

4150

State of Alabama  
County of Baldwin

To any Sheriff of the State of Alabama:

You are hereby commanded to summon Ira Coghlan and Malachi Coghlan to appear and plead, answer or demur within thirty days to the Bill of Complaint filed in the Circuit Court of said County by Mrs. Isabelle Hall as Complainant and against Ira Coghlan and Malachi Coghlan as Respondents.

Witness my hand, this 22 day of Oct 1957.

*Orrie Coghlan*  
Register

Mrs Isabelle Coghlan Hall  
Complainant

*Orrie* Vs  
~~Ira~~ Coghlan and Malachi  
Coghlan  
Respondents

In the Circuit Court of  
Baldwin County, Alabama  
In Equity. No. \_\_\_\_\_

To Hon. Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, In Equity:

Comes now the Complainant in the above styled cause and shows unto your Honor as follows;

1.  
That your Complainant and the Respondents are all over the age of twenty one years and bona fide residents of Baldwin County, Alabama.
2.  
That both the Complainant and the Respondents are all over the age of twenty one years as are James J. Coghlan, Charles Maynard Coghlan, Sr., Bessie Coghlan, Mrs. Irene Johnson and Mrs Willie Howard and all are the sons and daughters, and all of the lawful heirs of Dr. Malachi Coghlan, deceased, of Tensaw, Alabama.
3.  
That since the death of Dr. Malachi Coghlan, the Respondents have gone into possession of the estate of Dr. Malachi Coghlan and have collected a considerable amount of money therefrom; that the Respondents have failed and refused to account to the Complainant for her share of said estate, but have fraudulently converted her share of the proceeds of said estate to their own use.
4.  
That it is not within the knowledge of the Complainant of what the estate consisted at the time of the death of Dr. Malachi Coghlan, but knows that it consisted of considerable land, cattle and other property; that this is within the knowledge of the Respondents; that the Complainant has no knowledge of how much money the Respondents have collected from said estate, or how much the estate has increased in value, since the death of Dr. Coghlan, but that this also is within the knowledge of the Respondents.

Wherefore, the premises considered, your Complainant prays that your Honor will by proper process make the above named Ira Coghlan and Malachi Coghlan party Respondents to this Bill of Complaint, requiring them to plead, answer or demur to this Bill of Complaint within the time and under the penalties prescribed by law and the practice of this Honorable Court.

That upon a final hearing hereof, your Honor will require the Respondents to give an accounting of all of the proceeds derived from said estate since the death of Dr. Malachi Coghlan; that your Honor will require the Respondents to give an accounting of what the estate consists of at this time; that your Honor will determine the share of your Complainant in all of the moneys that have been collected from the estate since the death of Dr. Coghlan and in the estate as it is today and require that said estate and said moneys be divided equally among all of the heirs of Dr. Malachi Coghlan, deceased.

~~The Complainant further prays for such other, further, different or general relief as she may be entitled to in the premises and offers to do such equity as may be required of her.~~

  
Solicitor for the Complainant

4150

Received 22 day of Oct 1957  
and on 25 day of Oct 1957

I served a copy of the within s/c  
on Mrs. Coghlan & Malachi  
Coghlan

Mrs. Isabelle Coghlan Hall  
Complainant

By service on \_\_\_\_\_

Orrie Vs  
Mrs Coghlan and Malachi  
Coghlan

Respondents

TAYLOR WILKINS, Sheriff  
By W.A. Tolbert, D.  
Blackshue

Sheriff claims 120 miles @  
Ten Cents per mile Total \$ 12.00  
TAYLOR WILKINS, Sheriff  
BY Tolbert  
DEPUTY SHERIFF

Summons and Complaint

FILED  
OCT 22 1957

ALICE J. DUCK, Register

MRS. ISABELLE COGHLAN HALL,  
Complainant,  
vs.  
ORRIE COGHLAN and MALACHI  
COGHLAN,  
Respondents.


IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY. NO. 4150.

FINAL DECREE

This cause coming on to be heard on this day, this being the day heretofore set by the rules of this Court for calling the docket thereof, and on the calling of this case the Complainant's Attorney notified the Court that Complainant desired to dismiss this cause without prejudice, upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. This cause shall be, and it is hereby dismissed without prejudice.
2. The costs of this proceeding are hereby taxed against the Complainant for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 17th day of December, 1957.

  
Judge.

FINAL DECREE

MRS. ISABELLE COGHLAN HALL,  
Complainant,

vs.

ORRIE COGHLAN AND MALACHI  
COGHLAN,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY. NO. 4150.

FILED

DEC 17 1957

ALICE J. DUCK, Register

MRS. ISABELLE COGHLAN HALL,	)	
	)	
Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
ORRIE COGHLAN and MALACHI	)	IN EQUITY          NO. 4150
COGHLAN,	)	
	)	
Respondents.	)	

DEMURRER TO BILL OF COMPLAINT

I.

Now come the respondents, each separately and severally, and demur to the Bill of Complaint and to each aspect thereof, separately and severally, and as grounds of such demurrer assign, separately and severally, the following:

1. There is no equity in the Bill of Complaint.
2. No facts are alleged on which the relief sought can be granted.
3. The complainant does not offer to do equity.
4. No facts are alleged to show any duty on the part of the respondents to account to the complainant.
5. The allegations of the Bill of Complaint are vague, indefinite and uncertain.
6. The allegations of the Bill of Complaint are conclusions of the pleader.
7. No facts are alleged to show when the respondents went into possession of the estate of Dr. Malachi Coghlan.
8. The allegations of fraud are conclusions of the pleader.
9. The allegations of fraud are conclusions of the pleader and no facts showing any fraud on the part of the respondents, or either of them, are alleged.
10. No facts are alleged to show that the complainant now has any interest in the estate of Dr. Malachi Coghlan.
11. No facts are alleged to show that the complainant is entitled to the relief which she is seeking.

II.

Now come the respondents, each separately and severally, and demur to that aspect of the Bill of Complaint in which and by which the complainant is seeking an accounting by the respondents, and as grounds of such demurrer assign, separately and severally, grounds numbered 1 through 11, which are set out above, just as though the said grounds 1 through 11 were specifically written here.

J. B. Blackburn  
Solicitor for respondents

DEMURRER TO BILL OF COMPLAINT  
MRS. ISABELLE COGHLAN HALL,  
Complainant,  
VS.

ORRIE COGHLAN and MALACHI  
COGHLAN,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 4150

FILED

NOV 21 1957

ALICE J. BUCK, Register

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