

CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, EQUITY SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon BEVERLY NICHOLS to appear and plead, answer or demur within thirty days of this service hereof to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama at Bay Minette against him as Defendant by ROSIE COOLY, ET AL, Complainants.

Witness my hand this the 21 day of May, 1949.

*Rosie Cooly*

Register, Circuit Court

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE,  
CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Comes ROSIE COOLY, LILY PHILLIPS, ROBERTA SEXTON, FRANK RAYMOND WILSON, JAMES WILSON, NORMAN WILSON, ADOLPH WILSON, JOHN ROBERT ROBINSON, adults, and LOUIS ANTONE AND ARTHUR JOSEPH PHILLIPS, minors over the age of fourteen years who here appear by Rosie Cooly, their next friend, and by this their Bill of Complaint, presented against BEVERLY NICHOLS, respectfully show:

FIRST: That all of the Complainants are residents of Baldwin County and brothers and sisters of Vera Wilson, sometimes known as Vera Nichols, deceased, other than John Robinson, Arthur Joseph Phillips and Louis Antone, who are the only children of Vireta Antone, deceased, sister of Vera Wilson, and the last two named here appear by their next friend, Rosie Cooly. That Beverly Nichols is over the age of twenty-one years and a resident of Fairhope, Baldwin County.

SECOND: That on January 14, 1939, Beverly Nichols and Vera Wilson went through the marriage ceremony and lived together as husband and wife in Fairhope up to September 19, 1946, when Vera left Defendant Beverly Nichols because of his cruelty, and instituted suit against him for divorce in the Circuit Court of Baldwin County, which suit was pending at the time of Vera's death in May, 1947, and it was

only after said divorce proceeding was instituted that Vera learned that she was not the legal wife of Beverly, who at the time had a living wife from whom he has never been divorced.

THIRD: That while she was living with Beverly as his wife, the two purchased a lot of land in the suburbs of Fairhope, the title to which was taken in the name of Beverly Nichols on April 27, 1943. Later, on August 25, 1943, Beverly Nichols conveyed to Vera an undivided one-half interest in said lands upon which they jointly erected a dwelling and later a small store house.

FOURTH: That since the death of Vera Wilson, Beverly Nichols now is in occupancy and claims to own the entire tract in which his supposed second wife, Vera, owned an equal share, and which share by the laws of inheritance has now passed to the Complainants in this cause.

FIFTH: Complainants further show that one Austine Denton, together with Beverly Nichols, erected on the corner of the lot owned by Beverly and Vera a small structure intended for a store, for which Denton furnished all of the needed lumber and a large part of the labor for construction to the value of \$250.00, for which he has received no compensation, but in which building and in the land on which it is located it was understood between him and Beverly Nichols said Denton was to have a one-half interest.

SIXTH: Complainants further show that the property jointly owned by Beverly Nichols and Vera Wilson, or Nichols, purported wife, is more particularly described as follows:

Beginning at the Southwest corner of the Northeast quarter of Section Nineteen, Township Six South of Range Two east, St. Stephens Meridian, run north one hundred thirty-two feet; thence east three hundred thirty feet; thence south one hundred thirty-two feet; thence west three hundred thirty feet to the point of beginning, containing one acre, and being that property conveyed to Beverly Nichols by deed of Lena and Vivian Hall, dated April 27, 1943 and recorded in Deed Book 80, N.S., pages 345-46 in the Probate Records of Baldwin County, Alabama.

SEVENTH: That Complainants now claim the one-half interest in said property, which they own jointly as the heirs and next of kin of

Vera Wilson, and that as said property cannot be equitably divided by meets and bounds, it will be necessary that said property be sold for the purpose of paying what debts may be against same and dividing the proceeds among the several parties entitled thereto.

THE PREMISES CONSIDERED, Complainants pray that Beverly Nichols be made party defendant to this Bill and by proper process be required to answer same and abide by such orders and decrees as may from time to time be made in this cause.

Complainants further pray that upon the hearing of this cause a decree be rendered establishing the title of Complainants to the property above described, and ordering a sale thereof under the customary process of this Court for the purpose of dividing the value thereof among those thereto entitled.

Complainants further pray that said decree command the Register of this Court to sell the property jointly owned at public outcry for cash after giving legal notice of the time, place and terms of sale as required by law, that the proceeds of said sale be applied to the payment, first, of the costs and expenses of this Sale, including a reasonable solicitor's fee to Complainants' solicitors herein; that a reference be held to ascertain a proper sum to be allowed said solicitors for their services; to ascertain and pay all debts that may be against the property, including taxes and the amount due, if any, to said Denton and the proportion of the remainder that shall go to each of the several parties to this cause, <sup>pay same accordingly,</sup> and that Complainants may have such other, further or different relief as to equity may seem meet.

*R. S. Early & R. S. Early*

Solicitors for Complainants.

ROSIE COOLY ET AL.

COMPLAINANTS

VS.

BEVERLY NICHOLS

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 2294

Now comes the Respondent and demurs to the Complainants bill of complaint as follows:

1.

That there is no equity in the bill.

2.

That the allegation contained in paragraph three, that Beverly Nichols conveyed to Vera Wilson, an undivided one-half interest in said lands is but the conclusion of the pleader.

3.

That the allegations contained in paragraph seven of the bill of complaint in which it is alleged that it will be necessary that said property be sold for paying what debts may be against same is but the conclusion of the pleader.

4.

The Complaint sets out no debts against the property authorizing a sale thereof.

*Wm. Lee*  
Solicitor for the Respondent.

RECORDED

NO. 2294

ROSIE COOLY ET AL.

COMPLAINANTS

VS.

BEVERLY NICHOLS

RESPONDENT

Filed this 9th day of July, 1949.

*Alice J. French*  
*Registrar*

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