

3602

ELIZABETH A. PHEYLEN, also known)
as ELIZABETH G. PHEYLEN, a per-)
son of unsound mind, suing by)
her next friend, H. Winship)
Wheatley, Jr.,)

Complainant,)

VS.)

MAY WEGENAST,)

Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DECREE

It is ORDERED, ADJUDGED AND DECREED by the court that the testimony of R. C. Keeney, a witness for the complainant, be taken orally in open court in the manner provided by Equity Rule Number 56, as amended.

ORDERED, ADJUDGED AND DECREED on this the 11th day of August, 1955.

Hubert M. Hall

Judge

RECORDED

ELIZABETH A. PHEYLEN, also known
as Elizabeth G. Pheylen, a person
of unsound mind, suing by her
next friend, H. Winship Wheatley,
Jr.,

VS.

Complainant,

MAY WEGENAST,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

*Filed 8-11-55
Alice J. [unclear]
Clerk*

ELIZABETH A. PHEYLEN, also known)
as ELIZABETH G. PHEYLEN, a per-
son of unsound mind, suing by)
her next friend, H. Winship)
Wheatley, Jr.,)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Complainant,)

VS.)

IN EQUITY

MAY WEGENAST,)

Respondent.)

DECREE CONFIRMING SALE

This cause coming on again to be heard on this date is submitted on the report of Alice J. Duck, as Register and Commissioner, which has been filed in this court on this date, from which it appears that she has sold the property described in this proceeding, namely, the Northeast Quarter of the Southeast Quarter of Section 1, Township 6 South, Range 2 East in Baldwin County, Alabama, at private sale to Edward C. Lyrene for the sum of Forty-five Hundred Dollars (\$4500); that the said purchase price has been paid to her; that she has made, executed and delivered proper conveyance to the purchaser and that the said sale was fairly conducted in all respects; and the attorneys for the parties to this cause being present in open court and requesting that the said sale be confirmed, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The sale of the property involved in this proceeding, being the Northeast Quarter of the Southeast Quarter of Section 1, Township 6 South, Range 2 East in Baldwin County, Alabama, at private sale to Edward C. Lyrene for the sum of Forty-five Hundred Dollars (\$4500) for the purpose of making partition between the parties to this cause, and the conveyance of the said property to the said purchaser, shall be and the same are hereby in all respects ratified and fully confirmed.

2. The purchase price of the above described property having been fully paid by the said purchaser and the said sale having been fairly conducted in all respects, title to the said property is hereby fully and completely divested out of the parties to this cause

and vested in the said purchaser, Edward C. Lyrene.

3. The Register of this court and the said Commissioner is hereby instructed and directed to deduct the costs of this proceeding from the said sum of Forty-five Hundred Dollars (\$4500) which has been paid by the said purchaser for the said property, and after deducting the said costs pay the remainder of the said sum of \$4500, one-half to Chason and Stone, as solicitors for the complainant, and one-half to J. B. Blackburn, as solicitor for the respondent.

4. The Register of this court shall file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

ORDERED, ADJUDGED AND DECREED on this the 12 day of September, 1955.

Hubert M. Hall
Judge

ELIZABETH A. PHEYLEN, also known)
as ELIZABETH G. PHEYLEN, a per-
son of unsound mind, suing by)
her next friend, H. Winship)
Wheatley, Jr.,)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Complainant,)

VS.)

MAY WEGENAST,)

Respondent.)

REPORT OF COMMISSIONER

I, the undersigned Alice J. Duck, as Register and Commissioner, do hereby report as follows:

1. Pursuant to the terms and provisions of the decree rendered in this cause on September 8, 1955, I have sold the property described in the decree, being the Northeast Quarter of the Southeast Quarter of Section 1, Township 6 South, Range 2 East in Baldwin County, Alabama, at private sale to Edward C. Lyrene for the sum of Forty-five Hundred Dollars (\$4500).

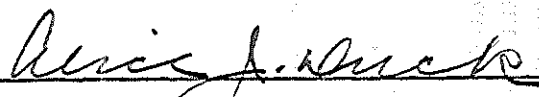
2. The said sum of \$4500 has been paid to me, as Register and Commissioner as aforesaid, and I have made, executed and delivered a deed conveying the said property to the said purchaser, Edward C. Lyrene.

3. The said sale was fairly conducted in all respects.

WHEREFORE, Petitioner prays that the said sale and conveyance be confirmed.

Dated this 12th day of September, 1955.

Respectfully submitted,


As Register and Commissioner.

ELIZABETH A. PHEYLEN, also known
as ELIZABETH G. PHEYLEN, a person
of unsound mind, suing by her next
friend, H. Winship Wheatley, Jr.,

VS.

MAY WEGENAST,

Complainant,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
SEP 13 1955
CLIFF L. JACK, Register

ELIZABETH A. PHEYLEN, also known)
as ELIZABETH G. PHEYLEN, a per-)
son of unsound mind, suing by)
her next friend, H. Winship)
Wheatley, Jr.,)

Complainant,)

VS.)

MAY WEGENAST,)

Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree upon the original Bill of Complaint, answer, decree ordering oral examination of witness, and the testimony as noted by the Register, upon consideration of all of which it appears to the court that the complainant and the respondent are the joint owners of the property hereinafter described; that the said property cannot be equitably divided without a sale thereof and a division of the proceeds, and that it is to the best interest of all parties interested in this proceeding that the said property be sold at private sale for division to Edward C. Lyrene for Forty-five Hundred Dollars (\$4500) cash; that the said sum of Forty-five Hundred Dollars (\$4500) is the reasonable market value of the said property, and that this decree has been consented to by the respondent; upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The Northeast Quarter of the Southeast Quarter of Section 1, Township 6 South, Range 2 East in Baldwin County, Alabama, shall be and it is hereby ordered sold for division between the complainant and the respondent at private sale to Edward C. Lyrene for the sum of Forty-five Hundred Dollars (\$4500) cash. Alice J. Duck, as Register of this court, shall be and she is hereby appointed as Commissioner to make the said sale.

2. Upon payment by the said Edward C. Lyrene to the said Register of this court and Commissioner of the said sum of Forty-five Hundred Dollars (\$4500), the Register and Commissioner is hereby authorized, empowered, instructed and directed to make, execute and deliver to the said Edward C. Lyrene a deed conveying the said

property, which said deed shall convey the above described property and shall, upon its execution and delivery to the said purchaser, divest the complainant, Elizabeth A. Pheylen, also known as Elizabeth G. Pheylen, and the respondent, May Wegenast, of all of their right, title and interest in and to the said property and shall vest the full title in the said Edward C. Lyrene.

3. The said Register and Commissioner shall, after receiving the purchase price of the said property as provided herein, and upon execution and delivery of the conveyance provided for in this decree, report her actions in the premises to this court for confirmation.

4. The Register shall forthwith file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

5, Jurisdiction of this cause is reserved for such other and further orders or decrees as may be necessary and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 8 day of September, 1955.

Hubert M. Hall
Judge

ELIZABETH A. PHEYLEN, also known)
as ELIZABETH G. PHEYLEN, a per-
son of unsound mind, suing by)
her next friend, H. Winship)
Wheatley, Jr.,)

Complainant,)

VS.)

MAY WEGENAST,)

Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

BOOK 226 PAGE 28

DECREE CONFIRMING SALE

This cause coming on again to be heard on this date is submitted on the report of Alice J. Duck, as Register and Commissioner, which has been filed in this court on this date, from which it appears that she has sold the property described in this proceeding, namely, the Northeast Quarter of the Southeast Quarter of Section 1, Township 6 South, Range 2 East in Baldwin County, Alabama, at private sale to Edward C. Lyrene for the sum of Forty-five Hundred Dollars (\$4500); that the said purchase price has been paid to her; that she has made, executed and delivered proper conveyance to the purchaser and that the said sale was fairly conducted in all respects; and the attorneys for the parties to this cause being present in open court and requesting that the said sale be confirmed, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The sale of the property involved in this proceeding, being the Northeast Quarter of the Southeast Quarter of Section 1, Township 6 South, Range 2 East in Baldwin County, Alabama, at private sale to Edward C. Lyrene for the sum of Forty-five Hundred Dollars (\$4500) for the purpose of making partition between the parties to this cause, and the conveyance of the said property to the said purchaser, shall be and the same are hereby in all respects ratified and fully confirmed.

2. The purchase price of the above described property having been fully paid by the said purchaser and the said sale having been fairly conducted in all respects, title to the said property is hereby fully and completely divested out of the parties to this cause

and vested in the said purchaser, Edward C. Lyrene.

3. The Register of this court and the said Commissioner is hereby instructed and directed to deduct the costs of this proceeding from the said sum of Forty-five Hundred Dollars (\$4500) which has been paid by the said purchaser for the said property, and after deducting the said costs pay the remainder of the said sum of \$4500, one-half to Chason and Stone, as solicitors for the complainant, and one-half to J. B. Blackburn, as solicitor for the respondent.

4. The Register of this court shall file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

ORDERED, ADJUDGED AND DECREED on this the 12 day of September, 1955.

(S) HUBERT M. HALL
Judge

STATE OF ALABAMA)
BALDWIN COUNTY)

I, Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, hereby certify that the above and foregoing is a true and correct copy of the decree rendered in this cause, as the same appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the court on this the 14 day of September, 1955.

Alice J. Duck
As Register of the Circuit Court of
Baldwin County, Alabama, in Equity.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 9-14-55 4 P. M

Recorded 226 book 28-7 page

W. B. Stunt
Judge of Probate

and vested in the said purchaser, Edward C. Lyons.

3. The Register of this court and the said Commissioner is hereby instructed and directed to deduct the costs of this proceeding from the said sum of Forty-five Hundred Dollars (\$4500) which has been paid by the said purchaser for the said property, and after deducting the said costs pay the remainder of the said sum of \$4500, one-half to Chason and Stone, as solicitors for the complainant, and one-half to J. B. Blackman, as solicitor for the respondent.

4. The Register of this court shall file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

ORDERED, ADJUDGED AND DECREED on this the 12 day of September, 1955.

(2) HUBERT M. HALL
Judge

STATE OF ALABAMA
BALDWIN COUNTY

I, Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, hereby certify that the above and foregoing is a true and correct copy of the decree rendered in this cause, as the same appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the court on this the 14 day of September, 1955.

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

STATE OF ALABAMA, BALDWIN COUNTY

Filed 9-14-55
Recorded 9-14-55
Book 252 page 58-7
Judge of Probate

14 3602 9-12-55

Ellis A. Pheasant

us: 27

My Witness

ELIZABETH APHEILEN, Also
known as ELIZABETH OPHEILEN,
A PERSON OF UNSOUND MIND,
suing by her next friend, etc.,

Complainant,

VS.

MAE WECENST,

Respondent,

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

MR. R. C. KEENEY, A WITNESS FOR THE COMPLAINAT, BEING BIRST
DULY SWORN. TESTIFIED:

Direct Examination by Mr. Chason.

Q. What is your name, please?

A. R. C. Keeney.

Q.

Q. Where do you live?

A. Fairhope, Alabama.

Q. Are you familiar with the lands involved in this suit, and
described as the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 1, Township 6 South,
Range 2 E?

A. Yes, I think I am.

Q. How long have you known this land?

A. Quite a while; I've been trying to buy it for years.

Q. Have you looked it over from time to time?

A. Yes sir.

Q. Now Mr. Keaney, due to the type of land, can it be equitably divided in half so that two joint owners would get equal value?

A. I don't think you can do it.

Q. Why?

A. Well going down there in the center you have a valley that gets bad on one end and it has a cross one on the other end; I don't know whether you could or not.

Q. Isn't it true that part of this land has a pecan orchard on it?

A. It did have; the trees are old trees now.

Q. There are some branches and streams back over on one side?

A. Yes sir.

Q. Is there any cultivatable land on this tract?

A. At the present time there is not; the 10 acres where the pecan trees are was in cultivation.

Q. Where the pecan orchard is was in cultivation?

A. Yes, sir.

Q. What type land is the rest of the land?

A. It has a good sub-soil and --

Q. It has some pine timber on it, does it not?

A. Yes sir.

Q. Isn't it true that as to part of it most of the timber has been cut?

A. Well it has been selectively cut/
(page 2)

Q. In view of the facts above set out, it is your opinion that it could not be equitably divided between two joint owners so that each one would get equal value?

A. No, I don't think it could.

Q. Are you familiar with real estate values in Baldwin County on lands of this type?

A. It looks so, they want me bad enough to make me make appraisals.

Q. You have bought and sold lands of this kind in Baldwin County?

A. Yes sir.

Q. You know the fair and reasonable market value of this tract of land?

A. Yes sir.

Q. What would you say is the fair and reasonable market value of the 40 acres of land described?

A. I would say \$4,500.00

Q. \$4,500.00?

A. Yes.

Q. You think \$4,500.00 is the fair and reasonable market value of this 40 acres of land?

A. Yes.

Q. If this property is owned by the respondent here and by the Complainant, who is a person of unsound mind, each owning an undivided 1/2 interest therein, do you think it would be to the best interest of both parties that this land be sold for \$4,500.00?

A. Well that's a hard question to answer, because one is, as you say crazy--

Q. In otherwords, it-sis owned by two dis-connected individuals, one of whom is of unsound mind - would you think it would be to both of their best interest to sell the tract of land for \$4,500.00 and get their money out of the land?

A. Yes, I would say it would be especially advantageous to the one of unsound mind and especially to the other one also.

ON CROSS EXAMINATION OF THIS WITNESS HE TESTIFIED:

Examination by Mr. Blackburn.

Q. Mr. Keeney, sometime ago you and Mr. J. E. Gooden of Fairhope made an appraisal of this property at my request, didn't you?

A. Yes sir.

Q. You found at that time that there was an old shack on a part of it?

A. Yes sir.

Q. And 10 acres had been cultivated?

A. Yes sir.

Q. And was in pecan trees?

A. Yes sir.

Q. And for those reasons it cannot be equitably divided without a sale?

A. No, not without a sale; the land lays different - it would be hard to make a division--

Q. Particularly in view of the fact that the 10 acres in the

Pecan orchard is in the corner?

A. That's right.

Q. And in your opinion \$4,500;00 is a reasonable price for this land, with the understanding that the purchaser pay all expenses of the sale, including the abstract?

A. I think so; I think it is a fair price.

Q. You are a realtor in Baldwin County, Alabama?

A. Yes sir.

Q. And you have been engaged in that business for how long?

A. 32 years in Baldwin County.

I hereby certify that the foregoing is a true and correct transcript of the testimony taken by me in open Court before Hon. Hubert M. Hall, Judge of said Court, in the above styled cause on the 11th day of August, 1955.

Louise Fushberry
Court Reporter

ELIZABETH A. PHEYLEN, also known)
as ELIZABETH G. PHEYLEN, a per-)
son of unsound mind, suing by)
her next friend, H. Winship)
Wheatley, Jr.,)

Complainant,)

VS.)

MAY WEGENAST,)

Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

BOOK 224 PAGE 491

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree upon the original Bill of Complaint, answer, decree ordering oral examination of witness, and the testimony as noted by the Register, upon consideration of all of which it appears to the court that the complainant and the respondent are the joint owners of the property hereinafter described; that the said property cannot be equitably divided without a sale thereof and a division of the proceeds, and that it is to the best interest of all parties interested in this proceeding that the said property be sold at private sale for division to Edward C. Lyrene for Forty-five Hundred Dollars (\$4500) cash; that the said sum of Forty-five Hundred Dollars (\$4500) is the reasonable market value of the said property, and that this decree has been consented to by the respondent; upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The Northeast Quarter of the Southeast Quarter of Section 1, Township 6 South, Range 2 East in Baldwin County, Alabama, shall be and it is hereby ordered sold for division between the complainant and the respondent at private sale to Edward C. Lyrene for the sum of Forty-five Hundred Dollars (\$4500) cash. Alice J. Duck, as Register of this court, shall be and she is hereby appointed as Commissioner to make the said sale.

2. Upon payment by the said Edward C. Lyrene to the said Register of this court and Commissioner of the said sum of Forty-five Hundred Dollars (\$4500), the Register and Commissioner is hereby authorized, empowered, instructed and directed to make, execute and deliver to the said Edward C. Lyrene a deed conveying the said

property, which said deed shall convey the above described prop-
erty and shall, upon its execution and delivery to the said pur-
chaser, divest the complainant, Elizabeth A. Pheylen, also known
as Elizabeth G. Pheylen, and the respondent, May Wegenast, of all
of their right, title and interest in and to the said property and
shall vest the full title in the said Edward C. Lyrene.

3. The said Register and Commissioner shall, after re-
ceiving the purchase price of the said property as provided herein,
and upon execution and delivery of the conveyance provided for in
this decree, report her actions in the premises to this court for
confirmation.

4. The Register shall forthwith file a certified copy
of this decree for record in the office of the Judge of Probate of
Baldwin County, Alabama, and tax the cost of such recording as a
part of the costs of this proceeding.

5. Jurisdiction of this cause is reserved for such other
and further orders or decrees as may be necessary and proper in the
premises.

ORDERED, ADJUDGED AND DECREED on this the 8th day of
September, 1955.

(S) H. M. HALL
Judge

STATE OF ALABAMA)
*
BALDWIN COUNTY)

I, Alice J. Duck, as Register of the Circuit Court of
Baldwin County, Alabama, in Equity, do hereby certify that the
above and foregoing is a true and correct copy of the final decree
rendered in this cause, as the same appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and af-
fixed the seal of the court on this the 8th day of September,
1955.

Alice J. Duck

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

STATE OF ALABAMA, BALDWIN COUNTY

Filed 9-8-55

H. B. M.

Recorded

book 224 page 491-2

M. B. Stuart
Judge of Probate

Phyllis
A. (G.)
Wheatley S.
May 1955

property, which said deed shall convey the above described property and shall, upon its execution and delivery to the said Phyllis, direct the complainant, Elizabeth A. Phyllis, also known as Elizabeth O. Phyllis, and the respondent, May Margaret, of their right, title and interest in and to the said property and shall vest the full title in the said Edward A. Phyllis.

3. The said Register and Commissioner shall, after receiving the purchase price of the said property as provided herein and upon execution and delivery of the conveyance provided for in this decree, report her actions in the premises to this court for confirmation.

4. The Register shall forthwith file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and pay the cost of such recording as a part of the costs of this proceeding.

5. Jurisdiction of this cause is reserved for and other and further orders or decrees as may be necessary and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 8th day of

September, 1955.

H. M. HALL
Judge

STATE OF ALABAMA)
*
BALDWIN COUNTY)

I, Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the above and foregoing is a true and correct copy of the final decree rendered in this cause, as the same appears of record in my office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the court on this the 8th day of September,

1955.

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

STATE OF ALABAMA BALDWIN COUNTY

Filed 11-1-55
Recorded 11-1-55
Book 44-2
Page 44-2
Judge of Probate

ELIZABETH A. PHEYLEN, also known)
as ELIZABETH G. PHEYLEN, a per-)
son of unsound mind, suing by)
her next friend, H. Winship)
Wheatley, Jr.,)

VS.

MAY WEGENAST,

Complainant,)

Respondent.)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NOTE OF TESTIMONY

This cause is submitted on behalf of the complainant upon the following:

1. Original Bill of Complaint.
2. Answer of respondent.
3. Decree ordering that testimony of R. C. Keeney, a witness for the complainant, be taken orally in open court in the manner provided by Equity Rule No. 56, as amended.
4. Testimony of R. C. Keeney.

This cause is submitted on behalf of the respondent upon the following:

1. Answer.

Dated this 8th day of September, 1955.

Archie J. Luck
Register.

Pharon & Stone
Pharon & Stone
Solicitors for complainant.

J. B. Blackburn
Solicitor for respondent.

Filed 9-8-55
Archie J. Luck
Register

NOTE OF TESTIMONY

ELIZABETH A. PHEYLEN, also known
as ELIZABETH G. PHEYLEN, a person
of unsound mind, suing by her
next friend, H. Winship Wheatley,
Jr.,

VS.

Complainant,

MAY WEGENAST,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
SEP 8 1955

ALICE J. DECK, Register

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 May Wegenast 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 Elizabeth A. Pheylan, also known as Elizabeth G. Pheylan, a person of unsound mind, suing by her next friend, H. Winship Wheatley, Jr., as Complainant, against May Wegenast, as Respondent.

Witness my hand this 24th day of August, 1955.

Reicef - H. H. H.
Register.

ELIZABETH A. PHEYLEN, also
known as ELIZABETH G. PHEYLEN,
a person of unsound mind, suing
by her next friend, H. Winship
Wheatley, Jr.,

Complainant,

vs.

MAY WEGENAST,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Your Complainant files this her Bill of Complaint and shows unto this Honorable Court and unto your Honor as follows:

FIRST:

That Elizabeth A. Pheylan, who is also known as Elizabeth G. Pheylan, is a person of unsound mind and she has been such for many years and she is a patient in St. Elizabeth's Hospital in the District of Columbia. That H. Winship Wheatley, Jr. who is suing as her next friend is over the age of twenty-one years and is a non-resident, his address being Denrike Building, 1010 Vermont Avenue, N. W., Washington, D. C. That the Respondent is over the age of twenty-one years and is a resident citizen of Washington, D. C., her more particular address being: Apartment 600, 1629 Columbia Road, N. W., Washington, D. C.

SECOND:

That the Complainant and the Respondent each own an undivided one-half interest in the following described real property situated in Baldwin County, Alabama, to-wit:

The Northeast Quarter of the Southeast Quarter of Section 1, Township 6 South, Range 2 East.

The said property can be sold for division at private sale to Edward C. Lyrene for the sum of Forty-five Hundred Dollars (\$4500.00) cash without furnishing an abstract to the purchaser. The said sum of Forty-five Hundred Dollars (\$4500.00) is the reasonable market value of the said property and it is to the best interest of the joint owners thereof, who are the parties to this suit, that the said property be sold for division at private sale to the said Edward C. Lyrene for the said sum of Forty-five Hundred Dollars (\$4500.00).

THIRD:

This complainant further shows to this court that the said Elizabeth A. Pheylan, who is also known as Elizabeth G. Pheylan, does not have a legal guardian in the State of Alabama; that a sale of the said property is not prohibited by the deed under which she holds title or in any other way or manner; that the said H. Winship Wheatley, Jr., has been appointed by the United States Court for the District of Columbia as a committee of the person and estate of the said Elizabeth A. Pheylan, who is also known as Elizabeth G. Pheylan, a person of unsound mind, and that he is still acting as such under the authority of such court.

PRAYER FOR PROCESS:

Complainant prays that the above named respondent be made a party respondent to this Bill of Complaint by the usual process of this Honorable Court and be required to plead, answer or demur to this Bill of Complaint within the time prescribed by law.

PRAYER FOR RELIEF:

Complainant further prays that upon a final hearing of this cause that this court will order and decree that the above described property cannot be equitably divided between the joint owners thereof

without a sale thereof and a division of the proceeds; that a sale of the said property for division is to the best interest of the said parties and that the said property be sold at private sale for cash to the said Edward C. Lyrene for the sum of Forty-five Hundred Dollars (\$4500.00) cash, and that the Register of this court be authorized, empowered and directed to execute proper conveyance to the said purchaser upon payment to her of the said consideration, and that the proceeds of the said sale, less the costs of this proceeding, not including any fee for complainant's solicitor, be paid to the said parties or to their respective solicitors.

Complainant prays for such other, further and general relief as she may be equitably entitled to, the premises considered.

CHASON & STONE

By: 

Solicitors for Complainant.

ELIZABETH A. PHEYLEN, also known)
 as ELIZABETH G. PHEYLEN, a per-)
 son of unsound mind, suing by)
 her next friend, H. Winship)
 Wheatley, Jr.,)

IN THE CIRCUIT COURT OF

EALDWIN COUNTY, ALABAMA

VS.)
 Complainant,)

IN EQUITY

MAY WEGENAST,)

Respondent.)

ANSWER OF RESPONDENT

Now comes the respondent, May Wegenast, and for answer to the Bill of Complaint filed in this cause, says:

1. She admits the allegations of Paragraphs First, Second and Third of the Bill of Complaint.
2. Respondent consents and agrees that the property described in the Bill of Complaint be sold at private sale for division to Edward C. Lyrene for Forty-five Hundred Dollars (\$4500).

FILED

8-11-1955

ALICE L. BUCK, Register

J. B. Blackburn

Solicitor for respondent.

RECORD

ANSWER OF RESPONDENT

ELIZABETH A. PHEYLEN, also known
as Elizabeth G. Pheylen, a person
of unsound mind, suing by her
next friend, H. Winship Wheatley,
Jr.,

Complainant,

VS.

MAY WEGENAST,

Respondent.

IN THE CIRCUIT COURT OF

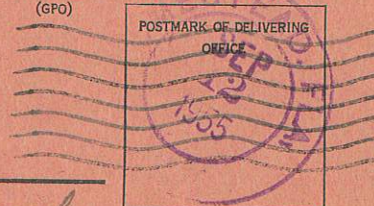
BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed 8-11-53
Alice J. Buck
Clerk

Post Office Department
OFFICIAL BUSINESS

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



Return to Alice J. Duck

(NAME OF SENDER)

Street and Number,
or Post Office Box,

REGISTERED ARTICLE

No. 72 Post Office Bay Minette

INSURED PARCEL

No. _____

16-12421

State Ala

DELIVERING
EMPLOYEE

☐ Deliver ONLY to addressee
☐ Show address where delivered

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

1

Robert Howell Linton

(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

9-13, 1955

Form 3811
Rev. 4-54

U. S. GOVERNMENT PRINTING OFFICE 16-12421-3