

W. A. REYNOLDS and
ILA MAUDE REYNOLDS,

Complainants,

vs.

R. G. KENDALL, II, MRS.
BELL HUNTER and MRS. MABEL
S. AMOS, as Co-Executors
and Trustees under the Last
Will and Testament of S. R.
Amos, Deceased, and MABEL S.
AMOS, H. A. LINDSEY, VELMA
AMOS, and E. M. AMOS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

FINAL DECREE

This cause coming on to be heard was submitted on the Bill of Complaint as amended, answer of the Respondents R. G. Kendall II, Mrs. Bell Hunter, and Mrs. Mabel S. Amos, as Co-Executors and Trustees under the Last Will and Testament of S. R. Amos, Deceased, and Mabel S. Amos, individually, and upon Decree Pro Confesso on personal service against the Respondents E. M. Amos, Velma Amos and H. A. Lindsey and upon a stipulation filed April 17, 1956, and upon the testimony taken orally before the Court, and the Court having considered the same is of the opinion that the Complainants are entitled to the relief prayed for in their amended Bill of Complaint.

It is ORDERED, ADJUDGED and DECREED by the Court that the tax sale to the State of Alabama by the Tax Collector of Baldwin County, Alabama, under assessment to Edwin Epperson held June 13, 1949, which attempted to convey the West half of the East half of the Northwest quarter of the Southwest quarter of Section 23, Township 7 South, Range 6 East, Baldwin County, Alabama, which is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Sales Book 25, page 65, and the tax deed which was issued by the State of Alabama to S. R. Amos on July 15, 1952, purporting to convey to him the above described property was an erroneous sale and conveyance, and is hereby declared to be null and void. That such tax sale and tax deed is a cloud upon the title of the Complainants in said cause and is hereby removed as such.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Register of this Court shall file a copy of this Decree in

the Office of the Judge of Probate of Baldwin County, Alabama, and such Register is hereby authorized to note on the margin of the record where the tax sale is recorded that such tax sale has been declared erroneous and null and void; the cost of filing a copy of such Decree to be taxes as a part of the costs of this proceeding.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainants be taxed with the costs of this proceeding, for which let execution issue.

Done this 17th day of April, 1956.

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

WITNESS MY HAND AND SEAL THIS 17th day of Apr, 1956

Alice J. Duck
Register of Circuit Court, in Equity

Hubert M. Hall
Judge

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-1-56 11 A.M.

Recorded Red book 238 page 25-6

W. B. Stuart
Judge of Probate

BOOK 338 PAGE 30

the Office of the Judge of Probate of Baldwin County, Alabama, and
such Register is hereby authorized to note on the margin of the
record where the tax sale is recorded that such tax sale has been
declared erroneous and null and void; the cost of filing a copy of
such Decree to be taxed as a part of the costs of this proceeding.
It is further ORDERED, ADJUDGED and DECREED by the Court
that the Complainant be taxed with the costs of this proceeding.

for which let execution issue.

Done this 17th day of April, 1926.

Hubert M. Hall
Judge

1926-2-26

W. A. Reynolds
I. L. Mendenhall
R. C. Kendall II
Ball Hunter
Mabel S. Andrews
Mabel S. Andrews
C. M. A. Andrews

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-1-26

Recorded 338 page 30

1926-2-26

Judge of Probate

Register of Court in Equity

3526
4-1-26

CIRCUIT COURT COMPLAINT

Printed by the Baldwin Times, Bay Minette, Alabama.

W. A. Reynolds, et al.
Complainant,
Vs.
R. G. Kendall, et al.
Respondent.

In the Circuit Court.
In Equity No. 3566.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the RespondentS, E. M. Amos,
Velma Amos and H. A. Lindsey

by the Sheriff of Conecuh County, on the 27th day of August,
1955

And it further appears to the Register, that that the said E. M. Amos, Velma Amos
and H. A. Lindsey

_____ the RespondentS, 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 Chason & Stone 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 E. M. Amos, Velma Amos
and H. A. Lindsey

This 20th day of February, 1956

Reice J. Stone
Register.

No. _____

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

Complainant,

Vs.

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this _____ day of _____

194

FILED
FEB 20 1956

ALICE L. DUCK, Register

Register.

THE BALDWIN TIMES

THE STATE OF ALABAMA, }
Baldwin County

No. 3566 Circuit Court, In Equity.

W. A. Reynolds, et al.

Complainant S.

Vs.

R. G. Kendall, et al.

Defendant S.

Motion is hereby made for a Decree Pro Confesso against E. M. Amos, Velma Amos and

H. A. Lindsey

Defendant S.

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

This 20th day of February 1956

Sharon & Stone
for J. L. Stone

Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA

BALDWIN COUNTY

Circuit Court, In Equity

Vs.

Motion for Decree Pro Confesso on
Personal Service

Filed _____ 19 _____

FILED

FEB

20

1956

Register.

Recorded in _____ Record

ALICE J. DICK, Register

Vol. _____ Page _____

Register.

W. A. REYNOLDS and
ILA MAUDE REYNOLDS,

Complainants,

vs.

MABEL S. AMOS, H. A.
LINDSEY, VELMA AMOS,
and E. M. AMOS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Come the Complainants in the above styled cause and amend
their summons and bill of complaint filed in said cause on July 11,
1955, so that the same shall read as follows:

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon R. G. Kendall, II, Mrs.
Bell Hunter and Mrs. Mabel S. Amos, as Co-Executors and Trustees
under the Last Will and Testament of S. R. Amos, Deceased, Mabel
S. Amos, H. A. Lindsey, Velma Amos and E. M. Amos to appear and
plead, answer or demur, within thirty days from the service hereof,
to the Bill of Complaint filed in the Circuit Court of Baldwin
County, Alabama, In Equity, by W. A. Reynolds and Ila Maude Reynolds,
as Complainants against R. G. Kendall, II, Mrs. Bell Hunter and Mrs.
Mabel S. Amos, as Co-Executors and Trustees under the Last Will and
Testament of S. R. Amos, Deceased, Mabel S. Amos, H. A. Lindsey,
Velma Amos and E. M. Amos, as Respondents.

Witness my hand this 10th day of August, 1955.

Alice J. Duck
Register. D.T.

W. A. REYNOLDS and
ILA MAUDE REYNOLDS,

Complainants,

vs.

R. G. KENDALL, II, MRS.
BELL HUNTER and MRS. MABEL
S. AMOS, as Co-Executors
and trustees under the Last
Will and Testament of S. R.
Amos, Deceased, and MABEL S.
AMOS, H. A. LINDSEY, VELMA
AMOS, and E. M. AMOS,

Respondents.

BOOK 020 PAGE 67

I IN THE CIRCUIT COURT OF

I BALDWIN COUNTY, ALABAMA

I IN EQUITY

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

Come the Complainants in the above styled cause and show unto
this Court and unto your Honor as follows:

FIRST:

That the Complainants and all of the Respondents are over the
age of twenty-one years and are all resident citizens of the State
of Alabama, the Complainants residing in Baldwin County, Alabama,
and the Respondents residing in Conecuh County, Alabama.

SECOND:

That the Complainants are the owners of the following describ-
ed real property situated in Baldwin County, Alabama, to-wit:

The West half of the East half of the Northwest Quar-
ter of the Southwest Quarter of Section 23, Township
7 South, Range 6 East, containing 10 acres, more or
less,

having acquired title to the said land by warranty deed from John
Westphal dated June 12, 1948, which said deed is recorded in the
Office of the Judge of Probate of Baldwin County, Alabama, in Deed
Book 132, page 111. That the Complainants are in the actual, quiet
and peaceable possession of said land and have had such possession
of said land since the date of their deed above referred to.

THIRD:

The Complainants further show unto your Honor that the above
described property was sold by the State of Alabama at a tax sale
held June 17, 1946, to R. A. Epperson under an assessment to John
Westphal for 1945 taxes which said tax sale is recorded in the Office
of the Judge of Probate of Baldwin County, Alabama, in Sales Book 22,
page 94; that such sale was redeemed by the said John Westphal on

January 2, 1947, and he paid the 1946 taxes in such redemption. That said land was assessed to Edwin Epperson for 1948 taxes and said taxes not being paid under such assessment said land was sold to the State of Alabama, on June 13, 1949, for a consideration of Seven and 04/100 Dollars (\$7.04), such sale being recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Sales Book 25, page 65. That at the time such land was assessed to the said Edwin Epperson, John Westphal was the owner of said land and at the time said land was sold to the State of Alabama as above set out the Complainants owned said land. That such tax sale was erroneously made. That the State of Alabama assigned its certificate of purchase under the sale recorded in Sales Book 25, page 65, to S. R. Amos of Brooklyn, Alabama, on April 16, 1952, for a consideration of Twenty-one and 40/100 Dollars (\$21.40). That such Sales Book shows an entry on the Sales Record as above set out that a tax deed was issued by the State of Alabama to S. R. Amos of Brooklyn, Alabama, on July 15, 1952, but such tax deed has never been recorded in the Office of the Judge of Probate of Baldwin County, Alabama, the County in which such land lies.

FOURTH:

Your Complainants further show unto your Honor that S. R. Amos is now dead and that his Last Will and Testament, a copy of which is attached to this Bill of Complaint, marked Exhibit "A", and made a part hereof, was duly admitted to Probate and Record in the Probate Court of Conecuh County, Alabama, on the 7th day of June, 1954. That the Respondents herein named are all of the Co-Executors and Trustees under such will and all of the Heirs and Legatees named in such will. That such Co-Executors and Trustees have duly qualified and are now acting as such Co-Executors.

FIFTH:

Your Complainants further show unto your Honor that such tax sale is a cloud on the title of your Complainants' and that such Complainants are liable only to such Respondents for the sum of Twenty-one and 40/100 Dollars (\$21.40) which was paid by the said S. R. Amos to the State of Alabama when such certificate was assigned

to him by the said State of Alabama, together with interest thereon at the legal rate since April 16, 1952, together with any money which has been paid by the said S. R. Amos or the Respondents above named for subsequent taxes on said land with interest thereon at the legal rate since date of payment, all of which amounts the Complainants offer to pay unto this Court and said Complainants do hereby offer to do equity and to perform and comply with any order or decree made by the Court in this cause.

SIXTH:

Your Complainants further show unto this Court that neither S. R. Amos nor any of the Respondents herein named have had possession of said land or any part thereof and such land has continuously been in the possession of such Complainants since the date they acquired title to the same as above set out.

PRAYER FOR PROCESS:

The premises considered, your Complainants pray that the above named R. G. Kendall, II, Mrs. Bell Hunter and Mrs. Mabel S. Amos, as Co-Executors and trustees under the Last Will and Testament of S. R. Amos, Deceased, and Mabel S. Amos, H. A. Lindsey, Velma Amos, and E. M. Amos be made party Defendant to this cause by the usual writ or process of this Honorable Court requiring them to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such cases made and provided.


PRAYER FOR RELIEF:

Your Complainants pray that upon a final hearing of this cause that your Honor will enter an order or decree setting aside, canceling and annulling the purported tax sale of said land as shown by Sales Book 25, page 65, in the Office of the Judge of Probate of Baldwin County, Alabama, wherein the said State of Alabama acquired a certificate of purchase for said land under assessment to Edwin Epperson on June 13, 1949, and will set aside the purported assignment of such certificate as above referred to and will cancel the tax deed to S. R. Amos and will order and decree the amount that your Complainants are to pay the Respondents for taxes paid by the

said S. R. Amos or by the Respondents, together with interest there-
on at the legal rate and will by such decree divest the Respondents
of any right, title, interest or claim in and to said land and will
remove the same as a cloud upon the title of the Complainants and will
vest in such Complainants all of the right, title and interest of
said Respondents in said land acquired under such sale. The Com-
plainants pray for such other, further and general relief to which
they may be entitled and the Complainants will ever pray.

CHASON & STONE

By:


Solicitors for Complainants.

October 9, 1953

In the name of God, amen:

I, S. R. Amos of Brooklyn, Conecuh County, Alabama, being of sound mind but not unmindful of the uncertainties of human life do hereby make this my last will and testament, revoking and voiding any other wills heretofore made by me.

1. All of my just and honest debts are to be paid.
2. Any interest or equities I may own in estates, partnerships, and commodities shall be liquidated without delay.
3. All of my assets are to be assembled or impounded into an interest bearing trust.
4. To H. A. Lindsey, my sister, I give and bequeath One Dollar.
5. To Velma Amos, my sister, I give and bequeath One Dollar.
6. To E. M. Amos, my brother, I give and bequeath One Dollar.
7. To Mabel S. Amos I give and bequeath One Hundred Fifty Dollars per month during her lifetime, or through the year 1983, whichever occurs first.
8. I give and bequeath four-year college scholarships to my relatives whose scholastic grades and deportment in high school warrant further training. These shall be selected by a board of trustees composed of R. G. Kendall II, Mrs. Bell Hunter and Mrs. Mabel S. Amos. This board of trustees shall be self perpetuating, and its members shall also be executors of this will.

Signed this 9th day of October, 1953, in presence of witnesses.

/s/ S. R. AMOS

Witnesses signed in S. R. Amos' presence and simultaneously as a will and in the presence of each other knowing this to be a will, this 9th day of October, 1953.

Attest: J. F. Clements.

Attest: Alice Amos

W. A. REYNOLDS and
ILA MAUDE REYNOLDS,

Complainants,

vs.

R. G. KENDALL, II, MRS.
BELL HUNTER and MRS. MABEL
S. AMOS, as Co-Executors
and trustees under the Last
Will and Testament of S. R.
Amos, Deceased, and MABEL S.
AMOS, H. A. LINDSEY, VELMA
AMOS, and E. M. AMOS,

Respondents.

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

STIPULATION

It is hereby stipulated and agreed by and between the Complainants, W. A. Reynolds and Ila Maude Reynolds, acting by and through John Chason as one of their solicitors of record, and R. G. Kendall, II, Mrs. Belle Hunter and Mrs. Mabel S. Amos as Co-Executors and trustees under the Last Will and Testament of S. R. Amos, deceased, and Mabel S. Amos, who are some of the Respondents in the above styled cause, acting by and through Robert B. Albritton, who is one of their solicitors of record, as follows:

1. That the Complainants and the Respondents above named are all over the age of twenty-one years and are all resident citizens of the State of Alabama.

2. That the Complainants are the owners of the following described real property situated in Baldwin County, Alabama, to-wit:

The West half of the East half of the Northwest quarter of the Southwest quarter of Section 23, Township 7 South, Range 6 East, containing 10 acres, more or less;

and acquired title thereto by warranty deed from John Westphal dated June 12, 1948, which said deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 132, page 111; that the Complainants are in the actual, quiet and peaceable possession of such land and have had possession of such land since the date of their deed above referred to.

3. That said land was assessed to Edwin Epperson for 1948 taxes, and he was not the owner of such land at the time such land was assessed to him, but said land was owned by John Westphal at the

time of the making of such assessment; that the taxes due under such assessment were not paid and said land was sold to the State of Alabama on June 13, 1949, for unpaid taxes for 1948, for a consideration of Seven Dollars and Four Cents (\$7.04); that such sale is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Sales Book 25, page 65; that the Complainants were the owners of said land at the time of such sale; that such sale was erroneously made, as the property was assessed to an individual who had no title to the said land at the time of the making of such assessment. That the State of Alabama assigned its certificate of purchase under such tax sale to S. R. Amos, of Brooklyn, Alabama, on April 16, 1952, for a consideration of Twenty-one Dollars and Forty Cents (\$21.40); that such Sales Book shows an entry that a tax deed was executed by the State of Alabama to the said S. R. Amos on July 15, 1952, but such tax deed has never been recorded in the Office of the Judge of Probate of Baldwin County, Alabama. That S. R. Amos first assessed such land for taxation for the year 1952 with a tax valuation of One Hundred Dollars (\$100.00) and he paid Two Dollars and Ten Cents (\$2.10) as taxes thereon; that such land was assessed in the name of S. R. Amos for taxes for 1953, 1954 and 1955 with a tax valuation of Eighty Dollars (\$80.00) for each year and the taxes paid by him or by his personal representatives for each of these years amounted to One Dollar and Sixty-eight Cents (\$1.68); that interest on the amount paid by S. R. Amos and by those acting for him would amount to Five Dollars and Forty-six Cents (\$5.46), making a total of Thirty-four Dollars (\$34.00), principal and interest, due the Estate of S. R. Amos. That the Complainants are willing to pay the Estate of S. R. Amos the sum of Fifty Dollars (\$50.00) *and also pay all Court Costs incident to this suit* in settlement of the bad or doubtful claim that such Estate has against said land. That the representatives of such Estate are willing to accept that amount in settlement of such claim.

4. That S. R. Amos is now dead and that Exhibit A to the amended Bill of Complaint is a true and correct copy of his Will, which was duly admitted to probate and record in the Probate Court

of Conecuh County, Alabama, on June 7, 1954. That the Respondents above named are the Co-Executors and trustees under such Will and Mabel S. Amos is one of the devisees and legatees thereunder. That such Executors and trustees have been duly qualified and are now acting as such.

5. That the tax deed above referred to is a cloud on the title of the Complainants and should be removed by this Court upon the payment by the Complainants to the Respondents above named of the sum of Fifty Dollars (\$50.00), which amount the Complainants offer to pay into Court or to pay direct to such Respondents.

6. That neither S. R. Amos nor any of the Respondents above named have had possession of said land or any part thereof since the date of the tax deed above referred to.

Dated this 16 day of Feb, 1956.

W. A. REYNOLDS and ILA MAUDE REYNOLDS

By: [Signature]
One of the Solicitors for the
Complainants.

R. G. KENDALL, II, MRS. BELL HUNTER,
and MRS. MABEL S. AMOS, as Co- Exec-
utors under the Last Will and Testa-
ment of S. R. Amos, and MRS. MABEL
S. AMOS

By: [Signature]
One of the Solicitors for the
Respondents.

STATE OF ALABAMA)
) IN THE CIRCUIT COURT - IN EQUITY
 BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Mabel S. Amos, H. A. Lindsey, Velma Amos and E. M. Amos to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by W. A. Reynolds and Ila Maude Reynolds, as Complainants against Mabel S. Amos, H. A. Lindsey, Velma Amos and E. M. Amos as Respondents.

Witness my hand this 11 day of July, 1955.

W. A. Reynolds
 Register.

W. A. REYNOLDS AND
 ILA MAUDE REYNOLDS,
 Complainants,

vs.

MABEL S. AMOS, H. A.
 LINDSEY, VELMA AMOS,
 and E. M. AMOS,
 Respondents.

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

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

Come the Complainants in the above styled cause and show unto this Court and unto your Honor as follows:

FIRST:

That the Complainants and all of the Respondents are over the age of twenty-one years and are all resident citizens of the State of Alabama, the Complainants residing near Foley and the Respondents residing at Brooklyn, Alabama. One of the Respondents, Mabel S. Amos, is employed in Montgomery in the State Capitol and spends most of her time there.

SECOND:

That the Complainants are the owners of the following described real property situated in Baldwin County, Alabama, to-wit:

The West half of the East half of the Northwest Quarter of the Southwest Quarter of Section 23, Township 7 South, Range 6 East, containing 10 acres, more or less,

having acquired title to the said land by warranty deed from John Westphal dated June 12, 1948, which said deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 132, page 111. That the Complainants are in the actual, quiet and peaceable possession of said land and have had such possession of said land since the date of their deed above referred to.

THIRD:

The Complainants further show unto your Honor that the above described property was sold by the State of Alabama at a tax sale held June 17, 1946, to R. A. Epperson under an assessment to John Westphal for 1945 taxes which said tax sale is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Sales Book 22, page 94; that such sale was redeemed by the said John Westphal on January 2, 1947, and he paid the 1946 taxes in such redemption. That said land was assessed to Edwin Epperson for 1948 taxes and said taxes not being paid under such assessment said land was sold to the State of Alabama, on June 13, 1949, for a consideration of Seven and 04/100 Dollars (\$7.04), such sale being recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Sales Book 25, page 65. That at the time such land was assessed to the said Edwin Epperson, John Westphal was the owner of said land and at the time said land was sold to the State of Alabama as above set out the Complainants owned said land. That such tax sale was erroneously made. That the State of Alabama assigned its certificate of purchase under the sale recorded in Sales Book 25, page 65, to S. R. Amos of Brooklyn, Alabama, on April 16, 1952, for a consideration of Twenty-one and 40/100 Dollars (\$21.40). That such Sales Book shows an entry on the Sales Record as above set out that a tax deed was issued by the State of Alabama to S. R. Amos of Brooklyn, Alabama, on July 15, 1952, but such tax deed has never been recorded in the Office of the Judge of Probate of Baldwin County, Alabama, the County in which such land lies.

FOURTH:

Your Complainants further show unto your Honor that S. R. Amos is now dead and that the following said persons are all of his heirs at law and next of kin, viz:

Mabel S. Amos
H. A. Lindsey
Velma Amos
E. M. Amos

That the said S. R. Amos left a Last Will and Testament which has been propounded for Probate and Record in Conecuh County, Alabama, but such Will has been contested and the contest is now pending in the Equity Court of said County. That the above named persons, or one or more of them, were named as the devisees of the above described land should such Will be admitted to Probate and Record.

FIFTH:

Your Complainants further show unto your Honor that such tax sale is a cloud on the title of your Complainants' and that such Complainants are liable only to such Respondents for the sum of Twenty-one and 40/100 Dollars (\$21.40) which was paid by the said S. R. Amos to the State of Alabama when such certificate was assigned to him by the said State of Alabama, together with interest thereon at the legal rate since April 16, 1952, together with any money which has been paid by the said S. R. Amos or the Respondents above named for subsequent taxes on said land with interest thereon at the legal rate since date of payment, all of which amounts the Complainants offer to pay unto this Court and said Complainants do hereby offer to do equity and to perform and comply with any order or decree made by the Court in this cause.

SIXTH:

Your Complainants further show unto this Court that neither S. R. Amos nor any of the Respondents herein named have had possession of said land or any part thereof and such land has continuously been in the possession of such Complainants since the date they acquired title to the same as above set out.

PRAYER FOR PROCESS:

The premises considered, your Complainants pray that the above named Mabel S. Amos, H. A. Lindsey, Velma Amos and E. M. Amos be made party Defendant to this cause by the usual writ or process of this Honorable Court requiring them to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such cases made and provided.

PRAYER FOR RELIEF:

Your Complainants pray that upon a final hearing of this cause that your Honor will enter an order or decree setting aside, canceling and annulling the purported tax sale of said land as shown by Sales Book 25, page 65, in the Office of the Judge of Probate of Baldwin County, Alabama, wherein the said State of Alabama acquired a certificate of purchase for said land under assessment to Edwin Epperson on June 13, 1949, and will set aside the purported assignment of such certificate as above referred to and will cancel the tax deed to S. R. Amos and will order and decree the amount that your Complainants are to pay the Respondents for taxes paid by the said S. R. Amos or by the Respondents, together with interest thereon at the legal rate and will by such decree divest the Respondents of any right, title, interest or claim in and to said land and will remove the same as a cloud upon the title of the Complainants and will vest in such Complainants all of the right, title and interest of said Respondents in said land acquired under such sale. The Complainants pray for such other, further and general relief to which they may be entitled and the Complainants will ever pray.

CHASON & STONE

By: 

Solicitors for Complainants.

W. A. REYNOLDS and
ILA MAUDE REYNOLDS,

Complainants,

vs.

MABEL S. AMOS, H. A.
LINDSEY, VELMA AMOS and
E. M. AMOS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes the respondent Mabel S. Amos and demurs to the bill of complaint heretofore filed in the foregoing styled cause and to each and every aspect thereof separately and severally and as grounds therefor, assigns the following separately and severally:

1. There is no equity in the bill.
2. There is a non-joinder of parties respondent.
3. For aught that appears from the allegations of the bill of complaint, there are other parties having a right, title or interest in the described lands under the Last Will and Testament of the said S. R. Amos, deceased.
4. For aught that appears from the allegations of the bill of complaint, this respondent has no right, title or interest in the described lands.

Robert B. Albritton

Attorney for Respondent Mabel S. Amos

I, Robert B. Albritton, attorney for Respondent Mabel S. Amos, hereby certify that I have this 3d day of August, 1955, served a copy of the foregoing demurrer on Messrs. Chason & Stone, attorneys for Complainants, by mailing a copy of same to them by United States mail, postage prepaid, addressed to their business address in Bay Minette, Alabama.

Robert B. Albritton

Attorney for Respondent
Mabel S. Amos

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 3566

W. A. REYNOLDS AND
ILA MAUDE REYNOLDS,

Complainants,

vs.

MABEL S. AMOS, H. A. LINDSEY,
VELMA AMOS and E. M. AMOS,

Respondents.

DEMURRER

FILED

AUG 4 1955

ReFILED

AUG 15 1955

AUG 1. DUCK, Register

050

12-75

BY THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

AUG 4 1955

DUCK, Register

FILED
AUG 15 1955
DUCK, Register

W. A. REYNOLDS and
ILA MAUDE REYNOLDS,

Complainants,

vs.

R. G. KENDALL II, MRS.
BELL HUNTER and MRS. MABEL
S. AMOS, as Co-Executors
and Trustees under the Last
Will and Testament of S. R.
Amos, Deceased, and MABEL S.
AMOS, H. A. LINDSEY, VELMA
AMOS, and E. M. AMOS,

Respondents.

BOOK 020 PAGE 72

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER

Come the Respondents, R. G. Kendall II, Mrs. Bell Hunter and Mrs. Mabel S. Amos, as Co-Executors and Trustees under the Last Will and Testament of S. R. Amos, Deceased, and Mabel S. Amos, and for answer to the amended Bill of Complaint filed in said cause say:

FIRST:

That they admit the allegations of the first paragraph of the amended Bill of Complaint.

SECOND:

That they admit the allegations of the second paragraph of the amended Bill of Complaint.

THIRD:

That they admit the allegations of the third paragraph of the amended Bill of Complaint.

FOURTH:


That they admit the allegations of the fourth paragraph of the amended Bill of Complaint.

FIFTH:

That they admit the allegations of the fifth paragraph of the amended Bill of Complaint except as to the amount to be paid to such Respondents. Such Respondents allege that under the terms of a stipulation entered into between them and the Complainants and filed in said cause, it was agreed that they would receive Fifty Dollars (\$50.00) for the amounts expended, which sum of money has been paid by the Complainants to them.

SIXTH:

That they admit the allegations of the sixth paragraph of the amended Bill of Complaint.



As solicitors for the Respondents,
R. G. Kendall II, Mrs. Bell Hunter,
and Mrs. Mabel S. Amos, as Co-Ex-
ecutors and Trustees under the Last
Will and Testament of S. R. Amos,
Deceased, and Mabel S. Amos.

Filed April 17-1956

Alice A. Hancock
Register.

\$2.50

FILED
APR 18 1956

W. A. REYNOLDS, and
ILA MAUDE REYNOLDS,

Complainants,

VS.

R. G. KENDALL, 11, ETAL.

Respondents.

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA. IN EQUITY.

TESTIMONY TAKEN IN OPEN COURT, ON APRIL 17, 1956, BEFORE HON.
HUBERT M. HALL, JUDGE OF SAID COURT:

W. A. REYNOLDS, ONE OF THE COMPLAINANTS, BEING FIRST DULY SWORN,
TESTIFIED:

Direct Examination by Mr. Chason.

Q. What is your name?

A. William Aaron Reynolds.

Q. Mr. Reynolds, are you the same person as W. A. Reynolds who
filed this suit in the Circuit Court of Baldwin County, Alabama,
in equity, against the estate of S. R. Amos, et al., to have
a tax sale declared null and void?

A. Yes sir.

Q. Is Ila Maude Reynolds your wife?

A. Yes sir.

Q. Were you and Ila Maude Reynolds both resident citizens of
Baldwin County, Alabama and over the age of 21 years on August
10, 1955?

A. Yes sir.

Q. Now the Respondents in this suit were all residents of Conecuh
County, Alabama, were they not, insofar as you have been
informed?

A. Yes.

Q. Mr. Reynolds, were you and Ila Maude Reynolds the owners of the
West half of the East half of Northwest Quarter of Southwest
Quarter of Section 23, Township 7 south, Range 6 east, in
Baldwin County, Alabama, at the time of the filing of your

suit in this cause?

A. To the best of my knowledge that description is right.

Q. Did you acquire that 10 acres of land from John Westfall?

A. Yes sir.

Q. Was your deed dated June 12, 1948, and recorded in Deed Book 132, page 111, Baldwin County, Records?

A. Yes sir.

Q. Mr. Reynolds, at the time of the filing of this suit were you and your wife, Ila Maude Reynolds, in the actual, quiet and peaceable possession of those lands?

A. Yes sir.

Q. Had you had possession of such lands since you acquired title on June 12, 1948?

A. Yes sir.

Q. Now Mr. Reynolds, was there a tax sale of the above mentioned lands held on June 17, 1946 under an assessment to John Westfall for the 1945 taxes, which sale was later redeemed by John Westfall?

A. Yes sir.

Q. And he gave you the certificate of redemption after the lands were redeemed, did he not?

A. Yes sir.

Q. Now Mr. Reynolds, you say that the tax sale to R. A. Epperson was redeemed by John Westfall on January 2, 1947?

A. Yes sir.

Q. Now after that tax sale was redeemed, were the lands owned by you, which you have heretofore mentioned, assessed to a man by the name of Edwin Epperson for 1948 taxes?

A. Yes sir.

Q. I believe you say you did not know at the time that he made such assessment?

A. I didn't know that he did that; all I knew was that Mr. Epperson bought the tax certificate from Westfall and that I why I knew about the property; I wrote Westfall that it had

sold for taxes and his sister told me if I was interested in buying it, that the taxes were paid and I made a special trip to check for her, and Mr. Epperson and then paid the taxes on the 10 acres -- I thought the 10 acres was assessed in with my other land --

Q. You did buy from Mr. Westfall an additional 20 acres, besides this 10 acres?

A. No, we bought 20 acres from Mr. Casey and 10 acres from Mr. Westfall, but when we mortgaged the property to Mutual it was supposed to be combined in one abstract and I thought the assessment had been made and the taxes had been paid.

Q. At the time of the assessment to Edwin Epperson you were the owner of the fee simple title to this land, were you not?

A. Yes sir.

Q. You had not sold any interest to Mr. Edwin Epperson?

A. No sir.

Q. Now you are willing to pay the Respondents in this cause \$50.00 for the taxes which they have paid and the trouble they have been put to in settlement of any claim they have against the lands, are you not?

A. Yes sir.

Q. This \$50.00 is to be paid to Mr. Albritton, who represents a part of the Respondents?

A. Yes sir.

Q. Now none of the Respondents who are named in the bill of Complaint have ever had any possession of this land, have they?

A. No sir.

Q. You say it has been in your continuous possession during all of this period of time?

A. Yes sir.

MRS. ILA MAUDE REYNOLDS, ONE OF THE COMPLAINANTS, BEING FIRST
DULY SWORN, TESTIFIED AS FOLLOWS:

Direct Examination by Mr. Chason.

Q. Is this Mrs. Ila Maude Reynolds?

A. Yes sir.

Q. You have heard your husband's testimony in regard to this
land?

A. Yes sir.

Q. Is the testimony he has given true and correct?

A. Yes sir.

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

I hereby certify that the foregoing is a true and correct
transcript of the testimony taken in open Court, before Hon.
Hubert M. Hall, Judge of said Court, on April 17th., 1956, in
the above styled cause.

This 17th day of April, 1956.

Louise J. Dusenbury
Official Court Reporter

ALBRITTONS & RANKIN
(POWELL, ALBRITTON & ALBRITTON)
THIRD FLOOR, COMMERCIAL BANK BUILDING
ANDALUSIA, ALABAMA

ED. T. ALBRITTON (1857-1925)
W. HAROLD ALBRITTON (1850-1929)
DEMPSEY M. POWELL (1863-1949)

August 3, 1955

WM. H. ALBRITTON
ROBERT B. ALBRITTON
ALBERT L. RANKIN
J. MARVIN ALBRITTON

TELEPHONE 589

Register in Chancery
Circuit Court of Baldwin County
Bay Minette, Alabama

Re: W. A. Reynolds, et al., complainants,
vs. Mabel S. Amos, et als., respondents.

Dear Sir:

We are enclosing herewith demurrers of the
respondent Mabel S. Amos in the above captioned case
which we will thank you to acknowledge and file.

Very truly yours,

Albrittons & Rankin

Chason & Stone

RBA/bgw
Enc.

ALBRITTONS & RANKIN
(POWELL, ALBRITTON & ALBRITTON)
THIRD FLOOR, COMMERCIAL BANK BUILDING
ANDALUSIA, ALABAMA

ED T. ALBRITTON (1857-1925)
W. HAROLD ALBRITTON (1880-1929)
DEMPSEY M. POWELL (1863-1949)

August 11, 1955

WM. H. ALBRITTON
ROBERT B. ALBRITTON
ALBERT L. RANKIN
J. MARVIN ALBRITTON

TELEPHONE 589

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

Re: W. A. Reynolds, et al., vs.
Mabel S. Amos, et als., Case #3566

Dear Miss Duck:

Several days ago, we mailed you demurrers on behalf of the Respondent Mabel S. Amos in the foregoing cause to the bill of complaint, which we assume you have marked filed in your office.

Since that time, and on the 10th day of August, 1955, the Complainants have filed an amended bill of complaint. Will you kindly mark our demurrers as re-filed to the bill of complaint as amended and filed on the 10th day of August, 1955, and advise us that this has been done.

Thanking you for your courtesy in this matter,
we are

Sincerely yours,

Robert B. Albritton
For ALBRITTONS & RANKIN

RBA/bgw

W. A. REYNOLDS and
ILA MAUDE REYNOLDS,

Complainants,

vs.

R. G. KENDALL, II, MRS.
BELL HUNTER and MRS. MABEL
S. AMOS, as Co-Executors
and Trustees under the Last
Will and Testament of S. R.
Amos, Deceased, and MABEL S.
AMOS, H. A. LINDSEY, VELMA
AMOS, and E. M. AMOS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FINAL DECREE

This cause coming on to be heard was submitted on the Bill of Complaint as amended, answer of the Respondents R. G. Kendall II, Mrs. Bell Hunter, and Mrs. Mabel S. Amos, as Co-Executors and Trustees under the Last Will and Testament of S. R. Amos, Deceased, and Mabel S. Amos, individually, and upon Decree Pro Confesso on personal service against the Respondents E. M. Amos, Velma Amos and H. A. Lindsey and upon a stipulation filed April 17, 1956, and upon the testimony taken orally before the Court, and the Court having considered the same is of the opinion that the Complainants are entitled to the relief prayed for in their amended Bill of Complaint.

It is ORDERED, ADJUDGED and DECREED by the Court that the tax sale to the State of Alabama by the Tax Collector of Baldwin County, Alabama, under assessment to Edwin Epperson held June 13, 1949, which attempted to convey the West half of the East half of the Northwest quarter of the Southwest quarter of Section 23, Township 7 South, Range 6 East, Baldwin County, Alabama, which is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Sales Book 25, page 65, and the tax deed which was issued by the State of Alabama to S. R. Amos on July 15, 1952, purporting to convey to him the above described property was an erroneous sale and conveyance, and is hereby declared to be null and void. That such tax sale and tax deed is a cloud upon the title of the Complainants in said cause and is hereby removed as such.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Register of this Court shall file a copy of this Decree in

the Office of the Judge of Probate of Baldwin County, Alabama, and such Register is hereby authorized to note on the margin of the record where the tax sale is recorded that such tax sale has been declared erroneous and null and void; the cost of filing a copy of such Decree to be taxes as a part of the costs of this proceeding.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainants be taxed with the costs of this proceeding, for which let execution issue.

Done this 17th day of April, 1956.

Hubert M. Wallace
Judge

RECORDED

3566

Filed 4-17-56
Berief. clerk
clerk

N^o 118

W. R. STUART
PROBATE JUDGE

Bay Minette, Ala., 5-1, 1915

Received of Mrs. Duck

No.		Deed Tax		Mortgage Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
	W. A. Reynolds vs -					1	25	1	25
	R. H. Kendale & Co								
FOR RECORD						TOTAL \$		1 25	
						W. R. Stuart		Judge of Probate.	

Reynolds

vs

Kendall