

# LEGAL NOTICE

## NOTICE TO NON-RESIDENT

Ruby Lee Eady Andrews vs.  
Grady Andrews.

The State of Alabama, Baldwin  
County, Circuit Court, in Equity.  
This the 25th day of May, 1955.

In this cause it being made to  
appear to the Clerk of this Court  
by the affidavit of Ruby Lee Eady  
Andrews that the Defendant Grady  
Andrews is a non-resident of the  
State of Alabama, that his place  
of residence and Post Office ad-  
dress is unknown and further, that,  
in the belief of said Affiant the  
Defendant is over the age of 21  
years; it is, therefore, ordered that  
publication be made in the Foley  
Onlooker, a newspaper published  
in Foley, Baldwin County, Ala-  
bama, once a week for four con-  
secutive weeks, requiring Grady  
Andrews the said Respondent to  
answer or demur to the Bill of  
Complaint in this cause by the  
25th day of June, 1955, or after  
thirty days therefrom a decree  
Pro Confesso may be taken against  
him.

Alice J. Duck, Register.

C. LeNoir Thompson, Solicitor  
For Complainant.

(4: June 2, 9, 16, 23)

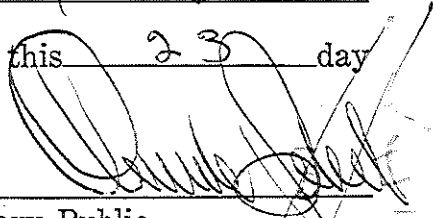
## AFFIDAVIT OF PUBLICATION

I, Edith Howell

Office Manager of The Onlooker, published at  
Foley, Ala., do solemnly swear that a copy of the above notice,  
as per clipping attached, was published once each week in the  
regular and entire edition of said newspaper, and not in any  
supplement thereof, for 4 consecutive weeks, com-  
mencing with the issue dated June 2, 1955, and  
ending with the issue dated June 23, 1955.

Edith Howell

Subscribed and sworn to before me this 23 day  
of June, 1955.



MY COMMISSION EXPIRES AUGUST 14, 1955

Notary Public.

ALBERT S. GASTON  
COUNSELOR AT LAW - PROCTOR IN ADMIRALTY  
GRAYSTONE BUILDING  
MOBILE, ALABAMA

TELEPHONE  
HEMLOCK 3-8063

P. O. BOX 820

MAY 26th, 1955.

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

IN RE: MOSS COWART, Complainant.

-VS-

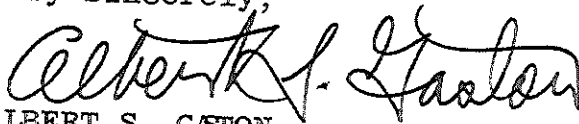
JAMES B. SMILEY, Defendant.

Dear Mrs. Duck:

Enclosed is the original bill and one copy to be filed  
in the above styled cause.

It will be appreciated if the subpoena for the Defendant  
will be issued and transmitted immediately to the Sheriff  
of Jefferson County, Alabama for service.

Very sincerely,



ALBERT S. GASTON

ENCLOSURES 2

ASG  
bnk

-VS-

JAMES B. SMILEY,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

CASE NO. . . . .

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

Comes now the Complainant, H. MOSS COWART, and would with respect show unto Your Honor and to this Honorable Court as follows:

1. That the Complainant and the Defendant are both over the age of twenty-one (21) years.

2. That the Complainant is a resident of Baldwin County, Alabama and the Defendant is a resident of Jefferson County, Alabama, his office address being Title Guaranty Building, Birmingham, Alabama.

3. That the land in controversy is located in Baldwin County, Alabama and is more particularly described as follows:

Lot D of the lands of the Mo-Baldwin Development Company, Inc. lying in Forbes Grant, Section 7, Township 6 South, Range 2 East, Baldwin County, Alabama, as shown on plat of same recorded in Map Book 3, page 118, of the records of Baldwin County, Alabama; more particularly described as a part of the Forbes or De La Size Tract, which tract is numbered as Section Seven (7) in Township Five (5) and Six (6) South, Range Two (2) East, and lies East of the east margin of Mobile Bay and East of the State Aid Road, and which is more particularly described as follows: Beginning on the East right-of-way of the State Aid Road where said road is intersected by the South boundary line of the said Forbes or De La Size Tract, and running thence North 76 degrees, East 19.3 chains, more or less, to the Eastern Boundary line of the said Forbes or De La Size Tract, thence North along the Eastern boundary line of said Tract 350 feet to a point; thence Westwardly along a line parallel to the south boundary line of the said Forbes or De La Size Tract a distance of 18.7 chains, more or less, to the Eastern right-of-way of the said State Aid Road, and thence 350 feet, more or less, along said Right-of-Way to the point of beginning being a portion of the land conveyed to the Mobaldwin Development Company, Inc. by Katherine Isabelle Du Choine by deed dated 20 April 1943 and recorded in Deed Book 103 N.S. pages 335-338 Probate Records of Baldwin County, Alabama, and being designated as Lot "D" Mobaldwin Development Company Subdivision as recorded in Map Book 3 page 118.

4. That the said property was purchased jointly by the Complainant and Defendant in June of 1954 from Dr. E. T. Doehring, the entire purchase price being \$5,250.00, of which Complainant and Defendant each put up \$625.00 as a down payment, the \$4,000.00 balance being payable in semi-annual installments of \$500.00 each, plus interest, The first installment being due December 31st, 1954 and the subsequent installments being due on June 30th and December 31st respectively for the succeeding year.

5. That the Defendant paid the first semi-annual installment due on December 31st, 1954.

6. That said property is incapable of being divided in specie either with or without owelty.

PRAYER FOR PROCESS.

To the end, therefore, that equity may be done in the premises Complainant prays that James B. Smiley, the Defendant, be made a party defendant to this Bill of Complaint, and that process in the usual form and in accordance with the practice of this Honorable Court be issued to him requiring him to answer, plead or demur to this Complainant's Bill of Complaint, as he may be advised.

PRAYER FOR RELIEF.

WHEREFORE, THE PREMISES CONSIDERED, Complainant prays that upon a final hearing of this cause your Honor will order, adjudge and decree that the said land be sold for division and that the proceeds of said sale be used first to liquidate the balance due on the said purchase money secured by a vendor's lien reserved in the deed from Dr. E. T. Doehring to the parties hereto; second, to reimburse the Defendant for the semi-annual installment which he paid on said vendor's lien on December 31st, 1954; third, for the payment of the costs of these proceedings, including a reasonable attorney's fee to be fixed by the Court for the Complainant's Solicitors; and lastly, the net proceeds to be divided equally between the parties hereto, and your Complainant prays for such other further and different relief as in equity and good conscience he may be entitled to receive and Complainant will forever pray.

FILED  
May 30, 1955  
ALICE J. DUCK, Register

ALBERT S. GASTON and WILLIAM GRAYSON

BY:

*Albert S. Gaston*  
SOLICITOR FOR COMPLAINANT.  
226 Graystone Building  
Mobile, Alabama.

BOOK 018 PAGE 308

The State of Alabama, Salawin County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon James B. Smiley

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

against James B. Smiley

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

Witness this 27th day of May, 1955

Alice J. Hirsch, Register.

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

Code 1923-6528-6529

BOOK 018 PAGE 209

RECORDED ✓

No. 3532

Page

# The State of Alabama

Baldwin

COUNTY.

IN CIRCUIT COURT, IN EQUITY

H. MOSS COMART

vs.

JAMES B. SMILEY

## SUMMONS

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

Register.

*Titler & Associates*

FILED

MAY 27 1955

ALICE J. DUCK, Register

*Mrs. Streetman*

Received in office, this the 27 day of

May, 1955

*Walter Williams*, Sheriff.

I have executed the within by leaving a copy

thereof with

Executed this the MAY 30 1955 day of 1955

on *James B. Smiley*

*Atty*

Attorneys of Record.

by leaving a copy of within with

*Mrs. Streetman*

agent of said Attorneys.

HOLT A. McDOWELL, Sheriff

Jefferson County, Alabama

By *W. J. McClain* D.S.

defendant named herein, on this the

day of, 19

Sheriff.

By Deputy.