I, Frances Carlene Smith Wasson, subject of a guardianship pending in the Circuit Court of Baldwin County in which court my father, Herman E. Smith, was named my guardian and as such disposed of my interest in certain lands and holds the monies received thereunder as my duly appointed guardian do by this instrument acknowledge receipt in full of said guardian of the said monies being the sum of Fifteen Hundred ($1500.00) Dollars less the necessary expenses which I hereby confirm and approve and do by this instrument waive the filing of any vouchers or accounting in this settlement and consent to an order discharging the said Herman E. Smith as my guardian in this Honorable Court.

This the 21st day of May, 1960.

Frances Carlene Smith Wasson

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Frances Carlene Smith Wasson, who is known to me, and who being informed of the contents of the foregoing instrument, voluntarily executed the same the day the same bears date.

Given under my hand this 21st day of May, 1960.

Notary Public, Baldwin County, Alabama

4118

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared, Frances Carlene Smith Wasson, who being known to me deposes and says that:

My name is Frances Carlene Smith. I married Vance D. Wasson in Mobile County on January 15, 1959, and have resided with him since that occasion as his wife.

I claim my privileges as a married woman in accordance with the provision of Title 34, Section 76 and by these provisions do this day execute an acknowledgment, waiver and release of guardianship for the purpose of closing my privileges of the guardianship aforesaid.

Witness my hand and seal this 21st day of May, 1960.

Frances Carlene Smith (Wasson) (SEAL)

Sworn to and subscribed to before me this 21st day of May, 1960.

Notary Public, Baldwin County, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared, Ethel Lurlene Smith Davis, who being known to me deposes and says that:

My name is Ethel Lurlene Smith Davis. I married Donald Davis in Mobile County on November 18, 1960, and have resided with him since that occasion as his wife.

I claim my privileges as a married woman in accordance with the provision of Title 34, section 76 and by these provisions do this day execute an acknowledgment, waiver and release of guardianship for the purpose of closing my privileges of the guardianship aforesaid.

Witness my hand and seal this 29 day of Dec, 19__.

Ethel Lurlene Smith Davis

Sworn to and subscribed to before me this 29 day of Dec, 1960

C. LeDoy Thompson
Notary Public, Baldwin County, Alabama

As the husband of Ethel Lurlene Smith Davis, I hereby consent and agree to the above settlement.

Donald Davis

Acknowledged before me this the 29 day of December, 1960.

C. LeDoy Thompson
Notary Public

IN RE: THE ESTATE OF	X	IN THE CIRCUIT COURT OF
	X	
FRANCES CARLINE SMITH and	X	BALDWIN COUNTY, ALABAMA
ETHEL LURLENE SMITH, minors	X	

4118

DECREE

This being the day regularly appointed by the Court for the final settlement of the guardianship of Herman E. Smith as guardian of Frances Carline Smith Wasson and Ethel Lurlene Smith Davis, minors, and it appearing to the Court that said Frances Carline Smith Wasson, is now a minor, over the age of 18 years and married and that the said Ethel Lurlene Smith Davis, who is now over the age of 18 and married and that said Frances Carline Smith Wasson and Ethel Lurlene Smith Davis have filed a paper in writing in this Court waiving notice of said petition for final settlement, and waiving the filing of vouchers and receipts by the guardian as to his acts and doings as such guardian, consenting that said settlement be made and acknowledging full payments and receipt of all money and other property due them from said guardian, and consenting that said settlement be had without further notice to them, and that said guardian and the sureties on his bond be discharged;

And it further appearing to the Court that the Fidelity & Casualty Company of New York, as surety on the bond of said guardian, has filed a paper in writing in this Court waiving notice of said petition and consenting that said guardian be discharged without further notice to it;

And it further appearing to the Court that all Court costs in this administration of said guardianship have been paid, including the costs in this final settlement;

It is, therefore, ordered, adjudged and decreed by the Court, that Herman E. Smith, as guardian of Frances Carline Smith Wasson and Ethel Lurlene Smith Davis, minors, and the sureties on his bond be and they are hereby discharged from all further liability;

It is further ordered, adjudged and decreed by the Court, that all proceedings be recorded.

Done this 10 day of January, 1961.

Hubert M Hare
Circuit Judge

FILED
JAN 10 1961
ALICE J. DUCK, CLERK REGISTER

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

TO THE HONORABLE H. M. HALL, JUDGE OF CIRCUIT COURT OF SAID COUNTY:

Your petitioner, Herman E. Smith, respectfully represents and shows unto your Honor that he was appointed guardian of the estate of Frances Carlene Smith Wasson and Ethel Lurlene Smith Davis, minors, on the 24 day of March, 195[illegible]; that said minors have now arrived at a legal age of 18 years inasmuch as both girls have married; and that Herman E. Smith, as guardian, has made a full and final settlement with said wards and has paid over to each of them all of the assets of said estate in his hands and praying that this be taken as and for his account for a final settlement of his guardianship of said estate, and that he be discharged from all other or further liability on account of his guardianship of said estate.

And further that he has attached hereto receipts and waivers executed by the said minors which he makes a part of this petition and respectfully asks he be discharged as guardian from all other and further liability on acoount of his said guardianship.

Herman E. Smith

Sworn to and subscribed before me, this the 29th day of December, 1960.

C. Dan Thompson
Notary Public

Book 24 - Page - 113A

IN RE: THE ESTATE OF	X	IN THE CIRCUIT COURT OF
	X	
FRANCES CARLINE SMITH and	X	BALDWIN COUNTY, ALABAMA
ETHEL LURLENE SMITH, minors	X	

Comes the undersigned, The Fidelity & Casualty Company of New York, a corporation, a surety upon the guardianship bond of Herman E. Smith, as guardian of the estate of Frances Carline Smith Wasson and Ethel Lurlene Smith Davis, minors, and accepts service of notice of the filing by the said Herman E. Smith, as guardian, of a petition for final settlement of said guardianship estate and does hereby waive formal notice of the same and consents that the said Herman E. Smith may be discharged as such guardian, without further notice to the undersigned; and does expressly relieve said guardian from filing the vouchers in said estate and any other or further account of said guardianship.

In witness whereof, The Fidelity & Casualty Company of New York, a corporation, has caused its hand and seal to be affixed to this instrument this 30 day of December, 1960.

FIDELITY & CASUALTY COMPANY OF NEW YORK

BY: Walter Lindsey
Its Attorney-in-Fact.

STATE OF ALABAMA
BALDWIN COUNTY

I, C. LeRoy Thompson, a notary public, in and for said County, in said State, hereby certify that Walter M. Lindsey, whose name as attorney-in-fact of The Fidelity & Casualty Company of New York, a corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and notarial seal this the 30 day of Dec, 1960.

C. LeRoy Thompson
Notary Public, Baldwin County, Alabama

113C

I, Ethel Lurlene Smith Davis, subject of a guardianship pending in the Circuit Court of Baldwin County in which court my father, Herman E. Smith, was named my guardian and as such disposed of my interest in certain lands and holds the monies received thereunder as my duly appointed guardian do by this instrument acknowledge receipt in full of said guardian of the said monies being the sum of $1500.00 less the necessary expenses which I hereby confirm and approve and do by this instrument waive the filing of any vouchers or accounting in this settlement and consent to an order discharging the said Herman E. Smith as my guardian in this Honorable Court.

This the 29 day of Dec, 1960

Ethel Lurlene Smith Davis

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Ethel Lurlene Smith Davis, who is known to me, and who being informed of the contents of the foregoing instrument, voluntarily executed the same the day the same bears date.

Given under my hand this 29 day of Dec, 1960

C. LeDoris Thompson
Notary Public, Baldwin County, Alabama

$500

IN RE: ESTATE OF FRANCES CARLINE SMITH AND ETHEL LURLENE SMITH, Minors.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

TESTIMONY TAKEN IN OPEN COURT.

MR. H. B. McGILL, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

DirectExamination by Mr. Thompson.

Q. Mr. McGill, do you know Herman E. Smith, who formerly lived at Perdido?

A. Yes I do.

Q. Do you know the daughters of Herman E. Smith who are Frances Carline Smith and Ethel Lurlene Smith?

A. I do.

Q. Do you know the Northeast Quarter of Northeqst Quarter, Section 35, Township 1 North, Range 4 East, containing 40 acres more or less, purchased by Herman E. Smith in the name of the two girls above named?

A. I do.

Q. Are you familiar with the reasonable market value of real estate i in that vicinity?

A. I believe so.

Q. You have bought and sold real estate in that vicinity?

A. I have.

Q. In fact, you sold that piece of property?

A. I did.

Q. Referring particularly to that piece of property, would you be able to state to the Judge the reasonable market value of it?

A. I believe so. The timber has been cut off--

Q. It has been cut clean, except for scrub and small stuff?

A. That is right. Part of this 40 acres is in the swamp -- the biggest portion of it -- in fact, it crosses a big swamp.

Q. Would you say the reasonable market value of that tract of land would be more than $2500.00?

A. No I would not; it might be slightly under that.

Q. Slightly under $2500.00?

A. Yes sir.

Q. Of that tract of land could you state to the Court any specific amount that would be suitable for what you state as good farming land?

A. You are speaking of the number of acres?

Q. Yes?

A. I doubt if more than five acres.

Q. Would be good farm land?

A. Yes.

Q. Do you have any personal knowledge of the frame building that has been erected on that property since you sold it?

A. Yes I do.

Q. Would you know the size of the building or the quality of the lumber?

A. No I would not know the size nor quality.

Q. From your knowledge of the building and of the land you are convinced then as to the value?

A. Well that is my personal opinion.

Q. On that basis the renal value would be high or low --the basis of your knowledge of the property?

A. You are speaking of the rental value of the forty acres, plus the building s that might be on it?

Q. Yes

A. That, as well as other property in Perdido, the rental value is low.

Q. Would it, in your opinion, Mr. McGill, with the family living out of the County, be to the best interest of the children that the property be kept or sold for $2500.00?

A. Sold for $2500.00, I would say, definitely. Any ordinary property you rent the depreciation and repairs eat it up - at least the places I rent do that.

Q. Taxes, insurance, depreciation and repairs would eat it up?

A. Yes. You have no farm land to speak of and what you would do would be to wait on the timber to grow, which is away in the

FUTURE.

ON CROSS EXAMINATION, WITNESS TESTIFIED:

Examination by Mr. Swearingen, Guardian Ad Litem.

Q. Is there any hardwood timber on the swampy area of this land?

A. Not of any consequence because it has been cut out in recent years and hardwood is slow to grow back.

Q. The hardwood as well as the pine timber has been cut out?

A. Yes sir.

Q. Do you know who built the house on the property?

A. I think so - I am sure Herman Smith did.

Q. The property would bring in very little so far as rental is concerned, even considering the fact that the house is on it?

A. It definitely would. In figures, would you care for my estimate?

Q. Yes?

A. I would say $15 to $18. a month - $20.00 as a maximum- When you think of a monthly rental that does not mean that you will get 12 months rent, because there is a turn-over.

CERTIFICATE:

I hereby certify that the foregoing is a true and correct transcript of the testimony in the above styled cause, as taken by me on this 7th day of October, 1957.

Court Reporter

O. W. LILES, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Thompson.

Q. You are O. W. Liles?

A. Yes sir.

Q. Mr. Liles, what is your business?

A. Real estate and timber.

Q. You buy and sell real estate?

A. Yes sir.

Q. Are you familiar with the reasonable market price of real estate in the vicinity of Perdido in Baldwin County, Alabama?

A. Yes I am.

Q. Referring to the Northeast Quarter of the Northeast Quarter of Section 35, Township 1 North of Range 4 East, in Baldwin County, being the 40 acres near Perdido that was occupied by Mr. Smith and his daughters, have you had occasion to look at that forty acres of land?

A. Yes sir, I bought the timber from Mr. Smith some several years ago and I have looked over it recently also.

Q. Would you describe the land and the condition of the timber as it is now for the purpose of valuing it?

A. It has a very good stand of young pine timber and also a stand on approximately 50% of hardwood timber, which will be merchantable in time and the house on the land I would say is worth about half the value of the property; I would say there is about 50% value in the home and 50% value in the land.

Q. What would be the total value for the house and the land?

A. Well I think it is about $1250.00 each --$2500.00 value.

Q. From the condition of the property would you be able to state the reasonable rental value?

A. Well I don't think it would be too good rental property; I think it could be rented and that around $25.00 a month for the house--

q. The land is of no value for rental?

A. No sir, not for farm purposes - only a small pasture and a garden maybe.

Q. In view of the conditions of this property, weighing the matter of taxes and depreciation, in your judgment, as a real estate dealer, would you recommend to the Court that the property be sold for re-investment, or would it be more profitable for these girls to keep it, since they are not residents of the County?

A. Well I would think it would be better to sell it for re-investment.

Q. The condition of the timber at present would not produce a regular income?

A. Definitely not.

NO CROSS EXAMINATION BY GUARDIAN ADLITEM.

HERMAN E. SMITH, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Thompson.

Q. You are Herman E. Smith?

A. Correct.

Q. You are the father and guardian of Frances Carlene Smith and Ethel Lurlene Smith?

A. Correct.

Q. Do you know this property that is the subject of the petition for sale?

A. Yes sir.

Q. For the record, would you state to the Court what you paid for the property, if you recall?

A. Well the 40 acres I paid $400.00 for it.

Q. And the house is built out of what kind of material?

A. Number three pine lumber.

Q. Is any of it used lumber?

A. No sir, wasn't any used lumber, but it was all number three lumber.

Q. Where are you living at the present time?

A. Saraland, Alabama.

Q. Im Mobile County, Alabama?

A. Yes sir.

Q. You had to follow your employment there?

A. Correct.

Q. The girls, of course, reside with you?

A. Yes sir.

Q. These two young ladies are the two young ladies named in the petition?

A. Yes sir.

Q. State their names and ages?

A. Carlene Smith, age 16 and Lurlene Smith, will be 15 the 17th day of October.

Q. Have you had an offer for this property from John B. Smith and G. R. Swift, Jr. for $2500.00?

A. Yes sir.

Q. In your best judgment is that a good price - reasonably good price for this property?

A. Well I think it is.

Q. From your own knowledge of living around Perdido is it easy or difficult to rent a house to respsnsible people?

A. Well it is difficult - you can't get no one there to take care of your place.

Q. And you feel that it is to the best interest of these girls to sell this property for re-investment?

A. Yes I do, because there is nothing growing around Perdido.

Q. You heard the description of the property by Mr. Liles?

A. Yes sir.

Q. Do es that pretty well cover the description?

A. Yes sir.

<u>EXAMINATION BY GUARDIAN AD LITEM:</u>

Mr. Swearingent.

Q. How large is the house?

A. Six rooms and a bath.

Q. Do you have any rough estimate of the value of the material that went into the house?

A. Well the value of the material that went into that house --

I don't know just off-hand, because I bought it at separate times; I bought and paid for everything as I went along.

Q. How old is the house?

A. It was built in '43.

ON RE-DIRECT EXAMINATION BY MR. THOMPSON.

Q. Is the house showing any signs of needing repair?

A. Yes sir, the front and back porch both are falling down -- the front porch has rotted out already -- the blocks are rotted out-

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

I hereby certify that the foregoing, consisting of pages 1 to 7 both inclusive, is a true and correct transcript of the testimony in the captioned case, as taken by me in open Court on this day.

This 7th day of October, 1957.

Court Reporter

IN RE THE ESTATE OF FRANCES CARLINE SMITH AND ETHEL LURLENE SMITH, MINORS	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

This cause coming on to be heard for final decree is submitted upon the pleading and proof as noted by the Register, and the same being considered by the Court, and it appearing therefrom that Frances Carline Smith and Ethel Lurlene Smith, minors, each own an undivided one-half interest in and to the following described land situate in the County of Baldwin, State of Alabama, to-wit:

Northeast Quarter of Northeast Quarter of Section 35, Township One North of Range Four East, containing 40 acres more or less.

that the title is derived from a warranty deed to said lands purchased in their name and is owned jointly by the said minors; and that the said John B. Swift and G. R. Swift, Jr., have offered to buy the said lands for and at the sum of Two Thousand Five Hundred ($2500.00) Dollars cash; and that the said price is the fair and reasonable market value of said property; that the same is of such character and condition, that the said Frances Carline Smith and Ethel Lurlene Smith can not reap any benefit therefrom, they being non-residents of Baldwin County, Alabama residing in Mobile County, and the said lands having no reasonable rental value; that there is no marketable timber thereon and the said minors can make no use of said lands nor have they any income from which to pay the taxes on the same and the cost of looking after the said lands; and that it is to the best interest of the said minors that the said lands be sold for the said price and for cash; and that the same sold in such manner would produce more net return to the said minors than would a sale of the said property at public outcry.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the sale of the said property above described to John B. Swift and G. R. Swift, Jr., for and at the sum of Two Thousand Five Hundred ($2500.00) Dollars cash, by Herman E. Smith as guardian of Frances Carline Smith and Ethel Lurlene Smith, be and the same is hereby ratified and confirmed, and the said Herman E. Smith, as guardian of Frances Carline Smith and Ethel Lurlene Smith, be and is hereby authorized, directed and required by this Court to execute and deliver to John B. Swift and G. R. Swift Jr., a proper deed of conveyance conveying to them the fee simple title of said minors in and to the said lands.

IT IS THEREFORE FURTHER ORDERED, ADJUDGED AND DECREED, that the said Herman E. Smith, as guardian of said minors, cause to be made abstracts of title to the properties conveyed to John B. Swift and G.R.Swift, Jr., in accordance with his contract with them.

Done this 7th day of October, 1957.

Hubert M Hall

CIRCUIT JUDGE

IN RE THE ESTATE OF FRANCES CARLINE SMITH AND ETHEL LURLENE SMITH, MINORS	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

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

Comes your petitioner Herman E. Smith as guardian of the estate of Frances Carline Smith and Ethel Lurlene Smith, minors and respectfully shows unto your honor as follows:

FIRST

That the said Frances Carline Smith and Ethel Lurlene Smith are minors, whose ages are 16 and 14 years, respectively and were residents of Baldwin County, Alabama that your Petitioner who is their father, was a resident of Baldwin County, Alabama, by order of the Probate Court of Baldwin County on March 24, 1952, duly appointed and qualified as guardian of the persons and estates of the said minors.

That on to-wit September 3, 1957 this Honorable Court made and entered an order transferring the administration of the said estates to this Court and the said estates are on this date being administered under the jurisdiction of this Honorable Court.

SECOND

Petitioner further shows that the said Frances Carline Smith and Ethel Lurlene Smith, minors are presently residing with your Petitioner at Rt. 1, Box 499 Z, Saraland, Alabama, and that they own as tenants in common in their own right the full fee simple title to the following described lands:

> The Northeast quarter of the Northeast quarter of Section 35 Township 1 North of Range 4 East, in Baldwin County, Alabama, containing 40 acres more or less.

THIRD

Petitioner further shows unto your Honor that John D. Swift and G. R. Swift Jr., d/b/a Swift Lumber Company has offered to this Petitioner as guardian of the said Frances Carline Smith and Ethel Lurlene Smith, minors, the sum of Two Thousand Five Hundred & no/100 ($2500.00) Dollars for a merchantable fee simple title to said property free of incumbrances described as follows:

> The Northeast quarter of the Northeast quarter of Section 35 Township 1 North of Range 4 East, in Baldwin County, Alabama, containing 40 acres more or less.

that the said sum is the fair and reasonable market value of the said property and it is to the interest of the said minors and of their estates that their

interest in the said property be sold at the said private sale to the said John B. Swift and G. R. Swift d/b/a Swift Lumber Company; and that your Petitioner has entered into a contract subject to the approval of this court to sell the said lands to them at said private sale payable in cash upon delivery of a warranty deed; that the same is a fair and reasonable market value of said property and by the said contract of sale your petitioner is to furnish to the said purchasers a merchantable abstract showing fee simple title clear of encumbrances vested in Frances Carline Smith and Ethel Lurlene Smith.

FOURTH

Your Petitioner further shows that the said Frances Carline Smith and Ethel Lurlene Smith have him by blood in this state of whom Dempsey Smith and Albert Smith are adult next of kin to said minors and reside in the State of Alabama at Rt. 1, Box 449, Saraland, Alabama and that said next of kin have no interest in this real estate; that the properties aforesaid are not income producing, the timbers having been cut from the said lands and they will not be income producers for many years; that the said properties are a continuous source of expense in the payment of taxes, of insurance, and in looking after same; That said property has no rental value.

WHEREFORE, Petitioner prays that the said Frances Carline Smith and Ethel Lurlene Smith, minors who are presently residing at Rt. 1, Box 449 K, Saraland, Alabama be made party Defendants to this petitione and that due and proper notice issue to each of them and upon the final hearing of this petition this Honorable Court will make and enter an order and decree confirming the sale by this Petitioner as guardian aforesaid, of the said lands described in paragraph third to John B. Swift and G. R. Swift Jr., d/b/a Swift Lumber Company for the sum of Two Thousand Five Hundred 1 no/100 ($2500.00) Dollars payable in cash; and that this petitioner be authorized and directed to execute and deliver proper conveyance of the said lands to the said purchasers upon their paying to him as guardian aforesaid the purchase price named herein. And this Petitioner prays for all such other, further or different relief, ordons, decrees and writs, as shall be necessary and proper in the premises and offers to do and perform whatsoever this Honorable Court shall require of him.

Herman E. Smith
Petitioner.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County this day personally appeared Herman E. Smith, who is known to me and who being by me first duly sworn doth depose and say that he has read the foregoing petition and that the matters alleged are true.

Herman E Smith

Sworn to and subscribed before me on this the 30 day of Aug, 1957.

filed Aug. 31, 1957
Alice J. Black

Executed Aug. 31, 1957
By service on. Carline Smith
Lurlene Smith, Dempsey Smith
+ Albert Smith

Notary Public, Baldwin County, Alabama.

Received 31 day of Aug 19
and 31 day of Aug. 19
I served a copy of the within Notice
on Carline Smith Turner
Smith, Dempsey Smith &
Albert Smith, the Adult
Name Persons.
By service on
TAYLOR WILKINS, Sheriff
By [illegible] D.S.
Osos,

4118

Ex parte
Carline Smith and
Lurlene Smith

FILED
AUG 31 1957
ALICE J. DUCK, Register

IN RE THE ESTATE OF FRANCES CARLINE SMITH AND ETHEL LURLENE SMITH, MINORS	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

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

Comes your petitioner Herman E. Smith as guardian of the estate of Frances Carline Smith and Ethel Lurlene Smith, minors and respectfully shows unto your honor as follows:

FIRST

That the said Frances Carline Smith and Ethel Lurlene Smith are minors, whose ages are 16 and 14 years, respectively and were residents of Baldwin County, Alabama that your Petitioner who is their father, was a resident of Baldwin County, Alabama, by order of the Probate Court of Baldwin County on March 24, 1952, duly appointed and qualified as guardian of the persons and estates of the said minors.

That on to-wit September 3, 1957 this Honorable Court made and entered an order transferring the administration of the said estates to this Court and the said estates are on this date being administered under the jurisdiction of this Honorable Court.

SECOND

Petitioner further shows that the said Frances Carline Smith and Ethel Lurlene Smith, minors are presently residing with your Petitioner at Rt. 1, Box 499 X, Saraland, Alabama, and that they own as tenants in common in their own right the full fee simple title to the following described lands:

> The Northeast quarter of the Northeast quarter of Section 35 Township 1 North of Range 4 East, in Baldwin County, Alabama, containing 40 acres more or less.

THIRD

Petitioner further shows unto your Honor that John B. Swift and G. R. Swift Jr., d/b/a Swift Lumber Company has offered to this Petitioner as guardian of the said Frances Carline Smith and Ethel Lurlene Smith, minors, the sum of Two Thousand Five Hundred & no/100 ($2500.00) Dollars for a merchantable fee simple title to said property free of incumbrances described as follows:

> The Northeast quarter of the Northeast quarter of Section 35 Township 1 North of Range 4 East, in Baldwin County, Alabama, containing 40 acres more or less.

that the said sum is the fair and reasonable market value of the said property and it is to the interest of the said minors and of their estates that their

interest in the said property be sold at the said private sale to the said John E. Swift and G. E. Swift d/b/a Swift Lumber Company; and that your Petitioner has entered into a contract subject to the approval of this court to sell the said lands to them at said private sale payable in cash upon delivery of a warranty deed; that the same is a fair and reasonable market value of said property and by the said contract of sale your petitioner is to furnish to the said purchasers a merchantable abstract showing fee simple title clear of encumbrances vested in Frances Carline Smith and Ethel Burlene Smith.

FOURTH

Your Petitioner further shows that the said Frances Carline Smith and Ethel Burlene Smith have kin by blood in this state of whom Dempsey Smith and Albert Smith are adult next of kin to said minors and reside in the State of Alabama at Rt. 1, Box 149, Sarsland, Alabama and that said next of kin have no interest in this real estate; that the properties aforesaid are not income producing, the timbers having been cut from the said lands and they will not be income producers for many years; that the said properties are a continuous source of expense in the payment of taxes, of insurance, and in looking after same. That said property has no rental value.

WHEREFORE, Petitioner prays that the said Frances Carline Smith and Ethel Burlene Smith, minors who are presently residing at Rt. 1, Box 149 1, Sarsland, Alabama be made party Defendants to this petitions and that due and proper notice issue to each of them and upon the final hearing of this petition this Honorable Court will make and enter an order and decree confirming the sale by this Petitioner as guardian aforesaid, of the said lands described in paragraph third to John E. Swift and G. E. Swift Jr., d/b/a Swift Lumber Company for the sum of Two Thousand Five Hundred & no/100 ($2500.00) Dollars payable in cash; and that this petitioner be authorized and directed to execute and deliver proper conveyance of the said lands to the said purchasers upon their paying to him as guardian aforesaid the purchase price named herein. And this Petitioner prays for all such other, further or different relief, orders, decrees and writs, as shall be necessary and proper in the premises and efforts to do and perform whatsoever this Honorable Court shall require of him.

Hermon E. Smith
Petitioner.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County this day personally appeared Herman E. Smith, who is known to me and who being by me first duly sworn doth depose and say that he has read the foregoing petition and that the matters alleged are true.

Herman E. Smith

FILED
AUG 31 1957
Page 11 Book 1957

Sworn to and subscribed before me on this the 30 day of Aug 1957.

Notary Public, Baldwin County, Alabama.

8-114

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County this day personally appeared Herman R. Smith, who is known to me and who being by me first duly sworn doth depose and say that he has read the foregoing petition and that the matters alleged are true.

Herman R. Smith

Sworn to and subscribed before me on this the 30 day of August 1951.

Notary Public, Baldwin County, Alabama.

FILED
AUG 31 1951
ALICE H. DUCK, Registrar

4118

IN RE THE ESTATE OF FRANCES CARLINE SMITH AND ETHEL LURLENE SMITH, MINORS	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

This matter now coming on before the court to be heard on the application of HERMAN E. SMITH as guardian of FRANCES CARLINE SMITH and ETHEL LURLENE SMITH, minors praying an order and decree of the court authorizing said guardian to sell at private sale the land of his wards as set forth in the original petition herein.

IT IS ORDERED AND DECREED that Floyd Swearingen who is a suitable and proper person and a practicing attorney, be and he is hereby appointed to represent the interest of Frances Carline Smith and Ethel Lurlene Smith in this proceeding.

ORDERED AND DECREED further that the _____ day of October, 1957 be set for the hearing and disposition of said application.

_____
CIRCUIT JUDGE.

IN RE THE ESTATE OF FRANCES CARLINE SMITH AND ETHEL LURLENE SMITH, MINORS	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

This matter now coming on before the court to be heard on the application of HERMAN E. SMITH as guardian of FRANCES CARLINE SMITH and ETHEL LURLENE SMITH, minors praying an order and decree of the court authorizing said guardian to sell at private sale the land of his wards as set forth in the original petition herein.

IT IS ORDERED AND DECREED that Floyd Swearingen who is a suitable and proper person and a practicing attorney, be and he is hereby appointed to represent the interest of Frances Carline Smith and Ethel Lurlene Smith in this proceeding.

ORDERED AND DECREED further that the 7 day of October, 1957 be set for the hearing and disposition of said application.

Hubert M Hall
CIRCUIT JUDGE.

IN RE ESTATE OF FRANCES CARLINE SMITH, and ETHEL LURLENE SMITH, minors	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

This cause coming on to be heard upon the verified petition of Herman E. Smith, Guardian of the person and estate of Frances Carline Smith and Ethel Lurlene Smith, Minors to transfer the administration of the said estate to this Chancery Court of Baldwin County, and it appearing that the said estate can best be administered in Chancery Court because of the broader powers of such court;

It is therefore ordered, adjudged and decreed that the administration of the estate of Frances Carline Smith and Ethel Lurlene Smith, Minors, be and the same is hereby ordered to be and hereby is transferred from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, in Equity.

9/14/57

Hubert M Hale

Judge.

IN RE ESTATE OF FRANCES CARLINE SMITH, and ETHEL LURLENE SMITH, minors

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

This cause coming on to be heard upon the verified petition of Herman E. Smith, Guardian of the person and estate of Frances Carline Smith and Ethel Lurlene Smith, Minors to transfer the administration of the said estate to this Chancery Court of Baldwin County, and it appearing that the said estate can best be administered in Chancery Court because of the broader powers of such court;

It is therefore ordered, adjudged and decreed that the administration of the estate of Frances Carline Smith and Ethel Lurlene Smith, Minors, be and the same is hereby ordered to be and hereby is transferred from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, in Equity.

_____
Judge.

IN RE THE ESTATE OF FRANCES CARLINE SMITH AND ETHEL LURLENE SMITH, MINORS	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

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

Comes your Petitioner, Herman E. Smith, respectfully shows unto your Honor that he is over the age of twenty-one years and is presently residing in Mobile, County, Alabama; that he is Guardian of the person and estate of Frances Carline Smith and Ethel Lurlene Smith, Minors, heretofore appointed and qualified by order of the Judge of Probate of Baldwin County, Alabama, on to-wit: the 24th day of March, 1952; that in the opinion of this Petitioner the said estate can best be administered in the Chancery Court because of the broader powers of said Court.

Therefore your Petitioner prays that this Honorable Court will make and enter an order and decree transferring the administration of the said estate from the Probate Court of Baldwin County, Alabama, to this Honorable Court.

Herman E. Smith
Guardian for Frances Carline Smith and Ethel Lurlene Smith, Minors.

STATE OF ALABAMA
BALDWIN COUNTY

Before me the undersigned Notary Public, in and for said County, in said State, this day personally appeared Herman E. Smith, who is known to me and who being by me duly sworn, deposes and says that he has read the foregoing petition that the facts therein stated are true.

Herman E. Smith

Sworn to and subscribed before me on this 30 day of August, 1957.

Notary Public, Baldwin County, Alabama.

filed
Aug 31, 1957
Alice J. Luck.

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IN RE THE ESTATE OF FRANCES CARLINE SMITH AND ETHEL LORLENE SMITH, MINORS	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

It appearing in the above styled cause that more than thirty days have elapsed since the service of summons and bill of complaint in the above styled cause on FRANCES CARLINE SMITH AND ETHEL LORLENE SMITH, minors over the age of 14 years, and they have not nominated a guardian ad litem to represent them, and service having been had on DEMPSEY SMITH, who is over the age of twenty-one years, and as next of kin of the said minors, for and on their behalf;

And the said DEMPSEY SMITH not appearing for the said minors and not nominating a guardian ad litem for them.

NOW THEREFORE Floyd Swearingen, be and he is hereby appointed as guardian ad litem for FRANCES CARLINE SMITH AND ETHEL LORLENE SMITH, without further service on them, it appearing that he is a competent and suitable person to act as such for said minors, and he is authorized and directed to do and perform whatsoever shall be necessary and proper in the premises.

WITNESS MY hand and seal of office this 4th day of October, 1957.

Alice J. Duck
Register of the Circuit Court of Baldwin County, Alabama.

IN RE THE ESTATE OF FRANCES CARLINE SMITH AND ETHEL LURLENE SMITH, MINORS	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

Comes Floyd Livesington, as Guardian ad litem for Frances Carline Smith and Ethel Lurlene Smith, minors, and accepts his appointment as such guardian ad litem and denies each and every allegation of the BILL OF Complaint filed in said cause and demands strict proof thereof.

filed- 10/7/57

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Floyd Livesington
As Guardian ad litem for Frances Carline Smith and Ethel Lurlene Smith, minors.

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Filed 10/7/57
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