

It further appearing to the Court that the property was duly advertised and sold in accordance with the decree of the Court and the purchaser at the sale was Francis A. Poggi, who was the highest, best and last bidder for said property, at and for the sum of SIX THOUSAND SIX HUNDRED AND 00/100 (\$6,600.00) DOLLARS, which amount has been duly paid into the hands of Alice J. Duck, Register of this Court; and

It further appearing to the Court from the evidence that those entitled to share in the distribution of the funds arising from the sale, other than the court cost and special fees herein-after enumerated, and the interest of each is as follows:

Herman L. Pierce -----4/10th interest;
John P. Pierce -----2/10th interest;
Rosa Pierce Danne -----1/10th interest;
Mack Pierce -----1/10th interest;
H. M. Hall -----1/10th interest;
The heirs of Mack Pierce,
deceased, Minnie Pierce, his
widow, Kathryn Pierce, widow
of Donald Pierce, deceased,
Janice Ann Pierce, daughter of
Donald Pierce -----1/10th interest;

and

It further appearing that it was necessary to have an abstract of title prepared and that Beebe & Swearingen prepared the said abstract and have submitted their bill for ONE HUNDRED AND 00/100 (\$100.00) DOLLARS; and the Court deems said abstract fee reasonable and the same is approved -

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE Court that Alice J. Duck pay into the hands of Beebe & Swearingen ONE HUNDRED AND 00/100 (\$100.00) DOLLARS, for which she shall have due credit; and

It further appearing to the Court that Telfair J. Mashburn, Jr., Attorney for Herman L. Pierce in the matter of the sale of the property, which was to the interest of all parties concerned, and in the opinion of the Court entitled to the sum of FIVE HUNDRED FIFTY AND 00/100 (\$550.00) DOLLARS, which is a reasonable Attorney's fee -

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Alice J. Duck pay into the hands of Telfair J. Mashburn, Jr., Attorney, the sum of FIVE HUNDRED FIFTY AND 00/100 (\$550.00) DOLLARS, for which she shall have a credit; and

It further appearing to the Court that Harry J. Wilters, Jr., was appointed Guardian ad Litem to represent the interest of an unborn heir, since born, and that in the opinion of the Court THIRTY-FIVE AND 00/100 (\$35.00) DOLLARS is a reasonable fee for such services;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Alice J. Duck pay into the hands of Harry J. Wilters, THIRTY FIVE AND 00/100 (\$35.00) DOLLARS, for which she shall have a credit; and

It further appearing to the Court that Alice J. Duck, as Register of the Court is entitled to a Commission in making the sale of SEVENTY-SEVEN AND 50/100 (\$77.50) DOLLARS;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Alice J. Duck retain the sum of SEVENTY-SEVEN AND 50/100 (\$77.50) DOLLARS, for which she shall have a credit.

And it further appearing to the Court that the cost accrued amounts to ONE HUNDRED NINE AND 12/100 (\$109.12) DOLLARS:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Alice J. Duck, as Register of the Court retain the sum of ONE HUNDRED NINE AND 12/100 (\$109.12) DOLLARS, and pay out the same to those entitled thereto, for which she shall have a credit; and

It further appearing to the Court that after the payment of the fees, and cost as herein set out, the Register of the Court shall have in her hands the sum of FIVE THOUSAND, SEVEN HUNDRED TWENTY EIGHT AND 38/100 (\$5,728.38) DOLLARS, subject to distribution and to be paid out to those entitled thereto;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Alice J. Duck, as Register of the Court, pay into the hands of Herman L. Pierce, or Telfair J. Mashburn, Jr., his Attorney, the sum of TWO THOUSAND, TWO HUNDRED NINETY ONE AND $34/100$ (\$2,291.34) DOLLARS, being his distributive share;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Alice J. Duck, Register of the Court, pay into the hands of John P. Pierce, or his Attorney of record, the sum of ELEVEN HUNDRED FORTY-FIVE AND $68/100$ (\$1145.68) DOLLARS, being the distributive share of the said John P. Pierce;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Alice J. Duck, as Register of the Court, pay into the hands of Rosa Pierce Danne, or Beebe & Swearingen, her Attorneys of record, the sum of FIVE HUNDRED SEVENTY TWO AND $84/100$ (\$572.84) DOLLARS, being her distributive share;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE Court that Alice J. Duck, Register of the Court, pay into the hands of Mack Pierce, or his Attorney of Record, the sum of FIVE HUNDRED SEVENTY TWO AND $84/100$ (\$572.84) DOLLARS, being his distributive share;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Alice J. Duck, as Register of the Court pay into the hands of the heirs of Mack Pierce, deceased, Minnie Pierce, Kathryn Pierce and Janice Ann Pierce, or to Wilters & Brantley, their Attorneys of record, the sum of FIVE HUNDRED SEVENTY TWO AND $84/100$ (\$572.84) DOLLARS;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Alice J. Duck, as Register of the Court, pay into the hands of H. M. Hall, the sum of FIVE HUNDRED SEVENTY TWO AND $84/100$ (\$572.84) DOLLARS, being his distributive share;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all proceedings are in proper form, and should be, and are hereby ratified and confirmed.

Dated this 15th day of June, 1955.

Hubert M Hall
JUDGE

Filed
6-18-55
A. J. Duluck
R. J.

HERMAL L. PIERCE

COMPLAINANT

VS

MRS. ROSA PIERCE DENNE
ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 3312

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

Comes now Donald Pierce, one of the Respondents in the above styled
cause, and for answer to the bill of complaint says:

1.

That he is a resident of Detroit, Michigan, and over the age of twenty-
one years. That your Respondent admits that the Complainant is over the
age of twenty-one years and resides in Fairhope, Alabama, and further that
he is advised the address of the remaining respondents alleged in the com-
plaint are substantially correct.

2.

That he admits that he is a joint owner or tenant in common with the
Complainant and other respondents in the tract of land described in Section
2 of the Complaint.

3.

The Respondent denies the allegations contained in paragraphs 3, 4, 5,
6 and 7, and demands strict proof of the same.

Walters & Brantley

By: Solicitors for the Respondent,
Donald Pierce.

FILED

OCT. 29 1954

ALICE J. DUCK, Clerk

3312

RECORDED

HERMAN L. PIERCE

COMPLAINANT

VS

MRS. ROSA PIERCE DENNE,
ET AL,

RESPONDENTS

ANSWER

FILED
OCT 29 1954
ALICE J. DICK, Register

HERMAN L. PIERCE,
 Complainant,
 VS.
 MRS. ROSA DANNE, et al.
 Respondents.

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 3312

N O T I C E .

By virtue of an order of Honorable Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, In Equity, made on the 11th day of April, 1955, I, Alice J. Duck, Commissioner named in said order, will sell to the highest bidder for cash, at public sale, at the front door of the Baldwin County Court House, in Bay Minette, Alabama, between the hours of 12:00 o'clock, noon, and one o'clock P. M., on Wednesday, May the 18th, 1955, for the purpose of distribution among HERMAN L. PIERCE, JOHN P. PIERCE, H. M. HALL, ROSADANNE, MACK PIERCE, MINNIE PIERCE, KATHRYN PIERCE and the unborn child of DONALD PIERCE, the joint owners thereof, the following described property, lying and being on the Eastern Shore of Mobile Bay, in Baldwin County, Alabama, viz:

Beginning at the center of Fractional Section 7, Township 7 South, Range 2 East, and run thence South 351 feet to a point, which is the place of beginning of the lot herein described, which point is the southeast corner of the property of Francis A. Poggi and Gertrude M. Poggi, and run thence South along the half section line of said Section 7, 96.2 feet, more or less, to the North line of the property, of Gordon Smith, Jr.; thence run West and parallel to the East and West center line of said Section 7, and along the North line of said property of Smith, 1022.6 feet, more or less, to the Eastern Shore of Mobile Bay, thence running Northwardly along the Eastern Shore of Mobile Bay 100 feet, more or less, to the Southwest corner of said property of Poggi, thence East along the South line of said property of Poggi (running in part along a fence) 1049.7 feet, more or less, to the place of beginning.

This 11th day of April, 1955.

Alice J. Duck
 Commissioner.

8601. Motion for Decree Pro Confesso on Publication.

MPCO

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. ##3312, Term, 1955

HERMAN L. PIERCE

Complainant

Vs.

ROSA PIERCE DANNE, et al.

Defendant

Motion is hereby made for a Decree Pro Confesso against MACK PIERCE

Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 2nd day of April, 1955.

746 Code

Julius J. Massey, Jr. Solicitor.

Decree Pro Confesso of Publication.

MPCO

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 3312, Term, 19

HERMAN L. PIERCE

Complainant

Vs.

ROSA PIERCE DANNE, et al

Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 30th day of September, 1955, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 25th day of September 1954 and MACK PIERCE, one of the defendants, was, by said Order of Publication, directed to plead, answer or demur to the bill of complaint within thirty days from the 30th day of October, 1954.

And it now further appearing to the Register Alice J. Duck that the said

MACK PIERCE

M

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register ALICE J. DUCK

that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said MACK PIERCE

This 2nd day of April 1955

Alice J. Duck Register.

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1. What is the purpose of the study?
 2. What are the research questions?
 3. What is the significance of the study?
 4. What are the limitations of the study?
 5. What are the conclusions of the study?

Figure 1. The effect of the concentration of the solution on the rate of the reaction. The reaction was carried out at 25°C in 0.1 M NaOH solution. The concentration of the solution was 0.01 M, 0.02 M, 0.03 M, 0.04 M, 0.05 M, 0.06 M, 0.07 M, 0.08 M, 0.09 M, 0.1 M, 0.2 M, 0.3 M, 0.4 M, 0.5 M, 0.6 M, 0.7 M, 0.8 M, 0.9 M, 1.0 M. The reaction was carried out in 0.1 M NaOH solution. The concentration of the solution was 0.01 M, 0.02 M, 0.03 M, 0.04 M, 0.05 M, 0.06 M, 0.07 M, 0.08 M, 0.09 M, 0.1 M, 0.2 M, 0.3 M, 0.4 M, 0.5 M, 0.6 M, 0.7 M, 0.8 M, 0.9 M, 1.0 M.

Mrs. Rosa Pierce Denne,
et al Respondents

FILED

[illegible]

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 complainant
 erce Denne,
 respondents
 mended bill of

THE

HERMAN L. PIERCE,

Complainant,

vs.

MRS. ROSA PIERCE DENNE, et al,

Respondent .

* IN THE CIRCUIT COURT OF
* BALDWIN COUNTY, ALABAMA.*
* In Equity*
* No. 3312ANSWER

, Comes now JESSE PIERCE, one of the Respondents in the above styled cause, and for answer to the bill of complaint on file therein, denies each and every allegation thereof, and demands strict proof thereof.

FILED

Sept 3 1954

ALICE J. DUCK, Clerk

Robert T. Cunningham
Robert T. Cunningham
1511 Merchants Natl. Bank Bldg.
Mobile, Alabama
Attorney for Respondent Jesse
Pierce.

FILED
SEP 3 1954
RECORDED
ALICE J. DICK, Registrar

RECORDED FOR THE RECORDS
ALICE J. DICK, REGISTRAR
SEP 3 1954

SEP 3 1954

RECORDED

14

HERMAN L. PIERCE,
COMPLAINANT
VS
MRS. ROSA PIERCE DANNE
et al
DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Comes the defendant, Rose Pierce Danne, and demurring to
the bill of complaint in the above styled cause says:

1. There is no equity in the bill.
2. It does not appear from said bill of complaint who,
in what manner, or in what conveyance the complainant claims to own
a 5/11 interest in the lands described in the said bill of complaint.
3. For ought that appears in the said bill of complaint the
land can be equitably divided between the owners thereof without
a sale of the same.

FILED

9-18 1954

ALICE J. DUCK, Clerk

BEEBE & SWEARINGEN

BY

[Signature]
Solicitor for Defendant, Rose
Pierce Danne.

3312

Pierce
Pierce

RECORDED

Democrat
Bill

FILED

9-18-37

ALICE I. DUCK, CLERK

HERMAN L. PIERCE

COMPLAINANT

VS

MRS. ROSA PIERCE DENNE, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALIWIN COUNTY, ALABAMA,

IN EQUITY

NO. 3312

Comes now Minnie Pierce and Kathryn Pierce, Respondents in the above styled cause, and for answer to the Complainant's amended complaint says:

1.

That they are residents of Detroit, Michigan, and are over the age of twenty-one years. That they admit the Complainant is over the age of twenty-one years and resides in Fairhope, Alabama, and further that they are advised the address of the remaining respondents alleged in the complaint are substantially correct.

2.

That they admit they are joint owners or tenants in common with the Complainant and other respondents in the tract of land described in Section 2 of the Complaint.

3.

The Respondents admits that part of Section 3 of the Complaint which states as follows: "That Donald Pierce, who was the son of Mack Pierce deceased, has died since the respondent's bill of complaint was filed, leaving his mother, the widow of Mack Pierce, and his wife, Kathryn, who will bear his child in the spring of 1955". Further that they admit their interest in this land described in Section 2 of the Complaint is a dower interest but they neither admit ~~nor~~ deny the allegations as to the amount of their interest and demand strict proof of the same. Further they ~~deny~~ deny all other allegations contained in Section 3 of the Complaint that they have not specifically admitted and demand strict proof of the same.

4.

The Respondent denies the allegations contained in Sections 4, 5, 6, and 7 and demands strict proof of the same.

Walters & Brantley

By: Walter J. WaltersSolicitors for the respondents,
Minnie Pierce and Kathryn Pierce.

FILED

Dec. 2 1954

ALICE J. DUCK, Clerk

RECORDED

3372

HERMAN L. PIERCE

COMPLAINANT

VS

MRS. ROSA PIERCE DEINE, ET AL,

RESPONDENTS

ANSWER

FILED

DEC 2 1954

WALLACE J. DUCK, Register

HERMAN L. PIERCE,

Complainant,

VS.

MRS. ROSA PIERCE DANNE, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 3312

Comes the complainant in the above styled cause, HERMAN L. PIERCE, and shows unto your Honor and this Honorable Court that on the 11th day of April, 1955, your Honor made and entered a decree in the above styled cause ordering certain lands, the subject of the suit, sold for division on the 18th day of May, 1955, and appointing the Register of this Court, ALICE J. DUCK, to hold said sale; that on the 18th day of May, 1955, said lands were sold by the said ALICE J. DUCK, at public outcry, in conformance with said decree of the Court; that, on the afore-said 18th day of May, 1955, the said ALICE J. DUCK made report to this Honorable Court of her action in the premises; that on the 31st day of May, 1955, this Honorable Court made and entered a decree confirming the report of the said ALICE J. DUCK; that it is necessary that further testimony be taken in this cause; and that it is necessary that a day be fixed for a final hearing of this cause.

WHEREFORE, THE PREMISES CONSIDERED, complainant prays that Your Honor will fix a date for the final hearing of this cause, and will order the Register to give due and legal notice of the date, time and place set for such final hearing, to the interested parties or their Solicitors.

J. H. A. Mablebury Jr.

I hereby certify that I have this 1st day of June, 1955, mailed copies of the above Petition to Robert Cunningham, Attorney at Law, 1502 Merchants National Bank Building, Mobile, Alabama, to Wilters & Brantley, Attorneys, and Beebe & Swearingen, Attorneys, Bay Minette, Alabama, in properly addressed and stamped envelopes.

J. H. A. Mablebury Jr.
SOLICITOR FOR COMPLAINANT.

FILED

JUN 1 1955

ALICE J. DECK, Register

GROVES C. HILLARD
ATTORNEY AT LAW
717 ANNEX FIRST NATIONAL BANK BUILDING
POST OFFICE BOX 164
MOBILE 2, ALABAMA

May 25, 1955

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

Re: Case No. 3312 - Pierce v.
Dunne.

Dear Mrs. Duck:

Mr. Frank A. Poggi, purchaser of the real property involved in the above styled case, has asked me to write you for the purpose of requesting you to record the deed to the property after the sale has been confirmed by the Court.

I do not know whether or not it is necessary for the purchaser to supply the revenue stamps in the case of a sale for division, but I assume that, as in other matters, the seller supplies the revenue stamps.

If you will have this deed recorded for me and mail it to me along with the bill for any charges which you may incur, I will certainly appreciate it.

Yours very truly,


Groves C. Hillard.

GCH/dc

HERMAN L. PIERCE,

Complainant,

VS.

MRS. ROSA PIERCE DANNE, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 3312.

DECREE.

This cause coming on to be heard is submitted on complainants Petition for a final hearing in said cause, and the same being considered by the Court and the Court being of the opinion that said Petition should be granted, it is, thereupon, ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. That this cause be, and it is hereby, set down for final hearing at 9:00 O'clock, A. M., on the 14 day of June, 1955, in Chambers in the courthouse at Bay Minette, Alabama.

2. That the Register of this Court give to the parties, or their Solicitors of Record, notice of the date and time of the hearing of this Cause, by mailing to them a copy of this decree.

Done and Ordered this 1 day of June, 1955.

J. Suber m 2 face
J U D G E.

CUNNINGHAM AND WILKINS
ATTORNEYS AT LAW
1511 MERCHANTS NATIONAL BANK BUILDING
MOBILE 11, ALABAMA

ROBERT T. CUNNINGHAM
ROBERT B. WILKINS

July 5th, 1955

TELEPHONE
HE 8-2478

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

Re: Herman L. Pierce vs.
Mrs. Rosa Danne, et al

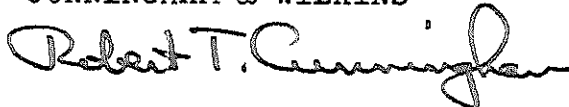
Dear Mrs. Duck:

Please send direct to me the check in the sum of
\$1145.68 that you are holding for John P. Pierce.
You will recall that I am the attorney of record
for John P. Pierce.

I do not know to whom the money for Mack Pierce
should be paid. John P. Pierce is the only party
that I represent.

Very truly yours,

CUNNINGHAM & WILKINS



ROBERT T. CUNNINGHAM

RTC/mb

3312

Purica

VS

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file

FILED

1955

HERMAN L. PIERCE,
Complainant,
VS.
MRS. ROSA DANNE, et al.
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.
NO. 3312

D E C R E E.

This cause coming on to be heard and, except those who have permitted a decree pro confesso to be taken against them, the parties being present in person or by their attorneys, this day is submitted for final decree upon the pleadings and the testimony heard ore tenus by the Court.

It appears to the Court that JOHN PIERCE died many years leaving certain lands in Baldwin County, Alabama; that John Pierce's widow died before the filing of the Bill of Complaint in this cause; that John Pierce was the Father of EMMA PIERCE, JOSEPH PIERCE, ROBERT PIERCE, ROSA PIERCE DANNE, JOHN PIERCE, JESSE PIERCE, BERT PIERCE, MACK PIERCE, HERBERT PIERCE, WILLIAM PIERCE, JOSEPHINE PIERCE HELES; and WALTON PIERCE; that BERT PIERCE and WALTON PIERCE died intestate and without issue, before the Bill of Complaint in this cause was filed; that EMMA PIERCE, JOSEPH PIERCE, JOHN PIERCE and JOSEPHINE PIERCE HELES conveyed their interest in the lands left by their Father, JOHN PIERCE, to HERMAN L. PIERCE before this action was commenced; that JESSE PIERCE and WILLIAM PIERCE conveyed their interest in said lands to JOHN P. PIERCE, since the bill of complaint was filed in this cause and that the said JOHN P. PIERCE has filed his motion to intervene in said cause and is properly before this Court; that ROBERT PIERCE conveyed his interest in said lands to H. M. HALL before this action was commenced and that said H. M. HALL is properly before the Court; that ROSA PIERCE DANNE has been served and is represented by counsel; that HERBERT PIERCE died before this action was commenced, leaving a son, MACK PIERCE, whose address is unknown and against whom a decree pro confesso on publication has been taken; that MACK PIERCE died before this action was commenced, leaving a widow, MINNIE PIERCE and a son DONALD PIERCE, and that the said DONALD

PIERCE has died since the bill of complaint in this cause was filed, leaving a widow, KATHRYN PIERCE and an unborn child, and that they are represented by counsel. It thus appears that all of the parties are properly before the Court.

Upon consideration of the said matter, the Court is of the opinion that the complainant is entitled to the relief prayed for in his bill of complaint as last amended. IT IS, THEREFORE,

ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That HERMAN L. PIERCE is the owner in fee simple of an undivided four/tenths (4/10ths) interest in the property described in the Amended Bill of Complaint, said property lying and being in Baldwin County, Alabama, and more particularly described as follows:

Beginning at the center of Fractional Section 7, Township 7 South, Range 2 East, and run thence South 351 feet to a point, which is the place of beginning of the lot herein described, which point is the southeast corner of the property of Francis A. Poggi and Gertrude M. Poggi, and run thence South along the half section line of said Section 7, 96.2 feet, more or less, to the North line of the property of Gordon Smith, Jr.; thence run West and parallel to the East and West center line of said Section 7, and along the North line of said property of Smith, 1022.6 feet, more or less, to the Eastern Shore of Mobile Bay, thence running Northwardly along the Eastern Shore of Mobile Bay 100 feet, more or less, to the Southwest corner of said property of Poggi, thence East along the South line of said property of Poggi (running in part along a fence) 1049.7 feet, more or less, to the place of beginning.

2. That JOHN P. PIERCE is the owner of and undivided two/tenths (2/10ths) interest, in fee simple, in said lands; that H. M. HALL is the owner in fee simple of an undivided one/tenth (1/10th) interest in the property described hereinabove; that MACK PIERCE is the owner in fee simple of an undivided one/tenth (1/10th) interest in the property described hereinabove; that Mrs. ROSA DANNE is the owner in fee simple of an undivided one/tenth (1/10th) interest in said property; and that the unborn child of DONALD PIERCE is the owner of an undivided one/tenth (1/10th) interest in said property, subject to the dower interest of his Grandmother, MINNIE PIERCE, and his, or its, Mother, KATHRYN PIERCE.

3. That said real property cannot be equitably divided

amongst the owners thereof without a sale of the same for division.

4. That ALICE J. DUCK, as Commissioner, be and she is hereby authorized and directed to sell, on Wednesday, May 18, 1955, at public outcry, for cash, in front of the Courthouse of Baldwin County, Alabama, in Bay Minette, Alabama, during the legal hours of sale, the property hereinabove described, after first giving notice by publication the Baldwin Times, a newspaper of general circulation published in Baldwin County, Alabama, once a week for three successive weeks, of the time, place, terms of sale, and a description of the property.

5. That the register of the Court order and obtain an abstract of the title to said property, extending back a period of thirty years, and that the cost thereof be taxed as a part of the costs of this case.

6. That Alice J. Duck, as Commissioner, shall immediately upon making the said sale, in the manner and form described herein, report her actions herein to the Court, so that the same may be confirmed or rejected as may seem meet and proper.

7. That, upon the coming in of the Commissioner's report, and after the same has lain over for the time prescribed by law, the Court proceed to ascertain what would be a reasonable attorney's fee to be paid to Complainant's solicitor, Telfair J. Mashburn, Jr., for his services in this cause, and also ascertain and fix the value of the dower or life interest of MRS. MINNIE PIERCE and MRS. KATHRYN PIERCE.

All other questions reserved.

Done this 11th day of April, 1955.


CIRCUIT JUDGE

M
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 3312.

HERMAN L. PIERCE,

Complainant,

VS.

MRS. ROSA PIERCE DANNE,
etal.,

Respondents.

DECREE.

FILED
APR 11 1955
ALICE J. DUCK, Register

CUNNINGHAM AND WILKINS
ATTORNEYS AT LAW
1511 MERCHANTS NATIONAL BANK BUILDING
MOBILE 11, ALABAMA

ROBERT T. CUNNINGHAM
ROBERT B. WILKINS

TELEPHONE
8-2478

January 28, 1955

Mrs. Alice J. Duck, Clerk
Circuit Court
County Courthouse
Bay Minette, Alabama

Dear Mrs. Duck:

Will you please file the enclosed papers in the Circuit
Court of Baldwin County?

Very truly yours,

CUNNINGHAM & WILKINS

Robert T. Cunningham
ROBERT T. CUNNINGHAM (s)

RTC/mb

CUNNINGHAM AND WILKINS
ATTORNEYS AT LAW
1511 MERCHANTS NATIONAL BANK BUILDING
MOBILE 11, ALABAMA

ROBERT T. CUNNINGHAM
ROBERT B. WILKINS

June 27th, 1955

HE TELEPHONE
8-2478

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

Re: Herman L. Pierce vs.
Mrs. Rosa Danne, et al

Dear Mrs. Duck:

This will acknowledge receipt of your letter of June 24th regarding the checks you hold for John P. Pierce and Mack Pierce.

Mr. Cunningham is out of the City at this time, but will return to the office on July 5th. We, therefore, request that you hold these checks until Mr. Cunningham returns. Your letter will be called to his attention immediately upon his return.

Very truly yours,

(Mrs.) Margaret B. Smith
Margaret B. Smith

s/

HERMAN L. PIERCE,
Complainant,
VS.
MRS. ROSA PIERCE DANNE
et al
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.
NO. 3312

In this cause it is made to appear to the Court, by the affidavit of TELFAIR J. MASHBURN, JR., that MACK PIERCE AND DONALD PIERCE are nonresidents of the State of Alabama; and further, that in the belief of said affiant, said defendants are over the age of twenty-one years.

It is therefore ordered by the Court that publication be made in the Baldwin Times, a newspaper published in Baldwin County, Alabama, for four consecutive weeks, requiring the said MACK PIERCE AND DONALD PIERCE to appear and plead to, answer or demur to the bill of complaint in said cause by the 30th day of October or in thirty days thereafter a decree pro confesso may be rendered against them.

Witness my hand this 25th day of September, 1954.

Hubert M. Hall
Circuit Judge.



R. B. CHANDLER, PUBLISHER
W. J. HEARIN, JR., GENERAL MANAGER

The Mobile Press Register

MORNING

EVENING

SUNDAY

PHONE 3-1551

P. O. Box 1609

MOBILE 9, ALABAMA

LEGAL NOTICE

No. 3312

Herman L. Pierce, Complainant, vs. Mrs. Rosa Danne, et al. Respondents, in the Circuit Court of Baldwin County, Alabama, In Equity.

By virtue of an order of Honorable Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, In Equity, made on the 11th day of April, 1955, I, Alice J. Duck, Commissioner named in said order, will sell to the highest bidder for cash, at public sale, at the front door of the Baldwin County Court House, in Bay Minette, Alabama, between the hours of 12:00 o'clock, noon, and one o'clock p.m., on Wednesday, May the 18th, 1955, for the purpose of distribution among Herman L. Pierce, John P. Pierce, H. M. Hall, Rosa Danne, Mack Pierce, Minnie Pierce, Kathryn Pierce and the unborn child of Donald Pierce, the joint owners thereof, the following described property, lying and being on the Eastern Shore of Mobile Bay, in Baldwin County, Alabama, viz:

Beginning at the center of Fractional Section 7, Township 7 South, Range 2 East, and run thence South 351 feet to a point, which is the place of beginning of the lot herein described, which point is the southeast corner of the property of Francis A. Poggi and Gertrude M. Poggi, and run thence South along the half section line of said Section 7, 96.2 feet, more or less, to the North line of the property, of Gordon Smith, Jr.; thence run West and parallel to the East and West center line of said Section 7, and along the North line of said property of Smith, 1022.6 feet, more or less, to the Eastern Shore of Mobile Bay, thence running Northwardly along the Eastern Shore of Mobile Bay 100 feet, more or less, to the Southwest corner of said property of Poggi, thence East along the South line of said property of Poggi (running in part along a fence) 1049.7 feet, more or less, to the place of beginning.

This 11th day of April, 1955.

ALICE J. DUCK, Commissioner.

W. M. Curran being sworn, says

that he is auditor of The Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and that the attached

notice appeared in the issue of

~~The Mobile Press~~ The Mobile

Register

April 16, 23, 30 1955

W. M. Curran

LEGAL INVOICE

The Mobile Press Register

GOVERNMENT AT CLAIBORNE ST.
P. O. BOX 1609 DIAL HE 3-1551
MOBILE, ALABAMA

A. J. Duck
County Courthouse
Bay Minnette, Alabama

DATE	CAPTION	TIMES RUN	PAPER	RUNNING DATES	CHARGES
APR 15 55	HERMAN L PEARCE	3	REGISTER	4/16 4/23 4/30	18.00

LEGAL NOTICE
No. 3312

Herman L. Pierce, Complainant, vs.
Mrs. Rosa Danne, et al, Respondents, in
the Circuit Court of Baldwin County,
Alabama, In Equity.

By virtue of an order of Honorable
Hubert M. Hall, Judge of the Circuit
Court of Baldwin County, Alabama, In
Equity, made on the 11th day of April,
1955, I, Alice J. Duck, Commissioner
named in said order, will sell to the
highest bidder for cash, at public sale, at
the front door of the Baldwin County
Court House, in Bay Minette, Alabama,
between the hours of 12:00 o'clock, noon,
and one o'clock p.m., on Wednesday, May
the 18th, 1955, for the purpose of dis-
tribution among Herman L. Pierce, John
P. Pierce, H. M. Hall, Rosa Danne, Mack
Pierce, Minnie Pierce, Kathryn Pierce
and the unborn child of Donald Pierce,
the joint owners thereof, the following
described property, lying and being
on the Eastern Shore of Mobile Bay, in
Baldwin County, Alabama, viz:

Beginning at the center of Fractional
Section 7, Township 7 South, Range 2
East, and run thence South 351 feet to
a point, which is the place of beginning
of the lot herein described, which point
is the southeast corner of the property
of Francis A. Poggi and Gertrude M.
Poggi, and run thence South along the
half section line of said Section 7, 96.2
feet, more or less, to the North line of
the property, of Gordon Smith, Jr.;
thence run West and parallel to the East
and West center line of said Section 7,
and along the North line of said prop-
erty of Smith, 1022.6 feet, more or less,
to the Eastern Shore of Mobile Bay,
thence running Northwardly along the
Eastern Shore of Mobile Bay 100 feet,
more or less, to the Southwest corner
of said property of Poggi, thence East
along the South line of said property of
Poggi (running in part along a fence)
1049.7 feet, more or less, to the place
of beginning.

HERMAN L. PIERCE, | IN THE CIRCUIT COURT OF
 COMPLAINANT |
 VS | BALDWIN COUNTY, ALABAMA,
 MRS. ROSA PIERCE DENNE, |
 et al, |
 RESPONDENTS | IN EQUITY

Comes Rosa Pierce Danne, respondent in the above styled cause, who is described in the bill of complaint as Rosa Pierce Denne, but whose correct name is Rosa Pierce Danne, and answering complainant's amended bill of complaint says:

1. She admits the allegation of paragraph one of the bill of complaint.

2. She denies the allegation of paragraph two of the bill of complaint and says that the complainant has no interest in the property described in paragraph two.

3. She denies that the complainant in said cause owns a five-elevenths interest in the property described in paragraph two of the bill of complaint and says that the said property is owned by the following named persons: Your respondent, Rosa Pierce Danne, and Jesse Pierce, William Pierce, Hubert M. Hall, Emma Pierce, Joe Pierce, John Pierce, Josephine Helles, Mack Pierce, and the unknown heirs of Donald Pierce, deceased, that the complainant has no interest in the said property.

4. She denies that the said property cannot be equitably divided between the owners thereof.

5. She denies that it was necessary or proper for the complainant to employ counsel for the purpose of this suit.

6. She denies that it is to the best interest of this cause that an abstract be made.

7. She denies that the complainant has made diligent search to ascertain the post office address of Mack Pierce and respondent demands strict proof of any and all matters alleged in said bill of complaint not herein specifically admitted.

And now having fully answered she prays she may go hence with her reasonable costs in this behalf expended.

Beebe & Swearingen

By H. C. Beebe
 Solicitor for Respondent

Solicitor for Respondent
By Bebe & Sweeting
Bebe & Sweeting

With her reasonable costs in this behalf expended.

And now having fully answered she prays she may go hence in said bill of complaint not herein specifically admitted.

Respondent demands strict proof of any and all matters alleged search to ascertain the post office address of Mack Pierce and

3. She denies that the complainant has made diligent cause that an abstract be made.

6. She denies that it is to the best interest of this complainant to employ counsel for the purpose of this suit.

2. She denies that it was necessary or proper for the divided between the owners thereof.

4. She denies that the said property cannot be equitably the complainant has no interest in the said property.

Respondents, and the unknown heirs of Donald Pierce, deceased, that Mack Pierce, Joe Pierce, John Pierce, Josephine Helbert Mack

Pierce Danne, and Jesse Pierce, William Pierce, Hubert M. O'Neill, owned by the following named persons: Your respondent prays

two of the bill of complaint and says that the said property is the eleven interest in the property described in paragraph

3. She denies that the complainant in said cause owns a in the property described in paragraph two.

bill of complaint and says that the complainant has no interest 2. She denies the allegation of paragraph two of the

bill of complaint. 1. She admits the allegation of paragraph one of the

ing complainant's amended bill of complaint says: Danne, but whose correct name is Rosa Pierce Danne, and answer-

cause, who is described in the bill of complaint as Rosa Pierce Comes Rosa Pierce Danne, respondent in the above styled

RESPONDENTS
IN EQUITY

et al,
MRS. ROSA PIERCE DENNE,
VS
BALDWIN COUNTY, ALABAMA,

COMPLAINANT
HERMAN L. PIERCE,
IN THE CIRCUIT COURT OF

Herman L. Pierce
Complainant

FILED
J. DUCK, Register

JIMMY FAULKNER
PUBLISHER

THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

LEGAL NOTICE

In The Circuit Court Of Baldwin County, Alabama. In Equity.
NO. 3312.

Herman L. Pierce, Complainant,
vs. Mrs. Rosa Danne, et al. Respondents.

NOTICE

By virtue of an order of Honorable Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, In Equity, made on the 11th day of April, 1955, I, Alice J. Duck, Commissioner named in said order, will sell to the highest bidder for cash, at public sale, at the front door of the Baldwin County Court House, in Bay Minette, Alabama, between the hours of 12.00 o'clock, noon, and one o'clock P. M., on Wednesday, May the 18th, 1955, for the purpose of distribution among HERMAN L. PIERCE, JOHN P. PIERCE, H. M. HALL, ROSA DANNE, MACK PIERCE, MINNIE PIERCE, KATHRYN PIERCE and the unborn child of DONALD PIERCE, the joint owners thereof, the following described property, lying and being on the Eastern Shore of Mobile Bay, in Baldwin County, Alabama, viz:

Beginning at the center of Fractional Section 7, Township 7 South, Range 2 East, and run thence South 351 feet to a point, which is the place of beginning of the lot herein described, which point is the southeast corner of the property of Francis A. Poggi and Gertrude M. Poggi, and run thence South along the half Section line of said Section 7, 96.2 feet, more or less, to the North line of the property, of Gordon Smith, Jr.; thence run West and parallel to the East and West center line of said Section 7, and along the North line of said property of Smith, 1022.6 feet, more or less, to the Eastern Shore of Mobile Bay, thence running Northwardly along the Eastern Shore of Mobile Bay 100 feet, more or less, to the Southwest corner of said property of Poggi, thence East along the South line of said property of Poggi (running in part along a fence) 1049.7 feet, more or less, to the place of beginning.

This 11th day of April, 1955.
Alice J. Duck
Commissioner.

13-4tc

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.
BALDWIN COUNTY.

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

Pierce vs. Danne

COST STATEMENT

35-8 WORDS @ 6 1/2 cents — — — \$ 23²⁷
I hereby certify this it correct, due and unpaid (paid).

E. R. Moussett Jr.
Editor Publisher.

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

Date of 1st publication Apr. 14, 1955 Vol. 66 No. 13

Date of 2nd publication Apr. 21, 1955 Vol. 66 No. 14

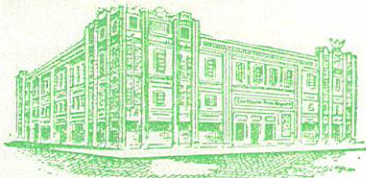
Date of 3rd publication Apr. 28, 1955 Vol. 66 No. 15

Date of 4th publication May 5, 1955 Vol. 66 No. 16

Subscribed and sworn before the undersigned this 5 day of May, 1955.

Donothy Martin
Notary Public, Baldwin County.

E. R. Moussett Jr.
Editor Publisher.



R. B. CHANDLER, Publisher
W. J. HEARIN, JR., General Manager

The Mobile Press Register

MORNING

EVENING

SUNDAY

PHONE HEmlock 3-1551

P. O. BOX 1609

MOBILE 9, ALABAMA

LEGAL NOTICE

No. 3312

Herman L. Pierce, Complainant, vs.
Mrs. Rosa Danne, et al. Respondents, in
the Circuit Court of Baldwin County,
Alabama, In Equity.

By virtue of an order of Honorable
Hubert M. Hall, Judge of the Circuit
Court of Baldwin County, Alabama, in
Equity, made on the 11th day of April,
1955, I, Alice J. Duck, Commissioner
named in said order, will sell to the
highest bidder for cash, at public sale, at
the front door of the Baldwin County
Court House, in Bay Minette, Alabama,
between the hours of 12:00 o'clock, noon,
and one o'clock p.m., on Wednesday, May
the 18th, 1955, for the purpose of dis-
tribution among Herman L. Pierce, John
P. Pierce, H. M. Hall, Rosa Danne, Mack
Pierce, Minnie Pierce, Kathryn Pierce
and the unborn child of Donald Pierce,
the joint owners thereof, the following
described property, lying and being
on the Eastern Shore of Mobile Bay, in
Baldwin County, Alabama, viz:

Beginning at the center of Fractional
Section 7, Township 7 South, Range 2
East, and run thence South 351 feet to
a point, which is the place of beginning
of the lot herein described, which point
is the southeast corner of the property
of Francis A. Pozzi and Gertrude M.
Pozzi, and run thence South along the
half section line of said Section 7, 96.2
feet, more or less, to the North line of
the property of Gordon Smith, Jr.;
thence run West and parallel to the East
and West center line of said Section 7,
and along the North line of said prop-
erty of Smith, 1022.6 feet, more or less,
to the Eastern Shore of Mobile Bay,
thence running Northwardly along the
Eastern Shore of Mobile Bay 100 feet,
more or less, to the Southwest corner
of said property of Pozzi, thence East
along the South line of said property of
Pozzi (running in part along a fence)
1049.7 feet, more or less, to the place
of beginning.

This 11th day of April, 1955.
ALICE J. DUCK, Commissioner.
TELFAIR J. MASHBURN,
Solicitor for Complainant.

Reg., April 16, 23, 30

W. M. Curran being sworn, says

that he is auditor of The
Mobile Press and The Mobile Reg-
ister; daily newspapers printed
and published in the City and
County of Mobile, State of Ala-
bama; and that the attached
notice appeared in the issue of
~~The Mobile Press~~, The Mobile
Register

April 16, 23, 30 1955

Sworn to and subscribed Before me

This 30th day of April 1955

Notary Public

RECEIPT FOR REGISTERED ARTICLE No. 139

Fee paid 30

(Date)

8-25, 1954

Class postage paid 1

Return receipt fee 07

Special delivery fee

Declared value, \$ none

Surcharge paid, \$

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

in person 20

or order

Fee paid

From

Alice J Duck

(Sender)

(Street and number)

(Post office and State)

Addressed to

Donald R. Riney
Renshaw, Miss

(Addressee)

(Street and number)

(Post office and State)

GPO c9-16-12666-5

Postmaster, per



RECEIPT FOR REGISTERED ARTICLE No. 138

Fee paid 30

(Date)

8-25, 1954

Class postage paid 1

Return receipt fee 07

Special delivery fee

Declared value, \$ none

Surcharge paid, \$

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

in person 20

or order

Fee paid

From

Alice J Duck

(Sender)

(Street and number)

(Post office and State)

Addressed to

Aullman E Riney
1629 E Chittamany Ave
Phila Pa

(Addressee)

(Street and number)

(Post office and State)

GPO c9-16-12666-5

Postmaster, per



RECEIPT FOR REGISTERED ARTICLE No. 392

Fee paid 30

(Date)

10-16, 1954

Class postage paid 1

Return receipt fee 7

Special delivery fee

Declared value, \$ none

Surcharge paid, \$

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

in person

or order

Fee paid 20

From

Alice J Duck

(Sender)

(Street and number)

(Post office and State)

Addressed to

Donald Riney
15876 Lawton

(Addressee)

Detroit 18 Mich

Postmaster, per



3312 - 3312
Form 3811
Rev. 1-52

RETURN RECEIPT

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

1 William Pierce
(Signature or name of addressee)

2 Deliver to Addressee Only
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 2-28, 1955

U. S. GOVERNMENT PRINTING OFFICE 16-12421-2

3312
Form 3811
Rev. 1-52

RETURN RECEIPT

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

1 Mr. Donald Pierce
(Signature or name of addressee)

2 Deliver to Addressee Only
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 10-20, 1954

Addressee confined to Hospital.

U. S. GOVERNMENT PRINTING OFFICE 16-12421-2

Form 3811
Rev. 1-52

RETURN RECEIPT

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

1X Wm Pierce
(Signature or name of addressee)

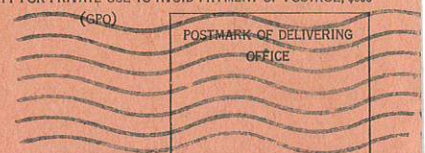
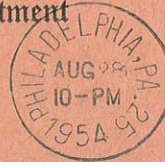
2 Deliver to Addressee Only
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery _____, 19____

U. S. GOVERNMENT PRINTING OFFICE 16-12421-2

Post Office Department
OFFICIAL BUSINESS

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



Return to

Alice J. Leuck, Reg

(NAME OF SENDER)

Street and Number,
or Post Office Box,

Box 239

REGISTERED ARTICLE

No.

138

Post Office

Bay Minette

INSURED PARCEL

No.

16-12421

State

Ala.

Post Office Department
OFFICIAL BUSINESS

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

(GPO)



Return to

Alice J. Leuck

(NAME OF SENDER)

Street and Number,
or Post Office Box,

Box 239

REGISTERED ARTICLE

No.

392

Post Office

Bay Minette

INSURED PARCEL

No.

16-12421

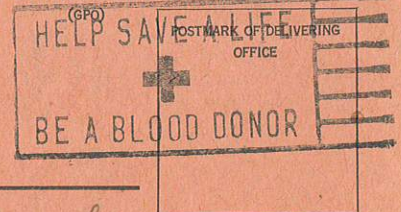
State

Ala.

Post Office Department
OFFICIAL BUSINESS

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

(GPO)



Return to

Alice J. Leuck

(NAME OF SENDER)

Street and Number,
or Post Office Box,

Box 239

REGISTERED ARTICLE

No.

497

Post Office

Bay Minette

INSURED PARCEL

No.

16-12421

State

Ala.

ALICE J. DUCK, Circuit Clerk

Baldwin County
BAY MINETTE, ALA.

*copy mailed
10/28/16 - Louis
recount much*
RETURNED TO SENDER

RETURN RECEIPT REQUESTED

Deliver to Addressee Only

Donald Pierce,
Kenosha, Wisconsin

Registered

For Delivery Only To Person
To Whom Addressed

Return Receipt Requested

RETURNED TO SENDER

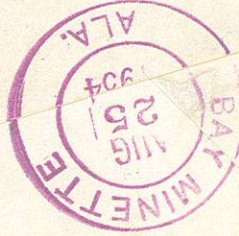
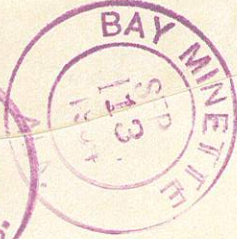
Cannot be found.

RETURNED TO SENDER

Cannot be found.



AUG 30 1954
3858



Herman L. Pierce,
Complainant,
vs.
Mrs. Rosa Danne, et al
Respondents.

3
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY
NO. 3312

It appearing to the Court that Mack Pierce, a son of John Pierce, died before this action was commenced, leaving a widow, Minnie Pierce and a son Donald Pierce, and that the said Donald Pierce has died since the bill of complaint in this cause was filed, leaving a widow, Kathryn Pierce and an unborn child.

It is therefore Ordered, Adjudged and Decreed that Harry J. Wilters, Jr., a practicing attorney, be and is hereby appointed as guardian ad litem to represent the unborn child of Donald Pierce, deceased.

Done this 18 day of January 1955

Hubert M. Hall
JUDGE

Comes now Harry J. Wilters, Jr. and accepts the appointment of guardian ad litem for the unborn child of Donald Pierce, deceased.

Harry J. Wilters, Jr.
GUARDIAN AD LITEM

And for answer to this Bill of Complaint says; That he denies each and every allegation contained therein and demands strict proof thereof.

Harry J. Wilters, Jr.
GUARDIAN AD LITEM

HERMAN L. PIERCE,

Complainant,

VS.

MRS. ROSA PIERCE DANNE, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3312

DECREE CONFIRMING REPORT OF REGISTER.

This cause was submitted for confirmation of the report of the Register filed in this Court on the 18th day of May, 1955, and ordered to lie over ten days for exceptions, and it now appearing to the Court that no exceptions or objections have been filed thereto;

It is, therefore, ORDERED, ADJUDGED AND DECREED BY the Court as follows:

1. That the report of the Register be and it is hereby in all things ratified and confirmed.
2. That the Register of this Court execute and deliver to the purchaser, FRANCIS A. POGGI, a proper deed of conveyance in and to the following described property, to-wit:

Beginning at the center of Fractional Section 7, Township 7 South, Range 2 East, and run thence South 351 feet to a point, which is the place of beginning of the lot herein described which point is the southeast corner of the property of Francis A. Poggi and Gertrude M. Poggi, and run thence South along the half section line of said Section 7, 96.2 feet, more or less, to the North line of the property of Gordon Smith, Jr.; thence run West and parallel to the East and West center line of Section 7, and along the North line of said property of Smith 1022.6 feet, more or less, to the Eastern shore of Mobile Bay; thence run Northwardly along the Eastern Shore of Mobile Bay 100 feet, more or less, to the Southwest corner of said property of Poggi; thence run East along the South line of said property of Poggi (running in part along a fence) 1049.7 feet, more or less, to the place of beginning, lying and being in Baldwin County, Alabama.

This cause is reserved for such further orders and decrees as may be necessary and proper in the premises.

Done this 31 day of May, 1955.

Hubert M. Hall
J U D G E.

HERMAN L. PIERCE,
Complainant,
VS.
MRS. ROSA PIERCE DANNE
et al
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.
NO. 3312

In this cause, it appearing to the Register from the affidavit of TELFAIR J. MASHBURN, JR., solicitor for complainant, that the residence and post office addresses of the defendants DONALD PIERCE AND MACK PIERCE are unknown and further that in the belief of said affiant, the defendants, DONALD PIERCE AND MACK PIERCE are over the age of twenty-one years, it is therefore ordered by the Register that publication be made once a week for four consecutive weeks, in the Baldwin Times, a newspaper published in Baldwin County, Alabama, requiring the said DONALD PIERCE AND MACK PIERCE to plead, answer or demur to the bill of complaint in this cause by the 30th day of October, 1954, or, in default thereof, thirty days thereafter a decree pro confesso may be taken against said defendants.

Done at office, this 25 day of Sept, 1954.

NOTICE..

REGISTER.

HERMAN L. PIERCE
MRS. ROSA PIERCE DANNE
et al

VS.

DEFENDANTS.

NO.

3312

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

HERMAN L. PIERCE,

Complainant,

VS.

MRS. ROSA DANNE, et al.

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 3312

N O T I C E .

By virtue of an order of Honorable Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, In Equity, made on the 11th day of April, 1955, I, Alice J. Duck, Commissioner named in said order, will sell to the highest bidder for cash, at public sale, at the front door of the Baldwin County Court House, in Bay Minette, Alabama, between the hours of 12:00 o'clock, noon, and one o'clock P. M., on Wednesday, May the 18th, 1955, for the purpose of distribution among HERMAN L. PIERCE, JOHN P. PIERCE, H. M. HALL, ROSADANNE, MACK PIERCE, MINNIE PIERCE, KATHRYN PIERCE and the unborn child of DONALD PIERCE, the joint owners thereof, the following described property, lying and being on the Eastern Shore of Mobile Bay, in Baldwin County, Alabama, viz:

Beginning at the center of Fractional Section 7, Township 7 South, Range 2 East, and run thence South 351 feet to a point, which is the place of beginning of the lot herein described, which point is the southeast corner of the property of Francis A. Poggi and Gertrude M. Poggi, and run thence South along the half section line of said Section 7, 96.2 feet, more or less, to the North line of the property, of Gordon Smith, Jr.; thence run West and parallel to the East and West center line of said Section 7, and along the North line of said property of Smith, 1022.6 feet, more or less, to the Eastern Shore of Mobile Bay, thence running Northwardly along the Eastern Shore of Mobile Bay 100 feet, more or less, to the Southwest corner of said property of Poggi, thence East along the South line of said property of Poggi (running in part along a fence) 1049.7 feet, more or less, to the place of beginning.

This 11th day of April, 1955.

Commissioner.

HERMAN L. PIERCE,

Complainant,

VS.

MRS. ROSA PIERCE DANNE, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 3312

DECREE CONFIRMING REPORT OF REGISTER.

This cause was submitted for confirmation of the report of the Register filed in this Court on the 18th day of May, 1955, and ordered to lie over ten days for exceptions, and it now appearing to the Court that no exceptions or objections have been filed thereto;

It is, therefore, ORDERED, ADJUDGED AND DECREED BY the Court as follows:

1. That the report of the Register be and it is hereby in all things ratified and confirmed.

2. That the Register of this Court execute and deliver to the purchaser, FRANCIS A. POGGI, a proper deed of conveyance in and to the following described property, to-wit:

Beginning at the center of Fractional Section 7, Township 7 South, Range 2 East, and run thence South 351 feet to a point, which is the place of beginning of the lot herein described which point is the southeast corner of the property of Francis A. Poggi and Gertrude M. Poggi, and run thence South along the half section line of said Section 7, 96.2 feet, more or less, to the North line of the property of Gordon Smith, Jr.; thence run West and parallel to the East and West center line of Section 7, and along the North line of said property of Smith 1022.6 feet, more or less, to the Eastern shore of Mobile Bay; thence run Northwardly along the Eastern Shore of Mobile Bay 100 feet, more or less, to the Southwest corner of said property of Poggi; thence run East along the South line of said property of Poggi (running in part along a fence) 1049.7 feet, more or less, to the place of beginning, lying and being in Baldwin County, Alabama.

This cause is reserved for such further orders and decrees as may be necessary and proper in the premises.

Done this 31 day of May, 1955.

Hubert M. Hall

J U D G E.

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

Comes your Orator, HERMAN L. PIERCE, and amends his bill of
complaint heretofore filed in this cause so that, as amended, it
reads as follows:

1. That he is over the age of twenty-one years and a resident
of the State of Alabama, residing on the Marlowe Road near Fairhope,
Alabama. The respondents are each over the age of twenty-one years,
and their places of residence and post office addresses, where known,
are as follows:

X Mrs. Rosa Denne
RFD No. 1
Fairhope, Alabama

> Jesse Pierce
Point Clear, Alabama

William Pierce
1629 E. Cheltenham Avenue
2nd Floor Apartment
Philadelphia, Pennsylvania

✓ Hubert M. Hall, Judge of Circuit Court
Bay Minette, Alabama

✓ Minnie Pierce
6357 Globe, Detroit, Michigan

✓ Kathryn Pierce
6357 Globe
Detroit, Michigan

✓ Unborn Child of Donald Pierce
6357 Globe
Detroit, Michigan

✓ Mack Pierce
Address Unknown

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

Beginning at the center of Fractional Section 7,
Township 7 South, Range 2 East, and run thence South
351 feet to a point, which is the place of beginning
of the lot herein described, which point is the
southeast corner of the property of Francis A. Poggi
and Gertrude M. Poggi, and run thence south along the
half section line of said Section 7, 96.2 feet, more
or less, to the North line of the property of Gordon
Smith, Jr.; thence run West and parallel to the East
and West center line of said Section 7, and along the
North line of said property of Smith, 1022.6 feet
more or less, to the Eastern Shore of Mobile Bay,
thence running Northwardly along the Eastern Shore

of Mobile Bay 100 feet, more or less, to the Southwest corner of said property of Poggi, thence East along the South line of said property of Poggi (running in part along a fence) 1049.7 feet, more or less, to the place of beginning.

3. The interest of your Orator and the respondents in the above described property is as follows:

HERMAN L. PIERCE	5/11
MRS. ROSA DENNE	1/11
JESSE PIERCE	1/11
WILLIAM PIERCE	1/11
HUBERT M. HALL	1/11
MINNIE PIERCE (dower interest)	1/11
KATHRYN PIERCE (dower interest)	1/11
UNBORN CHILD of Donald Pierce subject to dower interest of Minnie and Kathryn Pierce.	1/11
MACK PIERCE	1/11

That DONALD PIERCE, who was the son of MACK PIERCE, deceased, has died since the respondents' bill of complaint was filed, leaving his mother, the widow of MACK PIERCE, and his wife, KATHRYN, who will bear his child in the Spring of 1955.

4. Because of the large number of owners, this property 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 Orator to employ Telfair J. Mashburn, Jr., of Bay Minette, Alabama, for the purpose of filing this suit to effect a division of the said property among the joint owners.

6. It will be to the best interest of all parties to this cause that any 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.

7. Your Orator has made diligent search and effort to ascertain the present residence and post office address of Mack Pierce without success.

PRAYER FOR PROCESS

Your Orator prays that this Honorable Court will take jurisdiction of this his 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 and the practice of this Honorable Court.

PRAYER FOR RELIEF.

Your Orator prays for the following separate and several relief:

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

Telfair J. Mashburn, Jr.
Solicitor for Complainant.

STATE OF ALABAMA, 0
 0
COUNTY OF BALDWIN. 0

Before me, James R. Owen, a Notary Public in and for said County and State, personally appeared Telfair J. Mashburn, Jr., whose name is ^{amended} signed to the foregoing/bill of complaint as Solicitor for the complainant and who is known to me, who, being first duly sworn, deposes and says: That he is informed and believes, and, on such information and belief, avers that the allegations of the bill of complaint are true and correct; that the whereabouts and post office address of MACK PIERCE is not known and cannot be ascertained after diligent effort; that he is a non-resident of the State of Alabama and over the age of twenty-one years; and that it will be necessary to obtain service upon him by publication in accordance with Equity No. 6, Paragraph (A). Further deponent says not.

Subscribed and sworn to before me this 29th day of November, 1954.

James R. Owen
Notary Public, Baldwin County, Alabama

2
RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 3312

HERMAN L. PIERCE,

Complainant,

Vs.

MRS. ROSA DENNE, et al,

Respondents.

AMENDED BILL OF COMPLAINT.

FILED

NOV 29 1954

ALICE L. DUCK, Register

HERMAN L. PIERCE,

Complainant,

Vs.

MRS. ROSA DENNE, JESSE
PIERCE, WILLIAM PIERCE,
HUBERT M. HALL, MINNIE
PIERCE, KATHRYN PIERCE,
UNBORN CHILD OF DONALD
PIERCE, AND MACK PIERCE,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 3312

REGISTER'S REPORT OF SALE.

WHEREAS, Heretofore, on to-wit: the 11th day of April, 1955, a decree was made and entered by the Court in the above styled cause directing the Register to sell the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at the center of Fractional Section 7, Township 7 South, Range 2 East, and run thence South 351 feet to a point, which is the place of beginning of the lot herein described, which point is the southeast corner of the property of Francis A. Poggi and Gertrude M. Poggi, and run thence South along the half section line of said Section 7, 96.2 feet, more or less, to the North line of the property of Gordon Smith, Jr.; thence run west and parallel to the East and West center line of said Section 7, and along the North line of said property of Smith 1022.6 feet, more or less, to the Eastern Shore of Mobile Bay; thence running Northwardly along the Eastern Shore of Mobile Bay 100 feet, more or less, to the Southwest corner of said property of Poggi; thence East along the South line of said property of Poggi (running in part along a fence) 1049.7 feet, more or less, to the place of beginning.

Now, therefore, in obedience to said decree, I beg leave to report that I caused notice of said sale to be advertised in the Baldwin Times, a newspaper published in Baldwin County, Alabama, once a week for three successive weeks in accordance with the terms of said decree, said insertions appearing on, to-wit: April 14, April 21 and April 28, 1955.

That on the 18th day of May, 1955, which was the day set for said sale in said notice, and in the aforesaid decree of the Court, I proceeded to sell the hereinabove described property at public outcry at 1:00 O'clock P. M., in front of the courthouse door of Baldwin County, Alabama, to the highest and best bidder.

That at said sale FRANCIS A. POGGI was the highest and best

bidder and became the purchaser of the hereinabove described property for and at the sum of SIX THOUSAND SIX HUNDRED (\$6,600.00) DOLLARS, and he has paid said amount into Court.

Respectfully submitted,

Reverend J. J. [Signature]
REGISTER.

ORDER.

The above report having been submitted to me on this date, and the same being considered, it is hereby ORDERED, ADJUDGED AND DECREED that said report lie over until the 28th day of May, 1955, for any objection thereto.

ORDERED, ADJUDGED AND DECREED on this the 18th day of May, 1955.

Hubert M. Hall
JUDGE.

HERMAN L. PIERCE,	§	IN THE CIRCUIT COURT
Complainant.	§	OF BALDWIN COUNTY, ALABAMA
-vs-	§	IN EQUITY
MRS. ROSA PIERCE DENNE, et al,	§	NO. 3312
Respondent.	§	

MOTION TO INTERVENE

Comes now JOHN P. PIERCE and shows unto the Court as follows:

1. That he is over the age of 21 years and a resident of Mobile County, Alabama.
2. Your Petitioner owns an interest in the property described in the bill of complaint filed in this cause, the description of said property being as follows:

Beginning at the center of Fractional Section 7, Township 7 South, Range 2 East, and run thence South 251 feet to a point, which is the place of beginning of the lot herein described, which point is the southeast corner of the property of Francis A. Poggi and Gertrude M. Poggi, and run thence South along the half section line of said Section 7, 96.2 feet, more or less, to the North line of the property of Gordon Smith, Jr.; thence run West and parallel to the East and West center line of said Section 7, and along the North line of said property of Smith, 1022.6 feet, more or less, to the Eastern Shore of Mobile Bay, thence running Northwardly along the Eastern Shore of Mobile Bay 100 feet, more or less, to the Southwest corner of said property of Poggi, thence East along the South line of said property of Poggi (running in part along a fence) 1049.7 feet, more or less, to the place of beginning.

3. Your Petitioner shows that since this said cause was instituted, he has acquired all of the right, title and interest of Jesse Pierce, a widower, and of William Pierce and wife, Emma Pierce, and that, at the present time, he is the owner of all of their said right, title and interest in the property referred to.


4. Your Petitioner attaches hereto and as a part hereof, deed dated October 2, 1954 by William Pierce and Emma Pierce, husband and wife, conveying all of their interest in said property to your Petitioner, which said deed is recorded in Deed Book 214, Page 141-142 of the Probate Court Records of Baldwin County, Alabama.

5. Your Petitioner attaches hereto and as a part hereof, deed dated September 24, 1954 by Jessie Pierce, a widower, conveying all of his interest in said property to your Petitioner, which said

deed is recorded in Deed Book 214, Page 139-140 of the Probate Court Records of Baldwin County, Alabama.

6. Your Petitioner shows that for the reasons aforesaid, his rights are, or may be, prejudiced by a decree in this suit, and that the representation of his interest by the existing parties to said cause is, or may be, inadequate.

WHEREFORE, your Petitioner asks leave to intervene in this said proceeding and to file the foregoing motion or petition in intervention.


Attorney for John P. Pierce
1511 Merchants Bank Bldg.
Mobile, Alabama

STATE OF ALABAMA)
COUNTY OF MOBILE)

Before me, the undersigned authority, a Notary Public in and for Mobile County, Alabama, personally appeared Robert T. Cunningham, whose name is signed to the foregoing petition as solicitor for the Petitioner, John P. Pierce, and who is known to me, who, being first duly sworn, deposes and says: That he is informed and believes, and on such information and belief, avers that the allegations of the foregoing pleading are true and correct.


ROBERT T. CUNNINGHAM

Sworn to and subscribed before
me on this 28 day of January, 1955.


MARGARET B. SMITH
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA



STATE OF ALABAMA)

COUNTY OF BALDWIN)

KNOW ALL MEN BY THESE PRESENTS, That I, JESSIE PIERCE, a widower, hereinafter called the Grantor for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, in hand paid to the said Grantor, by JOHN P. PIERCE, hereinafter called the Grantee, the receipt of which is hereby acknowledged, do hereby REMISE, RELEASE, QUITCLAIM and CONVEY unto the said Grantee all of my right, title, interest and claim in and to the following described real property situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

Beginning at the center of Fractional Section 7, Township 7 South, Range 2 East, and run thence South 351 feet to a point, which is the place of beginning of the lot herein described, which point is the southeast corner of the property of Francis A. Poggi and Gertrude M. Poggi, and run thence south along the half section line of said Section 7, 96.2 feet, more or less, to the North line of the property of Gordon Smith, Jr.; thence run West and parallel to the East and West center line of said Section 7, and along the North line of said property of Smith, 1022.6 feet more or less, to the Eastern Shore of Mobile Bay, thence running Northwardly along the Eastern shore of Mobile Bay 100 feet, more or less, to the Southwest corner of said property of Poggi, thence East along the South line of said property of Poggi (running in part along a fence) 1049.7 feet, more or less, to the place of beginning.

TOGETHER WITH ALL AND SINGULAR, the rights, members, privileges, tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining; TO HAVE AND TO HOLD unto the said Grantee, and his heirs and assigns, forever.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal on this the 24th day of September, 1954.



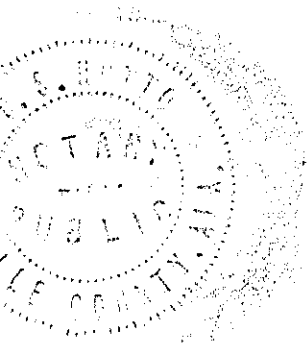
Jessie Pierce (SEAL)
Jessie Pierce, a widower

STATE OF ALABAMA (

COUNTY OF MOBILE)

I, L.S. Nutts, a Notary Public in and for said County and State hereby certify that Jessie Pierce, a widower, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the within instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal on this the 24th day of September, 1954.



L.S. Nutts

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

MY COMMISSION EXPIRES MARCH 10, 1958

STATE OF ALABAMA, BALDWIN COUNTY

Filed 10-9-54 8A M

Recorded Real book 214 page 139-40
and I certify that the following Privilege Tax
has been paid.

Deed Tax 50

Mortgage Tax _____

W. R. Stuart

Judge of Probate

By ES

214
PAGE 140

STATE OF ALABAMA ()

COUNTY OF BALDWIN ()

214
PAGE 141

KNOW ALL MEN BY THESE PRESENTS, That We, WILLIAM PIERCE and EMMA PIERCE, husband and wife, hereinafter called the Grantors for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, in hand paid to the said Grantors, by JOHN P. PIERCE, hereinafter called the Grantee, the receipt of which is hereby acknowledged, do hereby REMISE, RELEASE, QUITCLAIM and CONVEY unto the said Grantee all of our right, title and claim in and to the following described real property situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

Beginning at the center of Fractional Section 7, Township 7 South, Range 2 East, and run thence south 351 feet to a point, which is the place of beginning of the lot herein described, which point is the southeast corner of the property of Francis A. Poggi and Gertrude M. Poggi, and run thence south along the half section line of said Section 7, 96.2 feet, more or less, to the North line of the property of Gordon Smith, Jr.; thence run West and parallel to the East and West center line of said Section 7, and along the North line of said property of Smith, 1022.6 feet more or less, to the Eastern Shore of Mobile Bay, thence running Northwardly along the Eastern Shore of Mobile Bay 100 feet, more or less, to the Southwest corner of said property of Poggi, thence East along the South line of said property of Poggi (running in part along a fence) 1049.7 feet, more or less, to the place of beginning.

TOGETHER WITH ALL AND SINGULAR, the rights, members, privileges, tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining; TO HAVE AND TO HOLD unto the said Grantee, and his heirs and assigns, forever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals on this the 22 day of Oct., 1954.



William Pierce (SEAL)
William Pierce

Emma Pierce (SEAL)
Emma Pierce

STATE OF PENNSYLVANIA
PHILADELPHIA COUNTY

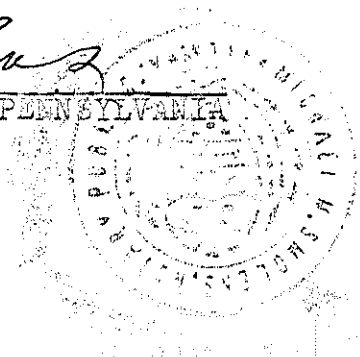
BOOK 214 PAGE 142

I, Michael H. Molen, a Notary Public in and for said county and state, hereby certify that William Pierce and Emma Pierce, husband and wife, whose names are signed to the foregoing deed and who are known to me, acknowledged before me on this day, that being informed of the contents of the deed they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 25 day of October, 1954.

Michael H. Molen
NOTARY PUBLIC, PHILADELPHIA COUNTY, PENNSYLVANIA

NOTARY PUBLIC
My Commission Expires 3/6/1955



STATE OF ALABAMA, BALDWIN COUNTY
Filed 10-9-54 8A M
Recorded Deed book 214 page 141-2
and I certify that the following Privilege Tax
has been paid.
Deed Tax 50
Mortgage Tax _____
W. R. Stuart
Judge of Probate
By ES

HERMAN L. PIERCE,
Complainant,

VS.

MRS. ROSA PIERCE DANNE
et al

Defendants.

IN THE CIRCUIT COURT
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 3312

Before me, ALICE J. DUCK, Register of said Court, personally appeared Telfair J. Mashburn, Jr., who being first duly sworn, deposes and says that DONALD PIERCE AND MACK PIERCE, Defendants in the above styled cause are nonresidents of the State of Alabama, and that their place of residence is unknown, and that it can not be ascertained after reasonable effort, and further, that in the belief of said affiant the said defendants are over the age of twenty-one years.

Infair y. Mandibular gr.

Sworn to and subscribed before me this 25th day of September,
1954.

Arise J. Drake
REGISTER.

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 3312

HERMAN L. PIERCE,
Complainant,

VS.

MRS. ROSA PIERCE DANNE
et al

Defendants.

AFFIDAVIT.

FILED
OCT 25 1954

STATE OF ALABAMA, 0
 0
COUNTY OF BALDWIN. 0

BOOK 017 PAGE 308

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon MRS. ROSA PIERCE DENNE,
JESSE PIERCE, WILLIAM PIERCE, HUBERT M. HALL, DONALD PIERCE AND
MACK PIERCE 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 plead, answer or demur to the Bill
of Complaint filed against them by HERMAN L. PIERCE.

Witness my hand this 30th day of July, 1954.

Rice J. - Mack
REGISTER.

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

Your Orator, HERMAN L. PIERCE, presents this Bill of Complaint
PIERCE
against MRS. ROSA/DENNE, JESSE PIERCE, WILLIAM PIERCE, HUBERT M. HALL,
DONALD PIERCE AND MACK PIERCE, and, thereupon, your Orator complains
and shows unto your Honor and this Honorable Court as follows:

1. That he is over the age of twenty-one years and a resident
of the State of Alabama, residing on the Marlowe Road near Fairhope,
Alabama. The respondents are each over the age of twenty-one years,
and their places of residence and post office addresses, where known,
are as follows:

Mrs. Rosa Denne
RFD No. 1
Fairhope, Alabama

Jesse Pierce
Point Clear, Alabama

William Pierce
1629 E. Cheltenham Avenue
2nd Floor Apartment
Philadelphia, Pennsylvania

Hubert M Hall, Circuit Judge
Bay Minette, Alabama

Donald Pierce
Kenosha, Wisconsin (last known address)

Mack Pierce
Address unknown

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

Beginning at the center of Fractional Section 7,
Township 7 South, Range 2 East, and run thence south
351 feet to a point, which is the place of beginning
of the lot herein described, which point is the
southeast corner of the property of Francis A. Poggi
and Gertrude M. Poggi, and run thence south along the
half section line of said Section 7, 96.2 feet, more
or less, to the North line of the property of Gordon
Smith, Jr.; thence run West and parallel to the East
and West center line of said Section 7, and along the
the North line of said property of Smith, 1022.6 feet
more or less, to the Eastern Shore of Mobile Bay,
thence running Northwardly along the Eastern Shore
of Mobile Bay 100 feet, more or less, to the South-
west corner of said property of Poggi, thence East
along the South line of said property of Poggi (run-
ning in part along a fence) 1049.7 feet, more or less,
to the place of beginning.

3. The interest of your Orator and the respondents in the above
described property is as follows:

HERMAN L. PIERCE

5/11

MRS. ROSA DENNE
JESSE PIERCE
WILLIAM PIERCE
HUBERT M. HALL
DONALD PIERCE
MACK PIERCE

1/11
1/11
1/11
1/11
1/11
1/11

BOOK 917 PAGE 310

4. Part of said property is improved and has building situated thereon while the remainder of the said property is unimproved, because of which, and because of the large number of owners, 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 Orator to employ Telfair J. Mashburn, Jr., of Bay Minette, 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 any 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.

7. Your Orator has made diligent search and effort to ascertain the present residence and post office address of Donald Pierce and Mack Pierce without success.

PRAYER FOR PROCESS

Your Orator prays that this Honorable Court will take jurisdiction of this his 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 and the practice of this Honorable Court.

PRAYER FOR RELIEF.

Your Orator prays for the following separate and several relief:

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

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

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

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

Telfair J. Mashburn, Jr.
Solicitor for Complainant.

STATE OF ALABAMA, 0
 0
COUNTY OF BALDWIN. 0

Before me, James R. Owen, a Notary Public in and for said County and State, personally appeared Telfair J. Mashburn, Jr., whose name is signed to the foregoing bill of complaint as Solicitor for the Complainant and who is known to me, who, being first duly sworn, deposes and says: That he is informed and believes, and, on such information and belief, avers that the allegations of the bill of complaint are true and correct; that the whereabouts and post office addresses of DONALD PIERCE AND MACK PIERCE are not known and cannot be ascertained after diligent effort; that they are non-residents of the State of Alabama and over the age of twenty-one years; and that it will be necessary to obtain service upon them by publication in accordance with Equity Rule No. 6, Paragraph (A). Further deponent says not.

Telfair J. Mashburn, Jr.

Subscribed and sworn to before me this 30th day of July, 1954.

James R. Owen
Notary Public, Baldwin County, Alabama.

MRS. ROSA PIERCE DENNE, ET AL.

IN THE
CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

IN EQUITY

NO. 3312

TESTIMONY TAKEN IN OPEN COURT BEFORE HON. HUBERT M. HALL,
JUDGE OF SAID COURT, ON JUNE 14, 1955.

PRESENT: HON. TELFAIR J. MASHBURN, ATTORNEY FOR COMPLAINANTS
HON. W. C. BEEBE, AND FLOYD SWEARINGEN, ATTORNEYS FOR
RESPONDENTS, AND HON. HARRY J. WILTERS, GUARDIAN
AD LITEM.

GEORGE DENNE, A WITNESS FOR THE COMPLAINANT, BEING FIRST
DULY SWORN. TESTIFIED:

Examination by Mr. Mashburn.

Q. What is your name?

A. George Denne.

Q. You are a grandson of What pierce?

A. John Pierce.

Q. Who was your mother?

A. Rosa Denne.

Q. She was a daughter of John Pierce?

A. Yes.

(page 1)

Q. Is John Pierce living or dead?

A. Dead.

Q. How many children did he leave surviving him?

A. 11 - Rosa, Joe, Jessie, Mack, John, Walter, Emma, Joseph, William, Herbert and Robert. Walter died unmarried, leaving no children. Mollie Pierce was the wife of the original John Pierce; she is also dead. That the above named heirs of John Pierce are also all of the heirs of Mollie Pierce.

Q. Is Rosa Pierce now Rosa Denne?

A. Yes sir.

Q. Where does she live?

A. Fairhope.

QA. Is Mack Pierce living or dead?

A. He is dead.

Q. Who are his heirs?

A. He left his widow, Minnie Pierce, and one son, Donald Pierce. Donald Pierce is dead, and he has a widow, Katherine Pierce and one child, Janice Pierce. Herbert Pierce is dead, and he left surviving him one son, Mack Pierce. The widow of Herbert Pierce is also dead.

CAPTAIN H. L. PIERCE, BEING FIRST DULY SWORN, TESTIFIED:

DIRECT EXAMINATION BY MR. MASHBURN.

Q. YOU ARE H. L. Pierce?

A. Yes sir.

Q. You are the complainant in this case?

A. I am.

Q.

MR. MASHBURN: Before I go any further I would like to offer in evidence certified copy of a deed from John Pierce to H. L. Pierce, conveying the property described as follows: Begin at center of Fractional Section 7, Township 7 Range 2 East, run south 351 feet to point of beginning; thence run west 1050 feet more or less, thence south 84 feet, thence East 1025 feet more or less, thence North 84 feet to point of beginning, in Section 7, Township 7 South, Range 2 East, Baldwin County, Alabama. which deed was dated 7th day of November, 1950, and acknowledged the same day before G. E. Perkins, a N. P. Baldwin County, Alabama, and which instrument is recorded in Deed Book 162, page 443 of the Baldwin County Probate Records.

MR. BEEBE: We object to the introduction of that deed on the ground that it is irrelevant, incompetent and immaterial. Second, that it does not convey the lands described in the complaint or petition, and third, it is now being introduced

introduced too late. The Defendant's title stand
or rest upon the original conveyances - conveyances
introduced at the original hearing.

MR. MASHBURN: That/^{the} case was not rested --

THE COURT: That's all right

MR. MASHBURN: We ask that this deed be identified as Com-
plainant's exhibit 5.

MR. MASHBURN: I now offer in evidence a quitclaim deed from
Mrs. Annie J. Heles and Alexander Heles, her
Husband, to H. L. Pierce, dated the 9th day of
December, 1950, and which was executed before
G. E. Perkins, N. P. Baldwin County, Alabama,
on the 9th day of December, 1950, with only
a general acknowledgment, and which quitclaim
deed conveys: Beginning at the center of
fractional Section 7, Township 7 Range 2 East, ~~Rn~~
run south 351 feet to point of beginning; thence
run West 1050 feet more or less, thence run
south 84 feet, thence East (I can't read that)
feet more or less, thence North 84 feet to
point of beginning, Section 7, Township 7 South
Range 2 East, which instrument is recorded in
Deed Book 162, page 444 in the Probate office
of Baldwin County, Alabama.

MR. BEEBE: We object to the introduction of that instrument
on the grounds that it is irrelevant, incompetent
and immaterial. Second, that it does not

convey the lands described in the original complaint;
third, that it is not shown that the grantors therein
had any interest in the property. And on the further
ground that it is being offered too late in this
proceeding.

Q. Captain Pierce, did you know John Pierce in his life time?

A/ Yes, the original John Pierce.

Q. Do you know what children he left?

A. I do.

Q. Will you name the children? -- First, will you tell
me who Anna J. Helis was that I just read and Alexander
Helis?

A. He was a service man and they lived at Point Clear and
Mrs. Helis still lives there and has lived there since.

Q. Who was s e?

A. We always called her Josephine; she was a daughter of
John Pierce. Her other name might have been Anna J.
Pierce.

Q. Did you purchase from her and receive this deed that I have
just introduced a copy of in evidence?

A. I did.

MR. BEEBE: We object to all of that on the same grounds as
set out before.

Q. Did you know John Pierce?

A. Yes, sir.

Q. Who was he?

A. He was a brother of Josephine, and a son of old man John Pierce and Mollie Pierce.

Q. Did you purchase from him his interest in this property?

A. Yes sir.

Q. You purchased the interest of John Pierce in this property?

A. Yes sir.

Q. This is the deed?

A. It is.

Q. Did you purchase the interest of any of the other heirs?

A. Joe and Emma Pierce.

Q. I will ask you if Complainant's Exhibit 1, which is a deed dated 28th day of September, 1943, between Emma Pierce, Single, to H. L. Pierce, conveying the following lands: Beginning at the center of Fractional Section 7 Township 7 Range 2 East, run South 351 feet to point of beginning, thence west 1050 feet more or less, thence south 84 feet, thence east 1025 feet more or less, thence North 84 feet to point of beginning, section 7, Township 7 South, Range 2 East, which instrument was acknowledged before G. E. Perkins on the 28th day of September, 1943, and recorded in Deed Book 143, page 450 of the Baldwin County Probate Records, is that the deed that you received when you purchased this land from that lady?

A. Yes sir.

MR. BEEBE: We object to that, may it please the court, on

ground that it is irrelevant, incompetent and immaterial.

Q. I will ask you as to Complainant's Exhibit 4, which is a deed from Joseph Pierce to H. L. Pierce?

A. That is right.

Q. Which deed is dated the 28th day of May, 1951 and is recorded in Deed Book 216 at page 437 of the Baldwin County records - that is the Joe Pierce that you testified about?

A. That is right.

MR. BEEBE: We object to that on the ground that it is irrelevant, incompetent and immaterial.

Q. He was a son of the original John Pierce and Mollie Pierce?

A. He was.

G. E. PERKINS, A WITNESS FOR THE COMPLAINANT, BEING FIRST
DULY SWORN, TESTIFIED:

Examination by Mr. Mashburn

Q. What is your name?

A. G. E. Perkins.

Q. Where do you live, Mr. Perkins?

A. Fairhope.

Q. Are you a Notary Public in Baldwin County Alabama?

A. Yes sir.

- Q. I will show you instrument, which has already been introduced in evidence and marked Complainant's Exhibit 2, and which purports to be a correction deed from John Pierce, a single man, to H. L. Pierce, dated the 18th day of May, 1951, and executed before you as a Notary Public on that same day?
- MR. BEEBE: I object to the question - going into this matter at this time; the deed is not in the same condition as it was originally introduced.
- Q. Is that your signature on there as a Notary Public?
- Mr. Beebe: We object.
- A. Yes sir.
- Q. Whose name is that?
- A. John Pierce.
- Q. The - Did John Pierce sign that deed in your presence?
- A. He did.
- Q. Where was that deed signed, Judge Perkins?
- A. At John Pierce's home place at Barnwell; that is where he was living at that time -- Not John Pierce's place, but Jim Bishops place.
- Q. Was it executed on the date that you have here - the 18th day of May, 1951?
- A. Yes sir.

Q. Now I will ask you as to Complainant's Exhibit 3 - if you will look at that. Complainant's Exhibit 3 is what purports to be a correction deed from Mrs. Anna J. Hellis and Alexander J. Hellis, her husband, to H. L. Pierce, dated the ____ day of May, 1951, and executed before you on the 18th day of May, 1951. Is that your signature there?

MR. BEEBE: We object, if the court please, on the ground that it is irrelevant, incompetent and immaterial and comes too late.

Q. Did Mr. and Mrs. Hellis sign that deed before you?

A. Yes sir.

Q. Do you recall where it happened?

A. At their home at Point Clear.

Q. You knew the people, didn't you?

A. Yes I have been knowing them for years.

MR. BEEBE: We would like to interpose the further objection to the Emma Pierce deed as there has been no accounting for the original deed.

MR. H. L. PIERCE:

Examination by Mr. Mashburn.

Q. Do you have the original deed from Emma Pierce in your possession?

A. No. Mr. McPhillips misplaced that deed when he got the abstract.

JAMES R. OWEN, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY
SWORN. TESTIFIED:

Examination by Mr. Mashburn.

Q. What is your name, please.?

A. James R. Owen.

Q. What is your profession ?

A. Attorney

Q How long have you been practicing law?

A. A little over three years.

Q. You are duly licensed to practice in the State of Alabama?

A. Yes sir.

Q. You have examined the file in this case?

A. Yes.

Q. I will ask you, what in your opinion would be a reasonable fee for Complainant's Attorney in a suit in equity to sell lands for a division, which included the filing of the bill of complaint, having to amend the bill of complaint, primarily because one of the parties died after the suit was filed, and having to get service on some by publication and some by Registered mail, and conducting the same to a conclusion, where the lands sold at public auction for \$6,600.00?

A. You had an unborn child that was born during the proceedings?

Q. That is right.

A. I think it ought to be some where in the neighborhood of 10% of the sale price - that would be in the neighborhood of \$650.00.

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

I hereby certify that the foregoing, consisting of pages 1 to 11 both inclusive, correctly sets forth a true and correct transcript of the testimony taken by me in open court, before Hon. Hubert M. Hall, Judge of the 28th Judicial Circuit of Alabama, on June 14, 1955.

This 14th day of June, 1955.

Louise Tusebury
Court Reporter.

Com 9-1-5

QUIT CLAIM DEED

THIS ENDENTURE, Made the 7th. day of November 1950, between John Pierce, a single man, party of the first part, and H. L. Pierce, party of the second part: Witnesseth, that the party of the first part in consideration of the sum of One hundred \$100.00 dollars, herby acknowledged to have been paid to the party of the first part by the party of the second part, do hereby sell and convey to the party of the second part, all of my rights, title and interest in and to the following described property;

Begin at center of Fractional Section 7 Township Seven Range 2 East, run South 351 feet to point of beginning; Thence run West 1050 feet more or less, Thence South 84 feet; Thence East 1025 feet more or less; Thence North 84 feet to point of beginning, in Section 7, Township 7 South of Range 2 East. Baldwin County, Alabama.

Together with all the rights and appurtenances to said described property in anywise belonging; To have and to hold the same forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal, this 7th. day of November 1950.

John Pierce

Witness
W. H. Street
H. L. Pierce

STATE OF ALABAMA
BALDWIN COUNTY.

I, G. E. Perkins, a Notary Public in and for the said State and County, do hereby certify that John Pierce, a single man, whose name is signed to the foregoing conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand seal this 7th. day of November 1950.

G. E. Perkins

STATE OF ALABAMA, BALDWIN COUNTY
Filed 2-12-51 12 12 M
Recorded _____ book _____ page _____
and I certify that the following Privilege Tax
has been paid:
Deed Tax _____
Mortgage Tax _____

W. H. Street
Judge of Probate
By 2

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 One photostatic pages

contain a full, true and complete copy of the Deed from John Pierce to
H. L. Pierce,

as the same appears of record in my office in Deed Book No. 162
Page 443.

Given under my hand and seal of office, this 6th day of June, 1955.



W. R. Stuart
Judge of Probate.

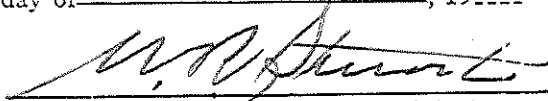
STATE OF ALABAMA,
Baldwin County.

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 One photostatic pages
contain a full, true and complete copy of the Deed from Alexander Heles, et ux to
H. L. Pierce,

as the same appears of record in my office in Deed Book No. 162
Page 444.

Given under my hand and seal of office, this 6th day of June, 1955.


Judge of Probate.

5.00

FILED

FEB 8 1955

ALICE A. BECK, Register

HERMAN L. PIERCE

Complainant,

VS.

MRS. ROSA PIERCE DENNE, ET AL.,

Respondents.

IN THE

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA.

IN EQUITY.

No. 3312

MR. MASHBURN, REPRESENTING COMPLAINANT

MR. BEEBE, REPRESENTING RESPONDENTS.

HERMAN LEWIS PIERCE, THE COMPLAINANT, BEING FIRST DULY SWORN
TESTIFIED AS FOLLOWS:

Direct examination by Mr. Mashburn.

Q. What is your name, please?

A. Herman Lewis Pierce.

Q. Where do you live, Mr. Pierce?

A. Fairhope.

Q. You are over the age of 21 years?

A. Yes, sir.

Q. Do you own an interest in certain lands down near Point
Clear?

A. I do.

MR. BEEBE: I object to the question as being irrelevant,
incompetent and immaterial.

THE COURT: Do you have a deed?

MR. MASHBURN: Yes. I wanted to get the names of the other people in.

Q. I will ask you this Captain Pierce, do you own an interest in lands which are described as follows:

Beginning at the center of Fractional Section 7 Township 7 South, Range 2 East and run thence south 351 feet to a point, which is the place of beginning of the lot herein described, which point is the Southeast corner of the property of Francis A. Poggi and Gertrude M. Poggi, and runs thence south along the half section line of said Section 7, 96.2 feet, more or less to the north line of property of Goardon Smith, Jr., thence running west and parallel to the east and west center line of said Section 7, and along the north line of said property of Smith 1022.6 feet, more or less, to the Eastern shore of Mobile Bay, thence running northwardly along the Eastern Shore of Mobile Bay 100 feet, more or less, to the Southwest corner of said property of Poggi, (running in part along a fence) 1049.7 feet, more or less, to the place of beginning, together with all riparian rights pertaining thereto. All of said measurements being according to survey by Fred M. Wilson, dated April 28, 1951. It being the intent hereof to convey all property of the Grantor herein lying between the property of Poggi on the North and Smith on the South, and bounded on the east by the half section line, and on the west by Mobile Bay.

MR. BEEBE: We object to the introduction -- We object to the question on the grounds that it calls for irrelevant incompetent and immaterial testimony.

THE COURT: All right, note an objection.

A. Yes, sir .

- Q. Now I will ask you, Captain Pierce. where did you get your interest in this property?
- A. When?
- Q. Yes?
- A. In the year 1943.
- Q. Who did you get your interest from? Did you get it by purchase?
- A. Yes, sir.
- Q. Who did you purchase from?
- A. Miss Emma Pierce.
- Q. I have an instrument here that I will ask you to examine--
- A. I don't have my glasses. Will you read it to me.
- Q. I have a certain photostatic copy of a deed from Emma Pierce, a single woman, to H. L. Pierce, dated 28th day of September 1943, and acknowledged before G. E. Perkins, Notary Public, Baldwin County, Alabama, on the 28th day of September, 1943 and recorded in the Probate Office of Baldwin County, Alabama, in Deed Book 143 at page 459-60. Is that where you acquired your first interest in this property?
- A. In 1943, in September; I forget just what date it was.
- MR. MASHBURN: Now I offer the deed just described in evidence and ask that it be identified as Complainant's Exhibit 1.

MR. BEEBE: WE object to the introduction of the deed, first, because it is not shown that the grantor had any interest in the property; second, that the deed does not convey the lands described in the complaint.

THE COURT: I don't know anything about that.

Q. Now on ght e 7th day of November, 1950, did you purchase the interest of John Pierce in this land?

A. I did.

Q. Did he give you a quitclaim deed, which is as follows: Quitclaim deed, dated November 7th, 1950, from John Pierce, Single man, to H. L. Pierce - Did you purchase such a deed as that, or get a deed from John Pierce on that date?

A. I did.

Q. Now in 1951, dd he give you a correction deed to that same property?

A. Correction deed is right.

Q. Was that correction deed dated 18th day of May 1951?

A. Sure it was.

Q. Was it from John Pierce to H. L. Pierce?

A. Yes it was.

Q. And did it described the lands as follows: Beginning-- In otherwords, was it the same description as set forth in the bill of Complaint?

A. Yes.

MR. BEEBE: The deed is the best evidence

MR. MASHBURN: I now offer in evidence, and ask that it be identified as Complainant's Exhibit 2, dated the 18th day of May, 1951, from John pierce to H. L. Pierce, acknowledged on the same date by G. E. Perkins, a Notary Public, Baldwin County, Alabama. This deed has not been recorded, has it?

WITNESS: Supposed to have been, why? Absolutely all of them

MR. MASHBURN: I am offering the original deed and will ask permission to later withdraw the original deed and substitute a copy.

MR. BEEBE: We object to the introduction of the deed on the ground that it has not been shown that the grantor had any interest~~xx~~ in the property. That the deed does not convey the lands described in the complaint and further the deed has not been properly proven, and is not self proving without having been of record; there is no proof that he executed the deed.

Q. I will ask you, on the 18th day of May, 1951 --

MR. BEEBE: (Interrupting) I object. The witness has not seen the deed.

MR. MASHBURN: He brought it to me.

MR. BEEBE: He has not brought any witnesses to the deed to
prove the execution--

MR. MASHBURN: I asked him if it was signed before a
Notary Public.

THE COURT: You are going to prove the interest?

MR. MASHBURN: I started out to do that first. I have to go
one way or the other; I intend to show where
the lands came from - Who the people are;
there has to be a starting point.

Q. Did you, in May, 1951, purchase from John Pierce, an
interest in this land described here?

A. I did.

MR. BEEBE: I object. The deed is the best evidence.

MR. MASHBURN: I have already offered the deed. I now re-offer
the deed.

MR. BEEBE: Same objection.

Q. Now on the 18th day of May, 1951, Captain Pierce, did you
purchase an interest in this same property from Mrs. Anne
J. Heles and Alexander Heles?

A. I did.

Q. Did you pay them for their interest?

a. Yes, sir.

Q. Did they give you a quitclaim deed?

a. Yes, sir.

Q. Who did they sign that deed before?

A. G. E. Perkins.

Q. A Notary Public?

A. Yes, sir.

Q. Will you show me the deed-- Can you see it well enough to tell me whether that is the deed or not?

A. I can't see it.

Q. You brought it up there?

A. If it is the one I brought up here it is absolutely correct.

Q. That was signed before Mr. Perkins?

a. Yes, sir.

Q. Has this one been recorded?

A. They have all been recorded.

MR. BEEBE: That is the same one you had?

MR. MASHBURN: No.

MR. MASHBURN: I now offer this deed in evidence as Complainant's Exhibit 3.

MR. BEEBE: Object on the same grounds as the preceding deed.

MR. MASHBURN: What happened he recorded the original deed, but when he got a correction deed he didn't record that.

Q. On the 28th day of May, 1951, did you purchase the interest of Joseph Pierce in the lands described in the bill of complaint, and secure from him a deed?

A. I did.

Q. Did you pay him for that interest?

A. I did.

Q. Where did he make that deed?

A. BayouLaBatre, if I remember right.

Q. The deed was notarized by a notary public in Mobile County, Alabama?

A. Yes, sir.

MR. MASHBURN: I now offer this deed in evidence and ask that it be identified as Complainant's exhibit 4.

This deed is recorded in Deed Book 216, page 437.

MR. BEEBE: I object on the ground that it is not shown that the grantor had any interest in the property. On the further ground that the deed does not convey the lands described in the complaint.

Q. Who are the other owners in this property with you, Captain Pierce?

A. Well, Judge, there are several.

Q. Do you recall their names off-hand?

A. William Pierce is one; Jessie Pierce is one, Rosa Denne--

Q. I don't want to lead him --

A. There was one more; he is not living; his name was Mack Pierce.

Q. Who was Mack Pierce?

A. He was a brother of these people that I bought from.

Q. Then Hubert Hall had one interest--

A. That was the interest of Robert Pierce.

Q. Who owned this land originally, Mr. Pierce?

MR. BEEBE: I object to the question; it calls for irrelevant, incompetent and immaterial testimony.

MR. MASHBURN: May it please the Court, I may be laboring under a misapprehension. It was my thought that you have to prove your title and it was my opinion that in an action of this kind there is no argument about the original owner; we all own from the same original owner; all of our titles come from the same original owner; there is no argument about that, and all that is necessary is that we own it; we have not got to prove the interest of the original owner.

THE COURT: Don't all of you admit that they claim through the same source - through John Pierce?

MR. BEEBE: We admit that we own, not he--

the court; These People mentioned own as heirs or purchasers from heirs of John Pierce?

MR. MASHBURN: That is my thought and I have to go along - I intend to ask him who these people were - who owned the lands originally, and who are the heirs, and whether they are dead or living.

Q. Who did this land belong to originally?

A. John Pierce.

Q. Is he living or dead?

A. He is dead?

Q. When did he die?

A. A good many years ago.

Q. Do you know what heirs he left? What children?

A. I believe I mentioned all that are living; there are a couple dead; I left out one named Herbert and one Walton.

Q. Was Joe Pierce a son of John Pierce?

a. He was.

Q. Is he the same Joe Pierce that you got a quitclaim deed from?

A. Absolutely.

Q. He is a son of who?

A. John Pierce Sr.

Q. All right. Who are the other heirs?

A. John Pierce, Jr. - he is an heir.

Q. And a son of John Pierce, Sr.?

A. Correct.

Q. He is the person from whom you got a deed?

a. That's right.

Q. Who is Anne Heles?

A. A daughter of John Pierce, Sr., and who is a sister of John Pierce, Jr. and Joe Pierce.

Q. Is she the same Anna Heles, together with her husband, that made you a deed to an interest in this property?

A. That's right.

Q. Who is Emma Pierce?

A. The first one that I bought from; she is the oldest girl of John Pierce, Sr. and she was never married; an old maid.

Q. And she is a daughter of whom?

A. John Pierce, Sr.

Q. She is the same Emma Pierce who made you this deed that we introduced originally, which was dated in 1943?

A. That is right.

Q. Now did any of the original owners of the property in this suit die since the suit was filed; original res - any of the people who were parties die since the suit was filed?

A. Not that I know about.

Q. How about Donald Pierce?

A. He was in Connotti, Wisconsin, the last time I heard of him; I don't know that he is dead; some said he was.

Q. You have been informed that he was dead?

A. Yes, but I couldn't prove it.

q. Were you also informed that he left a widow and a daughter?

A. I was.

Q. Are you personally acquainted or familiar with this piece of property, Captain Pierce?

A. Yes, I know where it is at.

Q. Can it be divided between the parties by metes and bounds?

A. How do you mean?

Q. Is it the type property that you can divide among the owners without selling it?

A. I don't see how you could; there is only 100 feet on the front and it runs back 1050 feet and I don't see how it could be.

Q. Did you have to employ a lawyer to bring this action?

A. I did.

Q. Whom did you employ?

A. Mr. Telfair J. Mashburn, Jr.

Q. Do you have an abstract to this property?

A. I had an abstract, Judge, brought down several years ago and I let a friend at Point Clear have it and he never did return it.

Q. Do you have one now?

A. No, sir.

Q. Is it necessary, in order to sell this property, that you have an abstract?

A. I have an idea that it would be.

Q. Did you read over, or did you have read over to you the complaint that was filed in this case and the amended complaint that was later filed?

A. How is that?

Q. I said did you read over, or have read to you, the bill of complaint that was filed in this case?

A. I have not.

Q. You know when you came to me to bring the action?

A. Yes, sir, I am familiar with that.

Q. You know the allegations that are made in here?

A. Yes, sir.

Q. Are they true and correct?

A. Absolutely.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Q. Mr. Pierce, you ^{state} that Jessie Pierce and William Pierce each own an interest in this property?

A. I don't know that, but they are heirs of John Pierce, Sr.

Q. Do you know that Jessie Pierce, by deed dated September 24, 1954, conveyed his interest in that property to One John P. Pierce?

A. No, sir, I do not.

Q. Do you know that William Pierce and Emma Pierce -- You know them, I believe you said?

A. Yes, sir.

Q. Do you know that they, by deed dated October 2, 1954, conveyed their interest in that property to John P. Pierce?

A. No, I don't know that.

Q. You do not know that?

A. No.

Q. You don't know whether they did or didn't, is that correct?

A. Well I guess that would be the right way to answer; I don't know anything about it.

Q. Now you mentioned the abstract that you said in your pleading was necessary. Can't you get the old abstract back from the man that you loaned it too?

A. I may can.

Q. Do you think you can and have it brought up to date?

A. I have an idea I can.

Q. Who is it that has that abstract?

A. Mr. Joe McPhillips.

MR. MASHBURN: Actually, didn't I ask you to get the abstract before I brought the suit?

WITNESS: Yes, sir.

EXAMINATION OF THIS WITNESS BY MR. WILTERS:

Q. Do you know Donald Pierce?

A. There is a lady in Bonsecour who is Allen Pierce's wife, and I believe her name is Donald.

Q. Donald - a man?

A. No I don't know him.

Q. Do you know all of the heirs of John Pierce?

A. Yes, I think I do.

Q. The original owners of the land?

A. Yes.

Q. Who are they?

~~A~~ Do you want the ones dead and living?
(page 14)

Q. All of them?

A. Emma, Joe, Robert, Rosa, Walter, Jessie, Herbert,
Josephine, William. Bert --

MR. BEEBE: Is Bert still living?

WITNESS: No.

MR. BEEBE: Did Bert leave any children?

WITNESS: No, he was a single man. And Walter didn't have
any family.

Q You named 10. You stated in your complaint that there
were 11.

A. Mack is the other one.

ON RE-DIRE CT EXAMINATION:

Q. How many died without being married?

A. Walter, Emma, Bert, and I think that is about all I
remember. -- John, Jr.--

MR. BEEBE: They all died without issue?

A. Yes, sir.

Q. (BY THE COURT) Wasn't there two that died without issue?

MR. BEEBE: Three.

MR. BEEBE: May it please the Court. The defense would like,
and as we explained before, we are just taking the
testimony of this one witness today, and we would
like for you to set a day when we could get our
witnesses here and continue the hearing; we can't
possibly wind it up today.

Q. You have to get it straight, because it is not straight yet.

MR. BEEBE: There will be other testimony later.

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

I hereby certify that the foregoing pages 1 to 16 both inclusive, correctly sets forth a true and correct transcript of the testimony as taken by me in open Court, on January 18th., 1955, before Hon. Hubert M. Hall, Judge of said Court.

This 18th day of January, 1955.

Louise Dusenbury
Court Reporter

Com Exp 1

DEED WITH WARRANTY
Sold by Bidgood Stationary Co., Mobile, Ala.

This Indenture, Made the 28 day of September 1943, between
Emma Pierce, a single woman
party of the first part, and H. L. Pierce
party of the second part: Witnesseth, that the party
of the first part in consideration of Three
\$300.00 DOLLARS,

hereby acknowledged to have been paid the party of the first part by the party of the second part,
do grant, bargain, sell and convey unto said party of the second part, his heirs
and assigns, all the real property in Baldwin County, Alabama described as follows:
Begin at Center of Fractional Section 7 Township Seven Range 2
East, run South 75 feet to point of beginning; Thence run West
1050 feet more or less, Thence South 84 feet, thence East 1025 feet
more or less, thence North 84 feet to point of beginning, in Section
7, Township 7 South of Range 2 East.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 5-3-44 9:35 A.M.

Recorded book page
and I certify the following Privilege Tax
has been paid

Deed Tax 50
Mortgage Tax

Judge of Probate

By

BOOK 143 PAGE 280

Together with all the rights and appurtenances to said described premises in anywise belonging: To have and to hold the same forever.

And Emma Pierce for her and her heirs, the said described premises and appurtenances, will forever Warrant and Defend unto the said part Y of the second part, his heirs and assigns, against the lawful claims of all persons whatsoever.

IN WITNESS WHEREOF, The said part Y of the first part has hereunto set her hand and seal the day and year above written.

Signed, sealed and delivered in the presence of

Emma Pierce (SEAL)

(SEAL)

The State of Alabama

Baldwin

County

I, G. E. Perkins

a Notary Public

in and for said State and County, do hereby certify that

Emma Pierce, a single woman

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 the conveyance she executed the same voluntarily on the day the same bears date.

Given under my hand (if before a foreign notary add "notarial seal") this 28 day of September 1943

G. E. Perkins

The State of Alabama

County

I, _____

in and for said State and County, do hereby certify

that on the _____ day of _____ 19____, came before me the within named _____,

known to me to be the wife of the within named _____,

who being examined separate and apart from the husband, touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraint or threats on the part of the husband.

Given under my hand (if before a foreign notary add "notarial seal") this _____ day of _____ 19____

THE STATE OF ALABAMA,
Baldwin County

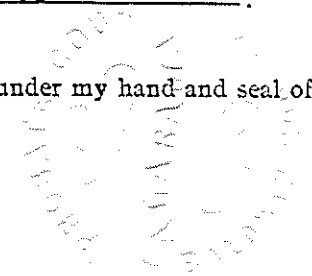
PROBATE COURT

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 Deed from Emma Pierce to H. L. Pierce

as the same appears of record in my office in Deed Book No. 143

Page 459-60

Given under my hand and seal of office, this 11th day of January, 1955


W. R. Stuart
Judge of Probate.

STATE OF _____
COUNTY OF _____

Com Exp 2

WHEREAS on the 7th day of November, 1950, JOHN PIERCE, a single man, executed a certain Quit Claim Deed to H.L. PIERCE, which Deed is recorded in Deed Book 162 N.S., page 443 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama; and

WHEREAS in the aforementioned Quit Claim Deed the property is described as follows:

Begin at center of Fractional Section 7, Township 7, Range 2 East, run South 351 feet to the point of beginning, thence run West 1050 feet more or less, thence South 84 feet, thence East 1025 feet more or less, thence North 84 feet to point of beginning, in Section 7, Township 7 South, Range 2 East.

AND WHEREAS it is now the desire of the said Grantor to correct and more accurately describe the premises referred to in said Quit Claim Deed;

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS that JOHN PIERCE, a single man, Grantor, for and in consideration of the sum of \$1.00 and other good and valuable consideration hereby acknowledged to have been paid by H.L. PIERCE, the receipt of which is acknowledged, does hereby remit, release, and quit claim unto the said Grantee all his right, title, interest and claim in and to the following described real property situated in the County of Baldwin, State of Alabama, viz:

Beginning at the center of Fractional Section 7, Township 7 South, Range 2 East and run thence South 351 feet to a point, which is the place of beginning of the lot herein described, which point is the Southeast corner of the property of Francis A. Poggi and Gertrude M. Poggi, and runs thence South along the half section line of said Section 7, 96.2 feet, more or less, to the North line of property of Gordon Smith, Jr., thence running West and parallel to the East and West center line of said Section 7, and along the North line of said Property of Smith 1022.6 feet, more or less, to the Eastern shore of Mobile Bay, thence running Northwardly along the Eastern shore of Mobile Bay 100 feet, more or less, to the Southwest corner of said property of Poggi, thence East along the South line of said Property of Poggi (running in part along a fence) 1049.7 feet, more or less, to the place of beginning, together with

all riparian rights pertaining thereto. All of said measurements being according to survey by Fred M. Wilson dated April 28th, 1951. It being the intent hereof to convey all property of the (Grantor) herein lying between the property of Poggi on the North and Smith on the South, and bounded on the East by the half section line, and on the West by Mobile Bay.

TOGETHER WITH ALL AND SINGULAR the rights, members, privileges and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same unto the said Grantee, his heirs and assigns forever.

IN WITNESS WHEREOF the Grantor has hereunto set his hand and seal this 19 day of May, 1951.

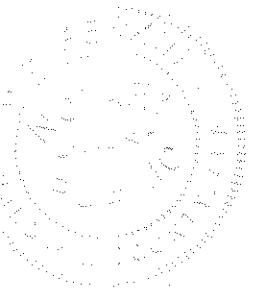
John Pierce (SEAL)
John Pierce

STATE OF Alabama,
COUNTY OF Baldwin

I, L. E. Perkins a Notary Public in and for said County and State do hereby certify that John Pierce, 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 the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 19 day of May, 1951.

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



STATE OF _____
COUNTY OF _____

Com Exp 3

WHEREAS on the 9th day of December, 1950 , MRS. ANNE J. HELES and ALEXANDER HELES, her husband, executed a certain Quit Claim Deed to H.L. PIERCE which Deed is recorded in Deed Book 162 N.S., page 444 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama; and

WHEREAS in the aforementioned Quit Claim Deed the property is described as follows:

Begin at center of Fractional Section 7, Township 7, Range 2 East, run South 351 feet to point of beginning; thence run West 1050 feet more or less, thence South 84 feet, thence East 1025 feet, more or less, thence North 84 feet to point of beginning, in Section 7, Township 7 South, Range 2 East.

AND WHEREAS it is now the desire of the said Grantors to correct and more accurately describe the premises referred to in said Quit Claim Deed;

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS that MRS. ANNE J. HELES and ALEXANDER HELES, her husband, Grantors, for and in consideration of the sum of \$1.00 and other good and valuable consideration hereby acknowledged to have been paid by H.L. PIERCE, the receipt of which is acknowledged, do hereby remit, release and quit claim unto the said Grantee all their right, title, interest and claim in and to the following described real property situated in the County of Baldwin, State of Alabama, viz:

Beginning at the center of Fractional Section 7, Township 7 South, Range 2 East and run thence South 351 feet to a point, which is the place of beginning of the lot herein described, which point is the Southeast corner of the property of Francis A. Poggi and Gertrude M. Poggi, and runs thence South along the half section line of said Section 7, 96.2 feet, more or less, to the North line of property of Gordon Smith, Jr., thence running West and parallel to the East and West center line of said Section 7, and along the North line of said property of Smith 1022.6 feet, more or less, to the Eastern shore of Mobile Bay, thence running Northwardly along the Eastern Shore

of Mobile Bay 100 feet, more or less, to the Southwest corner of said property of Poggi, thence East along the South line of said property of Poggi (running in part along a fence) 1049.7 feet, more or less, to the place of beginning, together with all riparian rights pertaining thereto. All of said measurements being according to survey by Fred M. Wilson dated April 28th, 1951. It being the intent hereof to convey all property of the (Grantor) herein lying between the property of Poggi on the North and Smith on the South, and bounded on the East by the half section line, and on the West by Mobile Bay.

TOGETHER WITH all and singular the rights, members, privileges and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same unto the said Grantee, his heirs and assigns forever.

IN WITNESS WHEREOF the Grantors have hereunto set their hands and seals this ____ day of May, 1951.

Mrs. Anne J. Heles (SEAL)
Mrs. Anne J. Heles

Alexander Heles (SEAL)
Alexander Heles

STATE OF Alabama
COUNTY OF Baldwin

I, S. E. Perkins, a Notary Public in and for said County and State, do hereby certify that Alexander Heles and Mrs. Anne J. Heles, 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 the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 18 day of May, 1951.

S. E. Perkins
Notary Public, Baldwin County,
Alabama.

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public in and for said County and State hereby certify that on the ____ day of May, 1951, came before me the within named Mrs. Anne J. Heles, known to me to be the wife of the within named Alexander Heles, who, being examined separate and apart from her husband, touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord, and without fear, constraints, or threats on the part of her husband.

In Witness whereof, I hereto set my hand and seal this ____ day of May, 1951.

Notary Public, _____ County,
Alabama.

Com Eey 4

STATE OF ALABAMA
COUNTY OF BALDWIN

EX-101
216
PAGE 437

WHEREAS on the 9th day of November, 1950, JOE PIERCE, a widower, executed a certain Quit Claim Deed to H.L. PIERCE, which Deed is recorded in Deed Book 162 N.S., page 430 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama; and

WHEREAS in the aforementioned Quit Claim Deed the property is described as follows:

Begin at center of Fractional Section 7, Township 7, Range 2 East, run South 351 feet to point of beginning, thence run West 1050 feet more or less, thence South 84 feet, thence East 1025 feet more or less, thence North 84 feet to point of beginning, in Section 7, Township 7 South, Range 2 East.

AND WHEREAS it is now the desire of the said Grantor to correct and more accurately describe the premises referred to in said Quit Claim Deed;

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS that JOE PIERCE, a widower, Grantor, for and in consideration of the sum of \$1.00 and other good and valuable consideration hereby acknowledged to have been paid by H.L. PIERCE, the receipt of which is acknowledged, does hereby remit, release and quit claim unto the said Grantee all his right, title, interest and claim in and to the following described real property situated in the County of Baldwin, State of Alabama, viz:

Beginning at the center of Fractional Section 7, Township 7 South, Range 2 East and run thence South 351 feet to a point, which is the place of beginning of the lot herein described, which point is the Southeast corner of the property of Francis A. Poggi and Gertrude M. Poggi, and runs thence South along the half section line of said Section 7, 96.2 feet, more or less, to the North line of property of Gordon Smith, Jr., thence running West and parallel to the East and West center line of said Section 7, and along the North line of said property of Smith 1022.6 feet, more or less, to the Eastern shore of Mobile Bay, thence running Northwardly along the Eastern Shore of Mobile Bay 100 feet, more or less, to the Southwest corner of said property of Poggi, thence East along the South line of said Property of Poggi (running in part along a fence) 1049.7 feet, more or less, to the place of beginning, together with

all riparian rights pertaining thereto. All of said measurements being according to survey by Fred M. Wilson dated April 28th, 1951. It being the intent hereof to convey all property of the (Grantor) herein lying between the property of Poggi on the North and Smith on the South, and bounded on the East by the half section line, and on the West by Mobile Bay.

216 PAGE 438

TOGETHER WITH all and singular the rights, members, privileges and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same unto the said Grantee, his heirs and assigns forever.

IN WITNESS WHEREOF the Grantor has hereunto set his hand and seal this 28 day of May, 1951.

Joe Pierce (SEAL)
Joe Pierce

STATE OF ALA.
COUNTY OF MOBILE

I, E. W. HAWES, a Notary Public in and for said County and State, do hereby certify that Joe Pierce, 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 the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 28 day of May, 1951.

E. W. Hawes
Notary Public, MOBILE County, Alabama.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 1-10-55 11 A.M.

Recorded Deed book 216 page 437-8
and I certify that the following Privilege Tax has been paid.

Deed Tax 50

Mortgage Tax

M. B. Hunt
Judge of Probate

By S