

HENRY PHILLIPS,
Complainant,
vs.
A. G. ALLEGRI, SR.,
Respondent.

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

LIS PENDENS NOTICE

NOTICE IS HEREBY GIVEN that the Complainant, Henry Phillips did on this date file in the Circuit Court of Baldwin County, Alabama, in Equity, a suit against the said Respondent, A. G. Allegri, Sr., to sell for division the following described real property situated in Baldwin County, Alabama, to-wit:

All of the Stewart Tract Section 39, Township 5 South, Range 2 East except the following described property:

EXCEPTION NO. 1: From the Southeast corner of Fractional Section Eight, Township 5 South, Range 2 East, run North 1295.5 feet and West 7867 feet to the West side of the State Highway for a point of beginning; thence West 207 feet; thence North 416.5 feet; thence East 76 feet to the West margin of the aforesaid highway; thence South 17 degrees 30 minutes East 436.7 feet to the beginning. Lot contains 1.38 acres, more or less.

EXCEPTION NO. 2: Start at the Southeast corner of Section 7, Township 5 South, Range 2 East, and run West 40.66 chains to a point; thence North 17.03 chains to a point; thence North 6.18 chains to a point of beginning; thence Easterly along the South line of Division 3 Section 8 to the West side of the public road as originally laid off, running from Daphne to Spanish Fort; thence Northerly along the West side of said road 50 feet; thence due West to Mobile Bay; thence Southerly along said Bay to the middle of the West line of Section 39; thence Easterly 8.70 chains to a point; thence South 3.09 chains to a point; thence East 9.51 chains to a point; thence Northerly to the point of beginning.

EXCEPTION NO. 3: That part of the said property which lies within the right of way of the paved road leading from Spanish Fort to Daphne, in Baldwin County, Alabama.

The Complainant in and by his said Bill of Complaint alleges the interest which he owns in said tract of land, the interest which the said Respondent owns in the said tract of land and further alleges that it cannot be equitably divided without a sale of the said property and a division of the proceeds.

FILED PAGE 3763

Complainant in his said Bill of Complaint prays that the said property be sold for a division and for such other, further and general relief as he may be equitably entitled to, the premises considered.

DATED this the 7th day of August, 1957.

J. B. Blackburn
Solicitor for Complainant.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 8-7-57 3 P. M

Recorded Lis Pend book 4 page 373-4

W. B. Stuart
Judge of Probate 5

Book 000 Page 374

4097

8-7-57

4-373-4

LIS PENDENS NOTICE

HENRY PHILLIPS, ⁷²
Complainant,
vs.
A. G. ALLEGRI, ³
Respondent.

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

R 100
Mrs. Alice Duck
B. M

THIS NOTICE IS TO BE FILED IN THE PUBLIC RECORDS OF BALDWIN COUNTY, ALABAMA, AND IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT THE CITY OF DANDY, ALABAMA, ON THIS 7th DAY OF AUGUST, 1957.

FILED FOR RECORD IN BALDWIN COUNTY, ALABAMA, ON AUGUST 7, 1957.

RECORDED IN PUBLIC RECORDS OF BALDWIN COUNTY, ALABAMA, ON AUGUST 7, 1957.

HENRY PHILLIPS

COMPLAINANT

VS

A. G. ALLEGRI, SR.

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 4097

Comes A. G. Allegri, Sr., Respondent in the above styled cause, and,
for answer to the Bill of Complaint heretofore filed in said cause, says:

1.

For answer to the first paragraph of said bill, he admits the truth
of the allegations therein contained.

2.

For answer to the second paragraph of said bill: He admits the truth
of the allegations therein contained except as to "Exception No. 2" and
he denies that this is an exception to their ownership in the said lands
and demands strict proof of the same.

3.

For answer to the third paragraph of said bill: He denies the alleg-
ations therein contained and demands strict proof of same, and further
answering said paragraph he says that each own an undivided one half
interest therein.

4.

For answer to the fourth paragraph of said bill: He denies the
allegations therein contained and demands strict proof of same.

5.

For answer to the fifty paragraph of said bill: He denies the alleg-
ations therein contained and demands strict proof of the same.

Filed
2-6-58

Wilters & Brantley

BY: *Lang J. Wilters, Jr.*
Solicitors for the Respondent

4097

HENRY PHILLIPS

COMPLAINANT

VS

A. G. ALLEGRI, SR.

RESPONDENT

ANSWER

FILED
FEB 6 1958
ALICE J. BARK, Register

HENRY PHILLIPS,
Complainant,
vs.
A. G. ALLEGRI, SR.,
Respondent.

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

PETITION FOR CONFIRMATION OF SALE:

Now come the parties to this cause, acting by and through their respective attorneys, and agree that the sale made in this proceeding on this date as will appear from the Register's report of sale which bears even date herewith, be confirmed without the taking of testimony.

The parties hereto petition the court to confirm the said sale at and for the price of \$22,500.00 as shown in the said Register's report.

DATED this 26th day of January, 1960.

Filed
1-26-60

J. B. Blackburn
Solicitor for Complainant.

WILTERS AND BRANTLEY

By: *Albert M Brantley*
Solicitors for Respondent.

275

PETITION FOR CONFIRMATION OF
SALE

HENRY PHILLIPS,

Complainant,

vs.

A. G. ALLEGRI, SR.,

Respondent.

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

FILED
JAN 26 1960
ALICE J. DUCK, CLERK
REGISTER

HENRY PHILLIPS,	¶	IN THE CIRCUIT COURT OF
	¶	
Complainant,	¶	BALDWIN COUNTY, ALABAMA
	¶	
vs.	¶	
	¶	
A. G. ALLEGRI, SR.,	¶	IN EQUITY.
	¶	
Respondent.	¶	

REPORT OF SALE:

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, hereby reports as follows:

1. Pursuant to the terms and provisions of the interlocutory decree rendered in this cause on December 29, 1959, I advertised the property described in the said decree for public sale at 11:30 o'clock A. M. on January 26, 1960.

2. I further report that I sold the property described in the said decree which is the following described real property situated in Baldwin County, Alabama, to-wit:

All of the Stewart Tract Section 39, Township 5 South, Range 2 East, EXCEPT the following described property:

EXCEPTION NO. 1: From the Southeast corner of Fractional Section 8, Township 5 South, Range 2 East, run North 1295.5 feet and West 7867 feet to the West side of the State Highway for a point of beginning; thence West 207 feet; thence North 416.5 feet; thence East 76 feet to the West margin of the aforesaid highway; thence South 17° 30' East 436.7 feet to the beginning. Lot contains 1.38 acres, more or less.

EXCEPTION NO. 2: Start at the Southeast corner of Section 7, Township 5 South, Range 2 East, and run West 40.66 chains to a point; thence North 17.03 chains to a point; thence North 6.18 chains to a point of beginning; thence Easterly along the South line of Division 3 Section 8 to the West side of the public road as originally laid off, running from Daphne to Spanish Fort; thence Northerly along the West side of said road 50 feet; thence due West to Mobile Bay; thence Southerly along said Bay to the middle of the West line of Section 39; thence Easterly 8.70 chains to a point; thence South 3.09 chains to a point; thence East 9.51 chains to a point; thence Northerly to the point of beginning.

EXCEPTION NO. 3: That part of the said property which lies within the right of way of the paved road leading from Spanish Fort to Daphne in Baldwin County, Alabama.

to Janice W. Barr, Edward M. Barr and Bertha O. Weber, for the sum of TWENTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$22,500.00), all of which has been paid.

3. That said sale was fairly conducted in all respects and the amount received for the said property is not disproportionate to its value.

DATED this 26th day of January, 1960.

Price J. Wicks

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

FILED TO FILE

RECORDED

INDEXED

1960

JAN 26 1960

FILED

BY THE CLERK

OF THE COURT

CLERK

REPORT OF SALE

HENRY PHILLIPS,

Complainant,

vs.

A. G. ALLEGRI, SR.,

Respondent.

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

HENRY PHILLIPS

COMPLAINANT

VS

A. G. ALLEGRI SR.

RESPONDENT

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

ANSWER

Comes now the Respondent in the above styled cause and for answer to the Complainant's Amended Bill of Complaint says:

1.

That he admits the allegations in Section 1.

2.

That he admits the allegations in Section 2.

3.

That he admits the allegations in Section 3.

4.

That he admits the allegations in Section 4.

5.

That he admits the allegations in Section 5.

Walters & Brantley

BY:

Albert M Brantley
Solicitors for the Respondent

Filed
12-29-59

HENRY PHILLIPS

COMPLAINANT

VS

A. G. ALLEGRI SR.

RESPONDENT

ANSWER

FILED

DEC 29 1959

ALICE J. DUCK, CLERK
REGISTER

HENRY PHILLIPS,	¶	IN THE CIRCUIT COURT OF
Complainant,	¶	BALDWIN COUNTY, ALABAMA
vs.	¶	
A. G. ALLEGRI, SR.,	¶	IN EQUITY.
Respondent.	¶	

FINAL DECREE:

This cause coming on to be heard on this date is submitted for a final decree on the pleadings heretofore filed, the decrees heretofore rendered in this cause and on the testimony of Telfair J. Mashburn, Jr., J. Connor Owens and Alice J. Duck taken orally in open court on this date in the manner provided by Equity Rule Number 56 of the 1940 Code of Alabama, as last amended; upon consideration of all of which the Court finds that the property involved in this proceeding was sold on January 26, 1960, to Janice W. Barr, Edward M. Barr and Bertha O. Weber, for the sum of \$22,500.00; that the said sale has been confirmed and the Register of this Court has been instructed and directed to make and execute a deed to the purchasers and the purchase price for the said property has been paid in full.

The Court further finds that the Register of this Court has, pursuant to the instructions and directions contained in the decree rendered in this cause on December 29, 1959, had an Abstract of Title to the said property prepared and has advertised the sale of the property in Mobile County, and further finds that the sum of \$2250.00 is a reasonable fee to be paid to J. B. Blackburn, the attorney for the Complainant in this cause and that the proceeds of the sale, after deducting the court costs and attorney's fee, should be distributed by paying to the Complainant, Henry Phillips, 59/120ths of the remainder of the purchase price and by paying to A. G. Allegri, Sr., the Respondent in said cause, 61/120ths of the remainder of the purchase price; upon consideration of all of which it is therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The sum of \$2250.00 is hereby fixed as a reasonable fee to be paid to the Complainant's attorney for services rendered by him in this proceeding and the Register of this Court is hereby authorized, empowered, instructed and directed to pay to J. B. Blackburn, the Complainant's attorney, the said sum of \$2250.00.

2. The Register of this Court is hereby instructed and directed to pay the costs of this proceeding and then pay the remainder of the funds in her hands to Henry Phillips, whose interest is 59/120ths and to A. G. Allegri, Sr., whose interest is 61/120ths. The Register shall take receipts from the said parties upon payment of the amounts due to them as provided in this decree.

ORDERED, ADJUDGED AND DECREED on this the 28th day of January, 1960.

J. B. Blackburn

Judge.

4097 ¹¹²

FINAL DECREE

HENRY PHILLIPS,
Complainant,

vs.
A. G. ALLEGRI, SR.,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

FILED

FEB 1 1960

ALICE L. DUCK, CLERK
REGISTER

40

FILED

JAN 29 1960

ALICE J. DUCK, CLERK
REGISTER

HENRY PHILLIPS,

Complainant,

VS.

A. G. ALLEGRI, SR,

Respondent.

IN THE

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA. IN EQUITY.

January 28, 1960

TELFAIR J. MASHBURN, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Blackburn.

Q.

Q. What is your name, please?

A. Telfair J. Mashburn.

Q. Are you an Attorney, practicing in Baldwin County, Alabama?

A. Yes.

Q. How long have you practiced here?

A. 24 years.

Q. Are you familiar with fees charged in cases involving partition and division such as this case of Henry Phillips vs. A. G. Allegri, Sr.?

A. Yes sir - sale for division;

Q. Have you examined my file?

A. Yes sir.

Q. The property, as you see from the proceedings, sold for \$22,500.00. What, in your opinion, is a reasonable fee to be paid to me as Complainant's Attorney?

A. A fee of 10% - \$2,250.00.

NO CROSS EXAMINATION BY MR. BRANTLEY:

J. CONNOR OWENS, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Blackburn.

Q. You are Mr. J. Connor Owens?

A. Yes sir.

Q. Mr. Owens, you also practice Law in Baldwin County, do you not?

A. Yes sir.

Q. You are familiar with this case?

A. Yes sir.

Q. Have you examined the file at my request?

A. I have.

Q. And you are familiar with what the property sold for?

A. \$22,500.00.

Q. What, in your opinion, is a reasonable fee to be paid Complainant's Attorney?

A. I believe a reasonable fee would be 10% of the amount the property sold for -- \$2,250.00.

NO CROSS EXAMINATION OF THIS WITNESS BY MR. BRANTLEY:

MRS. ALICE J. DUCK, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Blackburn.

Q. You are Mrs. Alice J. Duck?

A. I am.

Q. You are Register of the Circuit Court of Baldwin County, Alabama, in Equity?

A. I am.

Q. In this case, you sold the property according to the instructions contained in the decree rendered therein?

A. Yes sir.

Q. You have reported the sale to the Judge?

A. Yes sir.

Q. You have collected the purchase money of \$22,500.00?

A. I have.

Q. Are you ready to execute the deed?

A. I am.

Q. Mrs. Duck, pursuant to the instructions given in the previous decree, you advertised this sale in the Mobile News Paper as well as the Baldwin County News Paper?

A. I did.

Q. You have the bill for that?

A. Yes sir.

Q.

Q. In accordance with the Court's instructions, you also had an abstract prepared?

A. Yes sir.

Q. And you have a bill for that?

A. Yes sir.

Q. Those items are to be paid as costs?

A. Yes sir.

C E R T I F I C A T E:

I hereby certify that the foregoing is a true and correct transcript of the testimony as taken by me, in open Court, in the above styled cause, on this date.

This 28th day of January, 1960.

Louise Dunsbury
Official Court Reporter

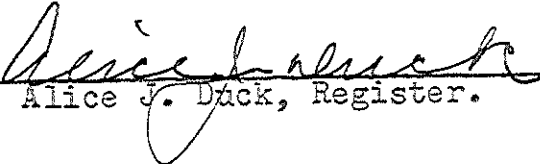
STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon A. G. Allegri, Sr., to appear within thirty days from the service of this writ in the Circuit Court to be held for said county, Equity Side, at the place of holding same, then and there to answer the Bill of Complaint of Henry Phillips.

WITNESS my hand and seal on this the 7th day of August, 1957.


Alice J. Duck, Register.

Respondent, A. G. Allegri, Sr.
resides at Daphne, Alabama.

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Orator, Henry Phillips, as Complainant, presents this Bill of Complaint against A. G. Allegri, Sr., and thereupon complainant shows unto this Court and your Honor as follows:

1. Your Complainant is over twenty-one years of age and a resident of Baldwin County, Alabama, The Respondent, A. G. Allegri, Sr., is over twenty-one years of age and a resident of Baldwin County, Alabama.

2. The Complainant and the Respondent are joint owners or tenants in common of the following described real property situated in Baldwin County, Alabama, to-wit:

All of the Stewart Tract Section 39, Township 5 South, Range 2 East, except the following described property:

EXCEPTION NO. 1: From the Southeast corner of Fractional Section Eight, Township Five South, Range 2 East, run North 1295.5 feet and West 7867 feet to the West side of the State Highway for a point of beginning; thence West 207 feet; thence North 416.5 feet; thence East 76 feet to the West margin of the aforesaid highway; thence South 17 degrees 30 minutes East 436.7 feet to the beginning. Lot contains 1.38 acres, more or less.

EXCEPTION NO. 2: Start at the Southeast corner of Section 7, Township 5 South, Range 2 East and run West 40.66 chains to a point; thence North 17.03 chains to a point; thence North 6.18 chains to a point of beginning; thence Easterly along the South line of Division 3 Section 8 to the West side of the public road as originally laid off, running from Daphne to Spanish Fort; thence Northerly along the West side of said road 50 feet; thence due West to Mobile Bay; thence Southerly along said Bay to the middle of the West line of Section 39; thence Easterly 8.70 chains to a point; thence South 3.09 chains to a point; thence East 9.51 chains to a point; thence Northerly to the point of beginning.

EXCEPTION NO. 3: That part of the said property which lies within the right of way of the paved road leading from Spanish Fort to Daphne, in Baldwin County, Alabama.

3. Your Complainant owns an undivided eleven-twentieth (11/20th) interest in and to the above described property and the Respondent owns an undivided nine-twentieth (9/20th) interest in and to the said property.

4. The above described property cannot be equitably divided between the joint owners thereof without a sale of the said property and a division of the proceeds.

5. It has been necessary for the Complainant to employ a Solicitor for the purpose of filing this suit to effect a division of the said property between the said joint owners and he has employed J. B. Blackburn of Bay Minette, Alabama, for this purpose.

PRAYER FOR PROCESS:

Complainant prays that this Honorable Court will take jurisdiction of this Bill of Complaint and that due notice thereof in the manner prescribed by law will be given to the Respondent, requiring him to appear and plead, answer or demur to this Bill of Complaint in the manner and within the time prescribed by law.

PRAYER FOR RELIEF:

Complainant prays for the following separate and several relief:

(a) That the above described property be ordered sold for the purpose of making a division thereof between the joint owners of the said property, who are the Complainant and the Respondent.

(b) That the Court will make and enter a proper order or decree fixing the Solicitor's fee to be paid to the Complainant's Solicitor and making the said fee a common charge against the Complainant and the Respondent in proportion to their respective interests in the said property.

(c) That such other orders be made and decrees rendered as may be requisite and proper in the premises.

Filed
8-7-57

J. B. Blackburn
Solicitor for Complainant.

HENRY PHILLIPS,)	
	)	IN THE CIRCUIT COURT OF
VS. Complainant,	)	BALDWIN COUNTY, ALABAMA
	)	IN EQUITY
A. G. ALLEGRI, SR.,)	
Respondent.)	

STIPULATION

In this cause it is agreed by and between the complainant and the respondent, acting through their respective attorneys, as follows:

1. That this cause may be submitted for an interlocutory decree ordering a sale of the property involved in this proceeding on the bill of complaint, as last amended, and the respondent's answer thereto.
2. The Register of this court may cause a complete abstract of title to the property involved in this suit to be made and tax the cost of such abstract as a part of the costs of this proceeding.
3. In addition to the usual notice of the sale for division of the property described in this proceeding, the Register of this court is authorized to give such other publication or notice by advertisement in such newspaper or newspapers as she may see fit, the cost of which shall be taxed as a part of the costs of this proceeding.

Dated this 29th day of December, 1959.

Filed
12-29-59

J. B. Baskin
Attorney for complainant

Robert M. B. ...
Attorney for respondent

STIPULATION

HENRY PHILLIPS,

VS.

A. G. ALLEGRI, SR.,

Complainant,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
DEC 29 1959
ALICE J. DUCK, CLERK
REGISTER

WITNESSED AND SIGNED BY THE COURT AND BY ME, CLERK OF COURT, THIS 29th DAY OF DECEMBER, 1959.

[Handwritten signature]
CLERK OF COURT

REGISTERED FOR RECORD

578

Filed 1-27-60 3:00 P.M.Recorded Deed book 288 page 288-9001W.R. Stewart
Judge of Probate288
PAGE 288

HENRY PHILLIPS,
Complainant,
vs.
A. G. ALLEGRI, SR.,
Respondent.

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

DECREE CONFIRMING SALE:

This cause coming on to be heard on this date is submitted for a decree confirming the sale of the property involved in this proceeding which is the property hereinafter described; upon the pleadings heretofore filed in this cause, the decree rendered in this cause on December 29, 1959, the Register's report of sale dated January 26, 1960, and the petition of the parties to this proceeding for confirmation of the said sale, upon consideration of all of which it is therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The sale of the property involved in this proceeding, which is the following described property situated in Baldwin County, Alabama, to-wit:

All of the Stewart Tract Section 39, Township 5 South, Range 2 East, EXCEPT the following described property:

EXCEPTION NO. 1: From the Southeast corner of Fractional Section 8, Township 5 South, Range 2 East, run North 1295.5 feet and West 7867 feet to the West side of the State Highway for a point of beginning; thence West 207 feet; thence North 416.5 feet; thence East 76 feet to the West margin of the aforesaid highway; thence South 17° 30' East 436.7 feet to the beginning. Lot contains 1.38 acres, more or less.

EXCEPTION NO. 2: Start at the Southeast corner of Section 7, Township 5 South, Range 2 East, and run West 40.66 chains to a point; thence North 17.03 chains to a point; thence North 6.18 chains to a point of beginning; thence Easterly along the South line of Division 3, Section 8 to the West side of the public road as originally laid off, running from Daphne to Spanish Fort; thence Northerly along the West side of said road 50 feet; thence due West to Mobile Bay; thence Southerly along said Bay to the middle of the West line of Section 39; thence Easterly 8.70 chains to a point; thence South 3.09 chains to a point; thence East 9.51 chains to a point; thence Northerly to the point of beginning.

EXCEPTION NO. 3: That part of the said property which lies within the right of way of the paved road leading from Spanish Fort to Daphne in Baldwin County, Alabama,

held on January 26, 1960, pursuant to the decree heretofore rendered in this cause which is referred to above, to Janice W. Barr, Edward M. Barr and Bertha O. Weber, for the sum of Twenty-two Thousand Five Hundred Dollars (\$22,500.00) which said purchase price has been paid, shall be and it is hereby confirmed.

2. Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, shall be, and she is hereby fully and completely authorized, empowered, instructed and directed to make, execute and deliver a deed to Janice W. Barr, Edward M. Barr and Bertha O. Weber, the said purchasers, conveying the above described property. The said deed when made and delivered shall convey all right, title and interest of the parties to this proceeding, namely, Henry Phillips and A. G. Allegri, Sr., to all of the above described property.

3. By consent of the parties to this cause, acting by and through their respective attorneys, this cause shall be, and it is hereby set for a further hearing at 9:00 o'clock A. M., on January 28, 1960, for the purpose of taking testimony relative to the amount of attorney's fee to be paid to the complainant's attorney of record and such other testimony as will enable the Court to order a distribution of the proceeds of the said sale and make a final disposition of this cause.

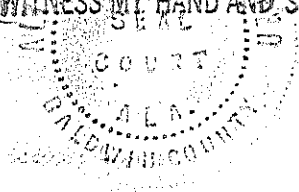
4. The Register of this Court shall forthwith file a certified copy of this decree and a certified copy of the decree heretofore rendered in this cause and dated December 29, 1959, for record in the Office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

ORDERED, ADJUDGED AND DECREED on this the 27th day of January, 1960.

/s/ Hubert M. Hall

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 enrolled in my office.

WITNESS MY HAND AND SEAL THIS THE 27 day of Jan, 1960



Alice J. Duck
 Register of Circuit Court, in Equity

STATE OF ALABAMA, BALDWIN COUNTY

Filed 1-27-60 3:00 P.M.
Recorded *W. L. Stewart* book 286 page 286-7 BOOK 288 PAGE 286

HENRY PHILLIPS,

W. L. Stewart
Judge of Probate

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Complainant,

VS.

A. G. ALLEGRI, SR.,

Respondent.

DECREE

This cause coming on to be heard on this date is submitted on the complainant's bill of complaint, as last amended, the respondent's answer thereto, and the stipulation of the parties to this cause, in which they stipulate and agree, among other things, that this cause be submitted for an interlocutory decree on the bill of complaint, as last amended, and the answer, upon consideration of all of which the court finds as follows:

A. The allegations of the bill of complaint, as last amended, are true.

B. The property involved in this suit, which is the property hereinafter described, cannot be equitably divided in kind and the interests of the parties in the said property are as follows: Complainant, Henry Phillips, an undivided 59/120 interest, and the respondent, A. G. Allegri, Sr., an undivided 61/120 interest.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The property involved in this suit, which is the following described real property situated in Baldwin County, Alabama, to-wit:

All of the Stewart Tract Section 39, Township 5 South, Range 2 East, EXCEPT the following described property:

EXCEPTION NO. 1: From the Southeast corner of Fractional Section 8, Township 5 South, Range 2 East, run North 1295.5 feet and West 7867 feet to the West side of the State Highway for a point of beginning; thence West 207 feet; thence North 416.5 feet; thence East 76 feet to the West margin of the aforesaid highway; thence South 17° 30' East 436.7 feet to the beginning. Lot contains 1.38 acres, more or less.

EXCEPTION NO. 2: Start at the Southeast corner of Section 7, Township 5 South, Range 2 East, and run West 40.66 chains to a point; thence North 17.03 chains to a point; thence North 6.18 chains to a point of beginning; thence Easterly along the South line of Division 3 Section 8 to

the West side of the public road as originally laid off, running from Daphne to Spanish Fort; thence Northerly along the West side of said road 50 feet; thence due West to Mobile Bay; thence Southerly along said Bay to the middle of the West line of Section 39; thence Easterly 8.70 chains to a point; thence South 3.09 chains to a point; thence East 9.51 chains to a point; thence Northerly to the point of beginning.

EXCEPTION NO. 3: That part of the said property which lies within the right of way of the paved road leading from Spanish Fort to Daphne in Baldwin County, Alabama,

is jointly owned by the complainant and respondent in the proportions set out above and cannot be equitably divided.

2. The said property is hereby ordered sold for division between the complainant and the respondent, and the Register of this court is hereby authorized, empowered, directed and instructed to advertise the said property for sale at 11:30 o'clock A. M. on the 26th day of January, 1960, at the front door of the courthouse at Bay Minette in Baldwin County, Alabama, and give notice of the time, place and terms of the said sale once a week for three successive weeks in the Baldwin Times, a newspaper published in Baldwin County, Alabama, the first notice of which said publication shall appear in the issue of said paper of December 31, 1959.

3. The Register of this court is also authorized to give other notice of the said sale in addition to that provided above by such other publications in Baldwin County and in Mobile County, Alabama newspapers and tax the cost of such advertising as a part of the costs of this proceeding.

4. The Register of this court is authorized, empowered, instructed and directed to have a complete abstract of title made covering the said property for examination by prospective purchasers and tax the cost of such abstract as a part of the costs of this proceeding.

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

ORDERED, ADJUDGED AND DECREED on this the 29th day of December, 1959.

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 enrolled in my office.

WITNESS MY HAND AND SEAL THIS THE 27 day of Jan, 1960

/s/ Hubert M. Hall
Judge

Alice J. Duck
Register

HENRY PHILLIPS,)	
)	
Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
)	
A. G. ALLEGRI, SR.,	)	IN EQUITY
)	
Respondent.)	

AMENDED BILL OF COMPLAINT

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Now comes the complainant and amends the Bill of Complaint heretofore filed by him in this cause so that, as amended, it will read as follows:

1. Your complainant is over twenty-one years of age and a resident of Baldwin County, Alabama; the respondent, A. G. Allegri, Sr., is over twenty-one years of age and a resident of Baldwin County, Alabama.

2. The complainant and the respondent are joint owners or tenants in common of the following described real property situated in Baldwin County, Alabama, to-wit:

All of the Stewart Tract Section 39, Township 5 South, Range 2 East, EXCEPT the following described property:

EXCEPTION NO. 1: From the Southeast corner of Fractional Section 8, Township 5 South, Range 2 East, run North 1295.5 feet and West 7867 feet to the West side of the State Highway for a point of beginning; thence West 207 feet; thence North 416.5 feet; thence East 76 feet to the West margin of the aforesaid highway; thence South 17° 30 minutes East 436.7 feet to the beginning. Lot contains 1.38 acres, more or less.

EXCEPTION NO. 2: Start at the Southeast corner of Section 7, Township 5 South, Range 2 East, and run West 40.66 chains to a point; thence North 17.03 chains to a point; thence North 6.18 chains to a point of beginning; thence Easterly along the South line of Division 3 Section 8 to the West side of the public road as originally laid off, running from Daphne to Spanish Fort; thence Northerly along the West side of said road 50 feet; thence due West to Mobile Bay; thence Southerly along said Bay to the middle of the West line of Section 39; thence Easterly 8.70 chains to a point; thence South 3.09 chains to a point; thence East 9.51 chains to a point; thence Northerly to the point of beginning.

EXCEPTION NO. 3: That part of the said property which lies within the right of way of the paved road leading from Spanish Fort to Daphne in Baldwin County, Alabama.

3. Your complainant owns an undivided 59/120 interest in and to the above described property, and the respondent owns an undivided 61/120 interest in and to the above described property.

4. The above described property cannot be equitably divided between the joint owners thereof without a sale of the said property and a division of the proceeds.

5. It has been necessary for the complainant to employ a solicitor for the purpose of filing this suit to effect a division of the said property between the said joint owners and he has employed J. B. Blackburn of Bay Minette, Alabama, for this purpose.

PRAYER FOR PROCESS

Complainant prays that this Honorable Court will take jurisdiction of this/^{amended} bill of complaint and that due notice thereof in the manner prescribed by law will be given to the respondent, requiring him to appear and plead, answer or demur to this amended bill of complaint in the manner and within the time prescribed by law.

PRAYER FOR RELIEF

Complainant prays for the following separate and several relief:

A. That the above described property be ordered sold for the purpose of making a division thereof between the joint owners of the said property, who are the complainant and the respondent.

B. That the court will make and enter a proper order or decree fixing the solicitor's fee to be paid to the complainant's solicitor and making the said fee a common charge against the complainant and the respondent in proportion to their respective interests in the said property.

C. That such other orders be made and decrees rendered as may be requisite and proper in the premises.

Filed
12-1-59

J. B. Blackburn
Solicitor for Complainant

AMENDED BILL OF COMPLAINT

HENRY PHILLIPS,

VS.

Complainant,

A. G. ALLEGRI, SR.,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
DEC / 1959
ALICE A. DUCK, CLERK
REGISTER

*Sellus m Brantley one of the attorneys
for the Respondent in this, hereby accepts service
of this Amended Complaint. This the 1st Day
of Dec 1959*

Sellus m Brantley

HENRY PHILLIPS,)	
	)	IN THE CIRCUIT COURT OF
Complainant,	)	BALDWIN COUNTY, ALABAMA
VS.)	
	)	IN EQUITY
A. G. ALLEGRI, SR.,)	
)	
Respondent.)	

DECREE

This cause coming on to be heard on this date is submitted on the complainant's bill of complaint, as last amended, the respondent's answer thereto, and the stipulation of the parties to this cause, in which they stipulate and agree, among other things, that this cause be submitted for an interlocutory decree on the bill of complaint, as last amended, and the answer, upon consideration of all of which the court finds as follows:

A. The allegations of the bill of complaint, as last amended, are true.

B. The property involved in this suit, which is the property hereinafter described, cannot be equitably divided in kind and the interests of the parties in the said property are as follows: Complainant, Henry Phillips, an undivided 59/120 interest, and the respondent, A. G. Allegri, Sr., an undivided 61/120 interest.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The property involved in this suit, which is the following described real property situated in Baldwin County, Alabama, to-wit:

All of the Stewart Tract Section 39, Township 5 South, Range 2 East, EXCEPT the following described property:

EXCEPTION NO. 1: From the Southeast corner of Fractional Section 8, Township 5 South, Range 2 East, run North 1295.5 feet and West 7867 feet to the West side of the State Highway for a point of beginning; thence West 207 feet; thence North 416.5 feet; thence East 76 feet to the West margin of the aforesaid highway; thence South 17° 30' East 436.7 feet to the beginning. Lot contains 1.38 acres, more or less.

EXCEPTION NO. 2: Start at the Southeast corner of Section 7, Township 5 South, Range 2 East, and run West 40.66 chains to a point; thence North 17.03 chains to a point; thence North 6.18 chains to a point of beginning; thence Easterly along the South line of Division 3 Section 8 to

the West side of the public road as originally laid off, running from Daphne to Spanish Fort; thence Northerly along the West side of said road 50 feet; thence due West to Mobile Bay; thence Southerly along said Bay to the middle of the West line of Section 39; thence Easterly 8.70 chains to a point; thence South 3.09 chains to a point; thence East 9.51 chains to a point; thence Northerly to the point of beginning.

EXCEPTION NO. 3: That part of the said property which lies within the right of way of the paved road leading from Spanish Fort to Daphne in Baldwin County, Alabama, is jointly owned by the complainant and respondent in the proportions set out above and cannot be equitably divided.

2. The said property is hereby ordered sold for division between the complainant and the respondent, and the Register of this court is hereby authorized, empowered, directed and instructed to advertise the said property for sale at 11:30 o'clock A. M. on the 26th day of January, 1960, at the front door of the courthouse at Bay Minette in Baldwin County, Alabama, and give notice of the time, place and terms of the said sale once a week for three successive weeks in the Baldwin Times, a newspaper published in Baldwin County, Alabama, the first notice of which said publication shall appear in the issue of said paper of December 31, 1959.

3. The Register of this court is also authorized to give other notice of the said sale in addition to that provided above by such other publications in Baldwin County and in Mobile County, Alabama newspapers and tax the cost of such advertising as a part of the costs of this proceeding.

4. The Register of this court is authorized, empowered, instructed and directed to have a complete abstract of title made covering the said property for examination by prospective purchasers and tax the cost of such abstract as a part of the costs of this proceeding.

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

ORDERED, ADJUDGED AND DECREED on this the 29th day of December, 1959.


Judge

NOTICE OF SALE

STATE OF ALABAMA)
BALDWIN COUNTY)
*

In pursuance and in accordance with the terms and directions of a decree rendered by the Circuit Court of Baldwin County, Alabama, in Equity, in the case in which Henry Phillips is complainant and A. G. Allegri, Sr., is respondent, dated December 29, 1959, the undersigned Register of the Circuit Court of Baldwin County, Alabama, in Equity, will proceed to sell to the highest bidder for cash at public auction at the front door of the courthouse at Bay Minette in Baldwin County, Alabama, on the 26th day of January, 1960, at 11:30 o'clock A. M., the following described real property situated in Baldwin County, Alabama, to-wit:

All of the Stewart Tract Section 39, Township 5 South, Range 2 East, EXCEPT the following described property:

EXCEPTION NO. 1: From the Southeast corner of Fractional Section 8, Township 5 South, Range 2 East, run North 1295.5 feet and West 7867 feet to the West side of the State Highway for a point of beginning; thence West 207 feet; thence North 416.5 feet; thence East 76 feet to the West margin of the aforesaid highway; thence South 17° 30' East 436.7 feet to the beginning. Lot contains 1.38 acres, more or less.

EXCEPTION NO. 2: Start at the Southeast corner of Section 7, Township 5 South, Range 2 East, and run West 40.66 chains to a point; thence North 17.03 chains to a point; thence North 6.18 chains to a point of beginning; thence Easterly along the South line of Division 3 Section 8 to the West side of the public road as originally laid off, running from Daphne to Spanish Fort; thence Northerly along the West side of said road 50 feet; thence due West to Mobile Bay; thence Southerly along said Bay to the middle of the West line of Section 39; thence Easterly 8.70 chains to a point; thence South 3.09 chains to a point; thence East 9.51 chains to a point; thence Northerly to the point of beginning.

EXCEPTION NO. 3: That part of the said property which lies within the right of way of the paved road leading from Spanish Fort to Daphne in Baldwin County, Alabama.

The said land is to be sold under the said decree of the said court for the purpose of a division between the joint owners thereof, namely, Henry Phillips and A. G. Allegri, Sr.

Dated this 29th day of December, 1959.

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

J. B. BLACKBURN,
Attorney for complainant.

WILTERS & BRANTLEY,
Attorneys for respondent.

NOTICE OF SALE

HENRY PHILLIPS,

Complainant,

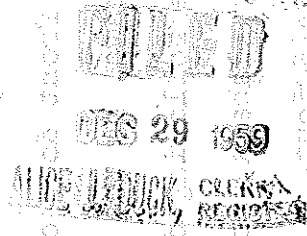
VS.

A. G. ALLEGRI, SR.,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY



Notary proposed here and to be used until 12, 01, 1960
Notary Public for Baldwin County, Alabama

and to execute this and other like and to be used until 12, 01, 1960
and to execute this and other like and to be used until 12, 01, 1960

and to execute this and other like and to be used until 12, 01, 1960
and to execute this and other like and to be used until 12, 01, 1960

Notary Public for Baldwin County, Alabama
and to execute this and other like and to be used until 12, 01, 1960

HENRY PHILLIPS,
Complainant,
vs.
A. G. ALLEGRI, SR.,
Respondent.

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

DECREE CONFIRMING SALE:

This cause coming on to be heard on this date is submitted for a decree confirming the sale of the property involved in this proceeding which is the property hereinafter described; upon the pleadings heretofore filed in this cause, the decree rendered in this cause on December 29, 1959, the Register's report of sale dated January 26, 1960, and the petition of the parties to this proceeding for confirmation of the said sale, upon consideration of all of which it is therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The sale of the property involved in this proceeding, which is the following described property situated in Baldwin County, Alabama, to-wit:

All of the Stewart Tract Section 39, Township 5 South, Range 2 East, EXCEPT the following described property:

EXCEPTION NO. 1: From the Southeast corner of Fractional Section 8, Township 5 South, Range 2 East, run North 1295.5 feet and West 7867 feet to the West side of the State Highway for a point of beginning; thence West 207 feet; thence North 416.5 feet; thence East 76 feet to the West margin of the aforesaid highway; thence South 17° 30' East 436.7 feet to the beginning. Lot contains 1.38 acres, more or less.

EXCEPTION NO. 2: Start at the Southeast corner of Section 7, Township 5 South, Range 2 East, and run West 40.66 chains to a point; thence North 17.03 chains to a point; thence North 6.18 chains to a point of beginning; thence Easterly along the South line of Division 3, Section 8 to the West side of the public road as originally laid off, running from Daphne to Spanish Fort; thence Northerly along the West side of said road 50 feet; thence due West to Mobile Bay; thence Southerly along said Bay to the middle of the West line of Section 39; thence Easterly 8.70 chains to a point; thence South 3.09 chains to a point; thence East 9.51 chains to a point; thence Northerly to the point of beginning.

EXCEPTION NO. 3: That part of the said property which lies within the right of way of the paved road leading from Spanish Fort to Daphne in Baldwin County, Alabama,

held on January 26, 1960, pursuant to the decree heretofore rendered in this cause which is referred to above, to Janice W. Barr, Edward M. Barr and Bertha O. Weber, for the sum of Twenty-two Thousand Five Hundred Dollars (\$22,500.00) which said purchase price has been paid, shall be and it is hereby confirmed.

2. Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, shall be, and she is hereby fully and completely authorized, empowered, instructed and directed to make, execute and deliver a deed to Janice W. Barr, Edward M. Barr and Bertha O. Weber, the said purchasers, conveying the above described property. The said deed when made and delivered shall convey all right, title and interest of the parties to this proceeding, namely, Henry Phillips and A. G. Allegri, Sr., to all of the above described property.

3. By consent of the parties to this cause, acting by and through their respective attorneys, this cause shall be, and it is hereby set for a further hearing at 9:00 o'clock A. M., on January 28, 1960, for the purpose of taking testimony relative to the amount of attorney's fee to be paid to the complainant's attorney of record and such other testimony as will enable the Court to order a distribution of the proceeds of the said sale and make a final disposition of this cause.

4. The Register of this Court shall forthwith file a certified copy of this decree and a certified copy of the decree heretofore rendered in this cause and dated December 29, 1959, for record in the Office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

ORDERED, ADJUDGED AND DECREED on this the 27th day of January, 1960.



Judge.

FILED
JAN 27 1960
ALICE J. DUCK, CLERK
REGISTER

m

DECREE CONFIRMING SALE

HENRY PHILLIPS,
Complainant,
vs.
A. G. ALLEGRI, SR.,
Respondent.

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

FILED
JAN 27 1980
MAYOR CLERK
PUBLIC REGISTER

HENRY PHILLIPS,	)	IN THE CIRCUIT COURT OF
Complainant,	)	BALDWIN COUNTY, ALABAMA
vs.)	
A. G. ALLEGRI, SR.,	)	IN EQUITY.
Respondent.)	

MOTION FOR ORAL EXAMINATION OF WITNESSES:

Now comes the Complainant, by his Attorney, and moves the Court to take the testimony of Telfair J. Mashburn, Jr., J. Connor Owens and Alice J. Duck, orally as provided by Equity Rule #56 of the 1940 Code of Alabama, as amended, witnesses for the Complainant in this cause in the hearing that has been set for this date.

DATED this 28th day of January, 1960.

J. B. Blackburn
 Attorney for Complainant.

ORDER:

STATE OF ALABAMA)
 *)
 BALDWIN COUNTY)

The relief prayed for in the above motion shall be, and it is hereby granted and the testimony of the above named witnesses is hereby ordered to be taken orally in the manner provided by Equity Rule #56 of the 1940 Code of Alabama, as amended.

ORDERED, ADJUDGED AND DECREED on this the 28th day of January, 1960.

Robert M. Hall
 Judge.

The Baldwin Times

"Baldwin's Only All County Newspaper"

BAY MINETTE, ALABAMA

J. H. FAULKNER, Publisher
E. R. MORRISSETTE, Jr., Editor-Manager

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

E. R. Morrisette, Jr., being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Notice of Sale: Phillips vs. Allegri

COST STATEMENT

444 WORDS @ 5 cents = \$ 22²⁰

I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette, Jr.
Editor.

was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication Dec. 31, 1959 Vol. 71 No. 51

Date of 2nd publication Jan 7, 1960 Vol. 71 No. 52

Date of 3rd publication Jan 14, 1960 Vol. 72 No. 1

Date of 4th publication _____, 19____ Vol. _____ No. _____

Subscribed and sworn before the undersigned this 15 day of Jan, 1960

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette, Jr.
Editor.

STATE OF ALABAMA,
BALDWIN COUNTY.

In pursuance and in accordance with the terms and directions of a decree rendered by the Circuit Court of Baldwin County, Alabama, in Equity, in the case in which Henry Phillips is complainant and A. G. Allegri, Sr. is respondent, dated December 29, 1959, the undersigned Register of the Circuit Court of Baldwin County, Alabama, in Equity, will proceed to sell to the highest bidder for cash at public auction at the front door of the court house at Bay Minette in Baldwin County, Alabama, on the 25th day of January, 1960, at 11:30 o'clock a.m., the following described real property situated in Baldwin County, Alabama, to-wit:

All of the Stewart Tract Section 39, Township 5 South, Range 2 East, EXCEPT the following described property:

EXCEPTION NO. 1: From the Southeast corner of Fractional Section 39, Township 5 South, Range 2 East, 417.5 feet North and West 7667 feet to the West side of the State Highway for a point of beginning; thence West 207 feet; thence North 417.5 feet; thence East 76 feet to the West side of the above said highway; thence South 17 degrees 30' East 436.7 feet to the beginning. Lot contains 1.38 acres, more or less.

EXCEPTION NO. 2: Start at the Southeast corner of Section 7, Township 5 South, Range 2 East, and run West 40.66 chains to a point; thence North 1703 chains to a point; thence North 61.8 chains to a point; thence East 1703 chains along the South line of Division 3 Section 8 to the West side of the public road or originally laid out, running from Daphne to Spanish Fort; thence Northerly along the West side of said road 50 feet; thence due West to Mobile Bay; thence Southerly along said Bay to the middle of the West line of Section 39; thence Easterly 8.70 chains to a point; thence South 3.00 chains to a point; thence East 9.51 chains to a point; thence Northerly to the point of beginning.

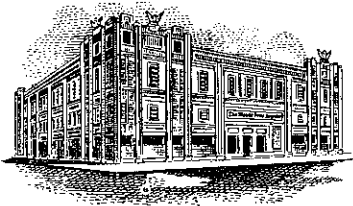
EXCEPTION NO. 3: That part of the said property which lies within the right-of-way of the paved road leading from Spanish Fort to Daphne in Baldwin County, Alabama.

The said land as to be sold under the said decree of the said court for the purpose of a division between the joint owners thereof, namely, Henry Phillips and A. G. Allegri, Sr.

Dated this 29th day of December, 1959.

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

J. B. BLACKBURN,
Attorney for complainant.
WILKES & BRANTLEY,
Attorneys for respondent.



The Mobile Press Register

MORNING

EVENING

SUNDAY

PHONE HEmlock 3-1551

P. O. BOX 1609

MOBILE 9, ALABAMA

RALPH B. CHANDLER, Publisher
W. J. HEARIN, JR., General Manager

NOTICE OF SALE

State of Alabama, Baldwin County.
In pursuance and in accordance with the terms and directions of a decree rendered by the Circuit Court of Baldwin County, Alabama, in Equity, in the case in which Henry Phillips is complainant and A. G. Allegri, Sr., is respondent, dated December 29, 1959, the undersigned Register of the Circuit Court of Baldwin County, Alabama, in Equity, will proceed to sell to the highest bidder for cash at public auction at the front door of the courthouse at Bay Minette in Baldwin County, Alabama, on the 25th day of January, 1960, at 11:30 o'clock a.m., the following described real property situated in Baldwin County, Alabama, to-wit:

All of the Stewart Tract Section 8, Township 3 South, Range 2 East, except the following described property:

Exception No. 1: From the Southeast corner of Fractional Section 8, Township 3 South, Range 2 East, run North 122 feet and West 7867 feet to the West side of the State Highway for a point of beginning; thence West 207 feet; thence North 416.5 feet; thence East 200 feet to the West margin of the road; thence said highway; thence South 175° 30' E 436.7 feet to the beginning. Lot contains 1.28 acres, more or less.

Exception No. 2: Start at the Southeast corner of Section 7, Township 3 South, Range 2 East, and run West 40 chains to a point; thence North 170 chains to a point; thence North 6 chains to a point of beginning; thence Easterly along the South line of Section 3 to the West side of the public road as originally laid off, running from Daphne to Spanish Fort; thence Northerly along the West side of said road 50 feet; thence due West to Mobile Bay; thence Southerly along said Bay to the middle of the West line of Section 29; thence Easterly 870 chains to a point; thence South 3.09 chains to a point; thence East 9.51 chains to a point; thence Northerly to the point of beginning.

Exception No. 3: That part of the said property which lies within the right-of-way of the paved road leading from Spanish Fort to Daphne in Baldwin County, Alabama.

The said land is to be sold under the said decree of the said court for the purpose of a division between the said owners thereof, namely, Henry Phillips and A. G. Allegri, Sr.

Dated this 29th day of December, 1959.
E. J. DUCK,

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

J. B. BLACKBURN,
Attorney for Complainant.
WILTERS & BRANTLEY,
Attorneys for Respondent.

Press Register, Jan. 17, 1960

W.F. Egan being sworn, says
Office
that he is Manager of the

Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The

~~Mobile Press, The Mobile Register~~
Mobile Press Register
Jan 17.24 19 60

Sworn to and subscribed before me

This 25th day of January 1960

Stan E. Miller Jr.
Notary Public

LEGAL INVOICE

The Mobile Press Register

GOVERNMENT AT CLAIBORNE ST.
P. O. BOX 1609 DIAL HE 3-1551
MOBILE, ALABAMA

Alice J Duck
Register of the Circuit Court
% Baldwin County
Bay Minette, Ala.

DATE	CAPTION	TIMES RUN	PAPER	RUNNING DATES	CHARGES
JAN 160	<p>HENRY PHOLLIPS VS A G ALLEGRI</p> <p>NOTICE OF SALE State of Alabama, Baldwin County. In pursuance and in accordance with the terms and directions of a decree rendered by the Circuit Court of Baldwin County, Alabama, in Equity, in the case in which Henry Phillips is complainant and A. G. Allegri, Sr., is respondent, dated December 29, 1959, the undersigned Register of the Circuit Court of Baldwin County, Alabama, in Equity, will proceed to sell to the highest bidder for cash at public auction at the front door of the courthouse at Bay Minette, Baldwin County, Alabama, on the 26th day of January, 1960, at 11:30 o'clock a.m., the following described real property situated in Baldwin County, Alabama, to-wit:</p> <p>All of the Stewart Tract Section 27 Township 5 South, Range 2 East, except the following described property:</p> <p>Exception No. 1: From the Southeast corner of Fractional Section 8, Township 5 South, Range 2 East, run North 126 feet and West 7867 feet to the West side of the State Highway for a point of beginning; thence West 207 feet; thence North 418.5 feet; thence East 40 feet to the West margin of the aforesaid highway; thence South 172.30 feet; thence East 436.7 feet to the beginning. Lot contains 1.38 acres, more or less.</p> <p>Exception No. 2: Start at the Southeast corner of Section 7, Township 5 South, Range 2 East, and run West 40 chains to a point; thence North 170 chains to a point; thence North 60 chains to a point of beginning; thence Easterly along the South line of Division 3 Section 8 to the West side of the public road as originally laid out, running from Daphne to Spanish Fort; thence Northerly along the West side of said road 50 feet; thence due West to Mobile Bay; thence Southerly along said Bay to the middle of the West line of Section 39; thence Easterly 6.70 chains to a point; thence South 3.09 chains to a point; thence East 9.51 chains to a point; thence Northerly to the point of beginning.</p> <p>Exception No. 3: That part of the said property which lies within the right-of-way of the paved road leading from Spanish Fort to Daphne in Baldwin County, Alabama.</p> <p>The said land is to be sold under the said decree of the said court for the</p>	2	PR REG	JAN 17.24	16.10

BAY MINETTE, ALA.

27 JANUARY 1960

MR. ALICE J. DUCK
CLERK, CIRCUIT COURT OF BALDWIN COUNTY
BAY MINETTE, ALABAMA

IN ACCOUNT WITH
J. A. ERTZINGER & SON

ABSTRACTS, INSURANCE, BONDS

ERTZINGER BUILDING
ESTABLISHED 1909

ABSTRACT OF TITLE TO PROPERTY IN SEC 39-5-2
PHILLIPS AND ALLEGRI

\$110.50

BAY MINETTE, ALA.

27 JANUARY 1960

MRS. ALICE J. DUCK
CLERK, CIRCUIT COURT OF BALDWIN COUNTY
BAY MINETTE, ALABAMA

IN ACCOUNT WITH
J. A. ERTZINGER & SON

ABSTRACTS, INSURANCE, BONDS

ERTZINGER BUILDING
ESTABLISHED 1909

ABSTRACT OF TITLE TO PROPERTY IN SEC 39-5-2
PHILLIPS AND ALLEGRI

\$110.50