

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

WE COMMAND YOU, that you summon Sarah Wooten, whose address is 724 3rd Street, N. W., Apartment 601, Washington, D. C., Agnes Williams, whose address is 130 Faust Avenue, Hueytown, Bessemer, Alabama, Ethel Bruce, whose address is 130 Faust Avenue, Hueytown, Bessemer, Alabama, Harry R. Alexander, whose address is 4105 Main Street, Bessemer, Alabama, Mary Elizabeth Morgan, whose address is 3504 Armstrong Street, Dallas, Texas, Jannet Alexander, whose address is 2809 11th Avenue, North, Birmingham, Alabama, in care of Hugh H. Alexander, Daniel Kerr, whose address is Blossburg, Alabama, Ellen Bickerton, whose address is Parrish, Alabama, Archie Kerr, whose address is Brookside, Alabama, Elizabeth Kerr, whose address is Brookside, Alabama, John Kerr, whose address is Brookside, Alabama, Daniel Kerr, whose address is Brookside, Alabama, Louise Dorsett, whose address is Sandusky, Alabama, and Archie Kerr, whose address is 112 Flint Ridge Road, Birmingham, Alabama, 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 there to answer, plead or demur, without oath, to a bill of complaint lately exhibited by Morgan S. Holley, against the said Sarah Wooten, Agnes Williams, Ethel Bruce, Harry R. Alexander, Mary Elizabeth Morgan, Jannet Alexander, Daniel Kerr, Ellen Bickerton, Archie Kerr, Elizabeth Kerr, John Kerr, Daniel Kerr, Louise Dorsett and Archie Kerr 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 21st day of April, 1952.

Alice J. Duck  
Register.

MORGAN S. HOLLEY

COMPLAINANT

VS

× SARAH WOOTEN, AGNES WIL-  
× LIAMS, × ETHEL BRUCE, HARRY  
× R. ALEXANDER, × MARY ELIZA-  
BETH MORGAN, JANNET ALEX-  
ANDER, DANIEL KERR, ELLEN  
BICKERTON, ARCHIE KERR, E-  
LIZABETH KERR, JOHN KERR,  
DANIEL KERR, LOUISE DORSETT  
AND ARCHIE KERR,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

No 2799

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

Comes Morgan S. Holley, and humbly complaining against Sarah  
Wooten, Agnes Williams, Ethel Bruce, Harry R. Alexander, Mary E-

Elizabeth Morgan, Jannet Alexander, Daniel Kerr, Ellen Bickerton, Archie Kerr, Elizabeth Kerr, John Kerr, Daniel Kerr, Louise Dorsett and Archie Kerr, respectfully shows unto your Honor as follows:

FIRST: That your complainant is over the age of twenty-one years and resides at Evergreen, Alabama; that the defendants are each over the age of twenty-one years and reside at and their post office addresses are as follows: Sarah Wooten, 724 3rd Street, N. W., Apartment 601, Washington, D. C.; Agnes Williams, 130 Faust Avenue, Hueytown, Bessemer, Alabama; Ethel Bruce, 130 Faust Avenue, Hueytown, Bessemer, Alabama; Harry R. Alexander, 4105 Main Street, Bessemer, Alabama; Mary Elizabeth Morgan, 3504 Armstrong Street, Dallas, Texas; Jannet Alexander, 2809 11th Avenue, North, Birmingham, Alabama, in care of Hugh H. Alexander; Daniel Kerr, Blossburg, Alabama; Ellen Bickerton, Parrish, Alabama; Archie Kerr, Brookside, Alabama; Elizabeth Kerr, Brookside, Alabama; John Kerr, Brookside, Alabama; Daniel Kerr, Brookside, Alabama; Louise Dorsett, Sandusky, Alabama and Archie Kerr, 112 Flint Ridge Road, Birmingham, Alabama.

SECOND: That the complainant is the owner of and in the peaceable possession of the following described lands situated in the County of Baldwin, State of Alabama, to-wit:

Northeast quarter of the Southwest quarter of Section 14, Township 7 South, Range 3 East.


THIRD: That the said Sarah Wooten, Agnes Williams, Ethel Bruce, Harry R. Alexander, Mary Elizabeth Morgan, Jannet Alexander, Daniel Kerr, Ellen Bickerton, Archie Kerr, Elizabeth Kerr, John Kerr, Daniel Kerr, Louise Dorsett and Archie Kerr claim or are reputed to claim some right, title or interest in, lien or encumbrance upon the above described lands, or some part thereof, and the complainant calls upon them, and each of them, to set forth and specify their right, title, claim, interest in, lien or encumbrance upon the said lands, or any part thereof, and to show how and by what instrument or instruments the same is derived or created.

FOURTH: That there is no suit pending to enforce or test the validity of the complainant's title to the said lands, or to enforce or test the validity of the defendants' right, title, claim, interest in, lien or encumbrance upon the said lands, or any part

thereof.

WHEREFORE, your complainant prays this Honorable Court take jurisdiction of the cause made by this bill of complaint and make the said Sarah Wooten, Agnes Williams, Ethel Bruce, Harry R. Alexander, Mary Elizabeth Morgan, Jannet Alexander, Daniel Kerr, Ellen Bickerton, Archie Kerr, Elizabeth Kerr, John Kerr, Daniel Kerr, Louise Dorsett and Archie Kerr, parties defendant hereto, and by appropriate process require them, and each of them, to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon the hearing of this cause this Honorable Court will make and enter an order and decree adjudging and decreeing that the said defendants, Sarah Wooten, Agnes Williams, Ethel Bruce, Harry R. Alexander, Mary Elizabeth Morgan, Jannet Alexander, Daniel Kerr, Ellen Bickerton, Archie Kerr, Elizabeth Kerr, John Kerr, Daniel Kerr, Louise Dorsett and Archie Kerr, have no right, title, claim, interest in, lien or encumbrance upon the said lands, or any part thereof, and that the title to the said lands be quieted and established in this complainant as against the said defendants; and that the said defendants be forever enjoined from asserting or attempting to assert, or from claiming or attempting to claim any right, title or interest in, lien or encumbrance upon, the said lands, or any part thereof; and this complainant prays for such other, further or different relief as in equity it shall be entitled to receive in the premises.

  
Solicitor for Complainant

STATE OF ALABAMA

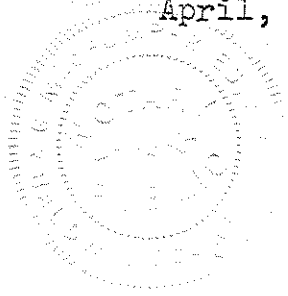
BALDWIN COUNTY

Before me the undersigned Notary Public in and for said State and County, this day personally appeared W. C. Beebe, who is known to me and who being by me duly sworn deposes and says that he is solicitor for Morgan S. Holley, in that certain suit pending in the Circuit Court of Baldwin County, Alabama, wherein the said Morgan S. Holley is the complainant and Sarah Wooten,

and Mary Elizabeth Morgan and others are defendants, that Sarah Wooten and Mary Elizabeth Morgan, defendants, are over the age of twenty-one years and that Sarah Wooten and Mary Elizabeth Morgan are non-residents of the State of Alabama, that the said Sarah Wooten resides at and her post office address is 724 3rd Street, N. W., Apartment 601, Washington, D. C., that the said Mary Elizabeth Morgan resides at and her post office address is 3504 Armstrong Street, Dallas, Texas.

W C Beebe

Sworn to and subscribed before me this the 21 day of April, 1952.



[Signature]  
Notary Public, Baldwin County, Ala.

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

WE COMMAND YOU, that you summon Sarah Wooten, whose address is 724 3rd Street, N.W., Apartment 601, Washington, D. C., Agnes Williams, whose address is 130 Faust Avenue, Hueytown, Bessemer, Alabama, Ethel Bruce, whose address is 130 Faust Avenue, Hueytown, Bessemer, Alabama, Harry R. Alexander, whose address is 4105 Main Street, Bessemer, Alabama, Mary Elizabeth Morgan, whose address is 3504 Armstrong Street, Dallas, Texas, Jannet Alexander, whose address is 2809 11th Avenue, North, Birmingham, Alabama, in care of Hugh H. Alexander, Daniel Kerr, whose address is Blossburg, Alabama, Ellen Bickerton, whose address is Parrish, Alabama, Archie Kerr, whose address is Brookside, Alabama, Elizabeth Kerr, whose address is Brookside, Alabama, John Kerr, whose address is Brookside, Alabama, Daniel Kerr, whose address is Brookside, Alabama, Louise Dorsett, whose address is Sandusky, Alabama, and Archie Kerr, whose address is 112 Flint Ridge Road, Birmingham, Alabama, 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 there to answer, plead or demur, without oath, to a bill of complaint lately exhibited by Morgan S. Holley, against the said Sarah Wooten, Agnes Williams, Ethel Bruce, Harry R. Alexander, Mary Elizabeth Morgan, Jannet Alexander, Daniel Kerr, Ellen Bickerton, Archie Kerr, Elizabeth Kerr, John Kerr, Daniel Kerr, Louise Dorsett and Archie Kerr 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 21st day of April, 1952.

Alice J. Duck  
Register.

MORGAN S. HOLLEY  
COMPLAINANT

VS

SARAH WOOTEN, AGNES WILLIAMS, ETHEL BRUCE, HARRY R. ALEXANDER, MARY ELIZABETH MORGAN, JANNET ALEXANDER, DANIEL KERR, ELLEN BICKERTON, ARCHIE KERR, ELIZABETH KERR, JOHN KERR, DANIEL KERR, LOUISE DORSETT AND ARCHIE KERR,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

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

Comes Morgan S. Holley, and humbly complaining against Sarah Wooten, Agnes Williams, Ethel Bruce, Harry R. Alexander, Mary E-

Elizabeth Morgan, Jannet Alexander, Daniel Kerr, Ellen Bickerton, Archie Kerr, Elizabeth Kerr, John Kerr, Daniel Kerr, Louise Dorsett and Archie Kerr, respectfully shows unto your Honor as follows:

FIRST: That your complainant is over the age of twenty-one years and resides at Evergreen, Alabama; that the defendants are each over the age of twenty-one years and reside at and their post office addresses are as follows: Sarah Wooten, 724 3rd Street, N. W., Apartment 601, Washington, D. C.; Agnes Williams, 130 Faust Avenue, Hueytown, Bessemer, Alabama; Ethel Bruce, 130 Faust Avenue, Hueytown, Bessemer, Alabama; Harry R. Alexander, 4105 Main Street, Bessemer, Alabama; Mary Elizabeth Morgan, 3504 Armstrong Street, Dallas, Texas; Jannet Alexander, 2809 11th Avenue, North, Birmingham, Alabama, in care of Hugh H. Alexander; Daniel Kerr, Blossburg, Alabama; Ellen Bickerton, Parrish, Alabama; Archie Kerr, Brookside, Alabama; Elizabeth Kerr, Brookside, Alabama; John Kerr, Brookside, Alabama; Daniel Kerr, Brookside, Alabama; Louise Dorsett, Sandusky, Alabama and Archie Kerr, 112 Flint Ridge Road, Birmingham, Alabama.

SECOND: That the complainant is the owner of and in the peaceable possession of the following described lands situated in the County of Baldwin, State of Alabama, to-wit:

Northeast quarter of the Southwest quarter of Section 14, Township 7 South, Range 3 East.

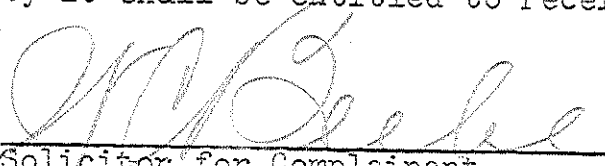
THIRD: That the said Sarah Wooten, Agnes Williams, Ethel Bruce, Harry R. Alexander, Mary Elizabeth Morgan, Jannet Alexander, Daniel Kerr, Ellen Bickerton, Archie Kerr, Elizabeth Kerr, John Kerr, Daniel Kerr, Louise Dorsett and Archie Kerr claim or are reputed to claim some right, title or interest in, lien or encumbrance upon the above described lands, or some part thereof, and the complainant calls upon them, and each of them, to set forth and specify their right, title, claim, interest in, lien or encumbrance upon the said lands, or any part thereof, and to show how and by what instrument or instruments the same is derived or created.

FOURTH: That there is no suit pending to enforce or test the validity of the complainant's title to the said lands, or to enforce or test the validity of the defendants' right, title, claim, interest in, lien or encumbrance upon the said lands, or any part

thereof,

WHEREFORE, your complainant prays this Honorable Court take jurisdiction of the cause made by this bill of complaint and make the said Sarah Wooten, Agnes Williams, Ethel Bruce, Harry R. Alexander, Mary Elizabeth Morgan, Jannet Alexander, Daniel Kerr, Ellen Bickerton, Archie Kerr, Elizabeth Kerr, John Kerr, Daniel Kerr, Louise Dorsett, and Archie Kerr, parties defendant hereto, and by appropriate process require them, and each of them, to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon a hearing of this cause this Honorable Court will make and enter an order and decree adjudging and decreeing that the said defendants, Sarah Wooten, Agnes Williams, Ethel Bruce, Harry R. Alexander, Mary Elizabeth Morgan, Jannet Alexander, Daniel Kerr, Ellen Bickerton, Archie Kerr, Elizabeth Kerr, John Kerr, Daniel Kerr, Louise Dorsett and Archie Kerr, have no right, title, claim, interest in, lien or encumbrance upon the said lands, or any part thereof, and that the title to the said lands, be quieted and established in this complainant as against the said defendants; and that the said defendants be forever enjoined from asserting or attempting to assert, or from claiming or attempting to claim any right, title or interest in, lien or encumbrance upon, the said lands, or any part thereof; and this complainant prays for such other, further or different relief as in equity it shall be entitled to receive in the premises.

  
Solicitor for Complainant

STATE OF ALABAMA

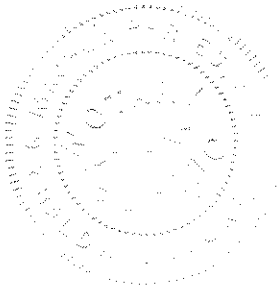
BALDWIN COUNTY

Before me the undersigned Notary Public in and for said State and County, this day personally appeared W. C. Beebe, who is known to me and who being by me duly sworn deposes and says that he is solicitor for Morgan S. Holley, in that certain suit pending in the Circuit Court of Baldwin County, Alabama, wherein the said Morgan S. Holley is the complainant and Sarah Wooten,

and Mary Elizabeth Morgan and others are defendants, that Sarah Wooten and Mary Elizabeth Morgan, defendants, are over the age of twenty-one years and that Sarah Wooten and Mary Elizabeth Morgan are non-residents of the State of Alabama, that the said Sarah Wooten resides at and her post office address is 724 3rd Street, N. W., Apartment 601, Washington, D. C., that the said Mary Elizabeth Morgan resides at and her post office address is 3504 Armstrong Street, Dallas, Texas.

W. C. Bahe

Sworn to and subscribed before me this the 27 day of April, 1952.



James H. Bahe  
Notary Public, Baldwin County, Ala.



The State of Alabama,  
Baldwin County.

No. .... CIRCUIT COURT, IN EQUITY.

Morgan S. Holley

Complainant

Vs.

Sarah Wooten, et al

Defendant

Motion is hereby made for a Decree Pro Confesso against Mary Elizabeth

Morgan

Defendant

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

This 16th day of November, 1953.

Solicitor.

No. \_\_\_\_\_ Page \_\_\_\_\_

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT, IN EQUITY**

Morgan S. Holley

**Vs.**

Sarah Wooten, et. al

**MOTION FOR DECREE PRO CONFESSO**  
**AFTER NOTICE BY REGISTERED MAIL**

Filed November 16, 1953.

*Register.*

Recorded in \_\_\_\_\_ Record,

Vol. \_\_\_\_\_ Page \_\_\_\_\_

*Register.*

Morgan S. Holley

Vs.

Sarah Wooten, et alCIRCUIT COURT OF  
Baldwin County.

IN EQUITY

In this cause it being made to appear to the Register that on the 21st  
day of April, 19 52, a copy of the Bill of Complaint filed in this cause was  
sent to Mary Elizabeth Morgan

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom  
addressed," and return receipt demanded addressed to the Register of this Court; and that on the  
26th day of April, 1952, such receipt was duly  
received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer  
or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered,  
adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things  
taken as confessed against the said Mary Elizabeth Morgan

Defendant

This the 16th day of November, 1953

Reinhold J. Smith Register.

No. \_\_\_\_\_

CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA

In Equity.

Morgan S. Holley

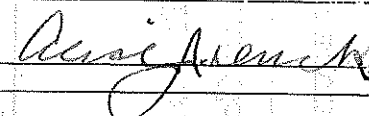
Vs.

Sarah Wooten et al

DECREE PRO CONFESSO AFTER  
NOTICE BY REGISTERED MAIL

Filed in office this 16th day of

November, 1953

 Register

Entered in O. B. \_\_\_\_\_ Page \_\_\_\_\_

The Baldwin Times, Bay Minette, Alabama

MORGAN S. HOLLEY

COMPLAINANT

VS

SARAH WOOTEN, AGNES WILLIAMS,  
ETHEL BRUCE, HARRY R. ALEX-  
ANDER, MARY ELIZABETH MORGAN,  
JANNET ALEXANDER, DANIEL KERR,  
ELLEN BICKERTON, ARCHIE KERR,  
ELIZABETH KERR, JOHN KERR,  
DANIEL KERR, LOUISE DORSETT,  
AND ARCHIE KERR,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2799

This cause coming on to be heard is submitted for final decree on the bill of complaint, decree pro confesso against defendant Mary Elizabeth Morgan, answer of all the other defendants, testimony of W. C. Beebe, witness for complainant, deed of Mary Kerr to the complainant dated March 31, 1952, power of attorney from Mary Kerr to Mary Elizabeth Morgan dated March 3, 1952, lease agreement of Mary Kerr to F. F. Norris dated April 24, 1939, and the same being considered by the court, the court is of the opinion that the complainant is entitled to the relief prayed for in his bill of complaint;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that Morgan S. Holley, the complainant, is the owner in fee simple of and in the peaceable possession of the Northeast quarter of the Southwest quarter of Section 14, Township 7 South, Range 3 East, and that the defendants, Sarah Wooten, Agnes Williams, Ethel Bruce, Harry R. Alexander, Mary Elizabeth Morgan, Jannet Alexander, Daniel Kerr, Ellen Bickerton, Archie Kerr, Elizabeth Kerr, John Kerr, Daniel Kerr, Louise Dorsett and Archie Kerr, and neither of them have or has any right, title, interest in, claim or encumbrance upon the Northeast quarter of Southwest quarter of Section 14, Township 7 South, Range 3 East, or any part or parcel thereof, and the title to the same be and it is hereby quieted and established in the said Morgan S. Holley as against the said named defendants and each of them.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this decree be filed by the Register in the office of the Judge of Probate of Baldwin County, Alabama, the cost thereof taxed as a part of the cost in this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the complainant, Morgan S. Holley, pay the cost in this cause, for which let execution issue.

Done this the 18 day of November, 1953.

Hubert M. Zeller  
Judge

MORGAN S. HOLLEY

COMPLAINANT

VS

SARAH WOOTEN, AGNES WILLIAMS,  
ETHEL BRUCE, HARRY R. ALEX-  
ANDER, MARY ELIZABETH MORGAN,  
JANNET ALEXANDER, DANIEL KERR,  
ELLEN BICKERTON, ARCHIE KERR,  
ELIZABETH KERR, JOHN KERR,  
DANIEL KERR, LOUISE DORSETT,  
AND ARCHIE KERR,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2799

This cause coming on to be heard is submitted for final decree on the bill of complaint, decree pro confesso against defendant Mary Elizabeth Morgan, answer of all the other defendants, testimony of W. C. Beebe, witness for complainant, deed of Mary Kerr to the complainant dated March 31, 1952, power of attorney from Mary Kerr to Mary Elizabeth Morgan dated March 3, 1952, lease agreement of Mary Kerr to F. F. Norris dated April 24, 1939, and the same being considered by the court, the court is of the opinion that the complainant is entitled to the relief prayed for in his bill of complaint;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that Morgan S. Holley, the complainant, is the owner in fee simple of and in the peaceable possession of the Northeast quarter of the Southwest quarter of Section 14, Township 7 South, Range 3 East, and that the defendants, Sarah Wooten, Agnes Williams, Ethel Bruce, Harry R. Alexander, Mary Elizabeth Morgan, Jannet Alexander, Daniel Kerr, Ellen Bickerton, Archie Kerr, Elizabeth Kerr, John Kerr, Daniel Kerr, Louise Dorsett and Archie Kerr, and neither of them have or has any right, title, interest in, claim or encumbrance upon the Northeast quarter of Southwest quarter of Section 14, Township 7 South, Range 3 East, or any part or parcel thereof, and the title to the same be and it is hereby quieted and established in the said Morgan S. Holley as against the said named defendants and each of them.

BOOK 203 PAGE 350

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this decree be filed by the Register in the office of the Judge of Probate of Baldwin County, Alabama, the cost thereof taxed as a part of the cost in this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the complainant, Morgan S. Holley, pay the cost in this cause, for which let execution issue.

Done this the 18<sup>th</sup> day of November, 1953.

Hubert M. Hall  
Judge

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and recorded in my office.  
WITNESS MY HAND AND SEAL THIS THE 18<sup>th</sup> day of Nov, 1953

Alice J. Duck  
Register of Circuit Court, in Equity

STATE OF ALABAMA, BALDWIN COUNTY

Filed 11-27-53 10:15 A.M.

Recorded Duck book 203 page 350-1

W.R. Strait  
Judge of Probate

BOOK 203 PAGE 351



MORGAN S. HOLLEY,

Complainant,

VS.

SARAH WOOTEN, ET ALS,

Respondents.

)

)

)

)

)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

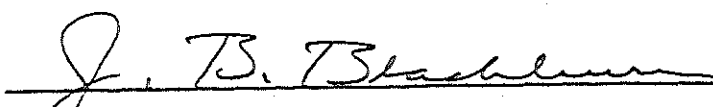
IN EQUITY

NO. 2799

ANSWER

Now come all of the respondents in the above entitled cause, except Mary Elizabeth Morgan, and for answer to the Bill of Complaint filed against them in this cause, say:

1. They deny each and all of the allegations of the said Bill of Complaint, and demand strict proof of same.

  
Solicitor for the said respondents.

ANSWER

MORGAN S. HOLLEY,

VS.

Complainant,

SARAH WOOTEN, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2799

FILED  
JUN 12 1953  
ALICE I. DUCK, Register

MORGAN S. HOLLEY

Complainant,

VS.

SARAH WOOTEN, ET ALS,

Respondents.

)

)

)

)

)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. 2799

DEMURRER

Now come all of the respondents in the above entitled cause, except Mary Elizabeth Morgan, and for demurrer to the Bill of Complaint filed against them in this cause, say:

1. There is no equity in the bill.

J. B. Blackman,  
Solicitor for the said Respondents.

DEMURRER

MORGAN S. HOLLEY

Complainant.

VS.

SARAH WOOTEN, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY. NO. 2799

FILED

MAY 28 1952

ALICE L. DUCK, Registered

MORGAN S. HOLLEY,  
Complainant,  
VS.  
SARAH WOOTEN, ET AL.,  
Defendants.

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

TESTIMONY OF HON. W. C. BEEBE, TAKEN IN OPEN COURT BEFORE  
HON. HUBERT M. HALL, JUDGE OF THE 28TH JUDICIAL CIRCUIT OF  
ALABAMA. On November 17, 1953.

HON. W. C. BEEBE, A WITNESS FOR THE COMPLAINANT, BEING FIRST  
DULY SWORN, TESTIFIED AS FOLLOWS:

My name is W. C. Beebe; I am a resident of Bay Minette, Baldwin County, Alabama, where I have resided for nearly 40 years. I know the NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 14, Township 7 South, Range 3 East, near Foley, Alabama, and have known it for more than 10 years continuously. I know Morgan S. Holley, the Complainant in this case of Morgan S. Holley vs. Sarah Wooten, et al, pending in the Circuit Court of Baldwin County, Alabama, in equity, being case No. 2799. These lands are owned by Morgan S. Holley and he is in the peaceable possession of the same and has the same rented to a Mr. Rhodes, who is actually cultivating the said lands. Mr. Holley is over the age of 21 years and a resident of Evergreen, Conecuh County, Alabama. The defendants are each over the age of 21 years and their residence is properly stated

in the complaint; there is no suit pending other than this to try or test the title of the said Morgan S. Holley to the said lands.

Morgan S. Holley acquired this property from Mrs. Mary Kerr on March 31, 1952, who conveyed the said lands to him and who, for more than 10 years previous to her conveyance had been in the actual, and peaceable possession of said lands, claiming to own the same; she annually assessed and paid taxes on the land and she rented the same to Mr. Rhodes and to other tenants continuously for more than 10 years next preceding the date of the sale of the property to Mr. Holley. During the whole of that time no person has disputed her possession or her title to the property or claimed any right to possession of the land or title in the lands.

Plaintiff offers in evidence a deed from Mary Kerr, By: Mary Elizabeth Morgan, Attorney in Fact, to Morgan S. Holley, dated March 31, 1952, and filed for record April 19, 1952, and recorded in Deed Book 178 at page 415 in the office of the Judge of Probate of Baldwin County, Alabama, and ask that the same be identified as Plaintiff's Exhibit 1.

Mrs. Mary Kerr leased the property to F. F. Norris, on April 24th., 1939, for a period of five years, who lived on and cultivated the same as a tenant of Mrs. Mary Kerr, and after Norris left she leased it to Mr. Rhodes who has cultivated the land each year since 1944; the land is fenced and in cultivation

and has a house on it, in which these tenants have lived.

The Plaintiff introduces in evidence lease from Mrs. Mary Kerr, ~~by~~ to F. F. Norris, dated April 24, 1939, and ask that the same be identified as Plaintiff's Exhibit 2.

Plaintiff also introduces in evidence, as Exhibit 3, Power of Attorney from Mrs. Mary Kerr to Mrs. Mary Elizabeth Morgan, dated March 3, 1952, and filed for record March 7, 1952 and recorded in Misc. Book 10 at page 156 and 157 and ask that the same be identified as Plaintiff's Exhibit 3.

---

I hereby certify that the foregoing, consisting of pages 1, 2 and 3, correctly sets forth a true and correct transcript of the testimony as taken by me in the above styled cause, before Hon. Hubert M. Hall, Judge of the 28th Judicial Circuit of Alabama, on the 17th day of November, 1953, in open Court.

This 17th day of November, 1953.

Louise Dunsberry  
Court Reporter

----- LAND RENTAL CONTRACT. -----

STATE OF ALABAMA.

BALDWIN COUNTY:-

THIS CONTRACT AND AGREEMENT, made in duplicate, by and between,

Mrs. Mary Kerr, as party of first part, and.  
F.F. Norris, as party of second part,

WITNESSETH:-

That the party of first part hereby agrees to lease and let, to party of second part, under the following terms and conditions hereinafter stated, the 40-acres of land, legally described as being,

The north-east quarter(NE 1/4) of the south-west-quarter(SW 1/4) of Section Fourteen(14), in Township Seven(7), South, and Range Three(3), East, in Baldwin County, Alabama:-

FOR a term of three(3) to Five(5), years from this date:-

FOR the consideration of one and half dollars, per acre, for all lands under cultivation during the year 1939, totaling the sum of \$ 15.00 , the receipt of which is hereby acknowledged by party of first part.

FOR each succeeding year after 1939, the rental price per acre is to be, as follows:-

All new land cleared , each year, the rental is to be one dollar per acre, per year.

All previously cultivated land, the rental is to be three dollars(\$3.00) per acre, per year.

PAYMENTS of rentals, after year 1939, to be due and payable on June, 1st, of each year, by party of second part, to party of first part.

PARTY of second part agrees to the above stated conditions, terms and considerations.

PARTY of second part, will have under this contract, the option to purchase the above described forty-acres, ~~on or before the expiration of this contract, for the sum of~~ dollars, as mutually understood and agreed by both parties hereto.

ALSO, mutually understood that the fencing to be placed around the said 40-acres, by party of second part, is to be retained by him, and to be moved off the said 40-acres, at anytime , at option of party of second part, during the life of this contract.

PARTY of first part is to pay all taxes due, annually, during the life of this contract.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, this the 24th, da of April, 1939.

WITNESS to signature of,  
party of second part.

Notary Public,

Mrs. Mary Kerr (LS)  
Party of first part.

Frank F. Norris (LS)  
Party of second part.