

2875

BERTHA DORGAN MILLER AND ETHEL  
DORGAN,

Complainants,

VS

WILLIAM DORGAN AND SIDNEY DORGAN,  
ET AL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2875

REGISTER'S REPORT OF SALE

Whereas, heretofore, a decree was made and entered by this Court directing the Register to sell the following described real property situated in Baldwin County, Alabama, to-wit:

Lot 1 on the Henry Baudin Grant or Tract in Townships 7 and 8 South, Ranges 2 and 3 East, according to plat of survey thereof by E. E. Carpenter, Surveyor, dated June 6, 1873 and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book J at page 715.

EXCEPT THEREFROM the following described tracts or parcels thereof, to-wit:

1. The portion of said Lot 1, lying South of Allegator Bayou which is included in the Weeks Division of the Ward Tract, according to the plat thereof recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book X Page 108;

2. The portion of said Lot which was conveyed by Edward Dorgan and Celina Dorgan, his wife to Mary Catherine Roberts by Warranty deed dated December 31, 1896 and recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book W Page 539 which is described in said deed as follows:

The following described parcel of land in Baldwin County, Alabama, and in Lot Number 1 of the Henry Baudin Tract on Weeks Bay beginning at a point where grantors South fence strikes the high water mark on said Weeks Bay, thence Southeastwardly parallel with North and South line of said Lot No. 1 of Baudin Tract the distance of 153 feet; thence Southwesterly at right angles to the first line 82 feet, thence Northwesterly parallel with said first line 153 feet, more or less, to high water mark on said Weeks Bay; thence along the line of said high water mark with its meanderings to the point of beginning, being part of the same property bought by grantor from David Miflin and others by deed dated June 20, 1883 and recorded in Book N Pages 200-201 of Records of Baldwin County;

3. The portion of said Lot 1 which was conveyed

by Celina Dorgan and others to Katharine Roberts, wife of Owen Roberts, by Quit Claim Deed dated June 30, 1903 and recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book 6 Page 672, which is described in said deed as follows:

Beginning at a point on Weeks Bay where the South fence of the property of the late Captain Edward Dorgan strikes the high water mark on said Weeks Bay; thence running East by North along said South fence 164 feet, thence South by East at right angles 108 feet thence West by South and parallel with South fence 164 feet, thence North by East to point of beginning, being part of the property purchased by the late Captain Edward Dorgan from David Mifflin et al by deed dated June 20, 1883 and recorded in Deed Book N Pages 200-1 in the office of the Probate Judge of Baldwin County.

Now, therefore, in obedience of said decree I beg leave to report that I caused notice of said sale to be advertised in the Baldwin Times, a newspaper published in Baldwin County, Alabama, once a week for three successive weeks in accordance with the terms of said decree, said insertions appearing on to-wit: July 1, July 8 and July 15, 1954.

That on the 23rd day of July, 1954, which was the day set for said sale in said notice, I proceeded to sell the hereinabove described property at public outcry at 12 o'clock noon, in front of the Courthouse door of Baldwin County, Alabama, to the highest and best bidder.

That at said sale Mildred D. Williams was the highest and best bidder and became the purchaser of the hereinabove described property, for and at the sum of \$11,750.00 and she has paid said amount into Court.

Respectfully submitted.

  
Register.

ORDER

The above report having been submitted to me on this day it is hereby ordered, adjudged and decreed that the said report

lie over until the 16 day of August, 1954, for any objections thereto.

ORDERED, ADJUDGED AND DECREED on this the 16 day of August, 1954.

*Hubert M. Lee*

Judge.

BERTHA DORGAN MILLER AND ETHEL  
DORGAN,

Complainants,

VS

WILLIAM DORGAN AND SIDNEY DORGAN,  
ET AL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2875

FINAL DECREE

BERTHA DORGAN MILLER and  
ETHEL DORGAN,

Complainants,

VS.

WILLIAM DORGAN, ET AL

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

No. 2875

This cause coming on to be heard on the day regularly set for such hearing and being submitted for final decree on the complaint, the answer of Edna B. Dorgan, as executrix, the answer of the Hon. Telfair Washburn, Jr., as guardian ad litem, decrees pro con fesso the testimony of Wilmer W. Miller and W. C. Beebe and Norborne C. Stone and the report of the Register, and having considered the pleading and evidence in this cause, it appears to the Court that the property ordered sold by the decree of June 20, 1954 was offered for sale in accordance with the law and the decree of this Court and at such sale Mildred D. Williams became the purchaser of said property at the highest and best bid of Eleven Thousand Seven Hundred and Fifty (\$11,750.00) Dollars, that said amount is not greatly disproportionate to the market value of said property and said sale ought to be confirmed.

If further appears that V. R. Jansen, the Solicitor for the Complainants and James R. Owen, Associate Solicitor, have rendered services in the filing and conduct of this proceeding which benefited all of the owners of said property, that such services were unusual and extraordinary in title research and in efforts to secure bidders at the sale in addition to the normal services performed in similiar proceedings and a reasonable fee for the services of the solicitors is the sum of \$1200.00 dollars.

It further appears that the Register has in her hands the full amount of the purchase price and that the proceeds of said sale are ready for distribution.

It is therefore ORDERED, ADJUDGED and DECREED by the Court;

1. That the Register pay from the funds in her hand received as proceeds of the sale to V. R. Jansen and James R. Owen the sum of \$1200.00 dollars, as compensation for services rendered the parties to this cause.

2. That the Register of this Court pay out of the proceeds of this sale to the Hon. Telfair Mashburn, Jr., as compensation for his services as guardian ad litem the sum of \$150.00.

3. That the Register of this Court execute and deliver to Mildred Williams a deed of conveyance, as the highest and best bidder at the sale the following described real property in Baldwin County, Alabama, viz;

Lot 1 on the Henry Baudin Grant or Tract in Townships 7 and 8 South, Ranges 2 and 3 East according to plat of survey thereof by E. E. Carpenter, Surveyor, dated June 6, 1873 and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book J at page 715.

EXCEPT THEREFROM the following described tracts or parcels thereof, to-wit:

1. The portion of said Lot 1, lying South of Allegator Bayou which is included in the Weeks Division of the Ward Tract, according to the plat thereof recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book X page 108:

2. The portion of said Lot 1 which was conveyed by Edward Dorgan and Celina Dorgan, his wife to Mary Catherine Roberts by Warranty deed dated December 31, 1896 and recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book W page 539 which is described in said deed as follows:

The following described parcel of land in Baldwin County, Alabama, and in Lot Number 1 of the Henry Baudin Tract on Weeks Bay beginning at a point where grantors South fence strikes the high water mark on said Weeks Bay, thence Southeastwardly parallel with North and South line of said lot No. 1 of Baudin Tract the distance of 153 feet; thence Southwesterly at right angles to the first line 82 feet, thence Northwesterly parallel with said first line 153 feet, more or less, to the high water mark on said Weeks Bay; thence along the line of said high water mark with its meanderings to the point of beginning, being part of the same property bought by grantor from David Hiflin and others by deed dated June 20, 1883 and recorded in Book N pages 200-201 of Records of Baldwin County;

3. The portion of said lot 1 which was conveyed by Celina Dorgan and others to Katherine Roberts wife of Owen Roberts, by Quit Claim deed dated June 30, 1903 and recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book 6 page 472, which is described in said deed as follows:

Beginning at a point on Weeks Bay where the South fence of the property of the late Captain Edward Dorgan strikes the high water mark on said Weeks Bay; thence running East by North along said South fence 164 feet, thence South by East at right angles 106 feet thence West by South and parallel with South fence 164 feet, thence North by East to point of beginning, being part of the property purchased by the late Captain Edward Dorgan from David Mifflin et al by deed dated June 20, 1883 and recorded in Deed Book N pages 200-1 in the office of the Probate Judge of Baldwin County.

4. It is further ORDERED, ADJUDGED AND DECREED that the Register retain out of the proceeds of said sale the State and County taxes for the current year which become due and payable October 1, 1954, to be paid to the Tax Collector of Baldwin County, Alabama, which said taxes aggregates the sum of \$16.80; and retain out of the proceeds of said sale the court costs created in this cause including publication which costs amount to the sum of \$453.77 which includes the guardian ad litem's fee to be paid to the Honorable Telfair Mashburn, Jr., as ordered above; and retain out of the proceeds of said sale the sum of \$175.00 for the abstract of title which cost was heretofore advanced by Wilmer W. Miller and that he be reimbursed this amount for the cost of said abstract; and retain out of the proceeds of said sale the sum of \$1200.00 which was the solicitor's fee ordered to be paid to the solicitors for the Complainants in this cause.

5. It is further ORDERED ADJUDGED AND DECREED that the Register distribute the balance of said purchase price or \$9,904.43 among the parties to this cause as follows: Wilmer W. Miller, 1/7 or \$1414.92, Ethel J. Dorgan 1/7 or \$1414.92, Edward Roberts 1/28 or \$353.73, Celina Cummings 1/28 or \$353.73, Camilla Bonnell 1/28 or \$353.73, Walter H. Roberts 1/28 or \$353.73, Mildred Williams 1/14 or \$707.46, Katherine Dryer 1/14 or \$707.46, Edna Dorgan 1/7 or \$1414.92, Katherine Bogue 1/14 or \$707.46, Eloise Bogue 1/14 or \$707.46, Ardell Johnson 2/49 or \$404.26, Sidney Dorgan 1/49 or \$202.13,

Will Dorgan 1/49 or \$202.13, Ralph O. Dorgan, Jr. 1/196 or \$50.54,  
Anna Dorgan Bishop 1/196 or \$50.54, Gerald E. Dorgan 1/196 or \$50.54,  
Marion Dorgan 1/196 or \$50.54, Ruth E. Wilcox and children, Ruth,  
Clara, Hazel, Joan, Mary, John A., Lydia and Margaret 1/49 or \$202.14,  
W. D. Chadick 1/147 or \$67.37, John G. Chadick 1/147 or \$67.37 and  
Francis O. Chadick 1/147 or \$67.37.

ORDERED, ADJUDGED and DECREED on this the 17th day of  
August, 1954.

*Hubert M. [unclear]*

RECORDED  
INDEXED  
AUG 18 1954  
FBI - [unclear]



BERTHA DORGAN MILLER AND ETHEL  
DORGAN,

Complainants,

VS

WILLIAM DORGAN AND SIDNEY DORGAN,  
ET AL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2985

DECREE

This cause coming on to be heard on this date is submitted for a decree upon the pleading and proof as noted by the register.

It appears that the minor respondents in this cause are represented before the court by a guardian ad litem duly appointed by the court, who has accepted said appointment and has filed his answer herein, that the respondent, Edna B. Dorgan, as executrix under the last will and testament of Edward Orlyn Dorgan, Sr., deceased, has agreed that the testimony of Wilmer W. Miller could be taken anytime and waives the court of the taking of such testimony and that each of the other respondents are over the age of twenty-one years and have suffered decree pro confessos to be taken against them, upon consideration all of which the court is of the opinion that the complainants are entitled to the relief prayed for in their bill of complaint. It is, therefore,

ORDERED, ADJUDGED AND DECREED by the court as follows:

1. That the allegations contained in the said bill of complaint are true and that a sale of the said property for a division of the proceeds thereof is necessary to be equitably divided among the owners thereof and that the said property can not be equitably divided among the owners thereof without a sale of the same for division.

2. That Alice J. Duck, register, be and she is hereby authorized and directed to sell on Friday, July 23, 1954, at public outcry, for cash, in front of the Court House of Baldwin County, Alabama, at Bay Minette, at 12:00 noon. Property herein described

after first giving notice by publication in the Baldwin Times a newspaper of general circulation published in Baldwin County, Alabama, once a week for three successive weeks of the time, place, terms of sale, and a description of the property. The property to be sold by the said register in compliance with this decree is situated in Baldwin County, Alabama and is described as follows, to-wit:

Lot 1 in the Henry Baudin Grant or Tract in Townships 7 and 8 South, Ranges 2 and 3 East, according to plat of survey thereof by E. E. Carpenter, Surveyor, dated June 6, 1873 and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book J at page 715.

EXCEPT THEREFROM the following described tracts or parcels thereof, to-wit:

1. The portion of said Lot 1, lying South of Allegator Bayou which is included in the Weeks Division of the Ward Tract, according to the plat thereof recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book X Page 108;

2. The portion of said Lot which was conveyed by Edward Dorgan and Celina Dorgan, his wife to Mary Catherine Roberts by Warranty deed dated December 31, 1896 and recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book W Page 539 which is described in said deed as follows:

The following described parcel of land in Baldwin County, Alabama, and in Lot Number 1 of the Henry Baudin Tract on Weeks Bay beginning at a point where grantors South fence strikes the high water mark on said Weeks Bay, thence Southeastwardly parallel with North and South line of said Lot No. 1 of Baudin Tract the distance of 153 feet; thence Southwesterly at right angles to the first line 82 feet, thence Northwesterly parallel with said first line 153 feet, more or less, to high water mark on said Weeks Bay; thence along the line of said high water mark with its meanderings to the point of beginning, being part of the same property bought by grantor from David Mifflin and others by deed dated June 20, 1883 and recorded in Book N Pages 200-201 of Records of Baldwin County;

3. The portion of said Lot 1 which was conveyed by Celina Dorgan and others to Katharine Roberts, wife of Owen Roberts, by Quit Claim Deed dated June 30, 1903 and recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book 6 Page 672, which is described in said deed as follows:

Beginning at a point on Weeks Bay where the South fence of the property of the late Captain Edward Dorgan strikes the high water mark on said Weeks Bay; thence running East by North along said South fence 164 feet, thence South by East at right angles 108 feet thence West by South and parallel with South fence 164 feet, thence North by East to point of beginning, being part of the property purchased by the late Captain Edward Dorgan from David Mifflin et al by deed dated June 20, 1883 and recorded in Deed Book N Pages 200-1 in the office of the Probate Judge of Baldwin County.

3. That the cost of the abstract heretofore obtained in this cause was paid for by Wilmer W. Miller which cost was One Hundred Seventy-five Dollars (\$175.00) be taxed as a part of the costs in this cause and that Wilmer W. Miller be reimbursed this amount.

4. That Alice J. Duck, register, shall immediately, upon the making of said sale, in the amount and prescription herein report her actions herein to the court, so that the same may be confirmed or rejected as may seem meet and proper.

5. That, upon the filing of the said register's report, and after the same has lain over for the time prescribed by law, the court shall proceed to ascertain what would be a reasonable attorney's fee to be paid to the complainant's solicitors for their services in this cause and ascertain a reasonable fee to be paid the guardian ad litem for his services.

Jurisdiction over this cause is hereby reserved and such other and further orders and decrees as may be necessary and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 26 day of June, 1954.

Hubert M. Italg  
Judge.

That the complainants and respondents are over the age of twenty-one years and are bona fide resident citizens of the State of Alabama, except: Ethel Dorgan, one of the complainants, residing in New York City; John Gaines Chadick, residing at 734 E. 13<sup>th</sup> Street, Houston, Texas; John G. Chadick, Jr., resides at 106 W. Whitney Drive, Houston, Texas; Francis O. Chadick resides at 5526

O N E

show to the court as follows:

Your complainants, Bertha Dorgan Miller and Ethel Dorgan, file this their bill of complaint against William Dorgan; Sidney Dorgan; W. D. Chadick; Frances O. Chadick; John G. Chadick, Jr.; John G. Chadick, Sr.; Ardell Dorgan Johnson; Ruth E. Wallace; Clara Ellen Dorgan; Hazel A. Carlee; Joan Voncell Dorgan; Mary Elmer Howell; John Andrew Dorgan; Lydia M. Dorgan; Margaret Ce- line Dorgan; Ralph O. Dorgan, Jr.; Ruth E. Wilcox; Anna Dorgan Bishop; Anna Belle Stencil; Marion Dorgan; Edward Valentine Dor- gan; Bennie A. Brackett; Mary Dorgan; Mildred Williams; Kathryn Dryer; Edward O. Dorgan; Katherine Bogue; Eloise Bogue; Edward Roberts; Celina Cummings; Camilla Bonnell; Walter H. Roberts; Inez Delhopper; Yvonne Peck and John Andrew Dorgan, and respectfully

TO THE HONORABLE TETRAIR WASHBURN, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

William Dorgan, Sidney Dorgan; W. D. Chadick; Frances O. Chadick; John G. Chadick; Ardell Dorgan Johnson; Ruth E. Wallace; Clara Ellen Dorgan; Hazel A. Carlee; Joan Voncell Dorgan; Mary Elmer Howell; John Andrew Dorgan; Lydia M. Dorgan; Margaret Ce- line Dorgan; Ralph O. Dorgan, Jr.; Ruth E. Wilcox; Anna Dorgan Bishop; Anna Belle Stencil; Marion Dorgan; Edward Valentine Dorgan; Bennie A. Brackett; Mary Dorgan; Mildred Williams; Kathryn Dryer; Edward O. Dorgan; Katherine Bogue; Eloise Bogue; Edward Roberts; Celina Cummings; Camilla Bonnell; Walter H. Roberts; Inez Delhopper; Yvonne Peck and John Andrew Dorgan, Respondents.

Bertha Dorgan Miller and Ethel Dorgan, Complainants,  
 versus  
 William Dorgan, Sidney Dorgan; W. D. Chadick; Frances O. Chadick; John G. Chadick; Ardell Dorgan Johnson; Ruth E. Wallace; Clara Ellen Dorgan; Hazel A. Carlee; Joan Voncell Dorgan; Mary Elmer Howell; John Andrew Dorgan; Lydia M. Dorgan; Margaret Ce- line Dorgan; Ralph O. Dorgan, Jr.; Ruth E. Wilcox; Anna Dorgan Bishop; Anna Belle Stencil; Marion Dorgan; Edward Valentine Dorgan; Bennie A. Brackett; Mary Dorgan; Mildred Williams; Kathryn Dryer; Edward O. Dorgan; Katherine Bogue; Eloise Bogue; Edward Roberts; Celina Cummings; Camilla Bonnell; Walter H. Roberts; Inez Delhopper; Yvonne Peck and John Andrew Dorgan, Respondents.

Complainants further show that Edward Dorgan died intestate

I H R E

Lot 1 in the HENRY BAUDIN TRACT, in Townships 7 & 8 South of Ranges 2 and 3 East, acquired by deed from David Millin, et als, dated June 30, 1883 by deed recorded in Deed Book "N" pages 200-201.

in Baldwin County, Alabama, viz:

and as tenants in common they own the following described land deceased, and the grantees of such heirs at law and next of kin, dents compose the heirs at law and next of kin of Edward Dorgan, Complainants further show that the complainants and respon-

I W O

learned after the most diligent search and inquiry.

of the State of Alabama whose post office addresses cannot be gury and all those whose addresses are not named are non-residents

can be learned by your complainants after diligent search and in- and such addresses and information are the most accurate which

lives at Gulf Shores; Joan Voncell Dorgan lives at Gulf Shores,

Margaret Celina Dorgan lives at Gulf Shores; Clara Ellen Dorgan

lace lives at Gulf Shores; Lydia Marie Dorgan lives at Gulf Shores;

Mobile; Ruth Evelyn Wilcox lives at Gulf Shores; Ruth Evelyn Wal-

William Christopher Dorgan, Jr. lives at 758 St. Michael Street,

ble; Marlon Dorgan lives at 154 So. Jefferson Street, Mobile;

Chickasaw; Gerald Earnest Dorgan lives at 2164 Gibson Street, Mo-

Spring Hill; William Dorgan Chadock lives at 325 Fayette Street,

Hill Avenue, Mobile; Sidney Dorgan lives at 3112 Forest Hill Drive

ryn Dryer lives at Fairhope; Ardell Johnson lives at 1732 Spring-

Shore Acres, Mobile; Mildred Williams lives at Spring Hill; Kath-

Camilla Bonnell lives at Fairhope; Edward Orlyn Dorgan lives at

Kentuck Street, Mobile, Alabama; Inez Delhopper lives in Fairhope;

of Alabama have the following addresses: John Edward Dorgan, 1152

Yvonne Peck resides in Panama City, Florida; that the residents

Texas; Walter H. Roberts resides in Philadelphia, Pennsylvania;

Aranzac Paso, Texas; Mary Elmer Rowell resides in Aransac Paso,

Valverde Street, Houston, Texas; Hazel Ardell Carlee resides in

many years ago leaving surviving eight children or the descendants of eight children, viz: Edward Dorgan, Jr.; Katherine Roberts; William Dorgan; John Dorgan; Margaret Dickson; Timothy Dorgan; Joseph Dorgan and Edwina Bogue; that of these all left children or descendants of children at death except Joseph who died intestate about the year 1926 and whose interest in said property above described, thereupon vested in his seven brothers and sisters or their descendants, that Edward Dorgan, Jr., prior to his death, conveyed his interest to John Dorgan by deed in Deed Book 21 N.S. page 691 of the records in Baldwin County, Alabama, which deed did not convey the interest inherited from his deceased brother Joseph; that John Dorgan died testate and under his will and the will of his deceased wife, the complainants, Bertha Dorgan Miller and Ethel Dorgan, acquired the interest inherited by Edward from his father, the interest inherited by John Dorgan from his father and the interest which John Dorgan acquired as an heir of his deceased brother, or a total of 15/50ths or 15/112th each; that Edward Dorgan, Jr., died intestate owning the interest acquired from his deceased brother, Joseph, or a 1/50th and his heirs at law and next of kin are Inez Delhopper, Yvonne Peck and John Edward Dorgan, each owning a 1/160th interest in said property; that Katherine Roberts died intestate leaving to her heirs at law and next of kin, the 1/8th interest inherited from Edward Dorgan her father, and the 1/50th interest inherited from her deceased brother, Joseph, and her heirs at law and next of kin are Edward Roberts; Celina Cummings; Camilla Bonnell and Walter H. Roberts; so that each would own a 2/50th or 1/25th interest in said property; that Margaret Dickson died intestate and the interest she acquired from her father of 1/8th and the interest acquired from her deceased brother, Joseph, of 1/50th, vested in her heirs at law and next of kin, Katherine M. Williams and Kathryn Dyer, so each would own a 1/50th or 1/14th interest in said property; that Timothy Dorgan died testate and his will was probated in Mobile County,

Alabama and his widow later died testate and her will was probated in Mobile County, Alabama, and by the terms of said wills Edward Orlin Dorgan acquired the 1/8th and 1/50th interests of Timothy Dorgan in the property above described or a total of 8/50th or 1/7th; that Edwina Bogue died intestate and her heirs at law and next of kin are Katherine Bogue and Eloise Bogue, who acquired the 1/8th interest which Edwina Bogue inherited as the heir of Edward Dorgan and the 1/50th interest as the heir of Joseph Dorgan, deceased, so that each of them would own a 1/50th or 1/14th interest in said property; that William Dorgan died intestate leaving surviving him the following children or the descendants of said children: Ralph Dorgan; John Dorgan; Ardell Johnson; Mary Dorgan; Sidney Dorgan; Hazel Chadick; Ed Dorgan and Will Dorgan; that Ralph died intestate leaving surviving him five children: Anna Belle Stencil; Ralph O. Dorgan, Jr.; Gerald Earnest Dorgan; Anna Dorgan Bishop and Merion Dorgan; that John died intestate leaving eight children and a widow, Mrs. Ruth Evelyn Wilcox; Ruth E. Wallace; Clara E. Dorgan; Hazel Ardell Corlee; Joan Vonceil Dorgan; Mary Blinnor Howell; John Andrew Dorgan; Lydia M. Dorgan; Margaret Celina Dorgan; that Hazel Chadick died and left surviving her, John Gaines Chadick, Sr., her husband and three children, W. D. Chadick, Francis Orville Chadick and John Gaines Chadick, Jr., that Edward died leaving surviving him his widow, who has remarried, Benjamin Anderson Dorgan Brackett and one child, Edward Valentine Dorgan sometimes called Brackett; that each of them should own an interest in the above described property as follows: Ardell Johnson 1/50th interest; Sidney Dorgan a 1/50th interest; Will Dorgan a 1/50th interest; Mary Dorgan a 1/50th interest; the heirs of Ralph Dorgan, 1/50th interest; the heirs of John Dorgan, a 1/50th interest; the heirs of Hazel Chadick a 1/50th interest and the heirs of Edward Dorgan a 1/50th interest.

E O U A

Complainants further show that there is no suit pending re-

265/2

Regarding the title to or possession of said property, that said land consists of unimproved open land on which the improvements have deteriorated, and that it is impossible to equitably divide said property among the various owners and this bill is filed for sale for partition among the heirs and owners.

WHEREFORE, complainants pray that the process of this court will issue to those parties who are residents of the State of Alabama and that service of notice be had on the remaining respondents by publication and notice by registered mail, and such other methods of service as may be prescribed by the rules of this court and the laws of the State of Alabama, requiring each of said parties to appear and demur or answer this bill of complaint within the time required by law, or in default thereof, a decree pro confesso be rendered against them.

Complainants further pray that on a hearing of this cause, this Honorable Court will determine the interests of each of said parties or persons not named parties who should be made parties if it appears that such interests exist, and that an order be entered showing that said property cannot be divided among the several owners in accordance with their interests in an equitable manner, and ordering that said property be sold by the register of this court and directing that an abstract of title be prepared and supplied for the information of possible purchasers so that the full value of said property might be received at a sale, that following said sale, a confirmation be made by this court if proper and conveyances issued to the purchaser, and the proceeds of said sale be applied to the payment of a reasonable solicitor's fee for complainants' solicitor, as a proper charge against the proceeds of said sale, derived from the work on behalf of all owners, that a reasonable charge be allowed as a part of the costs of court, for the abstract of title for the benefit of the purchaser at such sale, and after the payment of all proper costs of court and other charges, the proceeds be divided among the several



Solicitor for complainants.

*[Handwritten signature]*

105 NOV 21 1905

owners in accordance with the shares and interests established by the pleading and evidence, and such other and further relief be granted to the complainants and the owners of said property, as to your Honor may seem meet.

Executed April 11, 1953

By serving a copy of the within summons & Complaint on Katherine Pryor & Camellia Borland

Saylor Wilkin Sheriff  
By H. A. Steadham P. 5.

*W. F. Hall*  
Deputy Sheriff

*Saylor Wilkin*  
Sheriff

*John G. ...*

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*W. F. Hall*  
Deputy Sheriff

*Saylor Wilkin*  
Sheriff

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202875

BOOK 015 PAGE 267

FILED

AUG 23 1952

ALICE J. DUCK, Register

The State of Alabama, \_\_\_\_\_ County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon William Dorgan et als

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State \_\_\_\_\_ by \_\_\_\_\_

Bertha Dorgan Miller and Ethel Dorgan

against William et als

Herein fail not. Due return make of this writ as the law directs.

Witness this 6th day of April, 1953

W. J. [Signature], Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

BOOK 015 PAGE 268

The State of Alabama

\_\_\_\_\_ COUNTY.

IN CIRCUIT COURT, IN EQUITY

BERTHA DORGAN MILLER AND

ETHEL DORGAN

vs.

WILLIAM DORGAN ET AL'S

SUMMONS

Returned by the Sheriff and filed in office, this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Register.

Filed 8-23-53

*Quincy A. French*

RETURNED *8/24/53*

Not found in my County after diligent search and inquiry.

W. H. HOLCOMBE, Sheriff

By *W. H. Holcombe*

*Mary Elizabeth Morgan  
18th Street*

Received in office, this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

*W. H. Holcombe*, Sheriff.

I have executed the within by leaving a copy thereof with \_\_\_\_\_

thereof with \_\_\_\_\_

*Joseph Maria Dorgan*

*Margaret Celestia Dorgan*

*Char Ellen Dorgan*

*Susan - Vivian Dorgan*

*Bertie Evelyn Wilcox*

*John Andrew Dorgan*

*William Lee Dorgan*

*William Dorgan*

defendant named herein, on this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

*April*, 19\_\_\_\_

*W. H. Holcombe*, Sheriff.

By *W. H. Holcombe*, Deputy.

*W. H. Holcombe*  
*1509 1/2 1st St. Mobile*

Bertha Dorgan Miller and Ethel  
Dorgan,

Complainants,

VS.

William Dorgan, Sidney Dorgan; W. D.  
Chadick; Frances O. Chadick; John  
G. Chadick; Ardell Dorgan Johnson  
Ruth K. Wallace; Clara Ellen Dorgan;  
Hazel A. Carlee; Joan Vonceil Dor-  
gan; Mary Elinor Rowell; John An-  
drew Dorgan; Lydia M. Dorgan; Mar-  
garet Celina Dorgan; Ralph O. Dor-  
gan, Jr., Ruth E. Wilcox, Anna Dor-  
gan Bishop; Anna Belle Stencil;  
Marion Dorgan; Edward Valentine Dor-  
gan; Bennie A. Brackett; Mary Dorgan  
Mildred Williams; Kathryn Dryer; Ed-  
ward O. Dorgan; Katherine Bogue; El-  
ouise Bogue; Edward Roberts; Celina  
Cummings; Camilla Bonnell; Walter  
H. Roberts; Inez Delhopper; Yvonne  
Peck and John Andrew Dorgan,

Respondents.

NO. \_\_\_\_\_

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

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

Your complainants, Bertha Dorgan Miller and Ethel Dorgan,  
~~file this their bill of complaint against William Dorgan; Sidney~~  
~~Dorgan; W. D. Chadick; Frances O. Chadick; John G. Chadick, Jr.;~~  
~~John G. Chadick, Sr.; Ardell Dorgan Johnson; Ruth E. Wallace; Clara~~  
~~Ellen Dorgan; Hazel A. Carlee; Joan Vonceil Dorgan; Mary Elinor~~  
~~Rowell; John Andrew Dorgan; Lydia M. Dorgan; Margaret Celina Dorgan;~~  
~~Ralph G. Dorgan; Jr.,; Ruth E. Wilcox; Anna Dorgan Bishop; Anna~~  
~~Belle Stencil; Marion Dorgan; Edward Valentine Dorgan; Bennie A.~~  
~~Brackett; Mary Dorgan; Mildred Williams; Kathryn Dryer; Edward O.~~  
~~Dorgan; Katherine Bogue; Elouise Bogue; Edward Roberts; Celina~~  
~~Cummings; Camilla Bonnell; Walter H. Roberts; Inez Delhopper; Yvonne~~  
~~Peck and John Andrew Dorgan, and respectfully show to the court as~~  
follows:

ONE

That the complainants and respondents are over the age  
of twenty-one years and are bona fide resident citizens of the State  
of Alabama, except; Ethel Dorgan, one of the complainants, residing  
in New York City; John Gaines Chadick, residing at 734 E. 13 $\frac{1}{2}$  Street  
Houston, Texas; John G. Chadick, Jr. resides at 106 W. Whitney Drive  
Houston, Texas; Francis O. Chadick resides at 5526 VelVerde Street

Houston, Texas; Hazel Ardell Carlee resides in Aransac Paso, Texas; Mary Elinor Rowell resides in Aransac Paso, Texas; Walter H. Roberts resides in Philadelphia, Pennsylvania; Yvonne Peck resides in Panama City, Florida; that the residents of Alabama have the following addresses; John Edward Dorgan, 1152 Kentucky Street, Mobile, Alabama; Inez Delhopper lives in Fairhope; Camilla Bonnell lives at Fairhope; Edward Orlyn Dorgan lives at Shore Acres, Mobile; Mildred Williams lives at Spring Hill; Kathryn Dryer lives at Fairhope; Ardell Johnson lives at 1732 Spring Hill Avenue, Mobile; Sidney Dorgan lives at 3112 Forest Hill Drive Spring Hill; William Dorgan Chadick lives at 325 Fayette Street, Chickasaw; Gerald Earnest Dorgan lives at 2164 Gibson Street, Mobile; Marion Dorgan lives at 154 So. Jefferson Street, Mobile; William Christopher Dorgan, Jr. lives at 758 St. Michael Street, Mobile; Ruth Evelyn Wilcox lives at Gulf Shores; Ruth Evelyn Wallace lives at Gulf Shores; Lydia Marie Dorgan lives at Gulf Shores; Margaret Celina Dorgan lives at Gulf Shores; Clara Ellen Dorgan lives at Gulf Shores; Joan Vonceil Dorgan lives at Gulf Shores and such addresses and information are the most accurate which can be learned by your complainants after diligent search and inquiry and all those whose addresses are not named are non residents of the State of Alabama whose addresses cannot be learned after the most diligent search and inquiry.

T W O

Complainants further show that the complainants and respondents compose the heirs at law and next of kin of Edward Dorgan, deceased, and the grantees of such heirs at law and next of kin, and as tenants in common they own the following described land in Baldwin County, Alabama, viz:

Lot 1 in the HENRY BAUDIN TRACT, in Townships 7 & 8 South of Ranges 2 and 3 East, acquired by deed from David Miflin, et als, dated June 30, 1883 by deed recorded in Deed Book "N" pages 200-201.

T H R E E

Complainants further show that Edward Dorgan died intestate many years ago leaving surviving eight children or the decendant

of eight children, viz: Edward Dorgan, Jr.; Katherine Roberts; William Dorgan; John Dorgan; Margaret Dickson; Timothy Dorgan; Joseph Dorgan and Edwina Bogue; that of these all left children or decendants of children at death except, Joseph who died intestate about the year 1926 and whose interest in said property above described thereupon vested in his seven brothers and sisters or their decendants, that Edward Dorgan, Jr., prior to his death conveyed his interest to John Dorgan by deed in Deed Book 21 N.S. page 691 of the records in Baldwin County, Alabama, which deed did not convey the interest inherited from his deceased brother Joseph; that John Dorgan died testate and under his will and the will of his deceased wife, the complainants, Bertha Dorgan Miller and Ethel Dorgan, acquired the interest inherited by Edward from his father, the interest inherited by John Dorgan from his father and the interest which John Dorgan acquired as an heir of his deceased brother, or a total of  $15/56$  ths or  $15/112$  th each; that Edward Dorgan Jr., died intestate owning the interest acquired from his deceased brother, Joseph or a  $1/56$ th and his heirs at law and next of kin are Inez Delhopper Yvonne Peck and John Edward Dorgan, each owning a  $1/168$ th interest in said property; that Katherine Roberts died intestate leaving to her heirs at law and next of kin, the  $1/8$ th interest inherited from Edward Dorgan her father, and the  $1/56$ th interest inherited from her deceased brother, Joseph, and her heirs at law and next of kin are Edward Roberts; Celina Cummings; Camilla Bonnell and Walter R. Roberts; so that each would own a  $2/56$ th or  $1/28$ th interest in said property; that Margaret Dickson died intestate and the interest she acquired from her father of  $1/8$ th and the interest acquired from her deceased brother, Joseph, of  $1/56$ th, vested in her heirs at law and next of kin, Katherine M. Williams and Kathryn Dryer, so each would own a  $4/56$ th or  $1/14$ th interest in said property; that Timothy Dorgan died testate and his will was probated in Mobile County, Alabama and his widow later died testate and her will was probated in Mobile County, Alabama, and by the terms of said wills Edward Orlyn Dorgan acquired the  $1/8$ th and  $1/56$ th interest of Timothy Dorgan in the property above described or a total of  $8/56$ th or  $1/7$ th;

that Edwina Bogue died intestate and her heirs at law and next of kin are Katherine Bogue and Eloise Bogue, who acquired the 1/8th interest which Edwina Bogue inherited as the heir of Edward Dorgan and the 1/56th interest as the heir of Joseph Dorgan, deceased, so that each of them would own a 4/56 or 1/14th interest in said property; that William Dorgan died intestate leaving surviving him the following children or the decendants of said children; Ralph Dorgan; John Dorgan; Ardell Johnson; Mary Dorgan; Sidney Dorgan; Hazel Chadick; Ed Dorgan and Will Dorgan; that Ralph died intestate leaving surviving him five children; Anna Belle Stencil; Ralph O. Dorgan, Jr.; Gerald Earnest Dorgan; Anna Dorgan Bishop and Marion Dorgan; that John died intestate leaving eight children and a widow, Mrs. Ruth Evelyn Wilcox; Ruth E. Wallace; Clara E. Dorgan; Hazel Ardell Carlee; Joan Vonceil Dorgan; Mary Elinor Rowell; John Andrew Dorgan; Lydia M. Dorgan; Margaret Celina Dorgan; that Hazel Chadick died and left surviving her, John Gaines Chadick, Sr., her husband and three children, W. D. Chadick, Francis Orville Chadick and John Gaines Chadick Jr., that Edward died leaving surviving him his widow, who has remarried, Benjamin Anderson Dorgan Brackett, and one child, Edward Valentine Dorgan sometimes called Brackett; that each of them would own an interest in the above described property as follows: Ardell Johnson 156th interest; Sidney Dorgan a 1/56th interest; Will Dorgan a 1/56th interest; Mary Dorgan a 1/56th interest; the heirs of Ralph Dorgan, a 1/56th interest; the heirs of John Dorgan, a 1/56th interest; the heirs of Hazel Chadick a 1/56th interest and the heirs of Edward Dorgan a 1/56th interest.

F O U R

Complainants further show that there is no suit pending regarding the title to or possession of said property, that said land consists of unimproved open land on which the improvements have deteriorated, and that it is impossible to equitably divide said property among the various owners and this bill is filed for sale for partition among the heirs and owners.

WHEREFORE, complainants pray that the process of this court



will issue to those parties who are residents of the State of Alabama and that service of notice be had on the remaining respondents by publication and notice by registered mail, and such other methods of service as may be prescribed by the rules of this court and the laws of the State of Alabama, requiring each of said parties to appear and demur or answer this bill of complaint within the time required by law, or in default thereof, a decree pro confesso be rendered against them.

Complainants further pray that on a hearing of this cause, this Honorable Court will determine the interest of each of said parties or persons not named parties who should be made parties if it appears that such interests exist, and that an order be entered showing that said property cannot be divided among the several owners in accordance with their interests in an equitable manner, and ordering that said property be sold by the register of this court and directing that an abstract of title be prepared and supplied for the information of possible purchasers so that the full value of said property might be received at a sale, that following said sale, a confirmation be made by this court if proper and conveyances issued to the purchaser, and the proceeds of said sale be applied to the payment of a reasonable solicitor's fee for complainants' solicitor, as a proper charge against the proceeds of said sale, derived from the work on behalf of all owners, that a reasonable charge be allowed as a part of the costs of court, for abstract of title for the benefit of the purchaser at such sale, and after the payment of all proper costs of court and other charges, the proceeds be divided among the several owners in accordance with the shares and interests established by the pleading and evidence, and such other and further relief be granted to the complainants and the owners of said property, as to your Honor may seem meet.

J. R. Jansen  
Solicitor for Complainants.

The State of Alabama, \_\_\_\_\_ County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon

*William Dorgan et al*

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State

*by Bessie ~~W~~ Dorgan, Misses and Ethel Dorgan*

against

*William Dorgan et al*

Herein fail not. Due return make of this writ as the law directs.

Witness this

*23<sup>rd</sup>*

day of

*August*

195*2*

*Leif J. Smith*

Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

The State of Alabama

Baldwin COUNTY.

IN CIRCUIT COURT, IN EQUITY

Bertie Morgan Miller  
and Etzel Morgan

VS.

William Morgan  
et al.

SUMMONS

Returned by the Sheriff and filed in office, this  
the ..... day of ..... 19.....

....., Register.

*Filed 8-23-1953  
District  
Registers*

Received in office, this the ..... day of

....., 19.....

..... Sheriff.

I have executed the within by leaving a copy

thereof with.....

*Amos Belle Stead 11-19-53*  
*Walter F. Pollock 12-26-53*  
*W. J. Caldwell 12-29-53*  
*Gene Cummings 12-18-53*  
*Anna Emma Miller 12-18-53*  
*James Owen Morgan 4-25-53*  
*James Owen Morgan 4-25-53*  
*William Etzel Morgan 4-25-53*  
*W. J. Stead 4-17-53*  
*W. J. Stead 4-17-53*  
*Gene Caldwell Morgan 4-19-53*  
*Gene Caldwell Morgan - Not found 4-11-53*  
*William Stead 4-11-53*  
*Camille Stead 4-11-53*

defendant named herein, on this the.....

day of....., 19.....

*W. J. Stead* Sheriff.

By *W. J. Stead*, Deputy.

Copy

Bertha Dorgan Miller and Ethel Dorgan,

Complainants,

versus

William Dorgan, Sidney Dorgan; W.D. Chadick; Frances O. Chadick; John G. Chadick; Ardell Dorgan Johnson Ruth K. Wallace; Clara Ellen Dorgan; Hazel A. Carlee; Joan Vonceil Dorgan; Mary Elinor Rowell; John Andrew Dorgan; Lydia M. Dorgan; Margaret Celina Dorgan; Ralph C. Dorgan, Jr., Ruth E. Wilcox, Anna Dorgan Bishop; Anna Belle Stencil; Marion Dorgan; Edward Valentine Dorgan; Bennie A. Brackett; Mary Dorgan Mildred Williams; Kathryn Dryer; Edward O. Dorgan; Katherine Bogue; Elouise Bogue; Edward Roberts; Celina Cummings; Camilla Bonnell; Walter H. Roberts; Inez Delhopper; Yvonne Peck and John Andrew Dorgan,

Respondents.

NO. \_\_\_\_\_

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

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

Your complainants, Bertha Dorgan Miller and Ethel Dorgan, file this their bill of complaint against William Dorgan; Sidney Dorgan; W.D. Chadick; Frances O. Chadick; John G. Chadick, Jr.; John G. Chadick, Sr.; Ardell Dorgan Johnson; Ruth E. Wallace; Clara Ellen Dorgan; Hazel A. Carlee; Joan Vonceil Dorgan; Mary Elinor Rowell; John Andrew Dorgan; Lydia M. Dorgan; Margaret Celina Dorgan; Ralph G. Dorgan; Jr.; Ruth E. Wilcox; Anna Dorgan Bishop; Anna Belle Stencil; Marion Dorgan; Edward Valentine Dorgan; Bennie A. Brackett; Mary Dorgan; Mildred Williams; Kathryn Dryer; Edward O. Dorgan; Katherine Bogue; Elouise Bogue; Edward Roberts; Celina Cummings; Camilla Bonnell; Walter H. Roberts; Inez Delhopper; Yvonne Peck and John Andrew Dorgan, and respectfully show to the court as follows:

C N E

That the complainants and respondents are over the age of twenty-one years and are bona fide resident citizens of the State of Alabama, except; Ethel Dorgan, one of the complainants, residing in New York City; John Gaines Chadick, residing at 734 E. 13 1/2 Street Houston, Texas; John G. Chadick, Jr. resides at 106 W. Whitney Drive Houston, Texas; Francis O. Chadick resides at 5526 VelVerde Street

2-

Houston, Texas; Hazel Ardell Carlee resides in Aransac Paso, Texas; Mary Elinor Rowell resides in Aransac Paso, Texas; Walter H. Roberts resides in Philadelphia, Pennsylvania; Yvonne Peck resides in Panama City, Florida; that the residents of Alabama have the following addresses; John Edward Dorgan, 1152 Kentucky Street, Mobile, Alabama; Inez Delhopper lives in Fairhope; Camilla Bonnell lives at Fairhope; Edward Orlyn Dorgan lives at Shore Acres, Mobile; Mildred Williams lives at Spring Hill; Kathryn Dryer lives at Fairhope; Ardell Johnson lives at 1732 Spring Hill Avenue, Mobile; Sidney Dorgan lives at 3112 Forest Hill Drive Spring Hill; William Dorgan Chadick lives at 325 Fayette Street, Chickasaw; Gerald Earnest Dorgan Lives at 2164 Gibson Street, Mobile; Marion Dorgan lives at 154 So. Jefferson Street, Mobile; William Christopher Dorgan, Jr. lives at 758 St. Michael Street, Mobile; Ruth Evelyn Wilcox lives at Gulf Shores; Ruth Evelyn Wallace lives at Gulf Shores; Lydia Marie Dorgan lives at Gulf Shores; Margaret Celina Dorgan lives at Gulf Shores; Clara Ellen Dorgan lives at Gulf Shores; Joan Vonceil Dorgan lives at Gulf Shores and such addresses and information are the most accurate which can be learned by your complainants after diligent search and inquiry and all those whose addresses are not named are non residents of the State of Alabama whose addresses cannot be learned after the most diligent search and inquiry.

T W O

Complainants further show that the complainants and respondents compose the heirs at law and next of kin of Edward Dorgan, deceased, and the grantees of such heirs at law and next of kin, and as tenants in common they own the following described land in Baldwin County, Alabama, viz:

Lot 1 in the HENRY BAUDIN TRACT, in Townships 7 & 8 South of Ranges 2 and 3 East, acquired by deed from David Miflin, et als, dated June 30, 1883 by deed recorded in Deed Book "N" pages 200-201.

T H R E E

Complainants further show that Edward Dorgan died intestate many years ago leaving surviving eight children or the descendants

of eight children, viz: Edward Dorgan, Jr.; Katherine Roberts; William Dorgan; John Dorgan; Margaret Dickson; Timothy Dorgan; Joseph Dorgan and Edwina Bogue; that of these all left children or descendants of children at death except, Joseph who died intestate about the year 1926 and whose interest in said property above described thereupon vested in his seven brothers and sisters or their descendants, that Edward Dorgan, Jr., prior to his death conveyed his interest to John Dorgan by deed in Deed Book 21 N.S. page 691 of the records in Baldwin County, Alabama, which deed did not convey the interest inherited from his deceased brother Joseph; that John Dorgan died testate and under his will and the will of his deceased wife, the complainants, Bertha Dorgan Miller and Ethel Dorgan, acquired the interest inherited by Edward from his father, the interest inherited by John Dorgan from his father and the interest which John Dorgan acquired as an heir of his deceased brother, or a total of  $15/56$  ths or  $15/112$  th each; that Edward Dorgan Jr., died intestate owning the interest acquired from his deceased brother, Joseph or a  $1/56$ th and his heirs at law and next of kin are Inez Delhopper Yvonne Peck and John Edward Dorgan, each owning a  $1/168$ th interest in said property; that Katherine Roberts died intestate leaving to her heirs at law and next of kin, the  $1/8$ th interest inherited from Edward Dorgan her father, and the  $1/56$ th interest inherited from her deceased brother, Joseph, and her heirs at law and next of kin are Edward Roberts; Celina Cummings; Camilla Bonnell and Walter R. Roberts; so that each would own a  $2/56$ th or  $1/28$ th interest in said property; that Margaret Dickson died intestate and the interest she acquired from her father of  $1/8$ th and the interest acquired from her deceased brother, Joseph. of  $1/56$ th, vested in her heirs at law and next of kin, Katherine M. Williams and Kathryn Dryer, so each would own a  $4/56$  or  $1/14$ th interest in said property; that Timothy Dorgan died testate and his will was probated in Mobile County, Alabama and his widow later died testate and her will was probated in Mobile County, Alabam, and by the terms of said wills Edward Orlyn Dorgan acquired the  $1/8$ th and  $1/56$ th interests of Timothy Dorgan in the property above described or a total of  $8/56$ th or  $1/7$ th;

4-

that Edwina Bogue died intestate and her heirs at law and next of kin are Katherine Bogue and Elouise Bogue, who acquired the 1/8th interest which Edwina Bogue inherited as the heir of Edward Dorgan and the 1/56th interest as the heir of Joseph Dorgan, deceased, so that each of them would own a 4/56 or 1/14th interest in said property; that William Dorgan died intestate leaving surviving him the following children or the descendants of said children; Ralph Dorgan; John Dorgan; Ardell Johnson; Mary Dorgan; Sidney Dorgan; Hazel Chadick; Ed Dorgan and Will Dorgan; that Ralph died intestate leaving surviving him five children; Anna Belle Stencil; Ralph O. Dorgan, Jr.; Gerald Earnest Dorgan; Anna Dorgan Bishop and Marion Dorgan; that John died intestate leaving eight children and a widow, Mrs. Ruth Evelyn Wilcox; Ruth E. Wallace; Clara E. Dorgan; Hazel Ardell Carlee; Joan Vonceil Dorgan; Mary Elinor Rowell; John Andrew Dorgan; Lydia M. Dorgan; Margaret Celina Dorgan; that Hazel Chadick died and left surviving her, John Gaines Chadick, Sr., her husband and three children, W.D. Chadick, Francis Orville Chadick and John Gaines Chadick Jr., that Edward died leaving surviving him his widow, who has remarried, Benjamin Anderson Dorgan Brackett, and one child, Edward Valentine Dorgan sometimes called Brackett; that each of them would own an interest in the above described property as follows: Ardell Johnson 1/56th interest; Sidney Dorgan a 1/56th interest; Will Dorgan a 1/56th interest; Mary Dorgan a 1/56th interest; the heirs of Ralph Dorgan, 1/56th interest; the heirs of John Dorgan, a 1/56th interest; the heirs of Hazel Chadick a 1/56th interest and the heirs of Edward Dorgan a 1/56th interest.

F O U R

Complainants further show that there is no suit pending regarding the title to or possession of said property, that said land consists of unimproved open land on which the improvements have deteriorated, and that it is impossible to equitably divide said property among the various owners and this bill is filed for sale for partition among the heirs and owners.

WHEREFORE, complainants pray that the process of this court

will issue to those parties who are residents of the State of Alabama and that service of notice be had on the remaining respondents by publication and notice by registered mail, and such other methods of service as may be prescribed by the rules of this court and the laws of the State of Alabama, requiring each of said parties to appear and demur or answer this bill of complaint within the time required by law, or in default thereof, a decree pro confesso be rendered against them.

Complainants further pray that on a hearing of this cause, this Honorable Court will determine the interest of each of said parties or persons not named parties who should be made parties if it appears that such interests exist, and that an order be entered showing that said property cannot be divided among the several owners in accordance with their interests in an equitable manner, and ordering that said property be sold by the register of this court and directing that an abstract of title be prepared and supplied for the information of possible purchasers so that the full value of said property might be received at a sale, that following said sale, a confirmation be made by this court if proper and conveyances issued to the purchaser, and the proceeds of said sale be applied to the payment of a reasonable solicitor's fee for complainants' solicitor, as a proper charge against the proceeds of said sale, derived from the work on behalf of all owners, that a reasonable charge be allowed as a part of the costs of court, for abstract of title for the benefit of the purchaser at such sale, and after the payment of all proper costs of court and other charges, the proceeds be divided among the several owners in accordance with the shares and interests established by the pleading and evidence. and such other and further relief be granted to the complainants and the owners of said property, as to your Honor may seem meet.

*W. R. Jansen*  
Solicitor for Complainants

FILED

8-23-52

ALICE J. DUCK, Register



45.00  
8/5/21

BERTHA DORGAN MILLER, ETAL,  
VS.  
WILLIAM DORGAN, ET AL.

) IN THE CIRCUIT COURT OF BALDWIN  
) COUNTY, ALABAMA.  
) IN EQUITY  
) NO. 2875.

HEARING BEFORE HON. HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, TO DETERMINE AMOUNT OF ATTORNEY'S FEES AND FEES FOR GUARDIAN AD LITEM, AND CONFIRMATION OF THE REPORT OF THE REGISTER ON THE SALE OF THE PROPERTY.

VERNON R. JANSEN, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Owen.

Q. This is Vernon R. Jansen?

A. Yes, sir.

Q. Are you one of the Solicitors for the Complainant in the case of Bertha Dorgan Miller, et al., vs / William Dorgan, et al., being case number 2875, in this Court?

A. Yes, sir.

Q. Will you state to the Court in your own words what your services consisted of in this matter, and what services I rendered in this matter?

A. The litigation was started almost two years ago; the property had had no transfers and no changes in ownership since - in 74 years; three or four generations by inheritances and by will owned the land wherever it was and whatever it consisted of

The parties who came to me owned the interest of one of the ~~xx~~ children of the original owners, approximately a 17th. All they knew about the property was that there had been some litigation in the 1890's by which a part of the property was lost; they didn't know the boundaries; they didn't know the names and addresses of the parties; they had been paying taxes on the property as Lot 1 of the Henry Bordon property, and also an undivided 1/7 interest in Navy Cove; the taxes were small and they paid the taxes regularly. I first went down with one of the parties to help find the land and with the help of the neighbors we found substantially what was left of the original tract and we went to work to try to locate the various heirs and for a year and a half we run down relationship addresses and it was necessary to get service on some by publication; only one of the parties filed an answer and that party knew nothing about the other relatives and was no help in trying to get the information we wanted; we had an abstract made up and the Attorneys had to check the abstract and then amend the complaint; we found there were some minors who were heirs and we had to have a guardian ad litem appointed; we finally got a map and a general idea of the title and just what was owned by the people and found the interest was small and that some of them only got a 1/97th interest in the property; when we got all

all of the information necessary and got the decree pro-  
confessos then we began to stimulate some interest in  
bidders and were successful; at the time of the sale we  
had some 16 bidders and some four or five vigorously  
interested and I think through the efforts of the  
Solicitors the property sold at a price which was certainly  
in line with the value; the auction was held and the sale  
made in accordance with the decree of the court and we have work  
ed with the Register in keeping the records and documents  
and in conducting the sale and doing other things necessary;  
some of the people lived in Mobile and it was necessary  
to take testimony and we had to bring the witnesses here  
to take the testimony on the submission, and it has been  
necessary to make some seven or eight trips here. And in  
your office where the abstract was kept for the benefit  
of bidders there were a number of people visited there  
and asked questions about the title; it is hard to estimate  
the amount of time, but it has been in progress for over two  
years and something going on all of the time in the case;  
the property sold for \$11,750.00.

NO QUESTIONS BY THE GUARDIAN AD LITEM.

MR. W. C. BEEBE, A WITNESS BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Owen.

Q. Is this Mr. W. C. Beebe?

A. Yes, sir.

Q. You are a practicing attorney in Baldwin County, Alabama?

A. When I have to.

Q. How long have you practiced law in Baldwin County?

A. A little over 39 years.

Q. You have heard Mr. Jansen testify as to the services rendered by the Solicitors for the Complainant?

A. Yes, sir.

Q. In your estimation, what would be a reasonable fee for the Solicitors of record for the Complainants?

A. Not less than \$1200.00 and not more than \$1500.

EXAMINATION BY MR. MASHBURN, GUARDIAN AD LITEM:

Q. What would be a reasonable fee for the guardian ad litem, who represented six minors and attended the trial and looked over the record and checked the abstract?

A. Do you mind stating the amount of their interest in dollars and cents?

A. It is a 1/49th interest each; 6/49th in all.

A. I would say \$200.00 to \$250.00

NORBORN STONE, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Owen.

Q. This is Mr. Norborn C. Stone?

A. Yes, sir.

Q. You are a practicing Attorney in Baldwin County, Alabama?

A. Yes, sir.

Q. You have heard Mr. Verann R. Jansen testify as to the services rendered by the Solicitors for the Complainants

in this cause?

A. Yes, sir.

Q. In your opinion, what would be a reasonable fee for the services rendered by the Solicitors for the Complainants?

A. I would say around \$1200.00

~~EXAMINATION BY MR. MASHBURN, GUARDIAN AD LITEM.~~

Q. You have heard the question asked about the allowance for the guardian adlitem?

A. Frankly, I am not prepared to say; I didn't understand what your services consisted of and I had rather not say.

MR. MASHBURN: We withdraw the question.

---

I hereby certify that the foregoing, consisting of pages 1 to 5 both inclusive, correctly sets forth a true and correct transcript of the testimony as taken by me in open court in the above styled cause on this the 17th day of August, 1954.

*Louise D. [Signature]*  
Court Reporter

BERTHA DORGAN MILLER AND ETHEL  
DORGAN,

Complainants,

VS

WILLIAM DORGAN AND SIDNEY DORGAN,  
ET AL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2875

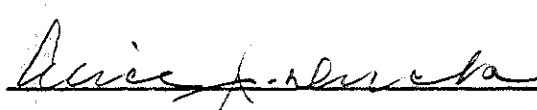
NOTE OF SUBMISSION

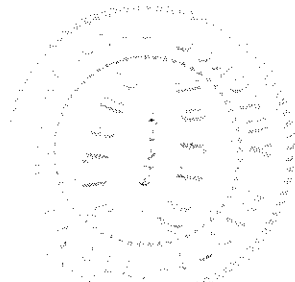
This cause is submitted for a decree on behalf of the  
Complainant on the following:

1. Original bill of complaint.
2. Decree pro confesso rendered in this cause on June  
7, 1954, against Ralph O. Dorgan, Jr., Edward Valentine Dorgan,  
Bennie A. Brackett, Mary Dorgan and Inez Delhopper.
3. Decree pro confesso rendered in this cause on April  
5, 1954, against Walter H. Roberts, Yvonne Peck, Ruth Evelyn Wallace,  
Francis O. Chadick, John G. Chadick, Jr., and John Gaines Chadick.
4. Decree pro confesso rendered in this cause on June  
16, 1953, against Katherine Dryer, Camilla Bonnell, Mae E. Rowell,  
John Andrew Dorgan, Clara Ellen Dorgan, Joan <sup>v</sup>onceil Dorgan and  
Ruth E. Wilcox.
5. Decree pro confesso rendered in this cause on June  
16, 1953, against William D. Chadick, Gerald E. Dorgan, John Edward  
Dorgan, Edward O. Dorgan, Mildred Williams, Ardell Johnson, Sidney  
Dorgan, William C. Dorgan, Jr., and Marion Dorgan.
6. Appointment and acceptance of Telfair J. Mashburn,  
Jr., as guardian ad litem.
7. Answer of guardian ad litem.
8. Answer of Edna B. Dorgan as executrix over the Last  
Will and Testament of Edward Orlyn Dorgan, Sr., deceased.
9. Testimony of Wilmer W. Miller taken before Louise  
Dusenbury.

Vernol R. Jansen  
James R. Owen

Solicitors for Complainants.

  
Register



E. R. Murrell Jr.  
Editor  
Publisher

Notary Public, Baldwin County.

Dorothy Martin

Subscribed and sworn before the undersigned this 11 day of May, 1954  
Date of 4th publication Apr. 29 1954 Vol. 65 No. 15  
Date of 3rd publication Apr. 22 1954 Vol. 65 No. 14  
Date of 2nd publication Apr. 15 1954 Vol. 65 No. 13  
Date of 1st publication Apr. 8 1954 Vol. 65 No. 12

was published in said newspaper for 11 consecutive weeks in the following issues:

**COST STATEMENT**  
198 WORDS @ 62 cents  
\$ 12 87  
I hereby certify this is correct, due and unpaid (paid).  
E. R. Murrell Jr.  
Editor  
Publisher

Dorothy Martin  
Bert A. Miller Jr. Wm.

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

STATE OF ALABAMA  
BALDWIN COUNTY.

**AFFIDAVIT OF PUBLICATION**

BAY MINETTE, ALABAMA

'Alabama's Best County's Best Newspaper

**BALDWIN COUNTY**  
**THE BALDWIN TIMES**

**PARSI CABE**

Gerber's Bal  
Heinz Baby  
Karo Syrup  
Armour's Vi  
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MOTION FOR DECREE PRO CONFESSO

BERTHA DORGAN MILLER AND  
ETHEL DORGAN,

Complainants,

VS.

WILLIAM DORGAN, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 2875

FILED

JUN 7 1954

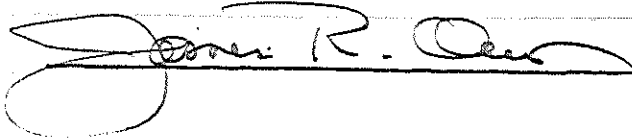
ALICE J. DUCK, Register

BERTHA DORGAN MILLER AND  
ETHEL DORGAN,  
Complainants,  
VS.  
WILLIAM DORGAN, ET AL.,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2875

AFFIDAVIT

Before me, Alice J. Duck, Register of said Court, personally appeared James R. Owen, one of the Solicitors for the Complainants in the above styled cause, who first being duly and legally sworn, deposes and says that Ralph O. Dorgan, Jr., Edward Valentine Dorgan, Bennie A. Brackett, Mary Dorgan and Inez Delhopper, Respondents in the above styled cause, are non-residents of the State of Alabama, and that their place of residence is unknown and that it cannot be ascertained after reasonable effort, and further, that in the belief of said affiant, the said Respondents are over the age of twenty-one years.



Sworn to and subscribed before me on  
this the 5<sup>th</sup> day of April, 1954.



Register.



DECREE PRO CONFESSO

BERTHA DORGAN MILLER AND  
ETHEL DORGAN,

Complainants,

VS.

WILLIAM DORGAN, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 2875

FILED

JUN 7 1954

ALICE J. DUCK, Register

BERTHA DORGAN MILLER AND )  
ETHEL DORGAN, )  
 )  
Complainants, )  
 )  
VS. )  
 )  
WILLIAM DORGAN, ET AL., )  
 )  
Respondents. )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2875

DECREE PRO CONFESSO

In this cause, it appears to the Register that service has been had on Anna Belle Stencil on December 19, 1953; on Walter H. Roberts on December 26, 1953; on Edward Roberts on December 19, 1953; on Celina Cummings on December 19, 1953; on Anna Dorgan Bishop on December 19, 1953; on Katherine Bogue on January 16, 1954 and on Eloise Bogue on January 16, 1954.

It further appears to the Register that each of the said Respondents have to the date hereof, failed to plead, answer or demur to the Bill of Complaint filed in this cause, it is now, therefore, on motion of the Solicitors for the Complainants, ordered and decreed by the Register that in this cause the Bill of Complaint be and it hereby is in all things taken as confessed against the said Anna Belle Stencil, Walter H. Roberts, Edward Roberts, Celina Cummings, Anna Dorgan Bishop, Katherine Bogue and Eloise Bogue.

It further appearing to the Register that a copy of the original Bill in this cause, together with a summons to answer said Bill within thirty days from the service thereof was deposited in the Registered Mail at the Post Office at Bay Minette, Alabama by the Register of this Court and addressed to the Respondents Walter H. Roberts, Yvonne Peck, Ruth Evelyn Wallace, Francis O. Chadick, John G. Chadick, Jr. and John Gaines Chadick, and that Walter H. Roberts received the same in person on the 30th day of January, 1954; that Yvonne Peck received the same in person on the 26th day of January, 1954; that Ruth Evelyn Wallace received the same in person on the 13th day of April, 1953; that Francis O. Chadick received the same in person on the 22nd day of October, 1953; that John G. Chadick, Jr. received the same in person on the 11th day of September, 1952; and that John Gaines Chadick received the same in

person on the 12th day of September, 1952, all of which is shown by return receipts heretofore received and filed in this cause.

It further appears to the Register that the said Respondents, have to the date hereof, failed to plead answer or demur to the Bill of Complaint filed in this cause, it is now, therefore, on motion of the Solicitors for the Complainants, ordered and decreed by the Register that in this cause the Bill of Complaint be and it hereby is, in all things taken as confessed against the said Walter H. Roberts, Yvonne Peck, Ruth Evelyn Wallace, Francis O. Chadick, John G. Chadick, Jr., and John Gaines Chadick.

THIS the 5<sup>th</sup> day of April, 1954.

*Lucie J. ...*  
\_\_\_\_\_  
Register.

DECREE PRO CONFESSO

BERTHA DORGAN MILLER AND  
EPHIEL DORGAN,

Complainants,

VS.

WILLIAM DORGAN, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2875

*Wright 4-5-54  
Henry F. Reeves  
Reese*

BERTHA DORGAN MILLER AND  
ETHEL DORGAN,

Complainants,

VS.

WILLIAM DORGAN, ET AL.,

Respondents. )

)  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2875

ORDER OF PUBLICATION

In this cause, it appearing to the Register from the affidavit of James R. Owen, one of the Solicitors for the Complainants, that the residence and Post Office Addresses of the Respondents Ralph O. Dorgan, Jr., Edward Valentine Dorgan, Bennie A. Brackett, Mary Dorgan and Inez Delhopper are unknown and further that in the belief of said affiant, the said Respondents are all over the age of twenty-one years, it is, therefore, ordered by the Register that publication be made once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Baldwin County, Alabama, requiring each of the said Respondents named herein to plead, answer or demur to the Bill of Complaint in this cause by the 5th day of May, 1954 or, in default thereof, thirty days thereafter a decree pro confesso may be taken against the said Respondents.

WITNESS my hand this the 5<sup>th</sup> day of April, 1954.

*Reece J. ...*  
\_\_\_\_\_  
Register.



ORDER OF PUBLICATION

BERTHA DORGAN MILLER AND  
ETHEL DORGAN,

Complainants,

VS.

WILLIAM DORGAN, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2875

*Filed 11-5-54  
Miss Beulah  
Reynolds*

BERTHA DORGAN MILLER AND ETHEL DORGAN,	)	
	)	
Complainants,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
WILLIAM DORGAN, ET AL.,	)	IN EQUITY NO. 2875
Respondents.	)	

MOTION FOR DECREE PRO CONFESSO

Now comes the Complainants in the above styled cause and shows unto the Register that a summons was issued out of this Court on the 6th day of April, 1953, directed to Anna Belle Stencil, Walter H. Roberts, Edward Roberts, Celina Cummings, Anna Dorgan Bishop, Katherine Bogue, and Eloise Bogue, Respondents herein, ordering them to appear and plead, answer or demur within thirty days from the service thereof to the Bill of Complaint in this cause; and that a copy of the said summons was duly served upon Anna Belle Stencil on December 19, 1953; on Walter H. Roberts on December 26, 1953; on Edward Roberts on December 19, 1953; on Celina Cummings on December 19, 1953; on Anna Dorgan Bishop on December 19, 1953; on Katherine Bogue on January 16, 1954 and on Eloise Bogue on January 16, 1954, and that the said Respondents have to the date hereof failed to plead, answer or demur to the said Bill of Complaint.

The Complainants further show unto the Register that a summons directed to the Respondents Walter H. Roberts, Yvonne Peck, Ruth Evelyn Wallace, Francis O. Chadick, who is also known as Frances O. Chadick, John G. Chadick Jr., and John Gaines Chadick, together with a copy of the Bill of Complaint in this cause, was issued and forwarded by Registered Mail directed to the said Respondents at their place of residence as shown by the Bill of Complaint. The postage on said letters was prepaid and the same marked "For Delivery only to the person to whom addressed" and return receipt demanded. The said return receipt bearing the signature Walter H. Roberts was duly received and filed for record in this cause on the 30th day of January, 1954; the said return receipt bearing the signature Yvonne Peck was duly received and filed for record in this

cause on the 28th day of January, 1954; the said return receipt bearing the signature John Gaines Chadick was duly received and filed for record in this cause on the 15th day of September, 1952; the said return receipt bearing the signature John G. Chadick, Jr. was duly received and filed for record in this cause on the 12th day of September, 1952; the said return receipt bearing the signature Francis Orville Chadick was duly received and filed for record in this cause on the 24th day of October, 1953, and the said return receipt bearing the signature Ruth Evelyn Wallace was duly received and filed for record in this cause on the 13th day of April, 1953, and the said Respondents have to the date hereof failed to plead, answer or demur to the Bill of Complaint, all of which appears of record in this cause.

WHEREFORE, the Complainants move that a decree pro confesso be entered against each of the said Respondents.

DATED this the 5<sup>th</sup> day of April, 1954.

J. R. Jones

James R. Jones

Solicitors for Complainants.

MOTION FOR DECREE PRO  
CONFESSO

BERTHA DORGAN MILLER AND  
ETHEL DORGAN,

Complainants,

VS.

WILLIAM DORGAN, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2875

Subscribed and sworn to before me this 1st day of April, 1935.

Bertha Dorgan Miller and Ethel  
Dorgan,

Complainants,

versus

William Dorgan, Sidney Dorgan,  
W. D. Chadick, Frances C. Chadick,  
John O. Chadick, Ardell Dorgan Johnson,  
Ruth E. Wallace, Clara Ellen Dorgan,  
Hazel A. Carlee, Joan Vonceil Dorgan,  
Mary Elinor Rowell, John Andrew Dorgan,  
Lydia M. Dorgan, Margaret Celina Dorgan,  
Ralph O. Dorgan, Jr., Ruth E. Wilcox,  
Anna Dorgan Bishop, Anna Belle Stencil,  
Marion Dorgan, Edward Valentine Dorgan,  
Bennie A. Brackett, Mary Dorgan, Mildred  
Williams, Kathryn Dryer, Edward O. Dorgan,  
Katherine Bogue, Elouise Bogue, Edward  
Roberts, Celina Cummings, Camilla Bonnell,  
Walter H. Roberts, Inez Delhopper, Yvonne  
Peck and John Andrew Dorgan,

Respondents.

NO. \_\_\_\_\_

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

IN EQUITY

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes Edna B. Dorgan, individually and as Executrix of the Estate of Edward Orlyn Dorgan, Sr., deceased, and respectfully shows unto Your Honor and this Honorable Court, that one of the respondents in this cause, Edward Orlyn Dorgan, died on the 15th day of April 1953; that his last will and testament has been duly probated in the Probate Court of Mobile, State of Alabama, and that Edna B. Dorgan, his widow, as named in the said last will and testament, was duly appointed as Executrix of his Estate and letters testamentary were granted to her on the 24th day of April 1953; that the sole beneficiary under said last will and testament is his widow, Edna B. Dorgan, who is over the age of twenty-one years, of sound mind and who resides in Mobile County, Alabama.

WHEREFORE, THE PREMISES CONSIDERED, your petitioner now moves the Court, that insofar as the interest of the respondent, Edward Orlyn Dorgan, is concerned, this suit be revived against Edna B. Dorgan individually, and Edna B. Dorgan as Executrix of the Estate of Edward Orlyn Dorgan, Sr., deceased, and that said Edna B. Dorgan individually, and Edna B. Dorgan as Executrix of the Estate of Edward Orlyn Dorgan, Sr., deceased, be substituted in place of the said Edward Orlyn Dorgan, deceased, and that the bill in this cause be considered amended so as to make the said Edna B. Dorgan individually, and Edna B. Dorgan as Executrix of the Estate of Edward Orlyn Dorgan, Sr., deceased, party respondent hereto.

Your petitioner both individually and as Executrix of the Estate of Edward Orlyn Dorgan, Sr., deceased, prays that a decree be made and entered allowing your petitioner individually and as Executrix of the Estate of Edward Orlyn Dorgan, Sr., deceased, to enter, prosecute and defend the above named cause in the same manner as Edward Orlyn Dorgan, Sr., deceased, might have done had he lived.

Solicitor for Edna B. Dorgan, individually  
and as Executrix of the Estate of  
Edward Orlyn Dorgan, Sr., deceased.

*Marion D. Downing*

529 First National Bank Bldg.  
Mobile, Alabama.

BERTHA DORGAN MILLER et als,

Complainants,

VS.

WILLIAM DORGAN et als,

Respondents.

NUMBER \_\_\_\_\_

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

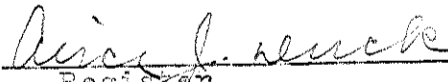
IN EQUITY.

DECREE PRO CONFESSO ON PERSONAL SERVICE

In this cause it appears to the Register, that service has been had on the Respondents Katherine Dryer, Camillia Bonell, Mae E. Rowell, John Andrew Dorgan, Hazel Ardel Carlee, Lydia Marie Dorgan, Margaret C. Dorgan, Clara Ellen Dorgan, Joan Vonceil Dorgan, Ruth E. Wilcox by the Sheriff of Baldwin County, Alabama on the 7th day of April, 1953.

It further appears to the Register, that the said Katherine Dryer, Camillia Bonell, Mae E. Rowell, John Andrew Dorgan, Hazel Ardel Carlee, Lydia Marie Dorgan, Margaret C. Dorgan, Clara Ellen Dorgan, Joan Vonceil Dorgan, and Ruth E. Wilcox, the Respondents, having to the date hereof, failed to plead, demur to or answer the bill of complaint filed in this cause, it is now, therefore, on motion of V.R. Jansen, Solicitor for complainants, ordered, and decreed by the Register that in this cause the bill of complaint be and it hereby is, in all things taken as confessed against the said Katherine Dryer, Camillia Bonell, Mae E. Rowell, John Andrew Dorgan, Clara Ellen Dorgan, Joan Vonceil Dorgan and Ruth E. Wilcox.

This the 16<sup>th</sup> day of June, 1953.

  
\_\_\_\_\_  
Register

BERTHA DORGAN MILLER AND ETHEL  
 DORGAN,  
  
 Complainants,  
  
 VS  
  
 WILLIAM DORGAN AND SIDNEY DORGAN,  
 ET AL,  
  
 Respondents.

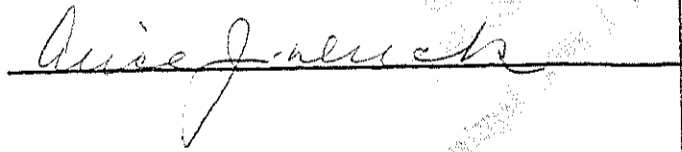
IN THE CIRCUIT COURT OF  
 BALDWIN COUNTY, ALABAMA  
  
 IN EQUITY NO. 2875

APPOINTMENT AND ACCEPTANCE  
 OF GUARDIAN AD LITEM

In this cause it is made to appear to the register that the respondents, Hazel Ardell Carlee, Joan Vonceil Dorgan, Mary Elinor Rowell, John Andrew Dorgan, Lydia M. Dorgan and Margaret Celina Dorgan, are minors and that they do not have a legal guardian appointed to represent them in this cause and it further appears that Telfair J. Mashburn, Jr. is in all respects a suitable person to act as guardian ad litem and the said Telfair J. Mashburn, Jr., having filed his consent, in writing, to act as such:

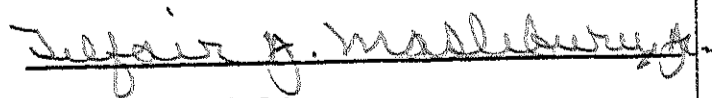
It is now therefore ordered by the register that Telfair J. Mashburn, Jr., be and he is hereby, appointed guardian ad litem in this cause for the said minor respondents named above, all in accordance with Equity Rule No. 7 of the 1940 Code of Alabama.

Witness my hand on this the 23<sup>rd</sup> day of June, 1954.



I, Telfair J. Mashburn, Jr., hereby accept the above appointment as guardian ad litem and consent to act as such in the above cause.

Witness my hand on this the 23 day of June, 1954.

  
 Guardian ad litem.

**FILED**  
 6-23-54  
 ALICE J. DUCK, Register



BERTHA DORGAN MILLER et als,

Complainant,

VS.

WILLIAM DORGAN et als,

Respondents.

NUMBER \_\_\_\_\_

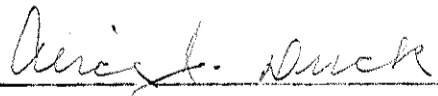
IN THE CIRCUIT COURT OF  
MOBILE COUNTY, ALABAMA,  
IN EQUITY.

DECREE PRO CONFESSO ON PERSONAL SERVICE

In this cause it appears to the Register, that service was had on the Respondents William D. Chadick, Gerald E. Dorgan, John Edward Dorgan, Edward O. Dorgan, Mildred Williams, Ardell Johnson, Sidney Dorgan, William C. Dorgan, Jr., Marian Dorgan by the Sheriff of Mobile County, Alabama on the 13th day of April, 1953.

It further appears to the Register, that the said William D. Chadick, Gerald E. Dorgan, John Edward Dorgan, Edward O. Dorgan, Mildred Williams, Ardell Johnson, Sidney Dorgan, William C. Dorgan, Jr., and Marian Dorgan, the Respondents, having to the date hereof, failed to plead, demur to, or answer the bill of complaint filed in this cause, it is now, therefore, on motion of V.R. Jansen, Solicitor for complainants, ordered, and decreed by the Register that in this cause the bill of complaint be and it hereby is, in all things taken as confessed against the said William D. Chadick, Gerald E. Dorgan, John Edward Dorgan, Edward O. Dorgan, Mildred Williams, Ardell Johnson, Sidney Dorgan, William C. Dorgan, Jr., and Marian Dorgan.

This the 16<sup>th</sup> day of June, 1953.



Register

Bertha Dorgan Miller and Ethel  
Dorgan,

Complainants,

versus

William Dorgan, Sidney Dorgan,  
W. D. Chadick, Frances O. Chadick,  
John O. Chadick, Ardell Dorgan Johnson,  
Ruth E. Wallace, Clara Ellen Dorgan,  
Hazel A. Carlee, Joan Vonceil Dorgan,  
Mary Elinor Rowell, John Andrew Dorgan,  
Lydia M. Dorgan, Margaret Celina Dorgan,  
Ralph O. Dorgan, Jr., Ruth E. Wilcox,  
Anna Dorgan Bishop, Anna Belle Stencil,  
Marion Dorgan, Edward Valentine Dorgan,  
Bennie A. Brackett, Mary Dorgan, Mildred  
Williams, Kathryn Dryer, Edward O. Dorgan,  
Katherine Bouge, Elouise Bogue, Edward  
Roberts, Celina Cummings, Camilla Bonnell,  
Walter H. Roberts, Inez Delhopper, Yvonne  
Peck and John Andrew Dorgan,

Respondents

DECREE GRANTING MOTION FOR SUBSTITUTION

Upon consideration of the motion for substitution filed in this Court on the  
24 day of July 1953, and it appearing that the facts stated therein are true,  
the Court is of the opinion that such motion should be granted; it is, therefore,  
ORDERED, ADJUDGED and DECREED by the Court (1) that insofar as the interests  
of Edward Orlyn Dorgan, Sr., deceased, are concerned, this suit be and the same is  
hereby revived against Edna B. Dorgan, individually and Edna B. Dorgan as Executrix  
of the last will and testament of Edward Orlyn Dorgan, Sr., deceased; (2) that a  
copy of this order of substitution, together with a summons, be served upon the  
said above named party by the Sheriff.

Done this the 30 day of July 1953.

Hubert M. Hill  
Circuit Judge

NO. \_\_\_\_\_

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

IN EQUITY

Bertha Dorgan Miller and Ethel  
Dorgan,

Complainants,

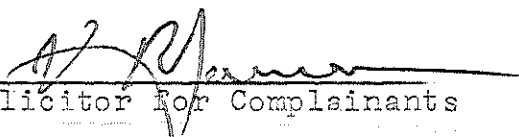
vs.

William Dorgan, Sidney Dorgan,  
W.C. Chadick, Frances O. Chadick,  
John O. Chadick, Ardell Dorgan  
Johnson, Ruth E. Wallace, Clara  
Ellen Dorgan, Hazel A. Carlee,  
Joan Vonceil Dorgan, Mary Elinor  
Rowell, John Andrew Dorgan, Lydia M.  
Dorgan, Margaret Celina Dorgan,  
Ralph O. Dorgan, Jr., Ruth E. Wil-  
cox, Anna Dorgan Bishop, Anna Belle  
Stencil, Marion Dorgan, Edward Valentine  
Dorgan, Bennie A. Brackett, Mary Dorgan  
Mildred Williams, Kathryn Dryer, Edward  
O. Dorgan, Katherine Bogue, Elouise  
Bogue, Edward Roberts, Celina Cummings,  
Camilla Bonnell, Walter H. Roberts, Inez  
Delhopper, Yvonne Peck and John Andrew  
Dorgan,

Respondents,

NO. 2875  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY.

Comes Wilmer W. Miller, as Executor of the Estate of Bertha  
Dorgan Miller, deceased and respectfully suggests to the Court  
that the Complainant Bertha Dorgan Miller departed this life  
on the 18th day of October, 1953 leaving a will which was duly  
probated in Mobile County, Alabama on November 4, 1953 Whereby  
Wilmer W. Miller was named Executor and thereafter the Probate  
Court of Mobile County issued to Wilmer W. Miller letters tes-  
tamentary under said will, on the estate of Bertha Dorgan Miller,  
deceased, wherefore the said Wilmer W. Miller as such Executor  
prays that he be substituted for Bertha Dorgan Miller as one  
of the Complainants in this cause and said proceedings continue  
as an active proceedings on the docket of this Court.

  
Solicitor for Complainants

BERTHA DORGAN MILLER AND ETHEL DORGAN,

Complainants,

VS

WILLIAM DORGAN, AND SIDNEY DORGAN, ET AL

RESPONDENTS.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY NO. 2875

MOTION

Now come the Complainants in the above styled cause and show unto the Court and your Honor as follows:

1. That when the original bill of complaint in this cause was filed that it was alleged by the complainants that all of the respondents named therein were over the age of twenty-one years and that certain of the said respondents were non-residents of the State of Alabama.

2. That since the filing of this bill of complaint, your complainants have ascertained and been informed that certain of the respondents have not yet attained the age of twenty-one years. All of these respondents are residents of Baldwin County, Alabama and their names are as follows: Hazel Ardell Carlee, Joan Vonceil Dorgan, Mary Elinor Howell, John Andrew Dorgan, Lydia M. Dorgan and Margaret Celina Dorgan. None of the said minors have a legal guardian appointed and none of them have a guardian ad litem to represent them in this cause.

Wherefore your complainants move the Court to appoint a guardian ad litem to represent the said minors in this cause in accordance with Equity Rule No. 7 of the 1940 Code of Alabama.

*Handwritten signature*

*Handwritten signature*

Solicitors for Complainants.

FILED

6-23-54

ALICE J. DUCK, Register

BERTHA DORGAN MILLER AND ETHEL DORGAN,

Complainants,

VS

WILLIAM DORGAN AND SIDNEY DORGAN, ET AL,

Respondents.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY NO. 2875

NOTICE OF SALE

Under and by virtue of a decree heretofore rendered in this cause on the 26<sup>th</sup> day of June, 1954, I, Alice J. Duck, register, will proceed to sell on Friday, July 23, 1954, at public outcry, for cash, in front of the Court House of Baldwin County, Alabama at Bay Minette, at 12:00 noon, the following described real property situated in Baldwin County, Alabama, to-wit:

Lot 1 in the Henry Baudin Grant or Tract in Townships 7 and 8 South, Ranges 2 and 3 East, according to plat of survey thereof by E. E. Carpenter, Surveyor, dated June 6, 1873 and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book J at Page 715.

EXCEPT THEREFROM the following described tracts or parcels thereof, to-wit:

- 1. The portion of said Lot 1, lying South of Allegator Bayou which is included in the Weeks Division of the Ward Tract, according to the plat thereof recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book X Page 108;
- 2. The portion of said Lot 1 which was conveyed by Edward Dorgan and Celina Dorgan, his wife to Mary Catherine Roberts by Warranty deed dated December 31, 1896 and recorded in the Office of the Probate Judge of Baldwin County, Alabama in Deed Book W page 539 which is described in said deed as follows:

The following described parcel of land in Baldwin County, Alabama, and in Lot Number 1 of the Henry Baudin Tract on Weeks Bay beginning at a point where grantors South fence strikes the high water mark on said Weeks Bay, thence Southeastwardly parallel with North and South line of said Lot No. 1 of Baudin Tract the distance of 153 feet; thence southwesterly at right angles to the first line 82 feet, thence Northwesterly parallel with said first line 153 feet, more or less, to high water mark on said Weeks Bay; thence along the line of said high water mark with its

meanderings to the point of beginning, being part of the same property bought by grantor from David Miflin and others by deed dated June 20, 1883 and recorded in Book N Pages 200-201 of Records of Baldwin County;

3. The portion of said Lot 1 which was conveyed by Celina Dorgan and others to Katharine Roberts, wife of Owen Roberts, by Quit Claim Deed Dated June 30, 1903 and recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book 6 Page 672, which is described in said deed as follows:

Beginning at a point on Weeks Bay where the South fence of the property of the late Captain Edward Dorgan strikes the high water mark on said Weeks Bay; thence running East by North along said South fence 164 feet, thence South by East at right angles 108 feet thence West by South and parallel with South fence 164 feet, thence North by East to point of beginning, being part of the property purchased by the late Captain Edward Dorgan from David Miflin et al by deed dated June 20, 1883 and recorded in Deed Book N Pages 200-1 in the office of the Probate Judge of Baldwin County.

Dated this the 26<sup>th</sup> day of June, 1954.

*Alice J. Duck*  
Alice J. Duck

Register

Vernol R. Jansen  
James R. Owen

Solicitors for Complainants

Telfair J. Mashburn, Jr.

Guardian Ad Litem

FILED

6-26-54

ALICE J. DUCK, Register

as follows:

I, Louise Dusenbury, as Commissioner, have called and caused to come before me Wilmer W. Miller, witness, on the 21th day of June, 1954, at the office of the Circuit Judge of Baldwin County, Alabama, in Bay Minette, Alabama, and having first duly sworn said witness to speak the truth, the whole truth and nothing but the truth the said Wilmer W. Miller doth depose and say

Respondents.

WILLIAM DORGAN AND SIDNEY DORGAN, ETAL.,

VS.

Complainants,

BERTHA DORGAN MILLER AND ETHEL DORGAN,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY  
No. 2875

85.00

BOOK 015 PAGE 276

Wilmer W. Miller, one of the complainants and a witness in behalf of the complainants, after being duly sworn testified as follows:

My name is Wilmer W. Miller, I am a resident citizen of Mobile County, Alabama. I live at 1501 Dauphin Street in the City of Mobile. Ethel Dorgan is my sister-in-law. She spends a part of her time in Mobile, a part in New York City and her summers at Balley Island, Maine. We are each over the age of twenty-one years.

This suit was filed by my deceased wife, Bertha Dorgan Miller. She was a resident of Mobile County, Alabama and she died October 18, 1953. She left a will which was duly probated in Mobile County, Alabama and her will is recorded in Will Book 29 page 185. When the will was probated, I was appointed Executor under this will, without bond. By the terms of her will I was left 3/4 of her property and Ethel J. Dorgan, her sister was left 1/4 of her property. The estate has not been closed.

At the time the complaint was filed in this case every effort was made by my late wife to learn the name, relationship, and residence of the persons owning an interest in the land described in the complaint. An abstract of title was ordered from the Baldwin County Abstract Company, a reliable abstracting business located at Bay Minette, Alabama. The abstractors charged \$175.00 for an abstract of the property described in this complaint and the abstract is available for the use or examination of any of the parties to this cause or to any person interested in buying the property.

Edward Dorgan, on June 20, 1883 purchased from David Miller and wife, by a deed recorded in Book N page 200-201 of the records in the office of the Judge of Probate of Baldwin County, land in Baldwin County described as Lot 1 in the Henry Baudin Tract in Townships 7 and 8 of Ranges 2 and 3 East. He assessed the property and claimed to own it until litigation was instituted against him for a part of the land which he possessed under this deed. Apparently the claim against Edward Dorgan was based on a



survey by a Government Surveyor and a plat filed in the General Land Office but this plat and survey was not the plat or the survey on which the Henry Baudin Tract was patented nor on which the Weeks property, bounding the Baudin Tract on the West, was patented. The original lot according to the map recorded in the map books in the Probate Court gives Lot 1 an acreage of one hundred and one acres. After the law suit, which was won by the plaintiff, and according to the survey on which the plaintiff's claim was based, lot one would not have more than twenty or twenty-five acres. My wife and I have never known the exact boundaries and we have built no fences nor have we ever lived on the land.

Edward Dorgan had the following children; Edward Jr., who died intestate leaving three children, Inez Delhopper or Dolohan, Yvonne Beck and Ed John Dorgan, sometimes called John Edward Dorgan, William Dorgan, a son of the original Edward Dorgan died intestate leaving seven children, Will Dorgan, Ed Dorgan, Hazel Chadick, Sidney Dorgan, Ardell Johnson, John Dorgan, and Ralph Dorgan, Ed Dorgan died leaving a child and a widow but leaving a will which was pro- pated in Mobile County and the will is recorded in Will Book 29 page 161 dated February 28, 1945. By this will Edward H. Dorgan left his entire estate to his sister Ardell Dorgan Johnson so the William Dorgan heirs would each own 1/7 of his share except Ardell Johnson who would own 2/7 of his share. Hazel Chadick died leaving three children, all over the age of twenty-one years, two of whom are non-residents. They are W.D. Chadick, 225 Fayette Street, Chickasaw, Alabama; John G. Chadick and Francis G. Chadick, who live in Texas. Sidney Dorgan, Will Dorgan and Ardell Johnson are all living and over the age of twenty-one years and live in Mobile County. Ralph Dorgan died intestate leaving four children and a widow, Annabelle Stencil, the widow, Ralph G. Dorgan, Jr., Anna Dorgan Bishop, Gerald H. Dorgan and Marion Dorgan, the children, all living at Fairhope, Alabama, except Marion Dorgan who lives at 2164 Gibson Street in Mobile, Alabama and all over the age of twenty-one years. John Dorgan, the son of William Dorgan died intestate leaving eight children, Ruth E. Wallace, Clara Ellen Dorgan, Hazel Ardell

*Page 276 1/2*

Life time to his brother John by deed recorded in Deed Book 21 page the son of the original Edward Dorgan, conveyed his interest in his in the family and from the records. It appears that Edward Dorgan I have tried to work this out according to the information

sisters or their descendants. died in 1926. He left no will and his heirs are the brothers and Joseph Dorgan was a son of the original Edward Dorgan and he deceased.

cause as the representative of the interest of Edward Orlin Dorgan, ing Edna B. Dorgan as his executrix and she has appeared in this County, Alabama, but who died April 15, 1953 leaving a will appoint- perty to Edward Orlin Dorgan, who lived at Shore Acres in Mobile original Edward Dorgan and he died leaving a will giving his pro- years and they live in Mobile, Alabama. Timothy was a son of the Katherine and Elise both of whom are over the age of twenty-one

the original Edward Dorgan and she died leaving two daughters over the age of twenty-one years. Edwin Bogue was a daughter of Alabama, and Katherine Dyer of Fairhope, Alabama both of whom are and she died leaving two children Mildred Williams of Spring Hill, Margaret Dickson was a daughter of the original Edward Dorgan vants. They are each over the age of twenty-one years.

hope and Walter H. Roberts who is a resident of Philadelphia, Pennsylv- of Fairhope, Celine Cummings of Fairhope, Camilla Bonnell of Fair- a will and her heirs at law are her four children Edward Roberts of the original Edward Dorgan married Roberts. She died without widow survived him but she is now dead. Katherine Dorgan, a daughter which he gave his two daughters his property in equal parts. His father of my wife and Ethel Dorgan, He died leaving a will by

John Dorgan, the son of the original Edward Dorgan, was the County, Alabama, with their Mother, Ruth Wilcox.

over the age of twenty-one years and all of whom live in Baldwin gan, Lydia M. Dorgan, and Margaret Celine Dorgan, two of whom are Carlee, Joan Voncell Dorgan, Mary Eleanor Howell, John Andrew Dor-

BOOK 015 PAGE 277

BOOK 115 PAGE 278

691 in the records in the office of the Judge of Probate of Baldwin County, Alabama. That being true, Inez Dollohan, Yvonne Peck and Ed. John Dorgan would have no interest in this property except the interest they acquire as an heir of their Uncle Joseph whom I have just testified about. Since there were eight children of the original Edward Dorgan and he died without leaving a will and Edward Dorgan, Jr, conveyed his share to his brother John the division would be:

heirs of John Dorgan 2/8, heirs of William Dorgan 1/8, heirs of Katherine Roberts 1/8, heirs of Margaret Dickson 1/8, heirs of Timothy 1/8, heirs of Joseph 1/8 and heirs of Edwin Bogue 1/8.

Based on that division and considering the share of Joseph the share of each of the parties in this case would be my share of 1/7, Ethel F. Dorgan 1/7, Edward Roberts 1/26, Celina Cummings 1/28, Camilla Bonnell 1/28, Walter H. Roberts 1/28, Mildred Williams 1/14, Katherine Dryer 1/14, Edna Dorgan, as executrix of the estate of Edward Orlan Dorgan, deceased 1/7; Katherine Bogue 1/14, Eloise Bogue 1/14, Ardell Johnson 2/49, Sidney Dorgan 1/49, Will Dorgan 1/49, Ralph O. Dorgan, Jr. 1/96, Anna Dorgan Bishop 1/196 and Gerald H. Dorgan 1/196, Marion Dorgan 1/196, John Dorgan, deceased owned a 1/49 interest and he left a widow Ruth E. Wilcox and eight children, Ruth, Clara, Hazel, Jean, Mary and John A., Lydia and Margaret and subject to the widow's interest they would each own 1/392 part of said property, W.D. Chadlock 1/147, John G. Chadlock 1/147 and Francis G. Chadlock 1/147.

Although this case has been pending for more than a year

only one of the respondents has filed an answer.

The land is located at the mouth of Weeks Bay on the south

bank of Fish River. It has water frontage but the exact number of

feet can not be determined until the boundaries have been worked out

with the property owners on the east and west. The property can not

be divided among the owners as the shares are already divided into

1/392 parts and the property would have no value left were cut up

into lots equal to the shares of the various owners.

The description of the property should be corrected so that

it would be the share or interest of Edward Dorgan in the property

*W. M. ...*

No questions by Mr. Mashburn, as Guardian ad Litem.

are willing to waive this claim against the proceeds of the sale.

Ethel F. Morgan and I would owe one fourth of all taxes paid and

though these taxes are claimed in the original complaint, Miss

Roberts paid taxes for a few years, I do not know how many. Al-

of the heirs of Edward Morgan for many years. Captain Ed

My wife has assessed and paid taxes on this land in the name

solicitors have been for the benefit of all of the several owners.

a solicitor in this case since it was filed. The services of these

when this suit was filed and Mr. James Owen has been employed as

My wife was represented by V. R. Jansen, Attorney of Mobile

office of the Judge of Probate.

to my testimony with a description as shown by the records in the

should be listed as exceptions. An abstract of these deeds is attached

inside the boundaries of this parcel and these deeds or descriptions

as described except two or three small lots which have been acquired

Lot 1 on the Henry Baudin Grant or Tract in Townships 7 and 8 South, Ranges 2 and 3 East, according to plat of survey thereof by E. E. Carpenter, Surveyor, dated June 6, 1873 and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book J at page 715.

EXCEPT THEREFROM the following described tracts or parcels thereof, to-wit:

1. The portion of said Lot 1, lying South of Allegator Bayou which is included in the Weeks Division of the Ward Tract, according to the plat thereof recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book X Page 108;

2. The portion of said Lot 1 which was conveyed by Edward Dorgan and Celina Dorgan, his wife to Mary Catherine Roberts by warranty deed dated December 31, 1896 and recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book W Page 539 which is described in said deed as follows:

The following described parcel of land in Baldwin County, Alabama, and in Lot Number 1 of the Henry Baudin Tract on Weeks Bay beginning at a point where grantors South fence strikes the high water mark on said Weeks Bay, thence Southeastwardly parallel with North and South line of said Lot No. 1 of Baudin Tract the distance of 153 feet; thence Southwesterly at right angles to the first line 82 feet, thence Northwesterly parallel with said first line 153 feet, more or less, to high water mark on said Weeks Bay; thence along the line of said high water mark with its meanderings to the point of beginning, being part of the same property bought by grantor from David Millin and others by deed dated June 20, 1883 and recorded in Book N Pages 200-201 of Records of Baldwin County;

3. The portion of said Lot 1 which was conveyed by Celina Dorgan and others to Katharine Roberts, wife of Owen Roberts, by quit claim Deed Dated June 30, 1903 and recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book 6 Page 672, which is described in said deed as follows:

Beginning at a point on Weeks Bay where the South fence of the property of the late Captain Edward Dorgan strikes the high water mark on said Weeks Bay; thence running East by North along said South fence 164 feet, thence South by East at right angles 108 feet thence West by South and parallel with South fence 164 feet, thence North by East to point of beginning, being part of the property purchased by the late Captain Edward Dorgan from David Millin et al by deed dated June 20, 1883 and recorded in Deed Book N Pages 200-201 in the office of the Probate Judge of Baldwin County.

BERTHA DORGAN MILLER and  
ETHEL DORGAN,

Complainants,

Vs.

WILLIAM DORGAN, et al,

Respondents.

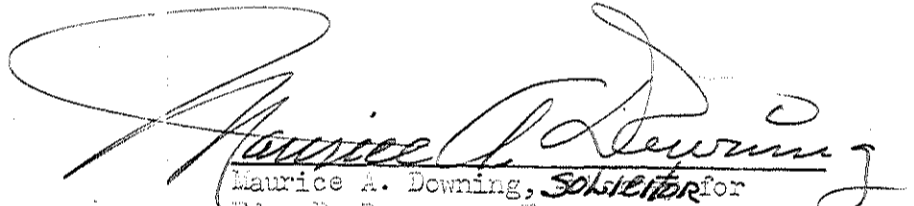
IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA.

IN EQUITY

NO. 2875

Comes the Respondent, Edna B. Dorgan, as Executrix under the last Will and Testament of Edward Orlyn Dorgan, Sr., deceased, and as the sole devisee under the last Will and Testament of Edward Orlyn Dorgan, Sr., deceased, and agrees that the testimony of Wilmer W. Miller may be taken at any time in the above styled cause and waives notice of the taking of such testimony, and waives notice of the time and place of the taking of such testimony, and agrees that said testimony may be taken either with or without the issuance of a commission by the Register.



Maurice A. Downing, ~~Solicitor~~  
Edna B. Dorgan as Executrix of the  
last Will and Testament of Edward  
Orlyn Dorgan, Sr., deceased and as  
sole devisee under the last Will and  
Testament of Edward Orlyn Dorgan, Sr.,  
deceased

BERTHA DORGAN MILLER AND ETHEL DORGAN,

Complainants,

VS.

WILLIAM DORGAN AND SIDNEY DORGAN, ET AL,

Respondents.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY NO. 2875

ANSWER

Now come the respondents, Hazel Ardell Carlee, Joan Vonceil Dorgan, Mary Elinor Rowell, John Andrew Dorgan, Lydia M. Dorgan and Margaret Celina Dorgan, By Telfair J. Mashburn, Jr., as their guardian ad litem and agrees that the testimony of Wilmer W. Miller may be taken at any time in the above styled cause and waives notice of the taking of such testimony, and waives notice of the time and place of the taking of such testimony, and agrees that said testimony may be taken either with or without the issuance of a commission by the register.

And for answer to the said bill of complaint heretofore filed in this cause the respondents say:

1. The respondents admit the allegations of paragraph 1.
2. The respondents admit the allegations of paragraph 2.
3. The respondents admit the allegations of paragraph 3.
4. The respondents deny each and every allegation in paragraph 4 of the bill of complaint and demand strict proof thereof.

Telfair J. Mashburn Jr.  
Guardian ad litem.

I, Louise Dusenbury, as Commissioner, hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness and read over to him and he signed the same in the presence of myself, J. R. Owen Telfair J. Mashburn, Jr. and V. R. Jansen, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the results thereof.

Given under my hand and seal this the 24th day  
June, 1954.

Louise Dusenbury  
Commissioner

FILED

6-24-54

ALICE J. DUCK, Register



STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

KNOW ALL MEN BY THESE PRESENTS: That in a proceeding in the Circuit Court of Baldwin County, Alabama, in Equity, wherein Bertha Dorgan Miller, et al, are complainants and William Dorgan, et al, are respondents, being a proceeding for the said sale of certain lands for division (Case Number 2875), the said Court did on the 26th day of June, 1954, rendered a decree of sale of said lands hereinafter described for the purpose of making division among the said joint owners thereof, said sale to be made at public outcry to the highest bidder for cash at the front door of the courthouse at Bay Minette in Baldwin County, Alabama, at twelve o'clock noon on the 23rd day of July, 1954, after notice as required by law, and did authorize the undersigned, Alice J. Duck as Register to sell the same; and,

WHEREAS, I, as such Register, pursuant to the said order of sale, gave notice of the time, place and terms of sale, together with a description of the property to be sold and the authority for and purpose of the said sale for three (3) weeks preceding the said sale by publication thereof in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, which notice appeared in the issues of said paper published on July 1, 1954, July 8, 1954 and July 15, 1954; and,

WHEREAS, I did, at twelve o'clock noon on the 23rd day of July, 1954, sell said lands at public outcry to the highest bidder for cash at the front door of the courthouse at Bay Minette in Baldwin County, Alabama, and at the said sale Mildred D. Williams became the purchaser of the tract of land hereinafter described at and for the sum of Eleven Thousand Seven Hundred Fifty (\$11,750.00) Dollars, she being the highest, best and last bidder for said land, who did pay to me, as Register aforesaid the said sum of \$11,750.00, being the full amount of the said purchase money; and,

WHEREAS, I did report on the 4th day of August, 1954,

under oath in writing, the said sale so made to the said court and the said court did on the 17th day of August, 1954, duly confirm and ratify the said sale and order a deed to be executed by the undersigned, as Register, to the said Mildred D. Williams, conveying the tract of land hereinafter described:

NOW, THEREFORE, in consideration of the premises and of the payment to me by said Mildred D. Williams of the said sum of \$11,750.00, and by virtue of the authority vested in me by the proceedings hereinbefore recited, I, Alice J. Duck, as Register aforesaid, have this day GRANTED, BARGAINED AND SOLD and by these presents do GRANT, BARGAIN, SELL AND CONVEY to the said Mildred D. Williams, as fully and completely as I am authorized by law to convey the same, all interest of whatsoever kind the said respondents in said cause referred to above has in or now have in the following described real property situated in Baldwin County, Alabama, to-wit:

Lot 1 on the Henry Baudin Grant or Tract in Townships 7 and 8 South, Ranges 2 and 3 East, according to plat of survey thereof by E. E. Carpenter, Surveyor, dated June 6, 1873 and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book J at page 715.

EXCEPT THEREFROM the following described tracts or parcels thereof, to-wit:

1. The portion of said Lot 1, lying South of Allegator Bayou which is included in the Weeks Division of the Ward Tract, according to the plat thereof recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book X page 108:

2. The portion of said Lot 1 which was conveyed by Edward Dorgan and Celina Dorgan, his wife to Mary Catherine Roberts by Warranty deed dated December 31, 1896 and recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book W page 539 which is described in said deed as follows:

The following described parcel of land in Baldwin County, Alabama, and in Lot Number 1 of the Henry Baudin Tract on Weeks Bay beginning at a point where grantors South fence strikes the high water mark on said Weeks Bay, thence Southeastwardly parallel with North and South line of said lot No. 1 of Baudin Tract the distance of 153 feet; thence Southwesterly at right angles to the first line 82 feet, thence Northwesterly parallel

with said first line 153 feet, more or less, to the high water mark on said Weeks Bay; thence along the line of said high water mark with its meanderings to the point of beginning, being part of the same property bought by grantor from David M. Flin and others by deed dated June 20, 1863 and recorded in Book N pages 200-201 of Records of Baldwin County;

3. The portion of said lot 1 which was conveyed by Colina Dorgan and others to Katherine Roberts wife of Owen Roberts, by Quit Claim deed dated June 30, 1903 and recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book 6 page 472, which is described in said deed as follows:

Beginning at a point on Weeks Bay where the South fence of the property of the late Captain Edward Dorgan strikes the high water mark on said Weeks Bay; thence running East by North along said South fence 164 feet, thence South by East at right angles 108 feet thence West by South and parallel with South fence 164 feet, thence North by East to point of beginning, being part of the property purchased by the late Captain Edward Dorgan from David Milfin et al by deed dated June 20, 1863 and recorded in Deed Book N, pages 200-1 in the office of the Probate Judge of Baldwin County.

TO HAVE AND TO HOLD unto the said Mildred D. Williams and unto her heirs and assigns, forever, as full and completely as I am authorized to convey the same.

IN WITNESS WHEREOF, I, Alice J. Duck, as Register aforesaid, have hereunto set my hand and seal on this the 18th day of August, 1954.

*Alice J. Duck*  
\_\_\_\_\_  
Register

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I, James R. Owen, a Notary Public within and for said County in said State, hereby certify that Alice J. Duck, whose name as Register is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she, in her capacity as register, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the \_\_\_\_\_ day of August, 1954.

\_\_\_\_\_  
Notary Public, Baldwin County, Alabama

VERNOL R. JANSEN  
LAWYER  
205 TITLE INSURANCE BUILDING  
MOBILE, ALA.

August 19, 1954

Mrs. Alice Duck  
Register of Circuit Court  
Bay Minette, Alabama

Dear Mrs. Duck:

In Re: # 2875 Equity  
Miller vs Dorgan.

Your records do not show the addresses of the persons entitled to distribution and I will furnish herewith all the information I have as to these residences, viz;

Wilmer W. Miller, as executor of the Estate of Bertha D. Miller, deceased, 1501 Dauphin Street, Mobile, Alabama; Ethel J. Dorgan, Bailey Island, Maine; Ardell D. Johnson 1732 Springhill Avenue, Mobile, Alabama, Sidney Eugene Dorgan 3112 Forest Hill Drive Spring Hill, Alabama; Francis O. Chaddick, 5526 Val Verde Street, Houston, Texas, William Dorgan Chaddick, 325 Fayette Street, Chickasaw, Alabama; John Gaines Chaddick, 734 East 13 $\frac{1}{2}$  Street, Houston, Texas, Marion Dorgan, 154 S. Jefferson Street, Mobile, Alabama; Gerald E. Dorgan, 2164 Gibson Street, Mobile, Alabama, Edna B. Dorgan, as Executrix estate of Edward O. Dorgan c/o Maurice Downing, Attorney at Law, First National Bank Bldg., Mobile, Alabama; Mildred Williams, 13 Country Club Road, Spring Hill, Alabama, Catherine E. Bogue, 905 Spring Hill Avenue, Mobile, Alabama, Eloise Bogue, 905 Spring Hill Avenue, Mobile, Alabama, Inex Dollahan, 1064 Oak Street, Mobile, Alabama, Edward John Dorgan, sometimes known as John Edward Dorgan, 1152 Kentucky Street, Mobile, Alabama, Anna Bell Stencil, Fairhope, Alabama, Ruth E. Wallace and six children live at Gulf Shores, Alabama, Kathryn Dryer, Fairhope, Alabama; William Dorgan, Creighton Towers, Mobile, Alabama; Edward Roberts, Celina Cummings and Camilla Bonnell all live at or near Fairhope, Alabama.

I will try to secure the remaining addresses as soon as possible.

Very truly yours,

  
Vernol R. Jansen

VRJ/lj  
CC:  
Mr. James R. Owen  
Attorney at Law  
Bay Minette, Alabama

BERTHA DORGAN MILLER AND ETHEL  
DORGAN,

Complainants,

VS

WILLIAM DORGAN AND SIDNEY DORGAN,  
ET AL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2875

REGISTER'S REPORT OF SALE

Whereas, heretofore, a decree was made and entered by  
this Court directing the Register to sell the following described  
real property situated in Baldwin County, Alabama, to-wit:

Lot 1 on the Henry Baudin Grant or Tract in  
Townships 77 and 8 South, Ranges 2 and 3 East,  
according to plat of survey thereof by R. E.  
Carpenter, Surveyor, dated June 6, 1873 and  
recorded in the office of the Probate Judge  
of Baldwin County, Alabama, in Deed Book J at  
page 715.

EXCEPT THEREFROM the following described tracts  
or parcels thereof, to-wit:

1. The portion of said Lot 1, lying South of  
Alligator Bayou which is included in the Weeks  
Division of the Ward Tract, according to the  
plat thereof recorded in the office of the Probate  
Judge of Baldwin County, Alabama in Deed Book X  
Page 108;

2. The portion of said Lot which was conveyed by  
Edward Dorgan and Celina Dorgan, his wife to Mary  
Catherine Roberts by Warranty deed dated December  
31, 1896 and recorded in the office of the Probate  
Judge of Baldwin County, Alabama in Deed Book W  
Page 539 which is described in said deed as follows:

The following described parcel of land in Baldwin  
County, Alabama, and in Lot Number 1 of the Henry  
Baudin Tract on Weeks Bay beginning at a point  
where grantors South fence strikes the high water  
mark on said Weeks Bay, thence Southeastwardly  
parallel with North and South line of said Lot No.  
1 of Baudin Tract the distance of 153 feet; thence  
Southwesterly at right angles to the first line 82  
feet, thence Northwesterly parallel with said first  
line 153 feet, more or less, to high water mark on  
said Weeks Bay; thence along the line of said high  
water mark with its meanderings to the point of  
beginning, being part of the same property bought  
by grantor from David Mifflin and others by deed  
dated June 20, 1883 and recorded in Book W Pages  
200-201 of Records of Baldwin County;

3. The portion of said Lot 1 which was conveyed

by Celina Dorgan and others to Katharine Roberts, wife of Owen Roberts, by Quit Claim Deed dated June 30, 1903 and recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book 6 Page 672, which is described in said deed as follows:

Beginning at a point on Weeks Bay where the South fence of the property of the late Captain Edward Dorgan strikes the high water mark on said Weeks Bay; thence running East by North along said South fence 164 feet, thence South by East at right angles 108 feet thence West by South and parallel with South fence 164 feet, thence North by East to point of beginning, being part of the property purchased by the late Captain Edward Dorgan from David Mifflin et al by deed dated June 20, 1883 and recorded in Deed Book N Pages 200-1 in the office of the Probate Judge of Baldwin County.

Now, therefore, in obedience of said decree I beg leave to report that I caused notice of said sale to be advertised in the Baldwin Times, a newspaper published in Baldwin County, Alabama, once a week for three successive weeks in accordance with the terms of said decree, said insertions appearing on to-wit: July 1, July 8 and July 15, 1954.

That on the 23rd day of July, 1954, which was the day set for said sale in said notice, I proceeded to sell the hereinabove described property at public outcry at 12 o'clock noon, in front of the Courthouse door of Baldwin County, Alabama, to the highest and best bidder.

That at said sale Mildred D. Williams was the highest and best bidder and became the purchaser of the hereinabove described property, for and at the sum of \$11,750.00 and she has paid said amount into Court.

Respectfully submitted.

---

Register.

ORDER

The above report having been submitted to me on this day it is hereby ordered, adjudged and decreed that the said report

lie over until the \_\_\_\_\_ day of August, 1954, for any objections thereto.

ORDERED, ADJUDGED AND DECREED on this the \_\_\_\_\_ day of August, 1954.

\_\_\_\_\_  
Judge.

IN WITNESS WHEREOF I have hereunto set my hand and the seal of the Court at \_\_\_\_\_  
this \_\_\_\_\_ day of August, 1954.

Respectfully,  
\_\_\_\_\_  
Clerk of Court

BY \_\_\_\_\_  
Clerk of Court

BY \_\_\_\_\_  
Clerk of Court

Respectfully,  
\_\_\_\_\_  
Clerk of Court

BY \_\_\_\_\_  
Clerk of Court

BERTHA DORGAN MILLER AND ETHEL  
DORGAN,

Complainants,

VS

WILLIAM DORGAN AND SIDNEY DORGAN,  
ET AL,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 2875



The undersigned, one of the parties in the cause of  
Bertha Dorgan Miller, et al, complainants vs. William Dorgan, et al,  
respondents, case number 2875, by endorsing this check do hereby  
acknowledge receipt and full payment to me as a party to said cause.