

4451

OLETA LOWELL HALL and CLYDE	X	
VERNON LOWELL,	X	
	X	IN THE CIRCUIT COURT OF
Complainants,	X	
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
SHELBY FOLMAR, ET AL.,	X	
	X	IN EQUITY NO. 4451
Respondents.	X	

DECREE:

This cause coming on to be heard was submitted for final decree on behalf of the Complainants on the original Bill of Complaint, the Order of Publication, Affidavit of Non-residence, Certificate of Publication, the Amendment to the Bill of Complaint and the testimony taken orally before the Court and the several exhibits introduced in connection therewith; and on behalf of the Respondents Shelby Folmar, Gertrude Folmar, Clyde J. Folmar and Herbert J. Folmar upon the Answer filed by them in this cause on May 27, 1960 and on behalf of the Respondent, Mrs. Gertrude Celeste McMillan upon the Answer and Cross-Bill filed by her in this cause on June 3, 1960 and on behalf of all of said Respondents upon the testimony taken orally in open court and the Court having considered all of the above is of the opinion that the Complainants are entitled to the relief prayed for in their Bill of Complaint and the Amendment thereto; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, as follows:

1. That the Complainants and the Respondents, with the exception of the Respondent Gertrude Celeste McMillan, are joint owners and tenants in common of the following described parcel of land situated in Baldwin County, Alabama, to-wit:

The South Half of the Southeast Quarter of the Southwest Quarter (S $\frac{1}{2}$  of SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section Thirty-four (34), Township Two South (2S), Range Two East (2E).

That the Complainants each own an undivided three-eighths (3/8 ths) interest in said parcel and the Respondents Gertrude Folmar, Clyde J. Folmar and Herbert J. Folmar each own an undivided one-twelfths (1/12) interest therein, the interest of the named Respondents being subject

only to the life estate of the Respondent Shelby Folmar.

2. That the Complainants and the Respondents, with the exception of the Respondent Gertrude Celeste McMillan, are joint owners and tenants in common of the following described parcel of land situated in Baldwin County, Alabama, to-wit:

The North Half of the Southwest Quarter of the Southeast Quarter ( $N\frac{1}{2}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ ) of Section Thirty-four (34), Township Two South (2S), Range Two East (2E).

The Complainants are each the owners of an undivided twenty-one-forty-eighths ( $21/48$  ths) interest in said parcel and the Respondents Gertrude Folmar, Clyde J. Folmar and Herbert J. Folmar are each the owners of an undivided two-forty-eighths ( $2/48$  ths) interest in said parcel, subject only to a life estate of the Respondent Shelby Folmar in and to the undivided six-forty-eighths ( $6/48$  ths) interest owned by the three named Respondents.

3. That the Respondent Gertrude Celeste (Lowell) (Cruzan) McMillan has no right, title or interest in and to either of the parcels of land described above and that the deed executed by her on May 29, 1950 and recorded in the Office of the Judge of Probate of Baldwin County, Alabama in Deed Book 184 N.S. at page 190 was effectual to convey any interest which she may have had in and to said property on said date; and it is therefore the judgment of this Court that the Cross-Bill filed on behalf of said Respondent should be, and the same is hereby, dismissed.

And it further appearing to the Court that neither of the above described parcels of land could be equitably divided or partitioned without a sale of the same and a division of the proceeds among the joint owners according to their respective interest and that the Complainants have prayed that such property be sold for such division; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, as follows:

1. That the Register of this Court sell said parcels of land at public outcry to the highest bidder at the front door of the Courthouse of Baldwin County, Alabama on the 10th day of August, 1960 at 11:00 A.M. after first having given notice of the time and place of said sale by publication once a week for three (3) successive

weeks of the time, place and terms of said sale in the Baldwin Times, a newspaper of general circulation published in Bay Minette, Baldwin County, Alabama; and that said sale be for cash and the parcels of land be offered for sale first jointly and then separately.

2. That the Register of this Court file her report in writing of such sale to this Court after the completion thereof showing to whom such property was sold and the amount of the purchase price thereof.

3. That this Court does hereby retain jurisdiction of this cause to confirm said sale and to make such orders and decrees relative to the distribution of the proceeds of such sale, including, but not being limited to, the allowance of attorneys fees, the accounting between the parties, the ascertainment of the value of the life estate of the Respondent Shelby Folmar and the taxing of the costs of this proceeding as will be necessary to adjust the equities between the parties to this cause.

Done this 8<sup>th</sup> day of July, 1960.

FILED

JUL 8

ALICE L. DUCK, CLERK  
REGISTER

Hubert H. Stace  
Circuit Judge

OLETA LOWELL HALL and CLYDE  
VERNON LOWELL,

Complainants,

vs.

SHELBY FOLMAR, GERTRUDE FOLMAR,  
CLYDE J. FOLMAR and HERBERT J.  
FOLMAR,

Respondents.

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FINAL DECREE

It having been made to appear to the Court in this cause that conveyances have now been made by the Register of this Court to the two successful bidders for the property herein involved under the order of this Court confirming the sale of said property and ordering such conveyances to be made, which said order is dated September 8, 1960; and it further appearing to the Court that an order should be entered for the distribution of the proceeds of such sales after deducting therefrom all expenses in the form of court costs and attorneys fees and after allowing the Complainants credit for taxes heretofore paid by them on the property involved in this cause; and it further appearing to the Court that the Respondents, Gertrude Folmar Pickens (formerly Gertrude Folmar and one and the same person as Gertrude Folmar named in the Bill of Complaint), Clyde J. Folmar, Herbert J. Folmar and Shelby Folmar, did, on the 21st day of September, 1960, file in this cause an agreement in writing executed and acknowledged as required by law wherein the said Respondents agreed that any amount which they, as the heirs at law and next of kin of Anna L. Folmar, Deceased, be distributed in four equal parts to said Respondents; and it further appearing to the Court that the Complainants are entitled to a lien in the amount of \$67.50 for taxes heretofore paid by them on the property herein involved for the benefit of all of the owners of this property and that Chason & Stone, Attorneys at Law, are entitled to an attorneys fee to be paid out of the proceeds of such sale in the amount of \$872.28, which sum is hereby decreed to be a reasonable attorneys fee for the services rendered by said attorneys for the benefit of all of the parties of this cause; and the Court having considered all of the above is of the opinion



that a final decree should be entered in this cause ordering the Register to distribute the funds now in her hands as hereinafter set forth; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, that the Register of this Court pay the following amount to the following persons for the account shown:

- a. Chason & Stone, Attorneys at Law,  
Legal Services. . . . . \$ 872.28
- b. Oleta Lowell Hall and Clyde Vernon  
Lowell, Taxes Paid.. . . . \$ 67.50
- c. Alice J. Duck, Register,  
Court Costs. . . . . \$ 175.22.

That upon the payment of all of said sums in the total amount of \$1,115.00 that the balance of the funds then on hand, or \$4,010.00 (\$5,125.00 less \$1,115.00), be distributed by the Register of this Court in the following manner to the persons named:

- a. Oleta Lowell Hall \$1,621.10
- b. Clyde Vernon Lowell \$1,621.10
- c. Shelby Folmar \$ 191.95
- d. Gertrude Folmar Pickens \$ 191.95
- e. Clyde J. Folmar \$ 191.95
- f. Herbert J. Folmar \$ 191.95

That the above amounts have been computed by this Court by taking the net amount to be distributed after deducting from the total purchase price the expenses above enumerated (\$5,125.00 less \$1,115.00) and apportioning that amount among the two parcels of land involved by applying the proportion of the total purchase price that the purchase price to each parcel bears to \$4,010.00 (e.g. \$2,725.00 is to \$5,125.00 as \$2,132.13 is to \$4,010.00). The Court then distributed the funds attributable to each parcel in accordance with the percentages of ownership. For example, of the sum of \$4,010.00, \$2,132.13 is attributable to the purchase price of "Parcel A" described in the Complaint. The Complainants are each the owners of an undivided three-eighths interest in that parcel and the Respondents, with the exception of the Respondent Gertrude Celeste McMillan, are the owners of the remaining one fourth interest; the Court therefore found that

the Complainants were entitled to receive \$1,599.09 for the three fourths interest owned by them and the Respondents were entitled to divide the remainder, or \$533.04, in accordance with the written instrument filed in this cause.

Done this 30 day of September, 1960.



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Circuit Judge

OLETA LOWELL HALL and  
CLYDE VERNON LOWELL,

Complainants,

vs.

SHELBY FOLMAR, ET AL.,

Respondents.

I  
I  
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I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 4451

DECREE CONFIRMING SALE AND ORDERING CONVEYANCE

In this cause it having been made to appear to the Court that the Register of this Court did sell the property described in the decree of this Court dated July 8, 1960, at public sale in strict accordance with the terms and provisions of said decree all as shown by the report of sale filed by the Register in this cause; and it appearing to the Court that the South Half ( $S\frac{1}{2}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of Section Thirty-four (34) Township Two South (2S), Range Two East (2E) was sold to Mrs. Willie M. Willisson for the sum of Two Thousand Seven Hundred Twenty-five Dollars (\$2,725.00) and that the North Half ( $N\frac{1}{2}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) was sold to Mr. Cliff Eddins for the sum of Two Thousand Four Hundred Dollars (\$2,400.00), both of which purchasers have paid into the Register of this Court the amount bid by them for the respective parcels of property; and that the bids received are a fair and reasonable price and value for said parcels of land; and the Court having considered all of the above is of the opinion that the sale made by the Register pursuant to the decree of July 8, 1960, should be, in all respects, ratified and confirmed and that a deed should be ordered made to these purchasers by the Register of this Court; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, as follows:

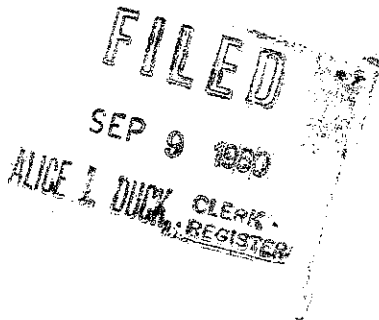
1. That the sale by the Register of this Court under and pursuant to the order of this Court dated July 8, 1960, to Mrs. Willie M. Willisson of the South Half ( $S\frac{1}{2}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of Section 34, Township 2 South, Range 2 East, be, and the same is hereby, in all respects, ratified and confirmed and the Register of this Court is hereby ordered to make proper conveyance to the said Mrs. Willie M. Willisson of the fee simple title to said property.

2. That the sale by the Register of this Court under and pursuant to the order of this Court dated July 8, 1960, to Mr. Cliff Eddins of the North Half ( $N\frac{1}{2}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section 34, Township 2 South, Range 2 East be, and the same is hereby, in all respects, ratified and confirmed and the Register of this Court is hereby ordered to make proper conveyance to the said Mr. Cliff Eddins of the fee simple title to said property.

3. That jurisdiction of this cause is hereby retained for the purpose of making an order of distribution of the funds now in the possession of the Register of this Court after deducting all costs and other expenses incidental to the sale of said property.

Done this the 8th day of September, 1960.

Hubert M. Stacey  
Circuit Judge



OLETA LOWELL HALL and CLYDE  
VERNON LOWELL,

Complainants

VS

SHELBY FOLMAR, GERTRUDE FOLMAR,  
CLYDE J. FOLMAR, and HERBERT J.  
FOLMAR,

Respondents

X  
X  
X  
X  
X  
X  
X

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

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

Come Gertrude Folmar, Clyde J. Folmar and Herbert J. Folmar,  
heirs of Anna L. Folmar and Shelby Folmar, surviving husband of the  
said Anna L. Folmar and father of the foregoing heirs who by this  
instrument do agree and stipulate that:

The life interest of the said Shelby Folmar under his status  
as surviving spouse in the said lands described in said complaint in  
this cause as parcel A and parcel B is hereby agreed to be 1/4 interest,  
or the equivalent of a child's part and that each of said parties here-  
to by executing this stipulation agree that such sum or sums as shall  
be payable under a decree of the Circuit Court of Baldwin County to  
the surviving heirs and spouse of the said Anna L. Folmar shall be  
divided and payable in four equal parts to the parties herein named.

Witness our hands and seals this the 14 day of September  
1960.

Gertrude Pickens Folmar  
formally Gertrude Folmar (SEAL)  
Clyde J. Folmar (SEAL)  
Herbert J. Folmar (SEAL)  
Shelby Folmar (SEAL)

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared  
Shelby Folmar, who is known to me and who being informed of the con-  
tents of the foregoing agreement executed same voluntarily this the  
14 day of September, 1960.

[Signature]  
Notary Public, Baldwin County, Alabama

STATE OF MISSOURI  
COUNTY OF Ripley

Before me, the undersigned authority, personally appeared  
Gertrude Folmar, who is known to me and who being informed of the con-  
tents of the foregoing agreement executed same voluntarily this the  
19 day of Sept., 1960.

my term ends  
Sept. 30, 1963.

Howard R. Evans  
Notary Public

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STATE OF ALABAMA  
JEFFERSON COUNTY

Before me, the undersigned authority, personally appeared Clyde J. Folmar and Herbert J. Folmar, who are known to me and who being informed of the contents of the foregoing agreement executed same voluntarily this the 16th day of September, 1960.

Mary Louise Evers  
Notary Public, Jefferson County, Alabama

My Commission Expires June 20, 1961

FILED

SEP 21 1960

ALICE L. DUCK, CLERK  
REGISTER

OLETA LOWELL HALL, ET AL.,	X	
Complainants,	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
SHELBY FOLMAR, ET AL.,	X	
Respondents.	X	IN EQUITY NO. 4451
	X	

REPORT OF SALE

The undersigned, Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, In Equity, does hereby respectfully represent and report to this Honorable Court as follows:

That under and pursuant to the order of this Court made and entered in the above styled cause on the 8th day of July, 1960, I did sell the parcels of land hereinafter described at public outcry to the highest bidder at the front door of the Courthouse of Baldwin County, Alabama, on the 10th day of August, 1960, at 11:00 A. M. after first having given notice of the time and place of said sale by publication once a week for three successive weeks of the time, place and terms of said sale in the Baldwin Times, a newspaper of general circulation published in Bay Minette, Baldwin County, Alabama, (the proof of which publication is now on file in this cause). That I first offered said parcels of land for sale jointly and the highest and best bid which I received for said parcels was \$5,005.00. That I then offered said parcels for sale separately and received the following bids:

For the South Half of the Southeast Quarter of the Southwest Quarter ( $S\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$ ) of Section 34, Township 2 South, Range 2 East, the highest and best bid which I received for the same was \$2,725.00 from Mrs. Willie M. Willison.

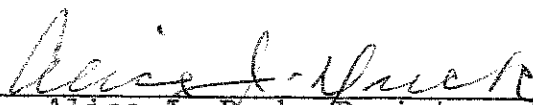
For the North Half of the Southwest Quarter of the Southeast Quarter ( $N\frac{1}{2}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ ) the highest and best bid which I received for the same was \$2,400.00 from Mr. Cliff Eddins.

That inasmuch as the bids received for the parcels separately were higher I sold said property to the highest bidders for the separate parcels as set out immediately above.

That said sale was in all respects fairly made, conducted and

concluded and that both of said successful bidders have complied with the terms of said sale by paying to the undersigned the amount of their respective bids and there is now in my possession and subject to the further orders of this court the total sum of \$5,125.00.

Respectfully submitted,

  
\_\_\_\_\_  
Alice J. Duck, Register of the  
Circuit Court of Baldwin County,  
Alabama, In Equity



OLETA LOWELL HALL and CLYDE	I		
VERNON LOWELL,	I		
	I	IN THE CIRCUIT COURT OF	
Complainants,	I		
	I	BALDWIN COUNTY, ALABAMA	
vs.	I		
	I	IN EQUITY	NO. 4451
SHELBY FOLMAR, ET AL.,	I		
Respondents.	I		

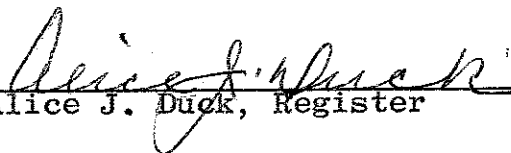
NOTICE OF SALE

NOTICE IS HEREBY GIVEN by the undersigned Alice J. Duck as Register of the Circuit Court of Baldwin County, Alabama, In Equity, that under and pursuant to a decree of said Court in said cause dated the 8 day of July, 1960, the following described real property situated in Baldwin County, Alabama, to-wit:

- A The South Half ( $S\frac{1}{2}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) and the North Half ( $N\frac{1}{2}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section Thirty-four (34), Township Two South (2S), Range Two East (2E)

will be sold for cash to the highest bidder at the front door of the courthouse in Bay Minette, Baldwin County, Alabama, on the 10th day of August, 1960, at 11:00 o'clock A. M. Said property will be offered for sale first as a whole and then each parcel will be offered separately.

Done this the 8 day of July, 1960.

  
\_\_\_\_\_  
Alice J. Duck, Register

CHASON & STONE  
Attorneys for Complainants

# The Baldwin Times

"Baldwin's Only All County Newspaper"

BAY MINETTE, ALABAMA

J. H. FAULKNER, Publisher  
E. R. MORRISSETTE, Jr., Editor-Manager

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY.

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

Hall & Lowell vs. Folmar

### COST STATEMENT

209 WORDS @ 5 cents = \$ 10.45  
I hereby certify this is correct, due and unpaid (paid).

J. H. Faulkner, Jr.  
Editor.

was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication July 21, 1960 Vol. 72 No. 28

Date of 2nd publication July 28, 1960 Vol. 72 No. 29

Date of 3rd publication August 4, 1960 Vol. 72 No. 30

Date of 4th publication \_\_\_\_\_, 19\_\_\_\_ Vol. \_\_\_\_\_ No. \_\_\_\_\_

Subscribed and sworn before the undersigned this 4 day of Aug, 1960

Dorothy Martin  
Notary Public, Baldwin County.

J. H. Faulkner, Jr.  
Editor.

OLETA LOWELL HALL, ET AL.,	X	IN THE CIRCUIT COURT OF
Complainants,	X	BALDWIN COUNTY, ALABAMA
vs.	X	IN EQUITY
SHELBY FOLMAR, ET AL.,	X	CASE NO. 4451
Respondents	X	

ANSWER AND CROSS-BILL

Comes Respondent, Mrs. Gertrude Celeste Lowell Cruzan McMillan, and amends her answer herefofore filed in said cause to reas as follows:

-1-

As to paragraph one of said original complaint she admits the allegations as to said complainants and as to the Respondents named therein and sets out in addition thereto that the said Gertrude Celeste Lowell Cruzan McMillan is an heir of the said George W. Lowell and Mary L. Lowell, both now deceased.

-2-

She denies the allegations of Count two in said complaint.

-3-

She denies the allegations of count three and demands strict proof thereof.

-4-

She denies the allegations of count four and for further answer alleges that said complainants have obtained rents and profits from said lands and have failed or refused to account for said rents and profits since the year 1951.

-5-

She denies the allegations of count five thereof.

-6-

Your Respondent further denies the allegations of count six and demands strict proof thereof.

And now having answered the allegations of said complaint your Respondents now bring this cross-bill of complaint against the Complainants herein as Cross-Respondents in said cause and by this cross-bill do call upon the said Cross-Respondents to show unto this Honorable Court their right, title and interest in said lands and by what instruments same is derived and created. And pray that this Honorable Court will by proper order make the original Complainants, Cross-Respondents in this cause.

-1-

Your Respondents deny the signature of the said Sarah Frances Lowell as being a true and proper signature of Sarah Frances Lowell on to-wit, that certain instrument dated 11-8-30 and alleged to have been executed by the said Sarah Frances Lowell on that deed conveying title in said property to the said William J. Lowell.

-2-

That your Respondent, Mrs. Gertrude Celeste Lowell Cruzan McMillan alleges and shows unto this Honorable Court that the said instrument executed by her on May 29, 1950, to the said William J. Lowell was executed under an agreement that the said William J. Lowell would sell and convey the said property in the total sum of \$2000.00 and that the said Respondent, Mrs. Gertrude Celeste Lowell Cruzan McMillan, would receive therefrom her one-fourth interest, to-wit, \$500.00. That said deed was not to be used unless and until said property was properly sold for to-wit, \$2000.00 and that said property not having been sold in accordance with said agreement that said deed is voidable.

Wherefore, your Respondents, now Cross-Complainants pray unto this Honorable Court that the said conveyance by the said Sarah Frances Lowell be voided and that the said deed executed by the said Respondent and Cross-Complainant, Mrs. Gertrude Celeste Lowell Cruzan McMillan, herein be voided. And further, your Respondents and Cross-Complainants pray that this Honorable Court determine the reasonable and proper share due your Respondents and Cross-Complainants and that said land be sold and that same be paid over to them in accordance with the decree of this Honorable Court. And further, your Respondents and Cross-Complainants offer to do equity.

FILED

JUN 3 1960

ALICE J. DUCK, CLERK  
REGISTER

*Mrs. Gertrude Celeste Lowell Cruzan McMillan*  
Mrs. Gertrude Celeste Lowell Cruzan  
McMillan, Respondent and Cross-Com-  
plainant.

THOMPSON & WHITE

BY: *Mary Thompson White*  
Attorneys for Respondents and Cross-  
Complainants.

Sworn to and subscribed before me this 3rd day of June, 1960.

49

*Henry A. Page*  
Notary Public

16

4451

FILED

JUN 3 1960

ALICE L. DUCK, CLERK  
REGISTER

OLETA LOWELL HALL and CLYBE  
VERNON LOWELL,

COMPLAINANTS

VS

SHELBY FOLMAR, GERTRUDE FOLMAR,  
CLYDE J. FOLMAR and HERBERT J.  
FOLMAR,

RESPONDENTS

X  
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X  
X  
X  
X  
X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY. No. 4457

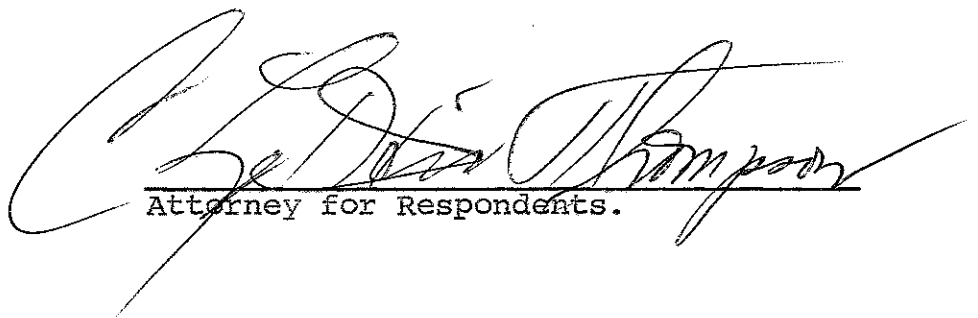
Come Respondents, Shelby Folmar, Gertrude Folmar, Clyde J. Folmar and Herbert J. Folmar, by C. LeNoir Thompson, their attorney of record and for answer to said complaint show as follows:

As to each and every count thereof separately and severally they deny the allegations thereof.

FILED

MAY 4 1960

ALICE J. DUCK, CLERK  
REGISTER

  
Attorney for Respondents.

OLETA LOWELL HALL, ET AL.,	X	IN THE CIRCUIT COURT OF
Complainants	X	BALDWIN COUNTY, ALABAMA
vs.	X	IN EQUITY NO. 4451
SHELBY FOLMAR, ET AL.,	X	
Respondents	X	

Comes Gertrude Celeste McMillan by C. LeNoir Thompson of the firm of Thompson & White, her attorney and for answer to said amended Bill of Complaint and to each and every phase of each and every paragraph thereof shows unto this Honorable Court as follows:

-1-

She denies the allegations alleged therein.

-2-

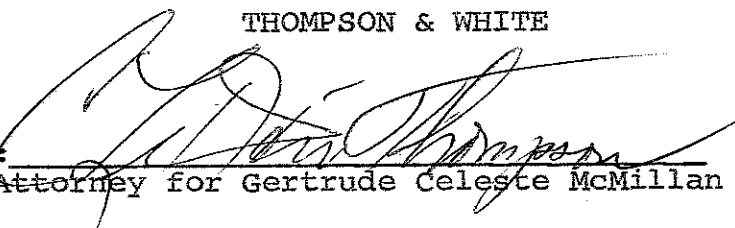
The said Gertrude Celeste McMillan specially points to paragraph sixth as amended.

-3-

She denies the allegations alleged therein and shows unto this Honorable Court that she did execute a deed to the said William J. Lowell with the understanding that the said William J. Lowell would display said deed as evidence of authority to sell said property and would pay over to her her right and interest in said land in accordance with the said sale before the said quit claim deed would be recorded. That the said sale was not consummated so far as your Respondent knows and that the said William J. Lowell continued to hold said deed while seeking a further sale. That your Respondent alleges there was no consideration for said deed and,

She prays this Honorable Court that said quit claim deed be stricken and the interest of the said Gertrude Celeste McMillan be determined by this court and she be paid her proper interest.

THOMPSON & WHITE

BY:   
Attorney for Gertrude Celeste McMillan

**FILED**

MAY 16 1960

ALICE J. DUCK, Register

OLETA LOWELL HALL, ET AL.,	X		
Complainants,	X	IN THE CIRCUIT COURT OF	
vs.	X	BALDWIN COUNTY, ALABAMA	
SHELBY FOLMAR, ET AL.,	X	IN EQUITY	NO. 4451
Respondents.	X		

AMENDMENT TO BILL OF COMPLAINT

Come now the Complainants in the above styled cause, by their Solicitors, and amend the Bill of Complaint heretofore filed by them, by adding thereto paragraph or section "SIXTH" in words and figures as follows:

SIXTH:

That on, to-wit: the 29th day of May, 1950, Gertrude Celeste (Lowell) (Cruzan) McMillan (who now resides in Bay Minette, Baldwin County, Alabama, and who is over the age of twenty-one years) executed a Quitclaim Deed to William J. Lowell conveying all of her right, title interest and claim in or to both of the parcels of land described in paragraph or section "SECOND" hereof. That at the time of said conveyance the said Gertrude Celeste McMillan was a married woman and her husband did not join in the execution of the same but the Complainants are informed and believe, and upon such information and belief allege that both she and her husband were non-residents of the State of Alabama. That on May 29, 1950, and prior to the execution of said deed, the said Gertrude Celeste McMillan was the owner of an undivided one-fourth ( $\frac{1}{4}$ ) interest in and to "PARCEL A" and an undivided one-eighth ( $\frac{1}{8}$ ) interest in and to "PARCEL B", having acquired the same under the laws of descent and distribution from her father, G. W. Lowell, Deceased. That a justiciable controversy exists between the Complainants and the said Gertrude Celeste McMillan as to the validity of said deed and whether it operated as a conveyance of the right, title and interest owned by the said Gertrude Celeste McMillan on the date thereof in the property which is the subject matter of this proceeding. That if said deed was ineffectual and void and did not operate as a conveyance of such interest then the said Gertrude Celeste McMillan would be the owner of the same interest in each of said par-



cels at this time subject only to the lien of the Complainants herein claimed for expenditures made by them for the benefit of all of the tenants in common in protecting and preserving said property and she would, therefore, be entitled to share in the distribution of the proceeds of the sale for division herein prayed for; but if said deed was an effectual and valid conveyance of the interest in said parcels owned by her on the date thereof then she would not be so entitled and the fractional ownerships would be as set out in paragraph or section "SECOND" hereof. That the deed herein referred to is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 184 N. S. at page 190.

And also by amending the "PRAYER FOR PROCESS" and the "PRAYER FOR RELIEF" as contained in the original Bill of Complaint filed in this cause so that the same shall read as follows:

PRAYER FOR PROCESS

The premises considered the Complainants respectfully pray that this Honorable Court will cause its usual Writ of Process to issue directed to each of the named Respondents and requiring them to plead, answer or demur to this Bill of Complaint within the time required by law and the rules of this Honorable Court; and will cause the said Gertrude Celeste McMillan to be made a party hereto to settle the controversy hereinabove referred to and to declare her rights, if any, in and to the property which is the subject matter hereof.

PRAYER FOR RELIEF

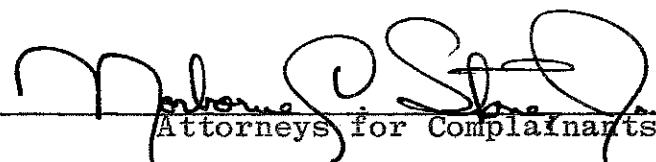
The premises further considered the Complainants respectfully pray that on a final hearing of this cause that this Honorable Court will enter an order or decree ascertaining and declaring that the two parcels of land described above cannot be equitably divided without a sale of the same and a division of the proceeds among the joint owners and will, in and by the terms of said decree declare that the said Gertrude Celeste McMillan has no right, title or interest in said property after first declaring that the deed of May 29, 1950, was effectual to convey any interest which she may have had in and to said property on said date; and that this Court will further order said property to be sold by the Register of this Court at public sale

under such terms and conditions as the Court thinks proper with instructions to said Register to report back to this Honorable Court for confirmation of such sale. And the Complainants further pray that on the confirmation of any sale so made that this Honorable Court will order that a reference be held to fix and determine a reasonable attorneys' fee to be paid out of the proceeds of such sale to Chason & Stone, as attorneys for the Complainants and to further determine the amounts which have been spent by the Complainants, or either of them, in and about the preservation and protection of said property for the benefit of all of the joint owners and that the Complainants, or either of them, be awarded a lien on the amount of the share of each of the Respondents from said sale to equitably apportion such expenses among the joint owners, And the Complainants pray for such other, further and different relief as in the premises will be meet and proper.

Respectfully submitted,

CHASON & STONE

By:

  
Attorneys for Complainants

*Service accepted for Fertilizer Celeste  
McMillan - This 22 day of Jan. 60.  
C. LeDiss Thompson  
Attorney for same*

FILED

JAN 26 1960

ALICE J. DUCK, Clerk

OLETE LOWELL HALL and CLYDE  
VERNON LOWELL,

Complainants,

vs.

SHELBY FOLMAR, GERTRUDE FOLMAR,  
CLYDE J. FOLMAR and HERBERT J.  
FOLMAR,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

CERTIFICATE OF SERVICE BY PUBLICATION

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, In Equity, do hereby certify that I have this day had the Order of Publication entered in this cause published in The Baldwin Times, a newspaper of general circulation in Baldwin County, Alabama, once a week for four consecutive weeks and that I have posted up at the door of the Courthouse of Baldwin County, Alabama a copy of such order.

Alice J. Duck  
Alice J. Duck, Register



OLETA LOWELL HALL and CLYDE  
VERNON LOWELL,

Complainants,

vs.

SHELBY FOLMAR, GERTRUDE FOLMAR,  
CLYDE J. FOLMAR and HERBERT J.  
FOLMAR,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

ORDER OF PUBLICATION

An affidavit of Norborne C. Stone, Jr., one of the attorneys for the Complainants in the above styled cause, having been filed in this cause in which it is alleged that Herbert J. Folmar is a non-resident of the State of Alabama, over the age of twenty-one years and that his residence is unknown and cannot be ascertained after reasonable effort;

NOTICE IS HEREBY GIVEN to Herbert J. Folmar that on the 2<sup>nd</sup> day of <sup>December</sup> ~~November~~, 1958 a Bill of Complaint was filed in the Circuit Court of Baldwin County, Alabama, In Equity, wherein Oleta Lowell Hall and Clyde Vernon Lowell are the Complainants and Shelby Folmar, Gertrude Folmar, Clyde J. Folmar and Herbert J. Folmar are the Respondents in which it is alleged that all of said parties are the joint owners and tenants in common of the following described parcels of land situated in Baldwin County, Alabama, to-wit:

PARCEL A

The South Half of the Southeast Quarter of the Southwest Quarter (S $\frac{1}{2}$  of SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section Thirty-four (34), Township Two South (2S), Range Two East (2E)

PARCEL B

The North Half of the Southwest Quarter of the Southeast Quarter (N $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section Thirty-four (34), Township Two South (2S), Range Two East (2E)

and in which they further allege that said parcels of land cannot be equitably divided and in which Complaint the Complainants pray for

a sale of said parcels of land for a division of the proceeds among the joint owners and tenants in common. The Complainants further pray that the Court establish a lien on the proceeds of any such sale for the amount of monies expended by either or both of them for the preservation and protection of said property.

YOU ARE HEREBY NOTIFIED that in the event that you fail to answer or plead to the Bill of Complaint on or before the 13<sup>th</sup> day of January, 1959 that a decree pro confesso will be rendered against you.

  
\_\_\_\_\_  
Alice J. Duck, Register

CHASON & STONE

\_\_\_\_\_  
Attorneys

STATE OF ALABAMA

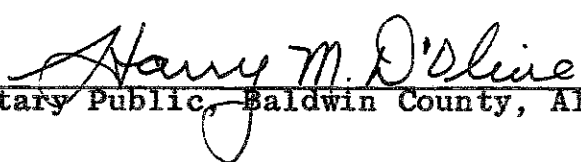
BALDWIN COUNTY

Before me, Harry M. D'Olive, a Notary Public, in and for said County in said State, personally appeared Norborne C. Stone, Jr., who is known to me and who, after being by me first duly and legally sworn did depose and say under oath as follows:

That he is one of the attorneys for the Complainants in that certain cause now pending in the Circuit Court of Baldwin County, Alabama, In Equity, wherein Oleta Lowell Hall, et al., are the Complainants and Shelby Folmar, et al., are the Respondents. That he is informed and believes and upon such information and belief alleges Herbert J. Folmar is over the age of twenty-one years and is a non-resident of the State of Alabama whose resident is unknown and cannot be ascertained after reasonable effort.

  
Norborne C. Stone, Jr.

Sworn to and subscribed before me  
this 2<sup>ND</sup> day of <sup>December</sup>~~November~~, 1958.

  
Notary Public, Baldwin County, Ala.

STATE OF ALABAMA

IN THE CIRCUIT COURT - IN EQUITY

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Shelby Folmar, Gertrude Folmar, Clyde J. Folmar and Herbert J. Folmar to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by Oleta Lowell Hall and Clyde Vernon Lowell, as Complainants, against Shelby Folmar, Gertrude Folmar, Clyde J. Folmar and Herbert J. Folmar, as Respondents.

Witness my hand this the 2 day of November, 1958.

*Alice J. Duck*  
Register

OLETA LOWELL HALL and CLYDE  
VERNON LOWELL,

Complainants,

VS.

SHELBY FOLMAR, GERTRUDE FOLMAR,  
CLYDE J. FOLMAR and HERBERT J.  
FOLMAR,

Respondents.

I  
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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

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

Come the Complainants, Oleta Lowell Hall and Clyde Vernon Lowell, by their Solicitors, and respectfully represent and show unto Your Honor and unto this Honorable Court as follows:

FIRST:

That the Complainants are both over the age of twenty-one years and resident citizens of Mobile, Mobile County, Alabama. The Complainant Oleta Lowell Hall resides at 2121 East Hillwood Drive and the Complainant Clyde Vernon Lowell resides at 1559 Virginia



Street. The Respondents are each over the age of twenty-one years. The Respondents Shelby Folmar and Gertrude Folmar reside in Bay Minette, Baldwin County, Alabama, and the Respondent Clyde J. Folmar is a resident of Birmingham, Jefferson County, Alabama. The Complainants do not know the residence of the Respondent Herbert J. Folmar but they are informed and believe and upon such information and belief allege that he is a non-resident of the State of Alabama, residing in the State of Washington or Oregon.

SECOND:

The Complainants and the Respondents are joint owners and tenants in common of the following described parcels of land situated in Baldwin County, Alabama, to-wit:

PARCEL A

The South Half of the Southeast Quarter of the Southwest Quarter ( $S\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$ ) of Section Thirty-four (34), Township Two South (2S), Range Two East (2E)

PARCEL B

The North Half of the Southwest Quarter of the Southeast Quarter ( $N\frac{1}{2}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ ) of Section Thirty-four (34), Township Two South (2S), Range Two East (2E)

The Complainants are each the owners of an undivided three-eighths ( $3/8$  ths) interest in the land that is described as "PARCEL A" and the Respondents Gertrude Folmar, Clyde J. Folmar and Herbert J. Folmar are the owners of an undivided one-twelfth ( $1/12$  th) interest each in said "PARCEL A", subject to the life estate of the Respondent Shelby Folmar in the undivided three-twelfths ( $3/12$  ths) interest owned by the three named Respondents. That the Complainants each own an undivided twenty-one-forty-eighths ( $21/48$  ths) interest in the land described as "PARCEL B" and the Respondents Gertrude Folmar, Clyde J. Folmar and Herbert J. Folmar each own an undivided two-forty-eighths ( $2/48$  ths) interest in said parcel, subject to a life estate in their father, the Respondent Shelby Folmar, in and to the six-forty-eighths ( $6/48$  ths) interest owned by the three named Respondents.

THIRD:

The two said parcels of land are not contiguous and they are further divided by a road which cuts diagonally across both of said parcels of land and there is an old house located on one of the parcels and neither of said parcels can be equitably divided or partitioned without a sale of the same and a division of the proceeds among the joint owners according to their respective interests.

FOURTH:

Since the year 1951 your Complainants have regularly assessed and paid taxes on both of said parcels and have incurred other expenses in connection with the preservation and protection of said parcels and none of the Respondents have, during that period of time, contributed any amount of money for such purposes or contributed in any manner to your Complainants to reimburse them for such expenditures.

FIFTH:

That it has been necessary that your Complainants employ an attorney for the purpose of bringing this action for a sale for the division of the proceeds among the joint owners and they have employed the firm of Chason & Stone, Bay Minette, Alabama, for that purpose.

PRAYER FOR PROCESS

The premises considered the Complainants respectfully pray that this Honorable Court will cause its usual Writ of Process to issue directed to each of the named Respondents and requiring them to plead, answer or demur to this Bill of Complaint within the time required by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

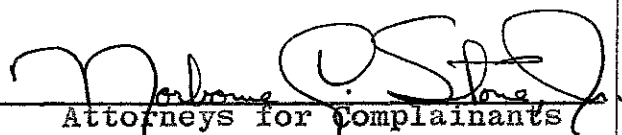
The premises further considered the Complainants respectfully pray that on a final hearing of this cause that this Honorable Court will enter an order or decree ascertaining and declaring that the two parcels of land described above cannot be equitably divided without a sale of the same and a division of the proceeds among the

joint owners and will, in and by the terms of said decree, order said property to be sold by the Register of this Court at public sale under such terms and conditions as the Court thinks proper with instructions to said Register to report back to this Honorable Court for confirmation of such sale. And the Complainants further pray that on the confirmation of any sale so made that this Honorable Court will order that a reference be held to fix and determine a reasonable attorneys fee to be paid out of the proceeds of such sale to Chason & Stone, as attorneys for the Complainants and to further determine the amounts which have been spent by the Complainants, or either of them, in and about the preservation and protection of said property for the benefit of all of the joint owners and that the Complainants, or either of them be awarded a lien on the amount of the share of each of the Respondents from said sale to equitably apportion such expenses among the joint owners. And the Complainants pray for such other, further and different relief as in the premises will be meet and proper.

Respectfully submitted,

CHASON & STONE

By:

  
Attorneys for Complainants

OLETA LOWELL HALL, ET AL.,  
Complainant,  
VS.  
SHELBY FOLMAR, ET AL.,  
Respondents.

IN THE  
CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.  
IN EQUITY.  
NO. 4451

MR. STONE: Let the record show that the Complainants deny all of the Cross bill filed on behalf of the Respondent, Gertrude Celeste Lowell Cruzan McMillan, filed on June 3, 1960. - We deny all of the allegations of the cross bill, we submit for two reasons: First, this is a matter of evidence - it is an ancient document and Second, the so called demand statute precludes any testimony as to that deed.

Also, let the record show that the Complainants and the respondents stipulate and agree that the deed from R. M. Price and Amanda Price, dated November 9, 1918, conveying the land designated in the bill of complaint as parcel B., and which deed is recorded in Deed Book 27, at page 634 conveys good title to the Grantees in that deed; said deed being to G. W. Lowell and Sarah Lowell, a copy of said deed the complainant now offers in evidence as Exhibit 1.

Also, the parties to this cause agree that the deed from Willie J. Lowell, & al. to G. W. Lowell, conveying the land designated as Parcel A. in the bill of complaint, conveys good title to the Grantee which deed is dated August 1, 1927, and is recorded

in deed Book 43, page 249, a certified copy of which is now introduced in evidence as Complainants" Exhibit 2.

We would like to offer in evidence, as Complainants" Exhibit 3 -- Withdraw that and will ask one or two questions to clarify this matter.

MRS. OLETA LOWELL HALL, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Stone.

Q. Is this Mrs. Charles R. Hall, or Mrs. Oleta Lowell Hall?

A. Yes sir.

Q. Mrs. Hall, you're one of the Complainants in this case?

A. Yes.

Q. Is that correct?

A. Yes.

Q. Your brother, Clyde Vernon Lowell, is also a Complainant, is that correct?

A. That's right.

Q. You are both over the age of 21 years, are you not?

A. Yes sir.

Q. Where do you reside?

A. Mobile - 2121 East Hillwood Drive.

Q. Where does your brother reside?

A. 1559 Virginia Street, Mobile, Alabama.

Q. Do you know the Respondents, Shelby Folmar & Gertrude Celeste Lowell Cruzan McMillan?

A. Yes sir.

Q. Where do they reside?

A. I think here in Bay Minette.

Q. Do you know the Respondent, Clyde J. Folmar?

A. Yes sir.

Q. Do you know where he resides?

A. No.

Q. Do you know the Respondent, Herbert J. Folmar?

A. Yes sir.

Q. Do you know where he resides?

A. No I don't.

Q. Now Mrs. Hall, who was your father?

A. William James Lowell.

Q. Now was he a son of Mary Lowell and G. W. Lowell?

A. Yes sir, that is right.

Q. Now G. W. Lowell was your grand father, is that correct?

A. Yes.

Q. Now was G. W. Lowell the husband of Sarah Lowell?

A. Yes.

MR. STONE: Judge, for your information one of these deeds puts the title in G. W. Lowell as to Parcel A. and the other G. W. Lowell and Sarah Lowell as to Parcel B.

Q. Is G. W. Lowell living or dead?

A. Dead.

Q. Is Sarah Lowell living or dead?

A. Dead.

MR. STONE: We would like to introduce at this time, as Complainants' Exhibit 3, certified copy of a deed from Sarah Frances Lowell, a widow to William J. Lowell, conveying Parcel A. and B. as described in the bill of complaint, which deed is recorded in the Probate office of Baldwin County, Alabama, in Deed Book 51 at page 74, and which is dated November 6, 1930, and which was filed for record on July 9, 1931.

MR. THOMPSON: I wish to object to the introduction of that deed on the ground that the record will show that Sarah Lowell could not write her name and there are not two witnesses to that deed in accordance with Title 47 Section 22. There is no indication that the deed was signed with her consent under those circumstances.

MR. STONE: He is objecting on the ground of what the evidence will show.

THE COURT: I overrule the objection at this time.

MR. STONE: He recited the Statute and the statute says you must have two witnesses or acknowledgment.

MR. THOMPSON: No, it says where a person can not write their name -- (Reads Statute)

THE COURT: Any way, this deed on its face is complete.

MR. THOMPSON: Until you hear from us I recognize that, but I wanted to state my objection at the time the deed was offered.

MR. STONE: Title 47, Section 24 -- He was reading from Section 22 --

THE COURT: That question will up on factual evidence.

Q. Now you said, Mrs. Hall, that Sarah Lowell was deceased?

A. Yes sir.

MR. STONE: That deed reserves a life estate in her - that's the reason I wanted to note that particularly.

Q. Now you say your father was William J. Lowell?

A. Yes sir.

Q. Is he living or dead?

A. He is dead.

Q. Now G. W. Lowell is deceased?

A. Yes sir.

Q. Who were the heirs -- Let me ask you in this manner:

Did G. W. Lowell have any children other than William J?

A. Yes.

Q. Who were the other children?

A. Celeste --

Q. Celeste McMillan, who is one of the parties to this litigation?

A. Yes sir. You're talking about my grand father--

Q. ~~XXXXXXXXXXXXXXXXXXXX~~ Yes--

A. Octavia Steadham and Anna Folmar.

Q. Was she a daughter?

A. Yes sir.

Q. Did G. W. Lowell have a will?

A. No.

Q. Do you know when he died?

A. About 1930 I think.

Q. Your best judgment it was around 1930?

A. Yes sir.

MR. STONE: We would like to offer in evidence, if it please the Court, as Complainant's Exhibit 4, a quitclaim deed from Octavia Steadham, a widow, and Burlan Steadham, her son, to William J. Lowell, dated March 10, 1950, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 184, at page 188 conveying parcels A. and B.

Q. Is your father living, Mrs. Hall?

A. No.



Q. When did your father die?

A. June 8, 1951 or 1952 -- '52 I believe it was.

Q. Did your mother survive him?

A. Yes sir.

Q. What was her name?

A. Mattie S. Lowell.

Q. Also known as Mattie M. Lowell?

A. Yes sir.

MR. STONE: We would like to introduce at this time, as  
Complainants' exhibit 5, a certified copy of a  
Statutory Warranty deed -- Quit Claim Deed, I beg  
your pardon = from Mattie Lowell to Clyde Vernon  
Lowell and Oleta Lowell Hall, dated October 14, 1954,  
and recorded in the office of the Judge of Probate,  
in Deed Book 215 at page 204, conveyng Parcels  
A. and B.

Q. Did your father have a will?

A. No sir.

Q. And your mother survived him?

A. Yes sir.

Q. And your mother was Mattie M. Lowell?

A. Yes sir.

Q. How many children did - were in your family?

A. Just the two of us.

Q. You and Clyde Vernon Lowell?

A. Yes sir.

Q. The two of you are the Complainant's in this case?

A. That is right.

Q. Did you know Octavia Steadham?

A. Yes sir.

Q. Was she a widow on March 10, 1950?

A. Yes sir.

Q. Was Burlan Steadham her only child?

A. Yes sir.

Q. She had no other heirs at law and next of kin?

A. no.

Q. Now is Anna Folmar still living?

A. No.

Q. Her husband is still living?

A. Yes sir.

Q. That is Mr. Shelby Folmar, one of the Respondents?

A. Yes sir.

Q. The other Respondents, Gertrude Folmar, Clyde Folmar and Herbert Folmar are children of Anna Folmar, and are the Respondents in this cause?

A. Yes sir.

Q. You stated that Celeste McMillian --- Gertrude Celeste McMillian -- was one of the four children of G. W. Lowell?

A. Yes sir.

Q. She was a sister to your father?

A. Yes sir.

MR. STONE: We would like to introduce at this time certified copy of quitclaim deed from Gertrude Celeste McMillan to William J. Lowell, dated May 29, 1950, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 184 at page 190, and ask that the same be marked Complainants' Exhibit 6.

MR. THOMPSON: I wish to object to the introduction of that deed and we assign as grounds, that Gertrude Celeste McMillan was a married woman and her husband did not execute the deed, and on the further ground that we are prepared to show that the consideration failed.

MR. STONE: Let me clarify one thing --

Q Was Gertrude Celeste McMillan married at the time of the execution of this deed?

A Yes sir.

Q Was her husband a non-resident of the State of Alabama?

A Yes sir.

Q Now Mrs. Hall, are you familiar with this land that is involved in this suit?

A Yes sir.

Q Is there a road cut diagonally between the two pieces?

A Yes there is.

Q This road leaves a little triangular piece on one of the 20 acre parcels across the road?

A Yes sir.

Q Based upon your knowledge of the land, is it your opinion

That it could be equitably divided by partitioning the land out and giving everybody a piece that owns an interest, so that everybody would get an equal piece of ground?

A. I don't believe it could be.

Q. Is it then your opinion that in order to divide the interest in the property it would be necessary to sell it and divide the money?

a. Yes.

Q. Now have you assessed and paid the taxes on this property during the past several years, Mrs. Hall?

A. Yes sir.

Q. Have you done that since 1951?

A. Since my father's death, yes sir.

Q. That would be since 1952; I believe you said that your father died in '52?

A. Yes sir.

Q. Beginning with '52 you have paid the taxes on the entire interest in the property?

A. Yes sir.

MR. STONE: Would you all admit that she has paid the taxes?

MR. THOMPSON: Yes, we will admit that.

MR. STONE: Let us later total the tax receipts and that will save a lot of time.

THE COURT: All right, get the amount.

Q. Now have you had any expenses, Mrs. Hall, in connection with the preservation and protection of the property other than the payment of taxes?

A. None.

Q. Have you been re-imbursed or have any of the Respondents contributed their prorated share of the tax money you have paid?

A/ No.

Q. Was this paid by you and your brother?

A. It was paid by me, but my brother repaid me.

Q. Your brother, Clyde Vernon Lowell, did pay you half of what you had paid?

A. That's right.

Q. And you did employ my law firm to bring this suit for you for this division, is that correct?

A. Yes sir.

ON CROSS EXAMINATION OF THIS WITNESS, SHE TESTIFIED:

Examination by Mr. Thompson.

Q. Mrs. Hall, did you make demand on Mrs. McMillan or Mr. Folmar for any portion of the taxes?

A. No sir.

THE COMPLAINANT RESTS:

MR. LILBERT WILSON, A WITNESS FOR THE RESPONDENTS, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Thompson.

Q. State your name for the record, please?

A. Lilbert Wilson.

Q. Mr. Wilson, did you know Sarah Lowell during her life time?

A. Yes I did.

Q. Did she live in your home?

A. She did part of the time.

Q. During the time you knew her could she read and write, Mr. Wilson?

MR. STONE: We object to the question, if he is trying to vary the terms of a written instrument - written ancient document.

MR. THOMPSON: We are not varying the terms; we wish to show that she could not write her name.

MR. THOMPSON:-

MR. STONE: We submit that the deed speaks for itself; it is an ancient document - been on record for 29 years. If this is on behalf of the Respondent, there is a further question of laches.

A. No, she could not write her name - I never--

Q. To your knowledge could she write her name?

A. I never saw her write her name in any way.

MR. STONE: It is understood that we have an objection to all of this?

THE COURT: IN equity it carries an objection whether or no--

Q. You never saw her write her name during the time she lived with you?

A. Never did.

NO CROSS EXAMINATION.

MRS. GERTRUDE CELESTE McMILLAN, BEING FIRST DULY SWORN,

TESTIFIED AS FOLLOWS:

Examination by MR. THOMPSON.

Q. You are Mrs. Celeste McMillan?

A. That is right.

Q. Mrs. McMillan, I hand you what purports to be a certified copy of a deed signed by you on the 2nd day of May, 1950. Will you look at that? (Hands witness deed) Is that a copy of a deed that you signed?

A. Yes sir.

Q. Now at the time you signed that deed, were you expecting your husband to sign that deed when you were paid?

A. Sure--

MR. STONE: We object to that, may it please the Court. It is patently incompetent and self serving declaration and calls for a mental operation of this witness.

Q. Did your husband ever sign the deed?

A. No.

Q. Were you ever paid?

A. No --

MR. STONE: Object to that.

Q. Who was present at the time you signed the deed other than the two witnesses named?

A. My two daughters and my sister-in-law - my brother's wife and I believe that was all that was present.

Q. Mr. W. S. Cruzan was there--

A. Mr. W. S. Cruzan was there and I believe that was all.

Q. Let me ask you this: Do you - Did you know during her life time Mrs. Sarah Lowell?

A. Sure.

Q. Could she read and write?

A. No sir, she could not.

Q. Do you know whether she could sign her name?

A. She couldn't sign anything; she didn't know one letter from the other.

ON CROSS EXAMINATION OF THIS WITNESS, SHE TESTIFIED:

Examination by Mr. Stone.

Q. Was she kin to Lilbert Wilson?

A. A little bit -- great aunt, I believe.

Q. Did Sarah Lowell have any children?

A. No.

Q. Did she have any brothers and sisters?

A. She had some sisters - I believe she had about three sisters and brothers, but I don't know their names.

Q. When did they die, before she did?

A. I believe they all died before she did.

Q. Then if they died before she did, Lilbert would be an heir -- He is a nephew of Sarah Lowell?

A. I don't know just how that is; she was staying with Mrs. Ward where Lilbert was staying - Mrs. Ward and my step-mother were sisters; she would be his great aunt, would that be right?

Q. But Lilbert is a nephew of Sarah Lowell?

A. Yes sir, he is a nephew.

Q. An heir of her's, -- He is a nephew?

A. I don't know whether you call it an heir or not.

Q. Who did you say was present?

A. My two daughters.

Q. Who are they?

A. Joyce Dearborn then and she married and her name is now Joyce Mosley.

Q. She was your daughter?

A. My daughter.

Q. Were you married to Mr. Dearborn?

A. No, she was - her first husband.

Q. Who was Joyce's father?

A. Mr. Cruzan; I don't have any children by McMillan.

Q. Who else was present?

A. Mildred Cruzan was present.

Q. Where was your husband living at the time?

A. You mean my present husband?

Q. Yes.



A. Galveston, Texas; I was living there too and had been living there 10 years or more.

Q. At the time the deed was signed?

A. Yes sir, I was up here on a visit at the time.

EVELYN BROWN, A WITNESS FOR THE RESPONDENTS, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

---

Examination by Mr. Thompson.

Q. State your name to the Court, please?

A. Evelyn Brown.

Q. You are Mrs. Brown?

A. Yes sir.

Q. Mrs. Brown, did you know, during her life time, Mrs. Sarah Lowell?

A. Yes I did.

Q. She was your grand mother?

A. My step grand mother.

Q. Did you know whether or not she could read or write?

A. No sir, she could not read or write.

Q. Could she write her name or do you know?

A. No.

Q. She could not?

A. No.

ON CROSS EXAMINATION OF THIS WITNESS SHE TESTIFIED:

Examination by Mr. Stone.

Q. Mrs. Lowell married your grand father?

A. That's right.

Q. What was his name?

A. George Washington Lowell.

Q. Who was your father?

A. W. S. Cruzan.

Q. Your mother is now Mrs. McMillan?

A. Yes sir.

Q. Your name is Mildred Brown?

A. Evelyn Brown.

Q. You are a sister of Mildred and Joyce?

A. Yes sir.

Q. Mrs. Brown, where were you living in 1930?

A. I was living with my aunt and uncle.

Q. Mr. William J. Lowell?

A. Mrs. Hall's mother and father.

Q. Was Sarah Frances Lowell living there too?

A. She came there for a visit at one time.

Q. Were you living there on November 8, 1930 with Mr. William J. Lowell?

A. November 8th? -- I think so, -- Was I? -- I don't remember the date when I first started staying there.

Q. In your best recollection you would say that you were there?

A. Yes I would say I was, because it was in 1931 that I started staying there and I started in school from there after about a week in one school I went to stay with them.

Q. Where were you living in Baldwin County?

A. Mobile County.

Q. At Mr. William J. Lowell's home in Mobile County?

A. That's right.

JOYCE MOSLEY, A WITNESS FOR THE RESPONDENTS, BEING FIRST DULY  
SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Thompson.

Q. State your name to the Court, please?

A. Joyce Mosley.

Q. Mrs. Mosley, you are a daughter of Mrs. McMillan?

A. That's right.

Q. Do you have a recollection of any conversation that took place in regard to the deed Mrs. McMillan gave Mr. William J Lowell--

MR. STONE: We object - The record shows that Mr. William J. Lowell is deceased.

Q. A Yes sir.

Q. Do you have a recollection as to where that took place?

A. Yes sir.

Q. Will you state to the Court where that took place and what was said?

A. The place where it took place was where my daddy was living next to my mother's house.

A. Yes sir.

Q. And your uncle William or Willie said he had a buyer for the place and that he wanted to sell it right away and he would see to it that the girls got their equal share of the property?

A. Yes sir.

Q. She signed the deed at that time and place?

A. That is right.

ON CROSS EXAMINATION OF THIS WITNESS SHE TESTIFIED:

Examination by Mr. Stone.

Q. How old are you, Mrs. Mosley?

A. 29.

Q. Where were you living at the time you were born?

A. In Mobile

Q. Living in the home with Mr. William J. Lowell?

A. No they were not --

MR. THOMPSON: At this time it is my information that the Complainant's in this matter have the original deed that Mrs. Sarah Lowell signed. I may be in error, but if they do, I would like for them to display it in Court so we could identify the signature.

MR. STONE: There has been no motion to produce the instrument - We produced a copy --

MR. THOMPSON: That is typewritten and the original would show the writing and we believe that it should be the original - We submit that the failure of the Complainant's to display the original would be a handwriting by some one else --

MR. STONE: We submit that the law has precluded any testimony as to this --

THE COURT: What is the objection.

MR. STONE: If he will admit that she signed it, we will be glad to display it. -- This is it--

REPORTER'S NOTE: MR. STONE DISPLAYS ORIGINAL DEED.

MR. SHELBY FOLMAR, A WITNESS FOR THE RESPONDENTS, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Thompson.

Q. You are Mr. Shelby Folmar?

A. Yes sir.

Q. A respondent in this cause?

A. Yes sir.

Q. Mr. Folmar, you were the husband of Anna Folmar during her life time?

A. Yes.

Q And the father of the other Folmars noted in this case?

A Yes sir.

Q During her life time did you know Sarah Lowell?

A Yes sir.

Q Could she read and write?

A No sir, she could not.

Q Do you know whether she could sign her name?

A She could not.

Q Now in the course of your knowledge, you knew William J. Lowell?

A Yes sir.

Q And of course you know Mrs. McMillan here?

A Yes sir.

Q Did you have any conversation with William J. Lowell regarding the deed he obtained from Mrs. McMillan?

A Yes sir.

Q Before I ask you what that was, her deed would not affect your interest or that of your boys in any way?

A No sir.

Q What was the conversation you had with Mrs. Lowell concerning Mrs. McMillan's deed?

MR. STONE: We object to the question on the grounds that we have stated.

THE COURT: Go ahead.

A In my living room he came to my home to see me; he wanted me and my kids to sign a quitclaim deed over to him. He pleaded with me to influence my children to sign the deed because he wanted to sell the place as quickly as possible so that he could settle with his two sisters and us, so we wouldn't - I recommended that we could not sign any deed to him, but we would gladly cooperate with him w if he would bring the purchaser to Bay Minette that he claimed

he had and we would get together quickly and settle the matter and get the money and then we could have a disinterested party to give each one their just share.

ON CROSS EXAMINATION OF THIS WITNESS HE TESTIFIED AS FOLLOWS:

Examination by MR. STONE:

Q. G. W. Lowell and Sarah Lowell had no children?

A. Not of their own.

Q. And the mother of your wife, and Celeste, Octavia and William J Lowell was Mary Lowell?

A. Mary Lowell.

Q. Your wife is dead?

A. My wife is dead.

Q. How long has she been dead?

A. 22 years February 14, 1937, I believe it was that she died.

Q. Did Sarah Lowell have any children by a prior marriage? --  
Had she ever been married before?

A. No sir, she was a bachelor woman.

MR. THOMPSON: Before we rest, for the record we wish to move  
to exclude the deed signed by Sarah Lowell -  
to William J. Lowell - purportedly signed by Sarah  
Lowell and the deed purportedly signed by Mrs.  
McMillan to William J. Lowell.

MR. STONE: There is one further thing on the question of  
Attorneys' fee - Could we stipulate that?

MR. THOMPSON: Yes.

REPORTER'S NOTE: Both sides rest, with the exception of  
testimony as to Attorneys' fees.

MR. STONE: The taxes amount to \$83.08.

JAMES R. OWEN, A WITNESS FOR THE COMPLAINANT, TESTIFIED AS  
FOLLOWS:

Examination by Mr. Stone.

Q Is this James R. Owen?

A. Yes sir.

Q. Are you a practicing Attorney in Bay Minette?

A Yes.

Q. Are you familiar with the schedule of fees, and reasonableness of fees charged and allowed for services rendered in connection with suits for sale for division of proceeds of sale among joint owners?

A. Yes sir.

Q. Have you reviewed the file in this case of Hall vs. Folmar, et al?

A Yes sir.

Q. What, in your opinion would be a reasonable Attorneys' fee to be allowed the Solicitors for the Complainant?

A. 15% to 20%. provided the property does not bring over \$7,000/ or \$8,000. If it brings more than that, it might be lowered a little.

Q. Assuming that the purchase price of this property would be around \$4,000. is it your testimony that a reasonable Attorneys' fee would be from 15% to 20%?

A. Yes sir, of the purchase price.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Thompson.

Q Mr. Owen, did you notice in the record how much of the title was prepared?

A. What do you mean, prepared?

Q. Let me change the question. Would it vary your testimony if you knew that a complete title had not been prepared on it and contested answer as I understand this case, the title or part of the title was contested - two deeds--

A. I think when there is a contest, it is 15% to 20% and in the event there is no contest and runs along smoothly, then you're entitled to 10% unless the purchase price is pretty high. -- Any kind of contest --

Q. The fact that there was certain stipulations involved would have no bearing on your testimony ?

A. Not when the title is contested.

-----

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

I hereby certify that the foregoing is a true and correct transcript of the testimony as taken by me, in open Court, in the above styled cause, on this the 5th day of June, 1960/

I further certify that the attached exhibits were introduced and identified at the time of the trial as noted in the testimony.

This 5th day of July, 1960.

*Louise Henselbury*  
Court Reporter



-----184904656555555535639820-----

**Jas M Voltz, Judge of Probate.**

Don Ed 1

11-634

The State of Alabama,  
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing one pages

contain a full, true and complete copy of the deed from R. M. Price and Amanda M.

Price to G. W. Lowell and Sarah Lowell recorded in Deed Book 27 at

page 634

as the same appears of record in my office.

Given under my hand and seal of office, this 8th day of June, 19 60

W. R. Stuart

Judge of Probate

Harry M. D. [Signature]



0000000000

## DEED WITH WARRANTY

THIS DEED made the 1st. day of August 1927 between Willie J. Lowell and Mattie Lowell, his wife, Octavia Steadham and Bryant Steadham, her husband, Anna Folmar and S. C. Folmar, her husband, Celeste Cruzan and William S. Cruzan, her husband, the only heirs of Mary L. Lowell, deceased parties of the first part and G. W. Lowell party of the second part,

WITNESSETH. That the parties of the first part, in consideration of One Dollar dollars, to them in hand paid by the party of the second part, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain, sell, convey and deliver unto the said party of the second part his heirs and assigns forever, all that real property in Baldwin County, Alabama, described as follows, to-wit:

The South half of the Southeast quarter of the Southwest quarter (S2 of SE4 of SW4, Section Thirty Four (34) township Two South of Range Two East, containing 20 acres, more or less, in Baldwin County, Alabama.

TOGETHER with all appurtenances thereunto belonging, to have and to hold forever and against any person lawfully claiming the same, said parties of the first part shall ever warrant and defend.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of: W. H. Hawkins

STATE OF ALABAMA,  
BALDWIN COUNTY.

Willie J. Lowell (SEAL)  
Mattie S. Lowell (SEAL)  
Octavia Steadham (SEAL)  
Bryant Steadham (SEAL)  
Anna Folmar (SEAL)  
S. C. Folmar (SEAL)  
Celeste Cruzan (SEAL)  
William S. Cruzan (SEAL)

I W. H. Hawkins a Notary Public in and for said County and State hereby certify that Willie J. Lowell, Mattie Lowell, Anna Folmar, S. C. Folmar, Celeste Cruzan and William S. Cruzan, Octavia Steadham, Bryant Steadham whose names are 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 and seal this 24 day of September, 1927.

(SEAL)

W. H. Hawkins  
Notary Public, Baldwin Co. Ala.

*Conn Sept 27*

in page  
following  
(4)

250

State of Alabama,  
Baldwin County.

I, G. W. Humphries, Judge of Probate, for said county hereby certify that the  
following privilege tax has been paid on the within instrument as required by Acts 1923  
§ Cts 50

G. W. Humphries, Judge of Probate,  
by J. L. Kessler, Clerk.

Filed for record September 26, 1927 at 10:15 A. M.  
Recorded September 26, 1927.

G. W. Humphries, Judge of Probate.

-----000000000000000-----

STATE OF ALABAMA,



*Exd*  
G. W. Humphries, Judge of Probate

-----00000000----- *J*

KNOW ALL MEN BY THESE PRESENTS, that I, Sarah Frances Lowell, widow, of the first part, in consideration of the sum of One dollar to me in hand paid by William J. Lowell, party of the second part, the receipt of which is hereby acknowledged and of the other considerations hereinafter expressed, do by these presents, Grant, Bargain, Sell and Convey unto the said party of the second part, those tracts of land in Baldwin County Alabama, more particularly described as follows:

North half of Southwest Quarter of Southeast Quarter of Section thirty-four, township Two South of Range Two East, and being that property conveyed to G. W. and Sarah Lowell by deed of R. M. Price and wife, dated November 9, 1918, and recorded in Deed Book 27 N. S. page 534 of the Baldwin County Records.

The South half of the Southeast Quarter of the Southwest Quarter of Section Thirty-four, Township Two South of Range Two East, containing twenty acres more or less in Baldwin County, Alabama, and being that property conveyed to G. W. Lowell by deed of William J. Lowell, et al, dated August 1, 1927, and recorded in Deed Book 43 N. S. page 249-50 of the Baldwin County Records.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD unto the said party of the second part, his heirs and assigns, under the following conditions:

FIRST: I hereby reserve in said property a life interest with the right to use and enjoy the same and the proceeds thereof during the term of my natural life, said property at my death to then vest in the party of the second part, subject to the rights of his sisters as hereinafter set out.

*com test m*

*MS*  
*A + B*  
*1-2*



The property here conveyed was the homestead of my late husband, George W. Lowell, who departed this life in May, 1930, leaving besides his widow, one son and three daughters, said property being subject also to a mortgage thereon in favor of the Federal Loan Bank, for approximately Five Hundred dollars. In conveying the remainder interest in this property to my son, W. J. Lowell, he, in consideration thereof, obligates himself to pay the instalments of said mortgage as same fall due and the taxes upon the property during my lifetime; also such expenses as may be incurred in my behalf in the event of my illness and at my death. It is my desire, however, that his three sisters shall share in the property after my death, provided that my son is reimbursed for the expenses to which he has been put in behalf of same. If, therefore, within six months from the date of my death each of the three sisters, Anna Folmar, Octavia Stedham and Celeste Cruzan, or any one of them, shall repay to W. J. Lowell one-fourth of the amounts expended by him upon the property and in my behalf, with interest to date, then each daughter thus paying shall be entitled to a one-fourth interest in the property said payment to be evidenced by a deed for such interest from said W. J. Lowell to the sister thus paying. If such payment is not made within six months from my death, the title to the property or that proportion not deeded vests absolutely in W. J. Lowell, his heirs and assigns forever.

I further reserve the right to sell said property at any time during my lifetime, in which event, I am to repay to W. J. Lowell out of the proceeds all monies that he may have advanced, with interest thereon, and he is to join with me in the deed.

IN WITNESS WHEREOF, I hereto set my hand and seal, together with the Grantee, who joins in this instrument in acceptance of its conditions, this the 8th. day of November, 1930.

Sarah Frances Lowell (SEAL)  
William J. Lowell (SEAL)



STATE OF ALABAMA  
COUNTY OF MOBILE

I, Elliott G. Rickarby, a Notary Public in and for said State and County, hereby certify that Sarah Frances Lowell and William J. Lowell, whose names are 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 and seal this the 8th. day of November, 1930.

Elliott G. Rickarby, Notary Public, Mobile  
County, Ala.

The State of Alabama Probate Court  
Baldwin County

Filed in office this 9 day of July, 1931 at 10:45 A. M. and duly recorded in Deed Book No. 51 N. S. pages 74-5; and I certify that \$ 1 cts 00 license or privilege tax, paid as required by an Act of the Legislature, approved September 14, 1923; G. W. Humphries, Judge of Probate by J. L. Kessler, Clerk.

G. W. Humphries, Judge of Probate



Com Ept

QUIT CLAIM DEED

The Baldwin Times, Bay Minette, Ala.

STATE OF ALABAMA

County

KNOW ALL MEN BY THESE PRESENTS. That Gertrude Celeste Lowell  
Eugene McMillan  
in consideration of the sum of one DOLLARS,  
to her in hand paid by William Lowell  
the receipt whereof is hereby acknowledged, do remise, release, quit-claim, and convey to  
the said William Lowell

all my right, title,

interest and claim, in or to the following described real estate (or lands), to-wit:

North half of SW 1/4 of SE 1/4 of Sec 34 T2 S R2 E  
South half of SE 1/4 of SW 1/4 of Sec 34 T2 S R2 E

to have and to hold, to the said William Lowell  
his heirs and assigns forever.

GIVEN under my hand and seal this 29th day of May 1950

EXECUTED IN PRESENCE OF

W. L. Spurgeon  
H. D. Lynd

Gertrude Celeste McMillan (Seal.)  
\_\_\_\_\_  
(Seal.)

STATE OF ALABAMA

County

I,

in and for said County and State, do hereby certify that  
whose name signed to the foregoing conveyance, and who known to me, ac-  
knowledge before me, on this day, that being informed of the contents of the said conveyance  
executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 2-2-50  
Recorded book page  
and I certify that the following Prorata Tax  
has been paid.  
Deed Tax 50  
Mortgage Tax 20.00

W. B. Thwait  
Judge of Probate  
By W. B. Thwait



Com Exp 6

QUIT CLAIM DEED

The Baldwin Times, Bay Minette, Ala.

STATE OF ALABAMA

County

KNOW ALL MEN BY THESE PRESENTS, That Gertrude Celeste Lowell,

in consideration of the sum of one 100 DOLLARS,

to her in hand paid by William Lowell

the receipt whereof is hereby acknowledged, do remise, release, quit-claim, and convey to

the said William Lowell

all my right, title,

interest and claim, in or to the following described real estate (or lands), to-wit:

North half of 2nd 1/4 of SE 1/4 of Sec 34 T23 R2E

South half of SE 1/4 of 2nd 1/4 of Sec 34 T23 R2E

to have and to hold, to the said William Lowell  
his heirs and assigns forever.

GIVEN under my hand and seal this 29th day of May 1950

EXECUTED IN PRESENCE OF

W. L. Spurgeon  
H. D. Spurgeon

Gertrude Celeste McMillan (Seal.)

(Seal.)

STATE OF ALABAMA

County

I,

in and for said County and State, do hereby certify that

whose name signed to the foregoing conveyance, and who known to me, acknowledged before me, on this day, that being informed of the contents of the said conveyance

executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this

STATE OF ALABAMA, BALDWIN COUNTY

Filed 8-2-52 11 30 AM

Recorded hook page

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

Deed Tax 50

Mortgage Tax

W. R. Spurgeon  
County of Probate

By

STATE OF ALABAMA

MOBILE COUNTY

Com Exp 5

BOOK 215 PAGE 204

KNOW ALL MEN BY THESE PRESENTS that Mattie M. Lowell, unmarried, surviving wife and widow of William J. Lowell, deceased, for and in consideration of the sum of One Dollar and other good and valuable considerations, to her in hand paid, the receipt of which is hereby acknowledged, does hereby REMISE, RELEASE, QUIT-CLAIM and CONVEY to Clyde Vernon Lowell and Oleta Lowell Hall, who are the children and all the children of the said Mattie M. Lowell and William J. Lowell surviving the said William J. Lowell and living at the death of the said William J. Lowell, all the right, title and interest and claim of the said Mattie M. Lowell, in and to certain real property, in the county of Baldwin, State of Alabama, of which the said William J. Lowell was seized and possessed at the time of his death, which real property is more particularly described as follows, to-wit:

The North half of the Southwest quarter of the Southeast quarter; and the South half of the Southeast quarter of the Southwest quarter; all being in Section Thirty Four (34) in Township Two (2) South, Range Two (2) East, in Baldwin County, State of Alabama

TO HAVE AND TO HOLD to the said Clyde Vernon Lowell and Oleta Lowell Hall, their heirs and assigns, forever.

IN WITNESS WHEREOF, the said Mattie M. Lowell has hereunto set her hand and seal, this 14<sup>th</sup> day of October, 1954.

Mattie M. Lowell (SEAL)

STATE OF ALABAMA  
MOBILE COUNTY

I, G. L. Johnston, a Notary Public in and for said County and State, do hereby certify that Mattie M. Lowell, 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 this 14 day of October, 1954.

G. L. Johnston  
Notary Public, Mobile County, Alabama

My commission expires Sept. 25, 1955

STATE OF ALABAMA, BALDWIN COUNTY

Filed 11-17-54 874 M

Recorded \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_  
and \_\_\_\_\_ at the following Privilege Tax  
has been \_\_\_\_\_

Deed Tax \_\_\_\_\_ 50

Mortgage Tax \_\_\_\_\_

M. R. Stuart  
Judge of Probate

By 12

The State of Alabama,  
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing two pages

contain a full, true and complete copy of the deed from Octavia Steadham, et al., to

William J. Lowell recorded in Deed Book 184 at page 188-189

as the same appears of record in my office.

Given under my hand and seal of office, this 8th day of June, 1960

W. R. Stuart

By: Stanley M. Do Line, Chief Clerk  
Judge of Probate

The State of Alabama,  
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing one pages

contain a full, true and complete copy of the quit claim deed from Gertrude Celest  
McMillian to William J. Lowell, recorded in Deed Book 184 at page 190

as the same appears of record in my office.

Given under my hand and seal of office, this 8th day of June, 1960

W. R. Stuart

Judge of Probate

By: Harry M. Collins, Chief Clerk

The State of Alabama,  
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing one pages

contain a full, true and complete copy of the deed from Mattie Lowell to Clyde Lowell  
et al, recorded in Deed Book 215 at page 204

as the same appears of record in my office.

Given under my hand and seal of office, this 8th day of June, 19 60

W. R. Stuart

By: Harry M. Doherty, Chief Clerk  
Judge of Probate

The State of Alabama,  
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing three pages

contain a full, true and complete copy of the Deed from Sarah Francis Lowell to  
William J. Lowell recorded in Deed Book 51, at page 74

as the same appears of record in my office.

Given under my hand and seal of office, this 8th day of June, 19 60

W. R. Stuart

Judge of Probate

By: Henry M. [Signature]

The State of Alabama,  
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing two pages

contain a full, true and complete copy of the deed from Willie J. Lowell, et al  
to G. W. Lowell recorded in Deed Book 43 at page 249

as the same appears of record in my office.

Given under my hand and seal of office, this 8th day of June, 19 60

W. R. Stuart

Judge of Probate

By: Harry M. Selig Chief Clerk



County

NO. 4451

DEAR SIR: At the 1000 Term, 1962 by a decree of this Court.

Following is an itemized statement of costs in this cause, and I request you to remit the amount so as to save an additional expense of an execution.

Please enclose this Cost Bill with remittance to be receipted and returned to you.

Respectfully yours,

Code 1940, Tit. 11, Sec. 5

, Register.

REGISTER'S FEES		No.	Amount	REGISTER'S FEES—Continued		No.	Amount
1. Filing Bills or other paper.....	\$0.20		3.60	Amount Brought Forward			
2. Copy of Bill or other paper, 100 words.....	.20			52. Entering each certificate of Supreme Court.....	.65		
3. Docketing cause.....	2.00		2.00	53. Transcript, per 100 words.....	.20		
4. Issuing Subpoena on Bills.....	.95		.95	54. State Certificate.....	.65		
5. Per Copy.....	.65		2.65	55. Certificate copies of Divorce Decree.....	4 1.25		5.00
6. Entering return.....	.20		.80	56. Answer and waiver divorce case, with 2 copies of Decree.....	12.00		
7. Order of Publication.....	1.55		3.10	57. Decree pro confesso on personal service, Divorce case with one copy of decree.....	20.00		
8. Abstract of Publication, 100 words.....	.20			58. Decree pro confesso on registered mail service, Divorce case with one copy of decree.....	20.00		
9. Issuing Attachment Writ.....	1.15			59. Decree pro confesso on publication, divorce case with one copy of decree.....	20.00		
10. Entering return.....	.20						
11. Issuing Injunction Writ or ne exeat.....	1.75						
12. Per Copy.....	.65						
13. Entering return.....	.20						
14. Entering appearance.....	.65		1.30				
15. Decree pro confesso.....	1.55						
16. Decree appointing Guardian ad litem.....	1.55						
17. Issuing Commission to take testimony.....	.95						
18. Receiving and filing each pkg. of testimony.....	.15		15				
19. Endorsing each pkg. of depositions published.....	.15						
20. Entering order submitting cause for decree.....	.65						
21. Any other order.....	.30						
22. Noting all testimony.....	.65		65				
23. Entering decree.....	1.25		2.50				
24. Taking account, swearing witnesses, etc., per day..	3.75						
25. Taking testimony on reference, 100 words.....	.20						
26. Report of Register.....	3.75		3.75				
27. Issuing Subpoena, each witness.....	.30						
28. Witness certificate.....	.30						
29. Issuing execution.....	.95						
30. Entering return.....	.20						
31. Taking and approving bond.....	1.25						
32. Final Record, 100 words.....	.25		11.20				
33. Hearing application for appointment of Receiver or Trustee.....	3.75						
34. Settlement with Receiver, Trustee, Adm. or Ex.....	5.00						
35. Examining Vouchers.....	.20						
36. Examining Answer or exception.....	3.75						
37. Taking questions and answers and recording same in proceedings to perpetuate testimony, per 100 words.....	.30						
38. For all other services related to such proceedings.....	1.25						
39. Relieve minors of the disabilities of non-age.....	8.00						
40. Commissions on Sales.....							
41. Deed to property sold.....	5.00		5.00				
42. Notices sent by mail to creditors.....	.20						
43. Filing, receipting for and docketing each claim.....	.30						
44. Entries on Subpoena Docket.....	.65						
45. Entries on Commission Docket.....	.65						
46. Issuing certificate of Judgment to be recorded in Probate Court.....	.30						
47. Each certificate or affidavit with seal.....	.95						
48. Each Certificate or affidavit without seal.....	.65						
49. Each notice not otherwise provided for.....	.95						
50. Entering orders by the Register.....	.65						
51. Recording resignation, Removal or suggestion of death of trustee.....	.95						
Amount Forward							
				Total Register's Fees.....			42.60
				SHERIFF'S FEES			
				1. Summoning on Bill, Each Defendant.....	4 1.50		6.00
				2. Executing Writ of Injunction, or Ne Exeat, Each.....	1.50		
				3. Executing Subpoena for Witnesses, Each.....	.65		
				4. Executing Writs of Possession, Each.....	5.00		
				5. Executing Scire Facias or Notice, Each.....	1.50		
				6. Taking and Approving Bonds, Each.....	1.00		
				7. Impanelling Jury.....	.75		
				8. Collecting Execution for Costs Only, Each.....	1.50		
				9. Sheriff's Commissions.....			
				Total Sheriff's Fees.....			6.00



QUIT CLAIM DEED

The Baldwin Times, Bay Minette, Ala.

STATE OF ALABAMA

Daphne Ala Feb 23rd 1950

BALDWIN County

KNOW ALL MEN BY THESE PRESENTS. That, we the undersigned, Octavia Steadham (Widow) and Burlin Steadham (her Son) in consideration of the sum of One and No/100 - - - - - DOLLARS, to them in hand paid by William J Lowell the receipt whereof is hereby acknowledged, we do remise, release, quit-claim, and convey to the said William J Lowell

all the right, title, interest and claim, in or to the following described real estate (or lands), to-wit:

North half of Southwest quarter of southeast quarter N1/2 of S/W 1/4 of SE 1/4 of Section 34 T2S R2E

South Half of Southeast quarter of Southwest quarter (S 1/2 of SE 1/4 of SW 1/4) Section 34 T2S R2E .

do hereby end, to hold, to the said William J Lowell

his heirs and assigns forever.

GIVEN under our hands and seals this 10th day of March 1950

EXECUTED IN PRESENCE OF

Octavia Steadham (Seal)  
Burlin Steadham (Seal)

STATE OF ALABAMA

Baldwin County

Notary Public

I, Grady D. Guebert, a Notary Public in and for said County and State, do hereby certify that 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 said conveyance executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 10th day of March 1950

Grady D. Guebert  
My Comm expires 2/29/52

OVER

STATE OF ALABAMA )  
BALDWIN COUNTY )

BOOK 184 PAGE 119

I, Grady P. Guebert, a Notary  
Public in and for said county and state, do hereby  
certify that Burlin Steadham signed to the foregoing  
conveyance, and who is known to me, executed the same  
voluntarily on the day the same bears date.

Given under my hand and official seal, this 10<sup>th</sup> day of March

1952

Grady P. Guebert NP  
My Comm. expires 4/9/52

STATE OF ALABAMA, BALDWIN COUNTY

Filed 8-7-52 112 M

Recorded \_\_\_\_\_ book \_\_\_\_\_ page \_\_\_\_\_

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

Deed Tax 50

Mortgage Tax \_\_\_\_\_

W. R. Stuart  
Judge of Probate

By 2

Octavia Steadham  
and

Burlin Steadham

TO } QUIT CLAIM DEED

William J. Lowell

STATE OF ALABAMA

Probate Court  
County.

Filed in my office for record this \_\_\_\_\_ day  
of \_\_\_\_\_, and recorded

in Deed Book No. \_\_\_\_\_ N. S., pages

Judge of Probate.

W. R. Stuart  
112  
112

4451

# THE BALDWIN TIMES

JIMMY FAULKNER  
PUBLISHER

*Alabama's Best County's Best Newspaper*

BAY MINETTE, ALABAMA

## LEGAL NOTICE

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

OLETA LOWELL HALL and CLYDE  
VERNON LOWELL

Complainants,

vs.  
SHELBY FOLMAR, GERTRUDE FOLMAR,  
CLYDE J. FOLMAR and HERBERT  
FOLMAR,

Respondents.

### ORDER OF PUBLICATION

An affidavit of Norborne C. Stone, Jr., one of the attorneys for the Complainants in the above styled cause, having been filed in this cause in which it is alleged that Herbert J. Folmar is a non-resident of the State of Alabama, over the age of twenty-one years, and that his residence is unknown and cannot be ascertained after reasonable efforts.

NOTICE IS HEREBY GIVEN to Herbert J. Folmar that on the 2nd day of December, 1958, a Bill of Complaint was filed in the Circuit Court of Baldwin County, Alabama, in Equity, wherein Oleta Lowell Hall and Clyde Vernon Lowell are the Complainants and Shelby Folmar, Gertrude Folmar, Clyde J. Folmar and Herbert J. Folmar are the Respondents in which it is alleged that all of said parties are the joint owners and tenants in common of the following described parcels of land situated in Baldwin County, Alabama, to wit:

PARCELS A  
The South Half of the Southeast Quarter of the Southwest Quarter (S 1/2 of SE 1/4 of SW 1/4) of Section Thirty-Four (34), Township Two South (2S), Range Two East (2E).

PARCELS B  
The North Half of the Southwest Quarter of the Southeast Quarter (N 1/2 of SW 1/4 of SE 1/4) of Section Thirty-four (34), Township Two South (2S), Range Two East (2E).

and in which they further allege that said parcels of land cannot be equitably divided and in which Complaint the Complainants pray for a sale of said parcels of land for a division of the proceeds among the joint owners and tenants in common. The Complainants further pray that the Court establish a lien on the proceeds for any such sale for the amount of monies expended by either or both of them for the preservation and protection of said property.

YOU ARE HEREBY NOTIFIED that in the event that you fail to answer or plead to the Bill of Complaint on or before the 13th day of January, 1959, that a decree pro confesso will be rendered against you.

Alice J. Duck  
Register  
CHASON & STONE  
Attorneys

47-41c

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY.

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

Oleta Lowell Hall and Clyde Vernon Lowell vs. Shelby Folmar, etc.

### COST STATEMENT

368 WORDS @ 6 1/2 cents ..... \$ 23.92  
I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette Jr.  
Editor.

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

Date of 1st publication December 4, 1958 Vol. 70 No. 47

Date of 2nd publication December 11, 1958 Vol. 70 No. 48

Date of 3rd publication December 18, 1958 Vol. 70 No. 49

Date of 4th publication December 24, 1958 Vol. 70 No. 50

Subscribed and sworn before the undersigned this 24 day of Dec, 1958

Wesley M. Murrell  
Notary Public, Baldwin County.

E. R. Morrisette Jr.  
Editor.

443-1

FILED

DEC 29 1958

ALICE J. DUCK, CLERK  
REGISTER