

STATE OF ALABAMA
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA-- GREETINGS:

WE COMMAND YOU, that you summon NANCY EVELYN BRYARS and WILLIAM ALFRED BRYARS, JR., to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery jurisdiction within sixty days after the service of the summons, and there to answer, plead or demur without oath to a bill of complaint lately exhibited by JAMES B. JOHNSON against the said Nancy Evelyn Bryars and William Alfred Bryars, Jr., and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondents shall in no wise omit, under penalty, etc. And we further command that you return this writ, with your execution thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Circuit Court, this the 19th
day of June, 1944.

R. S. Duck
Register.

JAMES B. JOHNSON,
COMPLAINANT

VS

NANCY EVELYN BRYARS,
and WILLIAM ALFRED BRYARS
JR.,
RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY ALABAMA
IN EQUITY.

TO HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Comes the Complainant, JAMES B. JOHNSON and humbly complaining against the Respondents, Nancy Evelyn Bryars and William Alfred Bryars, Jr., respectfully represents unto your Honor and this Honorable Court as follows:

1.

That your Complainant is a resident of Mobile, Mobile County, Alabama, and over twenty one years of age; that the Respondent Nancy Evelyn Bryars is a resident of Baldwin County, Alabama, living at Bay Minette, and over twenty one years of age; that the Respondent William Alfred Bryars, Jr., is a minor six years old and living with his mother, Nancy Evelyn Bryars at Bay Minette, Alabama; that the Respondent William Alfred Bryars, Jr., has no regular guardian.

2.

That W. A. Bryars, who was a resident of Bay Minette, in Baldwin County, Alabama, died intestate on the 29th day of April, 1944, left surviving him as his sole and only heirs his widow, Nancy Evelyn Bryars and his son, William Alfred Bryars, Jr.

3.

That the said W. A. Bryars, prior to his death and on, to-wit, October 26th, 1943, applied to and secured from the Complainant a loan of two thousand (\$2,000.00) dollars with which to buy certain real estate and personal property hereinafter described; that it was the express understanding between the Complainant and W. A. Bryars that the said W. A. Bryars would execute and deliver as security for the loan, a purchase money mortgage on the said real and personal property; that the said W. A. Bryars on to-wit October 29th, 1943, purchased from J. H. Hill and Lucy Hill, his wife, by warranty deed, the following described real property, situated in Baldwin County, Alabama, to-wit:

Beginning at the North Section line of Section Twenty One (21) in Township Two (2) South Range Three (3) East at the Westerly line of the land sold by the Bay Minette Land Company to the Baldwin County Fair Association, thence running West along said Section line 645 feet to the Easterly line of the Daphne Road 406 feet to a point; thence East parallel with the North Section line of said Section 21 to the Westerly line of the land aforesaid of the Baldwin County Fair Association; thence Northerly along said Westerly line of the land of the said Baldwin County Fair Association to the place of beginning, containing 6 acres, be the same more or less; reserving, however, to the said Bay Minette Land Company a strip of land 20 feet wide along the entire North boundary of said tract for a right of way, this conveyance being subject to the use of such right of way by the public as a road; excepting that certain strip of land 22½ feet wide and 360 feet long, as heretofore conveyed by C. T. Clark and wife to Baldwin County, Alabama, for a public road, as described in Deed dated October 24th, 1916, and recorded in Deed Book 26, at page 38.

That on the same date the said W. A. Bryars purchased from J. H. Hill the following described personal property, to-wit:

105 feet of water pipe
18 ducks
1 Cream colored Jersey cow named Pokey
1 Red white-faced cow named peggy
58 hens.
2 Buff roosters
1 Black Giant Rooster
2 Squares of new tin.

That a copy of said warranty deed and bill of sale are hereto attached marked Exhibits A and B respectively, and asked to be taken as a part hereof as though herein fully set out.

4.

That the money loaned by the Complainant to the said W. A. Bryars was used for the purpose of purchasing the said real and personal property hereinabove described, and constituted the full purchase price thereof;

That the said W. A. Bryars agreed and repeatedly promised the Complainant that he would execute a proper purchase money mortgage conveying the said real and personal property purchased as hereinabove set out to secure the said mortgage, however, he died before executing the same mortgage.

5.

That the said W. A. Bryars had no property other than that hereinabove described and his estate has no funds out of which the Complainant might collect the money loaned to the said W. A. Bryars.

6.

The Complainant offers to do equity, and to abide by any judgments and decrees of this court.

Wherefore, the premises considered, your Complainant prays that your Honor will by proper process make the said Nancy Evelyn Bryars and William Alfred Bryars, Jr., parties respondent to this bill of complaint, requiring them to plead, answer or demur to the same within the time and under the penalties prescribed by law.

Your Complainant further prays that your Honor and this Honorable Court will establish a lien in favor of the Complainant on the real and personal property hereinabove described, to secure the money advanced by the complainant to W. A. Bryars, deceased, with which to purchase said property, and that the Register of this Court be authorized, directed and empowered to sell the said property for satisfaction of the claim of the Complainant against the said

property; that this Honorable Court will give and grant unto the Complainant such other, further, different or general relief as he may be in equity and good conscience entitled to receive, and as in duty bound he will ever pray.

BEEBE & HALL

BY

J. H. Beebe

Solicitors for the Complainant.

1137

JAMES B. JOHNSON,
COMPLAINANT

VS

NANCY EVELYN BRYARS, ET AL
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

NO. 1137.

This cause, coming on to be heard, is submitted for final decree upon the original bill of complaint, decree pro confesso, on personal service against the Respondent Nancy Evelyn Bryars, and the pleadings and proof as noted by the Register.

The Court, after understanding, and a thorough consideration of the matter, is of the opinion that the Complainant is entitled to the relief prayed for against the Respondents.

It appearing to the Court that the Complainant furnished the purchase money with which W. A. Bryars and the Respondent, Nancy Evelyn Bryars purchased the property hereinafter described, and that the said W. A. Bryars is now deceased, leaving him surviving as his sole and only heirs the Respondents herein, and that said money has not been repaid; that said purchase money with the interest thereon is TWENTY ONE HUNDRED (\$2100.00) DOLLARS.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Complainant has a lien to secure said purchase money and interest, against said property to-wit:

Beginning at the North section line of Section Twenty one in Township Two South Range Three East at the Westerly line of the land sold by the Bay Minette Land Company to the Baldwin County Fair Association, thence running West along said Section line 645 feet to the Easterly line of the Daphne Road 406 feet to a point, thence East parallel with the North Section line of said Section 21 to the Westerly line of the land aforesaid of the Baldwin County Fair Association; thence Northerly along said Westerly line of the land of the said Baldwin County Fair Association to the place of beginning, containing 6 acres, be the same more or less; reserving, however, to the said Bay Minette Land Company a strip of land 20 feet wide along the entire North boundary of said tract for a right of way, this conveyance being subject to the use of such right of way by the public as a road; excepting that certain strip of land 22½ feet wide and 360 feet long, as heretofore conveyed by C. T. Clark and wife to Baldwin County, Alabama, for a public road, as described in deed dated October 24th, 1916, and recorded in Deed Book 26, at page 38.

- 105 feet of water pipe
- 18 ducks
- 1 cream colored Jersey cow named Pokey

- 1 red white-faced cow named Peggy
- 58 hens
- 2 Buff roosters
- 1 Black Giant rooster
- 2 squares of new tin

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Respondents shall have, and they are hereby given, thirty days in which to pay said indebtedness, and in the event they do not pay said amount to the Complainant within said time, the Register of this Court is ordered, directed, and empowered to sell said property, to-wit:

Beginning at the North section line of Section twenty one in Township Two South Range Three East at the Westerly line of the land sold by the Bay Minette Land Company to the Baldwin County Fair Association, thence running West along said Section line 645 feet to the Easterly line of the Daphne Road 406 feet to a point, thence East parallel with the North Section line of said Section 21 to the Westerly line of the land aforesaid of the Baldwin County Fair Association; thence Northerly along said Westerly line of the land of the said Baldwin County Fair Association to the place of beginning, containing 6 acres, be the same more or less; reserving, however, to the said Bay Minette Land Company a strip of land 20 feet wide along the entire North boundary of said tract for a right of way, this conveyance being subject to the use of such right of way by the public as a road; excepting that certain strip of land 22½ feet wide and 360 feet long, as heretofore conveyed by C. T. Clark and wife to Baldwin County, Alabama, for a public road, as described in deed dated October 24th, 1916, and recorded in Deed Book 26, at page 38.

- 105 feet or water pipe
- 18 ducks
- 1 cream colored Jersey Cow named Pokey
- 1 red white faced cow named Peggy
- 58 hens
- 2 Buff roosters
- 1 Black Giant rooster
- 2 squares of new tin.

at the front door of the Court House of Baldwin County, Alabama, for cash to the highest bidder, at twelve o'clock noon, after having first given thirty days notice thereof, together with a description of the property as herein, by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama.

IT IS FURTHER ORDERED, that said Register make return for the further orders and decrees of this Court.

Dated at Monroeville, Alabama, this the 25th day of August, 1944.


 Judge of the 21st Judicial Circuit.

Report of Sale

JAMES B. JOHNSON
COMPLAINANT

VS.

NANCY EVELYN BRYARS, et al
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA


IN EQUITY

NO. 1137

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

And now comes R. S. DUCK, Register of the Circuit Court of Baldwin County, Alabama, hereby ordered, directed and empowered by your Honor, to sell certain real and personal property which is particularly set forth and described in the decree which was made and entered on August 25, 1944, and respectfully reports and represents unto your Honor that in pursuance of and in strict accordance with the directions of said decree and the statutes in such cases made and provided, he did on Monday November 6th, 1944, at 12:00 Noon, at the front door of the Court House, Baldwin County, Alabama, for cash to the highest bidder, sell the property described in said decree to, JAMES B. JOHNSON, who was the highest and best bidder for the same, for the sum of TWO THOUSAND (\$2000.00) DOLLARS, that being the highest amount bid at such sale; that said sale was in all respects fairly conducted; that said property sold for an amount equal to its value.

WHEREFORE the undersigned filed this his report of said sale and prays that such order and decree be made and entered as will authorize and empower him to make conveyance to the said purchaser, James B. Johnson.


Register of the Circuit Court of
Baldwin County, Alabama

JAMES B. JOHNSON
COMPLAINANT

VS.

NANCY EVELYN BRYARS, et al.
RESPONDENTS

172

190
108

~~255~~

1000
450

19

100
900
000

1139

JAMES B. JOHNSON,
COMPLAINANT

VS

NANCY EVELYN BRYARS, ET AL
RESPONDENTS

~~IS~~ DECREE.

EXHIBIT "A"

WARRANTY DEED.

STATE OF ALABAMA
BALDWIN COUNTY

THIS INDENTURE, made and entered into on this the 29th day of October, 1943, by and between J. H. Hill and Lucy Hill, his wife, hereinafter referred to as the parties of the first part, and W. A. Bryars and Nancy E. Bryars, hereinafter referred to as the parties of the second part, WITNESSETH: The parties of the first part, for and inconsideration of the sum of Two Thousand Dollars (\$2,000.00) and other good and valuable consideration to them this day in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, have and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said parties of the second part, the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at the North Section line of Section Twenty one (21) in Township Two (2) South Range Three (3) East at the Westerly line of the land sold by the Bay Minette Land Company to the Baldwin County Fair Association, thence running West along said Section line 645 feet to the Easterly line of the Daphne Road 406 feet to a point, thence East parallel with the North Section line of said Section 21 to the Westerly line of the land aforesaid of the Baldwin County Fair Association; thence Northerly along said Westerly line of the land of said Baldwin County Fair Association to the place of beginning, containing 6 acres, be the same more or less; reserving, however, to the said Bay Minette Land Company a strip of land 20 feet side along the entire North boundary of said tract for a right of way, this conveyance being subject to the use of such right of way by the public as a road, excepting that certain strip of land $22\frac{1}{2}$ feet wide and 360 feet long, as heretofore conveyed by C. T. Clark and wife to Baldwin County, Alabama, for a public road, as described in Deed dated October 24th, 1916, and recorded in Deed Book 26 at page 38.

TO HAVE AND TO HOLD unto the said W. A. Bryars and Nancy E. Bryars during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns of such survivor, forever.

The parties of the first part, for themselves, their heirs, executors, and administrators, hereby covenant and warrant to and with the said parties of the second part, their heirs and assigns, that they are seized of an indefeasible estate in and to the said property; that they have a good right to convey the same as herein contained; that they will guarantee the peaceable possession thereof; that the said property is free from all liens and encumbrances except taxes for 1944, and that they will, and their heirs, executors, and administrators shall forever warrant and defend the same unto the said parties of the second part, their heirs and assigns, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and affixed their seals on this the day and year first above written.

J. H. Hill (seal)
Lucy Hill (seal)

STATE OF ALABAMA
BALDWIN COUNTY.

I, J. B. Blackburn, a Notary Public within and for said County in said State, hereby certify that J. H. Hill and Lucy Hill, his wife, 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.

I further certify that on the 29th day of October, 1943, came before me the within named Lucy Hill, known to me to be the wife of the within named J. H. Hill, who, being examined separate and apart from her husband, touching her signature to the foregoing 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.

Given under my hand and official seal on this the 29th day of October, 1943.

J. B. Blackburn,

Notary Public, Baldwin County, Alabama.

EXHIBIT "B"

BILL OF SALE.

STATE OF ALABAMA
BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS; that I, J. H. Hill, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to me in hand paid by W. A. Bryars, the receipt whereof is hereby acknowledged, have and by these presents do hereby SELL, TRANSFER AND DELIVER to the said W. A. Bryars the following described personal property situated in Baldwin County, Alabama, to-wit:

150 feet of water pipe
18 ducks
1 cream colored Jersey cow named Pokey
1 Red-white-faced cow named Peggy
58 hens
2 Buff roosters
1 Black Giant Rooster
2 rolls of barbed wire
2 Squares of new tin.

TO HAVE AND TO HOLD unto the said party of the second part, his heirs and assigns, forever.

The said J. H. Hill, for himself, his heirs, executors, and administrators, hereby covenants and warrants to and with the said W. A. Bryars, his heirs and assigns, that he, the said J. H. Hill, is seized of an indefeasible estate in and to the said property; that he has a good right to convey the same as herein contained and that he will forever warrant and defend the same against the lawful claims of all persons.

IN WITNESS WHEREOF, the said J. H. Hill has hereunto set his hand and affixed his seal on this the 29th day of October, 1943.

J. H. Hill, (SEAL)

STATE OF ALABAMA
BALDWIN COUNTY.

I, J. B. Blackburn, a Notary Public, within and for said County in said State, hereby certify that J. H. Hill, 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 instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 29th day of October, 1943.

J. B. Blackburn,
Notary Public, Baldwin County, Alabama.

JAMES B. JOHNSON,
COMPLAINANT

VS.

NANCY EVELYN BRYARS, et al,
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY
NO. 1137

This cause coming on to be heard is submitted for decree upon the report for confirmation by the register of sale of the property hereinafter described. It appearing from the said report in writing and under oath, among other things, that on the first monday of November, being the 6th day of November, 1944, at 12 O'Clock Noon, and in strict accordance with and singular, the terms and requirements of the former order and decree of this court, granted and entered in the premises on the 25th day of August, 1944, he proceeded and sold, at the front door of the Court House in Baldwin County, Alabama, for cash to the highest bidder the property set forth and particularly described in said former order and decree, and that said property was purchased at said sale by James B. Johnson for the sum of TWO THOUSAND (\$2000.00) DOLLARS.

And it appearing to the satisfaction of the court, from said report, and the evidence now herewith submitted, that said amount so bid for said property by James B. Johnson was the highest and best bid for the same; that said sum so bid was greatly less than or disproportionate to its real value; that said sale was legally and fairly made.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said sale be and the same is hereby approved and in all things ratified and confirmed by the order and authority of this court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, be authorized and he is hereby ordered to convey by proper deed to the said James B. Johnson all right, title and interest which Nancy Evelyn Bryars, and William Alfred Bryars, Jr., have in such property.

IT IS FURTHER ORDERED that said report and all other papers on file relating to this proceeding be recorded.

Done at Bay Minette, Alabama, on this the 5th day of December, 1944.

J. W. Lane
Judge of the 21st Judicial Circuit of Ala.

JAMES B. JOHNSON
COMPLAINANT

VS

NANCY EVELYN BRYARS, AND
WILLIAM ALFRED BRYARS, JR.
RESPONDENTS

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

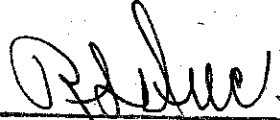
TO BERNICE F. REID, BAY MINETTE, ALABAMA, GREETINGS:

Know you, that we, imposing confidence in your integrity,
skill and ability, have appointed you commissioner to take the
testimony of:

Elmina Bryars, Bay Minette, Alabama
Edison Phillips, Bay Minette, Alabama
Grace Phillips, Bay Minette, Alabama
James B. Johnson, Mobile, Alabama

material witnesses in a suit now pending in our Chancery Court,
of Baldwin County, Alabama, wherein James B. Johnson is complainant
and Nancy Evelyn Bryars and William Alfred Bryars Jr., are Respondents;
and we hereby authorize and empower you to call and cause to come before you
the said witnesses and their depositions on oath to take touching their
knowledge of the matters and things in controversy in said suit, which
depositions when so taken shall be signed by said witnesses and certified
by you as such commissioner as herein, and you are further commanded that
the depositions so taken, with this deposition, to return under your hand and
seal to the Register of said Court, with all convenient speed.

Witness my hand and seal off office on this the 8th day of
August, 1944.


Register.

CIRCUIT COURT COMPLAINT

Printed By Baldwin Times, Bay Minette, Ala.

James B Johnson.
Complainant,
Vs. Nancy Evelyn Bryars. et als.
Respondent.

In the Circuit Court.
In Equity No. _____.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent _____

Nancy Evelyn Bryars

by the Sheriff of Baldwin. County, on the 20th day of June.,
194 4.

And it further appears to the Register, that the said Nancy Evelyn Bryars.

_____, the Respondent, having to the date hereof,
failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,

on motion of Beebe & Hall, Solicitors

for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,

and it hereby is, in all things taken as confessed against the said _____

Nancy Evelyn Bryars.

This 29th day of July., 194 4.


Register.

JAMES B. JOHNSON,
COMPLAINANT,

VS

NANCY EVELYN BRYARS
AND WILLIAM ALFRED BRYARS,
JR.,

RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

Now comes the Complainant, by BEEBE & HALL, Solicitors
of record, and makes application to the Register of said Court to
issue a commission to take the testimony in said cause on oral
examination, of the following witnesses:

Elmina Bryars, Bay Minette, Alabama
Edison Phillips, Bay Minette, Alabama
Grace Phillips, Bay Minette, Alabama
James B. Johnson, Mobile, Alabama

and Complainant suggests the name of Bernice F. Reid, who resides at
Bay Minette, Alabama, as a suitable person to be appointed commissioner
to take the testimony of said witnesses.

Dated this the 8th day of August, 1944.

BEEBE & HALL

By *J. H. Lee*
Solicitors for Complainant.

JAMES B. JOHNSON
COMPLAINANT

VS

NANCY EVELYN BRYARS AND
WILLIAM ALFRED BRYARS,
RESPONDENTS

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

The Complainant in the above styled cause having this day filed his application in writing to have the testimony taken orally, of Elmina Bryars, James B. Johnson, Edison Phillips, and Grace Phillips, and said Complainant in said application nominating Bernice F. Reid to take such testimony as provided by law, IT IS ORDERED BY THE REGISTER that said witnesses be examined orally before Bernice F. Reid as special commissioner in the office of Beebe & Hall, Bay Minette, after three days notice of the time and place of taking same has been given the Respondents by entry on the order book of the Register.

Witness my hand and seal of office on this the 8th day of August, 1944.

Register.

JAMES B. JOHNSON
COMPLAINANT

VS

NANCY EVELYN BRYARS,
AND WILLIAM ALFRED BRYARS, JR.
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

Before me, R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, personally appeared Hubert M. Hall, one of the solicitors of record for the Complainant, who being duly sworn, says that William Alfred Bryars, Jr., one of the Respondents in said cause, is a minor six years old, and that said minor has not, in the belief of affiant, a general guardian in this State; that said minor resides with, and in the custody of, Nancy Evelyn Bryars, his mother, who lives at Bay Minette, in Baldwin County, Alabama.

Hubert M. Hall

Sworn to and subscribed before me on this the 8th day of August, 1944.

Register.

JAMES B. JOHNSON
COMPLAINANT

VS

NANCY EVELYN BRYARS,
AND WILLIAM ALFRED BRYARS,
JR.,
RESPONDENTS.

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

I, H. E. SMITH, hereby consent to acts as guardian ad litem for
William Alfred Bryars, Jr., upon the hearing of said cause.

Witness my hand on this the 8th day of August, 1944.

H. E. Smith
Guardian Ad Litem.

JAMES B. JOHNSON
COMPLAINANT

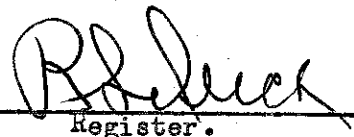
VS

NANCY EVELYN BRYARS,
AND WILLIAM ALFRED BRYARS,
RESPONDENTS

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

In this cause it appearing to the Court from the evidence of Hubert M. Hall, one of the solicitors of record for the Complainant, that the Defendant William Alfred Bryars, Jr., is a minor six years of age, and it further appearing that no person has been nominated to act as such guardian ad litem for such infant defendant, and H. E. Smith, Esquire having filed his consent in writing to act as such guardian ad litem upon the hearing of said cause, and he being a fit and suitable person, it is therefore ordered by the Court that H. E. Smith, Esq., be and he is hereby appointed guardian ad litem for and to represent the interest of the said minor in this cause.

Done this 8th day of August, 1944.


Register.

JAMES B. JOHNSON
COMPLAINANT

VS

NANCY EVELYN BRYARS AND
WILLIAM ALFRED BRYARS, JR.
RESPONDENTS

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

Comes WILLIAM ALFRED BRYARS, JR., a minor six years
of age, by his guardian ad litem and, for answer to the original
bill of complaint in said cause, denies all the allegations
contained in said bill and demands strict proof thereof.

J. E. Smith
Guardian Ad Litem for William Alfred
Bryars, Jr.

No. 1137

CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA.
IN EQUITY

James B Johnson

Complainant,

vs.
Jerry E. Bryson

Respondent.

DECREE PRO CONFESSO ON
PERSONAL SERVICE.

Issued this 29 day of July
1944.

R. B. Duck
Register.

1187

JAMES B. JOHNSON, COMPLAINANT

VS

NANCY EVELYN BRYARS, AND WILLIAM
ALFRED BRYARS, JR., RESPONDENTS

ANSWER OF GUARDIAN AD LITEM

Filed Aug 8 1944
R. B. Bly

1137

JAMES E. JOHNSON, COMPLAINANT

VS

NANCY EVELYN BRYARS, AND WILLIAM
ALFRED BRYARS, JR.,
RESPONDENTS

APPOINTMENT OF GUARDIAN AD LITEM

*Final Order 1964
James E. Johnson
Respondent*

1137

JAMES B. JOHNSON, COMPLAINANT

VS

NANCY EVELYN BRYARS, AND WILLIAM
ALFRED BRYARS, JR., RESPONDENTS.

CONSENT OF GUARDIAN AD
LITEM TO ACT.

Endorsed 8/19/44
[Signature]

JAMES B. JOHNSON, COMPLAINANT

VS

NANCY EVELYN BRYARS, AND
WILLIAM ALFRED BRYARS, JR.
RESPONDENT.

NOTICE OF TIME AND PLACE OF
TAKING TESTIMONY

James B. Johnson
5/19/44

JAMES B. JOHNSON, COMPLAINANT

VS

NANCY EVELYN BEYARS, AND WILLIAM
ALFRED BEYARS, RESPONDENTS

AFFIDAVIT OF HUBERT M. HALL AS
TO MINOR RESPONDENTS.

Filed Aug 8 1948
Hubert M. Hall
Respondent

1137
JAMES B. JOHNSON, COMPLAINANT

VS

NANCY EVELYN BRYARS, AND WILLIAM
ALRED BRYARS, JR., RESPONDENTS

ORDER AS TO ORAL EXAMINATION.

Due May 8 1949
R. H. H. H.
H. H. H. H.

JAMES B. JOHNSON, COMPLAINANT

VS

NANCY EVELYN BRYARS, AND
WILLIAM ALFRED BRYARS, JR.
RESPONDENTS

REQUEST FOR ORAL EXAMINATION

Filed August 8, 1944
Edward R. Breyer

JAMES H. JOHNSON, COMPLAINANT

VS

NANCY EVELYN BRYARS, AND
WILLIAM ALFRED BRYARS, JR.,
RESPONDENTS.

COMMISSION TO TAKE TESTIMONY

Frank August 8 1944
F. J. [unclear]
[unclear]

JAMES B. JOHNSON
COMPLAINANT

VS.

NANCY EVELYN BRYARS, et al
RESPONDENTS

1137

Decree confirming sale
and ordering deed.

CROSS EXAMINATION OF ELMINA BRYARS BY H. E. SMITH, GUARDIAN AD LITEM
FOR WILLIAM ALFRED BRYARS, JR.,

Q. At the time this loan was made, did your son have any other money
or property?

A. No, sir.

Q. At the time of his death did he have any assets of any kind on hand?

A. No sir, not that I know of.

Q. Has there been any administration on his estate in court?

A. No.

Elmina Bryars.

GRACE PHILLIPS.

Grace Phillips, a witness for the Complainant, being first duly
sworn, deposes and says:

My name is Grace Phillips. I live at Bay Minette, in Baldwin
County, Alabama. I was a sister of W. A. Bryars, who died on April 29th, 1944.
The Complainant James B. Johnson is my brother-in-law.

My brother W. A. Bryars often talked with me relative to buying
some property at Bay Minette, Alabama, and sometime prior to his death told
me that he was going to secure from the complainant a loan with which to
buy the property, and later told me that he had borrowed \$2,000.00
from the complainant with which to buy the property and at that time showed
me a deed and bill of sale and told me that he had purchased the property with
money that he had borrowed from the complainant. He at that time told me
that he had promised to give the complainant a purchase money mortgage to secure
the \$2,000.00 with which he had purchased the real and personal property from
J. H. Hill. He on a number of occasions told me that it was his intention
and was the understanding between him and the Complainant that a purchase
money mortgage would be executed to secure the money. My brother told me
that the money he got from the complainant was used for the purpose of
purchasing the said real and personal property and that the \$2,000.00
was the full purchase price for the property. The last time my
brother discussed the matter with me was just prior to his death when he told
me that he was very anxious that the complainant get the security for the
money which he had borrowed. My brother at the time of his death, which was
sudden, left no other property or money with which to repay the loan. The
complainant was at the time of the loan, and still is, working in Panama
City. My brother often stated that he wanted to get him to come to
Bay Minette so that he would be in position to execute the purchase money
mortgage to secure the loan, however he died before the papers were executed.

NO CROSS EXAMINATION BY GUARDIAN AD LITEM.

Grace Phillips

THE STATE OF ALABAMA
Baldwin County

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

James B. Johnson COMPLAINANT

vs.

Nancy Evelyn Bryars et al RESPONDENT

I, Bernard F Reid

as Register and Commissioner

have called and caused to come before me

James B Johnson
Edmina Bryars
Grace Phillips

witness named in the Requirement for Oral Examination, on the 12 day of August

1944, at the office of Beech Hall

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

the whole truth, and nothing but the truth, the said

JAMES B. JOHNSON doth depose and say as follows:

My name is James B. Johnson, I am a resident of Mobile, in Mobile County Alabama, and over twenty one years of age. The Respondent, William Alfred Bryars is a minor six years of age, and living with his mother, Nancy Evelyn Bryars at Bay Minette. The Respondent Nancy Evelyn Bryars is a resident of Baldwin County, Alabama, and over twenty one years of age. The Respondent William Alfred Bryars Jr. does not have a regular or legal guardian.

I was personally acquainted with W. A. Bryars, who was a resident of Bay Minette, in Baldwin County, Alabama, during his lifetime. W. A. Bryars died intestate on the 29th day of April, 1944. W. A. Bryars was my brother-in-law, I having married his sister.

W. A. Bryars left surviving him as his sole and only heirs his widow, the Respondent Nancy Evelyn Bryars, and his son, William Alfred Bryars, Jr.,

The Respondent W. A. Bryars and I were on unusually friendly terms, and he often applied to me for assistance, which I granted. Some time in October, 1943, just prior to October 26, W. A. Bryars applied to me for a loan of \$2,000.00 with which to buy a place at Bay Minette. I on October 26th, 1943, sent to him at Bay Minette my check on the First National Bank of Mobile, Alabama, in the sum of \$2,000.00. The check handed me for inspection is the original check made by me to W. A. Bryars. I was personally acquainted with his hand writing and know that the endorsement on the reverse side of the check is that of W. A. Bryars.

The Complainant offers in evidence the original check dated Mobile, Alabama, October 26th, 1943, drawn on the First National Bank of Mobile, Alabama, and payable to the order of W. A. Bryars for \$2,000.00 and asks that it be marked "Exhibit C".

I have examined the letter shown me, dated Mobile, Ala, 3/17-44. It is in the handwriting of W. A. Bryars and is signed by him.

The Complainant offers in evidence the letter dated Mobile, Ala, 3/17-44 and asks that it be marked "Exhibit D"

ORAL EXAMINATION

I, Bernice F. Reid, as Register and Commissioner hereby certify that the foregoing deposition ~~Son~~ Oral Examination was taken down in writing by me in the words of the witness ^s and read over to them and they signed the same in the presence of myself wid of H.M. Hall at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness— or had proof made before me of the identity of said witness—; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 19th day of August, 1944
Bernice F. Reid (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
Baldwin County

IN CIRCUIT COURT, IN EQUITY

James B. Johnson

Complainant

Vs.

Wm. S. Bryan
et al

Respondent

ORAL DEPOSITION

Filed _____, 19 _____

Register _____

RECORDED IN

Record _____

Vol. _____ Page _____

Register _____

In the conversation between me and W. A. Bryars, it was understood that the money that I let him have, \$2,000.00, was to buy the place then owned by J. H. Hill and also certain personal property at that time owned by Mr. Hill. It was agreed that W. A. Bryars and his wife, Nancy Evelyn Bryars, would later execute to me a mortgage on the real and personal property as security for my loan.

I know that they went ahead and purchased the real and personal property which he said he was going to buy. W. A. Bryars during his lifetime showed me the original warranty deed to the land, and also the bill of sale to the personal property. The warranty deed shown me is the original deed shown to me by W. A. Bryars and which he said was the deed to the property that he purchased with the \$2,000.00 I let him have.

The Complainant offers in evidence the original warranty deed from J. H. Hill and Lucy Hill to W. A. Bryars and Nancy E. Bryars dated October 29th, 1943, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 81, page 64, and asks that it be marked "Exhibit E"

The Plaintiff offers in evidence the original bill of sale from J. H. Hill and Luch Hill to W. A. Bryars dated October 29th, 1943, and requests that it be marked "Exhibit F".

The Respondent W. A. Bryars did not repay the two thousand dollars loaned by me to him, with which to buy the said real and personal property. I have never been paid the amount and it still remains due and unpaid.

I know that the \$2,000.00 loaned constituted the full purchase price for the said real and personal property. Although the Respondent W. A. Bryars agreed and repeatedly promised that he would execute a proper purchase money mortgage conveying the said real and personal property me, he died before executing the said mortgage.

I know that the Respondent W. A. Bryars had no property at the time of his death, and likewise no funds out of which I might collect the indebtedness.

CROSS EXAMINATION OF JAMES B. JOHNSON BY H. E. SMITH
GUARDIAN AD LITEM FOR WILLIAM ALFRED BRYARS JR

Q. What was the reason that these papers were not fixed up at the time the loan was made?

A. I was away, and was working in Panama City, Florida and didn't have occasion at that time to come up here. I thought I could see him at any time I got back up here I never gave a thought to anything happening to him.

Q. You said you made previous loans to him. Had any of them been in large amounts?

A. Well, \$50.00 once before. He paid that OK. Then, \$10.00 or \$20.00 along like that.

Q. Did he pay those back?

A. Yes.

Q. Do you know whether or not he had any cash on hand at the time you made the loan?

A. I do not think he had any.

Q. You say he had promised you several times to execute a purchase money mortgage?

Q. Have you ever spoken to Mrs. Bryars with reference to this since then?
A. Yes.

Q. Did she admit or deny that they owed it?
A. She admitted it.

Q. Admitted that they should have given you a mortgage--- that that was their intention?
A. Yes.

That is all.

James B. Johnson

ELMINA BRYARS.

Elmina Bryars, a witness for the Complainant being first duly sworn, deposes and says: My name is Elmina Bryars. I live at Bay Minette, in Baldwin County, Alabama. I was the mother of W. A. Bryars, who died intestate on the 29th day of April, 1944. My son left surviving him as his sole and only heirs his widow the Respondent, Nancy Evelyn Bryars and his minor son, now six years old, William Alfred Bryars, Jr. The said minor son does not have a legal guardian. The only property that my son had at the time of his death was the real property purchased from J. H. Hill and Lucy Hill, the deed made to W. A. Bryars and Nancy E. Bryars and the personal property purchased by them from J. H. Hill by bill of sale dated October 29th, 1943.

My son at all times discusses his business and financial affairs with me. I know that the only property left by my son was the insurance which was payable to his widow. He had no cash money.

I recall when my son first mentioned buying the J. H. Hill property. He told me that he was going to borrow the money from the complainant, James B. Johnson with which to purchase the property, and also told me that the purchase price for the said real and personal property was \$2,000.00. My son later told me that he had borrowed the money from the complainant, and at the time he told me that he showed me a check from the Complainant dated October 26th, 1943, and said that it was the money with which to buy the property. The original check offered in evidence as Exhibit C to the complainant's testimony is the check that my son W. A. Bryars showed me, and it bears on the reverse side thereof the endorsement of my son in his own handwriting.

Some few days after my son showed me the check he told me that he had purchased the property with the money that he had borrowed from the Complainant and at that time showed me the original warranty deed and bill of sale. In fact, he gave me the deed and bill of sale to keep for him. The warranty deed offered in evidence as Exhibit E to the complainant's testimony is the original deed given to me by my son and which I held for him and have held the deed from the day he gave it to me until the present time.

The original bill of sale marked Exhibit "F" to the complainant's testimony is the original bill of sale delivered to me by my son and which has been held by me. My son told me that the full purchase price of the property was \$2,000.00 and that the entire check which he had gotten from J. B. Johnson was to pay for the property and that he did actually pay for the property with the check.

My son W. A. Bryars often told me that he and his wife, Nancy Evelyn Bryars were to give the Complainant James B. Johnson a purchase money mortgage covering the property purchased from J. H. Hill and wife, to secure the \$2,000.00. He told me on several occasions that he wished to get the complainant up here so that he and his wife could execute the said purchase money mortgage. The Complainant, James B. Johnson was at that time and is now working in Panama City, Florida. My son often told me that it mattered not what happened to him, for me to see that no one beat the complainant out of his money or the property. The Complainant, James B. Johnson, is my son-in-law.

I know, and my son W. A. Bryars repeatedly told me that he had secured the \$2,000.00 from the Complainant to buy the property and that he had never repaid it or any part of it and that it was the express understanding between him and the complainant that he and his wife were to give the complainant a purchase money mortgage on the said real and personal property purchased by W. A. Bryars from J. H. Hill and Lucy Hill, his wife, and described in the deed and bill of sale offered in evidence. I have talked with the Respondent, Nancy Evelyn Bryars since the death of my son with reference to the property. She has repeatedly told me that her husband, my son, got the money from the complainant with which to buy the property and that she wanted the complainant to have it.

WARRANTY DEED

STATE OF ALABAMA

BALDWIN COUNTY

THIS INDENTURE, made and entered into on this the 29 day of October, 1943, by and between J. H. Hill and Lucy Hill, his wife, hereinafter referred to as the parties of the first part, and W. A. Bryars and Nancy E. Bryars, hereinafter referred to as the parties of the second part, WITNESSETH: The parties of the first part, for and in consideration of the sum of Two Thousand Dollars (\$2,000.00) and other good and valuable consideration to them this day in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, have and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said parties of the second part, the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at the North Section line of Section Twenty-one (21) in Township Two (2) South Range Three (3) East at the Westerly line of the land sold by the Bay Minette Land Company to the Baldwin County Fair Association, thence running West along said Section line 645 feet to the Easterly line of the Daphne Road 406 feet to a point; thence East parallel with the North Section line of said Section 21 to the Westerly line of the land afore-said of the Baldwin County Fair Association; thence Northerly along said Westerly line of the land of said Baldwin County Fair Association to the place of beginning, containing 6 acres, be the same more or less; reserving, however, to the said Bay Minette Land Company a strip of land 20 feet wide along the entire North boundary of said tract for a right of way, this conveyance being subject to the use of such right of way by the public as a road; excepting that certain strip of land 22½ feet wide and 360 feet long, as heretofore conveyed by C. T. Clark and wife to Baldwin County, Alabama for a public road, as described in Deed dated October 24, 1916, and recorded in Deed Book 26 at page 38.

TO HAVE AND TO HOLD unto the said W. A. Bryars and Nancy E. Bryars during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns of such survivor, forever.

The parties of the first part, for themselves, their heirs, executors and administrators, hereby covenant and warrant to and with the said parties of the second part, their heirs and assigns, that they are seized of an indefeasible estate in and to the said property; that they have a good right to convey the same as herein contained; that they will guarantee the peaceable possession thereof; that the said property is free from all liens and encumbrances except taxes for 1944, and that they will, and their heirs, executors and administrators shall forever warrant and defend the same unto the said parties of the second part, their heirs and assigns, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and affixed their seals on this the day and year first above written.

J. H. Hill (SEAL)
Lucy Hill (SEAL)

STATE OF ALABAMA

BALDWIN COUNTY

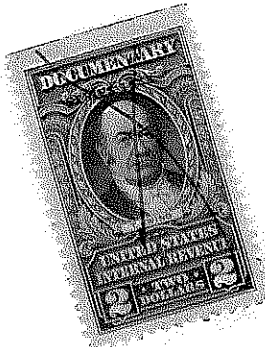
I, J. B. Blackburn, a Notary Public, within

and for said County in said State, hereby certify that J. H. Hill and Lucy Hill, his wife, 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.

I further certify that on the 29 day of October, 1943, came before me the within named Lucy Hill, known to me to be the wife of the within named J. H. Hill, who, being examined separate and apart from her husband, touching her signature to the foregoing 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.

Given under my hand and official seal on this the 29 day of October, 1943.

J. B. Blakely
Notary Public, Baldwin County, Alabama.



BILL OF SALE

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That I, J. H. Hill, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to me in hand paid by W. A. Bryars, the receipt whereof is hereby acknowledged, have and by these presents do hereby SELL, TRANSFER AND DELIVER to the said W. A. Bryars the following described personal property situated in Baldwin County, Alabama, to-wit:

- J. H. Hill* ~~150~~ ¹⁰⁵ feet of water pipe
- 18 ducks
- 1 Cream colored Jersey cow named Pokey
- 1 Red white-faced cow named Peggy
- 58 hens
- 2 Buff roosters
- 1 Black Giant Rooster
- ~~2 Rolls of barbed wire~~
- 2 Squares of new tin

TO HAVE AND TO HOLD unto the said party of the second part, his heirs and assigns, forever.

The said J. H. Hill, for himself, his heirs, executors and administrators, hereby covenants and warrants to and with the said W. A. Bryars, his heirs and assigns, that he, the said J. H. Hill, is seized of an indefeasible estate in and to the said property; that he has a good right to convey the same as herein contained and that he will forever warrant and defend the same against the lawful claims of all persons.

IN WITNESS WHEREOF, the said J. H. Hill has hereunto set his hand and affixed his seal on this the 29 day of October, 1943.

J. H. Hill (SEAL)

STATE OF ALABAMA

BALDWIN COUNTY

I, J. D. Blackburn, a Notary Public, within and for said County in said State, hereby certify that J. H. Hill, 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 instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 29 day of October, 1943.

J. D. Blackburn
Notary Public, Baldwin County, Alabama.

1187

Field August 23, 1944
R. A. Juch
R. J. M.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

No 137 Circuit Court, In Equity.

James B Johnson, Complainant

Vs.

Nancy Evelyn Bryars, Defendant

Motion is hereby made for a Decree Pro Confesso against

Nancy Evelyn Bryars, Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant; and that said summons was duly served according to law, and that said Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 31st day of July, 1944

Beebe & Hage
by H. H. Hage Solicitor.

No. 1137 Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

James B Johnson.

Vs.

Nancy Evelyn Bryars. et al.

Motion for Decree Pro Confesso on
Personal Service

Filed July 31st 1944

R. L. Beach

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

3-2876

Oct. 26.

19~~17~~ No.

MOBILE, ALA.

FIRST NATIONAL BANK 61-26
MOBILE ALABAMA

2000⁰⁰/₁₀₀

PAY TO THE ORDER OF

W. A. Brewer

\$ 2000

W. A. Brewer 2000/100

DOLLARS

[Signature]

"D"

Mobile Ala -
3/17-44

Hello James & Estelma
How in the world
are you all I hope you
are feeling fine because I
can't see lately.

I guess you know I
am back at Brookley Field
I can't work but I can hang
around here and draw pay so
that beats the N.R. because
you can't draw pay when
you don't work.

Say you all should
come up and see my calf
it sure is a beauty. It's
Red with a white head
and sure looks like it is
going to make a good
milk cow she is a heifer.
I had some more

buddies to come off but they are
all trying to bid so I think
I will just buy some kiddies
and put them with the rest
of the books soon as I can
get some coops built but as
some had trying to get lumber
to build them with.

I still haven't got any
gasoline for my truck but I
~~don't need~~ any it runs right
along with out coupons so I
don't see any reason for getting
in a hurry to get coupons.

I will close you all
come when you can - Brother

Willie.

P.B. Oh yes if you have got any
thing you want me to keep send
or bring it on up we have got
plenty of room I am going to
try to buy some chicken wire
by some hurry in with the
papers but up on the place