

ESTATE OF
JAMES D. SADLER, Deceased

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 2281.

TESTIMONY TAKEN IN OPEN COURT
ON OCTOBER 11, 1949

APPEARED: For Petitioner, Franklin Dudley Sadler

Messrs. Rickarby & Rickarby, Attys.
Fairhope, Alabama

For Opponent, Jacob Hartley,

Hon. H. M. Hall, Attorney
Bay Minette, Alabama

Mr. Franklin Dudley Sadler, being first duly and legally
sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. E. G. Rickarby, Jr

Q. What is your name?

A. Franklin Dudley Sadler.

Q. Mr. Sadler, your foster parents were Mr. and Mrs. James Dudley
Sadler? Mrs. Sadler was Mrs. Cora H. Sadler?

A. Yes sir.

Q. When did Mr. Sadler die?

A. In January, 1944.

Q. When did Mrs. Sadler die?

A. December, 1948.

Q. Where were you when Mrs. Sadler died?

A. I was in Fairhope, Alabama.

Q. Where were you when Mr. Sadler died?

A. Overseas, in the Army.

Q. When did you come back from the Army?

A. December, 1945.

Q. What was your mother's condition when you came back?

A. She had fallen and broken her hip and was bedridden.

Q. How old are you now?

A. Thirty-three.

ON CROSS EXAMINATION

By Mr. Hall

Q. Mr. Sadler, are you the natural born son of Mr. and Mrs. Sadler?

A. No sir, adopted.

Q. You are their adopted son?

A. Yes sir.

Q. Mr. Sadler, during the time Mrs. Sadler was living, did she give you money at anytime?

MR. RICKARBY: We object. That is irrelevant and incompetent and has no bearing on the case.

THE COURT: Sustain the objection.

MR. HALL: He made a waiver, may it please the Court and waived his rights.

THE COURT: I withdraw the rule and let him answer. Overrule the objection.

MR. RICKARBY: We except.

MR. HALL: Q. Did you receive money from Mrs. Sadler after Mr. Sadler's death and after the probate of his will?

A. No sir.

Q. You did not? You receive any property of any kind?

A. Yes sir.

Q. What property?

A. Lot on Fells Avenue.

Q. Was that before Mrs. Sadler's death that you got the deed?

A. Yes sir.

Q. Did you receive any other money or benefits?

A. No sir.

Q. At the time the church bought some property did you or not receive some money at that time?

A. No sir.

Q. You didn't receive the initial payment of five thousand dollars?

A. No sir.

Q. Was five thousand dollars deposited to your credit?

A. No sir.

Q. This lot on Fells Avenue, what type of property was that?

A. Two deeded lots.

Q. Do you know what the value of those lots at the time you got them?

MR. RICKARBY: We object.

THE COURT: Overrule the objection.

MR. RICKARBY: We except.

A. No sir.

Q. Any improvements on those lots?

A. Well a fence and flowers.

Q. Soon after Mr. Sadler's death did you receive notice of his death?

A. Yes sir.

Q. You signed an answer and waiver, or rather a waiver of notice of the probate of the will and the proceedings thereunder?

A. I signed some papers. I don't know exactly what they were.

Q. Isn't it a fact that you signed the papers before your commanding officer?

MR. RICKARBY: We object, irrelevant, incompetent and immaterial.

THE COURT: Overrule the objection.

MR. RICKARBY: We except.

A. I signed some papers before my commanding officer.

Q. Do you recall his name?

A. Francis Kite.

Q. Do you remember the date you signed it, or about?

A. It was, - No sir. In '44 sometime.

Q. Subsequent to that time did you make any complaint or file any protest or contest as to Mr. Sadler's will?

A. No sir.

MR. RICKARBY: I renew my objection, irrelevant, incompetent and immaterial.

THE COURT: Overrule the objection.

MR. RICKARBY: I except.

Q. Mrs. Sadler was named the sole devisee?

A. Yes.

Q. You knew that?

A. Not at that time.

Q. When did you find it out?

A. After I got home.

Q. When did you get home?

A. In December, 1945.

Q. When did Mrs. Sadler die?

A. December, 1948.

Q. You were at home and had full knowledge of the fact that you were left out of the will for a period of three years or more, is that right?

A. Yes sir.

Q. During that time did you make any claim or file any claim with Mrs. Sadler against the Estate of James D. Sadler?

A. No sir.

Q. You said nothing until after Mrs. Sadler's death?

A. No.

Q. The first objection you made was here recently when this petition for final settlement was filed?

A. Yes.

Q. You filed a contest of Mrs. Sadler's will?

A. Yes.

MR. RICKARBY: We object.

Q. At that time you didn't raise the question as to your being left out of Mr. Sadler's will?

A. No sir.

Q. Subsequent to the time you came back from service in 1945 did you live in the home with Mrs. Cora Sadler, after you came back?

A. Yes.

Q. Until your marriage?

A. Yes.

Q. When did you marry?

A. In January, 1946.

Q. You were in the home something like a year with her?

A. Yes.

Q. During that time she gave you no money or property nor bonds?

A. No sir.

Q. The only property you received from her was the lot on Fells Avenue?

A. She was holding my own bonds in trust and some money I sent her to save for me.

Q. Holding your own bonds? Did they come from Mr. Sadler's estate?

A. No, they were mine personally.

Q. Bought with your own money?

A. Yes.

Q. Did you know at the time there that Mrs. Sadler was expending this money?

A. I knew she had it for medical attention.

Q. You didn't know she was spending the assets, the money?

A. I knew she had it.

Q. Did you know the money had been left to her?

A. Yes.

Q. And you made no objection to it?

A. Not at that time.

Q. The only objection you made was after her death?

A. Right.

Q. Are you interested in her estate, the estate of Mrs. Cora Sadler?

A. In my share, yes.

Q. You are interested in Mr. James W. Sadler's estate you think?

A. Yes sir.

Take the witness.

ON RE DIRECT EXAMINATION

By Mr. Rickarby

Q. Did Mr. or Mrs. Sadler make any promises to you prior to Mr. Sadler's death regarding the lot you got?

MR. HALL: I object.

THE COURT: Sustain the objection.

Q. When did Mrs. Sadler first say anything to you about deeding the lot to you?

A. She wrote me while I was overseas and said they had bought one

with the idea of beautifying it to turn over to me when I got home.

Q. And she turned it over to you in accordance with the previous arrangement?

A. Yes.

Q. What was Mrs. Sadler's condition when you came home from the service?

MR. HALL: I object. It's irrelevant, incompetent, illegal and immaterial.

THE COURT: Let him answer it.

MR. HALL: I except.

Q. She had fallen and broken her hip and was bedridden.

No further question.

MR. RICKARBY: We want to offer in evidence petition which shows it was signed by Mrs. Cora Sadler relative to the adoption of Frank Dudley Dines, filed in the Probate Court in Adoption Book 1, page 31, and also signed by James Dudley Sadler, and ask that it be marked Exhibit "A".

MR. HALL: He offered the petition. I want to object to the petition being offered in evidence. It is immaterial, illegal and irrelevant and second it has not nor does not purport to show that he was adopted as required by law. There is no jurat attached as required by law. I object to the introduction of the petition on the further ground that it does not set out the requirements of law.

THE COURT: Let me see it. Does this court require acknowledgments?

MR. HALL: Will you withhold your ruling until he has finished?

MR. RICKARBY: I offer in evidence the statement of Frank D. Dines signed on the 11th day of January, 1939, consenting to the adoption.

MR. HALL: I want to object to the introduction of the statement. It is immaterial, irrelevant and illegal.

MR. RICKARBY: I offer in evidence order signed by G. W. Robertson, Judge of Probate, finding that the said Franklin Dudley Dines is a suitable child for adoption.

THE COURT: Is there a notice to the Welfare Department?

MR. RICKARBY: No sir.

MR. RICKARBY: We introduce the order signed by G. W. Robertson, Judge of Probate for the Final Decree dated the 11th day of January, 1940, in the matter of the adoption of Franklin Dudley Dines.

MR. RICKARBY: We want to offer in evidence certified copy of Decree of Adoption of Frank Sadler which was recorded in Book 1, page 34 of the Probate Records of Baldwin County.

MR. HALL: May it please the Court, I want to object to the introduction to that for this reason. Adoption is strictly statutory and is in derogation of common law. There are no indulgences in the legality

of the adoption procedure. The law requires strict construction of the statute. There is nothing in the certificate of adoption to show any of the laws are complied with and for that reason it is irrelevant, illegal, incompetent and immaterial.

THE COURT: Overrule the objection and let it in the record.

MR. HALL: I except.

MR. RICKARBY: I ask that it be introduced and marked Exhibit "B". I ask that the agreement to adoption signed by Franklin Dudley Dines dated the 11th day of January, 1939 be introduced in evidence and marked Exhibit "C".. I ask that the interlocutory decree of the Probate Court dated the 11th day of January, 1939 be marked for identification as Exhibit "D" and I ask that the Final Decree of Adoption signed by Judge Robertson on the 11th day of January, 1940, be identified by being marked Exhibit "E".

MR. HALL: I renew my objections heretofore interposed to the introduction of these various instruments.

THE COURT: Overrule the objection.

MR. HALL: I except.

Mr. Clayton Baldwin, after having first been duly sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. E. G. Rickarby, Sr

Q. Mr. Baldwin, you were acquainted with Mrs. Sadler, were you?

A. Yes.

Q. Do you remember about when she had an accident and fell and broke her hip?

MR. HALL: I object. Immaterial, irrelevant and incompetent.

THE COURT: Don't you think you should identify your witness?

MR. RICKARBY: Q. Mr. Baldwin, what is your connection with the estate of James D. Sadler?

MR. HALL: I object. The Letters would be the best evidence.

THE COURT: Overrule the objection.

MR. HALL: I except.

A. I was appointed administrator of the estate.

Q. Is that the papers, certified copy of Letters of Administration?

A. I believe it is.

MR. RICKARBY: We offer certified copy of Letters of Administration in evidence as Exhibit "F".

Q. On January 8th did, - when these were granted to you, did you go into - proceed to look into the estate?

A. I did.

Q. What did you find first?

MR. HALL: I object to this gentleman's testimony. He is the administrator and that shows he has a pecuniary interest in the estate and his testimony is not admissible.

THE COURT: Overrule the objection.

MR. HALL: I except.

Q. Mr. Baldwin, why was it you were unable to make an exact statement of what you had received?

MR. HALL: I object. It's immaterial and calls for a conclusion of the witness.

THE COURT: Overrule the objection.

MR. HALL: I except.

Q. What was Mrs. Sadler's condition?

MR. HALL: I object. Irrelevant, incompetent and illegal. Calls for a conclusion of the witness.

THE COURT: Overrule the objection.

MR. HALL: I except. Do you mean financial or physical?

MR. RICKARBY: Physical.

Q. Did you know about the injury?

A. Yes. You asked me that.

Q. Did you find out from any, - what steps did you take to find out what assets were in Mr. Sadler's estate?

A. I inquired at the banks as to deposits in the bank and most of the information I got was from Mrs. Sadler's attorney.

Q. What assets of that estate have you found as existing and come into your hands?

A. Only stock. Only thing I received or come into my hands, one share of stock. I believe it's laying on the table in that envelope, five shares of stock, dividend check for \$7.50, three or four bills, bond premiums on the bond haven't been paid, all I received. All other information I got was from Mr. Rickarby, the attorney for Mrs. Sadler.

MR. HALL: I object to hearsay, may it please the Court.

THE COURT: That's right.

Q. What assets did you find that should have come into Mrs. Sadler's hands as administrator of the J. D. Sadler estate?

MR. HALL: I object. Irrelevant and incompetent and is based on hearsay evidence.

THE COURT: Sustain the objection.

MR. RICKARBY: We want, if you remember, we brought into court an inventory by J. E. Gooden, - filed inventory as administrator ad colligendum, that practically all the assets, - with the belief that was Mrs. Sadler's. We want to show that Mr. Sadler -

THE COURT: Could somebody know? He said he didn't know.

Q. Mr. Baldwin, what are the assets of the J. D. Sadler estate?

A. So far as I know, list furnished here, I don't know how I would be able to find out unless I get the information from somebody who did know. This information furnished, all the letters here, which I presume are in evidence, I don't know the technicalities of handling court.

Q. Mr. Baldwin, this paper is that item one?

MR. HALL: I object, may it please the Court. There is no identification of the letters as to that. You can offer it.

MR. RICKARBY: We offer in evidence, with the privilege of withdrawing for safekeeping U. S. Savings Bond No. Q326898943E for \$25.00 dated December 1943, in favor of James D. Sadler, Series E. (Bond identified as Exhibit "G" by Reporter and withdrawn this date by Mr. E. G. Rickarby, Sr. E. G. Rickarby, Sr., Court Reporter).

MR. RICKARBY: We offer in evidence letter from Old American Insurance Company addressed to the writer, to me (reading letter to the Court). (Letter attached and identified as Exhibit "H" by Reporter).

MR. HALL: I object to the introduction of the letter. It is irrelevant, incompetent, one copy addressed to Mr. Rickarby as attorney. It is not identified.

THE COURT: Let it in.

MR. HALL: I except.

MR. RICKARBY: We offer in evidence ten shares of Cooper Bessemer stock, Certificate No. CC59, for ten shares dated June 26, 1930, to J. D. Sadler; Certificate No. 26912 for one hundred shares of the Creole Petroleum Corporation in the name of James D. Sadler dated May 14, 1940. (The above certificates were withdrawn after being identified as Exhibits "I" and "J", by Reporter. They were withdrawn by Mr. E. G. Rickarby, Sr.).

MR. HALL: I have no objection to the certificates if they came into Mr. Baldwin's hands and were made out to James D. Sadler or his Estate being offered in evidence.

Q. Mr. Baldwin, have you gotten any dividend checks?

A. Yes sir. I got dividend check right there (indicating) and dividend check for \$7.50 came on September 30th, of this year, stock came, I got it along in June and this check here to pay

dividend on this stock and some other share of stock over here, fifty cents a share.

MR. RICKARBY: We would like to offer in evidence here two letters from the Creole Petroleum Corporation reciting dividends paid to James D. Sadler during the period down to March 10, 1945.

MR. HALL: We object to the introduction of the letters, may it please the Court. They are immaterial, irrelevant, illegal and incompetent, letters from a corporation trust company addressed to Messrs. Rickarby and Rickarby.

THE COURT: Overrule the objection. I will let them in. (Said letters have been identified as Exhibits "K" and "L".

MR. HALL: I except. There is nothing to show they were received by Mrs. Sadler.

Q. Mr. Baldwin, when you were asked to take over the administration of his estate what efforts were made by you to ascertain what the estate would consist?

A. Well, I left that pretty much to the attorney to get the information. Stocks, bonds, one thing and another in the estate, or should be in the estate, or might be in the estate, and some various letters, stocks themselves arrived at what we thought the estate was worth, might or might not be absolutely correct.

Q. You saw the letters written for this information and the answers that came back?

A. That's right.

Q. This statement made up and submitted to you was based there and your statement in that?

MR. HALL: I object to that question.

THE COURT: Overrule the objection.

MR. HALL: I except.

Q. Mr. Baldwin, this statement, this statement there, what is that?

MR. HALL: I object to the question. The statement is the best proof, the best evidence if you are talking about figures.

THE COURT: Overrule the objection.

MR. HALL: I except.

A. That's a list of the assets as near as I could get it from the letters and information we got inquiring concerning stocks and bonds might have been, together with the inventory furnished by Mr. Gooden on household equipment, all included in it here.

MR. HALL: I move to exclude his answer.

THE COURT: Deny the motion.

MR. HALL: I except.

Q. Is that statement correct, Mr. Baldwin?

A. To the best of my knowledge.

MR. HALL: I object.

THE COURT: I will let the evidence in.

MR. HALL: I except.

Q. Mr. Baldwin, the remainder of the assets in the hands of Mr. Gooden-

MR. HALL: I object to that.

Q. Mr. Baldwin, how long have you known the Sadlers?

A. Ever since they have lived in Fairhope, twenty-five years I guess.

Q. In that time you, - which member of the family made the living?

MR. HALL: I object, immaterial, incompetent and illegal and calls for a conclusion of the witness.

THE COURT: Overrule the objection.

MR. HALL: I except.

A. Mr. Sadler.

Q. Mrs. Sadler was housekeeper and he was the money maker?

MR. HALL: I object, calls for a conclusion of the witness.

THE COURT: Overrule the objection.

MR. HALL: I except.

A. Yes.

Q. Mr. Baldwin, as far as you know of the family did the Sadlers have any children?

A. One boy as I understood, Frank, was their boy. Mr. and Mrs. Sadler and Frank.

Q. And during the twenty-odd years you knew them he was their only child insofar as you knew or heard of?

A. That's right.

Q. Mr. Sadler (Baldwin) about this eleven thousand nine hundred and seventy-three dollars and seventy-two cents that Mr. Bishop gave you a memorandum of in the bank, that was what?

MR. HALL: I object to the question as to that, letter came from Bishop.

Q. Mr. Baldwin, have any expenses of this administration been paid by you?

A. No sir.

MR. HALL: I object, irrelevant, immaterial and incompetent.

THE COURT: Overrule the objection.

MR. HALL: I except.

Q. Have you any money to pay it with?

A. No sir.

MR. HALL: Renew my objection.

THE COURT: Overrule the objection.

MR. HALL: I except.

Q. When you were named as such administrator, did you have to give bond?

A. I did.

Q. In what amount?

A. Ten thousand dollars.

Q. Has the premium been paid?

A. It has not.

Q. And the amount of that is?

A. Sixty dollars.

Q. Mr. Baldwin, these letters here, you went through here, that letter handed to you by counsel, did you check upon this account?

A. That's right.

MR. RICKARBY: We offer in evidence here letter from the American Insurance Company, letter from Cooper Bessemer Company as to the value of that stock and ask that it be identified.

MR. HALL: I object to the letter, it is immaterial, irrelevant and says nothing.

THE COURT: Sustain the objection.

MR. RICKARBY: We offer in evidence letter from the secretary of the Creole Petroleum Company, together with one from Cleveland Trust Company as to - and offer my letter of May 18th in answer, May 20th to Cleveland Trust Company.

MR. HALL: I object, immaterial, irrelevant and incompetent.

THE COURT: Sustain the objection.

MR. RICKARBY: We offer in evidence two letters from the Creole Petroleum Corporation (reading letters).

MR. HALL: I object. That is immaterial, irrelevant and illegal.

THE COURT: Overrule the objection.

MR. HALL: I except.

THE COURT: I will let those two in. "10" v "2"

MR. RICKARBY: If Your Honor please, we offer in evidence photostatic copy of check- we offer first, letter from Cleveland Trust Company (reading letter) and copy of letter (reads copy) - Now, with those two we offer photostatic copy of check with Mrs. Sadler's indorsement. "M" "N" "4" "0"

MR. HALL: I object. It is immaterial, incompetent, illegal. It is not an instrument the law requires to be recorded and is not self-proving. Photostatic copy is not self-proving. They have to offer certificate from an officer of the bank.

THE COURT: I will let it in.

MR. HALL: I except.

MR. HALL: I want to object to the introduction of the letter. It is irrelevant, immaterial and incompetent.

THE COURT: Overrule the objection.

MR. HALL: I except. I want to object on the further ground that the letter and the photostatic copy of the check have not been identified.

THE COURT: Overrule the objection.

MR. HALL: I except.

THE COURT: To witness: Were you familiar with Mrs. Sadler's signature in her lifetime?

A. I believe I would recognize it. It has been sometime-

THE COURT: Is this indorsement Mrs. Sadler's handwriting?

A. I believe it is. I would swear to that.

THE COURT: You were postmaster during how many years during her lifetime?

A. I went in in 1934 and she died in 1948. I have seen it probably fifty or a hundred times. I would say it is.

MR. RICKARBY: Mr. Baldwin, that bond you spoke of for sixty dollars, is that correct and due?

A. I don't know a thing about the bond. All I know is about the bill (handing bill to attorney).

Q. These accounts have been proved to you, made up by evidence, work done by the lawyers in the case?

MR. HALL: I object. It is for the Court to decide. How does he know how the sum of thirty-five hundred dollars is a reasonable attorney's fee?

THE COURT: Sustain the objection.

MR. RICKARBY: I will ask the Court to indulge me in making proof of attorneys' fee and we offer the bill for the bond premium.

Take the witness.

ON CROSS EXAMINATION

By Mr. Hall

Q. Mr. Baldwin, in your statement from the U. S. Savings bond, whose

name was that in?

A. I believe J. D. Sadler's.

Q. What other assets did you find when you took over the estate?

A. Found these (handing attorney papers).

Q. These are the only things that came into your possession, a Savings Bond for \$25.00, ten shares of Cooper-Bessemer Corporation stock and One Hundred Shares of Creole Petroleum Corporation Stock and Five Shares of Cooper Bessemer Corporation, that was all that came into your hands as Special Administrator of James D. Sadler estate?

A. That's right.

Q. Now, you have U. S. bonds for fifteen hundred dollars, did you receive those?

A. No sir.

Q. You have two hundred twenty-seven shares of National Refining Company, or two hundred ninety-nine, did you receive those?

A. No sir.

Q. Dividends on two hundred twenty-seven shares, \$1021.50, did you receive that?

A. No sir.

Q. Did you take into possession household furniture and equipment belonging to the estate?

A. No sir.

Q. Did you receive \$6.91, I believe it was?

A. \$7.50.

Q. You got a check for \$6.91?

A. No, I didn't get that.

Q. You don't know anything about these other things on the statement shown? The information was gotten from various sources?

A. Through the attorney.

Q. You haven't seen the stock?

A. No sir.

Q. Know whose name the stock is in?

A. No sir.

Q. Know whether or not the stock belonged to James D. Sadler?

A. No sir.

Q. Know whether or not the stock was payable to James D. Sadler or Cora H. Sadler or the survivor of them?

A. No.

Q. You have seen Mr. Sadler's will, haven't you?

A. No.

Q. You have seen it?

A. No.

Q. Do you know of your own personal knowledge whether Mr. Sadler had any money in the bank?

A. No, I don't.

Q. Do you know whether or not Mrs. Sadler carried an account in the bank in her own name?

A. It was a joint account.

Q. With whom?

A. Mr. Sadler.

Q. Do you know whose money it was of your own personal knowledge?

A. Yes. It was his.

Q. Came into the account from him, deposited by him?

A. Yes, through him.

Q. Do you know by what means the bonds, cash, check or what it was, when it was deposited?

A. I don't know the individual items.

Q. Know whether or not Mr. Sadler, during his lifetime, transferred the stock to Mrs. Cora H. Sadler?

A. No, I don't.

Q. For all you know, all this stock in the name of James D. Sadler was transferred to Cora H. Sadler before his death?

A. I don't know.

Q. Do you know whether or not as a matter of fact, of your own personal knowledge, whether James D. Sadler had any stock at the time of his death other than the few shares you got there?

A. I don't know.

Q. Mr. Baldwin, you are the Special Administrator of the Estate of James D. Sadler?

A. Right.

Q. And as such you are entitled to commission?

A. I presume so.

Q. You are pecuniarily interested in the outcome of this case?

MR. RICKARBY: We object.

THE COURT: Overrule the objection.

MR. RICKARBY: We except.

Q. You are?

A. Yes, I would be. Sure.

MR. HALL: I want to make a motion to exclude all the testimony of Mr. Baldwin, as it is shown by him individually that he is pecuniarily interested in the outcome of this estate and that any testimony he gives is opposed to the interest of the estate.

THE COURT: Deny the motion.

MR. HALL: I except.

Take the witness.

ON RE DIRECT EXAMINATION

By Mr. Rickarby

MR. RICKARBY: If your Honor please, we would like to introduce copy certified copy of Mr. James D. Sadler's will and if Your Honor please, I would apologize for overlooking, it was not known to me, certificate of stock Frank showed me, in the Lakewood Masonic Temple, Lakewood, Ohio.

THE COURT: I will let you introduce it.

MR. RICKARBY: We offer as part of the assets of James D. Sadler's estate Certificate No. 1100 for four shares of the Lakewood Masonic Temple Association, and if your Honor please, I would like to offer letter saying it is worth four dollars a share.

MR. HALL: I object to the letter.

THE COURT: Sustain the objection to the letter.

That's all

Mr. Sadler being recalled to the stand testified as follows:

ON RE DIRECT EXAMINATION

By Mr. Rickarby

Q. What is your name?

A. Frank Dudley Sadler.

Q. Are you the adopted son of Mr. and Mrs. Cora H. Sadler?

MR. HALL: I object. It is not in rebuttal.

MR. RICKARBY: I withdraw the question.

Q. Mr. Sadler, did you receive this check?

A.

A. Yes, I did.

MR. RICKARBY: I would like to offer in evidence check on the Creole Petroleum Company in the sum of Seventy-five Dollars drawn March 10, 1949 and payable to James D. Sadler. We offer this check in evidence to substantiate the statements regarding the share of stock in the Creole Petroleum Company.

MR. HALL: I object. It's incompetent, irrelevant and illegal.

THE COURT: Overrule the objection.

MR. HALL: I except. I object on the further ground that it is identified by Frank D. Sadler, whose has an adverse interest, and on the further ground that it hasn't been cashed and does not constitute one of the items in litigation here today.

THE COURT: Overrule the objection.

MR. HALL: I except.

Q. Mr. Sadler, during your lifetime who made the money in the Sadler household?

MR. HALL: I object, immaterial, irrelevant and incompetent. Mr. Sadler is adversely interested.

THE COURT: Overrule the objection.

MR. HALL: I except.

A. Mr. James D. Sadler.

Q. Did Mrs. Sadler perform any work or earn any money?

MR. HALL: Renew my objection. Mr. Sadler is adversely interested.

THE COURT: Overrule the objection.

MR. HALL: I except.

A. No sir, she didn't.

Q. Did she have any money besides that?

MR. HALL: I object. Irrelevant, incompetent and immaterial.

THE COURT: Overrule the objection.

MR. HALL: I except.

A. Not to my knowledge.

Q. Had she inherited any money from anyone except her husband?

MR. HALL: Same objection.

THE COURT: Overrule the objection.

MR. HALL: I except.

A. No.

Mr. J. E. Gooden, having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Rickarby

Q. What is your name?

A. J. E. Gooden.

Q. Have you any official connection with either the estate of Mr. or Mrs. Sadler?

A. I was appointed administrator ad colligendum.

Q. Of whose estate?

A. Mrs. Sadler's.

Q. As administrator ad colligendum did you see and take into your possession fifteen hundred dollars of U. S. bonds?

MR. HALL: I object, incompetent, irrelevant and immaterial.

THE COURT: Overrule the objection.

MR. HALL: I except.

A. Yes.

Q. How did you get these bonds?

MR. HALL: I object as to how he got the bonds.

THE COURT: Overrule the objection.

MR. HALL: I except.

A. Frank took us into the box and we found them in the box.

Q. What box?

MR. HALL: I object, calls for conclusion of the witness.

THE COURT: Overrule the objection.

MR. HALL: I except.

A. Box Frank had a key to, I don't know.

Q. Cracker box?

A. Lock box at the bank, safety deposit box.

Q. Those bonds were turned over to you by Mr. Sadler?

A. Yes sir.

Q. Do you remember when those bonds were purchased, the date they -

MR. HALL: I object. Incompetent, irrelevant and immaterial, hearsay testimony.

THE COURT: Overrule the objection.

MR. HALL: I except.

A. I can't remember anyway.

MR. RICKARBY: I withdraw the question.

Q. Did you try to find out who they belonged to?

A. Wrote two or three letters.

Q. Did you find out that they belonged to Mrs. Sadler?

A. No.

ON CROSS EXAMINATION

By Mr. Hall

Q. Mr. Gooden, you are a real estate man?

A. Yes.

Q. How long have you been busy in that profession?

A. Twelve or thirteen years.

Q. You know the values of properties in Fairhope?

A. Fairly good.

Q. You know the market value of the Frank D. Sadler lot it was said Mrs. Cora Sadler deeded to him, you know where it is?

A. Yes.

Q. What would be the reasonable market value of that lot?

A. Well, I can't give you the exact value.

Q. In your best judgment?

A. Lot along there would sell for a thousand dollars.

Q. You say the lock box was in the bank, Mr. Gooden?

A. Bank of Fairhope.

Q. Frank had the key?

A. Yes.

Q. You know whether Frank would take out from that box from time to time, stocks or other securities?

A. No.

Q. Know how long he had access to that box?

A. No.

Q. Know whether Mrs. Cora H. Sadler ever had a key?

A. I don't know.

Q. Do you know to whom the bonds belonged?

A. No, I don't.

That's all.

MR. HALL: I wish to introduce in evidence original order or decree of the Probate Court of Baldwin County, Alabama, dated May 12, 1944 and of record in the Probate Minutes Book M at pages 247-8, admitting to probate the Last Will and Testament of James W. Sadler, deceased,

as Exhibit "1". I offer in evidence original waiver in the matter of the Estate of James Dudley Sadler, Deceased, executed by Frank D. Sadler and sworn to on February 19, 1944 before Francis E. Kite, Captain, and which appears of record in the office of the Probate Judge, filed in the office of the Probate Judge of Baldwin County, Alabama, on May 12, 1944, as Exhibit "2".

I hereby certify that the above and foregoing is a true and correct copy of the transcript of the evidence as taken and transcribed by me on this date.

This 11th day of October, 1949.

Ara L. Nelson
Court Reporter

Original filed with Mrs. Alice J. Duck, Register.....	\$5.20
Copy to Messrs. Rickarby & Rickarby.....	\$2.60
Copy to Hon. H. M. Hall.....	2.60
Total.....	\$10.40

STATE OF ALABAMA,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of the Probate Court in and for said State and County, hereby certify
that the within and foregoing Adoption Book 1 pages 34 pages
contain a full, true and complete copy of the Adoption

as the same appears of record in my office in _____ Book No. I
Page 34

Given under my hand and seal of office, this 11th day of October, 1949

W R Stuart
Judge of Probate.



Petitioner's Exhibits "N" "N" & "Q"

Ora J. Nelson, Court Reporter

**The
Cleveland
Trust Company**

CLEVELAND 1, OHIO

April 15, 1949

Cora H. Sadler, Executrix
Under the Will of J. D. Sadler
Fairhope, Alabama

C O P Y

- ☒ WE ENCLOSE CHECK
☐ WE CREDITED YOUR ACCOUNT

IN PAYMENT OF THE FOLLOWING ITEMS:

227 shares prior preferred stock of The National Refining Company called for redemption on December 1, 1944 at \$131 per share (105 per share plus accrued unpaid dividends to the redemption date aggregating \$26 per share)

\$ 29,737.00

2895

The Cleveland Trust Company

CORPORATE TRUST DEPARTMENT

Petitioner Exhibit "X"

The Cleveland Trust Company

CLEVELAND 1, OHIO

CORPORATE TRUST DEPARTMENT

April 15, 1949

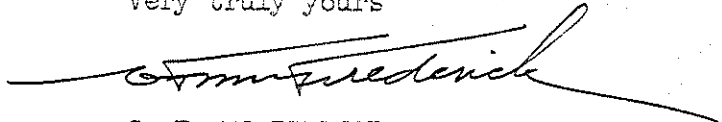
Rickarby & Rickarby
Attention Mr. Elliott G. Rickarby
Fairhope, Alabama

Gentlemen:

As requested in your letter of April 8, 1949, we enclose photostatic copy of check for \$29,737 issued to Cora H. Sadler, Executrix under the will of J. D. Sadler, representing the redemption price of 227 shares prior preferred stock of The National Refining Company with copy of transmittal advice.

Please forward us your check for \$1.00 to reimburse us for time and expense in preparing the photostatic copy of the check.

Very truly yours



CFM:R
2895

C. F. MC FREDERICK
Securities Officer

1999

Petitioner's Exhibit "M"