

3451

Filed 11-9-55 11:45 A.M.

Recorded 11-9-55 book 230 page 34

W.R. Stewart  
Judge of Probate

5/10/55  
BOOK 230  
PAGE 34

N. M. NEWELL  
COMPLAINANT  
VS  
NOAH BISHOP  
RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY.  
CASE NO. 3451

F I N A L D E C R E E

This cause coming on to be heard is submitted for final decree upon the pleadings and proof, in accordance with note of evidence; and upon consideration thereof the Court is of opinion that the complainant is entitled to the relief prayed for in his complaint. It is, therefore, ordered, adjudged and decreed by the Court:

1. That the complainant, N. M. NEWELL, is the owner of the real estate described in the original bill in this cause and which real estate is situated in the County of Baldwin, State of Alabama; and more particularly described as follows:

Lot 11 of the Mary G. Cook Subdivision as recorded in the office of the Probate Judge of Baldwin County, Alabama, in Map Book 3, Page 88.

2. That NOAH BISHOP, the respondent in this cause, have no right, title or interest in, or encumbrances upon such lands above described, or any part thereof.

3. That the Register, within thirty days from this date, filed a certified transcript of this decree for record in the Probate Court of Baldwin County, Alabama, the County in which said land lies; and that the Probate Judge record and index said decrees as required by Code Section 1113, Title 7 of the 1940 Code of Alabama.

4. That the complainant pay the costs of this suit to be taxed by the Register, for which let execution issue.

Done this the 2nd day of November, 1955.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decrees are filed and enrolled in my office.

Hubert M. Hall  
CIRCUIT JUDGE.

WITNESS MY HAND AND SEAL THIS THE 2nd day of Nov, 1955

Alice J. Duck  
Register of Circuit Court, in Equity

JOSIAH ROBINS BONNER  
ATTORNEY AT LAW  
CAMDEN, ALABAMA

TELEPHONE 95

October 31, 1955

Mr. C. LeNoir Thompson  
Attorney at Law  
Bay Minette, Alabama

Re: N. M. Newell

Dear LeNoir:


Find enclosed, my commission to take deposition accompanied by the deposition of N. M. Newell. In the event this testimony is sufficient, then, I would appreciate you placing the commission and the testimony in an envelop and mail same to the Register, or you can just present this to the Register, if more convenient.

You will note a slight variance in that the present title is actually in Mack (N.M.) Newell and his sisters, as shown in the testimony.

In the event the enclosed testimony is not like you want it, then please return with your suggestions.

I have heard Hugh Rozelle speak of you and also a number of your other friends.

Yours very truly,

  
Josiah Robins Bonner

JRB/j

P.S. Of course, there is no charge. JRB

THE STATE OF ALABAMA  
Baldwin County

Circuit Court

TO: JOE ROBBINS BONNER  
CAMDEN, ALA.

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine

a witnesses in behalf of \_\_\_\_\_ in a cause pending in our Circuit Court in Baldwin County, of said State, wherein \_\_\_\_\_

N.M. NEWELL

\_\_\_\_\_, Complainant.

and NOAH BISHOP

\_\_\_\_\_, Respondent

on oath, to be by you administered, upon \_\_\_\_\_ to take and certify the deposition of the witness \_\_\_\_\_ and return the same to our Court, with all convenient speed, under your hand.

Witness \_\_\_\_\_ 20th. day of \_\_\_\_\_ Oct. \_\_\_\_\_, 1955

*Wise J. Drake*  
Register.

Commissioner's Fee, \$ \_\_\_\_\_

Witness' Fees, \$ \_\_\_\_\_

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

**THE STATE OF ALABAMA  
Baldwin County**

**CIRCUIT COURT**

~~JOE ROBBINS BONNER~~

N.M. NEWELL

Complainant

VS.

NOAH BISHOP

Defendant

**COMMISSION TO TAKE DEPOSITION**

COMMISSIONER:

JOE ROBBINS BONNER

CAMDEN, ALA.

WITNESSES:

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The State of Alabama, Baldwin County.

IN CIRCUIT COURT IN EQUITY.

N. M. Newell Complainant

vs.

Noah Bishop Defendant

Oral examination before the Register of the following witnesses:

N. M. Newell

who reside in Alabama, said examination being conducted in Camden Alabama,

on this the 31 day of October, 1955, and there being present N. M. Newell

The said witness being first sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows: My name is N. M. Newell and I am over the age of 21 years and I am a legal citizen resident of Wilcox County, Alabama, where I have resided for all my life.

Yes, I am familiar with the title, ownership and possession of lot number 11, according to the survey by R. J. Greenwood, of the Mary Cook sub-division situated in the South half of North half of Section 20, T. 9, South, R. 3 East, Baldwin County, Alabama.

This lot No. 11, with other property, was homesteaded or patented from the United States of America by my Grand-mother, Mary G. Cook by Patent dated July 21, 1906, recorded in Alabama Vol. 520, page 93, and also recorded in Deed Book 11, New Series, page 34-35, Baldwin County, Alabama. This above named Grand-mother, namely: Mrs. Mary G. Cook, died intestate in Wilcox County, Alabama, in the year, 1924, leaving a number of children, one of whom was my mother, Mrs. Georgia Cook Newell. My mother along with a number of the other co-owners filed a petition in the Circuit Court of Baldwin County, Alabama, in

The State of Alabama,

.....County.

IN CIRCUIT COURT, IN EQUITY

vs. Complainant,

Defendant.

Deposition Taken Before Register on Oral Examination

Deposition of.....

for.....

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

Published by order of the Court,.....

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

Register.

Law requires assessments to be made each year. October 1st, January 1st. 10 percent penalty accrues third Monday in January.

In asking for information give section, township, range numbers. For town or city property give name of sub-division and lot and block numbers.

*Exhibit 'c'*

Office Of

T A X

ASSESSOR

**BALDWIN COUNTY**

E. S. TUNSTALL,  
Tax Assessor

"Call On Me"  
Dial 2671

BAY MINETTE, ALA.

Enclose Postage For Reply

15 December, 1947

Mrs. N. M. Newell  
Coy, Alabama

Dear Mrs. Newell:

I am returning herewith blue copy of 1948 assessment listed in your name. This blue copy is for your file and the white copy is to be returned to this office.

There is also returned herewith blank check signed by you for payment of 1947 taxes on above mentioned property. A check of the records in the office of the Tax Collector reveals that the taxes were paid on 24 November 1947. However, I am unable to determine the identity of the party or parties making the payment.

If this office can be of further service, please call on me.

Yours very truly,  
*E. S. Tunstall*  
E. S. TUNSTALL  
Tax Assessor.

*Mr. Paul ...  
the balance to ...  
error 1947 ...  
[Signature]*

EST:hmc

*SB 70 page 74*

*15*

**REAL AND PERSONAL PROPERTY**

Number

List of Property Returned by Mrs. N. M. Newell

Beat No.

P. O. Address Bay, Ala.

To **E. S. TUNSTALL, Tax Assessor of Baldwin County, Alabama, for the year 1948**

Section 43. (Rev. Act 1935). It shall be a misdemeanor for any taxpayer, or attorney, or agent, of any taxpayer to make tax returns, to fail, neglect, or refuse on demand of the tax assessor to fill out or have filled out the schedule provided for, or to fail to give the information herein provided for, or to fail, refuse, or neglect to take and subscribe to the oath or affirmation required to such schedules or to fail to return the same to the assessor as prescribed by law. Having authority to make such schedules or to perform such duties as prescribed by law, the assessor, if he fails or neglects to do so, shall, upon conviction, be fined not less than twenty dollars nor more than one thousand dollars.

Dollars	Cts.

Names and addresses of the companies, firms, associations, exchanges or other organizations carrying such insurance must be given.

REAL ESTATE-DESCRIPTION (Note whether mineral right, surface right, timber right, turpentine right, or other right)		S.	T.	R.	No. Acres	Preceding Year's Valuation	Taxpayer's Estimate of Value (60%)	Tax Assessor's Value for Assessment	Valuation by Board of Equalization
Insurance									
HOMESTEAD									
<u>Lot 11 Mary E. Cook with</u>					<u>46 2</u>	<u>11-79</u>	<u>70</u>	<u>70</u>	<u>70</u>

Number of acres unimproved  
Number of acres improved

Assessor's Fee \$      10% Penalty

Real Estate bought from whom? \_\_\_\_\_ Price paid \$  
Real Estate sold to whom? \_\_\_\_\_ Price paid \$  
I do solemnly swear (or affirm) that I am the head of the family, and/or that no other claim of exemption from State taxes for Homestead has been made or filed by or on behalf of any member of my immediate household; and that the items of this assessment marked above is the Homestead claimed by me, which does not exceed \$2,000.00 in assessed value nor 160 acres in area.

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, 194\_\_\_\_\_  
**OATH TO BE ADMINISTERED TO TAXPAYER.**  
"I do solemnly swear that the foregoing list of property returned by me (if not his own property, here state the capacity in which he returns such property for assessment) is a full and complete return of all the property owned by me (Here state whom the property returned is his own property, and if not his own property, state the name of the person, corporation or estate for whom the property is returned) and in which I have any interest whatever, the situs of which for taxation, or exemption from taxation is in this county, on the first of October of the present tax year, and that the statement of the amount of fire insurance carried thereon is correct, and that the names and, where known, the addresses of the companies, firms, associations, exchanges or other organizations carrying such insurance are correct to my personal knowledge, and of the improvements on lands listed in the foregoing schedule, so help me God."

Subscribed and sworn to before me this the 11 day of July, 1947  
Mrs. N. M. Newell (Person giving in return)  
A. P. Cox (Officer will sign here)  
I hereby certify that before taking the foregoing assessment list, I administered the oath required to be administered under Section 32, Revenue Act of 1935, to taxpayer or agent making this return and that I interrogated the said party as the law directs in regard to the same.  
Baldwin Times, Bay Minette, Ala.  
Tax Assessor



*N. M. Newell*

VS.

*Noah Bishop*

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint,

*Testimony of Complainant, N. M. Newell.*

and in behalf of Defendant upon

*Verdict as confessed on Personal Service*

*C. LeRoy Thompson*

*Devin J. Smith*  
Register.

No. ....

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

**IN EQUITY**  
**Circuit Court of Baldwin County**

vs.

**NOTE OF TESTIMONY**

Filed in Open Court this .....

day of ..... , 194.....

**FILED**

**NOV 2 1955**

Register.

Printed by the Baldwin Times ~~DECK, Register~~

CIRCUIT COURT COMPLAINT

Printed By Baldwin Times, Bay Minette, Ala.

W. P. Newell  
Complainant,  
Vs. Neal Bishop  
Respondent.

In the Circuit Court.  
In Equity No. \_\_\_\_\_

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent  
Neal Bishop

by the Sheriff of  Baldwin  County, on the  27th  day of  January ,  
1945.

And it further appears to the Register, that the said  Neal Bishop

\_\_\_\_\_, the Respondent, 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  C. Blair Thornton  Solicitors  
for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,  
and it hereby is, in all things taken as confessed against the said \_\_\_\_\_

This  4th  day of  March , 1945.

Archie J. Newell   
Register.