

3454

**GEORGE S. TAYLOR**  
ATTORNEY-AT LAW  
908-909 FIRST NATIONAL BANK BUILDING  
HEMLOCK 2-1356  
MOBILE, ALABAMA

October 12, 1955

Hon. Alice J. Duck  
Register, Circuit Court  
Baldwin County  
Bay Mnette, Alabama

Dear Mrs. Duck:

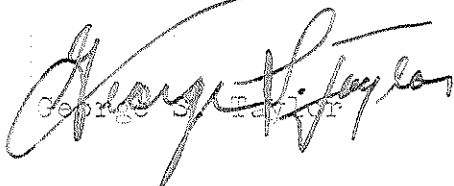
Re: T. J. Lucas, et al  
vs.  
Fred Lucas, et al

You will find enclosed herein cashier's check on the First National Bank of Mobile, Alabama in the sum of \$13.50 for court costs for receiving and distributing money paid into court under the decree in the above styled cause, as per your letter of October 11, 1955.

We will greatly appreciate your distributing this money as soon as possible.

With best regards, I am

Yours very truly,

  
George S. Taylor

GST:jns

Enc.

GEORGE S. TAYLOR  
ATTORNEY-AT LAW  
908-909 FIRST NATIONAL BANK BUILDING  
HEMLOCK 2-1356  
MOBILE, ALABAMA

October 7, 1955

Hon. Alice J. Duck  
Register, Chancery Court  
Baldwin County  
Bay Minette, Alabama

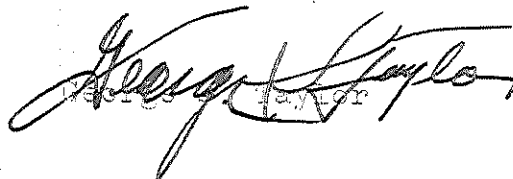
Dear Mrs. Duck:

Re: Petition of T. J. Lucas, Marietta  
Uptagrafft Faulkenberry and  
William Wesley Lucas to sell  
real property.  
No. 3454

You will find enclosed herein three checks in the sum of \$876.88 each payable to Alice J. Duck, Register, signed by T. J. Lucas and Marietta Uptagrafft Faulkenberry for Fred Lucas, Genral Delivery, Southside, Tennessee; Guy Lucas, 3520 Wall Avenue, Richmond, California, and Albert Mason Lucas, whose whereabouts is not known, but when last heard from was residing in Portland, Oregon, but the distributive share of the above named parties as tenants in common of the real property sold for division left by O. C. Lucas and Mary Elizabeth Lucas, which you will please distribute pursuant to the order and decree of the Court in this cause.

With best regards, I am

Yours very truly,

  
George S. Taylor

GST:jns

Encs.

cc: Mr. Vivian Johnson

T. J. LUCAS, MARIETTA  
UPTAGRAFFT FAULKENBERRY,  
and WILLIAM WESLEY LUCAS,  
Complainants,  
vs.  
FRED LUCAS, GUY LUCAS,  
and ALBERT MASON LUCAS,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY.  
NO. 3454

TO THE HONORABLE JUDGE OF SAID COURT SITTING IN EQUITY:

Comes the complainants, T. J. Lucas, Marietta Uptagrafft Faulkenberry, and William Wesley Lucas, and bring this their bill of complaint against the respondents, Fred Lucas, Guy Lucas, and Albert Mason Lucas, showing unto the Court as follows:

1. That each of the complainants is over the age of twenty-one (21) years and is a bona fide resident of the State of Alabama, in the County of Mobile; that each of the respondents is over the age of twenty-one (21) years; that respondent Fred Lucas is a non-resident of the State of Alabama and resides at, and whose mailing address is, care of General Delivery, Southside, Tennessee; that respondent Guy Lucas is a non-resident of the State of Alabama, whose last known residence and mailing address was 3520 Wall Avenue, Richmond, California; that respondent Albert Mason Lucas is a non-resident of the State of Alabama, and his whereabouts is not known, but when last heard from, he was residing in Portland, Oregon.

2. That the complainants and the respondents are all tenants in common of certain real property consisting of about three (3) acres of land and one four-room house situated thereon, lying and being in Baldwin County, Alabama, more particularly described as follows:

Lot No. Seven (7) in Spanish Fort Subdivision, First Addition in Baldwin County, Alabama, as per map recorded in Map Book 3, page 8, of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama.

3. That said Marietta Uptagrafft Faulkenberry is the only heir and next of kin of Mary Elizabeth Lucas, deceased, her deceased mother, who died owning an undivided one-half (1/2) interest in and

to said property; and that the other named complainants and respondents are brothers and the only heirs and next of kin of O. C. Lucas, deceased, their father, who died owning an undivided one-half (1/2) interest in and to said property. That said Marietta Uptagrafft Faulkenberry acquired her undivided one-half (1/2) interest in and to said property by inheritance from her said mother, and that the other named complainants and respondents acquired their respective one-tenth (1/10) undivided interests in and to said property by inheritance from their said father.

4.- That said complainants and respondents each have an undivided interest in said property as follows:

Marietta Uptagrafft Faulkenberry, owning a one-half (1/2) undivided interest in said property;

T. J. Lucas, owning a one-tenth (1/10) undivided interest in said property;

William Wesley Lucas, owning a one-tenth (1/10) undivided interest in said property;

Fred Lucas, owning a one-tenth (1/10) undivided interest in said property;

Guy Lucas, owning a one-tenth (1/10) undivided interest in said property;

Albert Mason Lucas, owning a one-tenth (1/10) undivided interest in said property.

5. That said property cannot be equitably divided or partitioned among said tenants in common without a sale of same, and that it would be to the best interest of all parties to sell said property for the purpose of division and distribution.

#### PRAYER FOR PROCESS AND RELIEF

WHEREFORE, the premises considered, complainants respectfully pray that this Honorable Court will take jurisdiction of this their bill of complaint and will make said Fred Lucas, Guy Lucas, and Albert Mason Lucas parties respondent hereto, and will cause process to be issued and served upon them, and notice of the filing of this bill of complaint to be given each of them at the time and in the manner prescribed by law and applicable rules and practice of this

Honorable Court relative to the service of process, and that they be required to appear and plead, answer or demur hereto as they may be advised and in the manner and time required by law; and complainants further pray that this Honorable Court, upon a hearing hereof, will render a decree finding and ordering that the above described property cannot be equitably divided among the tenants in common thereof without a sale thereof, and ordering that said property be sold for division among the tenants in common thereof, and directing that the proceeds of said sale, after the payment of the costs of Court and the costs and expenses of such sale, be divided and distributed under the order of this Court among the parties to this suit, in accordance with their respective interests in said property, as set out above, and awarding such other, further and different relief as in equity and in good conscience, the complainants are entitled herein to receive; and complainants further pray that the said T. J. Lucas and Marietta Uptagrafft Faulkenberry be appointed and ordered to sell such property and convert the value of same into money and to report such sale back to this Court for confirmation of same and to undertake such other action with relation thereto as the Court deems meet and proper.

*T. J. Lucas*  
 \_\_\_\_\_  
 T. J. Lucas

*Marietta Uptagrafft Faulkenberry*  
 \_\_\_\_\_  
 Marietta Uptagrafft Faulkenberry

*William Wesley Lucas*  
 \_\_\_\_\_  
 William Wesley Lucas

*George S. Taylor*  
 \_\_\_\_\_  
 George S. Taylor  
 First National Bank Building  
 Mobile, Alabama

SMITH, HAND, ARENDALL & BEDSOLE

BY: *Vivian G. Johnston, Jr.*  
 \_\_\_\_\_  
 Vivian G. Johnston, Jr.  
 622 First National Bank Building  
 Mobile, Alabama

SOLICITORS OF RECORD FOR COMPLAINANTS

STATE OF ALABAMA :

BOOK 018 PAGE 416

COUNTY OF MOBILE :

Before me, the undersigned authority, personally appeared T. J. Lucas, Marietta Uptagrafft Faulkenberry, and William Wesley Lucas, who are known to me and who, being first duly sworn, did depose and say that they are the complainants in that cause this day filed in the Circuit Court of Baldwin County, Alabama, in equity, under the style of T. J. Lucas, Marietta Uptagrafft Faulkenberry, and William Wesley Lucas, Complainants, vs. Fred Lucas, Guy Lucas, and Albert Mason Lucas, Respondents; that the facts alleged and contained in the bill of complaint as filed in said cause are true and correct.

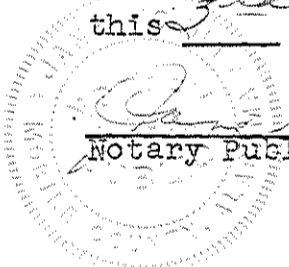
T. J. Lucas  
T. J. Lucas

Marietta Uptagrafft Faulkenberry  
Marietta Uptagrafft Faulkenberry

William Wesley Lucas  
William Wesley Lucas

Subscribed and sworn to before me

this 3rd day of January, 1954.



[Signature]  
Notary Public, Mobile County, Alabama

STATE OF ALABAMA  
BALDWIN COUNTY

T. J. LUCAS, MARIETTA  
UPTAGRAFFT FAULKENBERRY,  
and WILLIAM WESLEY LUCAS )

Complainants, )

vs. )

FRED LUCAS, GUY LUCAS,  
and ALBERT MASON LUCAS )

Respondents. )

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. No. 3454

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT, IN EQUITY:

The undersigned, commissioners heretofore appointed by your Honor to sell certain real estate, which is particularly set forth and described in the commission which was issued to the undersigned by your Honor, on the 23 day of June, 1955, pursuant to an order and decree of this Honorable Court, and which commission is in the file in this cause and is hereby requested to be annexed to this report and referred to as a part of this report, respectfully report and represent unto your Honor that in persuance of and in strict accordance with the directions of said commission, and the decree of this Honorable Court, and the laws of Alabama in such cases made and provided, they did on Wednesday, the 31st day of August, 1955, between the hour of 12 Noon and 1:00 P.M. sell at public auction in front of the Court House of said county the property described in said commission to Minor Veazey and Amzie Veazey, husband and wife, who were the highest and best bidders for the same, for the sum of \$10,000.00, being the highest amount bid at said sale; that said sale was in all respects fairly conducted; that said property sold for an amount equal to or not greatly less than its value; that the said Minor Veazey and Amzie Veazey have complied with the terms of said sale by the payment to the undersigned commissioners of the whole of said purchase money, by delivering to them a cashier's check on the Merchants National Bank of Mobile, Alabama, said sum being the full amount of the proceeds of said sale; that no part of said purchase money has been deducted therefrom; that the undersigned respectfully request that upon the confirmation of said sale if same shall be confirmed, that they be authorized and directed

to deduct from the total amount of the purchase money the cost and expenses attending the sale which has been incurred by them, to-wit: \$150.00 for the cost of guaranty of title to be paid to J. A. Ertzinger & Son; \$900.00 to be paid to George S. Taylor and Vivian G. Johnston, Jr., solicitors of record representing the respective heirs and owners of the land sold for division or partition; the cost of advertising said property for sale in the Baldwin Times; all court costs incurred at said proceeding; and reasonable commissions to be determined by the Court for the undersigned for their services; and after said deductions are made that the balance of the proceeds less said deductions be turned over to this Honorable Court for the purpose of being distributed among the parties interested, who are named in said commission, according to law and the orders of this Court.

And that said commissioners fully complied with the directions of the said commission and beg leave to submit the foregoing to the judgment and further order of your Honor as a report of their action in the premises.

Marietta Uptagrafft Faulkenberry  
Marietta Uptagrafft Faulkenberry

T. J. Lucas  
T. J. Lucas

Sworn and subscribed to before me this  
by each of said commissioners this the 8<sup>th</sup>  
day of September, 1955.

[Signature]  
Notary Public, Mobile County, Alabama



STATE OF ALABAMA:

COUNTY OF MOBILE:

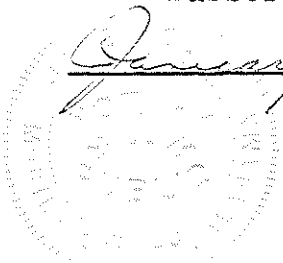
Personally appeared before me the undersigned Notary Public in and for said County, in said State, Marietta Uptagrafft Faulkenberry, who, after being by me first duly sworn on oath deposes and says as follows:

That she is one of the Complainants in the pending case brought by T. J. Lucas, Marietta Uptagrafft Faulkenberry and William Wesley Lucas as Complainants against Fred Lucas, Guy Lucas, and Albert Mason Lucas as Respondents, which case is pending in the Circuit Court of Baldwin County, Alabama, in Equity, No. 3454, that she is informed and believes and upon such information and belief states that said Fred Lucas is a non-resident of the State of Alabama and that his last residence and mailing address known to her was in care of General Delivery, Southside, Tennessee; that said Guy Lucas is a none-resident of the State of Alabama, whose last known residence and mailing address was ~~3520 Well Street, Martinez, California;~~ <sup>927 Thompson</sup> ~~Avenue, Richmond, California;~~ that said Albert Mason Lucas is a none-resident of the State of Alabama, whose present whereabouts are not known to her but when last heard from he was residing in Portland, Oregon, that she and the other named Complainants have exercised great diligence in attempting to locate the whereabouts of said Albert Mason Lucas and have been unable to determine such whereabouts, but believes and is satisfied that his residence is not within the State of Alabama; that none of the said Respondents reside presently in the State of Alabama.

*Marietta Uptagrafft Faulkenberry*  
Marietta Uptagrafft Faulkenberry

Subscribed and sworn to before me on this 28<sup>th</sup> day of January, 1955.

*Paul Grant*  
Notary Public



STATE OF ALABAMA :

COUNTY OF BALDWIN :

By virtue of an order and decree of Honorable Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, made on ~~the~~ <sup>to-wit:</sup> 23<sup>rd</sup> day of June, 1955, we, T. J. Lucas and Marietta Uptagrafft Faulkenberry, the commissioners named in said order and decree, will sell to the highest bidder for cash, at public sale, in front of the front door of the Courthouse of Baldwin County, Alabama, on the 31st day of August, 1955, between the hours of 12:00 o'clock Noon and 1:00 o'clock P.M., for the purpose of division and distribution of the proceeds of such sale among T. J. Lucas, Marietta Uptagrafft Faulkenberry, William Wesley Lucas, Fred Lucas, Guy Lucas, and Albert Mason Lucas, tenants in common, the following described property, to-wit:

Lot No. Seven (7) in Spanish Fort Subdivision, First Addition in Baldwin County, Alabama, as per map recorded in Map Book 3, page 8, of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama.

The property will be sold subject to the lien for current ad valorem taxes, and title will be secured by guaranty of title. The sale will be subject to confirmation by the Judge of the Circuit Court of said County, and all bids may be rejected by the Commissioners.

FILED

1-25-55

ALICE J. BOCK, Register

T. J. Lucas  
T. J. Lucas

Marietta Uptagrafft Faulkenberry  
Marietta Uptagrafft Faulkenberry

COMMISSIONERS

T. J. Lucas, Marietta Upt-	)	
grafft Faulkenberry, and	)	
William Wesley Lucas	)	
Complainants,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
Fred Lucas, Guy Lucas and	)	IN EQUITY. NO. 3454
Albert Mason Lucas	)	
Respondents.	)	

STATE OF ALABAMA

COUNTY OF MOBILE

Personally appeared before me, the undersigned authority in and for said state and county, T. J. Lucas, who after being by me first duly sworn deposes and says: That he is one of the complainants in the above styled cause; that each of the respondents is over the age of 21 years and are affiant's brothers. That affiant visited with Fred Lucas in his home at Southside, Tennessee, who is employed in civilian employment at Fort Campbell, Kentucky. That Guy Lucas resides in California and is employed in civilian employment by an oil company; That Albert Mason Lucas is now 33 or 34 years of age and served in the armed forces many year ago and was involved in an accident and sustained a broken leg and fractured skull and that Albert Mason Lucas tried to re-enlist in the military service but was rejected because he was permanently physically unfit. Affiant further says that from the foregoing facts of which he has knowledge and on information and believe, none of the above named persons who are respondents in the above styled cause are now in the military service or armed forces of the United States of America.

T. J. Lucas  
T. J. Lucas

Sworn and subscribed to before me  
this the 14th day of April, 1955.

John M. [Signature]  
Notary Public, Mobile County, Ala.

Memorandum and statement of income and expenses in connection with sale of Lot No. 7 in Spanish Fort Subdivision, First Addition, in Baldwin County, Alabama, as per map recorded in Map Book 3, page 8, of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama, through proceedings in the Circuit Court of Baldwin County, Alabama, in Equity No. 3454.

Sale by Commissioners to Minor Veazey and Amzie Veazey on August 31, 1955 - \$10,000.00. Sale confirmed and deed delivered September 30, 1955. Total cash proceeds -		\$10,000.00
Less expenses relative to sale and court proceeding:		
Court costs, Baldwin County Circuit Court (Paid September 30, 1955, by check No. 1)	\$ 49.92	
Title guaranty - policy (Paid to Ertzinger & Son, abstractors, by check No. 2, September 30, 1955)	150.00	
Commissioners' fee (Paid by Check No. 3 to T. J. Lucas, September 30, 1955, and Check No. 4 to Marietta Uptagrafft Faulkenberry, September 30, 1955)	100.00	
1/2 Attorneys' fee (Included in Check No. 5 to George S. Taylor, attorney)	450.00	
Expenses of George S. Taylor (Included in check to George S. Taylor, Check No. 5, September 30, 1955)	6.25	
1/2 Attorneys' fee	450.00	
Documentary stamps on deed	11.00	
Expenses to Smith, Hand, Arendall & Bedsole (Last three items included in Check No. 6 to Smith, Hand, Arendall & Bedsole, September 30, 1955)	14.02	
Total expenses and receipts	\$1,231.19	\$10,000.00
Balance remaining after paying said expenses		<u>\$ 8,768.81</u>
Distribution of net proceeds to heirs:		
TO Marietta Uptagrafft Faulkenberry - 50% (Paid by Check No. 7, September 30, 1955)	\$4,384.41	
TO T. J. Lucas - 10% (Paid by Check No. 8, September 30, 1955)	876.88	
TO William Wesley Lucas - 10% (Paid by Check No. 12, September 30, 1955)	876.88	
TO Fred Lucas - 10% (Paid to Alice J. Duck, Register, Check No. 9, September 30, 1955)	876.88	
TO Guy Lucas - 10% (Paid to Alice J. Duck, Register, Check No. 10, September 30, 1955)	876.88	
TO Albert Mason Lucas - 10% (Paid to Alice J. Duck, Register, Check No. 11, September 30, 1955)	876.88	
Total distribution		<u>\$ 8,768.81</u>

FILED  
Oct. 5 1955  
ALICE J. DUCK, Register

T. J. Lucas, Marietta Uptagrafft )  
 Faulkenberry, and William Wesley )  
 Lucas, )

Complainants, )

vs. )

Fred Lucas, Guy Lucas, and Al- )  
 bert Mason Lucas )

Respondents. )

IN THE CIRCUIT COURT OF  
 BALDWIN COUNTY, ALABAMA.  
 IN EQUITY. NO. 3454

Motion is hereby made for a Decree Pro Confesso against Fred Lucas, Guy Lucas, and Albert Mason Lucas, defendants, in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 11th day of May, 1955.

*George S. Taylor*  
 Solicitors

Decree Pro Confesso of Publication.

MPCO

THE STATE OF ALABAMA, }  
BALDWIN COUNTY } CIRCUIT COURT, IN EQUITY

No. \_\_\_\_\_, Term, 19\_\_\_\_

T. J. Lucas, Mariette Uttagraft Faulkenberry, & William Wesley Lucas Complainant  
Vs.

Fred Lucas, Guy Lucas, and Albert Mason Lucas Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 3rd day of February, 1955, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 3rd day of February 1955 and \_\_\_\_\_

And it now further appearing to the Register Alice J. Duck that the said

Fred Lucas, Guy Lucas and Albert Mason Lucas

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Fred Lucas, Guy Lucas and Albert Mason Lucas

This 13th day of May 1955

Alice J. Duck Register.

RECORDED

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

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Vs.

Decree Pro Confesso of Publication

Issued \_\_\_\_\_ 19 \_\_\_\_\_

Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

100-100-100  
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100-100-100

## LEGAL NOTICE

Circuit Court of Baldwin County, Alabama, in Equity.

Register's Office. January 25, 1955.

T. J. Lucas, Marietta Uptagrafft Faulkenberry, and William Wesley Lucas, Complainants

No. 3454 vs.

Fred Lucas, Guy Lucas and Albert Mason Lucas, Respondents

In this cause it is made to appear to the court by the affidavit of Marietta Uptagrafft Faulkenberry, one of the complainants in said cause, that each of the respondents, Fred Lucas, Guy Lucas and Albert Mason Lucas, is over the age of twenty-one years and each of them is a non-resident of the State of Alabama; that Fred Lucas's last known address was General Delivery, Southside, Tennessee; that Guy Lucas's last known address was 927 Thompson Street, Martinez, California; that Albert Mason Lucas's last known residence was Portland, Oregon.

It is ordered that each of said respondents, Fred Lucas, Guy Lucas and Albert Mason Lucas, plead, answer or demur to the allegations of the bill of complaint filed against them in this cause before the 25<sup>th</sup> day of February 1955, or the expiration of thirty days from said date the same will be taken as confessed against them.

It is further ordered that notice of this order be published one a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, County of Baldwin, State of Alabama.

*Alice J. Duck*  
ALICE J. DUCK, Register.

GEORGE S. TAYLOR and VIVIAN G. JOHNSTON,  
Solicitors for Complainants.



DECREE CONFIRMING SALE

T. J. LUCAS, MARIETTA	:	IN THE CIRCUIT COURT OF
UPTAGRAFFT FAULKENBERRY,	:	
and WILLIAM WESLEY LUCAS,	:	BALDWIN COUNTY, ALABAMA
	:	
Complainants,	:	
	:	IN EQUITY
vs.	:	
	:	
FRED LUCAS, GUY LUCAS,	:	NO. 3454
and ALBERT MASON LUCAS,	:	
	:	
Respondents.	:	

This cause being submitted upon the commissioners' report of sale heretofore filed herein, and it appearing to the Court that said report has been on file with the Court for more than ten (10) days, and that no exceptions have been filed thereto, and that said sale therein reported should be confirmed;

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that said report of sale and the sale therein reported be, and the same hereby is, confirmed, and the commissioners appointed by this Court to sell the property described in the bill of complaint are directed to execute and deliver a proper deed of conveyance to the purchasers at such sale; and

It is further ORDERED, ADJUDGED and DECREED that the commissioners deduct from the total amount of purchase money, such total amount being the sum of Ten Thousand and No/100 Dollars (\$10,000.00), the following costs and expenses incurred by the commissioners in connection with the sale:

The sum of One Hundred Fifty and No/100 Dollars (\$150.00) for the cost of guaranty of title, which the commissioners shall pay to J. A. Ertzinger & Son, Bay Minette, Alabama;

The sum of Nine Hundred and No/100 Dollars (\$900.00) to be paid to George S. Taylor and Vivian G. Johnston, Jr., solicitors of record representing the respective heirs and owners of the land sold for division or partition, which sum shall be paid to such solicitors by the commissioners;

The sum of SIXTEEN AND 12/100 (\$16.12) Dollars to pay the cost of advertising said property for sale, which

sum shall be paid by said commissioners to the Baldwin Times, Bay

Mineette, Alabama;

The sum of THIRTY THREE AND 80/100 (\$33.80

Dollars to pay all court costs involved in this proceeding, which

sum shall be paid into this court by said commissioners;

The sum of ONE HUNDRED AND 00/100 (\$100.00)

Dollars as compensation and commission, which the court finds to

be a reasonable amount, to be paid by said commissioners unto them-

selves individually;

It is further ORDERED, ADJUDGED and DECREED that, after paying

the amounts hereinabove specified, the commissioners shall then pay

and distribute the balance of said proceeds as follows:

To Mary Uptagraff Faulkenberry, fifty per cent (50%) of said

proceeds as her share of the net proceeds from the sale of said prop-

erty;

To T. J. Lucas, ten per cent (10%) of said proceeds as his share

of the net proceeds from the sale of said property;

To William Wesley Lucas, ten per cent (10%) of said proceeds

as his share of the net proceeds from the sale of said property;

To the Register of this Court, thirty per cent (30%) of said

proceeds from the sale of said property to be paid to or held for

the Respondents in this cause, Fred Lucas, Guy Lucas, and Albert

Mason Lucas, each being entitled to an equal share thereof; and

It is further ORDERED, ADJUDGED and DECREED that this cause

is retained by the court for such other or further orders as may

be necessary and proper herein from time to time.

Dated this 30 day of September, 1955.

*Robert M. Hall*  
Judge

5.00

FILED

JUN 23 1955

ALICE I. DUCK, Register

T. J. LUCAS, ET AL.,  
 COMPLAINANTS,  
 VS.  
 FRED LUCAS, ET AL.,  
 RESPONDENTS.

IN THE  
 CIRCUIT COURT OF BALDWIN COUNTY,  
 ALABAMA. IN EQUITY  
 NO. 3454

MR. T. J. LUCAS, ONE OF THE COMPLAINANTS, BEING FIRST DULY  
 SWORN, TESTIFIED:

Direct examination by Mr. Taylor.

Q. You are Mr. T. J. Lucas, one of the Complainants in  
 this case?

A. I am.

Q. Now the other complainants are Mrs. Faulkenberry and William  
 Wesley Lucas?

A. Yes, sir.

Q. They both reside in Mobile County, Alabama?

A. Yes sir.

Q. And the Respondents, Fred, Guy and Albert Mason Lucas,  
 are your brothers?

A. That is right.

Q. Are they non-residents of the State of Alabama?

A. Yes.

Q. Were they non-residents at the time this petition was filed?

A. Yes sir.

Q. Now Mr. Lucas, are the Complainants and the Respondents

each over the age of 21 years?

A. Yes, sir.

Q. Were they each over 21 years of age at the time this petition was filed?

A. That is correct.

Q. Mr. Lucas, I will ask you to look at these certificates here and see if that is a photostatic copy of the death certificate of O. C. Lucas and your step-mother, Mrs. Elizabeth Lucas?

A. Yes sir.

Q. Your father and step-mother are both dead, are they not?

A. Yes sir.

Q. And were dead before you filed this petition?

A. Yes.

Q. When did they die?

A. 2/10/54.

Q. February 10, 1954?

A. Yes sir. I went over there Wednesday morning and found them both dead.

Q. On February 10, 1954?

A. That is right.

Q. Will you tell the Court how you found them? - I mean what the situation was at the time you found them and where they were?

A. Well it was on Wednesday morning that I went over there

to work -

Q. When you say over there, do you mean on Highway 31 this side of Spanish Fort?

A. Yes.

Q. That was the home of Mr. Lucas, your father and Mrs. Lucas, your step-mother?

A. Yes.

Q. Mrs. Lucas was the mother of Mrs. Faulkenberry?

A. Yes, sir. I went over there to work and my little boy about five years old was with me, so I thought my daddy had already come in from work and gone to bed; it was 9 or 9:30 and my little boy went to the door and opened it and said Mamma is sleep, and I said "let's go back and work for a while"-----

Q. To save a lot of unnecessary testimony, will you get down to the time you entered the house, if you did, and what you saw?

A. Well whenever I entered the house I saw my step-mother laying on the couch and I ran to her and I seen that she was dead and I looked at the heater and it was still burning and I ran in the back room where my daddy was and he was dead too, and he was still on the bed.

Q. Did you find any gas heaters burning at the time?

A. Yes the gas heater was burning.

Q. That was on the 10th day of February, 1954?

- A. That is right.
- Q. Did the Coroner, Doctor Thrasher, make a report?
- A. He did.
- Q. Was the report to the effect that they had died as a result of carbon gas, or in relation to the gas?
- A. In relation to the gas - that the gas had burned all of the oxygen from the room.
- Q. Did you have a Doctor from Fairhope to come over there?
- A. Yes sir.
- Q. Did he examine them?
- A. Yes .
- Q. Is that a report that was made by him from an examination of your father?
- A. Yes sir.
- MR. TAYLOR: I offer this in evidence as to the death of O. C. Lucas, which shows the cause of death, and ask that it be identified as Complainant's Exhibit 1.
- Q. Doctor Grubbs made a long report, did he not?
- A. Yes, sir, he said the oxygen was all used from the room.
- Q. He said the oxygen was denuded from the air?
- A. Yes sir.
- Q. Were the rooms very tight?
- A. Yes they were.
- Q. All right - they died simultaneously?
- A. Yes.
- Q. Mr. Lucas, are the respondents in this case - did the

Respondents in this case, at the time you filed the petition, reside as far as you know, at the addresses given in the petition?

A. That is correct, as far as I know.

Q. Fred Lucas' mailing address was C/o General Delivery, Southside, Tenn?

A. Yes.

Q. Do you know whether he is still there, and has he been back here since?

A. Yes sir.

Q. Now then the address of Guy Lucas was Richmond California, 3521 Wall Avenue, at the time you filed the petition?

A. Yes, sir.

Q. Do you know where he is now?

A. Yes sir.

Q. Now Mr. Lucas, your other brother, Albert Mason Lucas, was he last heard from at Portland Oregon?

A. The last accounts we had from him he was there.

Q. You don't know how to get in touch with him now?

A. No sir.

Q. You have been unable to get in touch with him since before your father's death?

A. Months before and we have not been able to get in touch with him since his death.

Q. You have made a diligent inquiry and have been unable to contact him?

A. That's right.

Q. Now Mr. Lucas, your father and mother owned this property jointly and by a deed with a survivorship clause in it, did they not?

A. Yes sir.

Q. Is this the deed to the property?

A. Yes.

Q. That is the original deed?

A. Yes sir.

Q. The correction deed made to this property reads Baldwin County instead of Mobile County?

A. Yes sir.

Q. Except for the averment that it is in Mobile County this is a correct description of the property?

A. Yes sir.

Q. There was a correction deed made later?

A. Yes sir.

Q. How much land is involved?

A. Approximately three acres.

Q. What buildings are there on the property?

A. One four room house.

Q. Now did you and your brothers and Mrs. Faulkenberry inherit this property as tenants in common, you and



your brothers inheriting from your father and Mrs. Faulkenberry inheriting from her mother?

A. Yes sir.

Q. Can that property be euqgly and equitably divided without a sale for division?

A. No.

Q. Mr. Lucas, there were five of you brothers?

A. Yes sir.

Q. Each of you own your father's one half interest in the property, or an undivided one-tenth interest?

A. Yes sir.

Q. And Mrs. Faulkenberry owns her mother's one-half interest in the prop;erty?

A. Yes sir.

Q. This estate matter was handled in the Probate Court of Baldwin County, Alabama, was it not Mr. Lucas?

A. Yes.

Q. I will ask you this: Did the decree of the Probate Judge of this County, adjudged and decree that your father and step-mother died simultaneously?

A. Yes.

Q. That is shown in the decree of Judge Stuart?

A. Yes sir.

Q. Were you the administrator of both estates?

A. Yes sir.

Q. They were settled up and this is the petition brought in the Circuit Court here to sell this property for a division?

A. Yes sir.

Q. All of the balance of the estate has been settled up?

A. That is right.

Q. Did either of them leave a will?

A. No.

Q. Now Mr. Lucas, did you and Mrs. Faulkenberry have an agreement with Mr. Johnston and I in regard to a fee in this case of \$900.00?

a. Yes sir.

Q. Do you think that is a fair and reasonable fee?

A. Yes, I think that is a reasonable fee.

THE COURT: What are you basing that fee on? -- 10% or how?

MR. TAYLOR: Yes.

THE COURT: What are you basing it on?

MR. JOHNSTON: A flat \$900.00, based upon the value of the property and the work involved. As I remember it, we had a discussion about the fee and we based it on 10% - the property then was thought to be valued at between \$9,000.00 and \$11,000 and the parties asked for a fee and we took the bottom figure - \$900.00; that is for the entire representation. (page 8)

MR. JAMES R. OWEN, A WITNESS FOR THE COMPLAINANTS, BEING  
FIRST DULY SWORN, TESTIFIED:

---

Direct Examination by Mr. Johnston.

Q. Would you state your name to the Court?

A. James R. Owen.

Q. You are a practicing Attorney in this Court?

A. Yes.

Q. How long have you practiced before this Court?

A. A little over three years.

Q. Are you familiar with matters in this Court of sales for  
partition and division?

A. Yes sir.

Q. You heard the testimony in this case?

A. Yes. Was the suit contested?

Q. No, it has not been contested; two of the Respondents  
have knowledge of all of the proceedings, and decrees  
pro confesso have been taken against three and there is one  
that is out of pocket.

Q. What was the sale price?

Q. The estimated value as disclosed today was from \$9000.00  
to \$11,000.

Q. And you are asking a fee of \$900?

Q. Yes.

A. I think that is a reasonable fee, Judge.

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

I hereby certify that the foregoing, consisting of pages 1 to 9, both inclusive, correctly sets forth a true and correct transcript of the testimony taken by me in the case of Lucas vs. Lucas, in open Court, on June 21, 1955.

This 22nd day of June, 1955.

Louise Dumbarton  
Official Court Reporter

COMMONWEALTH LIFE INSURANCE CO. FORM 29

INDUSTRIAL DEPARTMENT — CLAIM SECTION

STATEMENT OF ATTENDING PHYSICIAN

1 Full Name of Deceased <u>O. C. Lucas</u>		4 Occupation at Death <u>Wellman at Southern Kraft, Int. P. Co.</u>	
2 Residence at Death No. <u>no Street, Route #1</u> Street		5 Race <u>White</u>	
3 Place of Death No. <u>same, Daphne, Ala.</u> Street City or Town <u>Daphne</u> State <u>Ala.</u>			
6 Age at Death <u>61 years</u>	7 Apparent Age at Death <u>same</u>	8 Date of Death Year <u>1954</u> Month <u>February</u> Day <u>10th.</u>	9 Cause of Death I. Immediate <u>Yes</u> <u>Inhalation of N. Gas</u> II. Contributing <u>Carbon B. Gas</u>

10 For what Disease or Diseases have you AT ANY TIME attended, the Deceased, and what was their duration? none

DATE OF FIRST ATTENDANCE			ILLNESS OR INJURIES	DURATION OF ILLNESS OR INJURY
DAY	MONTH	YEAR		
<u>10th.</u>	<u>February</u>	<u>1954</u>	<u>accident</u>	<u>Unknown</u>

11 How long had Deceased been ill when you were called to attend? <u>unknown</u>	12 Was Deceased afflicted with any Infirmity, Deformity or Chronic Disease? If so, please specify. <u>None</u>	13 Was death the result of Deceased's own hands or act? <u>No</u>
---	---	--

14 Do you have knowledge of any other insurance on this person? <u>Not that the Son knows of</u>	15 Was Deceased ever treated by a physician, or at a Hospital or other Institution. If so, please specify. <u>Hospital, broken leg 12 years ago. City Hospital</u>	16 Are there any other particulars relating to the health or habits of Deceased with which you think the Company should be made acquainted? If so, please specify. <u>No</u>
---	---	---

I Hereby Certify, That I attended the Deceased from February 10 1954 to February 10 1954 that I signed the Certificates on file at the office of the Board of Health or Register of Vital Statistics and the answers as above recorded are complete and true to the best of my knowledge and belief.

Sig. of Physician [Signature]

No. and Street 25 Section Street  
City or Town Fairhope, Ala.  
State Alabama

Dated at Fairhope, Alabama 30th day of March 19 54

I have called Dr. \_\_\_\_\_ and he has personally verified to me foregoing statements. Date \_\_\_\_\_ 19 \_\_\_\_\_ Signature \_\_\_\_\_ Supt.

SMITH, HAND, ARENDALL & BEDSOLE  
LAWYERS

HARRY H. SMITH  
COUNSELOR  
CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
WM. BREVARD HAND  
VIVIAN G. JOHNSTON, JR.  
J. JEPHTHA HILL  
PAUL W. BROCK

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

July 25, 1955

MAILING ADDRESS

P. O. BOX 123  
MOBILE, ALA.

CABLE ADDRESS:  
HAB

Honorable Hubert M. Hall  
Circuit Judge  
Baldwin County  
Bay Minette, Alabama

Re: Lucas vs. Lucas  
No. 3454 In Equity

Dear Judge Hall:

We enclose an original and copy of proposed form of advertisement to be published in the Baldwin Times. If this form meets with your approval, we will appreciate your requesting the Register to insert the date of your order and decree in the blank provided therefor and sending same on to the editor of the Baldwin Times to be advertised and published in such newspaper for four consecutive weeks next preceding the date of the sale, August 31, 1955.

Thank you for your cooperation.

Yours very truly,

SMITH, HAND, ARENDALL & BEDSOLE

BY: *Vivian G. Johnston, Jr.*

VGJ:dl  
Enc.

SMITH, HAND, ARENDALL & BEDSOLE  
LAWYERS

HARRY H. SMITH  
COUNSELOR  
CHAS. C. HAND  
C. S. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
WM. BREVARD HAND  
VIVIAN G. JOHNSTON, JR.  
J. JEPHTHA HILL  
PAUL W. BROCK

SUITE 622 FIRST NATIONAL BANK BUILDING  
MOBILE, ALABAMA

MAILING ADDRESS  
P. O. BOX 123  
MOBILE, ALA.

CABLE ADDRESS:  
HAB

October 5, 1955

Honorable Hubert M. Hall  
Circuit Judge  
Bay Minette, Alabama

Re: Lucas vs. Lucas  
In Equity No. 3454

Dear Judge Hall:

We enclose a memorandum and statement of income and expenses in connection with the sale of the property involved in the above matter.

Please place this paper with the other documents in the file.

We appreciate your courtesy shown us in this matter.

Yours very truly,

SMITH, HAND, ARENDALL & BEDSOLE

BY: 

VGJ:dl  
Enc.

STATE OF ALABAMA  
BALDWIN COUNTY

T. J. LUCAS, MARIETTA  
UPTAGRAFFT FAULKENBERRY,  
and WILLIAM WESLEY LUCAS

Complainants,

vs.

FRED LUCAS, GUY LUCAS,  
and ALBERT MASON LUCAS

Respondents.

)  
)  
) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA.  
) IN EQUITY. No. 3454  
)  
)

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT, IN EQUITY:

The undersigned, commissioners heretofore appointed by your Honor to sell certain real estate, which is particularly set forth and described in the commission which was issued to the undersigned by your Honor, on the 23 day of August, 1955, pursuant to an order and decree of this Honorable Court, and which commission is in the file in this cause and is hereby requested to be annexed to this report and referred to as a part of this report, respectfully report and represent unto your Honor that in pursuance of and in strict accordance with the directions of said commission, and the decree of this Honorable Court, and the laws of Alabama in such cases made and provided, they did on Wednesday, the 31st day of August, 1955, between the hour of 12 Noon and 1:00 P.M. sell at public auction in front of the Court House of said county the property described in said commission to Minor Veazey and Amzie Veazey, husband and wife, who were the highest and best bidders for the same, for the sum of \$10,000.00, being the highest amount bid at said sale; that said sale was in all respects fairly conducted; that said property sold for an amount equal to or not greatly less than its value; that the said Minor Veazey and Amzie Veazey have complied with the terms of said sale by the payment to the undersigned commissioners of the whole of said purchase money, by delivering to them a cashier's check on the Merchants National Bank of Mobile, Alabama, said sum being the full amount of the proceeds of said sale; that no part of said purchase money has been deducted therefrom; that the undersigned respectfully request that upon the confirmation of said sale if same shall be confirmed, that they be authorized and directed



to deduct from the total amount of the purchase money the cost and expenses attending the sale which has been incurred by them, to-wit: \$150.00 for the cost of guaranty of title to be paid to J. A. Ertzinger & Son; \$900.00 to be paid to George S. Taylor and Vivian G. Johnston, Jr., solicitors of record representing the respective heirs and owners of the land sold for division or partition; the cost of advertising said property for sale in the Baldwin Times; all court costs incurred at said proceeding; and reasonable commissions to be determined by the Court for the undersigned for their services; and after said deductions are made that the balance of the proceeds less said deductions be turned over to this Honorable Court for the purpose of being distributed among the parties interested, who are named in said commission, according to law and the orders of this Court.

And that said commissioners fully complied with the directions of the said commission and beg leave to submit the foregoing to the judgment and further order of your Honor as a report of their action in the premises.

Marietta Uptagrafft Faulkenberry  
Marietta Uptagrafft Faulkenberry

T. J. Lucas  
T. J. Lucas

Sworn and subscribed to before me this  
by each of said commissioners this the 8<sup>th</sup>  
day of September, 1955.

Notary Public, Mobile County, Alabama

GEORGE S. TAYLOR  
ATTORNEY-AT LAW  
908-909 FIRST NATIONAL BANK BUILDING  
HEMLOCK 2-1356  
MOBILE, ALABAMA

April 6, 1955

Hon. Alice J. Duck  
Register, Chancery Court  
Baldwin County  
Bay Minette, Alabama

Dear Madam:

Re: T. J. Lucas, et al  
vs.  
Fred Lucas, et al  
No. 3454

You will find enclosed herein non-military affidavit of T. J. Lucas, one of the complainants in the above styled cause, as to the fact that none of the three respondents named in said cause are now in the military service or armed forces of the United States, which we respectfully request you file in the cause.

Please ask Judge Hall to enter a decree pro confesso against each of these respondents and advise us accordingly.

If for any reason under the rules of the Court a motion is required before the judge enters decrees pro confesso against the respondents, we will greatly appreciate it if you will advise us of that fact.

Yours very truly,

George S. Taylor and Vivian G.  
Johnston, Solicitors for Complainants

By George S. Taylor

GST:jns

# THE BALDWIN TIMES

## BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

JIMMY FAULKNER  
PUBLISHER

### STATE OF ALABAMA: COUNTY OF BALDWIN:

By virtue of an order and decree of Honorable Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, made on to-wit: 23rd day of June, 1955, we, T. J. Lucas and Marietta Uptagrafft Faulkenberry, the commissioners named in said order and decree, will sell to the highest bidder for cash, at public sale, in front of the front door of the Courthouse of Baldwin County, Alabama, on the 31st day of August, 1955, between the hours of 12:00 o'clock Noon and 1:00 o'clock P.M., for the purpose of division and distribution of the proceeds of such sale among T. J. Lucas, Marietta Uptagrafft Faulkenberry, William Wesley Lucas, Fred Lucas, Guy Lucas, and Albert Mason Lucas, tenants in common, the following described property, to-wit:

Lot No. Seven (7) in Spanish Fort Subdivision, First Addition in Baldwin County, Alabama, as per map recorded in Map Book 3, page 8, of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama.

The property will be sold subject to the lien for current ad valorem taxes, and title will be secured by guaranty of title. The sale will be subject to confirmation by the Judge of the Circuit Court of said County, and all bids may be rejected by the Commissioners.

T. J. LUCAS  
MARIETTA UPTAGRAFFT  
FAULKENBERRY  
Commissioners.

29-4tc.

### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
BALDWIN COUNTY.

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

T. J. Lucas Sale

#### COST STATEMENT

250 WORDS @ 6 1/2 cents \_\_\_\_\_ \$ 16 <sup>25-</sup>

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

E. R. Murrell, Jr.  
Editor Publisher.

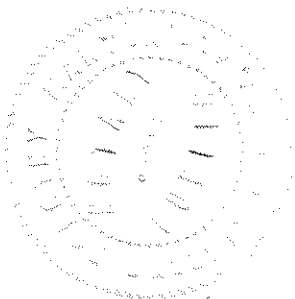
was published in said newspaper for 4 consecutive weeks in the following issues:

- Date of 1st publication Aug. 4, 1955 Vol. 66 No. 29
- Date of 2nd publication Aug 11, 1955 Vol. 66 No. 30
- Date of 3rd publication Aug 18, 1955 Vol. 66 No. 31
- Date of 4th publication Aug 25, 1955 Vol. 66 No. 32

Subscribed and sworn before the undersigned this 25 day of Aug, 1955

Durand Martin  
Notary Public, Baldwin County.

E. R. Murrell, Jr.  
Editor Publisher



# THE BALDWIN TIMES

## BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

JIMMY FAULKNER  
PUBLISHER

Circuit Court of Baldwin County, Alabama, in Equity. Register's Office. January 25th 1955.

T. J. Lucas, Marietta Uptagrafft Faulkenberry, and William Wesley Lucas, Complainants

No. 3454 vs.

Fred Lucas, Guy Lucas and Albert Mason Lucas, Respondents

In this cause it is made to appear to the court by the affidavit of Marietta Uptagrafft Faulkenberry, one of the complainants in said cause, that each of the respondents, Fred Lucas, Guy Lucas and Albert Mason Lucas, is over the age of twenty-one years and each of them is a non-resident of the State of Alabama; that Fred Lucas's last known address was General Delivery, Southside, Tennessee; that Guy Lucas's last known address was 927 Thompson Street, Martinez, California; that Albert Mason Lucas's last known residence was Portland, Oregon.

It is ordered that each of said respondents, Fred Lucas, Guy Lucas and Albert Mason Lucas, plead, answer or demur to the allegations of the bill of complaint filed against them in this cause before the 25th day of February, 1955, or the expiration of thirty days from said date the same will be taken as confessed against them.

It is further ordered that notice of this order be published once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, County of Baldwin, State of Alabama.

ALICE J. DUCK,  
Register.

GEORGE S. TAYLOR and VIVIAN G. JOHNSTON,  
Solicitors for Complainants.

3-4tc

### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
BALDWIN COUNTY.

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

T. J. Lucas

vs. Fred Lucas

#### COST STATEMENT

248 WORDS @ 6 1/2 cents 16 <sup>12</sup>

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

E. R. Morrisette, Jr. Editor Publisher.

was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication Feb. 3, 1955 Vol. 66 No. 3

Date of 2nd publication Feb. 10, 1955 Vol. 66 No. 4

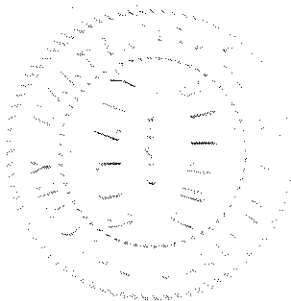
Date of 3rd publication Feb. 17, 1955 Vol. 66 No. 5

Date of 4th publication Feb. 24, 1955 Vol. 66 No. 6

Subscribed and sworn before the undersigned this 24 day of Feb, 1955

Dorothy Martin  
Notary Public, Baldwin County.

E. R. Morrisette, Jr. Editor Publisher.



SMITH, HAND, ARENDALL & BEDSOLE  
LAWYERS

HARRY H. SMITH  
COUNSELOR  
CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
WM. BREVARD HAND  
VIVIAN G. JOHNSTON, JR.  
J. JEPHTA HILL  
PAUL W. BROCK

SUITE 622 FIRST NATIONAL BANK BUILDING  
MOBILE, ALABAMA

MAILING ADDRESS  
P. O. BOX 123  
MOBILE, ALA.  
CABLE ADDRESS:  
HAB

September 13, 1955

Honorable Hubert M. Hall  
Circuit Judge  
Baldwin County  
Bay Minette, Alabama

Re: Lucas vs. Lucas  
In Equity No. 3454

Dear Judge Hall:

We enclose report of commissioners of the sale of the property involved in the above pending matter. This report was prepared by George Taylor and has been signed by the commissioners.

The writer discussed this matter with you this morning over the telephone. The sales price of \$10,000.00 was more than any of the heirs were willing to pay for the property and was higher than the value of the property as considered by them. Testimony was presented in your court that the property was worth some \$9,000.00 to \$10,000.00.

We also enclose a proposed form of decree confirming the sale which we prepared after talking with you. If you have any changes that you desire to be made in the decree, please do not hesitate to make them or let us know of your desires and we will be glad to revise same.

We are holding the cashier's check for \$10,000.00 mentioned in the report until further order from you.

Thank you for your cooperation.

Yours very truly,

SMITH, HAND, ARENDALL & BEDSOLE

BY: *Vivian G. Johnston, Jr.*

VGJ:dl  
Enc.

GEORGE S. TAYLOR  
ATTORNEY-AT LAW  
908-909 FIRST NATIONAL BANK BUILDING  
HEMLOCK 2-1356  
MOBILE, ALABAMA

May 11, 1955

Hon. Alice J. Duck  
Register, Chancery Court  
Bay Minette, Alabama

Dear Madam:

Re: T. J. Lucas, et al  
vs.  
Fred Lucas, et al  
No. 3454

You will find enclosed herein motion for decree pro confesso in the above styled cause. Please have a decree pro confesso entered against the respondents in this matter.

Thanking you to give this matter your prompt attention, I  
am

Yours very truly

  
George S. Taylor

GST:jns

GEORGE S. TAYLOR  
ATTORNEY-AT-LAW  
908-909 FIRST NATIONAL BANK BUILDING  
DIAL 2-1356  
MOBILE, ALABAMA

January 24, 1955

Clerk, Circuit Court  
Baldwin County  
Bay Minette, Alabama

Dear Madam:

You will find enclosed herein an original and two copies of a petition to sell certain real property situated in Baldwin County for division. Will you please file these papers for me and have same advertised in the Baldwin County Paper as to the non-residents, whose names and addresses as far as is known to petitioners are set forth in the petition. If you need further copies of the petition we will furnish them to you.

I will appreciate your notifying me as of the date the petition is filed.

Yours very truly,

George S. Taylor and Vivian G. Johnston

By 

GST:jns

T. J. LUCAS, MARIETTA  
UPTAGRAFFT FAULKENBERRY,  
and WILLIAM WESLEY LUCAS,

Complainants,

vs.

FRED LUCAS, GUY LUCAS,  
and ALBERT MASON LUCAS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 3454

DECREE

This cause coming on to be heard for final decree upon the complainants' bill of complaint, and upon due notice by publication to each of the respondents who are non-residents of the State of Alabama, and upon decrees pro confesso having been rendered against each of the respondents, and upon the evidence taken orally before the Court, and reduced to writing and filed in this cause, all of which is as noted by the register, and from the consideration thereof the Court is satisfied that the allegations and averments contained in said bill of complaint are true and that complainants are entitled to the relief prayed for.

It is, therefore, ORDERED, ADJUDGED and DECREED, that each of the complainants and each of the respondents is over the age of twenty-one (21) years and that each of the complainants is a bona fide resident citizen of the State of Alabama, and that the complainants, T. J. Lucas, Marietta Uptagrafft Faulkenberry, and William Wesley Lucas, and the respondents, Fred Lucas, Guy Lucas, and Albert Mason Lucas, are joint owners or tenants in common of the following described parcel of real estate, consisting of about three (3) acres of land with one four-room house situated thereon, lying and being in the County of Baldwin, State of Alabama, and more particularly described as follows:

Lot No. Seven (7) in Spanish Fort Subdivision, First Addition in Baldwin County, Alabama, as per map recorded in Map Book 3, page 8, of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama.

It is further ORDERED, ADJUDGED and DECREED that O. O. Lucas, deceased, and his wife, Mary Elizabeth Lucas, deceased, died simul-



taneously on February 10, 1954, and that each of them at the time of their death owned a one-half undivided interest in the aforesaid described property.

It is further ORDERED, ADJUDGED and DECREED that Marietta Uptagrafft Faulkenberry, the daughter and only heir and next of kin of Mary Elizabeth Lucas, deceased, has and owns a one-half undivided interest in the aforesaid described real property, and that T. J. Lucas, William Wesley Lucas, Fred Lucas, Guy Lucas, and Albert Mason Lucas, the sons, sole heirs and next of kin of O. C. Lucas, deceased, each has and owns a one-tenth undivided interest in the aforesaid described property, and that said property cannot be equitably divided or partitioned among the joint owners or tenants in common without a sale thereof.

It is further ORDERED, ADJUDGED and DECREED that the above described parcel of land be sold subject to current taxes and that a guarantee of title be secured and given to the purchaser or purchasers thereof.

It is further ORDERED, ADJUDGED and DECREED that T. J. Lucas and Marietta Uptagrafft Faulkenberry sell said parcel of land as provided for by law in front of the front door of the Courthouse of Baldwin County, Alabama, at public outcry to the highest bidder for cash on the 31st day of August, 1955, after giving four (4) weeks' notice of the time, terms and place of sale by publication once a week for four (4) consecutive weeks in the Baldwin Times, a newspaper published in the City of Bay Minette, County of Baldwin, State of Alabama, and by posting a copy of the notice at the Courthouse door of said County, and further that T. J. Lucas and Marietta Uptagrafft Faulkenberry report said sale and the results thereof to this Court for its confirmation or other action thereon.

It is further ORDERED that should either of said tenants in common at said sale become the purchaser of said property, he or she may deduct from his or her bid price, his or her respective share

of the net proceeds of such bid price and pay only the balance to the Register of this Court, provided he or she also pays his or her proportionate share of all costs and expenses incident to these proceedings, and provided, further, that all such costs and expenses be paid in full.

DONE this the 15 day of July, 1955.

Hubert M. Hall  
Circuit Judge

T. J. LUCAS, MARIETTA  
UPTAGRAFFT FAULKENBERRY,  
and WILLIAM WESLEY LUCAS,

Complainants,

vs.

FRED LUCAS, GUY LUCAS,  
and ALBERT MASON LUCAS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 3454.

DECREE

This cause coming on to be heard for final decree upon the complainants' bill of complaint, and upon due notice by publication to each of the respondents who are non-residents of the State of Alabama, and upon decrees pro confesso having been rendered against each of the respondents, and upon the evidence taken orally before the Court, and reduced to writing and filed in this cause, all of which is as noted by the register, and from the consideration thereof the Court is satisfied that the allegations and averments contained in said bill of complaint are true and that complainants are entitled to the relief prayed for.

It is, therefore, ORDERED, ADJUDGED and DECREED, that each of the complainants and each of the respondents is over the age of twenty-one (21) years and that each of the complainants is a bona fide resident citizen of the State of Alabama, and that the complainants, T. J. Lucas, Marietta Uptagrafft Faulkenberry, and William Wesley Lucas, and the respondents, Fred Lucas, Guy Lucas, and Albert Mason Lucas, are joint owners or tenants in common of the following described parcel of real estate, consisting of about three (3) acres of land with one four-room house situated thereon, lying and being in the County of Baldwin, State of Alabama, and more particularly described as follows:

Lot No. Seven (7) in Spanish Fort Subdivision, First Addition in Baldwin County, Alabama, as per map recorded in Map Book 3, page 8, of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama.

It is further ORDERED, ADJUDGED and DECREED that O. O. Lucas, deceased, and his wife, Mary Elizabeth Lucas, deceased, died simul-

taneously on February 10, 1954, and that each of them at the time of their death owned a one-half undivided interest in the aforesaid described property.

It is further ORDERED, ADJUDGED and DECREED that Marietta Uptagrafft Faulkenberry, the daughter and only heir and next of kin of Mary Elizabeth Lucas, deceased, has and owns a one-half undivided interest in the aforesaid described real property, and that T. J. Lucas, William Wesley Lucas, Fred Lucas, Guy Lucas, and Albert Mason Lucas, the sons, sole heirs and next of kin of O. O. Lucas, deceased, each has and owns a one-tenth undivided interest in the aforesaid described property, and that said property cannot be equitably divided or partitioned among the joint owners or tenants in common without a sale thereof.

It is further ORDERED, ADJUDGED and DECREED that the above described parcel of land be sold subject to current taxes and that a guarantee of title be secured and given to the purchaser or purchasers thereof.

It is further ORDERED, ADJUDGED and DECREED that T. J. Lucas and Marietta Uptagrafft Faulkenberry sell said parcel of land as provided for by law in front of the front door of the Courthouse of Baldwin County, Alabama, at public outcry to the highest bidder for cash on the 31st day of August, 1955, after giving four (4) weeks' notice of the time, terms and place of sale by publication once a week for four (4) consecutive weeks in the Baldwin Times, a newspaper published in the City of Bay Minette, County of Baldwin, State of Alabama, and by posting a copy of the notice at the Courthouse door of said County, and further that T. J. Lucas and Marietta Uptagrafft Faulkenberry report said sale and the results thereof to this Court for its confirmation or other action thereon.

It is further ORDERED that should either of said tenants in common at said sale become the purchaser of said property, he or she may deduct from his or her bid price, his or her respective share

of the net proceeds of such bid price and pay only the balance to the Register of this Court, provided he or she also pays his or her proportionate share of all costs and expenses incident to these proceedings, and provided, further, that all such costs and expenses be paid in full.

DONE this the \_\_\_\_\_ day of \_\_\_\_\_, 1955.

\_\_\_\_\_  
Circuit Judge

T. J. LUCAS, MARIETTA  
UPTAGRAFFT FAULKENBERRY,  
and WILLIAM WESLEY LUCAS,

Complainants,

vs.

FRED LUCAS, GUY LUCAS,  
and ALBERT MASON LUCAS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 3454

DECREE

This cause coming on to be heard for final decree upon the complainants' bill of complaint, and upon due notice by publication to each of the respondents who are non-residents of the State of Alabama, and upon decrees pro confesso having been rendered against each of the respondents, and upon the evidence taken orally before the Court, and reduced to writing and filed in this cause, all of which is as noted by the register, and from the consideration thereof the Court is satisfied that the allegations and averments contained in said bill of complaint are true and that complainants are entitled to the relief prayed for.

It is, therefore, ORDERED, ADJUDGED and DECREED, that each of the complainants and each of the respondents is over the age of twenty-one (21) years and that each of the complainants is a bona fide resident citizen of the State of Alabama, and that the complainants, T. J. Lucas, Marietta Uptagrafft Faulkenberry, and William Wesley Lucas, and the respondents, Fred Lucas, Guy Lucas, and Albert Mason Lucas, are joint owners or tenants in common of the following described parcel of real estate, consisting of about three (3) acres of land with one four-room house situated thereon, lying and being in the County of Baldwin, State of Alabama, and more particularly described as follows:

Lot No. Seven (7) in Spanish Fort Subdivision, First Addition in Baldwin County, Alabama, as per map recorded in Map Book 3, page 8, of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama.

It is further ORDERED, ADJUDGED and DECREED that O. O. Lucas, deceased, and his wife, Mary Elizabeth Lucas, deceased, died simul-

taneously on February 10, 1954, and that each of them at the time of their death owned a one-half undivided interest in the aforesaid described property.

It is further ORDERED, ADJUDGED and DECREED that Marietta Uptagrafft Faulkenberry, the daughter and only heir and next of kin of Mary Elizabeth Lucas, deceased, has and owns a one-half undivided interest in the aforesaid described real property, and that T. J. Lucas, William Wesley Lucas, Fred Lucas, Guy Lucas, and Albert Mason Lucas, the sons, sole heirs and next of kin of O. O. Lucas, deceased, each has and owns a one-tenth undivided interest in the aforesaid described property, and that said property cannot be equitably divided or partitioned among the joint owners or tenants in common without a sale thereof.

It is further ORDERED, ADJUDGED and DECREED that the above described parcel of land be sold subject to current taxes and that a guarantee of title be secured and given to the purchaser or purchasers thereof.

It is further ORDERED, ADJUDGED and DECREED that T. J. Lucas and Marietta Uptagrafft Faulkenberry sell said parcel of land as provided for by law in front of the front door of the Courthouse of Baldwin County, Alabama, at public outcry to the highest bidder for cash on the 31st day of August, 1955, after giving four (4) weeks' notice of the time, terms and place of sale by publication once a week for four (4) consecutive weeks in the Baldwin Times, a newspaper published in the City of Bay Minette, County of Baldwin, State of Alabama, and by posting a copy of the notice at the Courthouse door of said County, and further that T. J. Lucas and Marietta Uptagrafft Faulkenberry report said sale and the results thereof to this Court for its confirmation or other action thereon.

It is further ORDERED that should either of said tenants in common at said sale become the purchaser of said property, he or she may deduct from his or her bid price, his or her respective share

of the net proceeds of such bid price and pay only the balance to the Register of this Court, provided he or she also pays his or her proportionate share of all costs and expenses incident to these proceedings, and provided, further, that all such costs and expenses be paid in full.

DONE this the \_\_\_\_\_ day of \_\_\_\_\_, 1955.

\_\_\_\_\_  
Circuit Judge