

*Testimony \$ 450*

DANA DIONE NELSON,  
A MINOR,  
  
EX PARTE BY MARJORIE  
WEBSTER, NEXT FRIEND

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2790.

TESTIMONY TAKEN ON A HEARING OF THE ABOVE  
STYLED CAUSE ON MAY 21, 1952, BEFORE HONORABLE  
TELFAIR J. MASHBURN, JR., JUDGE

Janet Nelson Lemon, having been first duly and legally  
sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. W. C. Beebe, Attorney for Petitioner

Q. What is your name, please Ma'am?

A. Janet Nelson Lemon.

Q. Janet?

A. Lemon, yes, L-e-m-o-n.

Q. How old are you, Mrs. Lemon?

A. Forty-nine.

Q. Were you a daughter of Louisa and T. E. Nelson?

A. Yes.

Q. At the time of Mr. Nelson's and Mrs. Nelson's death, did they  
own this land described in the petition (exhibiting petition to  
witness)?

A. Yes, sir, they did.

Q. In Daphne, Section Twenty-five, Township 5 South, 2 East?

A. Yes sir.

Q. When did they die?

A. My mother died March ten years ago this past March and my  
father died August, will be ten years in August.

Q. Do you know who these children, the heirs were?

A. Yes.

Q. Will you name them?

A. Harriett Elen Strong, Daniel E. Nelson, Aura Flowers Nelson,  
I mean Wilson, you want the names now, Wilson, George Dewey  
Nelson, Vernon Nelson, Janet Lemon, Jeff Nelson, Braxton

Nelson, Arthur L. Nelson- A-u-t-h-e-ll Nelson and T. Y. Nelson.

- Q. Have you named Victorine Nelson?
- A. Well, she's a daughter-in-law, that's Braxton Nelson's wife.
- Q. And did you name Warren?
- A. I named Daniel E. Nelson; that was her husband.
- Q. Now, Nola Nelson Doyle?
- A. Daughter of Dan Nelson, yes.
- Q. Now, Dana Nelson, the petitioner in this case, was a great granddaughter of T. E. Nelson and Louisa Nelson?
- A. Yes.
- Q. Her father dead?
- A. Yes.
- Q. Her grandfather dead?
- A. Yes.
- Q. She owned then a one-eleventh interest at that time, in the property?
- A. Yes.
- Q. Do you know about how old Dana is?
- A. She's about eleven.
- Q. Do you know what her mother's name is?
- A. Marjorie Webster.
- Q. Where do they live?
- A. California.
- Q. California?
- A. Yes sir.
- Q. This property that you testified to at Daphne, does it have any timber on it?
- A. No sir.
- Q. Does it have any rental value?
- A. No sir.
- Q. Does Dana have any income or property?
- A. No sir.
- Q. Does this, is it to her interest that this property be sold for her maintenance and support?
- A. Yes sir.
- Q. Do you know the reasonable market value of that property?

A. Well, her interest around a hundred, not more than a hundred dollars.

Q. Do you know what Travis Nelson paid to the others in the purchase of their interests in the property?

A. A hundred dollars.

Q. A hundred dollars to each one of them?

A. Yes.

ON CROSS EXAMINATION

By Mr. Chason, Guardian Ad Litem (John Chason)

Q. What type of land is this?

A. Well it just, has a little small house on it and it's just scrub land I guess you'd call it. I really don't know.

Q. Has any of it been cleared for cultivation?

A. No sir.

Q. Is it located on any main highway?

A. No, sir.

Q. How far is it from the highway?

A. About a half a mile I would say.

Q. What's the nearest town to it?

A. Daphne.

Q. How far is it from Daphne?

A. About half a mile from the post office I imagine or three-quarters of a mile.

Q. In which direction? Toward Belforest or down toward Fairhope?

A. No toward Mobile.

Q. Up toward Mobile?

A. Yes, toward Mobile.

THE COURT: I thought you said it was on the east side of the highway?

ON RE DIRECT EXAMINATION

By Mr. Beebe

Q. Is it between the road and the bay?

A. No, three-quarters; I thought he meant which way was the post office from it, the house.

Q. (Mr. Chason) I meant the land?

A. Down, it's toward Fairhope and then you turn. I haven't got much sense of direction, you turn east and go up the road about a half

mile after you go through Daphne toward Fairhope.

MR. CHASON: And the timber has been cut off of it?

A. Well, what timber there was on it has been cut off. There's no timber on it now. I think my father had that cut when he died, what timber there was on it.

Q. And you'd say you think a hundred dollars is a fair and reasonable market value of the interest of Dana Dione Nelson?

A. Yes sir, I certainly would.

Q. You don't own any interest in it, do you?

A. No sir, I certainly do not.

Q. Who is your husband?

A. Roy T. Lemon.

Q. You are not anyways interested in this proceeding?

A. No sir.

MR. BEEBE: Come down.

THE COURT: Were you one of the heirs did you own any interest at one time in it?

A. Yes.

Q. You sold yours for a hundred dollars?

A. Well, I assigned mine without, I just gave it to them cause I had land of my own and I didn't care anything about it. It wasn't worth anything to me.

Mrs. Sarah Wahl Nelson, having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Beebe

Q. What is your name, please?

A. Sarah Wahl Nelson.

Q. Sarah Wahl Nelson?

A. Sarah W. Nelson.

Q. Are you the husband of Travis Nelson?

A. No, I'm the wife.

Q. The wife?

A. Yes, I am.

- Q. Had Mr. Nelson offered to buy Dana's interest in this property?
- A. Yes.
- Q. He entered into an arrangement with the child's mother?
- A. That's right.
- Q. What were the terms of that arrangement?
- A. They agreed to pay one hundred dollars for her interest, her part of it.
- Q. And to pay anything in addition to that?
- A. Well, that's what they settled for, I believe.
- Q. Well now, will Mr. Nelson pay court costs?
- A. Yes.
- Q. And attorney's fees, so that the child would get a hundred dollars net?
- A. That's right.
- Q. Has Mr. Nelson paid that money into court?
- A. Well, I have the check, shall I pay it now?
- Q. We'll hand it to the clerk.

That's all.

MR. BEEBE: May it please the Court, we offer in evidence a deed, Harriett Elen Nelson and others to Travis Y. Nelson dated, well, it's not dated, Judge, 1947, recorded 158 N. S. page 475.

THE COURT: You'd better let the Reporter identify it, hadn't you.

Deed identified as Exhibit "1" of Petitioner and is as follows:

"STATUTORY WARRANTY DEED

STATE OF ALABAMA

BALDWIN COUNTY

Book 158 Page 475

THIS INSENTURE, made and entered into on this the \_\_\_\_ day of November, 1947, by and between Harriett Ellen Strong and E. J. Strong, her husband, T. J. Nelson and Lucy Nelson, his wife, Vernon Nelson and Anna Nelson, his wife, Janet N. Lemon and Roy T. Lemon, her husband, Aura Flowers Wilson and Glen Wilson, her husband, G. D. Nelson and Irene Nelson, his wife, B. B. Nelson and Victorine Nelson, his wife, and Authell Nelson, unmarried, hereinafter referred to as the parties of the first part, and Travis Y. Nelson, hereinafter referred to as the party of the second part, WITNESSETH:

J.N.L.  
F.M.E.

The parties of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration to them this day in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, have GRANTED, BARGAINED AND SOLD

and by these presents do GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part, the following described real property situated in Baldwin County, Alabama, to-wit:

From the Northwest Corner of Section 20, Township 5 South Range 2 East, run South on Section line 33.41 chains to Southwest corner of Foster lot; thence run East 20 chains more or less to Northeast Corner of land of B. N. Van Nette for point of beginning; thence run South 9.50 chains to Northeast Corner of Sam Taylor lot; thence West 3.16 chains; South 6.87 chains; East 3.16 chains to corner on Road; thence South 3.83 chains more or less; thence West 3.94 chains to corner; thence North 19.8 chains to corner; thence East 3.49 chains to beginning.

From Northwest Corner of Section 20, Township 5 South Range 2 East run South on Section line 33.41 chains; thence East 20 chains more or less; thence South 19.80 chains to beginning corner; thence South 10 chains; West 10 chains; North 10 chains; East 10 chains to beginning.

Intending to describe and convey and there is hereby conveyed all of our right, title and interest in and to all lands situated in Baldwin County, Alabama, which were owned by Louisa Nelson and T. E. Nelson at the time of their death, regardless of whether or not the said property is correctly described herein.

TO HAVE AND TO HOLD, unto the said party of the second part, his heirs and assigns, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

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

Book 158 Page 476

1. /s/ Harriett Ellen Strong (SEAL)
2. /s/ E. J. Strong (SEAL)
3. /s/ T. J. Nelson (SEAL)
4. /s/ Lucy Nelson (SEAL)
5. /s/ Vernon Nelson (SEAL)
6. /s/ Anna Nelson (SEAL)
7. /s/ Janet N. Lemon (SEAL)
8. /s/ Roy T. Lemon (SEAL)
9. /s/ Aura Flowers Wilson (SEAL)
10. /s/ Glen Wilson (SEAL)
11. /s/ G. D. Nelson (SEAL)
12. /s/ Irene Nelson (SEAL)
13. /s/ B. B. Nelson (SEAL)
14. /s/ Victprine Nelson (SEAL)
15. /s/ Authell Nelson (SEAL)

STATE OF ALABAMA  
MOBILE COUNTY

I, Allen C. Holland, a Notary Public, within and for said County in said State, hereby certify that Harriett Ellen Strong and E. J. Strong, her husband, whose names are signed to the foregoing conveyance

and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

I further certify that on the 8th day of September, 1950, came before me the within named Harriett Ellen Strong, known to me to be the wife of the within named E. J. Strong, who, being examined separate and apart from her husband, touching her signature to the foregoing conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraints or threats on the part of her husband.

Given under my hand and official seal on this the 8th day of September, 1950.

Seal

/s/ Allen C. Holland  
Notary Public, Mobile County, Alabama.

Book 158 Page 477

STATE OF ALABAMA

MOBILE COUNTY

I, Chas.M. Thompkins, a Notary Public, within and for said County in said State, hereby certify that T. J. Nelson and Lucy Nelson, his wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

I further certify that on the 9th day of Sept. 1950, came before me the within named Lucy Nelson, known to me to be the wife of the within named T. J. Nelson, who, being examined separate and apart from her husband, touching her signature to the foregoing conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraints or threats on the part of her husband.

Given under my hand and official seal on this the 9th day of Sept. 1950.

/s/ Chas M Thompkins  
Notary Public, Mobile County, Alabama.

STATE OF ALABAMA

MOBILE COUNTY

I, Allen C. Holland, a Notary Public, within and for said County in said State, hereby certify that Vernon Nelson and Anna Nelson, his wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

I further certify that on the 8th day of September, 1950, came before me the within named Anna Nelson, known to me to be the wife of the within named Vernon Nelson, who, being examined separate and apart from her husband, touching her signature to the foregoing conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraints or threats on the part of her husband.

Given under my hand and official seal on this the 8th day of September 1950.

Seal.

/s/ Allen C. Holland  
Notary Public, Mobile County, Alabama.

STATE OF NEW YORK

WESTCHESTER COUNTY

I, Florence M. Eagle, a Notary Public within and for said County in said State, hereby certify that Janet Lemon and Roy T. Lemon, her husband, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Book 158 Page 478

I further certify that on the 15th day of Sept. 1950, came before me the within named Janet Lemon, known to me to be the wife of the

within named Roy T. Lemon, who, being examined separate and apart from her husband, touching her signature to the foregoing conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraints or threats on the part of her husband.

Given under my hand and official seal on this the 15th day of September, 1950.

/s/ Florence M. Eagle

Notary Public, \_\_\_\_\_ County, New York.

Seal

FLORENCE M. EAGLE

Notary Public, State of New York  
Appointed for Westchester County  
Commission Expires March 30, 1952

Affix Seal.

STATE OF ALABAMA

BALDWIN COUNTY

I, Anna D. Stimpson, a Notary Public, within and for said County in said State, hereby certify that Aura Flowers Wilson and Glen Wilson, her husband, whose names are signed to the foregoing conveyance, they executed the same voluntarily on the day the same bears date.

I further certify that on the 10th day of January, 1948, came before me <sup>the</sup> within named Aura Flowers Wilson, known to me to be the wife of the within named Glen Wilson, who, being examined separate and apart from her husband, touching her signature to the foregoing conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraints or threats on the part of her husband.

Given under my hand and official seal on this the 10th day of January, 1948.

Seal

/s/ Anna D. Stimpson

Notary Public, Baldwin County, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

I, Anna D. Stimpson, a Notary Public, within and for said County in said State, hereby certify that G. D. Nelson and Irene Nelson, his wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

I further certify that on the 22nd day of May, 1948, came before me the within named Irene Nelson, known to me to be the wife of the within named G. D. Nelson, who, being examined separate and apart from her husband, touching her signature to the foregoing conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraints or threats on the part of her husband.

Given under my hand and official seal on this the 22nd day of May, 1948.

Seal.

/s/ Anna D. Stimpson

Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

Book 158 Page 479

I, Anna D. Stimpson, a Notary Public, within and for said County in said State, hereby certify that B. B. Nelson, and Victorine Nelson, his wife, whose names are signed to the foregoing conveyance,



and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

I further certify that on the 13th day of January, 1948, came before me the within named Victorine Nelson, known to me to be the wife of the within named B. B. Nelson, who, being examined separate and apart from her husband, touching her signature to the foregoing conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraints or threats on the part of her husband.

Given under my hand and official seal on this the 13th day of January, 1948.

/s/ Anna D. Stimpson  
Notary Public, Baldwin County, Alabama

Seal affixed

STATE OF ALABAMA

BALDWIN COUNTY

I, Anna D. Stimpson, a Notary Public, within and for said County in said State, hereby certify that Authell Nelson, unmarried, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 13th day of January, 1948.

/s/ Anna D. Stimpson  
Notary Public, Baldwin County, Alabama.

Seal

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 11-3-50 11 A M  
Recorded Deed Book 158 Page 475-9  
and I certify that the following Privilege  
Tax has been paid.  
Deed Tax 2.00  
Mortgage Tax

/s/ W. R. Stuart  
Judge of Probate  
By G"

MR. BEEBE: Deed from Inez L. Warren and others dated August 3, 1951, recorded 172 N. S. page 428.

Deed identified as Exhibit 2 of Petitioner and is as follows:

Book 172 Page 428

"STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, that we, Inez L. Warren, a widow, Nola Nelson Dahl and James A. Dahl, GRANTORS, for and in consideration of the sum of ONE HUNDRED DOLLARS (\$100.00) to us in hand paid by Travis Y. Nelson, GRANTEE, the receipt of which is hereby acknowledged, do BARGAIN, GRANT, SELL and CONVEY unto the said Travis Y. Nelson the following described real property situated in Baldwin County, Alabama, to-wit:

From the Northwest corner of Section 20, Township

5 South, Range 2 East, run South on Section line 33.41 chains to Southwest corner of Foster lot; thence run East 20 chains more or less to North-east corner of land of B. N. Van Nette for point of beginning; thence run South 9.5 chains to North-east corner of Sam Taylor lot; thence West 3.10 chains; South 6.87 chains; East 3.16 chains to corner on road; thence South 3.83 chains, more or less; thence West 3.94 chains to corner; thence North 19.8 chains to corner; thence East 3.49 chains to beginning.

From Northwest corner of Section 20, Township 5 South, Range 2 East, run South on Section line 33.41 chains; thence East 20 chains, more or less; thence South 19.80 chains to beginning corner; thence South 10 chains, West 10 chains, North 10 chains, East 10 chains to beginning.

Intending to describe and convey and there is hereby conveyed all of our right, title and interest in and to all lands situated in Baldwin County, Alabama, which were owned by Louisa Nelson and T. E. Nelson at the time of their death, regardless of whether or not the said property is correctly described herein.

TO HAVE AND TO HOLD, with the appurtenances thereunto belonging, unto the said Travis Y. Nelson, his heirs and assigns, forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this the 3rd day of August, 1951.

/s/ Inez L. Warren (a widow) (SEAL)

/s/ Nola Nelson Dahl (SEAL)

STATE OF ALABAMA, BALDWIN  
COUNTY

/s/ James A. Dahl (SEAL)

Filed 12-11-51 10 A. M.  
Recorded Deed Book 172 page 428-9  
and I certify that the following  
Privilege Tax has been paid.  
Deed Tax- - - - - 50  
Mortgage Tax- - - - -

/s/ W. R. Stuart  
Judge of Probate  
By G

Book 172 Page 429

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

I, Murry M. (name illegible) a Notary Public, in and for said State and County, hereby certify that Inez L. Warren, a widow and Nola Nelson Dahl and James A. Dahl, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 3rd day of August, 1951.

/s/ Murray M. (name illegible)  
Notary Public, San Diego County,  
California.

Seal affixed

My Commission Expires 1952.

(Name on seal seems to be  
Murry M. Campbell)

MR. BEEBE: I believe that's all.

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I, Ora S. Nelson, Court Reporter of and for the Twenty-eighth Judicial Circuit of Alabama, hereby certify that the above and foregoing is a true and correct transcript of the testimony taken on a hearing of the above styled cause on May 21, 1952.

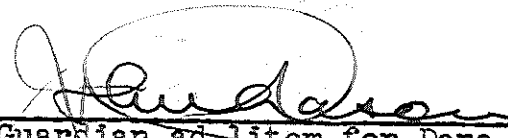
Transcribed and filed this 5th day of June, 1952.

Ora S. Nelson  
Court Reporter

DANA DIONE NELSON,  
A Minor, Ex Parte  
By: Marjorie Webster,  
Next Friend,

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

Comes John Chason, as Guardian ad litem for Dana Dione Nelson, a minor, and accepts his appointment as such guardian at litem and denies each and every allegation of the Bill of Complaint filed in said cause and demands strict proof thereof.

  
As Guardian ad litem for Dana  
Dione Nelson, a Minor.

TO THE HONORABLE THE ATTORNEY GENERAL  
WASHINGTON, D. C.

RECEIVED  
MAY 22 1952  
U. S. DEPARTMENT OF JUSTICE

Dear Sir: Please find enclosed for the Bureau a copy of a letterhead memorandum dated May 15, 1952, from the New York Office, captioned as above.

Very truly yours,  
Special Agent in Charge

Filed: May 22, 1952.

J. Edgar Hoover  
Director

RECORDED

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

WE COMMAND YOU, that you summon John C. Chassey as Guardian ad litem for Dana Dione Nelson, a minor, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery jurisdiction within thirty days after the service of summons and on the \_\_\_\_\_ day of April, 1952, and there to answer, plead or demur, without oath, to the within Ex Parte Petition of Dana Dione Nelson, a minor, under fourteen years of age, suing by Marjorie Webster, next friend, represent the interest of said Dana Dione Nelson to contest the same as required by law; and further to do and perform what said Judge shall order and direct in that behalf, and this the defendant shall in no wise omit, under penalty of the law; and we further command that you return this writ with your endorsement thereof, to our said court immediately upon the execution thereof.

Witness, Alice J. Duck, Register of said Circuit Court, this the 22nd day of March, 1952.

Alice J. Duck  
Register

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

Comes your Petitioner, Dana Dione Nelson, who brings this proceeding by Marjorie Webster, her next friend, and respectfully shows unto your Honor as follows:

FIRST: That the said Dana Dione Nelson is a minor, twelve years of age; that Marjorie Webster is the mother of said minor, and is over the age of twenty-one years; that the said Dana Dione Nelson resides with and is in custody of the said Marjorie Webster, whose place of residence and post office address is 3166 Phula Vista Street, Route 2, Redlands, California;

SECOND: That the said Dana Dione Nelson owns, as tenant in common with Travis Y. Nelson, an adult, the following described lands situated in Baldwin County, Alabama;

From Northwest Corner of Section 20, Township 5 South Range 2 East, run South on Section line 33.41 chains to Southwest Corner of Foster lot; thence run East 20 chains more or less to Northeast Corner of land of E. N. Van Nette for point of beginning; thence run South 9.5 chains to Northeast Corner of Sam Taylor lot; thence West 3.16 chains; South 6.87 chains; East 3.16 chains to corner on Road; thence South 3.83 chains more or less; thence West 3.94 chains to corner; thence North 19.8 chains to corner; thence East 3.49 chains to beginning.

From Northwest Corner of Section 20, Township 5 South, Range 2 East run South on Section line 33.41 chains; thence East 20 chains more or less; thence South 19.80 chains to beginning corner; thence South 10 chains; West 10 chains; North 10 chains; East 10 chains to beginning;

that the said Dana Dione Nelson owns an undivided one-elevenths interest in the said lands and the said Travis Y. Nelson owns an undivided ten-elevenths interest therein.


THIRD: Petitioner further shows that the said Travis Y. Nelson has offered to buy the interest of the said Dana Dione Nelson in and to the said lands for and at the sum of \$100.00 net to the said Dana Dione Nelson, he to pay the costs of this proceeding including the court costs and her attorney's fees necessary and proper in this suit; that the said price under said terms is the fair and reasonable market value of the said property; that the same is of such character and condition, that the said Travis Y. Nelson can not reap any benefit therefrom she being a non-resident of the State of Alabama, and the said lands having no rental value; that there is no marketable timber thereon, the same could not be equitably partition-

ed, that she, being a non-resident, can make no use of said lands and she has no income from which to pay her portion of the taxes on the same and the cost of looking after the said lands and no income for her maintenance and support; and that it is to the best interest to the said minor that the said lands be sold for the said price and under the said terms and conditions, for maintenance and support of said minor; and that the same sold in such manner would produce more net return to the said minor than would a sale of the said property at public outcry.

FOURTH: Petitioner further shows that Janet W. Lemon is an aunt of the said Dana Dione Nelson and the next of kin to her and is not interested in this proceeding, and that she resides at Daphne in Baldwin County, Alabama and is over the age of twenty-one years; that there has been no guardian appointed over the person and estate of said minor.

WHEREFORE, your Petitioner prays this honorable court will take jurisdiction of the cause made by this Petition, that due and proper notice thereof be given in the manner, for the time, and to the persons required by law, requiring them to plead, answer or demur to this Petition within the time and under the pains and penalties prescribed by law and the practice by this honorable court;

Petitioner further prays that upon the hearing of this Petition, this honorable court will make and enter an order and decree authorizing, empowering and directing the register of this court to sell the interest of Dana Dione Nelson, a minor, in the said property to the said Travis Y. Nelson at such price and under said terms for her maintenance and support and authorizing and directing the register of this court to execute and deliver to Travis Y. Nelson a proper conveyance therefor conveying the interest of the said Dana Dione Nelson, a minor, in and to said lands to the said Travis Y. Nelson upon his paying into this court the sum of \$100.00 as purchase money and upon his paying the costs of this proceeding and petitioner's attorney's fee in this proceeding, and Petitioner further prays that all such order, decrees, and steps and proceedings necessary and proper be made, entered, had and done as required by law in the premises; and the Petitioner further prays for such other further or different relief as in equity she shall be entitled to in the premises.

  
Solicitor for Petitioner



7018

NOTARY PUBLIC  
STATE OF ALABAMA  
BALDWIN COUNTY  
OFFICE OF THE CLERK  
BALDWIN COUNTY

Before me the undersigned this day personally appeared  
W. C. Beebe, who is known to me and who being duly sworn de-  
poses and says that he is solicitor for Dana Dione Nelson, a  
minor, suing by Marjorie Webster, next of kin, an adult, in the  
foregoing petition for sale of lands in Baldwin County, Alabama;  
that he knows the allegations made in such petition; that he is  
informed and believes that the facts therein alleged are true,  
and upon such information and belief says that the facts alleged  
in the foregoing petition are true.

W. C. BEEBE

Sworn to and subscribed before me this March 20, 1952.

Madeline S. Bryars  
Notary Public, Baldwin County, Ala.

no 2790

Received in Sheriff's Office  
this 22 day of Nov 1952  
TAYLOR WILKINS, Sheriff

Executed 3-22 19 52  
by serving copy of within Summons and  
Complaint on  
John Chason  
Taylor Wilkins Sheriff  
W. F. Halk Deputy Sheriff

Known to and subscribed before me this 22nd day of Nov 1952  
M. C. BEBBE

Notary Public, Baldwin County, Ala.  
My Comm. Expires 12-31-53

2790

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

WE COMMAND YOU, that you summon Janet N. Lemon, as next of kin for Dana Dione Nelson, a minor, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery jurisdiction within thirty days after the service of summons and on the \_\_\_\_\_ day of April, 1952, and there to answer, plead or demur, without oath, to the within Ex Parte Petition of Dana Dione Nelson, a minor, suing by Marjorie Webster, next friend, and to contest the same if so she shall elect to do; and further to do and perform what said Judge shall order and direct in that behalf, and this the defendant shall in no wise omit, under penalty of the law; and we further command that you return this writ with your endorsement thereof, to our said court immediately upon the execution thereof.

Witness, Alice J. Duck, Register of said Circuit Court, this the 20<sup>th</sup> day of March, 1952.

Alice J. Duck  
Register

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

Comes your Petitioner, Dana Dione Nelson, who brings this proceeding by Marjorie Webster, her next friend, and respectfully shows unto your Honor as follows:

FIRST: That the said Dana Dione Nelson is a minor, twelve years of age; that Marjorie Webster is the mother of said minor, and is over the age of twenty-one years; that the said Dana Dione Nelson resides with and is in custody of the said Marjorie Webster, whose place of residence and post office address is 3166 Phula Vista Street, Route 2, Redlands, California;

SECOND: That the said Dana Dione Nelson owns, as tenant in common with Travis Y. Nelson, an adult, the following described lands situated in Baldwin County, Alabama;

From Northwest Corner of Section 20, Township 5 South Range 2 East, run South on Section line 33.41 chains to Southwest Corner of Foster lot; thence run East 20 chains more or less to Northeast Corner of land of B. N. Van Nette for point of beginning; thence run South 9.5 chains to Northeast Corner of Sam Taylor lot; thence West 3.16 chains; South 6.87 chains; East 3.16 chains to corner on Road; thence South 3.83 chains more or less; thence West 3.94 chains to corner; thence North 19.8 chains to corner; thence East 3.49 chains to beginning.

From Northwest Corner of Section 20, Township 5 South, Range 2 East run South on Section line 33.41 chains; thence East 20 chains more or less; thence South 19.80 chains to beginning corner; thence South 10 chains; West 10 chains; North 10 chains; East 10 chains to beginning;

that the said Dana Dione Nelson owns an undivided one-elevenths interest in the said lands and the said Travis Y. Nelson owns an undivided ten-elevenths interest therein.


THIRD: Petitioner further shows that the said Travis Y. Nelson has offered to buy the interest of the said Dana Dione Nelson in and to the said lands for and at the sum of \$100.00 net to the said Dana Dione Nelson, he to pay the costs of this proceeding including the court costs and her attorney's fees necessary and proper in this suit; that the said price under said terms is the fair and reasonable market value of the said property; that the same is of such character and condition, that the said Travis Y. Nelson can not reap any benefit therefrom she being a non-resident of the State of Alabama, and the said lands having no rental value; that there is no marketable timber thereon, the same could not be equitably partition-

ed, that she, being a non-resident, can make no use of said lands and she has no income from which to pay her portion of the taxes on the same and the cost of looking after the said lands and no income for her maintenance and support; and that it is to the best interest to the said minor that the said lands be sold for the said price and under the said terms and conditions, for maintenance and support of said minor; and that the same sold in such manner would produce more net return to the said minor than would a sale of the said property at public outcry.

FOURTH: Petitioner further shows that Janet W. Lemon is an aunt of the said Dana Dione Nelson and the next of kin to her and is not interested in this proceeding, and that she resides at Daphne in Baldwin County, Alabama and is over the age of twenty-one years; that there has been no guardian appointed over the person and estate of said minor.

WHEREFORE, your Petitioner prays this honorable court will take jurisdiction of the cause made by this Petition, that due and proper notice thereof be given in the manner, for the time, and to the persons required by law, requiring them to plead, answer or demur to this Petition within the time and under the pains and penalties prescribed by law and the practice by this honorable court;

Petitioner further prays that upon the hearing of this Petition, this honorable court will make and enter an order and decree authorizing, empowering and directing the register of this court to sell the interest of Dana Dione Nelson, a minor, in the said property to the said Travis Y. Nelson at such price and under said terms for her maintenance and support and authorizing and directing the register of this court to execute and deliver to Travis Y. Nelson a proper conveyance therefor conveying the interest of the said Dana Dione Nelson, a minor, in and to said lands to the said Travis Y. Nelson upon his paying into this court the sum of \$100.00 as purchase money and upon his paying the costs of this proceeding and petitioner's attorney's fee in this proceeding, and Petitioner further prays that all such order, decrees, and steps and proceedings necessary and proper be made, entered, had and done as required by law in the premises; and the Petitioner further prays for such other further or different relief as in equity she shall be entitled to in the premises.

  
Solicitor for Petitioner