

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 CONTINUING CAUSE

It is ORDERED, ADJUDGED AND DECREED that the date here-
tofore set for the hearing of this cause shall be and it is hereby
continued from June 10, 1958, to June 12, 1958, at 10:00 o'clock
A. M.

The Register of this court shall promptly mail a copy
of this decree to the attorneys for all parties to this proceeding.

ORDERED, ADJUDGED AND DECREED on this the 2 day of
June, 1958.

Hubert M. Sale
Judge

6/2/58
DECREE CONTINUING 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

765

TAYLOR WILKINS

SHERIFF
BALDWIN COUNTY

Bay Minette, Alabama

September 24, 1952

Hon. G. A. Mosley
Sheriff
Montgomery, Alabama

Dear Sheriff:

On August 18, 1952 we mailed to your office an amended bill of complaint to be served on Grace Revere Scott and paper.

Thanking you very much, I am

Yours very truly,

Taylor Wilkins
T.W.

Taylor Wilkins, Sheriff

TW/eg

Grace Revere Scott, lives in Mobile.
Address unknown. Think she lives in

Spring Hill.

Wesley Scott Guy is supposed to be
in this city, but we are unable to
locate her.

G. A. Mosley
Sheriff

DECREE SETTING ASIDE DECREE PRO CONFESSO

MARY BEILLE SCOTT GAY,

Complainant,

VS.

JOHN WATTS SCOTT, et als.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY

CASE NO. 2650.

This cause was submitted upon petition of Respondent, Nancy Scott Guy Mason, to set aside the Decree Pro Confesso entered in the above styled cause on the 18th day of March, 1953, and the same being considered and understood the Court is of the opinion that the relief should be granted.

It is therefore Ordered, Adjudged and Decreed by the Court that the Decree Pro Confesso heretofore entered in the above styled cause on the 18th day of March, 1953, be and it hereby is set aside.

It is further Ordered, Adjudged and Decreed by the Court that the Register issue a summons to said Respondents requiring them to plead, answer or demur to said Bill of Complaint within thirty days from the service of the same.

Done and ordered, this the ____ day of _____, 1953.

Circuit Judge, in Equity Sitting

DECREE SETTING ASIDE DECREE

PRO CONFESSO

MARY BELIE SCOTT GAY,

Complainant,

VS.

JOHN WATTS SCOTT, et als.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY

CASE NO. _____

FILED

JUN 16 1953

ALICE L. BUCK, 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. MASHBURN, 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, Marguehrita Scott, Elizabeth Gaston Scott, Lucius Gaston Scott and Elizabeth 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.

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

3. 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.

Marguehrita 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.

*C. E. G. Terry
Box #64
Innsbruck, Ala.*

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

The above named Stephen Kyle Scott and Marguehrita 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 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 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 Oratrix 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 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, 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.

J. B. Blackburn
McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS,
By Ben W. Turner
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.

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 29th day of November,
1951.

Mary Lee Blackburn

Notary Public, Baldwin County, Alabama.

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.

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.

RECEIPT FOR REGISTERED ARTICLE No.

99

Fee paid 30

8-12-57 (Date)

Less postage paid 1

Return receipt fee 7

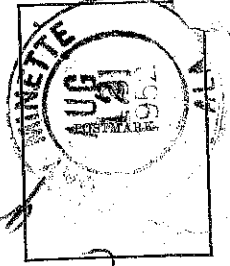
Special delivery fee

Declared value, \$ none

Restricted delivery (Accepting employee will place initials in proper space) in person 20 or order

Charge paid, \$

Fee paid



From

Alice J. Smith, Curran Club

(Sender)

Addressed to

Friend, 2340 1st St NE, Wash DC

(Street and number)

(Address)

(Post office and State)

Postmaster, per

(Street and number)

GPO c9-16-12666-5

(Post office and State)

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

Complainant,

vs.

JOHN WALTER SCOTT, et al.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN REPLY

WITNESSETH

This day came Dorothy J. Lottaly, by her Solicitors, and
filed an Amended Motion to Intervene in the above styled cause and
the same having been called to the attention of this Court and the
Court being of the opinion that said Motion should be set down for
hearing and that notice of the filing thereof and of this order
should be given to all of the parties to this proceeding by mailing
a copy of said Motion and this order to the Solicitors of record
for each of said parties; it is, therefore

ORDERED by the Court that the 15 day of June, 1954,
be, and the same hereby is fixed and appointed as the day for
hearing said Amended Motion to Intervene and that a copy thereof
together with a copy of this order be mailed to the Solicitors of
record for each of the parties to this proceeding by the Registrar
of this Court.

Dated this 21 day of May, 1954.

Hubert M. Hall (signed)
Judge.

PROBATE JUDGE

Bay Minette, Ala., 4-24, 1961

Received of

Alice J. Duck

[illegible]

~~TOTAL \$ 27.150~~

26186 ROBERTS & SON, BIRMINGHAM

Judge of Probate.

ALICE J. DUCK, Circuit Clerk

Baldwin County
BAY MINETTE, ALA.



Grace Raviere Scott
211 A De Sales Ave.
Mobile, Alabama

April 25, 1958

I took copy of this answer.

H.P. Feibelson Jr.

Holberg, Tully & Mobley

unknown at
this add.
H-29

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

ORDER

This day came Dorothy J. Boothby, by her Solicitors, and
filed an Amended Motion to Intervene in the above styled cause and
the same having been called to the attention of this Court and the
Court being of the opinion that said Motion should be set down for
hearing and that notice of the filing thereof and of this order
should be given to all of the parties to this proceeding by mailing
a copy of said Motion and this order to the Solicitors of record
for each of said parties; it is, therefore

ORDERED by the Court that the 15 day of June, 1954,
be, and the same hereby is fixed and appointed as the day for
hearing said Amended Motion to Intervene and that a copy thereof
together with a copy of this order be mailed to the Solicitors of
record for each of the parties to this proceeding by the Register
of this Court.

Dated this 21 day of May, 1954.

Hubert M. Hall
Judge.

MARY BELLE SCOTT GAY,

COMPLAINANT,

VS

JOHN WATTS SCOTT, ET ALS,

RESPONDENTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

DEMURRER

Comes Respondent, Elizabeth Zachry Scott, and demurs to the Complaint heretofore filed herein and as grounds for said demurrer presents the followings:

1. For ought that appears the interest of the minors alleged to hold an interest in a portion of the property will not be protected.

Filed
9-18-52

Refiled
11-7-52

Robert E. Varner
SOLICITOR FOR ELIZABETH Z. SCOTT

2650

MARY BELLE SCOTT GAY,
COMPLAINANT

VS

JOHN WATTS SCOTT, ET ALS
RESPONDENTS

DEMURRER

*Refiled 11-7-52
Alice J. Duck
Registrar*

FILED

SEP 18 1952

ALICE J. DUCK, Registrar

- 5 -

*Filed 9-18-52
Alice J. Duck
Registrar*

TAYLOR SCOTT GAY, As Executor)	
of the Estate of MARY BELLE	)	IN THE CIRCUIT COURT OF
SCOTT GAY, also known as)	
MARY BELLE GAY, Deceased,)	
	)	BALDWIN COUNTY, ALABAMA
Complainant,)	
	)	IN EQUITY NO. 2650
VS.)	
)	
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. Stace
 Judge.

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

MARY BELLE SCOTT GAY,
COMPLAINANT
VS:
JOHN WATTS SCOTT, ET AL.,
RESPONDENT

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

MOTION TO SET ASIDE DECREE OF REVIVOR

Comes now Elizabeth Zachry Scott, Respondent in the above styled cause and moves to set aside the decree of Revivor entered in said cause on the 29th day of January, 1954, and as grounds therefor sets out and assigns, separately and severally, the following:

1. For that it affirmatively appears on the face of said decree that Taylor Scott Gay is not a proper party in whose name the cause may be revived.
2. For ought that appears Taylor Scott Gay, the person in whose name the above styled cause was revived, is not a joint tenant or a tenant in common in or to the property described in the original Bill of Complaint.
3. For ought that appears Taylor Scott Gay has no interest in the subject matter of the above styled cause.

Filed
2-23-54


SOLICITOR FOR RESPONDENT ELIZABETH ZACHRY SCOTT

MARY BELLE SCOTT GAY,
COMPLAINANT

VS.

JOHN WATTS SCOTT, ET AL.,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 2650

MOTION TO SET ASIDE DECREE
OF REVIVOR

ROBERT E. VARNER
SOLICITOR FOR RESPONDENT
ELIZABETH ZACHRY SCOTT

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

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a Decree Pro Confesso against the respondents, John Watts Scott, Irene Scott, Mary Belle Scott Franklin and Elizabeth Zachry Scott, as Trustee, on the grounds that personal service of the Amended Bill of Complaint was had on the respondent, John Watts Scott August 14, 1952; that service of the Amended Bill of Complaint by registered mail was had on the respondent, Irene Scott, August 23, 1952; and a return receipt signed by the respondent, Irene Scott, was received and filed by the Register of this Court August 26, 1952; that service of the Amended Bill of Complaint by registered mail was had on the respondent, Mary Belle Scott Franklin, August 28, 1952; and a return receipt signed by the respondent, Mary Belle Scott Franklin, was received and filed by the Register of this Court September 8, 1952 that personal service of the Amended Bill of Complaint was had on the respondent, Elizabeth Zachry Scott, as Trustee, August 18, 1952, and the said parties have to date failed to appear and plead, answer or demur to the Bill of Complaint, as amended, filed against them in this cause.

WHEREFORE, Complainant moves the Court to make and enter a Decree Pro Confesso against the respondents, John Watts Scott, Irene Scott, Mary Belle Scott Franklin and Elizabeth Zachry Scott, as Trustee. Complainant further prays for such other, further and general relief as she may be equitably entitled to in the premises.

J. B. Blockman
Solicitor for Complainant.

MOTION FOR DECREE PRO CONFESSO

MARY BELLE SCOTT GAY

Complainant

VS.

JOHN WATTS SCOTT, ET ALS,

Respondents.

FILED
DEC 5 1952
ALICE J. DICK, Register

MARY BELLE SCOTT GAY,

Complainant,

VS.

JOHN WATTS SCOTT, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 2650

DECREE PRO CONFESSO

In this cause it being made to appear to the Register that personal service of the Amended Bill of Complaint, was had on the respondent, Nancy Scott Gay, November 22, 1952; that personal service of the Amended Bill of Complaint, was had on the respondent, Grace Revere Scott, December 2, 1952, and the said respondents have to date hereof failed to appear and plead, answer or demur to the Amended Bill of Complaint filed against them herein.

It is, therefore, on motion of the complainant, ORDERED, ADJUDGED AND DECREED by the Register that the said Bill of Complaint, as amended, be and it is hereby confessed against the said respondents, Nancy Scott Gay and Grace Revere Scott.

ORDERED, ADJUDGED AND DECREED on this the 18th day of March, 1953.

W. J. Leucke
Register.

DECREE PRO CONFESSO

MARY BELLE SCOTT GAY,
Complainant,

VS.

JOHN WATTS SCOTT, ET ALS,
Respondents.

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

FILED

3-18-52

ALICE J. DUCK, Register

8

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

DECREE PRO CONFESSO

In this cause it being made to appear to the Register that personal service of the Amended Bill of Complaint, was had on the respondent, John Watts Scott, August 14, 1952; that the respondent, Irene Scott was served a copy of the Amended Bill of Complaint by registered mail, August 23, 1952; and a return receipt signed by the respondent, Irene Scott, was received and filed by the Register of this Court August 26, 1952; the respondent, Mary Belle Scott Franklin, was served a copy of the Amended Bill of Complaint by registered mail August 28, 1952; and a return receipt signed by the respondent, Mary Belle Scott Franklin, was received and filed by the Register of this Court September 8, 1952; the respondent, Elizabeth Zachry Scott, as Trustee, was personally served with a copy of the Amended Bill of Complaint August 18, 1952, and the said respondents have to date hereof failed to appear and plead, answer or demur to the Bill of Complaint filed against them herein.

It is, therefore, on motion of the complainant, ORDERED, ADJUDGED AND DECREED by the Register that the said Bill of Complaint, as amended, be and it is hereby confessed against the said respondents, John Watts Scott, Irene Scott, Mary Belle Scott Franklin and Elizabeth Zachry Scott, as Trustee.

ORDERED, ADJUDGED AND DECREED on this the 5th day of December, 1952.

Alvin J. Wierck
Register

DECREE PRO CONFESSO

MARY BELLE SCOTT GAY

Complainant

VS.

JOHN WATTS SCOTT, ET ALS,

Respondents.

FILED

DEC 5 1952

ALICE A. BUCK, Register

THE STATE OF ALABAMA

BALDWIN COUNTY

§

§

§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

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

The petition of Elizabeth Z. Scott respectfully sheweth unto your Honors that she is the widow of L. Gaston Scott, deceased, to whom she was married; that the said L. Gaston Scott departed this life about the 23rd day of January, 1952; and that he owned an undivided interest in property being sold for division in said county and state by this Honorable Court on petition of one Mary Belle Scott Gay against John Watts Scott, Grace Revere Scott, Thomas Jefferson 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; that the names and places of residences of all persons interested in the fund are set out in the records of this Court in said preceeding and are incorporated herein and made a part hereof as though fully written herein; that the said L. Gaston Scott left 3 minor children, namely, Stephen Kyle Scott, approximately nine years of age; Marguehrita Scott, approximately five years of age; and Elizabeth G. Scott, approximately one year of age; and that no person involved in this preceeding is of unsound mind.

The said deceased left surviving him petitioner, who is his widow and the children aforesaid, who are the only heirs at law of said deceased. That said L. Gaston Scott, deceased, was seized in fee during his marriage with said petitioner of certain real estate fully described in the separate cause filed as aforesaid by Nancy Scott Mason in this Court, which description is hereby incorporated herein and made a part hereof as though fully written herein.

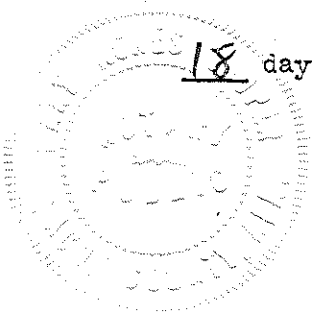
Your petitioner further states that she never relinquished her right to dower in any part of said lands, before, during or since her marriage,

except as shown in the deeds incorporated therein, and alleges that she is entitled to be endowed of her interest of said lands, which dower interest your petitioner charges can be duly and justly assigned to her out of the proceeds of said sale.

Your petitioner, therefore, prays unto your Honors, that her dower interest in said lands may be set off and assigned to her as aforesaid; and, to that end, that the same may be in all things accomplished in accordance with the provisions of law in such cases, your petitioner further prays, that such orders and decrees may be made, and such process issued, and other proceedings had as may be requisite in the premises; and if in the opinion of the Court petitioner has asked for the wrong relief that your Honors may grant unto her such relief as your Honors may see fit considering the facts of the case.

Elizabeth J. Heath

Sworn to and subscribed before me, in Macon County, Alabama, this 18 day of Sept, 1952.



Mary Agnes Cooper
NOTARY PUBLIC

Filed
10-4-52

Robert E. Warner
SOLICITOR FOR PETITIONER

2650
THE STATE OF ALABAMA

BALDWIN COUNTY

PETITION OF ELIZABETH Z.
SCOTT

FILED

OCT 4 1952

ALICE J. DUCK, Register

LAW OFFICES
HOLBERG, TULLY, HODNETTE AND MOBLEY

1107 MILNER BUILDING

P.O. BOX 47

MOBILE, ALABAMA

RALPH G. HOLBERG, JR.
ALBERT J. TULLY
ROBERT E. HODNETTE, JR.
JOHN W. MOBLEY
HERBERT P. FEIBELMAN, JR.

TELEPHONE
HEMLOCK 2-8803

June
12th,
1961.

Mrs. Alice J. Duck
Register in Equity
Baldwin County Court House
Bay Minette, Alabama

IN RE: SCOTT vs. SCOTT - IN EQUITY NO. 2650

Dear Mrs. Duck:

You will find enclosed in this letter certain checks hereinafter more particularly identified which are submitted as payments of the amounts required for the persons indicated in connection with the Final Decree in the above entitled cause.

Each lot represents a cost and fee obligation, according to the Decree, of \$669.48. It is presumed that these funds will be applied and apportioned as required under the Decree and that the part thereof of representing counsel fees to Messrs. Blackburn and Turner will be transmitted by you to them.

Accordingly, we now hand you the following:

1. Check No. 19, dated June 8, 1961, on The First National Bank of Washington, executed by Thomas J. Scott, to your order as Register in Equity, in the sum of \$669.48, for Court costs and legal fees, Lot 3, Block "A", and Lot 3, Block "B", Mary Belle Scott Franklin.
2. Check No. 20, dated June 8, 1961, on The First National Bank of Washington, executed by Thomas J. Scott, to your order as Register in Equity, in the sum of \$669.48, for Court costs and legal fees, Lot 4, Block "A", and Lot 4, Block "B", John Watts Scott.
3. Check No. 21, dated June 8, 1961, on The First National Bank of Washington, executed by Thomas J. Scott, to your order as Register in Equity, in the sum of \$669.48, for Court costs and legal fees, Lot 12, Block "A", and Lot 12, Block "B", Thomas Jefferson Scott.

Page 2- Mrs. Alice J. Duck

4. Check No. 22, dated June 8, 1961, on The First National Bank of Washington, executed by Thomas J. Scott, to your order as Register in Equity, in the sum of \$4,016.88, for Court costs and legal fees, Lots 13-18, Block "A", and Lots 13-18, Block "B", Thomas Jefferson Scott and Irene Scott.

It would appear that there should be some appropriate receipt or documentation issued to the various parties paying the amounts as herein noted to establish such fact, which said document would be susceptible of proper recording in the Probate Court.

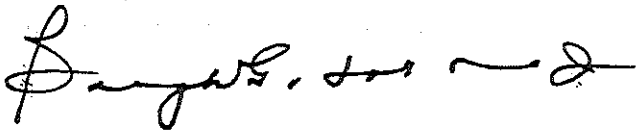
Perhaps it would be appropriate for Mr. Blackburn to discuss this matter with you as this would present an excellent opportunity to provide the mechanics which would be generally used as the various people pay the amounts required of them.

With kindest regards and best personal wishes from the writer, we are

Sincerely yours,

HOLBERG, TULLY, HODNETTE & MOBLEY

By


Ralph G. Holberg, Jr.

R
G
H
/
m

ENCL.

CC: Mr. J. B. Blackburn
Judge Ben D. Turner
Mr. and Mrs. Thomas J. Scott

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

Comes now Dorothy J. Boothby, by her Solicitors, and amends the Motion to Intervene in the above styled cause heretofore filed by her on February 26, 1953, so that the same shall read as follows:

Comes now Dorothy J. Boothby, by her Solicitors, and moves this Honorable Court to permit her to intervene in the above styled cause under the provisions of Title 7, Section 247 of the Code of Alabama and assign the following separate and several grounds in support of said Motion:

1. That she has an interest in the matter in litigation.
2. That she has an interest in the property described in the Bill of Complaint as last amended by virtue of that certain lease from Mary Belle Gay and Gaston Scott to her dated November 13, 1948 and recorded in Deed Book 159 at pages 29-30 in the Office of the Judge of Probate of Baldwin County, Alabama, a copy of which lease is attached hereto and marked Exhibit "A" and which lease is still in full force and effect and covers a part of the property described in the Bill of Complaint as last amended and which part of said property the said Dorothy J. Boothby was put into possession of after the execution of the aforesaid lease.

Respectfully submitted,
CHASON & STONE

Filed
9-26-53

By: *Malone G. Stone*

EXHIBIT "A"

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, 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 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 wuit 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 lesseeshall 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 /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

My Commission expires on the 13th day of September, 1951.

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 TO REVIVE

Your Petitioner, Taylor Scott Gay, respectfully shows unto the Court and your Honor as follows:

1. That the complainant in the above styled cause, Mary Belle Scott Gay, died on September 20, 1953, leaving a Last Will and Testament which was admitted to probate and record by the Probate Court of Middlesex County, Massachusetts on November 23, 1953, and that your Petitioner was on that date issued Letters Testamentary under and by virtue of said Last Will and Testament.

2. Your Petitioner is a resident of Long Island, New York, and he has not qualified or been appointed as Executor of the estate of said decedent in the State of Alabama, but that he has caused to be recorded in the Probate Court of Baldwin County, Alabama a certified copy of the Last Will and Testament of said decedent; Petition for probate of said Last Will and Testament; Decree allowing said Will; Bond and Letter of Appointment of Executor, all of which appears of record in Deed Book 204 N. S., pages 521-30, Baldwin County, Alabama Records.

3. Your Petitioner further shows that as Executor of the said Last Will and Testament of the Complainant in this cause, he is entitled to prosecute this cause in his own name as said Executor in the same manner as the said Mary Belle Scott Gay, Deceased, might have done had she continued to live.

WHEREFORE Petitioner prays that a decree be made reviving this cause in the name of Taylor Scott Gay, as Executor of the Last Will and Testament of Mary Belle Scott Gay, also known as Mary Belle Gay, and allowing him to enter and prosecute the above styled

cause in the same manner as Mary Belle Scott Gay might have done,
had she continued to live.

Respectfully submitted,

Ben D. Turner

J. B. Blackburn

Solicitors for Petitioner.

Filed
1-29-54

MOTION TO REVIVE

MARY BELLE SCOTT GAY,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL.,

Respondent.

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

FILED

JAN. 29 1954

MADE L. DICK

[Handwritten signature]

MOTION TO REVIVE ~~FILE~~

MARY BELLE SCOTT GAY,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL.,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 2650

FILED

JAN. 29 1954

ALICE J. HUGHES

Ref

MOTION TO REVIVE

MARY BELLE SCOTT GAY,

Complainant,

VS.

JOHN WATTS SCOTT, ET AL.,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 2650

FILED
JAN. 29 1954
ALICE L. BICK

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, IRENE SCOTT, MARY BELL SCOTT, FRANKLIN, LUCIUS GASTON SCOTT, STEPHEN KYLE SCOTT, MARGUERITA 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 _____ day of August, 1952.

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. MASHBURN, 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 amend-
ed 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, Marguehrita Scott, Eliza-
beth Gaston Scott, Lucius Gaston Scott and Elizabeth Zachry Scott,
as Trustees, and Nancy Scott Guy, and, thereupon, your Oratrix com-
plains 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.

Marguehrita 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 Marguehrita 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 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 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 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 of 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 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	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 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 cost 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 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.

J. B. Blackburn
McCORMY, TURNER, ROGERS, JOHNSTONE &
ADAMS,

By Ben D. Turner
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.

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 leagally 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 befief 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 29th day of November,
1951.

(s) Mary Lee Blackburn
Notary Public, Baldwin County, Alabama.

EXHIBIT A
QUIT CLAIM DEED

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That we, Elizabeth Zachry Scott and husband, Jucius 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 Jucius 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.

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

(S)
Dwight Steels,
Witness

(Signed) LUCIUS GASTON SCOTT L. S.
(Signed) ELIZABETH ZACHRY SCOTT 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

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 will 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.

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

DEMURRER

Now comes the complainant and demurs to the petition for intervention filed in this cause by Dorothy J. Boothby and as grounds of such demurrer 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., 19blank, 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, 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.

Filed
4-17-54

J. T. Blackburn
M. C. Curry, Turner, Rogers, Johnston
Solicitors for complainant. *J. Adams*

MARY BELLE SCOTT GAY,

Complainant,

vs.

JOHN WATTS SCOTT, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

NO. 2650.

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 Andora 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, the Complainant, the lands
described in said lease and which are a part of the lands described
in the Amended Bill of Complaint heretofore filed in this cause.

THIRD:

That she is the owner of those certain improvements located
on the property described in the Amended Bill of Complaint and locat-
ed immediately West of the property described in "EXCEPTION NO. 3"
in said Amended Bill of Complaint, having constructed the same under
an agreement with Lucius Gaston Scott, Deceased, at or near the
intersection of the Intracoastal Canal and Alabama Highway #3 in
Baldwin County, Alabama, on property belonging to George C. Meyer,
but that said improvements were moved from said location to the
present location of the same on the property described in the Amended
Bill of Complaint, by the said Lucius Gaston Scott, Deceased, or
under his direction, without the knowledge or consent of the said
Dorothy J. Boothby.

WHEREFORE, the premises considered, your Petitioner respectfully 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 further prays that she be compensated out of the proceeds of any sale of this land for the value of the improvements noted above or be given an opportunity to remove the same from the property described in the Amended Bill of Complaint. 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

Filed
2-26-53

BY:


Solicitors for Dorothy J. Boothby

This Lease,

BOOK 159 PAGE 29

Made this 13th day of November

A.D. 1948

By and Between Mary Belle Gay and Gaston Scott
herein called the lessor S. 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 lessor S 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 adjoining the lot
previously conveyed to Julia H. Jolly and lying
and being in NW 1/4 of Sec 18 T. 9 S. R. 5 E. East
of Stephen Meridian, Baldwin County, Alabama

To Have and To Hold the same for the term of Twenty Years
from the 1st day of January the said lessee paying
therefor the annual rent of Two Hundred + 70/100 Dollars.
And the said lessee covenant with the said lessor to pay the said rent in monthly
payments of \$16 66/100 each on the 1st day of each and every month
for the said term, the first payment to be made on the 1st day of

to make no unlawful, improper or offensive use of the premises, not to assign this lease or to sub-
let any part of said premises without the written consent of the lessor, and to quit and deliver
for any other purpose than as a dwellings 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 lessor 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 13th day of November, A.D. 1948

Signed, Sealed and Delivered in Presence of:

Levee Grant Mary Belle Gay
W. B. Horton Gaston Scott

State of Florida
Baldwin County

I Hereby Certify, That on this day before me, an officer duly authorized to administer
oaths and take acknowledgments, 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
said County and State, this 13th
day of November, A.D. 1948

Levee Grant
Notary Public

My Commission expires on the 18th
day of September, 1957

STATE OF ALABAMA, BALDWIN COUNTY
Filed 11-13-50
Recorded 11-13-50 Book 159 Page 24-30
and that the following Principal Tax
has been paid.

Dead Tax 4.00

Mortgage Tax

M. D. Stewart

Judge of Probate

By *L. H. ...*

COMMON FORM

Lease

DREW'S FORM R. E. 28

To

Male

State of Florida,
County of

On this day of
A. D. 19 , at o'clock, m., this
instrument was filed for record, and being
duly acknowledged and proven, I have re-
corded the same on pages
of Book in the public records
of said County.

In Witness Whereof, I have here-
unto set my hand and affixed the seal of the
Circuit Court of the
Judicial Circuit of said State, in and for
said County.

D. C. ...

D. C. ...

D. C. ...

Clerk.
D. C.

By The H. & W. B. Dice Company, Taxpayers, Florida.

Angie, J. Smith, Co. ...
P. O. Box No. 9 ...

THE STATE OF ALABAMA, {
Baldwin County

PROBATE COURT

I, W. R. STUART, Judge of the Probate Court in and for said State and County, hereby certify

that the within and foregoing _____ pages

contain a full, true and complete copy of the Lease from Gaston Scott and Mary

Belle Gay to Dorothy Boothby

as the same appears of record in my office in Deed Book No. 159

Page 29-30

Given under my hand and seal of office, this 25th day of February, 1953

W. R. Stuart

Judge of Probate.

TAYLOR SCOTT GAY, ET AL.,	)	IN THE CIRCUIT COURT
)	
VS.	)	OF BALDWIN COUNTY, ALABAMA, IN
	)	EQUITY.
JOHN WATTS SCOTT, ET AL.,)	
	)	June 12, 1958

MR. BLACKBURN: First, we offer in evidence certified copy of patent from United States of America to Thomas Jefferson Scott, dated June 20, 1927, which is recorded in Deed Book 43 at page 142, Baldwin County records, which covers the tract of land involved in this suit and ask that it be marked Complainant's Exhibit 1.

Next, if the Court please, we offer in evidence certified copy of the last will and testament of Thomas Jefferson Scott, which has been admitted to probate and record in the Probate Court of Montgomery County, Alabama, together with the other proceedings in connection with the same, all of which are bound together, and we ask that this be marked Complainants' Exhibit 2.

THOMAS JEFFERSON SCOTT, BEING FIRST DULY SWORN, TESTIFIED AS
FOLLOWS:

Examination by Mr. Blackburn.

Q. What is your name, please?

A. Thomas Jefferson Scott; I am known as Thomas Jefferson Scott,
111.

Q. What is your relationship to the Thomas Jefferson Scott, the
patentee to the land in this suit?

A. He was my uncle.

Q. Did you know Mary A. Scott, the mother of Thomas Jefferson Scott, to whom this tract of land was patented?

A. Yes sir.

Q. Is she now living or dead?

A. Dead.

Q. Did she die testate or ~~int~~estate?

A. Intestate.

Q. When did she die?

A. Within a day or two of September 3, 1938.

Q. She did survive Thomas Jefferson Scott, the party to whom this land was patented?

A. By two or three weeks.

Q. He was also known as Thomas Jefferson Scott, 11?

A. Yes sir.

Q. On the death of Mrs. Mary A. Scott, who did she leave as her heirs?

A. There were Maribell Scott Gay, who was a daughter --

Q. That is the Maribell Scott Gay who originally filed this proceeding?

A. Yes sir, and George Gaston Scott, who is my father and the children of Charles Herrington Scott.

Q. Who are your brothers and sisters, please?

A. My oldest sister is Grace Revere Scott, and I am second, and the next is my brother, John Watts Scott, and then my sister, Mary Bell Scott, now Franklin --

Q. -- That's the same person as Mary Bell Scott Franklin?

A. Yes sir; Lucius Gaston Scott, who is now dead, and the youngest is Nancy Scott and she has been married three times; once to a guy named Mason and Benton is the last one.

- Q. Now your brother, Lucius Gaston Scott, did he die intestate?
- A. I am not certain of that; I think so.
- Q. Now How many children did he leave?
- A. He left three children; two by his first wife and one by his second wife.
- Q. Was that Stephen Kyle Scott and Marguerite Scott -- Were they the children by the first wife?
- A. Yes sir.
- Q. Elizabeth Gaston Scott is the child by the second wife?
- A. Yes sir.
- Q. They are all minors?
- A. Yes sir; the oldest boy is about 13.
- Q. His wife, and widow was Elixabeth Scott?
- A. Yes sir.
- Q. Now Nancy Scott Guy was also one of your sisters, and she was also known as Mason?
- A. Yes sir, or more recently Benton.
- Q. Mr. Scott, when did Charles Harrington Scott - first, is he living or dead?
- A. Dead.
- Q. When did he die?
- A. I don't remember the exact date, but it was prior to the death of Thomas J. Scott, 11 and Mary A. Scott.
- Q. Did you acquire - you and your wife - did you all get a deed from his heirs?
- A. Yes sir.
- Q. Without naming the heirs, you have that deed?
- A. Yes sir.
- Q. Charles Harrington Scott died intestate and left the heirs who were the Grantors in the deed to you and your wife?
- A. Yes sir.

Q. Your brother Gaston Scott, what was his first wife's name?

A. Madlyn (Madline) Gibbs Scott.

Q. Were they divorced?

A. Yes sir.

Q. He subsequently married?

A. Yes sir.

Q. Mr. Scott, I show you here a certified copy of a deed from Alva Scott Garfield, a widow, T. J. Scott, Iv., a married man, and Mary Adelaide Pierrepont, a widow, to Thomas J. Scott and Irene F. Scott, dated September 29, 1951 - Examine that please. Are the Grantors in that deed the heirs of Charles Harrington Scott.

A. That is correct.

MR. BLACKBURN: We offer this certified copy of deed from Alva Scott Garfield, a widow, T. J. Scott, Iv., and Mary Adelaide Pierrepont, a widow, to Thomas J. Scott and Irene F. Scott, dated September 29, 1951, which is recorded in Deed Book 171 at page 230, Baldwin County, Alabama Records, and ask that it be marked Complainants' Exhibit 3.

Next we offer in evidence a certified copy of the last will and testament of Mary Belle Gay, dated June 4, 1951, which was first admitted to Probate and Record in the State of Mass. and which has also been admitted to Probate and record in Baldwin County, Alabama, Will Book 3, at page 363, and we ask that this be marked Complainants' Exhibit 4.

MR. STONE: When was that admitted in Baldwin County, Alabama?

MR. BLACKBURN: Yesterday.

MR. STONE: We would like to reserve the right to object
to that after examination of the Court Record.

THE COURT: What do you have here, a will?

MR. STONE: Exhibit 4 is Will of Mary Belle Gay.

THE COURT: To her children?

MR. STONE: Yes sir if living at the time of her death.

Q. Mr. Scott, I will ask you whether or you you are familiar
with this tract of land that is involved in this suit?

A. Yes sir.

Q. I will ask you whether or not, in your opinion, it can be
divided in kind?

A. I think so.

Q. Mr. Scott, you also know the children of Mrs. Mary Belle Gay,
do you not?

A. Yes sir.

Q. The devisees named in this will - Lois Gay Chandler,
Dorothy Gay Fullerton, William David Gay and Taylor Scott
Gay?

Q. They were living at the time of her death and are living now,
are they not?

A. Yes sir.

THE COURT: Who represents their interest?

MR. BLACKBURN: We do.

EXAMINATION BY MR. AUSTILL:

Q. Mr. Scott, do you know when Mary Bell Scott Gay died, or do you know whether or not it was within five years from the time this will was offered for Probate in Baldwin County, Alabama?

A. I went to the funeral, but I can't remember the date without consulting something - some records, but it was, roughly, four or five years ago as I remember it.

EXAMINATION BY MR. MASHBURN:

Q. You say Lucius Gaston Scott was your brother?

A. Yes sir.

Q. He is dead?

A. Yes sir.

Q. And he left surviving him a widow and one child and two children by a previous marriage?

A. Yes sir.

Q. What is his widow's name and where does she live?

A. Elizabeth Zacary Scott and the last contact I had with her she lived in Tuskegee, Alabama.

Q. I believe you named his three children in your direct examination?

A. Yes sir.

MR. STONE:

Q. When did you first acquire an interest in this land?

A. On the death of my father. As I say, I can't remember the date, roughly it was around '48.

Q. This deed to you -- Irene Scott is your wife?

A. Yes sir.

Q. In 1951 you acquired an interest?

A. Yes sir.

Q. How long was - how long prior to that was it that you

acquired an interest from your father?

A. I think it was about '48.

Q. Were you familiar with the land at the time you first acquired an interest?

A. Sure; we used to spend the summers here.

Q. How often did you visit the land between 1948 and 1951 - about the time you got this deed?

A. I can't remember that.

Q. Were you there in 1950 any, if you remember?

A. I can't remember, but I used to come about once a year, but I don't remember.

Q. Are you familiar with the piece of property sold to Julia Hine Jolly?

A. It was left to her by my Uncle's will.

Q. Are you familiar with the piece of land?

A. Yes sir, it is on the west end of the property on the beach front.

Q. You are familiar with the property immediately east of that, I presume?

A. I have walked all over it.

Q. All right - Have you noticed in the times that you have walked over the land, or visited the property any acts of possession of the land immediately east of the land of Julia Hines Jolly?

A. No sir.

Q. Any evidence of possession?

A. No sir.

- Q. Did you ever notice any piling and floor joist attached to the piling?
- A. No sir.
- Q. You never saw that?
- A. No.
- Q. Was your brother Lucius Gaston Scott, living in, on or near the land up to the time of his death?
- A. He lived - There was a house my uncle built that I understand that he lived in.
- Q. Your uncle was Mr. C. G. Scott?
- A. No sir, Thomas J. Scott, 11.
- Q. He is the one that built the house?
- A. Yes sir.
- Q. Was Lucius Gaston Scott in charge of this land under any arrangement with the owners or living there with you all's permission, or what was the nature of his possession of that property?
- A. He just stayed there without any specific permission - any of the family could have stayed there.
- Q. Do you know Mrs. ~~xxxxxxBoothby2x~~ Dorothy Boothby?
- A. I have met her.
- Q. Did you meet her at the Gulf?
- A. No, I met her in Washington D. C.
- Q. Did -- Are you familiar at all with the lease that was executed by Mary Bell Gay, or Mary Belle Scott Gay, and Mr. Gaston Scott to Dorothy Boothby?
- A. I heard there was such a lease, but I have no knowledge of it.
- Q. You heard there was such a lease?
- A. Yes sir.
- Q. From whom did you hear that sir?

A. Mr. Holberg, my Attorney.

Q. You didn't hear it from any of the joint owners, but from your Attorney?

A. Yes sir.

Q. Did Mr. Gaston Scott or Mary Bell Gay Scott ever -- Mary Bell Gay - ever tell you there was a lease on the property?

A. No sir.

EXAMINATION BY MR. TULLEY

Q. Mr. Scott, I understand you did not hear ^{of} any such lease until after this litigation started?

A. Right.

EXAMINATION BY MR. STONE:

Q. Are you familiar with the signature of Mary Bell Gay?

A. I would not think so.

Q. Are you familiar with the signature of Mr. Gaston Scott?

A. I would not know.

Q. I will ask you this: Would you examine this instrument, please sir ---- You notice the signature - or that purports to be the signature of Mary Bell Gay and Gaston Scott - Do you recognize that as being the signature of either one of those two people?

A. I wouldn't be sure about that.

JOHNNY O. SIMS, BEING FIRST DULY SWORN, TESTIFIED FOR THE COMPLAINANTS AS FOLLOWS:

Examination by Mr. Blackburn.

Q. What is your name, please?

A. Johnny O. Sims.

Q. Mr. Sims, are you familiar with the lands involved in this suit, which is described as lot or sub-division 2 of Fractional Section 18, Township 9 South, Range 5 East, Except

the Jolly Lot in the Southwest corner, and the State Park property in the southeast corner?

A. Yes sir.

Q. Where do you live?

A. Gulf Shores.

Q. What is your occupation?

A. Real estate agent and broker.

Q. are you licensed as a salesman?

A. Yes sir, License No. 305.

Q. Have you recently examined this property?

A. Yes sir, many occasions; not particularly looking at that land, but adjoining tracts.

Q. When did you last see it?

A. Yesterday.

Q. I will ask you if this tract can be divided in kind?

A. In my opinion, yes sir.

Q. You mean the whole tract on both sides of the highway?

A. Yes sir.

Q. At this time and when you examined it within the last couple of days, was there any one in possession, or was it just wild, open land?

A. Wild land to all general appearances.

EXAMINATION BY MR. AUSTILL:

Examination by Mr. Austill.

Q. You state that you have gone over this property recently?

A. Yesterday -

Q. As recently as yesterday is that correct?

A. Yes sir.

Q. Did you notice that a large part of the property is relatively level from the highway east to west out to where a house would be built and slopes to the beach - a large part has a great value between the highway and the beach and a large

part would have to be filled in or bulldozed so as it would be suitable for a home site?

A. What side? -- In my opinion, the gulf side would be exactly the same from east to west as far as real estate appraisal.

Q. Isn't it a fact that it would have to be filled, from what would be the center part, confining yourself east of the road from the road to the Jolly road - there is a large valley there with a high sand dune between the road and beach?

A. Of course, your entire beach is broken continually from east to west with small and large dunes, but for home sites, possibly all of it would have to have some levelling to build a home, but as far as filling, there is enough material on the entire strip - there would be no expense in building up the land on the west side.

Q. Do you know where my house is located?

A. No sir.

Q. The last house east of the Jolly property?

A. What is your name?

A. Austill.

Q. You are west of the property?

A. There -

A. There are three or four houses - I am familiar with the houses.

Q. Assuming that my house is the western most of the property immediately on the west side of the Jolly lot -- Do you know where the Jolly lot is?

A. In the west corner.

Q. Isn't it a fact that the land immediately to the east of the Jolley lot could be used with less bulldozing, or less shifting of the sands, than the lands further to the east?

A. That is possible, that that would still be a matter of opinion;

I would still say that the land certainly should be used as is with just a minor leveling.

Q. Confining your testimony to that part of the land north of the highway; do you know where the slough comes in?

A. Yes sir, along the right of way.

Q. Are you familiar with the lay of that land on the back as far as it goes to the north?

A. Well I've been all through there, but where the particular corner on that is, I couldn't specify, but that entire tract going back to the fresh water lakes or the swampy area, I am familiar with that.

Q. Is it all swampy?

A. No sir.

Q. Some is high land?

A. The entire area would only have in it occasionally I would say the land, as a whole is in good usable condition -

Q. With drains or swamps coming up to the road?

A. No sir, my judgment one drain runs along or just north of the highway running east or west -- in a northeasterly direction across the land - a short one; I don't think it affects all of the land north of the highway.

Q. In your opinion, keeping in mind that some of this property has to be divided in lots as small as 1/54th, how would you propose to divide the property north of the road, taking into consideration the sloughs and drains so that one of the joint owners entitled to a 1/54th interest would get his proportionate share as to the balance?

- A. It is a matter of whether it could be divided into 54 tracts or sold and dividing the money; I don't know the plans and I couldn't intelligently answer the question.
- Q. The question propounded is: Could the property be divided so that each lot would be equal in proportion to the balance?
- A. Yes sir .
- Q. In such a division, how would you handle the sloughs?
- A. Each parcel would be affected if it were divided into two three or four major tracts; I would say each one would be affected similarly; there would be a slight filling in on the north side of the highway and immediately joining the highway.
- Q. Your testimony is that it could be divided into three or four parcels?
- A. Yes sir.
- Q. Could it be broken down to 18 equal interests?
- A. That would be strictly up to the Engineer; I am not familiar with the surveying of lots; it would depend on the way you locate the lots or parcels, but generally speaking I would say that the entire tract could be divided.
- Q. In parts as small as an 18th?
- A. Yes sir.
- Q. As Small as a 1/54th?
- A. I don't know -- I don't have it in my mind in 54th; if you had land that would hit in a slough -- taking it all on an impartial division, it can be divided equally.
- Q. Confining your testimony to the beach front lot, how wide from the real estate standpoint, is the minimum width lot that you could get full value for?
- A. At least 100 feet, but there are a lot of lots sold in 50

foot sections, but it does not have the value of a 100 foot lot.

Q. If your division had to be as small as 50 feet on the front, that would not affect the value?

A. If they were all divided into 50 foot lots?

Q. Would one 50 foot lot be worth one half of what a 100 foot lot would be worth?

A. Yes sir.

Q. Didn't I understand you to say the 100 foot lot was the minimum?

A. I said usually, but they are sold as small as 50 ftco; 50 feet is the minimum, but a 100 foot lot carries a better value.

Q. In your opinion, as a real estate broker, one 100 foot lot brings a better value than two 50 foot lots?

A. Yes, unless the 50 foot lots are sold together.

ONCROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Stone.

Q. How long have you lived at Gulf Shores?

A. Six years.

Q. Since 52?

A. Yes sir, I moved there in '53; I actually started the resident proceedings in '52.

Q. You were not in Gulf Shores in 1950?

A. Nosir.

RE-DIRECT EXAMINATION BY MR. BLACKBURN:

Q. I believe you said if this property had to be divided into 54th that it would not be possible to give each one a 54th equal value?

A. I don't think I said that, speaking in terms of 54th's, it would be determined on the way the lots were divided - East

or west or north or south.

Q. You testified in your opinion this land could be divided in kind?

A. That is in dollars and cents; I think if it were sold in a tract and a division in dollars and cents the tract could be eqqly divided, as far as dividing it into little chunks, it would bepend on the location; naturally a lot on the highway would be more valuable than one on the back.

Q. You had in mind that it was going to be divided into three major parts?

A. Yes sir; bigger tracts.

Q. Your opinion would be different if you knew it had to be divided into 54 parts?

A. No sir, if all of the 54 parts each fronted on the highway gulf side or north side, I would say the lots would be of equal value.

Q. Didn't I understand you to say that there is a gully or gullies running through a part?

A. A slight gully on the north side that affects most of the property on the north side; you have surplus on the back that would take care of the property on the north side. It would be an expense to everybody there.

Q. If that is all you had and you got the part that is to have that and another man got a part that wouldn't, your's would not be as valuable?

A. I think if all of the property on the north side were cut in lots it would have to have some bulldozing.

JUDGE TURNER:

Q. It is a matter of opinion whether the sand dunes should be torn down or left there?

A. No sir.

Q. I believe you said that you were not at gulf shores a long time ago?

A. No sir.

Q. Have you heard it said that many cattle were saved by getting behind the sand dunes?

A. Yes sir.

Q. If you had a piece of property had you rather have it with sand dunes or without?

A. With sand dunes undisturbed.

EXAMINATION BY MR. TULLEY:

Q. Mr. Sims, as a general principal of real estate dealing, is it not true that in terms of unit value; that is, per foot value, a given tract produces a higher value when sold in small parcels as compared with a general tract of several hundred acres?

A. Yes, sir, small parcels the appraisal would be higher than in a tract sale.

EXAMINATION BY MR. BLACKBURN:

Q. Much more expense to selling it in smaller portions?

A. Certainly, but you can realize more money.

EXAMINATION BY MR. AUSTILL:

Q. You are stating that unit rule or small pieces sell, as a general rule -- You stated as a general rule when it is broken down --

A. A tract of land sub-divided into lots and well located, you are selling to a lot of individuals and naturally it would be higher.

Q. You stated that as a general rule?

A. Yes sir.

Q. Have you already testified specifically of this property as to the value of a 50 foot parcel as distinguished from a larger parcel?

A. Yes sir.

MR. BLACKBURN: If the Court please, we want to offer certified copy of deed from Elizabeth Zacary Scott and husband, Lucius Gaston Scott, to various parties, dated July 17, 1951, which has been recorded in the Probate office of Baldwin County Alabama, in Deed Book 167 at page 417, and ask that it be identified as Complainants' Exhibit 5.

THOMAS JEFFERSON SCOTT, 111, BEING RECALLED, TESTIFIED AS FOLLOWS:

Examination by Mr. Blackburn.

Q. Mr. Scott, I neglected to ask you about the ages of the parties involved in this proceeding. You are familiar with the bill of complaint?

A. Yes sir.

Q. Are all of the parties named, other than the three minors, over the age of 21 years?

A. Yes sir.

Q. The heirs of Mary Belle Gay, who are named in the will, are they over 21 years of age?

A. Yes sir.

THE COMPLAINANTS' REST.

MR. STONE: I would like to offer in evidence lease between Mary Bell Gay and Gaston Scott to Dorothy Boothbya which is dated 13th day of November, 1948, filed for record in the office of the Judge of Probate of Baldwin County, Alabama, on November 13, 1950 and recorded in Deed Book 159, pages 29-30, and ask that it be marked Intervenor's Exhibit 1.

MR. MASHBURN: On behalf of the minors, I want to interpose an

objection if it turns out that it affects their interest.

THE COURT: You have to object there any way.

MR. STONE: I would like leave of the court to withdraw the original and substitute a copy if it is all right with the Court and Counsel.

MR. AUSTILL: I would like to interpose an objection when the proper time comes.

MR. MASHBURN: My objection is, first of all, there was no authority to lease their part and any lease made would have no binding effect on their interest.

MR. AUSTILL: My objection is that this document fails to set out the date this lease is to commence and also the date the payments under the lease are to be made.

THE COURT: Does it give the life of the lease?

MR. AUSTILL: It gives the life as 20 years from the ___ day --

MR. HOLBERG: I would like to make one specific objection in that the Tom Scott interest descended from others than the lessors, and he is also not bound by a lease that he was not a party to which appears in the record that he has a 1/3 interest which is not covered in the lease.

MR. BLACKBURN: The Complainants, this being an equity proceeding in which the Court only considers legal testimony does not object.

MR. STONE: On account of the objection of Mr. Austill we would like leave to produce further testimony at another time regarding this lease; he has questioned the lease.

MR. BLACKBURN: Today is the day for this hearing and this thing is certainly something that should be disposed of; we would object to any further delay of this matter.

MR. TULLY: That's exactly what I was going to say; we came here for a hearing and thought there was going to be a hearing.

MR. HOLBERT: We brought Mr. Scott here from Washington and we don't want to bring him back.

MR. STONE: I don't see why he would have to come back; he has testified that he is not familiar with the lease.

THE COURT: Where is Mrs. Boothsby?

MR. STONE: Coral Gables, Florida. As I understand it, I have a right to offer testimony at any time I want to. To be sure I understand the nature of this hearing, I get the idea that it was mainly an agreed hearing between the Complainants and most of the Respondents.

THE COURT: I think I entered an order setting it for the 10th and continued it until today.

MR. BRANTLEY: Mr. Brantley: I object to Mr. Harold Graham being appointed surveyor.

MR. BLACKBURN: I suggest this: That we submit a proposed form of decree; we have nine lawyers here--

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

I hereby certify that the foregoing, consisting of pages 1 to 19 both inclusive, correctly sets forth a true and correct copy of the transcript of testimony, taken in open Court on the 12th day of June, 1958.

Court Reporter

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

Comes now Dorothy J. Boothby, by her Solicitors, and files this her Motion to Intervene in the above styled cause which is now pending in this Court and assigns the following separate and several grounds in support thereof:

1. That she would be adversely effected by a distribution or disposition of the real property which is the subject matter of this suit in that she is the owner and holder of a lease on a part thereof as will more particularly appear from the proposed petition to intervene attached to this Motion and marked "Exhibit A".

2. That she would be prejudiced by any decree rendered in said cause because of the fact that she is the owner and holder of a lease on a part of the property which is the subject matter of said suit and which lease is still in force and effect.

3. That she is the owner and holder of a lease on a part of the property which is the subject matter of said suit which lease is now in force and effect and any sale, distribution or other disposition of said property would be prejudicial to her unless the same were made subject to said lease and her rights thereunder protected.

4. That she is interested in the subject matter of said suit in that she is the lessee in that certain lease which is set forth in the proposed petition of intervention which is attached herewith and marked "Exhibit A" and which lease is still in force and effect as will appear from the terms thereof.

WHEREFORE, the premises considered your Movant respectfully prays that this Honorable Court will fix a day for the hearing of this Motion to Intervene and will prescribe the notice to be given to the parties of record to this proceeding, or their Solicitors, of the time and place of the hearing of this Motion to Intervene. And your Movant further prays that upon the hearing of this Motion that this Honorable Court will grant the same and will allow your Movant to file in said cause the attached proposed bill of intervention and will in the said order fix the time within which the other parties to said cause may plead to said bill of intervention.

Respectfully submitted,

CHASON & STONE

By:


Solicitors for Complainant.

EXHIBIT "A"

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

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.

SEC OND:

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 described in said lease and which are a part of the lands described 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 respectfully 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

Filed
5-20-54

By: *Melvin P. Stone*
Solicitors for Dorothy J. Boothby

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

Filed
5-20-54

By: *Melvin P. Stone*
Solicitors for Dorothy J. Boothby

EXHIBIT "A"

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 lease 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 /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 acknowledgments, 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.

Corn Ead 4

I, Mary Belle Gay, of the City of Corpus Christi in the County of Nueces and State of Texas, being of sound and disposing mind and memory on this 4th day of June, 1951, do make, publish and declare this as my last Will and Testament in manner following, revoking all former wills and codicils thereto, that is to say:

First: I order and direct that my executors hereinafter named, pay all my just debts and funeral expenses as soon after my decease as may conveniently be done.

Second: All the rest, residue and remainder of my estate, of any and every nature, whatsoever, and wheresoever situate, I give, devise and bequeath in equal shares unto my beloved children, Lois Gay Chandler, Dorothy Gay Fullerton, William David Gay, and Taylor Scott Gay, if living at the time of my death.

Third: Should any of my children aforesaid predecease me, then and in that event I give, devise and bequeath all the rest, residue and remainder of my estate, of any and every nature whatsoever and wheresoever situate in equal shares unto my remaining children.

Lastly: I nominate, constitute and appoint my sons, William David Gay and Taylor Scott Gay, executors of this, my last Will and Testament, with full power to buy, sell, lease, mortgage or in any other way deal in real estate, and it is my wish that they be not required to furnish bond for the faithful performance of their duties as executors.

IN WITNESS HEREOF, I have hereunto set my hand and seal the day and year first above written.

/s/ Mary Belle Gay (L.S.)

SIGNED, sealed, published, acknowledged, and declared by the said Mary Belle Gay, as and for her last Will and Testament, in our presence, who in her presence and at her request, all being present at the same time, and the testator signing first, have hereunto subscribed our names and addresses as witnesses.

/s/ Katherine A. Sanders of Corpus Christi, Texas

/s/ C. W. Sanders of Corpus Christi, Texas

CERTIFICATE

STATE OF ALABAMA
STILWELL COUNTY

I, W. R. Stuart, Judge of the Probate Court in and for said County and State, do hereby certify that the within instrument of writing has this day in said Court, and before me as the Judge thereof, been duly proven to be the genuine Last Will and Testament of Mary Belle Gay, Deceased, and that the said Will together with the proof thereof, has been recorded in my office in Book of Wills Number 3, at Page 363.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the said Court this 11th day of June, 1958.

/s/ W. R. Stuart
Judge of Probate.

The State of Alabama,
Baldwin County

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify
that the within and foregoing onw typewritten _____ pages
contain a full, true and complete copy of the Last Will and Testament, with certificate
of proof thereon, of Mary Belle Gay, Deceased,

as the same appears of record in my office in Will _____ Book No. 3
page 363. _____.

Given under my hand and seal of office, this 11th day of June, 1958.

W. R. Stuart

Judge of Probate.

Com. E-41

Montgomery 011759

4-1020

THE UNITED STATES OF AMERICA
To all to whom these presents shall come, greeting:

WHEREAS, A Certificate of the Register of the Land Office at Montgomery, Alabama, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant Thomas Jefferson Scott according to the provisions of the Act of Congress of April 24, 1820, entitled "An Act making further provision for the sale of the Public Lands", and the acts supplemental thereto, for the lot two of Section eighteen in Township nine south of Range five east of the St. Stephens Meridian, Alabama, containing one hundred sixty acres and fifty-nine hundredths of an acre, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, has given and granted, and by these presents does give and grant, unto the said claimant and to the heirs of the said claimant the tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, or whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever.

IN TESTIMONY WHEREOF, I, Calvin Coolidge, President of the United States of America have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the twentieth day of June in the year of our Lord one thousand nine hundred and twenty-seven and of the Independence of the United States the one hundred and fifty-first.

By the President: Calvin Coolidge
By Viola B. Pugh, Secretary
M. P. LeRoy

Recorded: Patent Number 1004221

Recorder of the General Land Office

State of Alabama
Baldwin County

I, G. W. Humphries, Judge of Probate, for said county, hereby certify that the following privilege tax has been paid on the within instrument as required by Acts 1926
\$ 1 Cts 00
G. W. Humphries, Judge of Probate,
by J. L. Kessler, Clerk.

Filed for record August 4, 1927 at 8:00 A. M.
Recorded August 5, 1927.

G. W. Humphries, Judge of Probate

-----00000000000000-----

The State of Alabama,
Baldwin County

PROBATE COURT

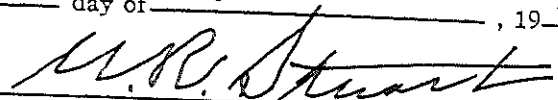
I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify
that the within and foregoing One photostatic _____ pages

contain a full, true and complete copy of the Patent from U.S.A. to _____

Thomas Jefferson Scott,

as the same appears of record in my office in Deed _____ Book No. 43
page 142. _____.

Given under my hand and seal of office, this 11th day of June, 1958.



Judge of Probate.

Com Exp 3

171 230

STATE OF ALABAMA
MONTGOMERY COUNTY

KNOW ALL MEN BY THESE PRESENTS: That,

WHEREAS, the undersigned, Alva Scott Garfield, a widow, T. J. Scott, IV, a married man, and Mary Adelaide Pierrepont, a widow, are all of the heirs of Charles Herrington Scott, deceased, late of Montgomery, Alabama; and

WHEREAS, the said Charles Herrington Scott died intestate prior to the death of his Mother, Mary Adelaide Scott, who died in 1938; and

WHEREAS, the undersigned Alva Scott Garfield, T. J. Scott, IV, and Mary Adelaide Pierrepont are the only children of the said Charles Herrington Scott, deceased, and were his only children at the time of his death and the death of his Mother, the afore-said Mary Adelaide Scott;

NOW, THEREFORE, for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable considerations to us in hand paid by Thomas J. Scott and Irene F. Scott, the receipt of which we do hereby acknowledge, we, Alva Scott Garfield, T. J. Scott, IV, and wife, Barbara Scott, and Mary Adelaide Pierrepont, do remise, release, quitclaim and convey unto the said Thomas J. Scott and Irene Scott all of our right, title, interest and claim in or to the following described real estate lying and being 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 foot by 600 foot lot lying in the Southwest quarter of Northwest quarter and Northwest quarter of 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 Helms Jolley by deed dated April 7, 1948 and recorded in Deed Book 130 at pages 209-10, Baldwin County, Alabama Records.

And any and all our right, title, interest and claim in or to any real estate located in Baldwin County, Alabama by reason of inheritance from our deceased Father, Charles Herrington Scott, or from our deceased Grandmother, Mary Adelaide Scott.

And all our right, title, interest and claim in or to the following described real estate lying and being situated in the City and County of Montgomery, Alabama, to-wit:

House and lot described as beginning on the West side of South McDonough Street 431 feet South of Scott Street, thence running South along said West side of South McDonough Street 50 feet; thence West 150 feet; thence North 50 feet; thence East 150 feet to the West side of South McDonough Street, the point of beginning.

TO HAVE AND TO HOLD the aforegranted premises to the said Thomas J. Scott and Irene Scott, their heirs and assigns FOREVER.

IN WITNESS WHEREOF, we, Alva Scott Garfield, a widow, T. J. Scott, IV, and wife, Barbara Scott, and Mary Adelaide Pierrepont, a widow, have hereunto set our hands and seals this the 29 day of Sept. in the year of Our Lord One Thousand Nine Hundred and Fifty-one.

Signed & sealed on this 27th day of Sept. 1951
Witnessed M. Plummer

Alva Scott Garfield (L.S.)
Alva Scott Garfield

T. J. Scott IV (L.S.)
T. J. Scott IV

Barbara Scott (L.S.)
Barbara Scott

Mary Adelaide Pierrepont (L.S.)
Mary Adelaide Pierrepont

STATE OF MASSACHUSETTS
Middlesex County

I, Frank Allen a Notary Public in and for said County in said State, hereby certify that Alva Scott Garfield, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that being informed of the contents of this conveyance, she executed the same voluntarily

171 2332

4.

on the day the same bears date.

GIVEN under my hand and notarial seal this the 19th day of September, 1951.

Robert Allen

Notary Public, Middlesex County, Mass.

My Commission Expires Sept. 22, 1953

STATE OF NEW YORK

FRANKLIN COUNTY

I, Wayward H. Plumadore a Notary Public in and for said County, in said State, hereby certify that T. J. Scott, IV, and wife, Barbara Scott, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal this the 27th day of September, 1951.

Wayward H. Plumadore
Notary Public, Franklin County, N.Y.

WAYWARD H. PLUMADORE
Notary Public in the State of New York
Residing in Franklin County No. 164
Commission Expires March 30, 1953
Certificate filed in Essex County No. 116.

STATE OF CONNECTICUT

FAIRFIELD COUNTY

I, R. J. Connell a Notary Public in and for said County, in said State, hereby certify that Mary Adelaide Pierrepont, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal this the 27th day of September, 1951.

R. J. Connell
Notary Public, Fairfield County, Conn.


The State of Alabama,
Baldwin County

{ PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify
that the within and foregoing Three photostatic pages
contain a full, true and complete copy of the Deed from Alva Scott Garfield, et al,
to Thomas J. Scott, et al,

as the same appears of record in my office in Deed Book No. 171
page 230.

Given under my hand and seal of office, this 11th day of June, 1958.



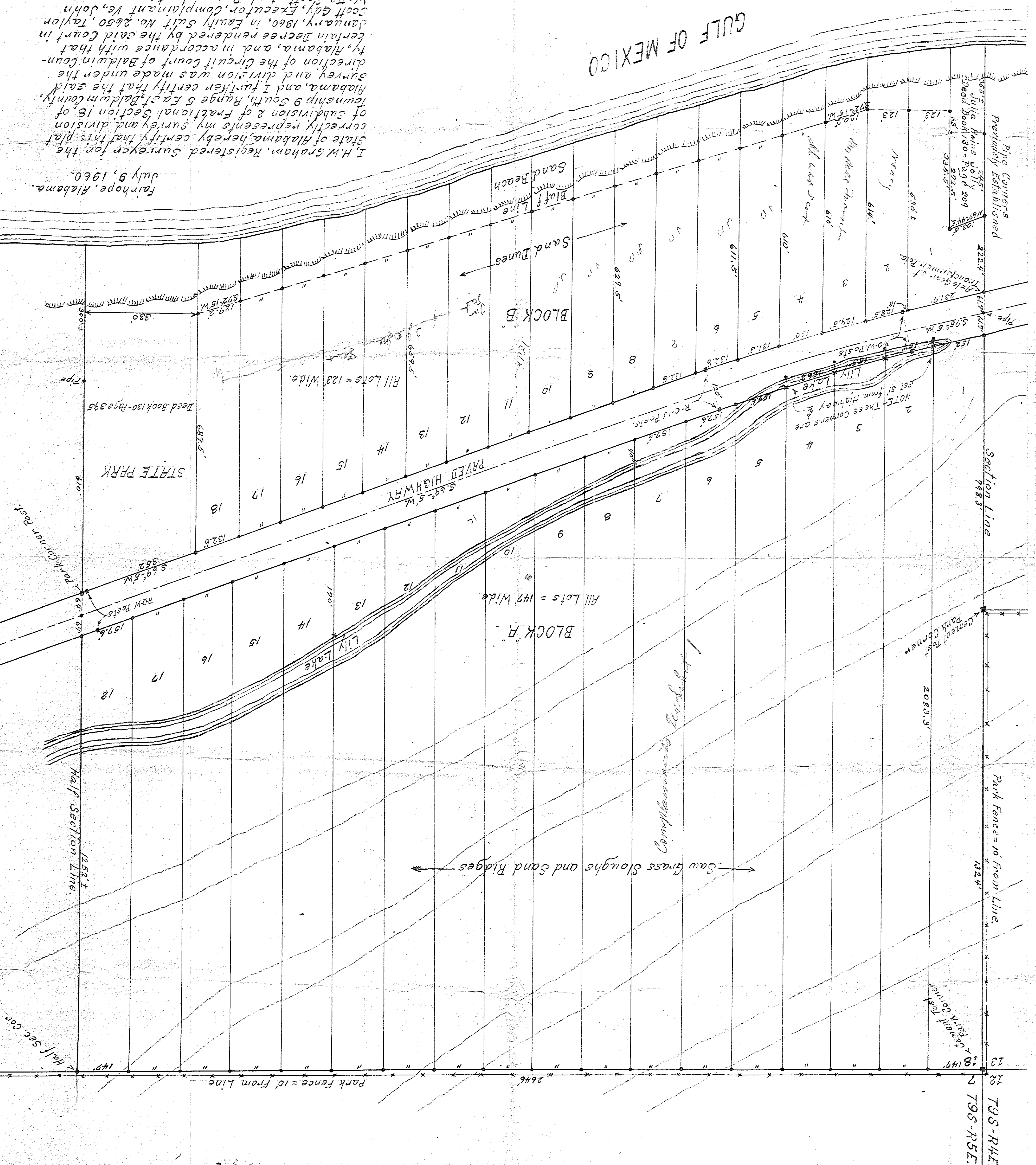
Judge of Probate.

GULF OF MEXICO

I, H.W. Graham, Registered Surveyor for the State of Alabama, hereby certify that this plat correctly represents my survey and division of Township 9 South, Range 5 East, Baldwin County, Alabama, and I further certify that the said survey and division was made under the direction of the Circuit Court of Baldwin County, Alabama, and in accordance with that certain Decree rendered by the said Court in January, 1960, in Equity Suit No. 2650, Taylor Scott Gay, Executor, Complainant vs. John Watts Scott, et al, Respondents

H.W. Graham Surveyor

Fairhope, Alabama.
July 9, 1960.



798-R44
798-R56

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

NOTE OF TESTIMONY

This cause is submitted for a final decree on behalf of all
of the parties to this proceeding upon the following:

A. Testimony of Thomas J. Scott and John O. Sims, taken
in open court on June 12, 1958, together with the following doc-
umentary evidence:

1. Complainant's Exhibit 1, Certified Copy of Patent,
United States to Thomas Jefferson Scott, dated June 20, 1927, re-
corded in Deed Book 43, page 142, Baldwin County, Alabama Records.
2. Complainant's Exhibit 2, Certified Copy of Will of
Thomas Jefferson Scott.
3. Complainant's Exhibit 3, Certified Copy of Deed
from Alva Scott Garfield et al., to Thomas J. Scott and Irene Scott,
dated September 29, 1951, recorded in Deed Book 171, page 230,
Baldwin County, Alabama Records.
4. Complainant's Exhibit 4, Certified Copy of Will of
Mary Belle Gay.
5. Complainant's Exhibit 5, Certified Copy of Deed,
Lucius Gaston Scott and Elizabeth Zachry Scott to Lucius Gaston
Scott and Elizabeth Zachry Scott, dated July 17, 1951, recorded in
Deed Book 161, pages 417-18, Baldwin County, Alabama Records.
6. Stipulation of Counsel of parties holding majority
interests in land involved in this proceeding, filed June 12, 1958.
7. Copy of Lease, Mary Belle Gay and Gaston Scott to
Dorothy Boothby.

B. Testimony of Harold Graham, J. O. Sims and J. E. Thornton,
witnesses for the complainant, taken in open court on January 10,
1961, together with the following exhibits:

1. Complainant's Exhibit 1, Bill of Harold Graham.

2. Complainant's Exhibit 2, copy of map or plat covering lands involved in this suit prepared by H. W. Graham, dated July 9, 1960.

3. Respondents' Exhibit 1, Tax Receipts and Checks (bound together).

Dated this 12th day of January, 1961.

Brief Duck
Register

NOTE OF TESTIMONY

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

NOTE OF TESTIMONY

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

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

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

Dear Mrs. Duck:

Will you please send me the exact amounts due
in the settlement of the Gay-Scott suit by (1) Thomas J. and
Irene F. Scott (2) Mrs. Mary Belle Scott Franklin and (3) John
Watts Scott? I would also like to know to whom the checks
should be drawn.

Your courtesy in this matter will be appreciated.

Sincerely yours,

Thomas J. Scott
Thomas J. Scott

1. Irene Scott \$ 4,016.88
2. Mary Belle Scott \$ 669.48
3. John Watts Scott 669.48

C O P Y

MARY BELLE SCOTT GAY,
COMPLAINANT,
V.
J. W. SCOTT, ET AL.,
RESPONDENTS.

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

STATE OF ALABAMA)
MONTGOMERY COUNTY)

Before me, _____, a Notary Public
in and for said State _____ personally appeared

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

SWORN TO AND SUBSCRIBED before me this _____ day of
May, 1957.

Notary Public, State of Alabama

FILED
MAY 9 1957
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA

6-285

MARY BELLE SCOTT GAY,

Complainant,

VS.

JOHN WATTS SCOTT, ET ALS.

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 2650

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a Decree Pro Confesso against the respondents, Nancy Scott Gay and Grace Revere Scott, on the grounds that personal service of the Amended Bill of Complaint was had on the respondent, Nancy Scott Gay on November 22, 1952; that personal service of the Amended Bill of Complaint was had on the respondent, Grace Revere Scott December 2, 1952, and the said parties have to date failed to appear and plead, answer or demur to the Bill of Complaint as amended, filed against them in this cause.

WHEREFORE, Complainant moves the Court to make and enter a Decree Pro Confesso against the respondents, Nancy Scott Gay and Grace Revere Scott. Complainant further prays for such other, further and general relief that she may be equitably entitled to in the premises.

J. B. Black

One of the Solicitors for Complainant.

*Filed
3-18-52*

MOTION FOR DECREE PRO CONFESSO

MARY BELLE SCOTT GAY,

Complainant,

VS.

JOHN WATTS SCOTT, ET ALS,

Respondents.

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

FILED

3-18-53

ALICE J. DICK, Register

Interest Exp!
This Lease,Made this 13th day of November, A. D. 19 48By and Between Mary Belle Gay and Gaston Scott
herein called the lessor S, 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 lessor S 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 adjoining the lot
previously conveyed to Julia H. Jolly and lying
and being in Twp 14 of Sec 18 T 9 S 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 November, A. D. 19 48 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 ⁶⁶/₁₀₀ each on the 1st day of each and every month
for the said term, the first payment to be made on the day ofto make no unlawful, improper or offensive use of the premises; not to assign this lease or to sub-
let any part of said premises without the written consent of the lessor; not to use said premises
for any other purpose than as a dwellings, 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 November, A. D. 19 48

Signed, Sealed and Delivered in Presence of:

Jesse Grant
Chas. B. HeltonMary Belle Gay
Gaston ScottState of Florida
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
Daytona Beach, said County and State, this 13th
day of November, A. D. 19 48Jesse Grant
Notary PublicMy Commission expires on the 18th
day of September, 19 51

MARY BELLE SCOTT GAY,

Complainant

- VS -

JOHN WATTS SCOTT,
GRACE REVERE SCOTT,
THOMAS JEFFERSON 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,

Respondents

IN THE
CIRCUIT COURT
OF
BALDWIN COUNTY,
ALABAMA
IN EQUITY

NO 265-4

ANSWER OF THOMAS JEFFERSON SCOTT, RESPONDENT,
TO THE AMENDED BILL OF COMPLAINT

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

Comes now THOMAS JEFFERSON SCOTT, one of the Respondents
in the above entitled cause, and for answer to the amended
bill of complaint heretofore filed in this cause, and separate-
ly and severally as to each paragraph thereof, says:

1. Your Respondent admits the allegation contained in para-
graph 1 of the amended bill of complaint wherein Complainant
alleges that she is over the age of twenty-one years and a non-
resident of the State of Alabama, but does not admit that the
list of persons nominated and designated as Respondents is a
correct list, and demands strict proof thereof. Nor does Re-
spondent admit that LUCIUS GASTON SCOTT and ELIZABETH ZACHRY
SCOTT are Trustees as alleged by the Complainant, but on the
contrary, without either admitting or denying said allegation,
demands strict proof thereof.

2. This Respondent neither admits nor denies the correctness
of the allegations contained in Complainant's paragraph 2, but
on the contrary, demands strict proof thereof, both as to the
allegation that the Complainant "and the respondents" are joint

owners or tenants in common of certain real property, and, in addition thereto, the accuracy of the description of the property so involved. Your Respondent further denies that certain real property described in the original complaint as being "excepted" from the land to be partitioned, should in fact be so excepted, your Respondent affirmatively alleging that the conveyance to the State of Alabama by Gaston Scott and Mary Belle Gay of the property so excepted, failed to convey the whole interest in and to said excepted property to the said State of Alabama.

3. Your Respondent denies the allegations contained in Complainant's paragraph 3, and affirmatively alleges that THOMAS JEFFERSON SCOTT, this Respondent, is the owner of an undivided $21/54$ ths interest in and to 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.

4. Respondent admits that there are certain improvements on a small portion of the above described land, but denies that the nature of the improvements is such as to render the property incapable of equitable division among the joint owners or tenants in common without a sale thereof and a division of the proceeds, and affirmatively alleges that the so-called improvements consist of a frame dwelling over thirty years of age of two rooms and a back house made of packing boxes and driftwood, all having little or no intrinsic value.

5. As to Complainant's paragraph 5, your Respondent is not informed as to the matters alleged therein, and therefore, neither admits nor denies the averments thereof, but demands strict proof.

6. Your Respondent admits the averments of paragraph 6 of said bill.

CROSS-COMPLAINT

Your Respondent, THOMAS JEFFERSON SCOTT, prays that the Court may take this answer as his cross-bill, and respectfully represents and shows unto your Honor, as follows:

A. The land described in the amended bill of complaint was owned by THOMAS JEFFERSON SCOTT II, now deceased, who devised and bequeathed same under his last will and testament to his mother, Mary A. Scott, which said last will and testament was duly propounded for probate in the Probate Court of Montgomery County, Alabama on the 15th day of August, 1938, and recorded therein in Book 13 of Wills, at page 206.

B. Cross-Complainant further respectfully shows that Mary A. Scott survived THOMAS JEFFERSON SCOTT II, but died about two or three weeks after he did, leaving no last will and testament, and being survived by the following who constituted her heirs at law and next of kin, to-wit: A daughter, MARY BELLE SCOTT GAY, the Complainant in this cause; a son, GEORGE GASTON SCOTT; and the children and heirs of a son, CHARLES HERRINGTON SCOTT, deceased.

C. Your Cross-Complainant alleges that MARY BELLE SCOTT GAY is living and is the Complainant in this cause; that GEORGE GASTON SCOTT is now deceased, and left surviving him the following individuals who are designated as Respondents in Complainant's bill of complaint, to-wit:

JOHN WATTS SCOTT
GRACE REVERE SCOTT,
THOMAS JEFFERSON SCOTT, your
Cross-Complainant,
MARY BELL SCOTT FRANKLIN,
LUCIUS GASTON SCOTT, and
NANCY SCOTT GUY.

That CHARLES HERRINGTON SCOTT departed this life prior to the death of his mother, and left surviving him the following:

MRS. ALVAH SCOTT GARFIELD,
MRS. MARY SCOTT PIERREPONT, and
THOMAS J. SCOTT IV.

D. That your Cross-Complainant has acquired by purchase the full one-third undivided interest of the said heirs and next of kin of CHARLES HERRINGTON SCOTT, according to deed recorded in Deed Book 171, pages 230-233, of the records in the office of the Judge of Probate of Baldwin County, Alabama.

E. Your Cross-Complainant further alleges that the interests of the co-owners and tenants in common in the aforesaid real property are, as follows:

1. MARY BELLE SCOTT GAY, an undivided one-third interest.
2. THOMAS JEFFERSON SCOTT, 21/54ths, consisting of an undivided one-third (18/54ths) interest acquired as Grantee of the heirs of CHARLES HERRINGTON SCOTT, deceased, and an undivided one-sixth of one-third interest (3/54ths), acquired by inheritance from his deceased father, GEORGE GASTON SCOTT, And
3. The remaining undivided 15/54ths interest of his remaining brothers and sisters, also as heirs of GEORGE GASTON SCOTT, deceased, as follows:

JOHN WALLS SCOTT	3/54ths
GRACE REVERE SCOTT	3/54ths
MARY BELL SCOTT FRANKLIN	3/54ths
LUCIUS GASTON SCOTT	3/54ths
NANCY SCOTT GUY	3/54ths

F. Your Cross-Complainant further shows unto your Honor that the property, which is the subject of this suit, is substantially unimproved beach property at the South end of Baldwin County, Alabama, touching upon the Gulf of Mexico; that the so-called "improvements" on said land are of nominal value, at best, in that same consists of a two room shack which THOMAS JEFFERSON SCOTT, II constructed on the premises about thirty years ago, and an out-house near by made out of old packing boxes and driftwood which was occupied by THOMAS JEFFERSON SCOTT's handyman, who continues to live therein. Your Cross-Complainant alleges that the said property should be partitioned in kind and that the said so-called improvements are of such nature and value

that said improvements, per se, are insufficient to establish that the property can not be equitably divided.

G. Your Cross-Complainant further represents and shows that it has been necessary for him to employ the law firm of Holberg, Tully and Aldridge of Mobile, Alabama, for the purpose of filing this cross-complaint to establish the correctness of title and the interest of the parties in and to the aforesaid land, and to secure the partition of said property in kind, all of which is, and will be, to the best interest of all parties to this cause.

PRAYER FOR PROCESS

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

PRAYER FOR RELIEF

WHEREFORE, THE PREMISES CONSIDERED, your Cross-Complainant prays for the following relief, separately and severally, viz:

- A. That this Court will determine who are the joint owners and tenants in common in and to the aforesaid property, and further fix the degree of interest of each such tenant in common in said property.
- B. The Court will cause Commissioners to be appointed, who shall be directed to procure a survey of the aforesaid property, which said survey will indicate and show the full metes and bounds description of said property and the actual footage there-

of facing and touching the Gulf of Mexico, and that said Commissioners shall further equally divide the said land into as many lots or parcels facing and touching the Gulf of Mexico as there are fractional interests, that is to say, for example, if the smallest interest is 1/54th, that the said land shall be equally divided into fifty-four parcels or lots, facing the Gulf of Mexico, and that each said equal parcel or lot as so fixed, determined and established, shall be designated by a number; that this Honorable Court will cause the said numbers to be placed on separate pieces of paper in an opaque container and direct that each of the owners shall draw so many numbers therefrom as will represent their shares or interest in said land, with the Guardians ad litem drawing for the minors; that the interested parties shall determine their right to draw from said container by lot, which, when once established, shall be a continuing process; for example, if, Mary Belle Scott Gay should be entitled to eighteen draws, and Thomas Jefferson Scott to twenty-one draws, and Grace Revere Scott, three draws, and it appears by lot that they should draw in that order, then Mary Belle Scott Gay shall draw one slip of paper and she shall be followed by Thomas Jefferson Scott, who shall draw one slip of paper and he shall be followed by Grace Revere Scott, who shall draw one slip of paper, and continuing through the rest of the heirs, until the cycle has been completed, whereupon, it shall continue again for the second time, and for the third time, when (under this example) Grace Revere Scott shall thereafter be entitled to no further withdrawals, and the remaining interested parties continuing to the extent of their respective interests, in rotation, until all slips of paper have been so withdrawn. Your Cross-Complainant further prays that the Commissioners be directed to appraise the value of the so-called improvements, and whosoever shall draw such parcel or lot containing such improvements, shall cause, as a condition precedent to taking such lot, the value of same, as fixed by said

Commissioners, to be paid into this Honorable Court for division in cash among the joint owners and tenants in common as their respective interests may appear.

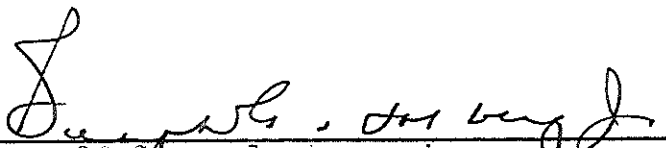
C. That this Court will make and enter a proper order fixing and determining the Solicitors' fee to be paid to your Cross-Complainant's Solicitors, making it a common charge against the proceeds of the sale of the said improvements, or, if that is insufficient, a part of the costs in this case.

D. That this Court will deny any Solicitors' fee to be paid to the Complainant's Solicitors.

E. That your Honor will make or render a decree directing the partitioning in kind among the joint owners of the aforesaid land according to the determination of said lots or parcels as above provided.

F. And your Cross-Complainant in equity and good conscience further prays for such other, further or different relief as he may in equity and good conscience merit.

HOLBERG, TULLY & ALDRIDGE,
Solicitors for THOMAS JEFFERSON SCOTT,

By 
Of Counsel, Appearing

Filed
9-10-51

ANSWER

MARY BELLE SCOTT GAY,

Complainant,

VS.

JOHN WATTS SCOTT, GRACE REVERE SCOTT,
THOMAS JEFFERSON SCOTT, EMER SCOTT,
MARY BELLE SCOTT FRANKLIN, LUCIUS GASTON
SCOTT, STEPHEN KYLE SCOTT, MARGUERITA
SCOTT, ELIZABETH GASTON SCOTT, LUCIUS
GASTON SCOTT and ELIZABETH ZACHRY SCOTT,
as Trustees, and NANCY SCOTT GUY,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY

CASE NO. 2651.

ANSWER OF NANCY SCOTT GUY MASON, RESPONDENT, TO
TO THE AMENDED BILL OF COMPLAINT.

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

Comes now Nancy Scott Guy Mason, one of the Respondents in the above styled
cause, and for answer to the amended Bill of Complaint says:-

1.

Your Respondent admits the allegation contained in paragraph 1 of the amended Bill of Complaint wherein Complainant alleges that she is over the age of twenty-one years and a non-resident of the State of Alabama, but does not admit that the list of persons nominated and designated as Respondents is a correct list, and demands strict proof thereof. Nor does Respondent admit that LUCIUS GASTON SCOTT and ELIZABETH ZACHRY SCOTT are Trustees as alleged by the Complainant, but on the contrary, without either admitting or denying said allegation, demands strict proof thereof.

2.

She admits the allegations contained in Section 2 of the amended Bill of Complaint.

3.

Your Respondent denies the allegations in Section 3 of the amended Bill of Complaint and demands strict proof of the same.

4.

The Respondent, Nancy Scott Guy Mason, adopts Section 4 of the Respondent Thomas Jefferson Scott's answer, as her answer, to Section 4 of the amended Bill of

Complaint and incorporates it herein as if it were here fully set out.

5.

She neither admits nor denies the allegations of Section 5 of the Amended Complaint, but demands strict proof of the same.

6.

She admits the allegations of section 6 of the amended complaint.

CROSS-COMPLAINT

Your Respondent, Nancy Scott Guy Mason, prays that Your Honor will take this answer as a cross-bill and shows to the Court as follows:

I

The Respondent and Cross-complainant, Nancy Scott Guy Mason, hereby adopts Sections A-B-C and F of the Respondent and Cross-complainant, Thomas Jefferson Scott's, cross-complaint as her own and incorporates it herein as if here fully set out.

II

Your Cross-complainant further shows to the Court that she has had to employ the law firm of Wilters & Brantley of Bay Minette, Alabama, to file this cross-complaint to secure partition in kind of this property, which will be to the best interest of all parties to this cause.

PRAYER FOR PROCESS

Your Cross-complainant prays that the Court will take jurisdiction of this cross-complaint, and that due notice thereof in the form and manner prescribed by law, be given to the Complainant and the Respondents, requiring them to appear, plead, answer or demur to this cross bill of complaint within the time allowed by law.

PRAYER FOR RELIEF

WHEREFORE, the premises considered your Cross-complainant, Nancy Scott Guy Mason, prays:

I

That this Court will make and enter a proper order fixing the Solicitor's fee to be paid to Wilters & Brantley, the solicitors for your Cross-complainant,

Nancy Scott Guy Mason; making it a common charge against the proceeds of the sale of the said improvements, or, if that is insufficient, a part of the costs in this case.

II

The Cross-complainant, Nancy Scott Guy Mason, adopts those Sections of the Cross-complainant, Thomas Jefferson Scott's, prayer for relief marked A-B-D-E and F and here incorporates them in her prayer for relief as if they were here fully set out.

WILTERS & BRANTLEY

By:

Albert M Brantley
Solicitors for Nancy Scott Guy Mason.

Filed
6-16-53

MARY BELLE SCOTT GAY,

Complainant

- VS -

JOHN WATTS SCOTT,
GRACE REVERE SCOTT,
THOMAS JEFFERSON SCOTT,
IRENE SCOTT,
MARY BELL SCOTT FRANKLIN,
LUCIUS GASTON SCOTT,
STEPHEN KYLE SCOTT,
MARGUERITA SCOTT,
ELIZABETH GASTON SCOTT,
LUCIUS GASTON SCOTT and
ELIZABETH ZACHRY SCOTT, as Trustees,
and NANCY SCOTT GUY,

Respondents

IN THE
CIRCUIT COURT
OF
BALDWIN COUNTY,
ALABAMA
IN EQUITY

ANSWER OF THOMAS JEFFERSON SCOTT, RESPONDENT,
TO THE AMENDED BILL OF COMPLAINT

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

Comes now THOMAS JEFFERSON SCOTT, one of the Respondents
in the above entitled cause, and for answer to the amended
bill of complaint heretofore filed in this cause, and separate-
ly and severally as to each paragraph thereof, says:

1. Your Respondent admits the allegation contained in para-
graph 1 of the amended bill of complaint wherein Complainant
alleges that she is over the age of twenty-one years and a non-
resident of the State of Alabama, but does not admit that the
list of persons nominated and designated as Respondents is a
correct list, and demands strict proof thereof. Nor does Re-
spondent admit that LUCIUS GASTON SCOTT and ELIZABETH ZACHRY
SCOTT are Trustees as alleged by the Complainant, but on the
contrary, without either admitting or denying said allegation,
demands strict proof thereof.

2. This Respondent neither admits nor denies the correctness
of the allegations contained in Complainant's paragraph 2, but
on the contrary, demands strict proof thereof, both as to the
allegation that the Complainant "and the respondents" are joint

owners or tenants in common of certain real property, and, in addition thereto, the accuracy of the description of the property so involved. Your Respondent further denies that certain real property described in the original complaint as being "excepted" from the land to be partitioned, should in fact be so excepted, your Respondent affirmatively alleging that the conveyance to the State of Alabama by Gaston Scott and Mary Belle Gay of the property so excepted, failed to convey the whole interest in and to said excepted property to the said State of Alabama.

3. Your Respondent denies the allegations contained in Complainant's paragraph 3, and affirmatively alleges that THOMAS JAFFERSON SCOTT, this Respondent, is the owner of an undivided 21/64ths interest in and to 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 3d. Stephens
Meridian, containing 160.53 acres, more or less.

4. Respondent admits that there are certain improvements on a small portion of the above described land, but denies that the nature of the improvements is such as to render the property incapable of equitable division among the joint owners or tenants in common without a sale thereof and a division of the proceeds, and affirmatively alleges that the so-called improvements consist of a frame dwelling over thirty years of age of two rooms and a back house made of packing boxes and driftwood, all having little or no intrinsic value.

5. As to Complainant's paragraph 5, your Respondent is not informed as to the matters alleged therein, and therefore, ~~neither admits nor denies the averments thereof,~~ but demands strict proof.

6. Your Respondent admits the averments of paragraph 6 of said bill.

CROSS-COMPLAINT

Your Respondent, THOMAS JEFFERSON SCOTT, prays that the Court may take this answer as his cross-bill, and respectfully represents and shows unto your Honor, as follows:

A. The land described in the amended bill of complaint was owned by THOMAS JEFFERSON SCOTT II, now deceased, who devised and bequeathed same under his last will and testament to his mother, Mary A. Scott, which said last will and testament was duly propounded for probate in the Probate Court of Montgomery County, Alabama on the 15th day of August, 1936, and recorded therein in Book 13 of Wills, at page 206.

B. Cross-Complainant further respectfully shows that Mary A. Scott survived THOMAS JEFFERSON SCOTT II, but died about two or three weeks after he did, leaving no last will and testament, and being survived by the following who constituted her heirs at law and next of kin, to-wit: A daughter, MARY BELLE SCOTT GAY, the Complainant in this cause; a son, GEORGE GASTON SCOTT; and the children and heirs of a son, CHARLES HERRINGTON SCOTT, deceased.

C. Your Cross-Complainant alleges that MARY BELLE SCOTT GAY is living and is the Complainant in this cause; that GEORGE GASTON SCOTT is now deceased, and left surviving him the following individuals who are designated as Respondents in Complainant's bill of complaint, to-wit:

JOHN MATTS SCOTT
GRACE BEVERLY SCOTT,
THOMAS JEFFERSON SCOTT, your
Cross-Complainant,
MARY BELLE SCOTT FRANKLIN,
LUCIUS GASTON SCOTT, and
NANCY SCOTT GAY.

That CHARLES HERRINGTON SCOTT departed this life prior to the death of his mother, and left surviving him the following:

MRS. ALVA SCOTT GARFIELD,
MRS. MARY SCOTT PIERREPONT, and
THOMAS J. SCOTT IV.

D. That your Cross-Complainant has acquired by purchase the full one-third undivided interest of the said heirs and next of kin of CHARLES HERRINGTON SCOTT, according to deed recorded in Deed Book 171, pages 230-233, of the records in the office of the Judge of Probate of Baldwin County, Alabama.

E. Your Cross-Complainant further alleges that the interests of the co-owners and tenants in common in the aforesaid real property are, as follows:

1. MARY BELLE SCOTT GAY, an undivided one-third interest.
2. THOMAS JEFFERSON SCOTT, 21/54ths, consisting of an undivided one-third (18/54ths) interest acquired as Grantee of the heirs of CHARLES HERRINGTON SCOTT, deceased, and an undivided one-sixth of one-third interest (3/54ths), acquired by inheritance from his deceased father, GEORGE GASTON SCOTT, and
3. The remaining undivided 15/54ths interest of his remaining brothers and sisters, also as heirs of GEORGE GASTON SCOTT, deceased, as follows:

JOHN WALLS SCOTT	3/54ths
GRACE REVERE SCOTT	3/54ths
MARY BELL SCOTT FRANKLIN	3/54ths
LUCIUS GASTON SCOTT	3/54ths
NANCY SCOTT GUY	3/54ths

F. Your Cross-Complainant further shows unto your Honor that the property, which is the subject of this suit, is substantially unimproved beach property at the South end of Baldwin County, Alabama, touching upon the Gulf of Mexico; that the so-called "improvements" on said land are of nominal value, at best, in that same consists of a two room shack which THOMAS JEFFERSON SCOTT, II constructed on the premises about thirty years ago, and an out-house near by made out of old packing boxes and driftwood which was occupied by THOMAS JEFFERSON SCOTT's handyman, who continues to live therein. Your Cross-Complainant alleges that the said property should be partitioned in kind and that the said so-called improvements are of such nature and value

that said improvements, per se, are insufficient to establish that the property can not be equitably divided.

G. Your Cross-Complainant further represents and shows that it has been necessary for him to employ the law firm of Holberg, Bully and Aldridge of Mobile, Alabama, for the purpose of filing this cross-complaint to establish the correctness of title and the interest of the parties in and to the aforesaid land, and to secure the partition of said property in kind, all of which is, and will be, to the best interest of all parties to this cause.

PRAYER FOR PROCESS

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

PRAYER FOR RELIEF

WHEREFORE, THE PREMISES CONSIDERED, your Cross-Complainant prays for the following relief, separately and severally, viz:

- A. That this Court will determine who are the joint owners and tenants in common in and to the aforesaid property, and further fix the degree of interest of each such tenant in common in said property.
- B. The Court will cause Commissioners to be appointed, who shall be directed to procure a survey of the aforesaid property, which said survey will indicate and show the full metes and bounds description of said property and the actual footage there-

of facing and touching the Gulf of Mexico, and that said Commissioners shall further equally divide the said land into as many lots or parcels facing and touching the Gulf of Mexico as there are fractional interests, that is to say, for example, if the smallest interest is 1/54th, that the said land shall be equally divided into fifty-four parcels or lots, facing the Gulf of Mexico, and that each said equal parcel or lot as so fixed, determined and established, shall be designated by a number; that this Honorable Court will cause the said numbers to be placed on separate pieces of paper in an opaque container and direct that each of the owners shall draw so many numbers therefrom as will represent their shares or interest in said land, with the Guardians ad litem drawing for the minors; that the interested parties shall determine their right to draw from said container by lot, which, when once established, shall be a continuing process; for example, if, Mary Belle Scott Gay should be entitled to eighteen draws, and Thomas Jefferson Scott to twenty-one draws, and Grace Revere Scott, three draws, and it appears by lot that they should draw in that order, then Mary Belle Scott Gay shall draw one slip of paper and she shall be followed by Thomas Jefferson Scott, who shall draw one slip of paper and he shall be followed by Grace Revere Scott, who shall draw one slip of paper, and continuing through the rest of the heirs, until the cycle has been completed, whereupon, it shall continue again for the second time, and for the third time, when (under this example) Grace Revere Scott shall thereafter be entitled to no further withdrawals, and the remaining interested parties continuing to the extent of their respective interests, in rotation, until all slips of paper have been so withdrawn. Your Cross-Complainant further prays that the Commissioners be directed to appraise the value of the so-called improvements, and whosoever shall draw such parcel or lot containing such improvements, shall cause, as a condition precedent to taking such lot, the value of same, as fixed by said

Commissioners, to be paid into this Honorable Court for division in cash among the joint owners and tenants in common as their respective interests may appear.

C. That this Court will make and enter a proper order fixing and determining the Solicitors' fee to be paid to your Cross-Complainant's Solicitors, making it a common charge against the proceeds of the sale of the said improvements, or, if that is insufficient, a part of the costs in this case.

D. That this Court will deny any Solicitors' fee to be paid to the Complainant's Solicitors.

E. That your Honor will make or render a decree directing the partitioning in kind among the joint owners of the aforesaid land according to the determination of said lots or parcels as above provided.

F. And your Cross-Complainant in equity and good conscience further prays for such other, further or different relief as he may in equity and good conscience merit.

HOLBERG, TULLY & ALDRIDGE,
Solicitors for THOMAS JEFFERSON SCOTT,

By *Samuel S. Tully*
of Counsel, appearing

THE WILL OF THOMAS JEFFERSON SCOTT, II.

Beliving it is best to make a disposition of my property by will, not knowing when I may die, I, Thomas Jefferson Scott II, a resident of Montgomery, Alabama, will and bequeath as follows:

1st. That I be buried in the same vault with my beloved wife, Emily Hails Scott, deceased, and that my funeral be plain and as simple as possible.

2nd. I wish all my just debts be paid out of my estate by my Executor hereinafter named.

3rd. I bequeath one dollar each to my two nieces and one nephew, Alva and Mary Adelaide and Thomas J. Scott IV, children of my brother Charles Herrington Scott, deceased.

4th. I bequeath a 100 foot lot fronting the Gulf of Mexico on my property being lot 2, Section 18, Tp. 9S R. 5E to my friend Julia H. Jolly, said lot to be selected by her and my Executor, after a plat has been made of the land in question.

5th. The whole of the rest and residue of my estate, both real and personal, I give, and devise to my mother, Mary A. Scott, but in the event of her death before I die, I give and devise the above mention residue of my estate to my sister and brother, being Mary Belle Scott Gay, of Cambridge, Mass. and George Gaston Scott of Montgomery, Alabama, and appoint George Gaston Scott my sole Executor of this will and desire that no bond be required of him.

Given under my hand and seal this the 27th day of April, 1937.

Thomas Jefferson Scott II

WITNESSES:

Mary Belle Scott

Gaston Scott, Jr.

Filed in office this 15th day of August, 1938.

Wm. W. Hill
Judge of Probate.

Compliments Ex 2

10/1/38

PETITION FOR PROBATE OF WILL

The State of Alabama
MONTGOMERY COUNTY

PROBATE COURT

Petition of George Gaston Scott for the Probate of the Will
of Thomas Jefferson Scott, II Deceased.

To the Hon. Wm. W. Hill, Judge of Probate Court, Montgomery County:

The petition of the undersigned George Gaston Scott respectfully
represents unto your Honor that Thomas Jefferson Scott II who was at the time of
his death an inhabitant of this County, departed this life at Montgomery
on or about the 9th day of August 1938 leaving assets in
this State, and leaving a last Will and Testament duly signed and published by him
and attested by Mary Belle Scott and Gaston Scott, Jr.
who reside in this county.

Your petitioner herewith propounds said will in which, as he verily believes he is named
as Executor.

Your petitioner further represents that

~~the names, ages, and residence of the next of kin are as follows,~~
to-wit: Mary A. Scott, mother,

Mary Bell Scott Gay, sister,

George Gaston Scott, brother,

All of whom are over the age of twenty-one years and all of
sound mind.

~~That said deceased was at the time of his death a single man, and that he was not married, and that said~~
~~petitioner therefore prays that a decree be made in the premises, and that he be appointed executor of said~~
~~will, and that he be authorized to collect and receive the assets of said deceased, and that he be~~
~~authorized to sell and dispose of the real and personal estate of said deceased, and that he be~~
~~authorized to sue and be sued, and that he be authorized to do all such acts and things as may~~
~~be necessary, to effect the due probate and record of said will, and to issue letters testament-~~
~~ary to petitioner, said George Gaston Scott. That consent to such~~
~~probate, record, and issue of letters, by all of the next of kin has~~
~~been duly had as appears on the back hereof.~~

X George Gaston Scott
Petitioner.

THE STATE OF ALABAMA,
MONTGOMERY COUNTY.

George Gaston Scott

being

duly sworn, deposes and says that the facts averred in the above petition are true, according to the best of his
knowledge, information and belief.

Subscribed and sworn to before me,

this 15 day of Aug. 1938

Woodrow B. Bailey
Notary Public, Montgomery County, Ala.

X George Gaston Scott

Notary Public, Montgomery County, Ala.

Probate Court
Montgomery County

Thomas Jefferson Scott II

DECEASED.

Petition for Probate of Will

Filed in the office of the Judge of Probate Court this

15th day of August

1938 and the day of

set for hearing.

N. H. Will, Judge of Probate

Prayer granted and petition ordered recorded, this

15th day of August 1938

N. H. Will, Judge of Probate

Probate

Recorded in Record 28 Page 21

DAVE PHIPPS CO.

Witness and Consent, We, Mary A. Scott, Mary Bell Scott Gay, and George Boston Scott, being all of the next of kin of Thomas Jefferson Scott, II, deceased, hereby waive all notice and consent that the will mentioned in the within petition may be probated at any time and without further notice to us.

This the 13th day of August, 1938.

Mary A. Scott

Mary Bell Scott Gay

George Boston Scott

STATE OF ALABAMA }
MONTGOMERY COUNTY }

PROBATE COURT

August 15, 1938.

SCOTT, THOMAS JEFFERSON, II, Deceased, Estate of.

IN RE PROBATE OF HIS WILL.

This day came George Gaston Scott and surrendered an instrument of writing purporting to be the last will and testament of said decedent, together with his petition for the probate thereof, and for letters testamentary to be issued to him as provided in said will;

And it appearing to the Court that petitioner, and Mary A. Scott and Mary Belle Scott Gay, who are all the next of kin of said decedent, and all over the age of 21 years and of sound mind, have filed in this Court a paper writing waiving notice of said petition, consenting that said will may be admitted to probate without further notice to them, the Court proceeds to hear said petition;

And it appearing to the satisfaction of the Court from the testimony of Mary Belle Scott that she is a subscribing witness to said instrument of writing now shown to her; that Thomas Jefferson Scott, II, signed said instrument in her presence and in the presence of Gaston Scott, Jr., the other subscribing witness, and declared the same to be his last will, and that they, the said Mary Belle Scott and Gaston Scott, Jr., signed said instrument on the day of the date thereof, in the presence of said testator, and at his request, and in the presence of each other; that said testator was of sound mind and fully capable of making his will at the time said instrument was made; and that he was on the day of the date thereof, over twenty-one years of age, and a resident of this County:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT, that said instrument of writing, purporting to be the last will and testamen of Thomas Jefferson Scott, II, deceased, is hereby declared to be duly proved as the last will and testament of said decedent, and as such admitted to probate and ordered to be recorded, together with the testimony of the witness reduced to writing and duly signed, and all other papers on file relating to this proceeding;

STATE OF ALABAMA
MONTGOMERY COUNTY

PROBATE COURT

193

And it appearing to the Court that George Gaston Scott, who is a fit person to serve as Executor, is named in said will as the executor thereof, and that said testator, by an express provision in his said will to that effect, has exempted him from giving bond as such executor;

IT IS, ORDERED, That Letters Testamentary be issued forthwith to said George Gaston Scott, without bond, as provided in said will;

Further ordered, that said executor pay the costs of this proceeding, for which execution may issue.

Done this the 15th day of August, 1938.

Wm. S. Hall
Judge of Probate.

THE STATE OF ALABAMA - MONTGOMERY COUNTY

IN THE MATTER OF THE)
ESTATE OF GEORGE)
GASTON SCOTT)

IN THE PROBATE COURT OF
MONTGOMERY COUNTY, ALABAMA

TO THE HON. W. W. HILL, JUDGE OF PROBATE, MONTGOMERY COUNTY:

The petition of the undersigned, John Watts Scott, respectfully represents that George Gaston Scott departed this life at Clearwater, Florida on or about the 7th day of January, 1949, leaving no last will and testament, so far as your petitioner knows or believes; and that the said George Gaston Scott was at the time of his an inhabitant of this County of Montgomery and died seized and possessed of real and personal estate in this State of Alabama consisting chiefly of personalty of the value of, to-wit, \$500.00, and realty of the rental value of, to-wit, \$300.00 per year, all of said real and personal estate being estimated to be worth about Five Thousand and No/100 - - dollars and probably not more; that the names, residence, ages and conditions of the heirs and distributees of the estate of said decedent, so far as your petitioner knows or believes are as follows, to-wit: Your petitioner, John Watts Scott, Box 43, Route 1, Jemison, Ala., Wessington 1186, through Birmingham Exchange, Brown-Marx Building, Birmingham, Alabama; C/o T C I Co., 3-4231-Exchange 2431; Grace Revere Syott, 211 A, DeSales Avenue, Mobile 17, Alabama, Telephone 6-0127, Mobile, 432 S. McDonough St., Montgomery, Alabama, Telephone 2-4734; Thomas Jefferson Scott, 2400 Otis Street, N. E., Washington, D. C.; Mary Bell Scott (Mrs. Oliver Randolph) Franklin, Box 525, Wialua Star Route, Wialua, Oahu, T. H.; Lucius Gaston Scott, 310 McDonald Street, Mobile, Alabama; Nancy Scott Guy, c/o Mary Bell Scott (Mrs. Oliver Randolph) Franklin, Box 535, Wialua Star Route, Wialua, Oahu, T. H.; all heirs and distributees are over twenty-one and of sound mind.

That your petitioner, being a son of said deceased, an inhabitant of this State, above the age of twenty-one years, and in no respect disqualified under the law from serving as an administrator believing that the said estate should be immediately administered, to the end that the said property may be collected and preserved for those who shall appear to have a legal right or interest therein, does, therefore, by virtue of his

right under the statute pray that your Honor will grant Letters of Administration on said estate to John Watts Scott upon his entering into bond in such sum as is required by the statute, and which security as shall be approved by your Honor.

JOHN WATTS SCOTT
Petitioner

STATE OF ALABAMA

JEFFERSON COUNTY

John Watts Scott, being duly sworn, deposes and says that the facts averred in the above petition are true.

JOHN WATTS SCOTT
Affiant

Subscribed and sworn to before me
this 27th day of January, 1949.

BAYLESS MORRISON
Notary Public, Jefferson County, Ala. (SEAL)

FILED IN OFFICE this 3rd day of March, 1950.

WM. W. HILL
JUDGE OF PROBATE

State of Alabama
Montgomery County

PROBATE COURT

March 3 1949

SCOTT, GEORGE GASTON, DECEASED, ESTATE OF
GRANT OF LETTERS OF ADMINISTRATION

This day came John Watts Scott and filed his application in writing and under oath, alleging that George Gaston Scott who at the time of his death was an inhabitant of this County, died, intestate, on or about the 7th day of January, 1949, leaving assets in this State consisting of ~~real estate, the estimated value of which is \$x, and annual rent of said real estate is \$~~

chiefly of personalty of the value of, to-wit: \$500.00, and realty of the rental value of, to-wit, \$300.00 per year

~~and personal property~~, the estimated value of which is,

Five Thousand and No/100 (\$5000.00) Dollars

That the death of the intestate has been known more than five days; and that petitioner is the son of said decedent; and praying that letters of administration may be granted to him upon his entering into bond in such sum and with such securities as are required by law; and said John Watts Scott having filed bond as such administrator in the sum of Five Thousand Dollars, with Hartford Accident & Indemnity Co. as securities thereon, payable and conditioned as the law directs, and approved by the Judge of this Court:

IT IS ORDERED, ADJUDGED AND DECREED BY THE COURT, That said John Watts Scott be and he is hereby appointed administrator of said estate, and that letters of administration on said estate do issue to him forthwith.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT, That said John Watts Scott as such administrator proceed immediately to collect and take into his possession the goods and chattels, money, books, papers and evidences of debt of the decedent, except the personal property specifically exempted from administration under Title 7, Section 664 of the Code of Alabama, 1940, and to make and return to this Court within two months, a full and complete inventory of the same.

DONE this 3rd day of March 1949.

W. W. HILL

Judge of Probate.

State of Alabama

Montgomery County

PROBATE COURT

ESTATE OF

GEORGE GASTON SCOTT

Deceased.

JOHN WATTS SCOTT

Administrat.....

ORDER GRANTING LETTERS OF
ADMINISTRATION

Entered March 3, 1949. x194

Recorded in Probate Minute 67

Page 549

W. W. HILL

Judge of Probate.

STATE OF ALABAMA)
) PROBATE COURT
MONTGOMERY COUNTY)

I, WM. W. HILL, as Judge of Probate in and for said County in said State, hereby certify that the within and foregoing pages are a full, true and complete copy of:

Last Will and Testament of Thomas Jefferson Scott, II, deceased, as fully and completely as the same appears of record in this office in Book 13 of Wills, at page 266;

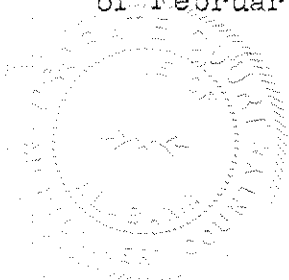
Petition of George Gaston Scott for the probate of the will of Thomas Jefferson Scott, II, deceased, and for Letters Testamentary, as fully and completely as the same appears of record in this office in Book 28 of Probate Records, at page 21;

Decree rendered by the Probate Court admitting to probate the will of Thomas Jefferson Scott, II, deceased, and granting Letters Testamentary as fully and completely as the same appears of record in this office in Book 58 of Probate Minutes, at page 580;

Petition for Letters of Administration on the estate of George Gaston Scott, deceased, as fully and completely as the same appears of record in this office in Book 44 of Probate Records at page 294;

Decree approving bond and granting Letters of Administration on the estate of George Gaston Scott, deceased, as fully and completely as the same appears of record in this office in Book 67 of Probate Minutes, at page 549.

Given under my hand and official seal this the 27th day of February, 1950.




Judge of Probate

PETITION TO SET ASIDE DECREE PRO CONFESSO

MARY BELLE SCOTT GAY,
Complainant,
VS.
JOHN WATTS SCOTT, et als.,
Respondents.

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

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

Comes now Nancy Scott Guy Mason, one of the Respondents, in
the above styled cause, and shows unto Your Honor that a Decree Pro Confesso
was, on motion, entered against her, on March 18, 1953.

That she has a meritorious defense to this cause: Attached
hereto is a copy of your Petitioner's answer marked exhibit "A" which will be
filed in this suit if her petition be granted.

Your Petitioner now prays that Your Honor will set aside said
Decree Pro Confesso and allow her to answer the Complainant's bill.

Your Petitioner now offers to pay such costs as the Court may
prescribe.

WILTERS & BRANTLEY

By: Robert M. Brantley
Solicitors for Petitioner

Filed
6-16-53

PETITION TO SET ASIDE DECREE PRO

CONFESSO

MARY BELLE SCOTT GAY,

Complainant,

VS.

JOHN WATTS SCOTT, et als.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY

CASE NO. 2650.

EXHIBIT "A"

ANSWER

MARY BELLE SCOTT GAY,

Complainant,

VS.

JOHN WATTS SCOTT, GRACE REVERE SCOTT,
THOMAS JEFFERSON SCOTT, IRENE SCOTT,
MARY BELL SCOTT FRANKLIN, LUCIUS GASTON
SCOTT, STEPHEN KYLE SCOTT, MARGUERITA
SCOTT, ELIZABETH GASTON SCOTT, LUCIUS
GASTON SCOTT and ELIZABETH ZACHRY SCOTT,
as Trustees, and NANCY SCOTT GUY,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY
CASE NO. 2651.

ANSWER OF NANCY SCOTT GUY MASON, RESPONDENT, TO
TO THE AMENDED BILL OF COMPLAINT.

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

Comes now Nancy Scott Guy Mason, one of the Respondents in the above styled
cause, and for answer to the amended Bill of Complaint says:-

1.

Your Respondent admits the allegation contained in paragraph 1 of the amend-
ed Bill of Complaint wherein Complainant alleges that she is over the age of twenty-
one years and a non-resident of the State of Alabama, but does not admit that the
list of persons nominated and designated as Respondents is a correct list, and de-
mands strict proof thereof. Nor does Respondent admit that LUCIUS GASTON SCOTT and
ELIZABETH ZACHRY SCOTT are Trustees as alleged by the Complainant, but on the con-
trary, without either admitting or denying said allegation, demands strict proof
thereof.

2.

She admits the allegations contained in Section 2 of the amended Bill of
Complaint.

3.

Your Respondent denies the allegations in Section 3 of the amended Bill of
Complaint and demands strict proof of the same.

4.

The Respondent, Nancy Scott Guy Mason, adopts Section 4 of the Respondent
Thomas Jefferson Scott's answer, as her answer, to Section 4 of the amended Bill of

Complaint and incorporates it herein as if it were here fully set out.

5.

She neither admits nor denies the allegations of Section 5 of the Amended Complaint, but demands strict proof of the same.

6.

She admits the allegations of section 6 of the amended complaint.

CROSS-COMPLAINT

Your Respondent, Nancy Scott Guy Mason, prays that Your Honor will take this answer as a cross-bill and shows to the Court as follows:

I

The Respondent and Cross-complainant, Nancy Scott Guy Mason, hereby adopts Sections A-B-C and F of the Respondent and Cross-complainant, Thomas Jefferson Scott's, cross-complaint as her own and incorporates it herein as if here fully set out.

II

Your Cross-complainant further shows to the Court that she has had to employ the law firm of Wilters & Brantley of Bay Minette, Alabama, to file this cross-complaint to secure partition in kind of this property, which will be to the best interest of all parties to this cause.

PRAYER FOR PROCESS

Your Cross-complainant prays that the Court will take jurisdiction of this cross-complaint, and that due notice thereof in the form and manner prescribed by law, be given to the Complainant and the Respondents, requiring them to appear, plead, answer or demur to this cross bill of complaint within the time allowed by law.

PRAYER FOR RELIEF

WHEREFORE, the premises considered your Cross-complainant, Nancy Scott Guy Mason, prays:

I

That this Court will make and enter a proper order fixing the Solicitor's fee to be paid to Wilters & Brantley, the solicitors for your Cross-complainant,

Nancy Scott Guy Mason; making it a common charge against the proceeds of the sale of the said improvements, or, if that is insufficient, a part of the costs in this case.

II

The Cross-complainant, Nancy Scott Guy Mason, adopts those Sections of the Cross-complainant, Thomas Jefferson Scott's, prayer for relief marked A-B-D-E and F and here incorporates them in her prayer for relief as if they were here fully set out.

WILTERS & BRANTLEY

By:

Solicitors for Nancy Scott Guy Mason.

THE PARTLOW STATE SCHOOL
THEODORE, AL.

OFFICE OF THE SUPERINTENDENT
J. S. TARWATER, M. D.

THE ALABAMA STATE HOSPITALS
AND
THE PARTLOW STATE SCHOOL

TUSCALOOSA, ALA

July 7, 1950

458

BOOK 351-538

17138

STATE OF ALABAMA)
TUSCALOOSA COUNTY)

TO WHOM IT MAY CONCERN:-

This is to certify that Mrs. Nancy Scott Guy of the County of Montgomery, State of Alabama, after due examination by the undersigned, was released from The Bryce Hospital, Tuscaloosa, Alabama, June 15, 1950, having been restored to sanity.

It is my opinion that she is now competent and capable to understand and transact matters of business.

This certificate is given in compliance with the provisions of Section 218, Title 15, Code of Alabama of 1940, as amended by H. Bill 25 — Sayer approved July 6, 1945.

Signed

JST/ECV

J. B. Farwater
J. B. Farwater, M. D.
Superintendent



...and the ...

W. W. W. W.

STATE OF ALABAMA, MONTGOMERY COUNTY
I certify that this instrument was filed on the 29 day
of Aug 1906 at 9:30 o'clock A.M. and recorded in
Book of 18437 Page 57 Tax Paid

1980-1981

DECREES OF SANITY

451

EX PARTE: NANCY SCOTT GUY

IN THE PROBATE COURT OF
MONTGOMERY COUNTY, ALABAMA.

WHEREAS, on, to-wit, the 7th day of April,
1949, Nancy Scott Guy was committed by this Court to Bryce
Hospital at Tuscaloosa, and

WHEREAS, on, to-wit, the 15th day of June,
1950, the said Nancy Scott Guy had been restored to a normal
or comparatively safe and good mental condition sufficiently long
to warrant the opinion on the part of the superintendent of Bryce
Hospital that she ought to be returned to her home, and

WHEREAS, on June 15, 1950, Nancy
Scott Guy was returned to her home, and

WHEREAS, a certificate of recovery by J. S. Tarwater, M. D., /
Superintendent
of Bryce Hospital, has been presented to this Court in accordance
with the provisions of Sec. 218, Title 45 of the 1940 Code of Alabama,
as amended by an act approved July 6, 1945,

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that
Nancy Scott Guy is hereby declared to be restored to sanity.

DONE this 8th day of September, 1952.

Wm. W. Hill
Judge of Probate

STATE OF ALABAMA)
) PROBATE COURT
MONTGOMERY COUNTY)

I, WM. W. HILL, as Judge of Probate in and for said County in said State, hereby certify that the within and foregoing pages are a full, true and complete copy of CERTIFICATE OF RECOVERY BY DR. J. S. FARWATER as fully and completely as the same appears of record in this office in Book 56 of Probate Records, at page 458, and DECREE ~~RENDERED BY THE PROBATE COURT DECLARING NANCY SCOTT GUY TO BE RESTORED~~ TO SANITY as fully and completely as the same appears of record in this office in Book 73 of Probate Minutes, at page 451.

Given under my hand and official seal this the 12th day of November, 1952.

Wm. W. Hill
Judge of Probate

STATE OF ALABAMA, BALDWIN COUNTY
Filed 11-19-52 4 P. M.
Recorded Miss... book 10 page 365-67
J. M. Stuart
Judge of Probate

BOOK 010 PAGE 367

Page 2 of 2 pages

18 MAR 1958
10 10
BOOK

STATE OF ALABAMA
BALDWIN COUNTY

I, G. M. McLeal, a Notary Public in and for said County, in said State, hereby certify that Elizabeth Zachary Scott, whose name is signed to the foregoing Conveyance, and who being made 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 the 17 day of July, A.D. 1957.

G. M. McLeal
Notary Public in and for Baldwin County, Alabama.

STATE OF ALABAMA
BALDWIN COUNTY

I, G. M. McLeal, a Notary Public in and for said County, in said State, hereby certify that Elizabeth Zachary Scott, whose name is signed to the foregoing Conveyance, and who being made 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 the 17 day of July, A.D. 1957.

G. M. McLeal
Notary Public in and for Baldwin County, Alabama.

STATE OF ALABAMA
BALDWIN COUNTY

I, G. M. McLeal, a Notary Public in and for said County, in said State, hereby certify that Elizabeth Zachary 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 Zachary Scott, and who being made 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. 1957.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 7-24-57 8a G. M. McLeal
Recorded _____
and I certify that the foregoing Privilege Tax
has been paid.

Levy Tax _____
Mortgage Tax _____

W. H. Stuart
Judge of Probate

The State of Alabama,
Baldwin County

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify
that the within and foregoing _____ pages
contain a full, true and complete copy of the Deed from Lucius Gaston Scott and Elizabeth
Zachry Scott to Madeleine Gibbs Scott et al.

as the same appears of record in my office in _____ Deed _____ Book No. 167
page 117-18.

Given under my hand and seal of office, this 9th day of June, 1958

W. R. Stuart
Judge of Probate.

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


The undersigned J. B. Blackburn and the firm of McCorvey, Turner, Johnstone, Adams and May, attorneys for the complainant in the above entitled cause, hereby fully and completely release Stephen Kyle Scott, Marguehrita Scott and Elizabeth Gaston Scott, minors, from any and all obligation to pay the sum of Six Hundred Dollars (\$600.00), which is their proportionate part of the attorneys' fee of Ten Thousand Eight Hundred Dollars (\$10,800.00) allowed to the said attorneys in the final decree heretofore rendered in this cause, dated April 24, 1961, a certified copy of which is recorded in Deed Book 304 at pages 1-13, Baldwin County, Alabama Records, and do hereby release any lien which the said attorneys have or may have against Lot 1 in Block A, and Lot 1 in Block B, as shown by the map prepared by Harold W. Graham, dated July 19, 1960, a copy of which is attached to the certified copy of the said final decree and a copy of which is recorded in Map Book 5 at page 133, Baldwin County, Alabama Records.

This release is made without consideration and for the accomodation and benefit of the said minors.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals on this the 30th day of June, 1961.

 (SEAL)
J. B. Blackburn

McCORVEY, TURNER, JOHNSTONE, ADAMS
AND MAY (SEAL)

By  Ben D. Turner

FILED
JUL 3 1961
ALICE L. DUCK, Register

Release

May

vs

Scott

Equity

2650

FILED

JUL 3 1961

ALICE J. DUCK, Register

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

DEMURRER TO PETITION TO INTERVENE

I.

Now comes the complainant and demurs to Paragraph Numbered Second of the Petition for Intervention filed in this cause by Dorothy J. Boothby, and as grounds therefor assigns, separately and severally, the following:

1. No facts are alleged to show that the party seeking to intervene has an interest in the subject matter of the suit.
2. No facts are alleged to show that the party seeking to intervene has any claim or cause of action against the complainant in this suit.
3. The said petition does not allege that the rentals due under the lease described therein have been paid.
4. For aught that appears in the said petition, the lease described therein is not in full force and effect.
5. No facts are alleged in the said petition to show that the lease described therein is in full force and effect.

II.

Now comes the complainant and demurs to Paragraph Numbered Third of the Petition for Intervention filed in this cause by Dorothy J. Boothby, and as grounds therefor assigns separately and severally the following:

1. No facts are alleged to show that the party seeking to intervene has an interest in the subject matter of the suit.
2. No facts are alleged to show that the party seeking to intervene has any claim or cause of action against the complainant in this suit.

3. No facts are alleged to show that the complainant in this suit is responsible in any way for the said actions of Lucious Gaston Scott.

4. The improvements referred to in the said petition are not sufficiently described.

J. B. Blackburn
Solicitor for complainant.

Answer

to

Bill of Complaint of Mary Belle Scott Gay

vs.

John Watts Scott et al.

*Correction verified
Am Kugel*

Mashburn

To - Hon. Telfair J. ~~Mashburn~~ Jr. Judge of Circuit Court of Baldwin County,
Alabama, Sitting in Equity

From - Thomas Jefferson Scott
2231 Otis Street, N. E.
Washington 18, D. C.

Thomas Jefferson Scott, one of the respondents in the above entitled proceedings, in answer to the complaint filed upon me, do reply as follows.

1. In Paragraph 1 the address of Thomas Jefferson Scott is given as 2400 Otis Street, N.E. instead of 2231 Otis Street, N. E., Washington 18, D. C. The addresses of Mary Belle Scott Franklin and Nancy Scott Gay are also incorrectly given.

2. In paragraph 2 the Bill of Complaint states that the heirs of George Gaston Scott (the respondents) are joint owners with Mary Belle Scott Gay. This is believed incorrect as I have been advised legally that the heirs of Mr. Charles Herrington Scott have a one-third interest in this property.

3. In paragraph 3 the interests of the various parties concerned is given incorrectly. It should be as follows:

Mary Belle Scott Gay, one-third
Heirs of Charles Herrington Scott, one-third
Heirs of George Gaston Scott, one-third

4. The few buildings on this property are of such small value in comparison to the value of the land that the property could readily be divided among the joint owners.

5. Mary Belle Scott Gay has not, prior to the filing of this suit, approached this respondent, Thomas J. Scott, with any proposal to divide this property among the joint owners.

6. This respondent--Thomas J. Scott--believes that it is to the best interests of most concerned that this property not be sold now as it will probably greatly increase in value in the next few years. If Mary Belle Scott Gay desires to sell her one-third interest, the property can be

appraised and physically divided into third portions of equal value and she can then dispose of her share as she pleases.

Further

of Embury
This respondent—Thomas J. Scott—objects to ~~the~~ any order or decree by which the solicitors' fees of Mary Belle Scott Gay be made a common charge against the proceeds of the sale of this property as requested in paragraph 3 of "Prayer for Relief" of this Bill of Complaint.

This respondent also objects to the Bill of Complaint in that it is not sworn to by the Complainant, Mary Belle Scott Gay.

This respondent has recently acquired the interests of the Charles Herrington Scott heirs. See Baldwin County Deed Book 171, pages 230-233.

Respectfully yours

Thomas Jefferson Scott
Thomas J. Scott

Sworn and subscribed before me on this the 7th day of November 1951.

Agnes M. Ruge
Notary Public
my commission expires 8/5/53

DEMURRER

MARY ELLIE SCOTT GAY,	¶	IN THE CIRCUIT COURT OF
Complainant,	¶	BAWDWIN COUNTY, ALABAMA.
VS.	¶	IN EQUITY
JOHN WATTS SCOTT, ET ALS.,	¶	CASE NO. 2650.
Respondents.	¶	

Comes now, NANCY SCOTT GUY MASON, one of the Respondents in the above styled cause ^{and} demurs to the Bill of Intervention heretofore filed in this cause by Dorothy J. Boothby and for grounds of demurrer says:-

1.

Dorothy J. Boothby fails to allege facts sufficient to entitle her to the right of intervention.

2.

The intervener fails to allege that the lease referred to is valid and subsisting.

3.

The intervener fails to allege that she has complied with her obligations under the terms of the lease referred to.

4.

For ought appearing this lease has been breached by the intervener.

5.

For ought appearing, the rentals agreed upon, under the terms of the lease referred to, are not paid.

6.

The Respondent demurs specifically to that section of the Bill of Complaint marked "SECOND", and says that there is no paper marked Exhibit "A" attached to Dorothy J. Boothby's Bill of Intervention.

Filed
6-22-53

WILLIAMS & BRANTLEY

By:

Dollars M B Brantley
Solicitors For Nancy Scott Guy Mason,
one of the Respondents.

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, MARGUERHITA 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.

Deitz. Neuch
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. MASHBURN, 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 amend-
ed 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, Marguehrita Scott, Eliza-
beth Gaston Scott, Lucius Gaston Scott and Elizabeth Zachry Scott,
as Trustees, and Nancy Scott Guy, and, thereupon, your Oratrix com-
plains 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

Marguehrita 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 Marguehrita 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 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 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

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 of 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 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 Bella Scott Gay
John Watts Scott
Grace Revere Scott
Thomas Jefferson Scott
Irene Scott
Mary Bell Scott Franklin
Nancy Scott Guy
Stephen Kyle Scott,
Marguehrta Scott, Elizabeth
Caston Scott, Lucius Caston
Scott, and Lucius Caston
Scott and Elizabeth Zachry
Scott, as Trustees as afore-
said,

21/54
4/54
4/54
7/54
3/54
4/54
4/54

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 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 a sale, the cost of which should be taxed as a part of the cost 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 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

EXHIBIT A

QUIT CLAIM DEED

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That we, Elizabeth Zachry Scott and husband, Jucius 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 Jucius Gaston Scott and his divorced wife, Madeleine Gibbs Scott, namely, Stephen Kyle Scott and Marguehrita Scott, and the children of Jucius 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 on this the 17 day of July, 1951.

(S)
Dwight Steels,
Witness

(Signed) LUCIUS GASTON SCOTT L.S.
(Signed) ELIZABETH ZACHRY SCOTT L.S.

(S)
Dwight Steels,
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

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

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

RECORDED

JUL 1 1951

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.

Motion Now comes the complainant and demurs to the amended ~~petition~~ 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., 19blank, 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, 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.

II.

Now comes the complainant and demurs to Paragraph Numbered 1 of the amended ~~petition~~ ^{*motion*} 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 8, 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 complainant and demurs to Paragraph Numbered 2 of the amended ~~petition~~ ^{*motion*} 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 8, 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 complainant and demurs to Paragraph Numbered 3 of the amended ~~petition~~ ^{*motion*} 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 8, 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 complainant and demurs to Paragraph Numbered 4 of the amended ~~petition~~ ^{*motion*} 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 8, both inclusive, which are set out above, separately and severally, just as if each of the said grounds of demurrer was specifically rewritten here.

Filed
10-27-55

J. B. Blackburn
M. C. Carey, Turner, Rogers
Johnston & Adams
Solicitors for complainant.

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

STATE OF ALABAMA
BALDWIN COUNTY

NO. 2650

I certify that this instrument was filed on

APR 24 1961 2:00 PM

and that no tax was collected. Recorded in
FINAL DECREE
Book 1-13
Page 1-13
Judge of Probate

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 fol-
lowing 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 prop-
erty 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 part-
ies 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.

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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.

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(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 \$669.88 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. BOOK 5
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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-eighteenths (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

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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.

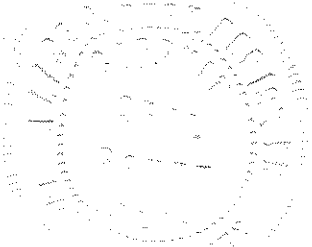
ORDERED, ADJUDGED AND DECREED on this the 24 day of April, 1961.

(S) HUBERT M. HALL
Judge

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

WITNESS MY HAND AND SEAL THIS 24th day of Apr. 1961

Alice J. Duck
Register of Circuit Court, in Equity



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