3525

JOHN A. NORRIS, ET AL, Complainants,	)	
VS.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
PILGRIM HOLINESS CHURCH, an unincorporated association, ET AL, Respondents.	)	IN EQUITY

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree on the original and amended Bill of Complaint; answer of respondents; decree of this court ordering testimony of witnesses for complainants taken orally in the manner provided by Equity Rule Number 56, as amended; the testimony of S. V. Reprogle, C. A. Simmons, Edward Carver and J. B. Allen, all of which was taken orally in open court in the manner provided by Equity Rule Number 56, as amended; upon consideration of all of which, the court finds as follows:

A. The allegations of the original and amended Bill of Complaint are true; the complainants are entitled to the relief prayed for by them and the respondents have consented and agreed in the answer filed by them that the said relief be granted.

B. The persons constituting the membership of the Pilgrim Holiness Church, an unincorporated association, constitute a class and are so numerous as to make it impracticable to bring all of them before the court; that the respondents named in this suit, namely, the Pilgrim Holiness Church, an unincorporated association, S. V. Reprogle, as its pastor, and Edward Carver and Lewis G. Norris, as two of its members, will fairly insure the adequate representation of all of the members of the congregation of the said church; that the relief sought in this proceeding is such that it may be granted in a class action, as provided in Equity Rule Number 31, and that a final decree may be rendered in this cause which will be binding upon all of the members of the said class, namely, the members of the said church congregation, without making others of the said class parties hereto; upon consideration of all of which, it is,

therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The Pilgrim Holiness Church, an unincorporated association, acting by and through John A. Norris, Robert A. Norris and F. L. Norris, shall be and it is hereby fully and completely authorized and empowered to sell and convey to Ward H. Snook by warranty deed the following described real property situated in Baldwin County, Alabama, to-wit:

> Starting at the Southwest corner of the Joseph Collins Grant, Section 38, Township 7 South, Range 3 East, run thence North 0 degrees 15 minutes East 1520.4 feet, run thence South 67 degrees 10 minutes West 680.6 feet, run thence North 22 degrees 50 minutes West 30 feet to the point of beginning; run thence North 22 degrees 50 minutes West 300 feet along the West line of Lot No. 20 of the Lyman's Addition to Magnolia Springs to the Northwest corner of said Lot 20; run thence North 67 degrees 10 minutes East 104.3 feet; run thence South 29 degrees 06 minutes East 301.8 feet to a point on the North line of Oak Street; run thence South 67 degrees 10 minutes West 137.3 feet to the point of beginning.
> Also included is the right of ingress and egress to, over and across a street 40 feet in width, said street running along the North end of Lots 19, 20 and 21 of Lyman's Addition to Magnolia Springs.
> All of the above being in the West part of Lot No. 20 in Lyman's Addition to Magnolia Springs.

The conveyance of the said property described above is for the purpose of properly conveying the lands described in the deed to Ward H. Snook dated May 17, 1948, which is recorded in Deed Book 138 at page 347, Baldwin County, Alabama Records, and to convey additional property, which said deed shall be delivered on payment of the agreed consideration therefor, which is Four Hundred Dollars ($400).

2. For the purpose of perfecting the record title of the various parties hereinafter named to the property hereinafter described, the Pilgrim Holiness Church, an unincorporated association, acting by and through John A. Norris, Robert A. Norris and F. L. Norris, shall be and it is hereby fully and completely authorized and empowered to execute correction deeds in statutory warranty form to the following named parties conveying the following described property:

A. Joseph F. Bott and Blanche Crist Bott

> Lots Numbered 18 and 19 of the Lyman's Addition to the Town of Magnolia Springs, Alabama, according to the official map or plat thereof which is recorded in Deed Book "U" at page 135, Baldwin County, Alabama Records.

B. J. A. Thomas and Thelma Thomas

Lots Numbered 5 and 6 of South Magnolia Heights, according to the official map or plat thereof, which is recorded in Map Book 4 at page 72, Baldwin County, Alabama Records.

C. Maurice G. Cole and Eva M. Cole

Lots 11 and 12 of South Magnolia Heights, according to the official map or plat thereof, which is recorded in Map Book 4 at page 72, Baldwin County, Alabama Records.

D. Samuel P. Creech and Eliza Creech

Lot 2 of South Magnolia Heights, according to the official map or plat thereof, which is recorded in Map Book 4 at page 72, Baldwin County, Alabama Records.

E. Joseph E. Coleman and Bellesor Coleman

Lot 22 of South Magnolia Heights, according to the official map or plat thereof, which is recorded in Map Book 4 at page 72, Baldwin County, Alabama Records.

F. Richard A. Doehring

Begin at the Southwest corner of Lot 25 in South Magnolia Heights, according to the official map or plat thereof which is recorded in Map Book 4 at page 72, Baldwin County, Alabama Records, and run thence North 22 degrees 50 minutes West 100 feet to the point or place of beginning; thence North 22 degrees 50 minutes West 200 feet to a corner; thence South 67 degrees 10 minutes West 200 feet to a corner; thence South 23 degrees East 200 feet to a corner; thence North 67 degrees 10 minutes East 200 feet to the point or place of beginning.

3. The Pilgrim Holiness Church, an unincorporated association, acting by and through John A. Norris, Robert A. Norris and F. L. Norris, shall be and it is hereby fully and completely authorized and empowered to sell and convey and to make, execute and deliver to The Alabama Northwest Florida District Conference of the Pilgrim Holiness Church, a corporation, a deed in statutory warranty form conveying Lots Numbered 1, 3, 4, 7, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 in South Magnolia Heights, according to the official map or plat thereof which is recorded in Map Book 4 at page 72, Baldwin County, Alabama Records.

Also, begin at the Southwest corner of Lot 25 in South Magnolia Heights, according to the official map or plat thereof, which is recorded in Map Book 4 at page 72, Baldwin County, Alabama Records, and

run thence North 22 degrees 50 minutes West 100 feet to a corner, thence South 67 degrees 10 minutes West 200 feet to a corner, thence South 23 degrees East 100 feet to a corner, thence North 67 degrees 10 minutes East 200 feet to the point or place of beginning.

4. The execution and delivery of the above described conveyances by the Pilgrim Holiness Church, an unincorporated association, acting by and through its said trustees, shall fully and completely divest the Pilgrim Holiness Church, an unincorporated association, each and all of its members and the above named trustees of all right, title and interest which all of the said parties have in and to the above described property to which conveyances are ordered made.

5. The purpose of this proceeding is to obtain authority from this court for the said Pilgrim Holiness Church, an unincorporated association, and its trustees to convey the above described real property free from trust under the authority of the opinion of the Supreme Court of Alabama in the case of Street v. Pitts, 238 Ala. 531, 192 So. 258, and such authority having been given by this decree, confirmation of the conveyances which are authorized herein shall not be required.

6. All of the conveyances which are authorized herein shall be executed by John A. Norris, Robert A. Norris and F. L. Norris, as Trustees of the Pilgrim Holiness Church, an unincorporated association.

7. The Register of this court shall file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

8. The costs of this proceeding are hereby taxed against the complainants, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 12 day of May, 1955.

Hubert M Hall
Judge

JOHN A. NORRIS, ET AL, Complainants,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
PILGRIM HOLINESS CHURCH, an unincorporated association, ET AL, Respondents.	)	IN EQUITY

ANSWER

Now comes the respondent, Pilgrim Holiness Church, an unincorporated association, by S. V. Reprogle, as its pastor and as a member of its congregation, and by Edward Carver and Louis G. Norris, as members of its congregation; S. V. Reprogle, as pastor and as a member of the congregation of Pilgrim Holiness Church, an unincorporated associatinn, Edward Carver and Louis G. Norris, as members of Pilgrim Holiness Church, an unincorporated association, and for answer to the original and amended Bill of Complaint filed in this cause admit all of the allegations thereof and consent and agree that a decree be rendered in accordance with the prayer of the said Bill of Complaint.

Dated this 30th day of March, 1955.

FILED
Apr. 28, 1955

PILGRIM HOLINESS CHURCH,
An unincorporated association,

By Rev S. V. Reprogle
As its Pastor and a member of its congregation.

Edward Carver

Lewis G. Norris

As members of its congregation.

Rev. S. V. Reprogle.

As Pastor and as a member of Pilgrim Holiness Church, an unincorporated association.

Edward Carver

Lewis G. Norris

As members of Pilgrim Holiness Church, an unincorporated association.

ANSWER

JOHN A. NORRIS, ET AL,

Complainants,

VS.

PILGRIM HOLINESS CHURCH, an unincorporated association, ET AL,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed April 28, 1955
[illegible]
[illegible]
Judge

3525

JOHN A. NORRIS, ET AL, Complainants,	)	
VS.	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
PILGRIM HOLINESS CHURCH, an unincorporated association, ET AL, Respondents.	)	IN EQUITY

AMENDED BILL OF COMPLAINT

Now come the complainants and amend the Bill of Complaint heretofore filed by them in this cause by adding a new paragraph at the end of the fifth paragraph on the third page thereof, reading as follows:

The said Pilgrim Holiness Church, an unincorporated association, has also attempted to sell and convey to Richard A. Doehring the following described property situated in Baldwin County, Alabama, to-wit:

> Begin at the Southwest corner of Lot 25 in South Magnolia Heights, according to the official map or plat thereof which is recorded in Map Book 4 at page 72, Baldwin County, Alabama Records, and run thence North 22 degrees 50 minutes West 100 feet to the point or place of beginning; thence North 22 degrees 50 minutes West 200 feet to a corner; thence South 67 degrees 10 minutes West 200 feet to a corner; thence South 23 degrees East 200 feet to a corner; thence North 67 degrees 10 minutes East 200 feet to the point or place of beginning.

FILED

Apr. 28, 1955

J. B. Blackburn

Solicitor for complainants.

3525

AMENDED BILL OF COMPLAINT

JOHN A. NORRIS, ET AL,

Complainants,

VS.

PILGRIM HOLINESS CHURCH, an unincorporated association, ET AL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Filed april 28. 1955
Hurstace
Judge

JOHN A. NORRIS, ET AL, Complainants, VS. PILGRIM HOLINESS CHURCH, an unincorporated association, ET AL, Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

DECREE ORDERING ORAL TESTIMONY OF WITNESSES

In this cause it is ORDERED, ADJUDGED AND DECREED by the court that the testimony of the complainants' witnesses, S. V. Reprogle, C. E. Simmons, Edward Carver and J. B. Allen, be taken orally in open court in the manner provided by Equity Rule Number 56, as amended.

ORDERED, ADJUDGED AND DECREED on this the 28 day of April, 1955.

Hubert M. Hall
Judge

3525

DECREE ORDERING ORAL TESTIMONY OF WITNESSES

JOHN A. NORRIS, ET AL,

Complainants,

VS.

PILGRIM HOLINESS CHURCH, an unincorporated association,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

BILL OF COMPLAINT

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

John A. Norris, Robert A. Norris and F. L. Norris, as members and as trustees of the Pilgrim Holiness Church, an unincorporated association, present this Bill of Complaint against the Pilgrim Holiness Church, an unincorporated association, S. V. Reprogle, as pastor and as a member of the said Pilgrim Holiness Church, an unincorporated association, Lewis G. Norris and Edward Carver, as members of Pilgrim Holiness Church, an unincorporated association, and against all of the other members of Pilgrim Holiness Church, an unincorporated association, who are so numerous as to make it impracticable to bring them all before this court, and, thereupon, complainants complain and show unto the court and your Honor as follows:

1. The complainants are each over twenty-one years of age, are each residents of Baldwin County, Alabama, and are each members of the Pilgrim Holiness Church, an unincorporated association, and constitute the Board of Directors of Pilgrim Holiness Church, an unincorporated association.

2. Pilgrim Holiness Church, an unincorporated association, is a religious organization at Magnolia Springs, Alabama, the members of which are so numerous that it is impracticable to make all of them parties respondent to this suit.

S. V. Reprogle is the pastor and is a member of the congregation of the said Pilgrim Holiness Church. Lewis G. Norris and Edward Carver are each members of the congregation of the said Pilgrim Holiness Church. Each and all of the three said parties are over twenty-one years of age and residents of Baldwin County, Alabama. The said Pilgrim Holiness Church, an unincorporated association, will be fairly represented in this suit by S. V. Reprogle, as its pastor and as a member of its congregation, and by Louis G. Norris and Edward Carver as members of its congregation, being made parties to this suit in the manner provided by Equity Rule Number 31,

so that this proceeding may be filed and may be prosecuted to a conclusion as a class action in the manner provided by Equity Rule Number 31.

3. On, to-wit, June 21, 1947, Alice Abrams and Alfred M. Neumann, as executors of the Last Will and Testament of Beulah Edgar, Deceased, et al, made, executed and delivered to the respondent, the Pilgrim Holiness Church, an unincorporated association, all of Lots 18 and 19 and the West Half of Lot 20 in Lyman's Addition to Magnolia Springs, Baldwin County, Alabama, according to the official map or plat thereof which is recorded in the office of the Judge of Probate of Baldwin County, Alabama, which said deed is dated June 21, 1947, and is recorded in Deed Book 136 at pages 226-7, Baldwin County, Alabama Records.

4. Thereafter, and on, to-wit, May 17, 1948, the said respondent, Pilgrim Holiness Church, an unincorporated association, by its Board of Directors, executed and delivered a deed dated May 17, 1948, and which is recorded in Deed Book 138 at page 347, Baldwin County, Alabama Records, to Ward H. Snook, which conveyed the following described property in Baldwin County, Alabama, to-wit:

> Starting at the Southwest corner of the Collins Grant, Section 38, Township 7 South, Range 3 East, thence run North 0 degrees 15 minutes East 1520.4 feet, thence run South 67 degrees 10 minutes West 680.6 feet, thence run North 22 degrees 50 minutes West 30 feet to the point of beginning, being the Southeast corner of Lot No. 19 of Lyman's Addition to Magnolia Springs; thence run North 22 degrees 50 minutes West 120 feet; thence run North 66 degrees 50 minutes East 124.1 feet; thence run South 29 degrees 06 minutes East 120 feet; thence run South 67 degrees 10 minutes West 137.3 feet to the point of beginning. All of the above being in Lot No. 20 of Lyman's Addition to Magnolia Springs.

Due to the fact that the said respondent, Pilgrim Holiness Church, was an unincorporated association at the time of the execution and delivery of the above described deed, and as authority to make the said conveyance had not been granted by the Circuit Court of Baldwin County, Alabama, in Equity, the said conveyance was not effective to convey the title to the lands described therein to the said grantee, Ward H. Snook.

5. In addition to the above described property which the said respondent, Pilgrim Holiness Church, an unincorporated association, attempted to convey to Ward H. Snook, the said respondent now desires to convey to the said Ward H. Snook the following described property in Baldwin County, Alabama, to-wit:

> Starting at the Southwest corner of the Joseph Collins Grant, Section 38, Township 7 South, Range 3 East, run thence North 0 degrees 15 minutes East 1520.4 feet, run thence South 67 degrees 10 minutes West 680.6 feet, run thence North 22 degrees 50 minutes West 30 feet to the point of beginning; run thence North 22 degrees 50 minutes West 300 feet along the West line of Lot No. 20 of the Lyman's Addition to Magnolia Springs to the Northwest corner of said Lot 20; run thence North 67 degrees 10 minutes East 104.3 feet; run thence South 29 degrees 06 minutes East 301.8 feet to a point on the North line of Oak Street; run thence South 67 degrees 10 minutes West 137.3 feet to the point of beginning. Also included is the right of ingress and egress to, over and across a street 40 feet in width, said street running along the North end of Lots 19, 20 and 21 of Lyman's Addition to Magnolia Springs.
> All of the above being in the West part of Lot No. 20 in Lyman's Addition to Magnolia Springs.

The description set out above of the property which the said respondent, Pilgrim Holiness Church, proposes to convey to Ward H. Snook includes that which it attempted to convey to Ward H. Snook by the above described deed dated May 17, 1948.

6. After the execution and delivery of the above described deed from the executors of the Estate of Beulah Edgar, Deceased, and the other parties named therein to the respondent, Pilgrim Holiness Church, it subdivided a part of the property thus conveyed to it into the subdivision known as South Magnolia Heights, the map or plat of which is recorded in Map Book 4 at page 72, Baldwin County, Alabama Records, and the said respondent, Pilgrim Holiness Church, has attempted to convey various lots in the said subdivision to various parties, as will hereinafter appear. The parties to whom the said respondent, Pilgrim Holiness Church, has attempted to convey property, the property which it has attempted to convey and the deeds by which the said respondent attempted to make conveyance are as follows:

Deed Book 207, page 528
Deed from Pilgrim Holiness Church of Magnolia Springs, Alabama, to Joseph F. Bott and Blanche Crist Bott
Lots Numbered 18 and 19 of the Lyman Addition to the Town of Magnolia Springs, Alabama, which map of the said addition is recorded in Deed Book "U", page 135 in the office of the Judge of Probate of Baldwin County, Alabama.
Dated: November 14, 1952

Deed Book 205, page 505
Deed from Pilgrim's Holiness Church of Magnolia Springs, to J. A. Thomas and Thelma Thomas, husband and wife,
Lots Numbered 5 and 6 of South Magnolia Heights, a subdivision of part of the Southeast Quarter of Section 28, Township 7 South, Range 3 East, an addition to the Town of Magnolia Springs, Baldwin County, Alabama, as per plat recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 4, page 72.
Dated: July 9, 1953

Deed Book 203, page 55
Warranty deed from The Pilgrim's Holiness Church of Magnolia Springs, Alabama, by its trustees, to Maurice G. Cole and Eva M. Cole, husband and wife,
Lots Numbered 11 and 12 of South Magnolia Heights, a subdivision of part of the Southeast Quarter of Section 28, Township 7 South, Range 3 East, an addition to the Town of Magnolia Springs, Baldwin County, Alabama, as per plat recorded in the office of Judge of Probate of Baldwin County, Alabama, in Map Book 4, page 72,
Dated: July 9, 1953

Deed Book 199, page 437
Deed from The Pilgrim's Holiness Church of Magnolia Springs, Alabama, by its trustees, to Samuel P. Creech and Eliza Creech, husband and wife,
Lot No. 2 of South Magnolia Heights, a subdivision of part of the Southeast Quarter of Section 28, Township 7 South, Range 3 East, an addition to the Town of Magnolia Springs, Baldwin County, Alabama, as per plat recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 4, page 72,
Dated; July 9, 1953

Deed Book 210, page 121
Warranty deed from Pilgrims Holiness Church of Magnolia Springs, Alabama, to Joseph E. Coleman and Bellesor Coleman,
Lot Numbered 22 in South Magnolia Heights as per plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 4, page 72, and the small cottage located upon said lot,
Dated: June 2, 1954.

All of the said conveyances are defective for the same reason that the above described deed from Pilgrim Holiness Church to Ward H. Snook is defective and the said respondent, Pilgrim Holiness Church, an unincorporated association, desires to execute correction deeds to each of the said parties for the purpose of perfecting the title of the grantees named in each of the above described deeds.

The said Pilgrim Holiness Church, an unincorporated association, also desires authority to convey all of that part of the property which was conveyed to it by the above described deed from the executors of the Estate of Beulah Edgar, Deceased, et al, which is not included within the description in any of the above described conveyances which have been made or which are to be made, to The Alabama Northwest Florida District Conference of the Pilgrim Holiness Church, a corporation.

PRAYER FOR PROCESS

Complainants pray that the usual process of this Honorable Court will issue to the respondents and each of them, requiring them to appear and plead, answer or demur to the Bill of Complaint filed in this cause within the time and under the pains and penalties prescribed by law.

PRAYER FOR RELIEF

On a final hearing of this cause complainants pray for the following separate and several relief:

1. That this proceeding be made a class action in the manner and for the purposes stated in Equity Rule Number 31.

2. That the respondent, Pilgrim Holiness Church, an unincorporated association, be fully and completely authorized and empowered to make, execute and deliver a deed to Ward H. Snook conveying the tract of land to him which is described in Paragraph 5 of this Bill of Complaint; that the said respondent, Pilgrim Holiness Church, an unincorporated association, be authorized to make, execute and deliver correction deeds to each and all of the other parties named above whose names appear in the various conveyances which are set out in this Bill of Complaint; that the Pilgrim Holiness Church, an unincorporated association, be fully and completely authorized to make, execute and deliver a deed to Pilgrim Holiness Church, a corporation, conveying all of that part of the property which is described in the above described deed from the executors of the Estate of Beulah Edgar, Deceased, et al, and which is not

included within any of the conveyances described above which have been made or which are to be made; and that the complainants in this suit, namely, John A. Norris, R. A. Norris and F. L. Norris, as trustees of Pilgrim Holiness Church, an unincorporated association, be authorized to make, execute and deliver each and all of the said conveyances for and on behalf of the said respondent, Pilgrim Holiness Church, an unincorporated association.

3. That a copy of the final decree in this cause be ordered recorded in the office of the Judge of Probate of Baldwin County, Alabama, and that the costs of such recording be taxed as a part of the costs of this proceeding.

4. Complainants further pray for such other, further and general relief as they may be equitably entitled to, the premises considered.

FILED
Apr. 28, 1955
MAE J. MOX, Register

J. B. Blackburn.
Solicitor for complainants.

JOHN A. NORRIS, ET AL., Complainants,	)	IN THE
VS.	)	CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.
PILGRIMS HOLINESS CHURCH, an Unincorporated Association. Respondent.	)	

TESTIMONY TAKEN IN OPEN COURT, BEFORE HON. HUBERT M. HALL, JUDGE OF THE 28TH JUDICIAL CIRCUIT OF ALABAMA.

REV. S. V. REPROGEL, A WITNESS FOR THE COMPLAINANTS, BEING FIRST DULY SWORN, TESTFIED AS FOLLOWS:

Examination by Mr. Blackburn.

Q. Are you Rev. S. V. Reprogel?

A. Yes sir.

Q. What is your connection with the Pilgrim Holiness Church in Magnolia Springs?

A. Pastor.

Q. Are you also a member of that church?

A. Yes sir.

Q. Is Robert A. Norris, John A. Norris and F. L. Norris Members and Trustees of this Pilgrims Holiness Church?

A. That is right.

Q. Is that an incorporated association?

A. No sir.

Q. These gentlemen, the three Norris' mentioned, I believe you said were the Board of Trustees?

A. Yes sir.

Q. They are each over 21 years of age?

A. Yes sir.

Q. And are residents of Baldwin County, Alabama?

A. Yes sir.

Q. Approximately how many members do you have of the Church?

A. 29 or 30.

Q. It is impractical to make all of them parties?

A. Yes sir.

Q. Explain to the Court in your own words what happened in the various negotiations between Mr. Snook, Mr. Allen and me on the one hand and your group on the other?

A. Inasmuch as we are selling the property and we are not a corporation, but are incorporated in the Alabama-Northwest Florida District, so therefore, we are conveying the property to the Alabama-Northwest Florida District as a Corporarion so as to make this legal.

Q. You mean you desire to convey the remaining property after these lots?

A. Yes sir.

Q. What I was getting at, we have had various conferences with your church group?

A. Yes sir.

Q. Did you not call a special meeting in the last part of March at which meeting Mr. Shook , Mr. Allen and I were present?

A. Yes sir.

Q. And this was read to the group?

A. Yes sir.

Q. It was read to and signed by the group?

A. Yes sir.

Q. And agreed to by everyone that it bes handled this way?

A. Yes sir, it is agreeable to everybody.

Q. Will your Church be fairly represented in this proceeding by you, Mr. Carver and Mr. Lewis G. Norris, who are the Respondents or defendants named?

A. Yes sir.

Q. I will ask you also if some years ago your Church did not acquire this piece of land from the heirs of Beulah Edgar, deceased?

A. Yes sir.

Q. This is a copy of that deed?

A. Yes sir.

MR. BLACKBURN: We offer in evidence and ask that it be identified as Complainants' Exhibit A. a certified copy of a deed from Alice Abrams, et al to Pilgrim Holiness Church, dated June 1, 1947, and recorded in Deed Book 136 at page226-8, Baldwin County records.

Q. This is the deed by which your church acquired title to the property?

A. Yes sir.

Q. Rev. Reprogel, I will ask you if on or about the 17th day of May, 1948 your unincorporated Church attempted to convey to Mr. Ward A. Snook the tract of land described in paragraph four by deed recorded in Deed Book 138 at page 347?

A. That is right.

Q. In addition to that, you propose to convey the tract of land described in Paragraph 5? -- to Mr. Snook?

A. Yes sir.

Q. What is Mr. Snook to pay you for the correction deed to the first tract mentioned and a conveyance to the lands mentioned in paragraph 5?

A. The last he is paying $400.00 and the previous $600.00.

Q. In addition to that, he is paying all expenses of this proceeding?

A. Yes sir.

Q. I will ask you too if your Church hasn't made the other conveyances set out in this bill of complaint?

A. Yes sir.

Q. You are familiar with this?

A. Yes sir.

Q. You desire to make conveyances to each of those persons for the purpose of perfecting their title?

A. That is right.

Q. In addition to that, what do you propose to do with the remaining land that you own?

A. We desire to convey it to our Corporation in our organized district.

Q. That is the Alabama-Northwest Florida District Conference of the Pilgrim Holiness Church?

A. That is right.

Q. I will ask you if it is to the best interest of your Church group that this matter be handled that way?

A. It is.

Q. You stated a moment ago that you had discussed this on various occasions with the members of your congregation at which meetings we were all present?

A. Yes sir.

Q. You have sub-divided this land into a subdivision known as South Magnolia Heights?

A. Yes sir.

Q. Dsn't that recorded in Map Book 4 at Page 72, Baldwin County records?

A. Yes sir.

MR. BLACKBURN: We offer in evidence as our Exhibit B. a certified copy of Map of South Magnolia Heighths and ask that it be identified as Complainants' Exhibit B.

REPORTER'S NOEE: Mr. Blackburn is to furnish this map.

MR. C. A. SIMMONS, A WITNESS FOR THE COMPLAINANTS, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Blackburn.

Q. You are Mr. C. A. Simmons?

A. Yes sir.

Q. What is your connection with the Alabama-Northwest Florida District Conference of the Pilgrims Holiness Church?

A. I am District Superintendent.

Q. Are you familiar with the entire matter that you have heard

Rev Resprogel testify about?

A. Yes sir.

Q. You have been in on the various meetings?

A. Yes sir.

Q. I will ask you if it is to the best interest of everybody concerned that this matter be handled in this way?

A. I believe it is.

MR. EDWARDCARVER, A WITNESS FOR THE COMPLAINANTS, BEING FIRST DULY SWORN, TESTIFIED:

Direct Examination by Mr. Blackburn.

Q. Are you Mr. Edward Carver?

A. Yes sir.

Q. Mr. Carver, you are one of the Respondents in this suit and also a member of the Pilgrim Holiness Church at Magnolia Springs, Alabama?

A. Yes sir.

Q. You too have been in on these various conferences that have been had about this matter?

A. Yes sir.

Q. And you are fully familiar with the whole matter?

A. Yes sir.

Q. In your opinion is this to the best interest of all ofthe members of your Church that this be handled in this way?

A. Yes sir.

Q. In your opinion will each member of the Church be fairly represented by you and Mr. Lewis Norris and Rev. Reprogel?

A. Yes sir.

Q. The price Mr. Snook is paying for this land is fair?

A. Yes sir.

Q. The prices that all of the other people have paid has been fair, has it not?

A. Yes sir.

REV. REPROGEL, BEING RECALLED TESTIFIED:

Q. I forgot to ask you about these lots. Now the property that

you propose to convey to the Curch Corporation, ~~xxxxxxxxxx~~ That is, Alabama-Northwest Florida District Conference of the Pilgrim Holiness Church, is the following property according to this plat of South Magnolia Heights, recorded in Map Book 4 at page 72: Lots 1, 3, 4. 7, 13, 24, 19, 20, 14, 16, 17, 18, 21, 23 and 25. Is that correct?

A. That is correct.

Q. Now the other lots that you propose to make corrections deeds to are those that are described in the amended bill of complaint and the original bill of complaint?

A. That's right.

Q. On this map of South Magnolia Heights it does not describe a tract of land consisting of 2 lots that are now owned by Mr. Doehring that will be a part of the property described in the amended Complaint?

A. That is right.

MR. J. B. ALLEN, A WITNESS FOR THE COMPLAINANTS BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Direct examination by Mr. Blackburn.

Q. Is this Mr. J. B. Allen?

A. Yes sir.

Q. Mr. Allen, I show you heare a copy of the map of South Magnolia Heights, which is recorded in Map Book 4, at page 72, Baldwin County Records and show you here on two lots which lie west of lot 25 as shown on that plat on which is written the name "Doehring". Will you furnish me to be furnished to the Court Reporter a metes and bounds description of those two lots?

A. Separate?

Q. Combined description?

A. Yes sir.

Q. The description contained in paragraph 4 of this original complaint is the lot originally conveyed to Mr. Snook by the Church? Church Trustees, is it not?

A. Yes sir.

Q. Then the tract of land described in Paragraph 5 of the bill of complaint is a combined description of that land previously conveyed and that which is to be conveyed?

A. That is right, yes, sir.

CERTIFICATE:

I hereby certify that the foregoing, consisting of pages 1 to 7 both inclusive, correctly sets forth a true and correct transcript of the testimony taken by me in open Court before Hon. Hubert M. Hall, Judge of said Court in the above styled cause.

This 11th day of May, 1955.

Louise Duxenberry
Official Court Reporter

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Com Exp A

Book 1005 Page 226

DEED WITH WARRANTY

Sold by Bidgood Stationery Co., Mobile, Ala.

This Indenture, Made the [illegible] day of June 19[illegible], between [illegible] of the first part, and [illegible] CHURCH, [illegible] of the second part: Witnesseth, that the part[illegible] of the first part in consideration of **********Ten Dollars and other valuable considerations********** DOLLARS, hereby acknowledged to have been paid the part[illegible] of the first part by the part[illegible] of the second part, do grant, bargain, sell and convey unto said part[illegible] of the second part, their successors heirs and assigns, all the real property in Baldwin County, Alabama described as follows:

**********All of lots numbered Eighteen, Nineteen and the West half of Lot Twenty of the Lyman Addition to the town of Magnolia Springs, Alabama; it being the intention hereof to convey to the said Grantee all the property in said lots owned by the said Estate of Beulah Edgar, deceased**********

STATE OF ALABAMA, BALDWIN COUNTY

Filed [illegible] M

Recorded [illegible] book [illegible] page

and I certify that the following Mortgage Tax has been paid.

Deed Tax 2.50

Mortgage Tax

Judge of Probate

By

Together with all the rights and appurtenances to said described premises in anywise belonging: To have and to hold the same forever.

And we for us and our heirs, the said described premises and appurtenances, will forever Warrant and Defend unto the said part[illegible] of the second part, their successors heirs and assigns, against the lawful claims of all persons whatsoever.

IN WITNESS WHEREOF, The said part[illegible] of the first part ha[illegible] hereunto set [illegible] hand and seal the day and year above written.

Signed, sealed and delivered in the presence of

ESTATE OF BEULAH EDGAR, DECEASED.

By [illegible]

By [illegible]

[illegible] (SEAL)

Beulah Hilliard (SEAL)

Virginia Hamilton (SEAL)

(SEAL)

(SEAL)

State of ~~Alabama,~~ Okeokmulgee County } I, F. F. Hinton

a Notary Public in and for said State and County, do hereby certify that Alice Abrams, executor of the estate of Beulah Edgar, deceased, and [illegible], whose name signed to the foregoing conveyance, and who are known to me, acknowledged before me, on this day that being informed of the contents of the conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand (if before a foreign notary add "notarial seal") this 26th day of August 1947

(seal) F. F. Hinton
Notary Public Okmulgee County, Okla
My commission expires 1-20-51

State of ~~Alabama,~~ Oklahoma } I, F. F. Hinton
Okmulgee County

a Notary Public in and for said State and County, do hereby certify that on the 26 day of Aug 1947, came before me the within named Alice Abrams, known to me to be the wife of the within named R.F. Abrams, who being examined separate and apart from the husband, touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraint or threats on the part of the husband.

Given under my hand (if before a foreign notary add "notarial seal") this 26 day of Aug 1947

(seal) F. F. Hinton
Notary Public Okmulgee County, Okla
My commission expires [illegible]

STATE OF ~~XXX~~ Illinois
COUNTY OF Saline
I, Raymond G. Conter a Notary Public in and for said County and State hereby certify that on the 20th day of Aug. 1947 came before me the within named Virginia ~~Xxxxxxx~~ Falk, known to me to be the wife of the within named James Thomas Falk, who being examined separate and apart from the husband, touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord and without fear constraint or threats on the part of the husband. And I do further certify that James Thomas Falk whose name 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 he executed the same voluntarily on the day the same bears date. Given under my hand and notarial seal this the 20 day of Aug 1947.

(seal) Raymond G. Conter
Notary Public Saline County, Ill.
My commission expires 3-10-49

STATE OF ALABAMA. BALDWIN COUNTY.
I, William Eckman, a Notary Public in and for said County and State do hereby certify that Alfred M. Neumann, whose name as executor of the estate of Beulah Edgar, 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, he executed the same voluntarily on the day the same bears date.
Given under my hand and notarial seal this the 16th day of November 1948.

William Eckman
Notary Public, Baldwin Co. Ala.
My commission expires
JAN. 15, 1951

DEED WITH WARRANTY

To

STATE OF ALABAMA, } County
Filed in my office for record this ..... day of ..... 19..... and recorded in Deed Book No. ..... Pages ..... Probate Court
Judge of Probate.

BIDGOOD'S 2M 3-44 8-27391

STATE OF Indiana
Elkhart COUNTY. I, Emil V. Anderson a Notary Public in and for said County and State do hereby certify that Beulah Miller, a single woman,, whose name 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 executed the same voluntarily on the day the same bears date.
Given under my hand and notarial seal this the 22 day of Aug. 1947.

Emil V. Anderson
Notary Public Elkhart County, Indiana
My commission expires July 3-1951

(seal)

BOOK 183 PAGE 228

~~STATE OF~~ Isthmus of Panama
~~COUNTY OF~~ Canal Zone.

I, Margaret A. Pierce a Notary Public in and for said Canal Zone ~~County and State~~ do hereby certify that Virginia Hamilton ~~and Hamilton, wife and husband,~~ whose name~~s~~ ~~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 ~~they~~ she executed the same voluntarily on the day the same bears date. ~~And I do further certify that on the _____ day of _____ 1947 came before me the within named Virginia Hamilton, known to me to be the wife of the within named _____ Hamilton, who being examined separate and apart from the husband, touching her signature to the within conveyance acknowledged that she signed the same of her own free will and accord and without fear, constraint or threats on the part of the husband.~~
Given under my hand and notarial seal this the 30 day of June 1947.

Margaret A. Pierce
Notary Public in and for ~~County~~, the Canal Zone.
My commission expires Oct. 14, 1948.

(seal)

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UNITED STATES OF AMERICA
CANAL ZONE } ss:

I, F. H. WANG, Executive Secretary of The Panama Canal, in charge of the Seal of the Government of the Canal Zone,

Do Hereby Certify That Margaret A. Pierce, by and before whom the acknowledgment or proof of the annexed instrument was taken, was, at the time of taking the same, a duly commissioned and sworn NOTARY PUBLIC in and for the Canal Zone, and was duly authorized by the laws of the Canal Zone to take the acknowledgment or proof; further, that I have charge of the official records of the appointment of said Notary Public, that I have a record of his signature, and that I am acquainted with his handwriting and verily believe that the signature to the certificate of acknowledgment or proof of the annexed instrument is his true and genuine signature; further, that the impression of the seal of the said Notary Public as affixed on said certificate has been compared with the original on file in this office and is verily believed to be true and genuine; and further, that the acknowledgment or proof was taken in accordance with the laws of the Canal Zone.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of the Government of the Canal Zone, at Balboa Heights, Canal Zone, this 1 day of July, 1947.

F. H. Wang

MK 5692—Panama Canal—9-28-44—2,000

THE STATE OF ALABAMA,
Baldwin County

PROBATE COURT

I, W. R. STUART, Judge of the Probate Court in and for said State and County, hereby certify that the within and foregoing Three photostatic pages contain a full, true and complete copy of the Deed from Alice Abrams, et al, to Pilgrim Holiness Church,

as the same appears of record in my office in Deed Book No. 136 Page 226-8.

Given under my hand and seal of office, this 28th day of March, 1955.

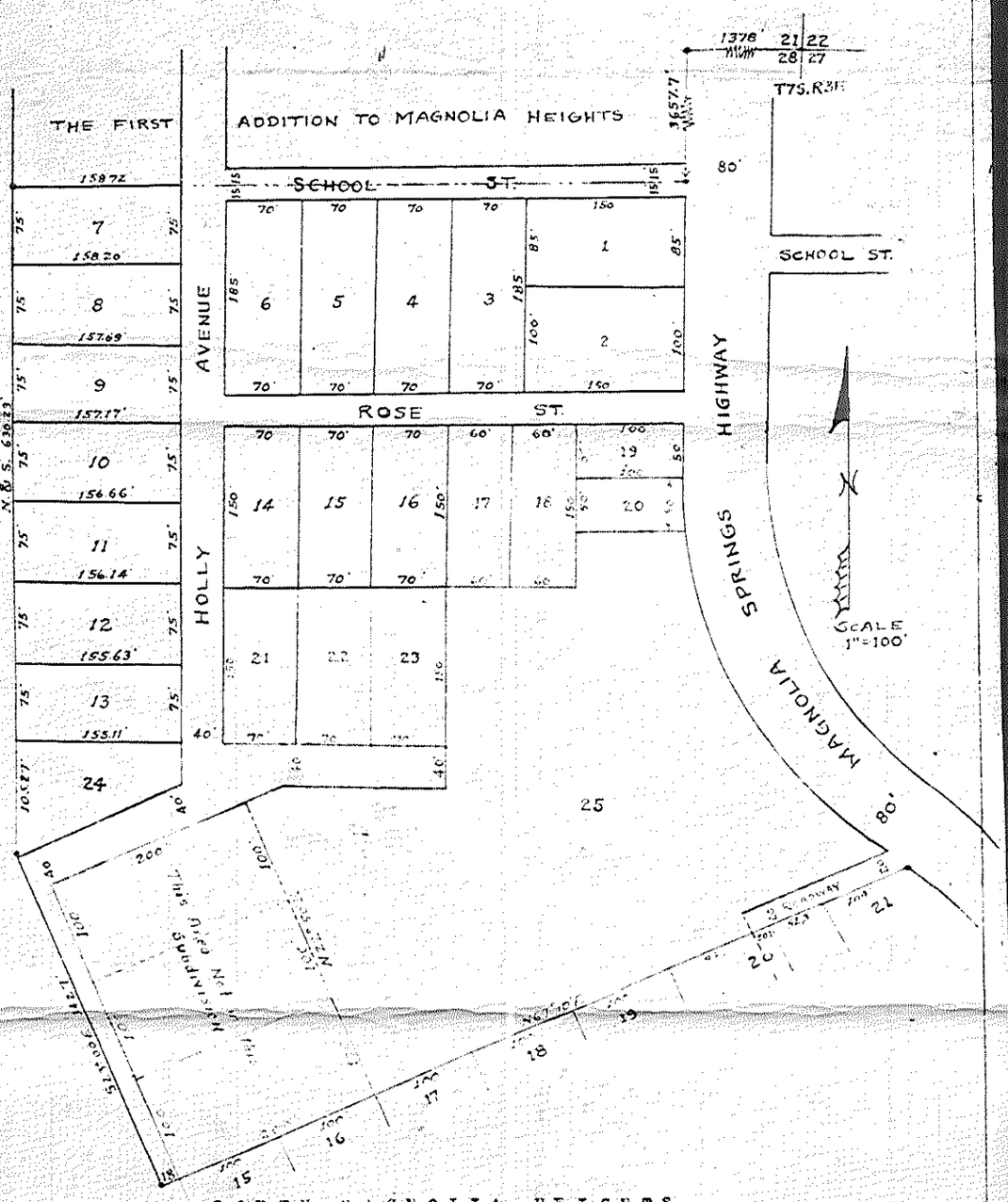
W. R. Stuart

Judge of Probate.

Description of two lots West of Lot 25, as shown on the map or plat of South Magnolia Heights, which is recorded in Map Book 4 at page 72, Baldwin County, Alabama Records:

Begin at the Southwest corner of Lot 25 in South Magnolia Heights, according to the official map or plat thereof, which is recorded in Map Book 4 at page 72, Baldwin County, Alabama Records, and run thence North 22 degrees 50 minutes West 100 feet to the point or place of beginning; thence North 22 degrees 50 minutes West 200 feet to a corner; thence South 67 degrees 10 minutes West 200 feet to a corner; thence South 23 degrees East 200 feet to a corner; thence North 67 degrees 10 minutes East 200 feet to the point or place of beginning.

J B Allen
Surveyor Ala Reg No. 1326



SOUTH MAGNOLIA HEIGHTS

A Subdivision of Part of the S.E. 1/4 of Section 28, Township 7 South, Range 3 East, as an Addition to the Town of Magnolia Springs, Baldwin County, Alabama.

SURVEYOR'S CERTIFICATE: I hereby certify that I have surveyed and staked the above described and platted lands. I further certify that the survey and this Plat and Description are correct.

Dated this the 13th day of April, 1953 A.B. Allen
Surveyor, Ala. Reg. No. 1326

OWNERS ACCEPTANCE: The undersigned Trustees of the Pilgrims Holiness Church of Magnolia Springs, Owner of the above platted Lands, hereby certify that this Plat is accepted as a true and correct Map of "South Magnolia Heights", an addition to the Town of Magnolia Springs, Baldwin County, Alabama.

Dated this 16th day of May, 1953

Robert A. Norris
John A. Norris Sr.
Frank L. Norris
Trustees.

ACKNOWLEDGEMENT: I, Guy Schuell, a Notary Public in and for the said
STATE OF ALABAMA County and State, hereby certifies that Robert A. Norris,
BALDWIN COUNTY John Norris Sr. and Frank L. Norris
whose names are signed to the foregoing Certificate, and who are known to me, acknowledged before me on this the 16th day of May, 1953, that being informed of the contents of the said Certificate, they executed the same voluntarily.

Given under My Hand and Seal this 16th day of May, 1953

Guy Schuell
Notary Public, Baldwin Co., Ala.

My Commission expires 1-2-1957

GUY SCHUELL NOTARY PUBLIC BALDWIN COUNTY ALABAMA

STATE OF ALABAMA, BALDWIN COUNTY
Filed 6-10-53 8 A.M.
Recorded ..... book ..... page .....
Judge of Probate

THE STATE OF ALABAMA,
Baldwin County

PROBATE COURT

I, W. R. STUART, Judge of the Probate Court in and for said State and County, hereby certify that the within and foregoing One photostatic pages contain a full, true and complete copy of the Map of South Magnolia Heights

as the same appears of record in my office in Map Book No. 4 Page 72.

Given under my hand and seal of office, this 27th day of April, 1955.

W. R. Stuart

Judge of Probate.