you examined it at various times?

A. Yes sir.

Q. Have you bought and sold property in that community or vicinity,  
Mr. Sims and know its value?

A. Yes sir.

Q. What, in your opinion, is the reasonable market value of this  
gulf frontage of the property involved on this suit as shown on  
that map?

A. I would say around \$70.00 a front foot.

Q. The property back, or north of the road, what, in your  
opinion, is that worth?

A. Well that would be, as far as I'm concerned, and from a  
real estate standpoint, I would say between \$5.00 and \$10.00  
per front foot and I think it would be liberal to say \$10.00  
a front foot.



THE COURT: I notice here that lots 1 and 2, Block A. are much longer than, for instance, 17 and 18. Would the length north and south here compensate for the creek here?

A. Yes, in my opinion all of them have adequate depth, fanging from 1,200 feet to 2,000.feet; there is a chance that the extended depth would be a hinderance instead of an asset; there are ridges all across the property - I would certainly say the front here, if I were picking a lot, I had just as soon have lots 1, 2, 3, 4, or five as to have Lots 17 or 18 because a little fill on the front, and shoveling up, you would have as much value as this; my feeling from a real estate standpoint is that all of the lots would be very similiar in value.

EXAMINATION BY MR. KILBORNE:

Q. Are you familiar with construction work?

A. Certain types -- what type do you have reference to.

Q. You referred to taking a bulldozier and running or levelling of the sand for a couple of hours - what is your experience in that type operation?

A. It depends on the growth on the ridges; there are no trees there that would hamper the operation of the dozier and I can't give you an estimate, because the size of the dozier would determine the amount of dirt moved.

Q. How much do you think it would take to fill in these lots?

A. In yardage?

Q. In dollars?

A. I think certainly \$200.00 would fill the property - any of the lots; it is just a matter of levelling it off - pushing the sand towards the highway.

Q. Do you think the sand would make a sufficient fill?

A. That would be your best fill.

Q. The value of your lots in block A. is primarily on the highway?

A. Yes, that is how I would base my value - highway frontage.

EXAMINATION BY MR. HAYES:

Q. Do you know if this Lily lake here, indicating, does it serve as a natural lake? Do it have an outlet?

A. No; it is a little slough; of course, on the back if you notice towards the east end it gets deeper; of course, it naturally drains back towards cotton Bayou and that would be an outlet - this is just a lake.

Q. No outlet?

A. No.

EXAMINATION BY MR. HOLBERG:

Q. The lake that runs across the land would submit approximately the same detriment to each owner?

A. That is right; it would cost possibly as much on lots 3 and 4 as lots 15 or 16; your depth from the highway to the slough --your deepest point, which shows to be approximately 180 or 190 feet, and you would have a frontage there - I would say the cost would be approximately the same.

MR. KILBORNE:

Q. You could use those lots, say 14 to 18 for some highway business or improvement there without the necessity of filling in Lily lake - You would have immediate use of the lots where you would not of Lots 2, 3, 4, 5, 6, 7 8 or 9; if you used those for anything, you would have to fill them in?

A. Of course, if you think in terms of selling lots 14 to 18, you would destroy a great deal of the value by not filling in the lots to give advantage of the full acreage; they would be

trapped if you sold off the front without doing something to the lake as it goes across - you could destroy the value from the back without proper preparation in the beginning.

MR. J. E. THORNTON, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Blackburn.

Q. What is your name, please?

A. J. E. Thornton.

Q. Mr. Thornton, are you a practicing Attorney?

A. Yes sir.

MR. HOLBERG: We admits/<sup>that</sup>this gentleman is eminently qualified.

THE COURT: You have minors involved, and you had better prove it.

Q. How long have you practiced in Mobile?

A. Since '45.

Q. And how long before you moved to Mobile?

A. Since 1934.

Q. I take it that you have handled partition proceedings during your lengthy law practice, have you not?

A. I have.

Q. Are you familiar with the file in this case?

A. Well reasonably.

Q. And you ascertained from your examination of this file, that at one station of this litigation there was a claim by a party that she had a lease on this land that the court adjudicated that the lease was of no value?

A. Yes sir.

Q. You are, of course, acquainted with the fact that there are many owners of this property and that it is to their advantage to have this property divided so that each owner could get his own part of this property. -- Get the whole title to it, in otherwords?

A. Yes sir.

Q. What, Mr. Thornton, in your opinion, is a reasonable Attorney's fee to be paid to the Solicitors for the Complainant for prosecuting this proceeding?

A. I would say a fee of \$12,500.00 would be a reasonable fee.

EXAMINATION BY MR. KILBORNE:

Q. What do you base that on, Mr. Thornton.

a. On an examination of the file --

Q. What does the file show?

A. Well it shows -- I had rather -- If you will give the file to me I will read them to you.

Q. It shows the filing of an original bill of complaint?

A. Yes sir and voluminous pleadings extending over a period of some 10 years.

Q. Any difficulty about the pleadings?

A. Yes, there was some contest back and forth between the parties with reference to whether there was going to be a partition in kind or a sale for division.

Q. As to some of the title there was a contest?

A. Yes sir.

Q. The matter wasn't actively litigated in open court on contest of any of the issues, were they--

A. I - would indicate so, yes, but I don't know.

Q. Doesn't indicate any full scale trial was had at any time?

A. I only say there was some contested proceeding there; whether in open court, I can not answer.

Q. I am not trying to trip you up, but I am, for the record, completely unfamiliar with the file. If you don't mind, I would like to know in detail how you arrive at a fee of \$12,500.00?

A. All right. Of course I started with the Mobile fee bill -

This, under the Mobile Fee Bill, without any contest, would run around \$3,500.00.

Q. That is based on what, the value of the land?

A. Yes.

Q. What do you base the value?

A. \$175,000.00.

Q. How did you get that figure?

A. I believe I heard it testified to. Now if the matter were contested

- that is to say, if there were a contest with reference to the title generally, or in part in Mobile, the minimum fee would be about \$22,500.00. Now that gives you a spread -

we have got a matter of time - a case that extends for 10 years in any Lawyers office is a matter of -- Well it is the kind of case that the ordinary lawyer does not want, because it ties up his file and time. For 10 years work, I do not believe the average lawyer would voluntarily take that kind of work, and he certainly won't make much money out of it. I started with the minimum - that's the \$3,500. and \$22,500. the maximum --

10 years time - you have the fact that there was a good deal of work and time is by far one of the most important factors with reference to -- the basis on which a lawyer would make a fee.

Q. Did you ascertain the hours spent by the respective Attorneys for the Complainants?

A. No, I discussed with them the number of hearings they had had; I looked at the file here and again they did not give me an hourly break-down.

Q. None of the Attorneys have a time sheet?

A. None was furnished to me.

Q. So you don't know how many hours the Attorneys for the Complainants actually spent on it?

A. No.

Q. So any statement of figuring on time involved is a pure conjecture on your part as to the number of hours?

A. Not entirely conjecture, but not verified by time record exhibited to me.

Q. What were the complicated proceedings? --standard suit for sale for division or partition, is there anything complicated about that?

A. That statement - no, there is nothing complicated about that.

Q. Were there demurrers filed?

A. Yes.

Q. Anything complicated about the demurrers?

A. Well I believe I would have to review that further to answer that question.

Q. Do you know how many demurrers were filed?

A. I don't know right now; I can check back.

Q. What was the problem in the law suit, the fact that it lasted for 10 years?

A. That is a factor; there is a factor there was a question with reference to the title to part of the property.

Q. Did the Attorneys do anything to clear the title?

A. Yes.

Q. What was done?

A. I think, Mr. Kilborne, the details of that are in the file.

Q. Would you look at the file? Very frankly, I think a fee of \$12,500.00 is outrageous and you are undertaking to testify that that is reasonable and I would like to know, in detail, what you use to base that on. If you will look at the file and tell me what is so complicated as to call for a \$12,500.00 fee?

A. I think I have given you that and rather than read the bill and pleadings, - and let me say, ~~xxxxxxx~~ I believe that to be a reasonable fee.

Q.

Q. Were you able to ascertain whether there was ever any testimony taken in open Court?

A. There was evidence of testimony in the case.

Q. Was that on a contested basis?

A. I don't recall whether it indicates it was in open court or not.

Q. You did look at the file?

A. Yes sir.

Q. Were you able to tell how many court room appearances were made by any of the parties - any of the Attorneys?

A. No sir.

Q. There were no appeals to the Supreme Court or anything of that nature?

A. No sir.

Q. You say the matter has been here for 10 years - actually, it was filed in May, 1952, so actually it has only been a little more than eight years - It looks like it was --

MR. HOLBERG: Check that again--

Q. I was checkin on the file and it looks like it was May 18, 1952, according to the notation on the file.

MR. HOLBERG: I thought it was 1951.

MR. KILBORNE: I was going by what is on the jacket.

Q. The decree in this matter was a consent decree, was it not?

A. No appeal taken - I believe there are some minors involved and a consent decree would not be appropriate in that.

Q. The decree says: "This matter coming on to be heard is submitted on stipulation of the parties and testimony taken in open Court --

EXAMINATION BY MR. HAYES: Mr. Thornton, you don't have any interest in the case, do you.

A. No sir.

Q. No associate or partner of yours is interested in the case as

far as ypu know.

A. I do know and there is no one personally, professionally or otherwise that has any interest in this case.

Q. You just appeared here as a witness?

A. That's right.

MR. HOLBERG: If the Court please, I would like to exhibit this to your honor and the various parties. It is a sworn statement -- I could not get Mr. Thomas S cott down from Washington - This is a statement that he has paid the taxes on the entire tract of land and he has the tax receipts and cancelled checks, and after a credit of \$6.90, which was paid by Mr. Kilborne, he has a net amount paid for taxes in the sum of \$595.71, and I would like to submit this and have it allocated against the cost.

MR. BLACKBURN: INSOFAR as the interest Judge Turner and I represent, we will a gree that the statement he made is correct.

MR. BLACKBURN: We rest.

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C E R T I F I C A T E:

I hereby certify that the foregoing, consisting of pages 1 to 13, both inclusive, correctly sets forth a true and correct transcript of the testimony as taken by me in open Court, on the 10th day of January, 1961, in the above styled cause.

This 10th day of January, 1961.

Louise A. Auerbury  
Official Court Reporter

STATE OF ALABAMA )  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JOHN WATTS SCOTT, GRACE REVERE SCOTT, THOMAS JEFFERSON SCOTT, MARY BELL SCOTT FRANKLIN, LUCIUS GASTON SCOTT and NANCY SCOTT GUY to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County, Equity Side, then and there to answer the Bill of Complaint filed against them by MARY BELLE SCOTT GAY.

WITNESS my hand this 18<sup>th</sup> day of May, 1951.

Henry J. Hesse  
Register.

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Oratrix, Mary Belle Scott Gay, presents this Bill of Complaint against John Watts Scott, Grace Revere Scott, Thomas Jefferson Scott, Mary Bell Scott Franklin, Lucius Gaston Scott, and Nancy Scott Guy and, thereupon, your Oratrix complains and shows unto the Court and your Honor as follows:

1. She is over twenty-one years of age and a non-resident of the State of Alabama. The Respondents are each over twenty-one years of age and their places of residence and post office addresses are as follows:

John Watts Scott, Jemison, Alabama.

Grace Revere Scott,  
211A DeSales Avenue,  
Mobile 17, Alabama,

or

432 South McDonough Street,  
Montgomery, Alabama.

Thomas Jefferson Scott,  
2400 Otis Street Northeast,  
Washington, D. C.

Mary Bell Scott Franklin,  
Box 525  
Wialua Star Route,  
Wialua, Oahu, T. H.

Lucius Gaston Scott,  
310 McDonald Street,  
Mobile, Alabama.

Nancy Scott Guy,  
Box 535,  
Wialua Star Route,  
Wialua, Oahu, T. H.

2. Your Oratrix and the Respondents are joint owners or tenants in common of the following described real property situated in Baldwin County, Alabama, to-wit:

Lot or Subdivision 2 of Fractional Section 18, Township 9 South, Range 5 East of St. Stephens Meridian, containing 160.59 acres, more or less, except the following described property:

EXCEPTION NUMBER 1: Beginning at an iron pin or stake at the Southwest corner of the Northwest Quarter of Fractional Section 18, Township 9 South, Range 5 East; thence North along the West line of said Section 18 a distance of 245 feet; thence North 69 degrees 44 minutes East a distance of 103.5 feet, more or less, to a point 100 feet due East of said West line; thence South and parallel to said West line of Section 18 a distance of 600 feet, more or

less, to the boundary of the Gulf of Mexico at a point 100 feet due East of said West line of Section 18; thence Southwesterly along said boundary line of the Gulf of Mexico a distance of 103.5 feet, more or less, to said West line of Section 18; thence North along said West line of Section 18 a distance of 355 feet, more or less, to the point of beginning.

Said 100 ft. by 600 ft. lot lying in the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter (known as Lot 2) of Fractional Section 18, Township 9 South, Range 5 East and containing 1.38 acres, more or less, being the property heretofore conveyed by Gaston Scott and Mary Belle Gay to Julia Heins Jolley by deed dated April 7, 1948 and recorded in Deed Book 130 at pages 209-10, Baldwin County, Alabama Records.

EXCEPTION NUMBER 2: A strip of land 120 feet wide and 2860.2 feet long, the centerline of which is described as beginning at a point where said centerline, as now located and staked out, intersects the West line of Fractional Section 18, Township 9 South, Range 5 East, said point of intersection being 2210 feet, more or less, South of the Northwest corner of said Section 18; thence North 69 degrees 44 minutes East a distance of 228.7 feet; thence Northeasterly along a curve to the left (concave northwesterly) having a radius of 5729.65 feet, a distance of 600 feet; thence North 63 degrees 44 minutes East a distance of 1970.5 feet; thence Northeasterly along a curve to the right (concave Southeasterly), having a radius of 5729.65 feet, a distance of 61.0 feet to the point of ending at intersection with the East line of the West Half (Lot 2) of Fractional Section 18, Township 9 South, Range 5 East, said point being 1252 feet, more or less, South of the Northeast corner of said West Half of Fractional Section 18.

Said strip of land lying in the West Half (lot 2) of Fractional Section 18, Township 9 South, Range 5 East and containing 7.88 acres, more or less, being the property heretofore conveyed by Gaston Scott and Mary Belle Gay to the State of Alabama by deed dated June 3, 1948 and recorded in Deed Book 130 at pages 395-6, Baldwin County, Alabama Records.

EXCEPTION NUMBER 3: A strip of land 330 feet wide lying West of and adjoining the East line of West Half (Lot 2) of Fractional Section 18, Township 9 South, Range 5 East, lying between the Gulf of Mexico and the 120-foot strip of land conveyed unto the State of Alabama for the use and benefit of the State Highway Department, described as beginning at a point where the South line of said 120-foot strip of land intersects said East line of West Half (Lot 2), which point is 1312 feet, more or less, South of the Northeast corner of the West Half (Lot 2) of said Fractional Section 18; thence South along said East line of West Half (Lot 2) a distance of 1130 feet, more or less, to the Gulf of Mexico; thence Westerly along the Gulf of Mexico a distance of 340 feet, more or less, to a point 330 feet West of and at right angles to said East line of West Half (Lot 2); thence North along a line 330 feet West of and parallel to said East line of West Half (Lot 2) a distance of 1085 feet, more or less, to the South line of said 120-foot strip of land; thence North 63 degrees

44 minutes East along said South line a distance of 310 feet, more or less, to a point; thence continuing North-easterly along said South line on a curve to the right (concave Southeasterly) having a radius of 5669.65 feet, a distance of 42 feet, more or less, to the point of beginning.

Said strip of land lying in the West Half (Lot 2) of Fractional Section 18, Township 9 South, Range 5 East and containing 8.33 acres, more or less, being the property heretofore conveyed by Gaston Scott and Mary Belle Gay to the State of Alabama by deed dated May 8, 1948 and recorded in Deed Book 130 at pages 169-70, Baldwin County, Alabama Records.

3. The interests of your Oratrix and the Respondents in the above described property are as follows:

Mary Belle Scott Gay, one-half.  
John Watts Scott, one-twelfth.  
Grace Revere Scott, one-twelfth.  
Thomas Jefferson Scott, one-twelfth.  
Mary Bell Scott Franklin, one-twelfth.  
Lucius Gaston Scott, one-twelfth.  
Nancy Scott Guy, one-twelfth.

4. Part of the said property is improved and has buildings situated thereon, while the remainder of the said property is unimproved, because of which it cannot be equitably divided among the said joint owners without a sale thereof and a division of the proceeds.

5. It has been necessary for your Oratrix to employ J. B. Blackburn, of Bay Minette, Alabama, and the firm of McCorvey, Turner, Rogers, Johnstone & Adams, of Mobile, Alabama, for the purpose of filing this suit to effect a division of the said property among the said joint owners.

6. It will be to the best interest of all parties to this cause that an abstract of title be made to the above described property, in order that this abstract can be examined by prospective purchasers prior to a sale, the cost of which should be taxed as a part of the costs of this proceeding.

#### PRAYER FOR PROCESS

Your Oratrix prays that the Court will take jurisdiction of this Bill of Complaint and that due notice thereof, in the form and manner prescribed by law, be given to the Respondents, requir-

ing them to appear and plead, answer or demur to this Bill of Complaint within the time allowed by law.

PRAYER FOR RELIEF

Your Oratrix prays for the following separate and several relief:

1. That the above described property be ordered sold in the manner prescribed by law for a division among the said joint owners.
2. That the Register of this Court be authorized and empowered to have a complete abstract of title, covering all of the above described property, made for examination by prospective purchasers and that the cost of such abstract be taxed as a part of the costs of this proceeding.
3. That this Court will make and enter a proper order or decree fixing the Solicitors' fee to be paid to your Oratrix's Solicitors, making it a common charge against the proceeds of the sale of the said property.
4. That such other orders be made and decrees rendered as may be requisite and proper in the premises.

J. B. Blackman

M. C. Conroy, Turner, Rogers, Johnston & Adams  
Solicitors for Oratrix.

The Complainant, Mary Belle Scott Gay, being a non-resident of the State of Alabama, I hereby acknowledge myself as security for the court costs which will be incurred in this proceeding.

J. B. Blackman

STATE OF ALABAMA )  
                          \*  
BALDWIN COUNTY     )

Before me, the undersigned authority, within and for said County in said State, personally appeared J. B. BLACKBURN, who, after being by me first duly and legally sworn, deposes and says: That he is one of the Solicitors for the Complainant in this suit; that he is informed and believes and that on such information and belief states the fact to be that the allegations contained in the foregoing Bill of Complaint are true.

J. B. Blackburn

Sworn to and subscribed before me on  
this the 18<sup>th</sup> day of May, 1951.

Mary Lee Blackburn

Notary Public, Baldwin County, Alabama.



265-0  
**RETURN RECEIPT**

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 Thomas Jefferson Scott  
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PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

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Post Office Department  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

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Post Office Department  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

(GPO)

POSTMARK OF DELIVERING  
OFFICE

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Street and Number,  
or Post Office Box,

REGISTERED ARTICLE

No.

INSURED PARCEL

Post Office

State



July 31st 1951

J. Lucius Goston Swett  
personally appeared  
before Hon. Telfair Workman  
to deny certain allegations  
in the case of Scott vs  
Swett and was excused  
by his honor until  
a later date which he  
will select

Lucius Goston Swett

witness  
and clerk

TAYLOR SCOTT GAY, as Executor  
of the Estate of MARY BELLE  
SCOTT GAY, also known as  
MARY BELLE GAY,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2650

#### FINAL DECREE

This cause coming on again to be heard on this date, which is the day set for final hearing of this cause by a decree heretofore rendered by the Court in this cause, and is submitted on the pleadings and testimony as noted by the Register, which testimony was taken in open Court, from all of which it appears to the Court and the Court renders its decree based upon the following Findings of Fact:

#### FINDINGS OF FACT

A. A survey of the property involved in this suit has been made by Harold W. Graham, a competent Civil Engineer, pursuant to a former decree of this Court, who has divided the said property into two blocks (Block A and Block B), each of which blocks has been divided into eighteen (18) equal lots or parts, and the said surveyor has prepared a map or plat thereof, a copy of which is attached to this decree and a copy of which has been filed for record in the office of the Judge of Probate of Baldwin County, Alabama, where it is recorded in Map Book 5 at page 133.

B. It has been proven to the satisfaction of the Court that each lot fronting on the Gulf of Mexico, as shown on the said map or plat prepared by the said surveyor, is of equal value and that each lot north of the road, as shown on the said map or plat, is of equal value and that it is to the best interest of all parties interested in this proceeding that the property involved in this suit be partitioned by allocating to the respective parties the same numbered lots in Block A and the same numbered lots in Block B, as shown by the said map or plat.

C. That the services rendered by J. B. Blackburn and the firm of McCorvey, Turner, Johnstone, Adams and May in filing and prosecuting this suit to conclusion is for the common benefit of all parties interested in this proceeding, and that the sum of \$10,800.00 is a reasonable fee to be paid to the said attorneys for the services so rendered by them; that the sum of \$500.00 is a reasonable amount to be paid to Harold W. Graham for surveying the said property involved in this suit and preparing the said map or plat thereof; that Thomas Jefferson Scott has paid taxes on the said property amounting to \$595.71; and that the other court costs included in this proceeding (not including the guardian ad litem's fee) amount to \$154.93, making the total costs, which are a common charge against all of the parties to this proceeding, and which should be paid by the parties to this proceeding in proportion to their interest in the said property which is partitioned herein, amount to the sum of \$12,050.64.

D. The sum of \$250.00 is a reasonable fee to be paid to Telfair J. Mashburn, Esquire, as guardian ad litem for Stephen Kyle Scott, Marguehrita Scott and Elizabeth Gaston Scott, for services rendered by him as such guardian ad litem in representing the said minor respondents, which fee shall be charged against the property allocated to the said minors in this decree in addition to one-eighteenth ( $1/18$ ) of the costs shown in the preceding paragraph.

E. That after it was proven to the satisfaction of the Court that all of the lots as shown by the said survey south of the road and fronting on the Gulf are of equal value, and that all of the lots as shown by the said survey north of the said road are of equal value, the said minor respondents, Stephen Kyle Scott, Marguehrita Scott and Elizabeth Gaston Scott, by their guardian ad litem, were first permitted by this Court to select the lots north and south of the said highway which they desired to receive in this proceeding, and selected Lot 1 in Block A and Lot 1 in Block B.

F. That Charles M. Kilborn, who acquired the interest of Grace Revere Scott after the filing of this proceeding, was next

allowed to choose the lots which he desired to receive in this proceeding, and he selected Lot 11 in Block A and Lot 11 in Block B.

G. That Nancy Scott Guy Mason Benton, acting by her Solicitor, was then allowed to choose the lots which she desired to receive in this proceeding, and she selected Lot 2 In Block A and Lot 2 in Block B.

H. That Thomas Jefferson Scott, acting by his solicitor, was then allowed to choose the lots which he desired to receive in this proceeding, and he selected Lot 12 in Block A and Lot 12 in Block B.

I. That Thomas Jefferson Scott and Irene Scott, acting by their solicitor, were then allowed to choose the lots which they desired to receive in this proceeding, and they selected Lots 13, 14, 15, 16, 17 and 18 in Block A, and Lots 13, 14, 15, 16, 17 and 18 in Block B.

J. That Taylor Scott Gay, as Executor under the Last Will and Testament of Mary Belle Gay, acting by his solicitor, was then allowed to choose the lots which he desired to receive in this proceeding, and he selected Lots 5, 6, 7, 8, 9 and 10 in Block A, and Lots 5, 6, 7, 8, 9 and 10 in Block B.

K. That John Watts Scott, not being represented by counsel, was allocated Lot 4 in Block A and Lot 4 in Block B.

L. That Mary Belle Scott Franklin, not being represented by counsel, was allocated Lot 3 in Block A and Lot 3 in Block B.

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

1. The sum of \$10,800.00 is hereby fixed as a reasonable attorneys' fee to be paid to J. B. Blackburn and to the firm of McCorvey, Turner, Johnstone, Adams and May for services rendered by them in the filing and prosecution of this suit, which said sum shall be taxed as a part of the costs of this proceeding against the lands allocated to each and all of the parties to this proceeding.

2. The sum of \$250.00 is hereby fixed and allowed to Telfair J. Mashburn, Esquire, as guardian ad litem for Stephen Kyle Scott, Marguehrita Scott and Elizabeth Gaston Scott, as a guardian ad litem's fee for the services rendered by him in representing the said minors in this proceeding, which fee shall be taxed against the property allocated to the said minors in this decree.

3. The sum of \$500.00 is hereby fixed and allowed to Harold W. Graham for surveying the property involved in this suit, as authorized by a decree heretofore rendered in this cause, and for making the map or plat of the said property.

4. The property involved in this suit, being the following described property situated in Baldwin County, Alabama, to-wit:

Lot or Subdivision 2 of Fractional Section 18, Township 9 South, Range 5 East of St. Stephens Meridian, containing 160.59 acres, more or less, EXCEPT the following described property:

EXCEPTION NO. 1: Beginning at an iron pin or stake at the Southwest corner of the Northwest Quarter of Fractional Section 18, Township 9 South, Range 5 East; thence North along the West line of said Section 18 a distance of 245 feet; thence North  $69^{\circ} 44'$  East a distance of 103.5 feet, more or less, to a point 100 feet due East of said West line; thence South and parallel to said West line of Section 18 a distance of 600 feet, more or less, to the boundary of the Gulf of Mexico at a point 100 feet due East of said West line of Section 18; thence Southwesterly along the said boundary line of the Gulf of Mexico a distance of 103.5 feet, more or less, to said West line of Section 18; thence North along said West line of Section 18 a distance of 355 feet, more or less, to the point of beginning; said 100 ft. by 600 ft. lot lying in the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter (known as Lot 2) of Fractional Section 18, Township 9 South, Range 5 East, and containing 1.38 acres, more or less, being the property heretofore conveyed by Gaston Scott and Mary Belle Gay to Julia Heins Jolley by deed dated April 7, 1948, and recorded in Deed Book 130 at pages 209-10, Baldwin County, Alabama Records.

EXCEPTION NO. 2: A strip of land 120 feet wide and 2860.2 feet long, the center line of which is described as beginning at a point where said center line, as now located and staked out, intersects the West line of Fractional Section 18, Township 9 South, Range 5 East, said point of intersection being 2210 feet, more or less, South of the Northwest corner of said Section 18; thence North  $69^{\circ} 44'$  East a distance of 228.7 feet; thence Northeasterly along a curve to the left (concave Northwesterly) having a radius of 5729.65 feet, a distance of 600 feet; thence North  $63^{\circ} 44'$  East a distance of 1970.5 feet; thence Northeasterly along a curve to the right (concave Southeasterly) having a radius of 5729.65 feet, a distance of 61.0 feet to the point of ending at intersection with the East line of the West Half (Lot 2) of Fractional Section 18, Township 9

South, Range 5 East, said point being 1252 feet, more or less, South of the Northeast corner of said West Half of Fractional Section 18; said strip of land lying in the West Half (lot 2) of Fractional Section 18, Township 9 South, Range 5 East, and containing 7.88 acres, more or less, being the property heretofore conveyed by Gaston Scott and Mary Belle Gay to the State of Alabama by deed dated June 3, 1948, and recorded in Deed Book 130 at pages 395-6, Baldwin County, Alabama Records.

EXCEPTION NO. 3: A strip of land 330 feet wide lying West of and adjoining the East line of West Half (Lot 2) of Fractional Section 18, Township 9 South, Range 5 East, lying between the Gulf of Mexico and the 120-foot strip of land conveyed unto the State of Alabama for the use and benefit of the State Highway Department, described as beginning at a point where the South line of said 120-foot strip of land intersects said East line of West Half (Lot 2), which point is 1312 feet, more or less, South of the Northeast corner of the West Half (Lot 2) of said Fractional Section 18; thence South along said East line of West Half (Lot 2) a distance of 1130 feet, more or less, to the Gulf of Mexico; thence Westerly along the Gulf of Mexico a distance of 340 feet, more or less, to a point 330 feet West of and at right angles to said East line of West Half (Lot 2); thence North along a line 330 feet West of and parallel to said East line of West Half (Lot 2) a distance of 1085 feet, more or less, to the South line of said 120-foot strip of land; thence North 63° 44' East along said South line a distance of 310 feet, more or less, to a point; thence continuing Northeasterly along said South line on a curve to the right (concave Southeasterly) having a radius of 5669.65 feet, a distance of 42 feet, more or less, to the point of beginning; said strip of land lying in the West Half (Lot 2) of Fractional Section 18, Township 9 South, Range 5 East, and containing 8.33 acres, more or less, being the property heretofore conveyed by Gaston Scott and Mary Belle Gay to the State of Alabama by deed dated May 8, 1948, and recorded in Deed Book 130 at pages 169-70, Baldwin County, Alabama Records,

shall be and it is hereby partitioned among the parties involved in this proceeding in the following manner:

(a) Lot 1 in Block A and Lot 1 in Block B, as shown by the map or plat of the said property prepared by Harold W. Graham, dated July 19, 1960, a copy of which is attached to this decree and a copy of which is recorded in Map Book 5 at page 133, Baldwin County, Alabama Records, is hereby allocated to Stephen Kyle Scott, Marguehrita Scott and Elizabeth Gaston Scott, SUBJECT, however, to one-eighteenth (1/18) of the total costs of this proceeding, which amounts to the sum of \$669.48, and to a guardian ad litem's fee of \$250.00, all of which said costs, amounting to the total sum of \$919.48, are hereby taxed against the said Lot 1 in Block A and Lot 1 in Block B, and the said parties are hereby allowed sixty (60) days from the date of this decree to pay the said costs.



Title to the said Lot 1 in the said Block A and to the said Lot 1 in the said Block B is hereby divested out of all of the parties to this proceeding, except Stephen Kyle Scott, Marguehrita Scott and Elizabeth Gaston Scott, and out of all of those who have acquired any right, title or interest in and to the said property since the filing of the lis pendens notice in this suit, and is hereby vested in Stephen Kyle Scott, Marguehrita Scott and Elizabeth Gaston Scott, as provided in and by Equity Rule Number 72.

Title to the said Lot 1 in Block A and Lot 1 in Block B is hereby quieted in the said Stephen Kyle Scott, Marguehrita Scott and Elizabeth Gaston Scott and against all of the other parties to this proceeding and against all parties who have acquired any right, title or interest in and to the said property since the filing of the lis pendens notice in this suit, subject only to that part of the costs of this proceeding which have been herein taxed against the said property.

(b) Lot 11 in Block A and Lot 11 in Block B, as shown by the map or plat of the said property prepared by Harold W. Graham, dated July 19, 1960, a copy of which is attached to this decree and a copy of which is recorded in Map Book 5 at page 133, Baldwin County, Alabama Records, is hereby allocated to Charles M. Kilborn, SUBJECT, however, to one-eighteenth (1/18) of the total costs of this proceeding, which amounts to the sum of \$669.48 and which costs are hereby taxed against the said Lot 11 in Block A and Lot 11 in Block B, and the said Charles M. Kilborn is hereby allowed sixty (60) days from the date of this decree to pay the said costs.

Title to the said Lot 11 in the said Block A and to the said Lot 11 in the said Block B is hereby divested out of all of the parties to this proceeding, except Charles M. Kilborn, and out of all of those who have acquired any right, title or interest in and to the said property since the filing of the lis pendens notice in this suit, and is hereby vested in Charles M. Kilborn, as provided in and by Equity Rule Number 72.



Title to the said Lot 11 in Block A and Lot 11 in Block B is hereby quieted in the said Charles M. Kilborn and against all of the other parties to this proceeding and against all parties who have acquired any right, title or interest in and to the said property since the filing of the lis pendens notice in this suit, subject only to that part of the costs of this proceeding which have been herein taxed against the said property.

(c) Lot 2 in Block A and Lot 2 in Block B, as shown by the map or plat of the said property prepared by Harold W. Graham, dated July 19, 1960, a copy of which is attached to this decree and a copy of which is recorded in Map Book 5 at page 133, Baldwin County, Alabama Records, is hereby allocated to Nancy Scott Guy Mason Benton, SUBJECT, however, to one-eighteenth (1/18) of the total costs of this proceeding, which amounts to the sum of \$669.48 and which costs are hereby taxed against the said Lot 2 in Block A and Lot 2 in Block B, and the said Nancy Scott Guy Mason Benton is hereby allowed sixty (60) days from the date of this decree to pay the said costs.

Title to the said Lot 2 in the said Block A and to the said Lot 2 in the said Block B is hereby divested out of all of the parties to this proceeding, except Nancy Scott Guy Mason Benton and out of all of those who have acquired any right, title or interest in and to the said property since the filing of the lis pendens notice in this suit, and is hereby vested in Nancy Scott Guy Mason Benton, as provided in and by Equity Rule Number 72.

Title to the said Lot 2 in Block A and Lot 2 in Block B is hereby quieted in the said Nancy Scott Guy Mason Benton and against all of the other parties to this proceeding and against all parties who have acquired any right, title or interest in and to the said property since the filing of the lis pendens notice in this suit, subject only to that part of the costs of this proceeding which have been herein taxed against the said property.

(d) Lot 12 in Block A and Lot 12 in Block B, as shown by the map or plat of the said property prepared by Harold W. Graham, dated July 19, 1960, a copy of which is attached to this decree and a copy of which is recorded in Map Book 5 at page 133, Baldwin County, Alabama Records, is hereby allocated to Thomas Jefferson Scott, SUBJECT, however, to one-eighteenth (1/18) of the total costs of this proceeding, which amounts to the sum of \$669.48 and which costs are hereby taxed against the said Lot 12 in Block A and Lot 12 in Block B, and the said Thomas Jefferson Scott is hereby allowed sixty (60) days from the date of this decree to pay the said costs.

Title to the said Lot 12 in the said Block A and to the said Lot 12 in the said Block B is hereby divested out of all of the parties to this proceeding, except Thomas Jefferson Scott, and out of all of those who have acquired any right, title or interest in and to the said property since the filing of the lis pendens notice in this suit, and is hereby vested in Thomas Jefferson Scott, as provided in and by Equity Rule Number 72.

Title to the said Lot 12 in Block A and Lot 12 in Block B is hereby quieted in the said Thomas Jefferson Scott and against all of the other parties to this proceeding and against all parties who have acquired any right, title or interest in and to the said property since the filing of the lis pendens notice in this suit, subject only to that part of the costs of this proceeding which have been herein taxed against the said property.

(e) Lots 13, 14, 15, 16, 17 and 18 in Block A, and Lots 13, 14, 15, 16, 17 and 18 in Block B, as shown by the map or plat of the said property prepared by Harold W. Graham, dated July 19, 1960, a copy of which is attached to this decree and a copy of which is recorded in Map Book 5 at page 133, Baldwin County, Alabama Records, are hereby allocated to Thomas Jefferson Scott and Irene Scott, SUBJECT, however, to six-eighteenhs (6/18) of the total costs of this proceeding, which amounts to the sum of \$4,016.88 and which costs are hereby taxed against the said Lots 13, 14, 15, 16,

17 and 18 in Block A, and Lots 13, 14, 15, 16, 17 and 18 in Block B, and the said Thomas Jefferson Scott and Irene Scott are hereby allowed sixty (60) days from the date of this decree to pay the said costs.

Title to the said Lots 13, 14, 15, 16, 17 and 18 in the said Block A and to the said Lots 13, 14, 15, 16, 17 and 18 in the said Block B is hereby divested out of all of the parties to this proceeding, except Thomas Jefferson Scott and Irene Scott, and out of all of those who have acquired any right, title or interest in and to the said property since the filing of the lis pendens notice in this suit, and is hereby vested in Thomas Jefferson Scott and Irene Scott, as provided in and by Equity Rule Number 72.

Title to the said Lots 13, 14, 15, 16, 17 and 18 in Block A and Lots 13, 14, 15, 16, 17 and 18 in Block B is hereby quieted in the said Thomas Jefferson Scott and Irene Scott and against all of the other parties to this proceeding and against all parties who have acquired any right, title or interest in and to the said property since the filing of the lis pendens notice in this suit, subject only to that part of the costs of this proceeding which have been herein taxed against the said property.

(f) Lots 5, 6, 7, 8, 9 and 10 in Block A, and Lots 5, 6, 7, 8, 9 and 10 in Block B, as shown by the map or plat of the said property prepared by Harold W. Graham, dated July 19, 1960, a copy of which is attached to this decree and a copy of which is recorded in Map Book 5 at page 133, Baldwin County, Alabama Records, are hereby allocated to Taylor Scott Gay, as Executor under the Last Will and Testament of Mary Belle Gay, SUBJECT, however, to six-eighths (6/8) of the total costs of this proceeding, which amounts to the sum of \$4,016.88 and which costs are hereby taxed against the said Lots 5, 6, 7, 8, 9 and 10 in Block A and Lots 5, 6, 7, 8, 9 and 10 in Block B, and the said Taylor Scott Gay, as Executor under the Last Will and Testament of Mary Belle Gay, is hereby allowed sixty (60) days from the date of this decree to pay the said costs.

Title to the said Lots 5, 6, 7, 8, 9 and 10 in Block A and to the said Lots 5, 6, 7, 8, 9 and 10 in Block B is hereby divested out of all of the parties to this proceeding, except Taylor Scott Gay, as Executor under the Last Will and Testament of Mary Belle Gay, and out of all of those who have acquired any right, title or interest in and to the said property since the filing of the lis pendens notice in this suit, and is hereby vested in Taylor Scott Gay, as Executor under the Last Will and Testament of Mary Belle Gay, as provided in and by Equity Rule Number 72.

Title to the said Lots 5, 6, 7, 8, 9 and 10 in Block A and Lots 5, 6, 7, 8, 9 and 10 in Block B is hereby quieted in the said Taylor Scott Gay, as Executor under the Last Will and Testament of Mary Belle Gay, and against all of the other parties to this proceeding and against all parties who have acquired any right, title or interest in and to the said property since the filing of the lis pendens notice in this suit, subject only to that part of the costs of this proceeding which have been herein taxed against the said property.

(g) Lot 4 in Block A and Lot 4 in Block B, as shown by the map or plat of the said property prepared by Harold W. Graham, dated July 19, 1960, a copy of which is attached to this decree and a copy of which is recorded in Map Book 5 at page 133, Baldwin County, Alabama Records, is hereby allocated to John Watts Scott, SUBJECT, however, to one-eighteenth (1/18) of the total costs of this proceeding, which amounts to the sum of \$669.48 and which costs are hereby taxed against the said Lot 4 in Block A and Lot 4 in Block B, and the said John Watts Scott is hereby allowed sixty (60) days from the date of this decree to pay the said costs.

Title to the said Lot 4 in the said Block A and to the said Lot 4 in the said Block B is hereby divested out of all of the parties to this proceeding, except John Watts Scott, and out of all of those who have acquired any right, title or interest in and to the said property since the filing of the lis pendens notice in this suit, and is hereby vested in John Watts Scott, as provided in and by Equity Rule Number 72.

Title to the said Lot 4 in Block A and Lot 4 in Block B is hereby quieted in the said John Watts Scott and against all of the other parties to this proceeding and against all parties who have acquired any right, title or interest in and to the said property since the filing of the lis pendens notice in this suit, subject only to that part of the costs of this proceeding which have been herein taxed against the said property.

(h) Lot 3 in Block A and Lot 3 in Block B, as shown by the map or plat of the said property prepared by Harold W. Graham, dated July 19, 1960, a copy of which is attached to this decree and a copy of which is recorded in Map Book 5 at page 133, Baldwin County, Alabama Records, is hereby allocated to Mary Belle Scott Franklin, SUBJECT, however, to one-eighteenth (1/18) of the total costs of this proceeding, which amounts to the sum of \$669.48 and which costs are hereby taxed against the said Lot 3 in Block A and Lot 3 in Block B, and the said Mary Belle Scott Franklin is hereby allowed sixty (60) days from the date of this decree to pay the said costs.

Title to the said Lot 3 in the said Block A and to the said Lot 3 in the said Block B is hereby divested out of all of the parties to this proceeding, except Mary Belle Scott Franklin, and out of all of those who have acquired any right, title or interest in and to the said property since the filing of the lis pendens notice in this suit, and is hereby vested in Mary Belle Scott Franklin, as provided in and by Equity Rule Number 72.

Title to the said Lot 3 in Block A and Lot 3 in Block B is hereby quieted in the said Mary Belle Scott Franklin and against all of the other parties to this proceeding and against all parties who have acquired any right, title or interest in and to the said property since the filing of the lis pendens notice in this suit, subject only to that part of the costs of this proceeding which have been herein taxed against the said property.

5. The Register of this Court shall promptly file a copy of this decree for record in the office of the Judge of Probate of

Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

6. In the event any of the parties to this proceeding who have been allocated a part of the property involved in this suit in this decree shall fail to pay the costs which are taxed against the said lots before the expiration of sixty (60) days from the date of this decree, the Register of this Court is hereby authorized, empowered, instructed and directed to sell that part of the said property on which the costs have not been paid at public sale to the highest bidder for cash at the front door of the courthouse at Bay Minette in Baldwin County, Alabama, after first giving notice of the time, place, terms and purpose of the said sale by publication once a week for three successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, which said sale shall be held at 11:00 o'clock A. M., Central Standard Time, on the fifth Tuesday after the expiration of sixty (60) days from the date of this decree. After holding the said sale or sales, the Register of this Court shall report her actions in the premises to this Court for confirmation, and on such confirmation the Register shall make, execute and deliver proper conveyance of the said property to the purchaser thereof.

ORDERED, ADJUDGED AND DECREED on this the 24 day of  
April, 1961.

Hubert M. Stace  
Judge

TAYLOR SCOTT GAY, as Executor  
of the Estate of MARY BELLE  
SCOTT GAY, also known as MARY  
BELLE GAY,

Complainant,  
VS.

JOHN WATTS SCOTT, ET AL.,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2650

RELEASE OF LIEN

The respondent, John Watts Scott, has paid to the under-  
signed Register the sum of Six Hundred Sixty-nine and 48/100 Dollars  
(\$669.48), which is that part of the costs of this proceeding which  
was taxed against him in the final decree heretofore rendered in  
this cause, dated April 24, 1961, the receipt whereof is hereby  
acknowledged.

In consideration of the said payment, the lien which was  
fixed in the said decree is hereby released as to that part of the  
property allocated to the said respondent in the said decree, which  
is the following described property situated in Baldwin County,  
Alabama, to-wit:

Lot 4 in Block A, and Lot 4 in Block B, according to  
the map or plat of the said property which is attached  
to the said decree, a certified copy of which said  
final decree is recorded in Deed Book 304 at pages  
1-13, Baldwin County, Alabama Records, a copy of which  
map or plat is also recorded in Map Book 5 at page  
133, Baldwin County, Alabama Records.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
the seal of the court on this the 30th day of June, 1961.

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

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I, \_\_\_\_\_, a Notary Public,  
within and for said County in said State, hereby certify that  
Alice J. Duck, whose name as Register of the Circuit Court of Baldwin

County, Alabama, in Equity, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she, in her capacity as such Register, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 30th day of June, 1961.

---

Notary Public, Baldwin County, Alabama



TAYLOR SCOTT GAY, as Executor  
of the Estate of MARY BELLE  
SCOTT GAY, also known as MARY  
BELLE GAY,

Complainant,  
VS.

JOHN WATTS SCOTT, ET AL.,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2650

#### RELEASE OF LIEN

The respondent, Charles M. Kilborn, has paid to the undersigned Register the sum of SIX HUNDRED SIXTY-NINE AND 48/100 DOLLARS (\$669.48), which is that part of the costs of this proceeding which was taxed against him in the final decree heretofore rendered in this cause, dated April 24, 1961, the receipt whereof is hereby acknowledged.

In consideration of the said payment, the lien which was fixed in the said decree is hereby released as to that part of the property allocated to the said respondent in the said decree, which is the following described property situated in Baldwin County, Alabama, to-wit:

Lot 11 in Block A, and Lot 11 in Block B, according to the map or plat of the said property which is attached to the said decree, a certified copy of which said final decree is recorded in Deed Book 304 at pages 1-13, Baldwin County, Alabama Records, a copy of which map or plat is also recorded in Map Book 5 at page 133, Baldwin County, Alabama Records.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the court on this the 30th day of June, 1961.

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

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I, \_\_\_\_\_, a Notary Public,  
within and for said County in said State, hereby certify that  
Alice J. Duck, whose name as Register of the Circuit Court of  
Baldwin County, Alabama, in Equity, is signed to the foregoing

instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she, in her capacity as such Register, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 30th day of June, 1961.

---

Notary Public, Baldwin County, Alabama

TAYLOR SCOTT GAY, as Executor  
of the Estate of MARY BELLE  
SCOTT GAY, also known as MARY  
BELLE GAY,

VS. Complainant,

JOHN WATTS SCOTT, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2650

#### RELEASE OF LIEN

The respondents, Thomas Jefferson Scott and Irene Scott, have paid to the undersigned Register the sum of FOUR THOUSAND SIXTEEN AND 88/100 DOLLARS (\$4,016.88), which is that part of the costs of this proceeding which was taxed against them in the final decree heretofore rendered in this cause, dated April 24, 1961, the receipt whereof is hereby acknowledged.

In consideration of the said payment, the lien which was fixed in the said decree is hereby released as to that part of the property allocated to the said respondents in the said decree, which is the following described property situated in Baldwin County, Alabama, to-wit:

Lots 13, 14, 15, 16, 17 and 18 in Block A, and  
Lots 13, 14, 15, 16, 17 and 18 in Block B, accord-  
ing to the map or plat of the said property which  
is attached to the said decree, a certified copy of  
which said final decree is recorded in Deed Book  
304 at pages 1-13, Baldwin County, Alabama Records,  
a copy of which map or plat is also recorded in  
Map Book 5 at page 133, Baldwin County, Alabama  
Records.

IN WITNESS WHEREOF, I have hereunto set my hand and af-  
fixed the seal of the court on this the 30th day of June, 1961.

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

STATE OF ALABAMA )  
BALDWIN COUNTY )

I, \_\_\_\_\_, a Notary Public,  
within and for said County in said State, hereby certify that  
Alice J. Duck, whose name as Register of the Circuit Court of

Baldwin County, Alabama, in Equity, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she, in her capacity as such Register, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 30th day of June, 1961.

---

Notary Public, Baldwin County, Alabama

TAYLOR SCOTT GAY, as Executor  
of the Estate of MARY BELLE  
SCOTT GAY, also known as MARY  
BELLE GAY,  
  
Complainant,  
  
VS.  
  
JOHN WATTS SCOTT, ET AL.,  
  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2650

RELEASE OF LIEN

The respondent, Thomas Jefferson Scott, has paid to the undersigned Register the sum of SIX HUNDRED SIXTY-NINE AND 48/100 DOLLARS (\$669.48), which is that part of the costs of this proceeding which was taxed against him in the final decree heretofore rendered in this cause, dated April 24, 1961, the receipt whereof is hereby acknowledged.

In consideration of the said payment, the lien which was fixed in the said decree is hereby released as to that part of the property allocated to the said respondent in the said decree, which is the following described property situated in Baldwin County, Alabama, to-wit:

Lot 12 in Block A, and Lot 12 in Block B, according to the map or plat of the said property which is attached to the said decree, a certified copy of which said final decree is recorded in Deed Book 304 at pages 1-13, Baldwin County, Alabama Records, a copy of which map or plat is also recorded in Map Book 5 at page 133, Baldwin County, Alabama Records.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the court on this the 30th day of June, 1961.

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

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I, \_\_\_\_\_, a Notary Public,  
within and for said County in said State, hereby certify that  
Alice J. Duck, whose name as Register of the Circuit Court of Baldwin  
County, Alabama, in Equity, is signed to the foregoing instrument,  
and who is known to me, acknowledged before me on this day that,  
being informed of the contents of the instrument, she, in her capacity

as such Register, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 30th day of June, 1961.

---

Notary Public, Baldwin County, Alabama

TAYLOR SCOTT GAY, as Executor  
of the Estate of MARY BELLE  
SCOTT GAY, also known as  
MARY BELLE GAY,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2650

#### RELEASE OF LIEN

The complainant, Taylor Scott Gay, as Executor of the Estate of Mary Belle Scott Gay, also known as Mary Belle Gay, has paid to the undersigned Register the sum of Four Thousand Sixteen and 88/100 Dollars (\$4,016.88), which is that part of the costs of this proceeding which was taxed against him in the final decree heretofore rendered in this cause, dated April 24, 1961, the receipt whereof is hereby acknowledged.

In consideration of the said payment, the lien which was fixed in the said decree is hereby released as to that part of the property allocated to the said complainant in the said decree, which is the following described property situated in Baldwin County, Alabama, to-wit:

Lots 5, 6, 7, 8, 9 and 10 in Block A, and Lots 5, 6, 7, 8, 9 and 10 in Block B, according to the map or plat of the said property which is attached to the said decree, a certified copy of which said final decree is recorded in Deed Book 304 at pages 1-13, Baldwin County, Alabama Records, a copy of which map or plat is also recorded in Map Book 5 at page 133, Baldwin County, Alabama Records.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the court on this the 30th day of June, 1961.

---

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

STATE OF ALABAMA    )  
                          \*  
BALDWIN COUNTY        )

I, \_\_\_\_\_, a Notary Public,  
within and for said County in said State, hereby certify that  
Alice J. Duck, whose name as Register of the Circuit Court of  
Baldwin County, Alabama, in Equity, is signed to the foregoing  
instrument, and who is known to me, acknowledged before me on this  
day that, being informed of the contents of the instrument, she,  
in her capacity as such Register, executed the same voluntarily on  
the day the same bears date.

Given under my hand and official seal on this the 30th  
day of June, 1961.

---

Notary Public, Baldwin County, Alabama



TAYLOR SCOTT GAY, as Executor  
of the Estate of MARY BELLE  
SCOTT GAY, also known as  
MARY BELLE GAY,  
Complainant,  
VS.  
JOHN WATTS SCOTT, ET AL.,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2650

#### RELEASE OF LIEN

The respondent, Mary Belle Scott Franklin, has paid to the undersigned Register the sum of Six Hundred Sixty-nine and 48/100 Dollars (\$669.48), which is that part of the costs of this proceeding which was taxed against her in the final decree heretofore rendered in this cause, dated April 24, 1961, the receipt whereof is hereby acknowledged.

In consideration of the said payment, the lien which was fixed in the said decree is hereby released as to that part of the property allocated to the said respondent in the said decree, which is the following described property situated in Baldwin County, Alabama, to-wit:

Lot 3 in Block A, and Lot 3 in Block B, according to the map or plat of the said property which is attached to the said decree, a certified copy of which said final decree is recorded in Deed Book 304 at pages 1-13, Baldwin County, Alabama Records, a copy of which map or plat is also recorded in Map Book 5 at page 133, Baldwin County, Alabama Records.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the court on this the 30th day of June, 1961.

---

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

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I, \_\_\_\_\_, a Notary Public, within and for said County in said State, hereby certify that Alice J. Duck, whose name as Register of the Circuit Court of Baldwin County, Alabama, in Equity, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she, in her capacity as

such Register, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 30th day of June, 1961.

---

Notary Public, Baldwin County, Alabama

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MARY BELLE SCOTT GAY,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 2650

DECREE OF REVIVOR

Taylor Scott Gay, having filed his Petition setting up that Mary Belle Scott Gay, the Complainant in this cause, has died since the commencement of this suit and that Letters Testamentary under the Last Will and Testament of said Complainant have been issued to him as Executor of said estate by the Probate Court of Middlesex County, Massachusetts; that he has qualified and is now acting as said Executor and praying that he be allowed to enter and prosecute the above styled cause in his own name as said Executor in the same manner as the Complainant might have done had she continued to live; it is, therefore

ORDERED, ADJUDGED AND DECREED by the Court that the said Petition be granted and that this cause be revived in the name of Taylor Scott Gay, as Executor of the estate of Mary Belle Scott Gay, also known as Mary Belle Gay, and he is hereby allowed and permitted to enter and prosecute the above styled cause in his own name as said Executor, in the same manner as Mary Belle Scott Gay might have done had she continued to live.

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

HUBERT M. HALL

Judge.

TAYLOR SCOTT GAY, As Executor )  
of the Estate of MARY BELLE )  
SCOTT GAY, also known as )  
MARY BELLE GAY, Deceased, )  
Complainant, )  
VS. )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2650

JOHN WATTS SCOTT, et al., )  
Respondents. )

DECREE ORDERING PRETRIAL CONFERENCE

A pretrial conference is hereby called in this proceeding and will be held at 9:30 A.M. on December 9, 1960, at the courthouse in Bay Minette, Alabama, for all of the purposes provided for in Equity Rule No. 38.

The Register of this Court is hereby instructed and directed to give written notice of the said pretrial conference to the attorneys for all parties to this proceeding.

ORDERED, ADJUDGED AND DECREED on this the 22 day of November, 1960.

*Hubert M. Stale*

Judge.

FILED  
Nov. 22, 1960  
Alice J. Duck, Register.

MARY BELLE SCOTT GAY,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 2650

DECREE OF REVIVOR

Taylor Scott Gay, having filed his Petition setting up that Mary Belle Scott Gay, the Complainant in this cause, has died since the commencement of this suit and that Letters Testamentary under the Last Will and Testament of said Complainant have been issued to him as Executor of said estate by the Probate Court of Middlesex County, Massachusetts; that he has qualified and is now acting as said Executor and praying that he be allowed to enter and prosecute the above styled cause in his own name as said Executor in the same manner as the Complainant might have done had she continued to live; it is, therefore

ORDERED, ADJUDGED AND DECREED by the Court that the said Petition be granted and that this cause be revived in the name of Taylor Scott Gay, as Executor of the estate of Mary Belle Scott Gay, also known as Mary Belle Gay, and he is hereby allowed and permitted to enter and prosecute the above styled cause in his own name as said Executor, in the same manner as Mary Belle Scott Gay might have done had she continued to live.

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

HUBERT M. HALL

Judge.

The State of Alabama  
Baldwin County

Circuit Court

Equity

To

*Mildred B. Gay*  
*3301 Merrick*  
*Houston, Texas*

You are hereby commanded to appear and plead, answer or demur, within thirty days from the service hereof, as provided by an Act of the Legislature of Alabama, approved September 25th, 1919, to a Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, against you, Defendant....., by *Graydon L. Newman* Complainant.....

A copy of which Bill of Complaint is hereto attached.

Witness by hand, this

*27th* day of *July*

195 *3*

*W. J. Ruck*  
Register

GRAYDON L. NEWMAN

COMPLAINANT

VS.

GEORGE B. GAY, JR., MILDRED G. GAY,  
W. B. BURMEISTER, CLARA V. BURMEISTER,  
H. V. CARLMAN AND IRMA R. CARLMAN  
(MRS. H. V. CARLMAN)

RESPONDENTS

CASE NO. \_\_\_\_\_

IN THE CIRCUIT COURT OF THE  
TWENTY-EIGHT JUDICIAL CIRCUIT  
OF ALABAMA

IN EQUITY

BILL OF COMPLAINT

TO THE HONORABLE H. W. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,  
SITTING IN EQUITY:

Your complainant, Graydon L. Newman, respectfully represents and shows unto  
your Honor:

(1) That the complainant, Graydon L. Newman, is over the age of twenty-one years and is a resident of Jefferson County, Alabama. Further that the respondents, George B. Gay, Jr., is over the age of twenty-one years and resides at 3301 Merrick, Houston, Texas; that Mildred G. Gay, is over the age of twenty-one years and resides at 3301 Merrick, Houston, Texas; that W. B. Burmeister, is over the age of twenty-one years and resides at Foley, Alabama; that Clara V. Burmeister, is over the age of twenty-one years and resides at Foley, Alabama; that H. V. Carlman, is over the age of twenty-one years and resides at 1700 Hunter Avenue, Mobile, Alabama; that Irma R. Carlman (Mrs. H. V. Carlman) is over the age of twenty-one years and resides at 1700 Hunter Avenue, Mobile, Alabama.

(2) That the Complainant is in the peaceable possession of the following described real estate, situated in Baldwin County, Alabama, claiming to own the said real estate in his own right: to-wit:-

Lot Twenty-three, Block three, Unit two, Gulf Shores, Alabama.

(3) That the complainant is informed and believes, and upon such information and belief avers the facts to be, that the above named respondents: George B. Gay, Jr., Mildred G. Gay, W. B. Burmeister, Clara V. Burmeister, H. V. Carlman and Irma R. Carlman (Mrs. H. V. Carlman), claim or are reputed to claim, some right, title or interest in or encumbrance upon the real estate described in Paragraph (2) of this bill of complaint.

(4) That no suit is pending to enforce or test the validity of such title, claim or encumbrance.

(5) That your complainant now calls upon each of the aforementioned persons to set forth and specify his or her title, claim, interest or encumbrance and how and by what instrument the same is derived and created.

WHEREFORE PRAYERS CONSIDERED, Complainant prays that the aforesaid GEORGE B. GAY, JR., WILLIAM G. GAY, W. B. BURMISTEN, CLARA V. BURMISTEN, E. V. CARLSON and IRMA R. CARLSON (MRS. E. V. CARLSON), be made parties respondent to this bill of complaint and that writs of subpoena or other appropriate writs be issued from this Court commanding the said GEORGE B. GAY, JR., WILLIAM G. GAY, W. B. BURMISTEN, CLARA V. BURMISTEN, E. V. CARLSON and IRMA R. CARLSON (MRS. E. V. CARLSON), to appear in this Court and demur, plead or otherwise defend against this bill of complaint in the time required by law or the rules of this Honorable Court, or suffer the same to be taken as confessed against them. And upon a final hearing of this cause, your Complainant prays that your Honors will finally adjudge and decree that the Complainant is the owner of and under his claim of ownership is in possession of the real estate described in Paragraph (2) of this bill of complaint. And if your Complainant has not prayed for the proper relief heretofore, Complainant prays for such other, farther and different relief as to your Honors may seem fit and proper, and as in duty bound he will ever pray.

WILLIAM A. BRANTLEY

By Robert M. Brantley

WILLIAM A. BRANTLEY

FILED  
OCT 23 1923

RECORDERS

GEORGE B. GAY, JR., et al.

vs.

COMPLAINANT

DAVIDSON P. HENRY

BILL OF COMPLAINT

76 302-2



STATE OF ALABAMA §

BALDWIN COUNTY \*

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JOHN WATTS SCOTT, GRACE REVERE SCOTT, THOMAS JEFFERSON SCOTT, MARY BELL SCOTT FRANKLIN, LUCIUS GASTON SCOTT and NANCY SCOTT GUY to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County, Equity Side, then and there to answer the Bill of Complaint filed against them by MARY BELLE SCOTT GAY.

WITNESS my hand this 18th day of May, 1951.

/s/ ALICE J. DUCK

Register

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Oratrix, Mary Belle Scott Gay, presents this Bill of Complaint  
against John Watts Scott, Grace Revere Scott, Thomas Jefferson Scott, Mary  
Bell Scott Franklin, Lucius Gaston Scott, and Nancy Scott Guy and, thereupon,  
your Oratrix complains and shows unto the Court and your Honor as follows:

1. She is over twenty-one years of age and a non-resident of the  
State of Alabama. The Respondents are each over twenty-one years of age and  
their places of residence and post office addresses are as follows:

John Watts Scott  
Jemison, Alabama

Grace Revere Scott  
211A DeSales Avenue,  
Mobile 17, Alabama,

or

432 South McDonough Street,  
Montgomery, Alabama.

Thomas Jefferson Scott,  
24000th Street Northeast,  
Washington, D. C.

Mary Bell Scott Franklin  
Box 525  
Wialua Star Route,  
Wialua, Oahu, T. H.

Lucius Gaston Scott,  
310 McDonald Street,  
Mobile, Alabama.

Nancy Scott Guy,  
535  
Wialua Star Route,  
Wialua, Oahu, T. H.

2. Your Oratrix and the Respondents are joint owners or tenants  
in common of the following described real property situated in Baldwin County,  
Alabama, to-wit:

Lot or Subdivision 2 of Fractional Section 18, Township 9 South,  
Range 5 East of St. Stephens Meridian, containing 160.59 acres,  
more or less, except the following described property:

EXCEPTION NUMBER 1: Beginning at an iron pin or stake at the  
Southwest corner of the Northwest Quarter of Fractional Section 18,  
Township 9 South, Range 5 East; thence Northe along the West line  
of said Section 18 a distance of 245 feet; thence North 69 degrees  
44 minutes East a distance of 103.5 feet, more or less, to a point  
100 feet due East of said West Line; thence South and parallel to  
said West line of Section 18 a distance of 600 feet, more or less,

to the boundary of the Gulf of Mexico at a point 100 feet due East of said West line of Section 18; thence Southwesterly along said boundary line of the Gulf of Mexico a distance of 103.5 feet, more or less, to said West line of Section 18; thence North along said West line of Section 18 a distance of 355 feet, more or less, to the point of beginning.

Said 100 ft. by 600 ft. lot lying in the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter (known as Lot 2) of Fractional Section 18, Township 9 South, Range 5 East and containing 1.38 acres, more or less, being the property heretofore conveyed by Gaston Scott and Mary Belle Gay to Julia Heins Jolley by deed dated April 7, 1948 and recorded in Deed Book 130 at pages 209-10, Baldwin County, Alabama Records.

EXCEPTION NUMBER 2: A strip of land 120 feet wide and 2860.2 feet long, the centerline of which is described as beginning at a point where said centerline, as now located and staked out, intersects the West line of Fractional Section 18, Township 9 South, Range 5 East, said point of intersection being 2210 feet, more or less, South of the Northwest corner of said Section 18; thence North 69 degrees 44 minutes East a distance of 228.7 feet; thence Northeasterly along a curve to the left (concave northwesterly) having a radius of 5729.65 feet, a distance of 600 feet; thence North 63 degrees 44 minutes East a distance of 1970.5 feet; thence Northeasterly along a curve to the right (concave Southeasterly), having a radius of 5729.65 feet, a distance of 61.0 feet to the point of ending at intersection with the East line of the West Half (Lot 2) of Fractional Section 18, Township 9 South, Range 5 East, said point being 1252 feet, more or less, South of the Northeast corner of said West Half of Fractional Section 18.

Said strip of land lying in the West Half (Lot 2) of Fractional Section 18, Township 9 South, Range 5 East and containing 7.88 acres, more or less, being the property heretofore conveyed by Gaston Scott and Mary Belle Gay to the State of Alabama by deed dated June 3, 1948 and recorded in Deed Book 130 at pages 395-6, Baldwin County, Alabama Records.

EXCEPTION NUMBER 3: A strip of land 330 feet wide lying West of and adjoining the East line of West Half (Lot 2) of Fractional Section 18, Township 9 South, Range 5 East, lying between the Gulf of Mexico and the 120-foot strip of land conveyed unto the State of Alabama for the use and benefit of the State Highway Department, described as beginning at a point where the South line of said 120-foot strip of land intersects said East line of West Half (Lot 2), which point is 1312 feet, more or less, South of the Northeast corner of the West Half (Lot 2) of said Fractional Section 18; thence South along said East line of West Half (Lot 2) a distance of 1130 feet, more or less, to the Gulf of Mexico; thence Westerly along the Gulf of Mexico a distance of 340 feet, more or less, to a point 330 feet West of and at right angles to said East line of West Half (Lot 2); thence North along a line 330 feet West of and parallel to said East line of West Half (Lot 2) a distance of 1085 feet, more or less, to the South line of said 120-foot strip of land; thence North 63 degrees 44 minutes East along said South line a distance of 310 feet, more or less, to a point; thence continuing Northeasterly along said South line on a curve to the right (concave Southeasterly) having a radius of 5669.65 feet, a distance of 42 feet, more or less, to the point of beginning.

Said strip of land lying in the West Half (Lot 2) of Fractional Section 18, Township 9 South, Range 5 East and containing 8.33 acres, more or less, being the property heretofore conveyed by Gaston Scott and MaryBelle Gay to the State of Alabama by deed dated May 8, 1948 and recorded in Deed Book 130 at pages 169-70, Baldwin County, Alabama Records.

3. The interests of your Oratrix and the Respondents in the above described property are as follows:

Mary Belle Scott Gay, one-half.  
John Watts Scott, one-twelfth.  
Grace Revere Scott, one-twelfth.  
Thomas Jefferson Scott, one-twelfth.  
Mary Bell Scott Franklin, one-twelfth.  
Lucius Gaston Scott, one-twelfth.  
Nancy Scott Guy, one-twelfth.

4. Part of the said property is improved and has buildings situated thereon, while the remainder of the said property is unimproved, because of which it cannot be equitable divided among the said joint owners without a sale thereof and a division of the proceeds.

5. It has been necessary for your Oratrix to employ J. B. Blackburn, of Bay Minette, Alabama, and the firm of McCorvey, Turner, Rogers, Johnstone & Adams, of Mobile, Alabama, for the purpose of filing this suit to effect a division of the said property among the said joint owners.

6. It will be to the best interest of all parties to this cause that an abstract of title be made to the above described property, in order that this abstract can be examined by prospective purchasers prior to sale, the cost of which should be taxed as a part of the costs of this proceeding.

#### PRAYER FOR PROCESS

Your Oratrix prays that the Court will take jurisdiction of this Bill of Complaint and that due notice thereof, in the form and manner prescribed by law, be given to the Respondents, requiring them to appear and plead, answer or demur to this Bill of Complaint within the time allowed by law.

#### PRAYER FOR RELIEF

Your Oratrix prays for the following separate and several relief:

1. That the above described property be ordered sold in the manner prescribed by law for a division among the said joint owners.

2. That the Register of this Court be authorized and empowered to have a complete abstract of title, covering all of the above described property, made for examination by prospective purchasers and that the cost of such abstract be taxed as a part of the costs of this proceeding.

3. That this Court will make and enter a proper order or decree fixing the Solicitors' fee to be paid to your Oratrix's Solicitors, making it a common charge against the proceeds of the sale of the said property.

4. That such other orders be made and decrees rendered as may be requisite and proper in the premises.

/s/ J. B. BLACKBURN

/s/ McCONVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

Solicitors for Oratrix.

The Complainant, Mary Belle Scott Gay,  
being a non-resident of the State of  
Alabama, I hereby acknowledge myself  
as security for the court costs which  
will be incurred in this proceeding.

/s/ J. B. BLACKBURN

STATE OF ALABAMA     )  
                              \*  
BALDWIN COUNTY        )

Before me, the undersigned authority, within and for said County in said State, personally appeared J. B. BLACKBURN, who, after being by me first duly and legally sworn, deposes and says: That he is one of the Solicitors for the Complainant in this suit; that he is informed and believes and that on such information and belief states the fact to be that the allegations contained in the foregoing Bill of Complaint are true.

/s/ J. B. BLACKBURN

Sworn to and subscribed before me on  
this the 18th day of May, 1951.

/s/ MARY LOU BLACKBURN

Notary Public, Baldwin County, Alabama.

*Compliments Exhibit 2*

Fairhope, Alabama,  
September 20, 1960

Mr. Taylor Scott Gay,  
Administrator Estate of Mary Bell Gay,  
Baldwin County Circuit Court,  
Bay Minette, Alabama.

To survey and subdivision of U. S. Sub-division #2,  
Section 18, Township 9 South, Range 5 East, in accordance  
with Baldwin County Circuit Court Decree in Equity-----\$500.00

*J. W. Graham*

2688

ROBERT EDWARD VARNER  
ATTORNEY AND COUNSELOR AT LAW  
TUSKEGEE, ALABAMA

TELEPHONE 912

April 27, 1954

Alice J. Duck  
Register and Clerk of  
the Circuit Court  
Bay Minette, Ala.

Re: Mary Belle Scott Gay  
Vs: John Watts Scott, et als

Dear Mrs. Duck:

Thank you for your letter of April 21, 1954, notifying me of the hearing in the above case. I assume that this is a hearing on my motion for a rehearing on the question of the reviver.

Upon investigation, I find that the reviver is proper so I should like to dismiss my motion therefor. I shall appreciate your considering this as my dismissal of the motion for a rehearing.

Yours very truly,



Robert E. Varner

REV:rj

P. S. Kindly enter the names of Denson & Denson of Opelika as additional counsel for Mrs. Elizabeth Z. Scott.



1127 Andora Avenue  
Coral Gables, Florida  
December 23, 1952.

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

Re: Mary Belle Scott Gay Vs. John  
Watts Scott, et al.

Dear Mrs. Duck:

I have just been advised that the above proceedings is pending in your court involving certain property in which I am interested. As a matter of fact I have a lease on this property which lease is recorded in Book 159, Page 29 of the Records in the Office of the Judge of Probate of Baldwin County, Alabama. A lease on a portion of the property involved in the above litigation was made to me for the term of twenty years and the parties to said proceedings can examine same in the Probate Records of your county.

I also have a claim against certain improvements on this property. In 1948 L. G. Scott and I were partners in a real estate business in Gulf Shores, Alabama. An office was built on property loaned to me by George Meyers of Gulf Shores. In 1950 this building was moved without my consent or knowledge by L. G. Scott to the above location. This building was known as the Driftwood Inn.

In 1948 I had a foundation and floor erected on the above property and when I moved out of the state temporarily work was discontinued. The material that went into the foundation and floor cost me \$1146.95. This foundation and floor was removed and sold by L. G. Scott without my knowledge or consent and against my wishes. He had no right to this property of any sort.

It is for the above reasons that I claim an interest in the property that the above litigation concerns.

I understand that Attorney J. B. Blackburn represents the Scotts in the above case and I am sending him a copy of this letter for his information.

Please file this letter with the others in the case and file my appearance.

Very truly yours,



Mrs. I.R. Boothby.  
1127 Andora Ave.  
Coral Gables, Florida.

MARY BELLE SCOTT GAY,  
Complainant,  
VS.  
JOHN WATTS SCOTT, ET AL.,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2650

DECREE OF REVIVOR

Taylor Scott Gay, having filed his Petition setting up that Mary Belle Scott Gay, the Complainant in this cause, has died since the commencement of this suit and that Letters Testamentary under the Last Will and Testament of said Complainant have been issued to him as Executor of said estate by the Probate Court of Middlesex County, Massachusetts; that he has qualified and is now acting as said Executor and praying that he be allowed to enter and prosecute the above styled cause in his own name as said Executor in the same manner as the Complainant might have done had she continued to live; it is, therefore

ORDERED, ADJUDGED AND DECREED by the Court that the said Petition be granted and that this cause be revived in the name of Taylor Scott Gay, as Executor of the estate of Mary Belle Scott Gay, also known as Mary Belle Gay, and he is hereby allowed and permitted to enter and prosecute the above styled cause in his own name as said Executor, in the same manner as Mary Belle Scott Gay might have done had she continued to live.

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

*Hubert M. Hall*

Judge.

DECREE OF REVIVOR

MARY BELLE SCOTT GAY,  
Complainant,

VS.

JOHN WATTS SCOTT, ET AL.,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2650

FILED  
JUN 29 1954  
CLERK OF COURT

MARY BELLE SCOTT GAY,  
Complainant,  
VS.  
JOHN WATTS SCOTT, ET AL.,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2650

DECREE OF REVIVOR

Taylor Scott Gay, having filed his Petition setting up that Mary Belle Scott Gay, the Complainant in this cause, has died since the commencement of this suit and that Letters Testamentary under the Last Will and Testament of said Complainant have been issued to him as Executor of said estate by the Probate Court of Middlesex County, Massachusetts; that he has qualified and is now acting as said Executor and praying that he be allowed to enter and prosecute the above styled cause in his own name as said Executor in the same manner as the Complainant might have done had she continued to live; it is, therefore

ORDERED, ADJUDGED AND DECREED by the Court that the said Petition be granted and that this cause be revived in the name of Taylor Scott Gay, as Executor of the estate of Mary Belle Scott Gay, also known as Mary Belle Gay, and he is hereby allowed and permitted to enter and prosecute the above styled cause in his own name as said Executor, in the same manner as Mary Belle Scott Gay might have done had she continued to live.

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

HUBERT M. HALL

Judge.

TAYLOR SCOTT GAY, As Executor  
of the ESTATE OF MARY BELLE  
SCOTT GAY, also known as MARY  
BELLE GAY, Deceased,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL.,

Respondents.

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

DECREE:

This cause coming on to be heard is submitted upon the demurrers of the Complainant and the Respondent, Thomas Jefferson Scott to the amended motion to intervene heretofore filed in this cause by Dorothy J. Boothby, and the Court, after considering the matter, is of the opinion that the demurrers are well taken and should be sustained -

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the demurrers on behalf of the Complainant and the Respondent, Thomas Jefferson Scott, to the amended motion to intervene by Dorothy J. Boothby be and the same are hereby sustained.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Dorothy J. Boothby be and she is hereby given 20 days from this date to file additional motion to intervene.

This 27th day of October, 1955.

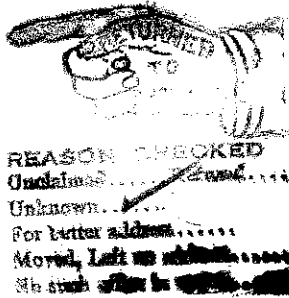
*Hubert M. Hall*

Judge of the 28th Judicial Circuit  
of Alabama.

ALICE J. DUCK, Circuit Clerk

*Baldwin County*

BAY MINETTE, ALA.



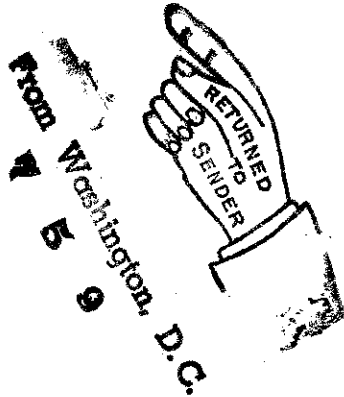
Elizabeth Gaston Scott  
Romar Beach, Alabama

2/6/54

ALICE J. DUCK, Circuit Clerk

*Baldwin County*

BAY MINETTE, ALA.



NO SUCH STREET NUMBER

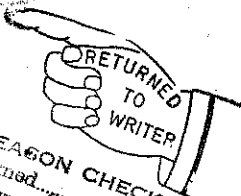
1018

Irene Scott  
2340 Otis St. N. E.  
Washington, D. C.

ALICE J. DUCK, Circuit Clerk

**BALDWIN COUNTY**

BAY MINETTE, ALA.



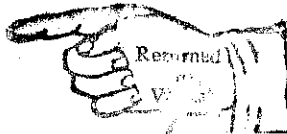
REASON CHECKED  
Unclaimed.....  
Unknown.....  
Insufficient address.....  
Moved, Left no address.....  
No such po. t office in state.....  
Do not remail in this envelope

Hon. Robert Edward Varner  
Tuscaloosa, Alabama

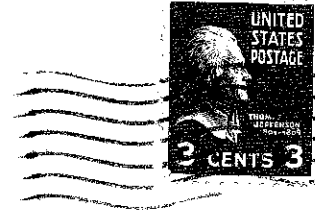


ALICE J. DUCK, Circuit Clerk

*Baldwin County*  
BAY MINETTE, ALA.



Reasons for Return  
Undelivered... Requested....  
Unknown...  
Insufficient address...  
Moved, but no address...  
No such office in state...  
Do not remail in this envelope

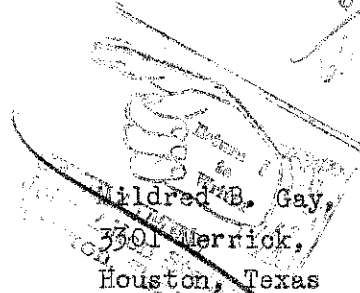
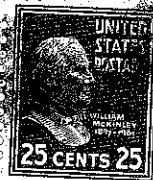
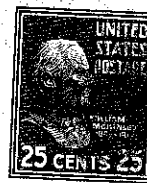


Moved - Left No Address

May Belle Scott Franklin  
108 South Mesa Apt 3  
Carlsbad, New Mexico

Circuit Clerk

*Baldwin County*  
BAY MINETTE, ALA.



Mildred B. Gay,  
3501 Merrick,  
Houston, Texas

RETURN RECEIPT REQUESTED  
Deliver to Addressee Only

Registered

For Delivery Only

# RECEIPT FOR REGISTERED ARTICLE No.

Fee paid 25

5/29, 1957

1352

Class postage paid 1

Return receipt fee

Special delivery fee

Declared value, \$

Papers

in person 20

Surcharge paid, \$

Restricted delivery  
(Accepting employee will place  
initials in proper space)

or order

From

Alice J. Duck, elk

(Street and number)

(Sender)

(Post office and State)

Addressed to

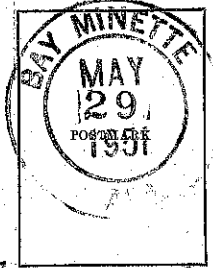
Thomas Jefferson Scott  
400 Ohio St. N.W. Wash DC

(Street and number)

GPO c9-16-12686-5

(Post office and State)

Postmaster, per





TAYLOR SCOTT GAY, as Executor of  
the Estate of MARY BELLE SCOTT  
GAY, also known as MARY BELLE  
GAY, Deceased,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

DECREE DENYING MOTION TO DISMISS CAUSE

This cause coming on to be heard on this date, this being the date heretofore set for calling the equity docket of this court, is submitted on the motion of Nancy Scott Benton to dismiss this suit, upon consideration of all of which it appears to this court that Taylor Scott Gay, as Executor of the Estate of Mary Belle Scott Gay, also known as Mary Belle Gay, Deceased, was substituted as complainant in lieu of Mary Belle Scott Gay, also known as Mary Belle Gay, within twelve months from the date of the death of the said Mary Belle Scott Gay, also known as Mary Belle Gay, in the manner provided by Title 7, Section 153(1), Cumulative Pocket Parts, 1940 Code of Alabama, because of all of which the said motion should be denied, upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

The said motion heretofore filed in this cause by Nancy Scott Benton to dismiss this suit shall be and the same is hereby denied.

ORDERED, ADJUDGED AND DECREED on this the 16th day of July, 1957.

*Hubert M. Steele*  
Judge

268-d 7/16/57  
DECREE DENYING MOTION TO DISMISS  
CAUSE

---

TAYLOR SCOTT GAY, as Executor of  
the Estate of MARY BELLE SCOTT  
GAY, also known as MARY BELLE GAY,  
Deceased,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed 7-16-57  
A. J. Nease  
Register

TAYLOR SCOTT GAY, as Executor  
of the Estate of MARY BELLE  
SCOTT GAY, also known as  
MARY BELLE GAY, DECEASED,

Complainant,  
VS.

JOHN WATTS SCOTT, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2650

DECREE

This cause coming on again to be heard on this date, being the date heretofore set for a pretrial conference which was ordered in and by a former decree of this court, and the pretrial conference having been heard on this date, after which it appears to the court that this cause should be set for a final hearing, upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. This cause shall be and it is hereby set for final hearing at ten o'clock A. M. on Tuesday, January 10, 1961.

2. The Register of this court is hereby ordered and directed to give prompt notice of the date set for the said hearing to all parties interested in this proceeding or to their attorneys.

ORDERED, ADJUDGED AND DECREED on this the 9th day of December, 1960.

*Hubert M. Sale*

Judge

TAYLOR SCOTT GAY, As Executor  
of the Estate of MARY BELLE  
SCOTT GAY, also known as MARY  
BELLE GAY, Deceased,

Complainant,

vs.

JOHN WATTS SCOTT, et al.,

Respondents.

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

ORDER FIXING DAY TO HEAR MOTION TO INTERVENE

This day came Dorothy J. Boothby, by her solicitors, and filed her amended motion to intervene in the above styled cause and the same having been called to the attention of the Court and the Court having considered the same is of the opinion that said motion should be set down for hearing and that notice of the setting of said motion should be given to the solicitors of record of the parties to this cause by service upon them of a copy of said motion together with a copy of this order; it is, therefore,

ORDERED, by the Court that the \_\_\_\_ day of \_\_\_\_\_, 1955, be, and the same is hereby, fixed as the day for hearing the amended motion to intervene filed in this cause by Dorothy J. Boothby and that notice of the filing of said motion and of the day herein fixed be given to the solicitors of record for the parties to said cause by service upon them of a copy of said motion together with a copy of this order.

Done this \_\_\_\_ day of October, 1955.

\_\_\_\_\_  
Circuit Judge.

THIS LEASE

Made this 13th day of November, A. D., 1948.

BY AND BETWEEN Mary Belle Gay and Gaston Scott herein called the lessors, and Dorothy Boothby herein called the lessee.

WITNESSETH, That in consideration of the covenants herein contained, on the part of the said lessee to be kept and performed, the said lessors do hereby lease to the said lessee, the following described property:

A certain vacant lot of land fronting on the Gulf of Mexico, 100 feet and running back between parallel lines 600 feet said lot lying East of and about Joining the lot previously conveyed to Julia H. Jolly and lying and being in N.W.  $\frac{1}{4}$  of Sec. 18 TS 9 South Range 5 East St. Stephens Meridian, Baldwin County, Alabama.

TO HAVE AND TO HOLD the same for the term of Twenty years from the day of \_\_\_\_\_, A. D. 19\_\_\_\_, the said lessee paying therefor the annual rent of Two Hundred & No/100 Dollars.

And the said lessee covenant with the said lessor to pay the said rent in monthly payments of \$16.60 each on the 1st day of each and every month for the said term, the first payment to be made on the \_\_\_\_\_ day of \_\_\_\_\_; to make no unlawful, improper or offensive use of the premises; not to assign this lease or to sublet any part of said premises without the written consent of the lessor; not to use said premises for any other purpose than as a dwelling, and to quit and deliver up said premises at the end of said term in as good condition as they are now (ordinary wear and decay and damage by the elements only excepted). And the said lessee hereby covenant and agree that if default shall be made in the payment of the rent as aforesaid, or if the said lessee shall violate any of the covenants of this lease, then said lessee shall become tenant at sufferance, hereby waiving all right of notice, and the lessor shall be entitled immediately to re-enter and re-take possession of the demised premises.

WITNESS our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_.

Signed, Sealed and Delivered in Presence of:

Irene Grant

Alice B. Walton

Mary Belle Gay

Gaston Scott

LS

LS

STATE OF FLORIDA  
PINELLAS COUNTY

I HEREBY CERTIFY, That on this day before me, an officer duly authorized to administer oaths and take acknowledgements, personally appeared Mary Belle Gay and Gaston Scott to me well known to be the individuals described in and who executed the foregoing lease, and they acknowledged before me that they executed the same for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Clearwater, said County and State, this 13th day of November, A.D., 1948.

Irene Grant, Notary Public.

My Commission expires on the 15th day of September, 1951.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 11-13-50

8 A.M.

Recorded Deed Book 159 page 29-30

and proof that the following Privilege

Tax has been paid

Deed Tax 4/00

Mortgage Tax

W. R. Stuart

Judge of Probate

By: G.

TAYLOR SCOTT GAY, as Executor of  
the Estate of MARY BELLE SCOTT  
GAY, also known as MARY BELLE  
GAY, Deceased,

VS.

Complainant,

JOHN WATTS SCOTT, ET AL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

DECREE SETTING DATE FOR HEARING CAUSE

This cause coming on to be heard on this date, which is the date previously set by the rules of this court for calling the equity docket of this court, is submitted on the motion of the complainant and certain respondents, which has been filed in this cause, asking that this cause be set for trial.

Upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court that this cause be and it is hereby set for hearing at nine o'clock A. M. on the 21 day of August, 1957.

The Register of this court shall deliver or mail a copy of this decree to the solicitors for all of the parties interested in this cause who are represented by counsel, and to the guardian ad litem for the minors interested in this cause.

A copy of this decree shall be served on each of the respondents who is not represented by counsel.

ORDERED, ADJUDGED AND DECREED on this the 16 day of July, 1957.

Hubert M. Hall  
Judge

2657

m

DECREE SETTING DATE FOR HEARING  
CAUSE

TAYLOR SCOTT GAY, As Executor of  
the Estate of MARY BELLE SCOTT  
GAY, also known as MARY BELLE  
GAY,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

Filed 7-16-57  
Alice J. Webb  
Registrar

MARY BELLE SCOTT GAY,                    §  
                                           Complainant,                    §           IN THE CIRCUIT COURT OF  
 VS.                                           §           BALDWIN COUNTY, ALABAMA  
 JOHN WATTS SCOTT, ET AL,            §           IN EQUITY           NO. 2650  
                                           Respondents.            §

*Motion*  
 DEMURRER TO AMENDED ~~PETITION~~ TO INTERVENE

I.

Now comes Thomas Jefferson Scott, one of the Respondents in the above entitled cause, and demurs to the amended ~~petition~~ *Motion* to intervene filed in this cause by Dorothy J. Boothby on May 20, 1954, and as grounds therefor assigns, separately and severally, the following:

1. No facts are alleged to show that Dorothy J. Boothby has an interest in the matter in litigation, and the allegations of the said petition are but conclusions of the pleader.

2. No facts are alleged to show that the lease described in and attached to the said petition is now in full force and effect.

3. The allegation in the said petition reading as follows, "which said lease is still in full force and effect", is a conclusion of the pleader.

4. It affirmatively appears from the said lease that it is for a term of twenty years from the blank day of blank, A. D., 19 blank, and no facts are alleged to show when the lease became or becomes effective.

5. It affirmatively appears from the said lease that it is not in force and effect at this time.

6. It does not allege that the party seeking to intervene is in possession of the property described in the said lease.

7. For aught that appears in the said ~~petition~~ *Motion*, the party seeking to intervene has surrendered possession of the property described in the said lease and has ceased to pay the rent due under the said lease.

8. No facts are alleged to show that the party seeking to intervene has paid the rents due under the said lease to the Lessors or to anyone authorized to receive such payments for the Lessors.



9. For aught that appears the said Mary Belle Gay and Gaston Scott, the Lessors in said alleged lease, did not own the title to the real property allegedly devised to the said Dorothy J. Boothby.

II.

Now comes the Respondent, Thomas Jefferson Scott, and demurs to Paragraph Numbered 1 of the amended <sup>Motion</sup> ~~petition~~ for intervention filed in this cause by Dorothy J. Boothby on May 20, 1954, and as grounds therefor assigns, separately and severally, grounds Numbered 1 through 9, both inclusive, which are set out above, separately and severally, just as if each of the said grounds of demurrer were specifically rewritten here.

III.

Now comes the Respondent, Thomas Jefferson Scott, and demurs to Paragraph Numbered 2 of the amended <sup>Motion</sup> ~~petition~~ for intervention filed in this cause by Dorothy J. Boothby on May 20, 1954, and as grounds therefor assigns, separately and severally, grounds Numbered 1 through 9, both inclusive, which are set out above, separately and severally, just as if each of the said grounds of demurrer was specifically rewritten here.

IV.

Now comes the Respondent, Thomas Jefferson Scott, and demurs to Paragraph numbered 3 of the amended <sup>Motion</sup> ~~petition~~ for intervention filed in this cause by Dorothy J. Boothby on May 20, 1954, and as grounds therefor assigns, separately and severally, grounds Numbered 1 through 9, both inclusive, which are set out above, separately and severally, just as if each of the said grounds of demurrer was specifically rewritten here.

V.

Now comes the Respondent, Thomas Jefferson Scott, and demurs to Paragraph Numbered 4 of the amended <sup>Motion</sup> ~~petition~~ for intervention filed in this cause by Dorothy J. Boothby on May 20, 1954, and as grounds therefor assigns, separately and severally, grounds

Numbered 1 through 9, both inclusive, which are set out above,  
separately and severally, just as if each of the said grounds  
of demurrer was specifically rewritten here.

HOLBERG, TULLY & ALDRIDGE,  
Solicitors for THOMAS JEFFERSON SCOTT

By *Donald H. Scott*  
Of Counsel Appearing.

*Filed*  
*10-27-55*

TAYLOR SCOTT GAY, As Executor  
of the Estate of MARY BELLE  
SCOTT GAY, also known as MARY  
BELLE GAY, Deceased,

Complainant,

vs.

JOHN WATTS SCOTT, et al.,

Respondents.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes now Dorothy J. Boothby, by her solicitors, and files  
this her amended motion to intervene in the above styled cause which  
is now pending in this Court and assigned the following separate  
and several grounds in support thereof:

1. That she has an interest in the matter in litigation.
2. That she would be prejudiced by a decree rendered in  
said cause.
3. That she would be adversely affected by a distribution  
or other disposition of the property which is the subject matter  
of the suit.

Respectfully submitted,

CHASON & STONE

By: /s/ Norborne C. Stone

*Service of a true copy*

*of the within motion accepted*

*This 3rd day of November, 1955*

*Wm. Perry Sully Caldwell*  
*Counselors for Thomas Jefferson Scott*  
*Barry S. Sully Jr.,*  
*of Counsel.*

# THE BATTLE HOUSE

*Mobile's Finest Hotel*

IDEALLY LOCATED

**MOBILE, ALA.**

325 MODERN ROOMS

AIR COOLED

T. F. WYMAN, MGR.

26 May 1952

458 South McDonough Street

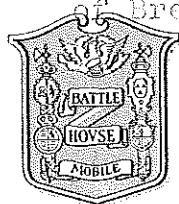
Montgomery, 5, Alabama

Clerk of Court  
Circuit or Chancery  
Baldwin County Court House  
Bay Minette, Alabama

In re: Illegal Sale of  
Goat Island

Dear Sir:

The Department of Interior has reported to me that you have allowed the sale of one of my uncles possessions. Goat Island belonged to The Scott Inv. Company, Incorporated about 1915, and Mr. D. R. Petzet. Some time ago I wrote Mr. Petzet, and he reported that all his records were lost. The Scott Investment Company records I have kept intact for many years. They are here in Montgomery County. In order to help my brother, L. Gaston Scott, I filed suit the first week in January of this year, to quiet the corporation. His death has set back both the settlement and distribution of George Gaston Scotts Estate, and the suit against the Investment Company. If Mr. Fleming, of Brewton, who bought the island, fraudulently or in error, would care to contact my lawyer or the guardian ad-litem



VISIT BELLINGRATH GARDENS "Charm Spot of The Deep South"



# THE BATTLE HOUSE

*Mobile's Finest Hotel*

IDEALLY LOCATED

**MOBILE, ALA.**

325 MODERN ROOMS  
AIR COOLED

T. F. WYMAN, MGR.

of my brothers children; perhaps he may be able to clear that title. The other heirs, some of them millionaires are much more formidable than I.....

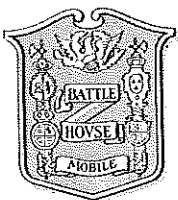
My attorneys <sup>are</sup> ~~is~~ Mr. Walter J. Knabe here, Mr. Handy Ellis of Columbiana, Mr. Edwin C. Page, jr. of Evergreen, Mr. Stringer, of Montgomery & Stringer, Talladega, And Mr. Wilkerson (the elder-not Horace) in Birmingham. Also, I have requested Judge Boozer in Anniston to find out what happened to bust the operations in Etowah many years ago.

If there is any further information that the Court requires; I will be happy to come down at any time.

Sincerely yours,

*Nancy Scott Mason*

Nancy Scott Mason, agent  
Madge Watts Scott Estate,  
Sycamore-Talladega Rt. #2  
Alabama



VISIT BELLINGRATH GARDENS "Charm Spot of The Deep South"



TAYLOR SCOTT GAY, AS Executor  
of the Estate of MARY BELLE SCOTT  
GAY, Deceased,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL.,

Respondent.

IN THE

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA.

IN EQUITY

NO. 2650

This cause coming on to be heard is submitted upon the amended motion of Dorothy J. Boothby to intervene in the above stated cause, and the Court, after considering the matter is of the opinion that the said Dorothy J. Boothby is entitled to the relief prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the said Dorothy J. Boothby be, and she is hereby granted leave to intervene in this cause.

IT IS FURTHER ORDERED by the Court that the said Dorothy J. Boothby, within 20 days from this date, file such pleadings as she may desire.

Dated this 26th day of April, 1956.

*Hubert M. Hall*  
Judge, 28th Judicial Circuit of  
Alabama.

*Filed 4-26-56  
Deice J. Hensley  
Clerk*

TAYLOR SCOTT GAY, as Executor of  
the Estate of MARY BELLE SCOTT  
GAY, also known as MARY BELLE  
GAY, DECEASED,

VS.

Complainant,

JOHN WATTS SCOTT, ET AL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

DECREE SETTING DATE FOR HEARING CAUSE

It is ORDERED, ADJUDGED AND DECREED by the court that  
this cause be and it is hereby set for hearing at nine o'clock  
A. M. on June 10, 1958, at the courthouse in Bay Minette, Alabama.

The Register of this court shall promptly mail a copy  
of this decree to each attorney who represents any of the parties  
to this cause.

ORDERED, ADJUDGED AND DECREED on this the 15th day of  
April, 1958.

*J. Hubert M. Hance*  
Judge

FILED

APR 17 1958

W. L. BAX, Register

7/17/88  
m  
DECREE SETTING DATE FOR HEARING  
CAUSE

---

TAYLOR SCOTT GAY, as Executor of  
the Estate of MARY BELLE SCOTT  
GAY, also known as MARY BELLE GAY,  
DECEASED,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY