

ESTATE OF) IN THE CIRCUIT COURT OF
GEORGE C. KAHALLEY,) BALDWIN COUNTY, ALABAMA
Deceased.)
IN EQUITY.
Ma 368

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Your Petitioner, Frances Sophia Kahalley, who is over the age of twenty-one years and a resident of Baldwin County, Alabama, respectfully represents and shows unto your Honor and unto this Honorable Court as follows:

1. That George Charles Kahalley, also known as George C. Kahalley, departed this life on, to-wit, the 19th day of October, 1955, while a resident of this County and State; that the Last Will and Testament of the said George C. Kahalley, a copy of which is attached to and labeled as Exhibit "A", and by reference, made a part hereof as though fully set out herein, was admitted to Probate and Record in and by the Probate Court of Baldwin County, Alabama, on, to-wit, the 9th day of November, 1955, at which time Letters Testamentary were issued to your Petitioner, which Letters Testamentary are now in full force and effect.

2. That after the said decedent's Last Will and Testament was admitted to Probate and Record in and by the Probate Court of Baldwin County, Alabama, the administration of the Estate was removed to the Circuit Court of Baldwin County, Alabama, by decree of this Honorable Court dated January 6, 1956, and said administration is still pending in said Court and said Letters Testamentary are in full force and effect.

3. Your Petitioner, Frances Sophia Kahalley, is the Executor of the Estate of the said George C. Kahalley, and also Trustee of the Trust Estate set forth in his Will and is presently acting as such.

4. That among the assets of the Estate of George C. Kahalley, is the following described property situated in Baldwin County, Alabama:

Lots 1 and 2, Block 2, Northcutt's Subdivision in the South half of the Southwest Quarter of Section 4, Township 2 South, Range 3 East, and the Northwest Quarter of Section 9, Township 2 South, Range 3 East, as recorded in Map Book 1 at page 80, Baldwin County, Alabama Probate Records.

The aforesaid property consists of two lots, Lot 1 fronting 78 feet upon Sixteenth Street, and running along McMillan Avenue a distance of 200 feet, and Lot 2 having a frontage of 50 feet and running in depth a distance of 200 feet and lying partially in and partially out of the City of Bay Minette, Alabama; there are no improvements upon the said property and the East 50 feet of said property is located in a low area which in wet seasons, is partially covered with water; that Sixteenth Street has been paved and a paving assessment has been levied upon the property which assessment has been paid by your Petitioner; that a sewage line runs along Sixteenth Street on the North edge of said lots; that said property is an expense to the Estate in that the said property is not income producing, nor will said property be income producing inasmuch as the Estate has no funds with which to erect improvements upon the said property; that in addition thereto, before said lots may be used feasibly for residential purposes, several hundred dollars worth of fill will have to be brought upon the property so that the water which collects thereon will run into the City Streets.

5. That your Petitioner has been offered the sum of \$2600.00 by William H. Dobbins for both of said lots; that it is not feasible to sell the lots individually, inasmuch as any purchaser would be interested in the street frontage on McMillan Avenue, rather than on Sixteenth Street; that any said purchaser would desire to purchase both lots in order that a common sewer line might be laid.

6. That your Petitioner has a limited income from which to administer to the needs of the two minor children of the said George Charles Kahalley, said minor children being George Joseph Kahalley, a son, and Julia Asseen Kahalley, a daughter, both of

whom reside with their mother, Petitioner; that your Petitioner has been forced to expend large sums of money upon the said George Joseph Kahalley because of the treatment of bronical asthma; that your Petitioner has previously obtained orders from this court concerning the various rental properties owned by the Estate, which orders allowed your Petitioner to expend sums of money for necessary repairs in the upkeep of the rental properties; Petitioner further alleges and avers that the income from the said rental properties, after expending all minimum necessary funds for grocery, doctor, school and other ordinary living expenses, is not sufficient to effect all necessary repairs.

WHEREFORE, the premises considered, Petitioner prays that this Court will take jurisdiction of this petition, appoint and set a day to hear the same, appoint a guardian ad litem to represent the interest of said minors, and that on the date set for hearing said petition, and after hearing said petition, that your Petitioner be granted the following separate and several relief:

(a) That she be authorized and empowered to sell and convey the real property hereinabove described at private sale to William H. Dobbins at the price hereinabove stated.

(b) That she be authorized and empowered to use a portion of the proceeds from the sale of the real property hereinabove described for repairs to be made upon other rental properties of the said Estate located in Bay Minette, Alabama.

(c) That she be authorized and empowered to reinvest any remaining sums in United States Government Bonds for use when the situation demands it for ordinary living expenses of the said minor children, George Joseph Kahalley, a son, and Julia Asseen Kahalley, a daughter.

(d) That she be authorized and empowered to pay a reasonable Solicitor's fee to her Solicitor of record, J. Connor Owens, Jr., for his services in this proceeding and that this Honorable Court determine and fix such reasonable Solicitor's fee as might be due in the premises.

(e) That such other orders be made or decrees rendered as may be requisite and proper in the premises.

Frances Sophia Kahalley
Petitioner.

STATE OF ALABAMA)
 (
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said State and County, personally appeared Frances Sophia Kahalley, who, being by me duly and legally sworn, deposes and says as follows: That she has read the foregoing petition and that the facts stated therein are true and correct.

Frances Sophia Kahalley

Sworn to and subscribed before
me this 7th day of July, 1965.

Alice L. Miller

Notary Public, Baldwin County, Alabama.

FILED
JUL 9 1965
ALICE I. DICK, CLERK
REGISTER

EXHIBIT "A"

LAST WILL AND TESTAMENT

I, GEORGE CHARLES KAHALLEY, a resident of Bay Minette, Alabama, being of sound and disposing mind and memory, do make, publish and declare this instrument as and for my Last Will and Testament, hereby revoking any and all other wills and other testamentary instruments heretofore made by me.

I direct that all of my just debts, including the expenses of my last illness and funeral, be paid out of my estate by my Executor hereinafter named, as soon as possible after my death.

Having a beloved wife, Frances Sophia Kahalley and two beloved children, George Joseph Kahalley and Julia Aseen Kahalley and desiring that each and all of these three shall be properly and suitably provided for; and, having faith, confidence and trust in my beloved wife, Frances Sophia Kahalley, I do give, devise and bequeath all of my property, real, personal and mixed to my beloved wife Frances Sophia Kahalley in trust and as trustee for the three of them.

And I further provide that my real property shall not be sold until after the youngest child has reached the age of twenty-one years and that my beloved wife shall so long as she remains single have the use or income of my real property unless as each child reaches the age of twenty one or marries he or she should desire to use one of the parcels of real property which shall be permitted then and there, free of any rents or rental to my other heirs named, herein.

I further provide that in the event my beloved wife should remarry that she shall be a trustee for our two children and the monies from my estate shall be spent only on those children.

I hereby nominate and appoint my beloved wife Frances Sophia Kahalley as my executor as well as trustee as specified herein and I direct that my said executor shall not be required to give bond or to file an inventory or appraisal of my estate in any court though she shall make out an inventory within three months of the Probate of this will and shall keep said inventory to exhibit same to my children as they reach the age of twenty-one. I direct

/s/ George C. Kahalley (L.S.)

further that in the exercise of her powers as Administrator of my estate, that she shall be free from the control and supervision of the Probate Court or any other Court.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 13 day of August, 1955.

/s/ George Charles Kahalley (L.S.)

We, the undersigned, hereby certify that the above named testator subscribed his name of the foregoing instrument consisting of page 1 to 2 inclusive in our presence and published and declared the same to be his last will and testament, and we, at the same time, at his request, in his presence and in the presence of each other have hereunder signed our names as subscribing witnesses. The testator has identified each page of the will by signing his name thereon.

/s/ C. LeNoir Thompson

/s/ William L. Smith

For Identification

/s/ George C. Kahalley.

STATE OF ALABAMA, BALDWIN COUNTY

Filed: October 28, 1955
Recorded: Will Book 2 page 69

/s/ W. R. Stuart
Probate Judge

HD

CERTIFICATE

STATE OF ALABAMA
BALDWIN COUNTY

I, W. R. Stuart, Judge of the Probate Court in and for said County and State, do hereby certify that the within instrument of writing has this day in said Court, and before me as the Judge thereof, been duly proven to be the genuine Last Will and Testament of George C. Kahalley, Deceased, and that the said Will together with the proof thereof, has been recorded in my office in Book of Wills Number 2 at page 69.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Court this 9th day of November, 1955.

/s/ W. R. Stuart
Judge of Probate

(Seal affixed)

FILED

JUL 9 1955

ALICE J. DICK, CLERK
REGISTRAR

ESTATE OF
GEORGE C. KAHALLEY,
DECEASED

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

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

Your Petitioner, Frances Sophia Kahalley, who is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, respectfully represents and shows unto the Court and your Honor as follows:

1. The Last Will and Testament of George Charles Kahalley, who was the same person as George C. Kahalley, a copy of which will is hereto attached as "Exhibit A", and by reference made a part hereof as though fully incorporated herein, was admitted to probate and record in and by the Probate Court of Baldwin County, Alabama, on, to-wit: the 9th day of November, 1955, at which time Letters Testamentary were issued to Petitioner, which said Letters Testamentary are now in full force and effect.

2. That after the said Last Will and Testament was admitted to probate and record in and by the Probate Court of Baldwin County, Alabama, the administration of this said estate was, by reason of a decree issued from and by this Honorable Court, dated January 6, 1956, removed from the Probate Court of Baldwin County, Alabama, to this Court, where the said administration is now pending.

3. That among the assets of the estate of said decedent are several pieces of rental property in Bay Minette and Mobile, Alabama, including the following described piece of rental property in Mobile, Alabama, viz:

Lot Eight (8) in Square Two (2) of Craft View Court, a Subdivision, according to the plat thereof recorded in Map Book 3, Page 461, of the records in the Office of the Judge of the Probate Court of Mobile County, Alabama;

that the above described piece of property is in a badly run down condition and has not been rented for the last past two years; that there is not sufficient funds in the assets of said estate to repair said property; that said decedent's Last Will and Testament prohibits the sale of this property, but that it is to the best interest of the estate and all persons interested therein that Petitioner, as said Executrix, be authorized and empowered to sell and convey the

above described property at private sale.

4. That several other pieces of rental property belonging to said estate in Baldwin County, Alabama, are in need of repairs and improvements in order to maintain their value as rental property; that funds are not presently available in the assets of said estate to effect said needed repairs and improvements; that in the event this Honorable Court should grant Petitioner the authority to sell the property hereinabove described, your Petitioner proposes to expend a part of the funds from said sale in effecting said repairs and improvements as follows: Repair roof on house at Fifth Street and Hall Avenue--\$514.00; Install bathroom and hot water heater in house on Debson Avenue--\$493.00; Paint, inside and out, house on Fourth Street--\$250.00; install shower in house on Clay Street---\$118.00; install shower in house on Fourth Street--\$118.00; Repair porch and other parts of Hall Avenue House--\$1257.68; and install closet bowl and tank in house of Hall Avenue--\$37.81; that the total costs of said proposed repairs and improvements is \$2788.49; that this cost is reasonable and necessary; and that it will be to the best interest of said estate and those interested therein that your Petitioner, as Executrix of said estate, be authorized and empowered to proceed to effect said repairs and improvements;

5. That it is also necessary, and would be to the best interest of the estate and those interested therein, that your Petitioner be authorized and empowered to expend reasonable sums from the assets of said estate for repairs to, and capital improvements on, the rental property belonging to said estate, from time to time.

6. That the only persons interested in this proceeding are your petitioner, the widow of said decedent, who is executrix of and under his said Last Will and Testament, and the two minor children, namely, George Joseph Kahalley, a son, and Julia Asseen Kahalley, a daughter, both of whom are minors under five years of age, and who reside with petitioner.

WHEREFORE, THE PREMISES CONSIDERED, Petitioner prays that the Court will take jurisdiction of this Petition, appoint and set a day to hear it, appoint a guardian ad litem to represent said minors, and that on the date set for hearing the said petition, and after said hearing, she be granted the following separate and several re-

lief:

A. That she be authorized and empowered to sell and convey the real property described in paragraph 3 of this Petition at private sale.

B. That she be authorized and empowered to use a portion of the proceeds from the sale of the real property described in paragraph 3 of this Petition to effect the necessary repairs and capital improvements to the various pieces of rental property in Bay Minette, Alabama, heretofore described in paragraph 4 of this petition and aggregating \$2788.49.

C. That she be authorized and empowered, in the future, to use assets of the estate to effect needed repairs and capital improvements of the rental property belonging to this estate.

D. That she be authorized and empowered to pay a reasonable solicitor's fee to her solicitor of record, Telfair J. Mashburn, Esq., for his services in this proceeding, and that this Honorable Court determine and fix a reasonable Solicitor's fee for his said services.

E. That such other orders be made or decrees rendered as may be requisite and proper in the premises.

Frances Sophia Kahalley
PETITIONER

STATE OF ALABAMA, |
 |
COUNTY OF BALDWIN. |

Before me, the undersigned authority, within and for said State and County, personally appeared Frances Sophia Kahalley, who, being first by me duly and legally sworn, deposes and says on oath: "That she has read the foregoing petition and that the facts stated therein are true."

Frances Sophia Kahalley

Sworn to and subscribed before
me on this the 26th day of November, 1959.

J. P. Mashburn, Jr.
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA

Filed
Nov. 28, 1959

"EXHIBIT A"

LAST WILL AND TESTAMENT

I, GEORGE CHARLES KAHALLY, a resident of Bay Minette, Alabama, being of sound and disposing mind and memory, do make, publish and declare this instrument as and for my last will and testament, hereby revoking any and all other wills and testamentary instruments heretofore made by me.

I direct that all of my just debts, including the expenses of my last illness and funeral, be paid out of my estate by my Executor hereinafter named, as soon as possible after my death.

Having a beloved wife, Frances Sophia Kahalley and two beloved children George Joseph Kahalley and Julia Aseen Kahalley and desiring that each and all of these three shall be properly and suitably provided for; and, having faith, confidence and trust in my beloved wife, Frances Sophia Kahalley, I do give, devise and bequeath all of my property, real, personal and mixed to my beloved wife Frances S Sophia Kahalley in trust and as trustee for the three of them.

And I further provide that my real property shall not be sold until after the youngest child has reached the age of twenty-one years and that my beloved wife shall so long as she remains single have the use or income of my real property unless as each child reaches the age of twenty-one or marries he or she should desire to use one of the parcels of real property which shall be permitted then and there, free of any rents or rental to my other heirs named, herein.

I further provide that in the event my beloved wife should remarry that she shall be a trustee for our two children and the monies from my estate shall be spent only on those children.

I hereby nominate and appoint my beloved wife Frances Sophia Kahalley as my executor as well as trustee as specified herein and I direct that my said executor shall not be required to give bond or to file an inventory or appraisal of my estate in any court though she shall make out an inventory within three months of the Probate of this will and shall keep said inventory to exhibit same to my children as they reach the age of twenty-one. I direct further that in the exercise of her powers as Administrator of my estate, that she shall be free from the control and supervision of the Probate Court or any other Court.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this

13 day of August, 1955.

/s/ GEORGE C. KAHALLEY (L.S.)

We, the undersigned, hereby certify that the above named testator subscribed his name to the foregoing instrument consisting of page 1 to 2 inclusive in our presence and published and declared the same to be his last will and testament, and we, at the same time, at his request, in his presence and in the presence of each other, have hereunder signed our names as subscribing witnesses. The testator has identified each page of the will by signing his name thereon.

C. LeNOIR THOMPSON

WILLIAM L. SMITH

FOR IDENTIFICATION

GEORGE C. KAHALLEY

ESTATE OF

GEORGE C. KAHALLEY,
DECEASED

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

DECREE REMOVING ADMINISTRATION FROM
PROBATE TO EQUITY COURT.

This cause coming on to be heard on this date is submitted on the Petition of Frances Sophia Kahalley, Executrix of and under the Last Will and Testament of George C. Kahalley, deceased, to remove the administration of this Estate from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, in Equity, upon consideration of all of which, it is, therefore, Ordered, Ajudged and Decreed by the Court as follows:

1. The administration of this said Estate shall be and is hereby removed from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, Sitting in Equity.

2. The Register of this Court shall deliver a copy of this Decree to the Probate Court of Baldwin County, Alabama, as soon as possible.

ORDERED, ADJUDGED AND DECREED on this the 6th day
of ~~December~~ January, 1956

Hubert M. Hall
Judge.

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DECREE REMOVING ADMINISTRATION
FROM PROBATE TO EQUITY COURT.

ESTATE OF

GEORGE C. KAHALLEY, DECEASED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED
JAN 6 1956

ALICE J. DUCK, Register

ESTATE OF
GEORGE C. KAHALLEY,
DECEASED

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DECREE SETTING DATE FOR HEARING PETITION FILED
BY EXECUTRIX ON APRIL 11, 1956.

This cause coming on to be heard on this date is submitted for a decree on the verified petition filed in this cause on April 11, 1956, by Frances Sophia Kahalley, as executrix of this said estate; upon consideration of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The said petition shall be and it is hereby set for hearing at ^{three} ~~ten~~-thirty o'clock A. M. on the 1st day of May, 1956.

2. It appearing to the court that the only persons interested in this proceeding, other than your petitioner, are George Joseph Kahalley and Julia Aseen Kahalley, minor children of the said decedent, both of whom are under fourteen years of age; and it further appearing to the court that Harry Walters Jr., an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, is not of kin or counsel to any of the parties interested in this proceeding and who is in all respects a fit and proper person to act as guardian ad litem for the said minors, he shall be and he is hereby appointed as guardian ad litem to represent the said minors in this proceeding without service on them.

3. The testimony of the witnesses for the said petitioner on the said hearing shall be taken in open court in the manner provided by Equity Rule Number 56, as amended.

ORDERED, ADJUDGED AND DECREED on this the 26 day of April, 1956.

Hubert M. Hall
Judge

DECREE SETTING DATE FOR HEARING
PETITION FILED BY EXECUTRIX ON
APRIL 11, 1956.

ESTATE OF
GEORGE C. KAHALLEY, DECEASED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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ESTATE OF) IN THE CIRCUIT COURT OF
GEORGE C. KAHALLEY,) BALDWIN COUNTY, ALABAMA
Deceased.) IN EQUITY. NO. 3688.

NOTE OF SUBMISSION

This cause is submitted on behalf of the petitioner, Frances Sophia Kahalley, upon the following:

1. Petition heretofore filed in this cause on April 11, 1956:
2. Decree setting day for hearing petition filed by Executrix on April 11, 1956.
3. Notice of appointment, acceptance and answer of guardian ad litem.
4. Testimony of George T. Byrne, Frances Kahalley and Mrs. Emile Nassar taken in open court on May 1, 1956.

Respectfully submitted,



Register of the Circuit Court of
Baldwin County, Alabama.

J. B. BLACKBURN,
Solicitor for Petitioner.

ESTATE OF
GEORGE C. KAHALLEY,
DECEASED

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

DECREE SETTING DATE FOR HEARING PETITION FILED BY
EXECUTRIX ON NOVEMBER 26, 1959.

This cause coming on to be heard on this date is submitted for a decree on the verified petition filed in this cause on November 26, 1959, by FRANCES SOPHIA KAHALLEY, as executrix of this said estate; upon consideration of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The said petition shall be and it is hereby set for hearing at 2, o'clock P. M. on the 15 day of Dec, 1959.

2. It appearing to the court that the only persons interested in this proceeding, other than the petitioner, are GEORGE JOSEPH KAHALLEY AND JULIA ASEEN KAHALLEY, minor children of the said decedent, both of whom are under fourteen years of age; and it further appearing to the Court that J. Conn Owe, an attorney-at-Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, is not of kin or counsel to any of the parties interested in this proceeding and who is in all respects^a/fit and proper person to act as guardian ad litem for the said minors, he shall be and he is hereby appointed as guardian ad litem to represent the said minors in this proceeding without service on them.

3. The testimony of the witnesses for the said petitioner on the said hearing shall be taken in open court in the manner provided by Equity Rule Number 56, asamended.

ORDERED, ADJUDGED AND DECREED on this the 28 day of November, 1959.

Robert M. Hall
J U D G E

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

ESTATE OF
GEORGE C. KAHALLEY,
DECEASED

DECREE SETTING DATE FOR
HEARING OF PETITION OF
EXECUTRIX AND APPOINTING
GUARDIAN AD LITEM TO RE-
PRESENT MINORS.

FILED

NOV 20 1969
ALICE J. DUCK, CLERK
REGISTER

JA

ESTATE OF
GEORGE C. KAHALLEY,
Deceased.

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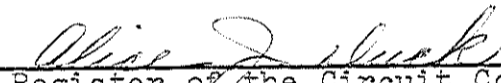
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3688.

NOTE OF SUBMISSION

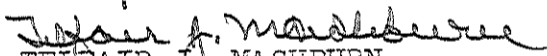
This cause is submitted on behalf of the Petitioner, Frances Sophia Kahalley, upon the following:

1. Petition~~XX~~ heretofore filed in this cause on November 28, 1959.
2. Decree setting day for hearing petition filed by Executrix on November 28, 1959.
3. Notice of appointment, Acceptance and Answer of guardian ad litem.
4. Testimony of C. E. Botter and Frances Sophia Kahalley taken in open court on December 16th, 1959.

Respectfully submitted,



Register of the Circuit Court of
Baldwin County, Alabama, in Equity.


TEDBAIR J. MASHBURN
Solicitor for Petitioner

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3688.

ESTATE OF
GEORGE C. KAHALLEY,
Deceased.

NOTE OF SUBMISSION.

ESTATE OF
GEORGE C. KAHALLEY,
Deceased.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3688

NOTE OF SUBMISSION

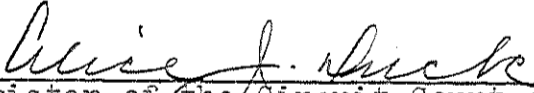
This cause is submitted on behalf of the Petitioner, Frances Sophia Kahalley, as Executrix of the Last Will and Testament of George C. Kahalley, Deceased, upon the following:


1. Petition for confirmation of the sale of land belonging to said estate and for the fixing of reasonable fees to be paid to Telfair J. Mashburn, Esq., Solicitor of Record in said cause, to Globe Realty Company and to J. Connor Owens, Jr., Esq., as guardian ad litem for the minor children interested in this estate, which petition was filed in this cause on March 11, 1960.

2. Decree setting day for hearing said petition.

3. Testimony of Frances Sophia Kahalley, Tolbert M. Brantley and Norborne C. Stone, taken in open court on March 22, 1960.

Respectfully submitted


Register of the Circuit Court of
Baldwin County, Alabama, in Equity.


TELFAIR J. MASHBURN
Solicitor for Executrix.

ESTATE OF) IN THE CIRCUIT COURT OF
GEORGE C. KAHALLEY,) BALDWIN COUNTY, ALABAMA
Deceased.) IN EQUITY. NO. 3688.

DECREE:

This cause coming on to be heard on this date is submitted for a decree on behalf of the petitioner upon the petition heretofore filed in this cause on April 11, 1956; decree setting day for hearing petition; notice of appointment, acceptance and answer of guardian ad litem, and the testimony of George T. Byrne, Frances Kahalley and Mrs. Emile Nassar taken in open court on May 1, 1956, from all of which it appears that the petitioner is entitled to the relief prayed for in the said petition.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The allegations contained in the petition heretofore filed in this cause on April 11, 1956, are true and the petitioner is entitled to the relief prayed for therein.

2. That Frances Sophia Kahalley, Executrix of the Estate of George C. Kahalley, Deceased, be and she is hereby authorized to sell and convey the personal property described in the petition filed on April 11, 1956, at private sale.

3. That the said Frances Sophia Kahalley be authorized to repair rental property.

4. That the said Frances Sophia Kahalley be authorized to rent the property that is now rented and that which is not rented and, if necessary, to make, execute and deliver lease or leases thereon for periods of time not to exceed five years.

5. That the said Frances Sophia Kahalley be authorized to pay the balance due to the Estate of L. T. Rhodes, Deceased, as provided in the contract described in the petition heretofore filed on April 11, 1956.

6. That the said Frances Sophia Kahalley be authorized to expend the monthly sum of \$ 750⁰⁰ for the maintenance and support of the decedent's family.

ORDERED, ADJUDGED AND DECREED ON this the 26 day of January, 1959.

ESTATE OF
GEORGE C. KAHALLEY,
Deceased.

CIRCUIT
IN THE ~~PROBATE~~ COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3688.

DECREE

This cause coming on to be heard on this date is submitted for a decree on behalf of the petitioner, FRANCES SOPHIA KAHALLEY, upon the petition heretofore filed in this cause on the 28th day of November, 1959; decree setting day for hearing petition; notice of appointment, acceptance and answer of guardian ad litem, and the testimony of C. E. Botter and Frances Sophia Kahalley taken in open court on the 16th day of December, 1959; all of which being considered and understood by the Court and the Court being of the opinion that Petitioner is entitled to the relief prayed for in her said petition;

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the allegations contained in the petition heretofore filed in this cause on the 28th day of November, 1959, are true and the petitioner is entitled to the relief prayed for therein.

2. That Frances Sophia Kahalley, Executrix of the Estate of George C. Kahalley, Deceased, be, and she is hereby, authorized and empowered to sell and convey the following described real property, belonging to said estate and lying and being in Mobile County, Alabama, viz:

Lot Eight (8) in Square Two (2) of Craft View Court, a Subdivision, according to the plat thereof recorded in Map Book 3, page 461, of the records in the Office of the Judge of the Probate Court of Mobile County, Alabama;

at private sale;

3. That the said Frances Sophia Kahalley be, and she is hereby, authorized and empowered to make needed repairs to the property belonging to said estate in Baldwin County, Alabama;

4. That the said Frances Sophia Kahalley make written report to this Court of her action in the premises, with particular regard to the sale of the property described in paragraph 2 hereof;

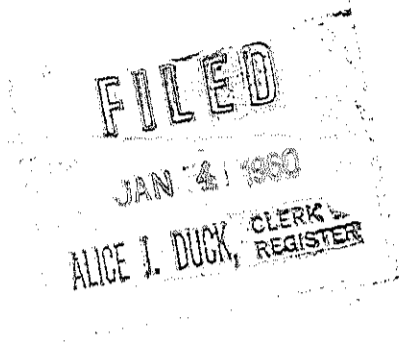
5. That jurisdiction of this cause be, and it is hereby, retained for such other and further orders and decrees as may be neces-

sary in the premises.

ORDERED, ADJUDGED AND DECREED on this the 4th day of January,
1960.

Hubert M. Hall

JUDGE.



IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3688

ESTATE OF
GEORGE C. KAHALLEY,
Deceased.

DECREE.

FILED
JAN 4 1960
ALICE L. DUCK, CLERK
REGISTER

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ESTATE OF
GEORGE C. KAHALLEY,
Deceased.

XXXXXXXXXX

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
3688
IN EQUITY. NO. XX&X

DECREE

This cause coming on to be heard is submitted on the Report of FRANCES SOPHIA KAHALLEY, as Executrix of the Estate of GEORGE C. KAHALLEY, Deceased, of the sale of certain real property belonging to said estate, lying and being in Mobile County, Alabama, and described as follows, viz:

Lot Eight (8) in Square Two (2) of Craft View Court, a subdivision, according to the Plat thereof recorded in Map Book 3, page 461, of the records in the Office of the Judge of the Probate Court of Mobile County, Alabama;

at private sale, under and by virtue of a decree issued in this cause on January 4, 1960; praying for confirmation of said sale, and asking that this Court fix reasonable fees to be paid to Telfair J. Mashburn, Esq., for his services as Solicitor for the said Executrix in this cause, to Globe Realty Company, Inc., for their services in securing a sale for said property, and to J. CONNOR OWENS, JR., Esq., for his services as guardian ad litem for the minor children interested in this cause; all of which being considered by the Court, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That this cause be and it is hereby set down for hearing in chambers on the 22 day of March, 1960, at 10 o'clock, A M., for the following separate and several purposes:

A. For the hearing of exceptions to the report, if any there be;

B. For taking of testimony as to the reasonable fee to be allowed Telfair J. Mashburn, Esq., for his services as Solicitor for FRANCES SOPHIA KAHALLEY, as Executrix, in this cause.

C. For taking testimony as to the reasonable fee to be authorized for Globe Realty Company, Inc., for their services in this cause.

D. For fixing a reasonable fee to be paid to J. CONNOR OWENS, JR., Esq., for his services as guardian ad litem for the minor children

of the decedent, GEORGE C. KAHALLEY, interested in this cause.

E. For such other and further actions and proceedings as may be necessary and proper in the premises.

DONE AND ORDERED this 11 day of March, 1960.

FILED

3-11 1960

ALICE J. DUCK, CLERK
REGISTER

Robert M. Stree
CIRCUIT JUDGE.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3688

ESTATE OF
GEORGE C. KAHALLEY,
Deceased.

DECREE

FILED
MAR 11 1960
ALICE J. DUCK, CLERK
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ESTATE OF
GEORGE C. KAHALLEY,
DECEASED

IN EQUITY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3688

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

Your Petitioner, Frances Sophia Kahalley, who is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That GEORGE CHARLES KAHALLEY, also known as GEORGE C. KAHALLEY, departed this life on, to-wit: the 19th day of October, 1955, while a resident of this County and State; that the Last Will and Testament of the said George C. Kahalley, a copy of which is attached hereto as "Exhibit "A", and, by reference, made a part hereof as though fully set out herein, was admitted to probate and record in and by the Probate Court of Baldwin County, Alabama, on, to-wit: the 9th day of November, 1955, at which time Letters Testamentary were issued to your petitioner, which said Letters Testamentary are now in full force and effect;

2. That after said decedent's Last Will and Testament was admitted to probate and record in and by the Probate Court of Baldwin County, Alabama, the administration of this estate was, by reason of a decree issued from and by this Honorable Court, dated January 6, 1956, removed from the Probate Court of Baldwin County, Alabama, to this Court, where said administration is now pending;

3. That among the assets of the estate of said decedent are the following parcels of real property, lying and being in Baldwin County, Alabama, viz:

PARCEL NUMBER ONE: Lots 22, 24, 26 and 28 in Block 6 in the Powell Height Addition to the Town of Bay Minette, Alabama, according to the Official Plat thereof, recorded in Miscellaneous Book 1, at page 338;

PARCEL NUMBER TWO:

Commence at the Southeast Corner of Lot 19 in the Mobile and Montgomery Railroad Company's Addition to the Town of Bay Minette, Alabama, according to the Official Plat or Map thereof recorded in Miscellaneous Record 1 at page 106, Baldwin County, Alabama Records, and run thence South 61 degrees West 162 feet along the North line of Oak Street to the point or place of beginning; thence South 61 degrees West 151 feet to a point; thence North 5 degrees 15' West 169.5 feet to point on the Section line dividing

Sections 9 and 16 in Township 2 South,
Range 3 East; thence East along the Section
line 25.5 feet to a point; thence North
68 degrees East 69.5 feet to a point; thence
South 26 degrees East 134.3 feet to the point
or place of beginning;

that Parcel Number One contains a run-down, dilapidated house, without plumbing, without a bathroom and without indoor plumbing; that, when she is able to rent said house, Petitioner is unable to get more than \$15.00 per month rent; that the said house is badly in need of repairs and that your petitioner, and said estate, have no funds with which to make repairs or improvements on said property; that Parcel Number Two is a vacant lot; that it provides no income to said estate and, in fact, is a drain on said estate for taxes; that the estate has no funds to place improvements on said property to make it income producing;

4. That decedent's Last Will and Testament, Exhibit "A" hereto, gives complainant no authority to sell and dispose of real estate, belonging to said estate; that, in fact, it prohibits the sale of real estate, belonging to said estate, until the youngest child of said decedent shall have attained the age of twenty-one years; that said provision of said Last Will and Testament is working irreparable harm on said estate;

5. That at the time of said decedent's death he was paying to L. T. Rhodes, Sr., on a contract for the purchase of a small rental house on Dobson Avenue in Bay Minette, Alabama; that there is a balance due on said purchase contract of approximately \$700.00; that said estate is without funds with which to complete payment on this said contract; that, due to the fact that said house on Dobson Avenue will produce income, it will be to the advantage of the Estate and those interested therein to complete the payments and consummate the purchase of said property;

6. That George Joseph Kahalley, the minor son of your petitioner and said decedent, has been ill for a long period of time; that your petitioner has been forced to expend large sums of money for Doctor, hospital and nursing bills in and about the treatment of his illness; and that your petitioner and said estate are without funds to pay these necessary expenses;

7. That the only persons interested in these proceedings are your petitioner, the widow of said decedent, who is executrix and trustee of

and under his said Last Will and Testament, and the two minor children, namely, George Joseph Kahalley, a son, and Julia Asseen Kahalley, a daughter, both of whom are minors under seven years of age, and who reside with petitioner.

WHEREFORE, THE PREMISES CONSIDERED, Petitioner prays that the Court will take jurisdiction of this Petition, appoint and set a day to hear it, appoint a guardian ad litem to represent said minors, and that, after hearing said petition, your Honor will grant her the following separate and several relief:

A. That petitioner be authorized and empowered to sell and convey the real property described in paragraph 3 of this Petition at private sale;

B. That she be authorized and empowered to use a part of the funds from such sale to complete payment to the Rhodes Estate for the house and lot on Dobson Avenue, in Bay Minette, Alabama;

C. That she be authorized and empowered to pay a reasonable Solicitor's fee to her Solicitor of Record, Telfair J. Mashburn, Esq., for his services in this proceeding, and that this Honorable Court determine and fix a reasonable Solicitor's fee for his said services;

D. That such other orders be made or decrees rendered as may be requisite and proper in the premises.

Telfair J. Mashburn
Solicitor for Petitioner

Frances Sophia Kahalley
PETITIONER.

STATE OF ALABAMA, |

COUNTY OF BALDWIN. |

Before me, the undersigned authority, within and for said State and County, personally appeared Frances Sophia Kahalley, who, being by me first duly and legally sworn, deposes and says, on oath: "That she has read the foregoing petition and that the facts stated therein are true."

Frances Sophia Kahalley

Sworn to and subscribed before me on this the 13th day of October, 1961.

Telfair J. Mashburn
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.

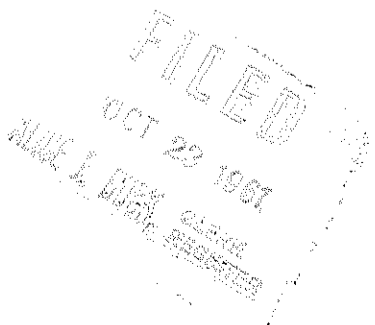


EXHIBIT "A"

LAST WILL AND TESTAMENT

I, GEORGE CHARLES KAHALLEY, a resident of Bay Minette, Alabama, being of sound mind and disposing memory, do make, publish and declare this instrument as and for my last will and testament, hereby revoking any and all other wills and testamentary instruments heretofore made by me.

I direct that all of my just debts, including the expenses of my last illness and funeral, be paid out of my estate by my Executor hereinafter named, as soon as possible after my death.

Having a beloved wife, Frances Sophia Kahalley and two beloved children George Joseph Kahalley and Julia Asseen Kahalley and desiring that each and all of these three shall be properly and suitably provided for; and, having faith, confidence and trust in my beloved wife, Frances Sophia Kahalley, I do give, devise and bequeath all of my property, real, personal and mixed to my beloved wife Frances Sophia Kahalley in trust and as trustee for the three of them.

And I further provide that my real property shall not be sold until after the youngest child has reached the age of twenty-one years and that my beloved wife shall so long as she remains single have the use or income of my real property unless as each child reaches the age of twenty-one or marries he or she should desire to use one of the parcels of real property which shall be permitted then and there, free of any rents or rental to my other heirs named herein.

I further provide that in the event my beloved wife should remarry that she shall be a trustee for our two children and the monies from my estate shall be spent only on those children.

I hereby nominate and appoint my beloved wife Frances Sophia Kahalley as my Executor as well as trustee as specified herein and I direct that my said executor shall not be required to give bond or file and inventory or appraisal of my estate in any court though she shall make out any inventory to exhibit same to my children as they reach the age of twenty-one years. I direct further that in the exercise of her powers as administrator of my estate, that she shall be free from the control and supervision of the Probate Court or any other Court.

In Witness Whereof, I have hereunto set my hand and seal this

13 day of August, 1955.

/s/ GEORGE C. KAHALLEY

We, the undersigned, hereby certify that the above named Testator subscribed his name to the foregoing instrument consisting of page 1 to 2 inclusive in our presence and published and declared the same to be his last will and testament, and we, at the same time, at his request, in his presence and in the presence of each other, have hereunder signed our names as subscribing witnesses. The Testator has identified each page of the will by signing his name thereon.

C. LeNOIR THOMPSON

WILLIAM L. SMITH

FOR IDENTIFICATION
GEORGE C. KAHALLEY.

FILED

OCT 19 1961

ALICE J. DUCK, CLERK
REGISTER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3688

ESTATE OF
GEORGE C. KAHALLEY,
DECEASED.

PETITION OF TRUSTEE AND
EXECUTRIX.

FILED

OCT 19 1961

ALICE J. DUCK, CLERK
REGISTER

ESTATE OF
GEORGE C. KAHALLEY,
Deceased.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3688

REPORT OF EXECUTRIX.

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

Comes now FRANCES SOPHIA KAHALLEY, as Executrix of the Estate of GEORGE C. KAHALLEY, Deceased, and shows unto the Court as follows:

1. That by decree of this Honorable Court in the above styled cause, dated November 7, 1961, Petitioner, as Executrix of the Estate of George C. Kahalley, deceased, was authorized and empowered to sell at private sale the following described property, along with other property which has already been sold, lying and being in Baldwin County, Alabama, belonging to said estate, viz:

PARCEL NUMBER ONE:

Lots 22, 24, 26 and 28 in Block 6 in the Powell Heights Addition to the Town of Bay Minette, Alabama, according to the Official Plat thereof, recorded in Miscellaneous Book 1, at page 338, of the Baldwin County Probate Records;

That your petitioner has sold the above described piece of property to ALBERT M. THOMPSON of Bay Minette, Alabama, at and for a price of EIGHT HUNDRED (\$800.00) DOLLARS, to be paid in case upon confirmation of the sale by this Honorable Court and delivery of a deed.

That in the opinion of your Petitioner the above is a fair and reasonable price for said piece of land, and it would be to the best interest of said estate and those interested therein that said sale be confirmed and your Petitioner authorized and empowered to proceed to make and deliver a deed to said ALBERT M. THOMPSON.

That J. CONNOR OWENS, JR., Esq., has been appointed by this Honorable Court as guardian ad litem for the minor children of said decedent, and that he should be given notice hereof, and that a fee should be fixed for his services in the premises;

WHEREFORE, THE PREMISES CONSIDERED, Your Petitioner, FRANCES SOPHIA KAHALLEY, as Executrix of the Estate of George C. Kahalley, deceased, prays that this Honorable Court will accept this as her

report of said sale, will set a day for hearing the same, allowing time for exceptions, if any there be, and, on said hearing, will grant her the following separate and several relief:

1. Confirm the sale of the said property, hereinabove described, under the terms and conditions hereinabove set forth, and authorize and empower her to make proper conveyance to the purchaser, ALBERT M. THOMPSON;

2. Fix a reasonable fee to be paid to J. CONNOR OWENS, JR., Esq., for his services as guardian ad litem in this cause.

And petitioner prays for such other, further, different or general relief as in equity and good conscience she may be entitled to receive in the premises.

Frances Sophia Kahalley
FRANCES SOPHIA KAHALLEY, as Executrix
of the Estate of GEORGE C. KAHALLEY,
deceased.

STATE OF ALABAMA, |
COUNTY OF BALDWIN. |

Before me, the undersigned authority within and for said State and County, personally appeared FRANCES SOPHIA KAHALLEY, whose name is signed to the foregoing report and who is known to me and who, being by me first duly sworn, deposes and says, on oath: That the allegations contained in the foregoing report are true and correct.

Frances Sophia Kahalley

Subscribed and sworn to before me this the 18th day of May, 1962.

Jelhair J. Maddox
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.

I hereby accept service of a copy of the above and foregoing Report and waive further notice, and consent that the same be heard at the Court's convenience, on this the 18th day of May, 1962.

J. Connor Owens, Jr.
GUARDIAN AD LITEM

FILED
MAY 18 1962
ALICE L. DUCK, CLERK
REGISTER

LAST WILL AND TESTAMENT

I, GEORGE CHARLES KAHALLEY, a resident of Bay Minette, Alabama, being of sound and disposing mind and memory, do make, publish and declare this instrument as and for my last will and testament, hereby revoking any and all other wills and other testamentary instruments heretofore made by me.

I direct that all of my just debts, including the expenses of my last illness and funeral, be paid out of my estate by my Executor hereinafter named, as soon as possible after my death.

Having a beloved wife, Frances Sophia Kahalley and two beloved children George Joseph Kahalley and Julia Aseen Kahalley and desiring that each and all of these three shall be properly and suitably provided for; and, having faith, confidence and trust in my beloved wife, Frances Sophia Kahalley, I do give, devise and bequeath all of my property, real, personal, and mixed to my beloved wife Frances Sophia Kahalley in trust and as trustee for the three of them.

And I further provide that my real property shall not be sold until after the youngest child has reached the age of twenty-one years and that my beloved wife shall so long as she remains single have the use or income of my real property unless as each child reaches the age of twenty-one or marries he or she should desire to use one of the parcels of real property which shall be permitted then and there, free of any rents or rental to my other heirs named, herein.

I further provide that in the event my beloved wife should remarry that she shall be a trustee for our two children and the monies from my estate shall be spent only on those children.

I hereby nominate and appoint my beloved wife Frances Sophia Kahalley as my executor as well as trustee as specified herein and I direct that my said executor shall not be required to give bond or to file an inventory or appraisal of my estate in any court though she shall make out an inventory within three months of the Probate of this will and shall keep said inventory to exhibit same to my children as they reach the age of twenty-one. I direct further that in the exercise of her powers as Administrator of my estate, that she shall be free from the control and supervision of the Probate Court or any other Court.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 13 day of August, 1955.

George C. Kahalley (L.S.)

We, the undersigned, hereby certify that the above named testator subscribed his name to the foregoing instrument consisting of page 1 to 2 inclusive in our presence and published and declared the same to be his last will and testament, and we, at the same time, at his request, in his presence and in the presence of each other, have hereunder signed our names as subscribing witnesses. The testator has identified each page of the will by signing his name thereon.

C. L. H. Thompson
William L. Smith

For Identification -
George C. Kahalley

STATE OF ALABAMA, BALDWIN COUNTY

Filed Oct. 28, 1955 M

Recorded Will book 2 page 69

W. R. Stuart
Judge of Probate 12

CERTIFICATE

STATE OF ALABAMA
BALDWIN COUNTY

I, W. R. Stuart, Judge of the Probate Court in and for said County and State, do hereby certify that the within instrument of writing has this day in said Court, and before me as the Judge thereof, been duly proven to be the genuine Last Will and Testament of George C. Kahalley, Deceased, and that the said Will together with the proof thereof, has been recorded in my office in Book of Wills Number 2, at Page 69.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the said Court this 9th day of November, 1955.

W. R. Stuart
Judge of Probate.



\$5.00

FILED
DEC 16 1923
ALICE J. DUCK, CLERK
REGISTER

ESTATE OF GEORGE C. KAYALLEY, DECEASED.)))))))	IN THE CIRCUIT COURT OF BALD- WIN COUNTY, ALABAMA. IN EQUITY.
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C. E. BOTTER, A WITNESS FOR THE ESTATE, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Mashburn.

- Q. Your name is C. E. Botter?
- A. Yes sir.
- Q. What is your address?
- A. 1113 Skyland Circle, Mobile, Alabama.
- Q. What business are you in?
- A. Real estate.
- Q. How long have you been engaged in the real estate business?
- A. For two years.
- Q. In that business do you buy and sell and rent property in and around Mobile?
- A. Yes sir - handle sales mostly.
- Q. Do you represent Mrs. George C. Kayalley?
- A. Yes sir.
- Q. Are you familiar with a piece of land, known as Lot 8, Square 2, Craftview Court sub-division according to the plat thereof recorded in Map Book 3, at page 462 of the records in the office of the Judge of Probate of Mobile, County, Alabama?
- a. Yes sir.
- Q. You have been trying to rent that piece of property?
- A. I have.
- Q. Have you been able to do so?
- A. No.
- Q. What is the condition of the building?
- A. Poor --- very poor.
- Q. Is it in need of major repairs and over-hauling?
- A. Yes sir.

Q. In what part of the City of Mobile is this property located?

A. It is in Prichard area.

Q. Generally speaking, is it good business for a person to own one piece of rental property in one particular area in a City?

A. No sir.

Q. Being familiar with this piece of property, and the difficulty you have had renting it, in your best opinion, would it be to the best interest of Mrs. Kahalley and the estate of George C. Kahalley, that she sell this property?

A. I would think it would be.

Q. In your opinion, what would be the reasonable price of this property?

A. \$6,500 to \$7,500.00 gross.

Q. With the market as it is presently in Mobile, would Mrs. Kahalley be able to sell this property for cash?

A. Not likely for full value.

Q. Explain to the Judge why you say that?

A. Actually it is because of unfavorable financial conditions at this particular time.

Q. How about the location of the building?

A. It is a poor location for either sales or rental.

Q. If this property were sold, would you be able to sell it better to sell it at private sale or auction where people would have to bid and pay cash?

A. Most likely more money would be gotten by a private sale to an individual.

Q. Do you feel that this difficulty in renting this property will continue, or will it get better or worse?

A. I see no reason why it will get better.

Q. It will continue to be almost impossible to rent it in its present condition?

A. Yes sir.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:-

Examination by Guardian ad litem.

Q. How long have you been handling this property?

A. For four months.

Q. Have you advertised for renters?

A. Yes sir.

Q. What kind of building is it?

A. Frame.

Q. What type structures are in the immediate vicinity?

A. Most are simply one unit residents.

Q. Are those all frame construction?

A. Most are -- I am sure all are frame.

Q. What kind of neighborhood is it?

A. Very poor neighborhood.

Q. How much rent have you been asking per month?

A. \$40.00 for each unit and there are two units.

Q. It is a two unit house?

A. Yes sir.

Q. How many rooms in all?

A. Over all there are eight rooms.

Q. Does that include kitchen and bathrooms?

A. There are two baths and two kitchens.

Q. What else?

A. Two little porches.

Q. Have you had any parties that were interested in it at all?

A. Not really interested; they looked at it and after looking they didn't come back or reply.

Q. Is it on a paved street?

A. Yes sir.

on RE-DIRECT EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Mashburn.

Q. When you took over trying to rent it for her it was empty at that time?

A. Yes sir.

Q. You have never been able to rent it since you took over?

A. No sir.

MRS. FRANCES SOPHIA KAHALLEY, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Mashburn.

Q. Your name is Frances Sophia Kahalley?

A. Yes sir.

Q. Are you the widow of George C. Kahalley, deceased?

A. Right.

Q. Were you appointed Executrix of his estate?

A. Yes sir.

Q. Do you remember when that was?

A. In 1955.

Q. Have you acted in that capacity since that time?

A. I have.

Q. Among the assets of that estate do you own a piece of rental property - Does the estate own a piece of Rental property in Mobile?

A. Yes sir.

Q. Is that the piece of property I just described?

A. Yes sir.

Q. What is the street address of that, do you know?

A. Not right off hand.

Q. Mrs. Kahalley, under Mr. Kahalley's last will and testament, were you forbidden to sell any of the property?

A. Yes sir.

Q. You were charged to keep this property and the other property together until the children reached 21?

A. Yes sir.

Q. Have you been able to rent the property for the last two years?

A. No sir.

Q. Been without a tenant for two years?

A. Yes sir.

Q. Have you had it listed with real estate firms?

A. Yes sir, with Mr. Boyles.

Q. He was unable to rent it?

A. Yes sir.

Q. Is this property in need of major repairs?

A. Yes sir.

Q. Do You own other rental property in Bay Minette, Alabama?

A. Yes sir.

Q. Do you remember how many different places the estate holds?

A. 10.

Q. Are the places in Bay Minette also in need of repairs to keep them competitive so you will be able to rent them?

A. Yes sir.

Q. Do you remember off-hand the estimate of repairs necessary on the various houses in Bay Minette? -- Just use this to refresh your recollection-- Tell the Court the things that are necessary to be done to the rental property in Bay Minette to keep it in competitive condition so you will be able to continue to rent it?

A. I have had to do quite a bit of repairs to these houses previously.

Q. The things that are still necessary to be done?

A. I have to install bath rooms on Fifth and Hall Avenue, \$514.00, paint inside and outside of Fourth Street house \$250.00, install shower in house on Clay Street, \$118., install shower in house on Fourth Street, \$118.00; repair porch and other parts of Hall Avenue House \$1257.68; install closet bows and tank in house on Hall Avenue, \$37.81 - the total cost of repairs and improvements \$2788.49.

Q. Mrs. Kahalley, did Mr. Kahalley leave any money in the estate to take care of these repairs?

A. I don't have any now; all through the time since George died I have had to do these repairs - every year - the houses were in such run down condition when I took over and I had a lot of trouble renting them until I could fix them up

where they were livable - I had to spend all the money I had to have any income at all from the property.

Q. Do you propose to use the money from the property, if you sell it, in Mobile to renovate the property in Bay Minette?

A. Yes sir.

Q. Mrs. Kahalley, would it be to the best interest of the estate and your two children and yourself for you to sell this property in Mobile at a private sale?

A. Yes sir.

Q. In your opinion, could you get a better price by selling it at a private sale than by public auction?

A. Yes sir.

Q. Have you read the petition filed in this case?

A. Yes sir.

Q. Are the allegations of the petition true and correct?

A. Yes sir.

ON CROSS EXAMINATION OF THIS WITNESS, SHE TESTIFIED:

Examination by Guardian ad litem.

Q. Do you own any other property in Mobile?

A. No sir.

Q. If you rented the Mobile property would you have to pay a commission out of the rent to the real estate agency?

A. Yes sir.

Q. How much would his commission be?

A. Five per cent.

Q. In addition to that, how much are the taxes each year on the property?

A. \$78.32;

Q. How much is the insurance?

A. \$42.69 a year.

Q. You have had these expenses for the past two years and no income from it at all?

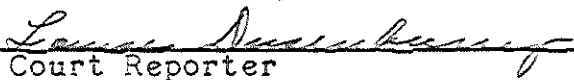
A. That is right.

- Q. How much did that property bring you a month when it was rented?
- A. It was bringing about \$85.00 a month after the commissions were taken out and I also had to pay the water bill; I was renting it for \$42.50 and I reduced the rent when Mr. Botter took it over.
- Q. When was the last time both sides of this unit were occupied?
- A. I believe it was January of '57.
- Q. Both sides were occupied and the tenants moved out and you have had no tenants since?
- A. That's right.
- Q. Does the building need painting?
- A. I have had it painted, but a lot of vandalism has been going on; the walls have been mutilated and the doors taken off and windows knocked out.
- Q. Does the real estate men help you to see about that?
- A. He just collects the rent, but usually he goes there once in a while, but Mr. Boyles neglected to go there once in a while.
- Q. Are there any major repairs needed on the property now?
- A. Yes sir.
- Q. What?
- A. The walls have holes punched in them and the commodes in the bathrooms have been stopped up and the basin cracked and the tubs cracked and I think I need new bath room fixtures all the way through and the sink is pulled down and the light fixtures pulled out of the walls - In fact, it would take a good deal of money to fix it up.
- Q. Do you have any idea how much it would take?
- A. To get it in first class condition it would take at least \$2,500.00 -- That's just a rough estimate.

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

I hereby certify that the foregoing, consisting of pages 1 to 7 both inclusive, correctly sets forth a true and correct transcript of the testimony taken by me in open Court on the 15th day of December, 1959, in the above styled cause.

This 16t day of December, 1959.



Court Reporter

ESTATE OF

GEORGE C. KAHALLEY,
DECEASED

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

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

Your petitioner, Frances Sophia Kahalley, who is over
twenty-one years of age and a resident of Baldwin County, Alabama,
respectfully represents unto the court and your Honor as follows:

1. The Last Will and Testament of George Charles
Kahalley, who was the same person as George C. Kahalley, a copy of
which will is hereto attached marked "Exhibit A", and by reference
made a part hereof as though fully incorporated herein, was ad-
mitted to probate and record in and by the Probate Court of Baldwin
County, Alabama, on, to-wit, the 9th day of November, 1955, at
which time Letters Testamentary were issued to petitioner, which
said Letters Testamentary are now in full force and effect.

2. After the said Last Will and Testament was admitted
to probate and record in and by the Probate Court of Baldwin County,
Alabama, the administration of this said estate was removed from
the Probate Court of Baldwin County, Alabama, to this court, where
the said administration is now pending.

3. The decedent at the time of his death operated a
filling station and among the assets of his estate is an assortment
of tires, tools, shop fixtures and equipment, a full and complete
description of which will be furnished on the hearing of this
petition, and one old Studebaker automobile. No authority is given
in his said Last Will and Testament to convey this property and it
is to the best interest of the estate and all persons interested in
the said estate that petitioner, as said executrix, be authorized
to sell and convey all of the said property for cash at private
sale or sales.

4. Among the assets of the estate are several rental
houses, the income from which is dependent on the condition of the
said property, a part of which is now in a bad state of repair. It

is to the best interest of the said estate that petitioner, as said executrix, be authorized to make reasonable repairs on the said buildings from time to time as such repairs may become necessary. A particular description of the said rental property will be furnished at the time of the hearing of this petition.

5. In addition to the rental houses referred to in the preceding paragraph, it is to the best interest of the estate that petitioner, as said executrix, be authorized to rent the filling station which constitutes an asset of the said estate and which is the following described real property situated in Baldwin County, Alabama, to-wit:

Lot Three (3) in Stapleton's Subdivision in the Town of Bay Minette, Alabama, according to the official map or plat thereof which is recorded in Map Book 1 at page 27, Baldwin County, Alabama Records.

6. The said estate also owns Lot Four (4) in Block 26 in the Hand Land Company's Addition to the Town of Bay Minette, Alabama. Petitioner has an opportunity to rent the said lot by entering into a written lease for a period of five years at a rental which has not been determined. It is to the best interest of the said estate and all persons interested therein that petitioner, as said executrix, be authorized to rent the said property by private negotiations and to make, execute and deliver a lease or leases thereon, if necessary.

7. The decedent in his lifetime entered into a written contract with L. T. Rhodes and wife to purchase a small tract of land and house South of the Louisville & Nashville Railroad and West of Dobson Avenue in Bay Minette, Baldwin County, Alabama. The decedent has made payments on the contract and other payments are now due under the contract, but the decedent's said estate has a substantial equity in the said property and it is to the best interest of the estate and all persons interested therein that petitioner, as said executrix, be authorized to make the payments provided for in the said contract. A copy of the said contract

and a description of the said property is not available at the time of the preparation of this petition, but will be supplied when this cause is heard.

8. It is also necessary that petitioner be authorized to expend some reasonable monthly sum for the assets of the said estate for the maintenance of herself, the widow of the said decedent, and for the maintenance and support of George Joseph Kahalley and Julia Aseen Kahalley, the minor children of the said decedent.

9. The only persons interested in this proceeding are your petitioner, the widow of the said decedent, who is executrix of and under his said Last Will and Testament, and the two minor children, namely, George Joseph Kahalley, a son, and Julia Aseen Kahalley, a daughter, both of whom are minors under two years of age, who reside with petitioner.

WHEREFORE, petitioner prays that the court will take jurisdiction of this petition, appoint and set a day to hear it, appoint a guardian ad litem to represent the said minors, and that on the date set for hearing the said petition that she be granted the following separate and several relief:

A. That she be authorized to sell and convey the personal property described in this petition at private sale.

B. That she be authorized to repair rental property.

C. That she be authorized to rent the property that is now rented and that which is not rented and, if necessary, to make, execute and deliver lease or leases thereon for some reasonable period to be fixed by this court.

D. That she be authorized to pay the balance due to the Estate of L. T. Rhodes, Deceased, as provided in the contract described in this petition.

E. That she be authorized to expend some reasonable monthly sum for the amintenance and support of the decedent's family.

F. That such other orders be made or decrees rendered as may be requisite and proper in the premises.

Francis Joseph Kahalley
Petitioner

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared Frances Sophia Kahalley, who, after being by me first duly and legally sworn, deposes and says: That she has read over the foregoing petition, and that the facts stated therein are true.

Frances Sophia Kahalley

Sworn to and subscribed before me on this the 4th day of April, 1956.

Mary Lou Blackburn

Notary Public, Baldwin County, Alabama

Filed
April 11, 1956

ESTATE OF
GEORGE C. KAHALLEY,
DECEASED.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. _____

NOTICE OF APPOINTMENT, ACCEPTANCE
AND ANSWER OF GUARDIAN AD LITEM.

TO: J. Connor Owens, Esquire:

You are hereby notified that you have been appointed as guardian ad litem to represent GEORGE JOSEPH KAHALLEY AND JULIA ASEEN KAHALLEY, minor children of said decedent, and to protect their interests in connection with a petition that has been filed in this cause by FRANCES SOPHIA KAHALLEY, as Trustee and Executrix of this Estate, which petition has been set for hearing and will be heard at 10 o'clock, A M., on the 6th day of November, 1961.

Dated this the 23rd day of October, 1961.

REGISTER

STATE OF ALABAMA, |
COUNTY OF BALDWIN. |

I, J. Connor Owens, do hereby accept appointment as guardian ad litem of GEORGE JOSEPH KAHALLEY AND JULIA ASEEN KAHALLEY, and for answer do hereby deny each and all of the allegations of the said petition heretofore filed in this cause and do demand strict proof of the same.

Dated this the 23rd day of October, 1961.

J. Connor Owens, Jr.
As Guardian ad Litem.

FILED
OCT 23 1961
BALDWIN COUNTY, ALABAMA

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3688

ESTATE OF
GEORGE C. KAHALLEY,
DECEASED.

NOTICE OF APPOINTMENT,
ACCEPTANCE AND ANSWER
OF GUARDIAN AD LITEM.

ESTATE OF) IN THE CIRCUIT COURT OF
GEORGE C. KAHALLEY,) BALDWIN COUNTY, ALABAMA
Deceased.)
IN EQUITY.
3688

NOTICE AND ACCEPTANCE OF GUARDIAN AD LITEM:

TO John Earl Chason, Esq.

Under and by virtue of an order of the Circuit Court of Baldwin County, Alabama, rendered in the above styled cause on the 26th day of July, ^{9:00 A.M.} 1965, you are hereby appointed as guardian ad litem for and to represent the interest of George Joseph Kahalley and Julia Asseen Kahalley, minors, in the above styled cause.

WITNESS, my hand this 9 day of July, 1965.

W. J. [Signature]

I hereby accept the foregoing appointment as guardian ad litem for the above named minors in said cause, and do hereby file this denial of the allegations made in the Petition in said cause and demand strict proof of the same.

DATED this 14th day fo July, 1965.

John Earl Chason
Guardian ad litem.

ESTATE OF) IN THE CIRCUIT COURT OF
GEORGE C. KAHALLEY,) BALDWIN COUNTY, ALABAMA
Deceased.)
IN EQUITY.
M. 3688

DECREE:

This cause coming on to be heard upon the verified petition of Frances Sophia Kahalley for the sale of certain real property of the Estate of George C. Kahalley, Deceased, at private sale, and for the appointment of a guardian ad litem to represent the interest of the minor children of the said George C. Kahalley, and the same having been considered; it is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the said John Earl Cleason, an Attorney at Law, practicing in Baldwin County, Alabama, be appointed as a guardian ad litem to represent the interest of said minors;

It is further ORDERED, ADJUDGED AND DECREED that the 26th day of July, 1965, is hereby appointed as the day to hear said petition, at 9:00 A.M.

DATED at Bay Minette, Alabama, this the 9th day of July, 1965.

Jeffrey H. Madliburn
Judge.

FILED
9 1965
ALICE J. DUCK, CLERK
RECORDED

FILED

MAY 7 1956

ALICE I. DECK, Register

\$5.00

ESTATE OF
GEORGE C. KAHALLEY,
Deceased.

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

TESTIMONY TAKEN IN OPEN COURT, ON MAY 1st. 1956, BEFORE HON. HUBERT M. HALL, JUDGE OF SAID COURT.

HON. J. B. BLACKBURN, Representing the Estate

HON. HARRY J. WILTERS, Guardian ad Litem.

MR. GEORGE T. BYRNE, BEING FIRST DULY SWORN, TESTIFIED:

Direct Examination by Mr. Blackburn.

Q. Are you Mr. George T. Byrne?

A. Yes sir.

Q. You have had experience in the sale of tires and accessories and things of that kind, have you not?

A. Yes.

Q. Are you familiar with the parts, tires and shop equipment that the late George Kahalley owned at the time of his death, including one old Studebaker automobile?

A. I'm not too familiar with the inventory, but as far as the products he was handling, I am.

Q. In selling property of that kind, I will ask you if, in your opinion, it is to the best interest of this estate that Mrs. Kahalley, as Executrix be authorized to sell that property at private sale rather than a public sale?

A. I would think so.

ON CROSS EXAMINATION OF THIS WITNESS BY MR. WILTERS, AS
GUARDIAN AD LITEM, HE TESTIFIED:

Q. You stated that you had had edxprience in this line.
Will you tell the Court what experience you have had?

A. Since '25.

Q. Doing what?

A. Dealing with automobiles; that is indirectly, and
accessories and tires.

Q. Have you been in that business for 25 years?

A. Since 1925.

MR. GEORGE C. KAHALLEY, THE EXECUTRIX, BEING FIRST DULY SWORN,
TESTIFIED AS FOLLOWS:

Direct Examination by Mr. Blackburn.

Q. Are you Mrs. Frances Sophia Kahalley?

A. Yes sir.

Q. You are the widow of the late George C. Kahalley?

A. Yes sir.

Q. And the Executrix named in his last will and testament?

A. Yes sir.

Q. That will was admitted to probate in the Probate Court and
after that removed to the equity Court?

A. Yes sir.

Q. Mrs. Kahalley, a t the time of your husband's death, did he
operate a filling station here on the Mbbile Highway -
Highway 31?

A. Yes sir.

Q. And did he own stock of tires, tools, shop fixtures and equipment?

A. Yes sir.

Q. I will ask you if that consisted of 14 670 - 15 tires, 7 600 -16 ties; 2 670 15 tires; 1 7-10-15 tire; one 760-15 tire; one 750-20 tire; One 650 - 16 tire; One 600-16 truck tire; one super-safety Nylon; One 650-20 Truck tire, and the following Tubes; Five 670-15; Two 750-20; Two 700-20; One 825-20; 9 710-15, One 600-15; Six 600-16; Six 710-15; Six 650-15 Six 670-15. One desk, 1 Register; 1 candy case, Small. 1 Filing cabinet; 1 cold drink box; 1 welding machine; 5 cases motor oil; 1 doz. oil filters; 1/2 dozen auto lites; seven can barb fluid; 1/2 doz spark plugs, 1/2 doz cans of outboard motor oil; 4 cans of car polish; 25 old tubes; few old tires; 2 cans of cleanser; 1 grease pump; 1 kerosene pump; 1 bulk oil pump; 1 air compressor and a few tools?

A. Yes sir.

Q. In addition to that, he owned an old Studebaker automobile?

A. Yes sir.

Q. This will does not authorize you to sell or convey any property does it?

A. No sir.

Q. Now is it to the best interest of the estate that you

be authorized to sell this property at private sale?

A. Yes sir.

Q. Do you think you can get more at private sale than at public sale?

A. I think so.

Q. Now your husband also owned, at the time of his death, several rental houses, did he not?

A. Yes sir.

Q. You receive from those a total gross income of \$387.50 a month?

A. Yes, sir.

Q. One is described at 200 West 3rd Street, and one at 109 West 4th Street, and one 114 West 5th Street; one One House 301 Hall Avenue; 1 House 209 Clay Street; Apartment, Oak Street; Apartment, Oak Street One House W/S of apartment house on Oak street- One house on Dobson Avenue; One House on 223 Townsend Ave. One House 316 Townsend Avenue?

A. Yes sir

Q. And One Duplex on Hollywood Blvd, Mobile?

A. Yes sir.

Q. You have a vacant apartment, which is listed above on Oak Street?

A. Yes sir.

Q. Those are the ones you get \$387.50 on?

A. The one in Mobile is separate.

- Q. The total figure of \$387.50 - those are the ones you get that total rental from?
- A. Yes sir.
- Q. The total of \$387.50 is from all of those houses?
- A. Yes sir.
- Q. From time to time is it necessary that you make repairs on those houses?
- A. Yes sir.
- Q. In order that you can keep them occupied?
- A. Yes sir.
- Q. Now in the past, and since the death of your husband, I will ask you what repairs you have had to make on an emergency basis?
- A. I had to have a new roof put on the house on Hall and 3rd Street.
- Q. What did that roof Cost you?
- A. \$350.00.
- Q. What other repairs?
- A. Three sets of concrete steps at \$102., and I had to have some plumbing done which was estimated at about \$105.00 and had to have some hot water heaters replaced; one cost \$87.00 and the other one was \$53.00.
- Q. You have paid for those out of the assets of the estate and you want that confirmed?
- A. Yes sir.

- Q. Is it to the best interest of the estate that you be authorized to make these repairs from time to time?
- A. Yes sir.
- Q. Now the filling station that your husband owned and operated was described as Lot 3 in Staplenton Sub-division according to the map in Map Book 1, page 127?
- A. Yes sir.
- Q. It is not rented at this time?
- A. No sir.
- Q. I will ask you if it is to the best interest of the estate that you be authorized to rent that property?
- A. Yes sir.
- Q. Did your husband also own Lot 4, Block 26, near Malone Motor Company?
- A. Yes sir.
- Q. Do you have an opportunity to rent that?
- A. Yes sir.
- Q. On what basis?
- A. Monthly.
- Q. Does the party who wishes to rent it want you to enter into a lease ?
- A. Yes sir, a 5 year lease.
- Q. At \$50.00 per month?
- A. Yes sir.

- Q. Do you think that is a fair price for the property?
- A. Yes sir.
- Q. Do you think it is to the best interest of the estate that you be authorized to make a five year lease to him?
- A. Yes sir.
- Q. Who is the person?
- A. Mr. Ben Hinote.
- Q. Mrs. Kahalley, I will ask you if your husband, in his life time purchased a contract that had been made between McArthur Green and wife, and L. T. Rhodes and wife, covering some property south of the Louisville & Nashville Railroad, and on Dobson Avenue?
- A. Yes sir.
- Q. Have some payments been made on that contract?
- A. Yes sir.
- Q. Do you know exactly what the figure is?
- A. No sir.
- Q. Will you get that and supply the information to the Court Reporter, showing the amount that has been paid and the amount that is to be paid?
- A. Yes sir.
- Q. Do you think it is to the best interest of this estate that you be authorized to make that payment, or the future payments as they become due under the contract?
- A. Yes sir.
- Q. The contract that you referred to between Rhodes and

Green was dated November 13/ 1950?

A. Yes sir.

Q. And assigned to your husband on January 10, 1953?

A. Yes sir.

Q. Neither of those instruments are recorded?

A. No sir.

Q. Now Mr. Kahalley was the father, and you are the mother of two children?

A. Yes sir.

Q. What ages are they?

A. Two years and one 13 months.

Q. They live with you, of course?

A. Yes sir.

Q. Is it necessary that you be authorized to expend some reasonable sum monthly for the support of yourself and these children?

A. Yes sir.

Q. You have made a study and gone into detail on that, Mrs. Kahalley?

A. Yes sir.

Q. How much do you think is a reasonable amount to be allowed as maintenance and support for you and the children each month?

A. About \$250.00.

Q. I don't believe I covered this with you. In the rental, do you collect all of that net, or is there a charge

for collecting that rent?

A. There is a charge.

Q. Who do you pay that to?

A. Mr. Boys in Mobile, 5% and Mr. Bell here, 10%.

Q. The type rental you have, are they the type that pay their rent promptly or do you have to run them down to collect it?

A. Well I would not say all of them, but there are a few that have to be run down.

Q. You think those figures are reasonable?

A. Yes sir. I like to

Q. You would/be authorized to pay that?

A. Yes sir.

Q. Other than the real property that we have outlined, what other property did your husband own?

A. I don't think I mentioned the lots that are on the Stockton Highway.

Q. Do you have any rental on those lots?

A. No, that is vacant property.

Q. Didn't he have some Gabriel Jewelry Stock?

A. Yes sir.

Q. What was the purchase price or cost of that?

A. \$1,000.00 I think.

Q. And he had six shares of stock in the Baldwin County Bank?

A. Yes sir.

Q. At the time of his death, how much money did he have on deposit in the Baldwin County Bank?

A. \$1,237.59, at the time of his death, and up to April 2, it was \$802.82.

Q. The estate has no other income other than these rentals?

A. That's right.

ON CROSS EXAMINATION BY GUARDIAN AD LITEM.

Q. Mrs. Kahalley, were letters Testamentary issued to you?

A. Yes sir.

Q. You stated that the inventory was made of the stock in the Filling station on Highway 31?

A. Yes sir.

Q. Who made that inventory?

A. I did and another lady went with me to assist me in writing it down and I called it out.

Q. Now how many rental houses do you have all together?

A. We have-off hand - I'm afraid I couldn't just tell you;
-- We have 11 houses all together.

Q. What repairs are needed on these houses?

A. Roof and hot water tank, plumbing and steps.

Q. Are they in a generally run down condition?

A. Yes sir.

Q. Have you made an inspection of these houses yourself?

A. Yes sir.

MRS. EMILE NASSER, BEING FIRST DULY SWORN, TESTIFIED:

Direct Examination by Mr. Blackburn.

Q. Mrs. Nasser, you are familiar with the affairs of George Kahalley?

A. Yes sir.

Q. George Kahalley's estate?

A. Yes sir.

Q. Did you assist Mrs. Kahalley in making the inventory?

A. No, not the inventory.

Q. You are familiar with it?

A. Yes sir.

Q. Particularly with reference to the living expense of the family, you have heard her figure of \$250.00 a month; do you think that is reasonable?

A. I think so.

Q. With reference to the sale of this property at private sale, do you think it is to the best interest of the estate that she be authorized to sell that at private sale?

A. I think so.

Q. Do you think it is also to be best interest of the estate that she make the repairs and rent the filling station and lot over here?

A. Yes sir.

STATE OF ALABAMA

BALDWIN COUNTY

I hereby certify that the foregoing is a true and correct transcript of the testimony taken by me, in open Court before Hon. Hubert M. Hall, Judge of said Court, on the 1st day of May, 1956.

This 2nd day of May, 1956.


Court Reporter

ESTATE OF
GEORGE C. KAHALLEY,
Deceased.

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

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

REPORT OF EXECUTRIX

Comes now, FRANCES SOPHIA KAHALLEY, Executrix of the Estate of GEORGE C. KAHALLEY, Deceased, and shows unto the Court that in the above styled cause this Honorable Court by its decree dated January 4th, 1960, authorized and empowered your Petitioner to sell the hereinafter described real property, belonging to the estate of George C. Kahalley, Deceased, and lying and being in Mobile County, Alabama, at private sale, and Petitioner as Executrix as aforesaid, does hereby report as follows:

That acting pursuant to the said decree she, as said Executrix, has sold the property, hereinafter described, to Mrs. Daline McEarchern, 57 South Craft Highway, Prichard, Alabama, at and for the sum of SIX THOUSAND SIX HUNDRED FIFTY AND NO/100ths (\$6,650.00) DOLLARS, to be paid TWO THOUSAND FIVE HUNDRED AND NO/100ths (\$2,500.00) DOLLARS cash at the time of the closing of the sale, and the balance of FOUR THOUSAND ONE HUNDRED FIFTY AND NO/100ths (\$4,150.00) DOLLARS, with interest at the rate of six per centum (6%) per annum, to be paid in Eighty-five (85) monthly installments of SIXTY (\$60.00) DOLLARS each; that the unpaid balance is to be secured by a first mortgage on the property sold, which property is in Mobile County, Alabama, and is described as follows, viz:

Lot Eight (8) in Square Two (2) of Craft View Court, a Subdivision, according to the Plat thereof recorded in Map Book 3, page 461, of the records in the Office of the Judge of the Probate Court of Mobile County, Alabama;

That since the issuance of the decree of January 4th, 1960, by this Honorable Court, your Petitioner has employed the assistance of Globe Realty Company, Inc., 202-A Saint Michael Street, Mobile, Alabama, to assist her in selling said property; that many prospective purchasers have been contacted; that the offer, hereinabove set forth, by Mrs. McEarchern, and the terms thereof, are the best that petitioner was able to obtain; that the sale price of \$6,650.00 is reasonable and in accordance with the worth of the property; that,

in the opinion of your petitioner, it will be to the best interest of said estate and those interested therein if the said sale, as herein reported, is confirmed by this Honorable Court.

That, as a part of said sale, your petitioner, as said Executrix of said estate, is required to furnish title insurance on the said property to the said purchaser;

That it will be necessary for your Petitioner to pay Globe Realty Company, Inc., Agents, a commission for their services in connection with said sale;

That, as already reported to this Honorable Court, it has been necessary for petitioner to employ a solicitor to prepare the necessary legal papers, petitions, decrees, etc., in connection with this matter, and, that in addition to his other services, rendered and to be rendered in this cause, it will be necessary for him to furnish a legal opinion as to the title to the property sold by petitioner in order for her to obtain title insurance, and it will be necessary for him to draft the deed and mortgage incident to closing this sale; and, that, as already reported to this Court, petitioner has employed Telfair J. Mashburn, Esq., as her solicitor in this cause, and a reasonable fee should be fixed for his services in this cause;

That J. Connor Owens, Jr., Esq., has been appointed by this Court as guardian ad litem for the minor children of said decedent, and that a reasonable fee should be fixed for his services in this cause.

WHEREFORE, THE PREMISES CONSIDERED, your Petitioner, FRANCES SOPHIA KAHALLEY, as Executrix of the Estate of George^{C.} Kahalley, Deceased, prays that this Honorable Court will accept this as her report of said sale, will set a day for hearing the same, allowing time for exceptions if any there be, and on said hearing will grant her the following separate and several relief:

1. Confirming the sale of said property under the terms and conditions hereinabove set forth, and authorizing^{and empowering}/her to make proper conveyance to the purchaser;
2. Authorizing and empowering her to pay a reasonable commission to Globe Realty Company, Inc., Agents, for their services in this cause;
3. Fixing a reasonable Solicitor's fee to be paid to her Solicitor, Telfair J. Mashburn, Esq., for his services in this cause, and

authorizing and empowering her to pay said fee;

4. Fixing a reasonable fee to be paid to J. CONNOR OWENS, JR., Esq., for his services as guardian ad litem in this cause.

And petitioner prays for such other, further, different or general relief as in equity and good conscience she may be entitled to receive in the premises.

Frances S. Kahalley
FRANCES SOPHIA KAHALLEY, as Executrix of the Estate of GEORGE C. KAHALLEY, Deceased.

STATE OF ALABAMA,
COUNTY OF BALDWIN.

Before me, T. J. Mashburn, Jr., a Notary Public in and for said County and State, personally appeared FRANCES SOPHIA KAHALLEY, whose name is signed to the foregoing report and who is known to me, who, being by me first duly sworn, deposes and says, on oath:

That she is the Executrix of the Estate of GEORGE C. KAHALLEY, Deceased, duly appointed, qualified, and acting, in the foregoing cause, and that she has personal knowledge of the recitals of fact made in the foregoing report and that the same are true and correct.

Frances S. Kahalley
FRANCES SOPHIA KAHALLEY

Sworn to and subscribed before me on this 11th day of March, 1960.

T. J. Mashburn, Jr.
NOTARY PUBLIC, BALDWIN COUNTY, ALA.

A copy of the foregoing was handed to J. CONNOR OWENS, JR., Esq., guardian ad litem for the minor children interested in this cause, on this the 11th day of March, 1960.

Frances S. Kahalley
FRANCES SOPHIA KAHALLEY, As Executrix of the Estate of GEORGE C. KAHALLEY, Deceased.

Filed on this 11 day of March, 1960.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3688

ESTATE OF GEORGE C. KAHALLEY,
Deceased.

REPORT OF SALE OF LAND

FILED
MAR 11 1960
ALICE J. DUCK, CLERK
REGISTER

IN THE MATTER OF THE ESTATE OF) IN THE CIRCUIT COURT OF
GEORGE C. KAHALLEY,) BALDWIN COUNTY, ALABAMA
Deceased.)
IN EQUITY.

REPORT OF SALE:

Comes now Frances Sophia Kahalley, as Executrix and Trustee under the last Will and Testament of George C. Kahalley, Deceased, and shows unto this Honorable Court as follows:

1. That by decree of this Honorable Court in the above styled cause, dated July 26, 1965, Petitioner, as Executrix and Trustee under the Last Will and Testament of George C. Kahalley, Deceased, was authorized and empowered to sell at private sale the following described property situated in Baldwin County, Alabama, to one William H. Dobbins, for the total sum of \$2600.00:

Lots 1 and 2, Block 2, Northcutt's Subdivision in the South half of the Southwest Quarter of Section 4, Township 2 South, Range 3 East, and the Northwest Quarter of Section 9, Township 2 South, Range 3 East, as recorded in Map Book 1 at page 80, Baldwin County, Alabama Records.

2. That your Petitioner, Frances Sophia Kahalley, as Executrix and Trustee under the Last Will and Testament of George C. Kahalley, Deceased, has conveyed by Statutory Warranty Deed dated July 27, 1965, the above described property to one William H. Dobbins, at and for the price of \$2600.00, which amount has been paid to her in cash, all in accordance with the decree of this Honorable Court.

Frances S. Kahalley

Sworn to and subscribed before
me on this the 27th day of
July, 1965.

Alice L. Miller
Notary Public, Baldwin County, Alabama.

FILED
JUL 30 1965
ALICE L. MILLER, CLERK
REGISTER

STATE OF ALABAMA

Baldwin

COUNTY

PROBATE COURT

November 9

19

55

In the Matter of the Estate of George C. Kahalley deceased.

This the 9th day of November 19 55, having been regularly appointed

by an order of this Court, formerly made and entered, for hearing the application of

Frances Sophia Kahalley which was heretofore filed in this Court,

for the probate of an instrument in writing, purporting to be the Last Will and Testament of the said

George C. Kahalley deceased, now comes the said

applicant, Frances Sophia Kahalley, by her Attorney,

and also comes Telfair J. Mashburn, Jr.

who was heretofore duly appointed by order of this Court, and who consented, to act as Guardian ad Litem for

George Joseph Kahalley and Julia Aseen Kahalley,

all of whom are minors

and children and heirs of the said George C. Kahalley deceased;

and it appearing to the satisfaction of the Court that notice of the said application and of the time appointed for hearing same has been given in pursuance of law and in strict accordance with a former order of this Court, made

and entered in the premises on the 28th day of October 19 55 now, on the

motion of the said Frances Sophia Kahalley, by her Attorney,

the applicant aforesaid, the Court proceeds to hear said application. And it appearing to the satisfaction of the

Court, on the testimony of C. LeNoir Thompson

that ^{he} they, on the day of the date thereof,

in the presence of the testator, and at his request, respectively signed the said instrument as ^Asubscribing witnesses to the same, the said testator then declaring that said instrument constituted his

Last Will and Testament; and it also being shown to the satisfaction of the Court by competent testimony that said testator was of the full age of twenty-one years and upwards at the time of making said Will, it seems to the

Court that said application should be granted: It is, therefore, ordered, adjudged and decreed by the Court that said

Will of said George C. Kahalley deceased, be received,

and the same is hereby declared to be duly proved as the Last Will and Testament of said testator, and, as such, admitted to probate to be recorded, together with the proof thereof and all other papers on file relating to this

proceeding. and that Letters Testamentary issue to petitioner. she

be reimbursed on the final settlement of said estate.

STATE OF ALABAMA, BALDWIN COUNTY

Recorded Pro. & Min. book 7 page 378

W. R. Stuart Judge of Probate.

W. R. Stuart Judge of Probate

1918 JUN 21 10 43 AM

CHOOSE THE NUMBER OF THIS PATTERNS - 1881-1882

IN THE COUNTY OF THE STATE OF ALABAMA

THIS 21st day of June 1918

at the City of Birmingham

THIRD JUDGE OF PROBATE

THIRD JUDGE OF PROBATE

THIRD JUDGE OF PROBATE

No. _____ Page _____

The State of Alabama
COUNTY

PROBATE COURT

ESTATE OF

Deceased.

ORDER ADMITTING WILL TO
PROBATE AND RECORD

Made _____ 19__

Judge of Probate.

Recorded in _____ Record

Vol. _____ Page _____

Judge of Probate.

and is acknowledged to the satisfaction of the Court that the said will is a true and correct copy of the original will of the said deceased and that the same has been admitted to probate and record in accordance with the provisions of the laws of this State.

Witness my hand and the seal of the Court at Birmingham, Alabama, this 21st day of June, 1918.

THIRD JUDGE OF PROBATE

WITNESSED BY ME, CLERK OF THE COURT, AT THE CITY OF BIRMINGHAM, ALABAMA, THIS 21ST DAY OF JUNE, 1918.

[Signature]
Clerk of Court

The State of Alabama, Baldwin County

PROBATE COURT

In the Matter of the Application of Frances Sophia Kahalley to Admit to Probate an Instrument Purporting to be the Last Will and Testament of George C. Kahalley, Deceased.

This day came Frances Sophia Kahalley and filed his petition in writing and under oath, praying for an order of this Court, admitting to probate an instrument purporting to be the last will and testament of George C. Kahalley, deceased.

It is Ordered, Adjudged and Decreed by the Court that the 9th day of November 1955 at 10 A.M., be, and the same hereby is, fixed by the Court as the day and time for the hearing on the said petition.

It is Further Ordered, Adjudged and Decreed by the Court that notice be issued and served upon

the widow and next of kin, of the filing of the said application and of the day and time fixed by the Court for the hearing thereon.

It is Further Ordered, Adjudged and Decreed by the Court that, a practicing Attorney at Law, be, and he hereby is, appointed by the Court as Guardian ad litem to represent and defend the interest of George Joseph Kahalley and Julia Aseen Kahalley

STATE OF ALABAMA, BALDWIN COUNTY

Recorded Per. Min book 7 page 376

W. R. Stuart

Judge of Probate

the minors interested in the said proceedings, on the said hearing.

Witness my hand this the 28th day of October, 1955.

W. R. Stuart

Judge of Probate.

The State of Alabama,

.....County.

PROBATE COURT

In the Matter of Estate of

**Order Fixing Day for Hearing on Probate of Will and
Appointment of Guardian Ad Litem**

Filed....., 19.....

Judge of Probate.

Recorded in

.....Record

Vol..... Page.....

Judge of Probate.

ESTATE OF

GEORGE C. KAHALLEY,
DECEASED,

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

TO THE HONORABLE W. R. STUART, JUDGE OF PROBATE OF SAID COUNTY:

STATEMENT OF CLAIM

Balance due by account \$36.78.

BUILDERS HARDWARE AND SUPPLY COMPANY

BY

L. D. Owen Sr.

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

Before me, the undersigned authority within and for said County in said State personally appeared L. D. Owen, Sr., who is known to me and who, being by me first duly sworn, deposes and says that he is the owner of Builders Hardware and Supply Company, the claimant, and that he has full and complete knowledge of the correctness of the above claim against the said George C. Kahalley, deceased, and that the same claimed is justly due after the allowance of all proper credit.

L. D. Owen Sr.

Sworn to and subscribed before me
on this the 23rd day of December, 1955.

[Signature]
Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 12/23/55 M

Recorded claim book 2 page 56
W. R. Stuart
Judge of Probate No. 0

B 500

FILED
MAY 31 1962
ALICE J. DUCK, CLERK
REGISTER

ESTATE OF)	IN THE CIRCUIT COURT OF
)	
GEORGE KAHALLEY,)	BALDWIN COUNTY, ALABAMA.
)	
Deceased.)	IN EQUITY. NO. 3688
)	
)	

MRS. FRANCES SOPHIA KAHALLEY, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Mashburn.

Q. Is this Mrs. Frances Sophia Kahalley?

A. Yes sir.

Q. Are you the Executrix of the Estate of George Kahalley, deceased?

A. Yes sir.

Q. Last year, Mrs. Kahalley, in November, did this Court give you authority to sell some property belonging to the estate of your husband, George Kahalley, deceased?

A. Yes sir.

Q. One piece of that property you have already sold and the sale has been confirmed and the deed made, is that right?

A. Yes sir.

Q. What other piece of property -- Was the other piece of property described as Lots 22, 24, 26 and 28, in Block 6, Powell Heights Addition to the Town of Bay Minette, according to the official plat thereof, recorded in Miscellaneous Book 1 page 338 of the Baldwin County Records?

A. Yes sir.

Q. Describe that piece of property to the Judge, Mrs. Kahalley?

A. Well it is in very poor condition and the house is just about to fall down; it is/shell standing there and it has not been rented in, I would say, the last two and one half years; I have not received any income at all from it in the

last two and one half years.

Q. Does it have an out-door toilet?

A. Yes sir.

Q. No inside plumbing at all?

A. No sir.

Q. This piece of property has been a burden to the estate?

A. Yes sir.

Q. Have you had difficulty in selling that piece of property?

A. Yes sir.

Q. Have you been making efforts since the Court's decree in November of last year to sell it?

A. Yes sir.

Q. What was your asking price at first?

A. \$1300.00 and I had to just keep coming down.

Q. Have you now arranged a sale for the property?

A. Yes sir.

Q. To whom and for what amount?

A. To Albert Thompson for \$800.00.

Q. In your opinion, is \$800.00 as much as that property is reasonably worth?

A. I think so.

Q. In your opinion, would it be to the best interest of the estate and the people interested in the estate to sell it at that price to Mr. Thompson and get it off your hands?

A. Yes sir.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Owens.

Q. Wasn't there some testimony before about this house being down in a valley?

A. Yes sir, it is kinder down in a little gulley like; it is in a very poor location; that's why I have not been able to get

a good price for it.

Q. How many lots are there?

A. Four 25 foot lots.

Q. When was the last time repairs were made on the house?

A. Well I had to do some wiring in there right after George passed away and I had the roof fixed and then I had some steps fixed and that has been four or five years ago, but I have not done any more, because I could not keep it rented and the people I rented it to just didn't take care of anything -- very destructive.

Q. How much were you getting per month when it was rented?

A. The most I ever got was \$20.00 a month.

Q. You say it has not been rented for two and one half years?

A. That's right.

ON RE-DIRECT EXAMINATION OF THIS WITNESS, SHE TESTIFIED:

Examination by Mr. Mashburn.

Q. The class of people that would rent it, you had trouble collecting the rent?

A. Yes sir; maybe they would pay me \$5.00 and stay there the rest of the month and move out owing me \$15.00.

WALTER LINDSEY, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Mashburn.

Q. Is this Mr. Walter Lindsey?

A. Yes sir.

Q. Are you in the real estate and insurance business in Bay Minette, Alabama, Mr. Lindsey?

A. Yes sir.

Q. How long have you been in that business?

A. 15 years.

Q. Are you familiar with the property described as Lots 22, 24, 26 and 28, Block 6, Powell Heights Addition to the Town of

Bay Minette, Alabama, belonging to the George C. Kahalley Estate?

A. Yes sir.

Q. I believe you have been trying to help Mrs. Kahalley sell this property?

A. Yes sir.

Q. You have had difficulty finding anybody that would purchase it?

A. I sure have.

Q. In your opinion, Mr. Lindsey, would \$800.00 be a reasonable price for these four lots and the shack that is on them?

A. I believe it would be.

Q. In your opinion, would it be to the best interest of the estate that the court confirm a sale to Albert Thompson of these four lots for \$800.00?

A. Yes sir.

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, before Hon. Hubert M. Hall, Judge of said Court, on this day, in the above styled cause.

This 31st day of May, 1962.

+ Louise Dusenberry
Court Reporter

FILED

MAY 31 1962

GLICE I. DUCK, CLERK
REGISTER

97

PETITION TO PROBATE WILL

TO THE HONORABLE PROBATE COURT OF BALDWIN COUNTY, ALABAMA, AND TO THE HONORABLE W. R. STUART, JUDGE OF SAID COURT:

Your petitioner, Frances Sophia Kahalley, who is over twenty-one years of age and a resident of Baldwin County, Alabama, respectfully represents unto the court and your Honor as follows:

1. George C. Kahalley, who was also known as George Charles Kahalley, a resident of Baldwin County, Alabama, died in Baldwin County, Alabama, on, to-wit, October 22, 1955, leaving a Last Will and Testament dated August 13, 1955, in which petitioner was named as a devisee and legatee and as executrix, which said will was witnessed by C. LeNoir Thompson and William L. Smith, both of whom reside in Baldwin County, Alabama, which will is filed herewith and propounded for probate and record in this court.

2. The heirs of the said decedent are your petitioner, the widow; George Joseph Kahalley, a son, who is eighteen months old; and Julia Aseen Kahalley, a daughter, who is seven months old, both of whom reside with petitioner, their mother, in Baldwin County, Alabama. The said minors have no guardian.

WHEREFORE, petitioner prays that the court will take jurisdiction of this petition, appoint a day to hear it, appoint a guardian ad litem to represent the said minors, give notice of the filing of the petition and of the date set for hearing same to all necessary and proper parties, and that on the date set for hearing said petition a proper order be made or decree rendered admitting the said will to probate and record as and for the Last Will and Testament of the said decedent. Petitioner further prays that such other orders be made and decrees rendered as may be requisite and proper in the premises and that Letters Testamentary without bond be granted to petitioner.

Frances Sophia Kahalley

Sworn to and subscribed before me on this the 27 day of October, 1955.

Mary Lou Blackburn
Notary Public, Baldwin County, Alabama

STATE OF ALABAMA, BALDWIN COUNTY
Filed Oct. 28, 1955 M
Recorded Nov. 1, 1955 book 7 page 375
W. R. Stuart
Judge of Probate

PETITION TO PROBATE WILL
ESTATE OF
GEORGE C. KAHALLEY, DECEASED

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

STATE OF ALABAMA
COUNTY OF BALDWIN
I, the undersigned, Clerk of the Probate Court of Baldwin County, Alabama, do hereby certify that the within and foregoing is a true and correct copy of the will of George C. Kahalley, deceased, as the same appears from the records of said court.

Witness my hand and the seal of said court at Baldwin, Alabama, this 15th day of August, 1911.

CLERK OF PROBATE COURT

WITNESSED my hand and the seal of said court at Baldwin, Alabama, this 15th day of August, 1911.

THE STATE OF ALABAMA

Baldwin

County

COURT OF PROBATE

The will of George C. Kahalley, deceased,

having been duly admitted to record in said County, letters testamentary are hereby granted to _____

Frances Sophia Kahalley, the execut^{rix} named in said will, who ha^s complied with

the requisitions of the law, and is authorized to take upon herself the execution of said will.

Witness my hand, and dated this 9th day of November, 1955.

STATE OF ALABAMA, BALDWIN COUNTY

Recorded Pro & Min book 7 page 379

W. R. Stuart

Judge of Probate

W. R. Stuart

Judge of Probate

THE STATE OF ALABAMA

_____ County

I, _____, Judge of Probate in and for said County and State, hereby certify that the within and foregoing is a true, correct, and complete copy of the Letters Testamentary issued to _____ as Execut _____ of the will of _____, deceased, as the same appears of record in my office, and are still in full force and effect.

Given under my hand and seal of office, this the _____ day of _____ 19____

Judge of Probate

THE STATE OF ALABAMA	_____ County
PROBATE COURT	
Estate of	
Deceased	
Execut	
Letters Testamentary	

THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

JIMMY FAULKNER
PUBLISHER

BAY MINETTE, ALABAMA

by the Honorable W. R. Stuart,
Judge of the Probate Court of
Baldwin County, Alabama, no-
tice is hereby given that all per-
sons having claims against the
said estate will be required to
present the same within the time
allowed by law, or the same will
be barred.

FRANCES SOPHIA KAHALLEY,
Executrix.

J. B. Blackburn,
Attorney for Executrix.

44-3tc.

AFFIDAVIT OF PUBLICATION

Legal Notice

NOTICE OF APPOINTMENT OF EXECUTRIX

ESTATE OF
GEORGE C. KAHALLEY,
Deceased

In The Probate Court of Baldwin
County, Alabama

Letters Testamentary under
the Last Will and Testament of
the said decedent having been
granted to the undersigned on
the 9th day of November, 1955,

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

Est. George Kahalley

COST STATEMENT

119 WORDS @ 5 cents

\$ 5-95

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

E. R. P. J. J. J.
Editor Publisher

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

Date of 1st publication Nov. 17, 1954 Vol. 66 No. 44

Date of 2nd publication Nov 24, 1954 Vol. 66 No. 45

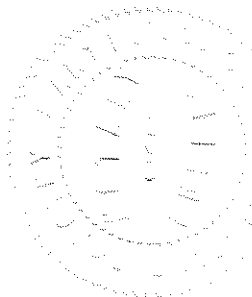
Date of 3rd publication Dec. 1, 1954 Vol. 66 No. 46

Date of 4th publication _____, 195____ Vol. _____ No. _____

Subscribed and sworn before the undersigned this 1 day of Dec, 1954

Darcey Martin
Notary Public, Baldwin County.

E. R. P. J. J. J.
Editor Publisher

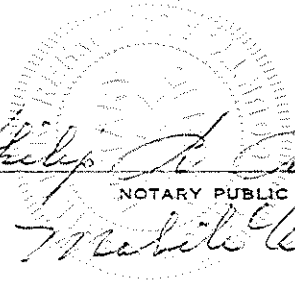


The State of Alabama
County of Mobile

Personally appeared before me the undersigned authority in and for said County and State _____
C. M. Dukes, Treasurer who being duly sworn on oath doth depose
and say that he has personal knowledge of the correctness of the above and foregoing account in favor of
McGowin-Lyons Hardware & Supply Company and against _____
Estate George C. Kahalley, Bay Minette, Ala and that the same and each and every item
thereof is just, true and correct as is therein stated, and that the balance shown thereon viz: \$118.84
One Hundred Eighteen Dollars & 84/100- - Dollars is due, owing and unpaid from said
Estate George C. Kahalley, Bay Minette, Alabama to said
McGowin-Lyons Hardware & Supply Company that said debt is not usurious
that no part of the same has ever been paid except what is credited thereon and that no security or satisfaction
has been received therefor.

C. M. Dukes.

Sworn to and subscribed before me
this 20
day of January A. D. 19 56


Philip A. ...
NOTARY PUBLIC
Mobile County, Ala.

INVOICE

McGOWAN LYONS HARDWARE & SUPPLY CO.

PHONE 2-8721
P. O. BOX 1209

WATER AT ST. LOUIS STREET
MOBILE 7, ALABAMA

CABLE ADDRESS
"HUSTLERS"

Jan 20 1956

SOLD TO Estate of George C Kahalley, Deceased
Bay Minette Ala

DATE

INVOICE NO.

YOUR ORDER NO.

REQUISITION NO.

SHIP TO

TERMS

GOODS MUST NOT BE RETURNED FOR CREDIT WITHOUT PERMISSION

Sept 7 1955:

1 Only 30 Gal Rheem Glass Lined Natural
Gas Hot Water Heater

85 70

Sales Tax

2 57

88 27

Sept 26th 1955:

1 #12PA2 12" Westinghouse Fan

30 57

\$118 84

STATE OF ALABAMA, BALDWIN COUNTY

Filed

Jan 24, 1956

Recorded

Plain book 2 page 56

W. P. Stuart

Judge of Probate

INVOICE

McGOWAN-LYONS HARDWARE & SUPPLY CO.

PHONE 2-8721
P. O. BOX 1209

WATER AT ST. LOUIS STREET
MOBILE 7, ALABAMA

CABLE ADDRESS
"HUSTLERS"

Jan 20 1956

DATE

SOLD
TO

Estate of George C Kahalley, Deceased
Bay Minette Ala

INVOICE NO.

YOUR ORDER NO.

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TERMS

SHIP TO

GOODS MUST NOT BE RETURNED FOR CREDIT WITHOUT PERMISSION

Sept 7 1955:

1 Only 30 Gal Rheem Glass Lined Natural
Gas Hot Water Heater

85 70

Sales Tax

2 57

88 27

Sept 26th 1955:

1 #12PA2 12" Westinghouse Fan

30 57

\$118 84

500

ESTATE OF)	IN THE
)	
GEORGE C. KAHALLEY,)	CIRCUIT COURT OF BALDWIN COUNTY,
)	
Deceased.)	ALABAMA. IN EQUITY.
)	
)	NO. 3688

MRS. FRANCES SOPHIA KAHALLEY, THE PETITIONER, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Mashburn.

- Q. Is this Frances Sophia Kahalley?
- A. Yessir.
- Q. You are a resident of Baldwin County, Alabama?
- A. Yes sir.
- Q. And over the age of 21 years?
- A. Yessir.
- Q. Are you the widow of George C. Kahalley, deceased?
- A. Yes sir, I am.
- Q. Also known as George Charles Kahalley?
- A. Yes sir.
- Q. When did George die?
- A. October 19, 1955.
- Q. Did he leave a last will and testament?
- A. Yes sir.
- Q. Were you appointed Executrix and Trustee under that Last will and testament in the Probate Court of Baldwin County, Alabama?
- A. Yes sir.
- Q. Did you later have the estate moved to the Circuit Court of Baldwin County, Alabama, in Equity?
- A. Yes sir.
- Q. It is now pending here in the Circuit Court?
- A. Yes sir.
- Q. Among the assets of the estate of George C. Kahalley, there

is one piece of real estate described as follows:

Lots 22, 24, 26, and 28, Block 6, in Powell Heights Addition to the Town of Bay Minette, Alabama, according to the official Plat thereof, recorded in Miscellaneous Book 1, at page 338,

- A. That is right.
- Q. In your bill of Complaint in this case, or petition, that is described as Parcel No. 1?
- A. Yes sir.
- Q. Is there a house on that piece of property?
- A. Yes sir.
- Q. Will you describe to the Court the condition of that house - What kind of house it is and what shape it is in?
- A. Yes sir; it is in very poor condition; it is not suitable for rental in the run down conditions that it is in; it does not have bath room facilities and it has been vacant for quite a long time.
- Q. You say that it does not have in-door plumbing?
- A. That is right.
- Q. Have to use an out-house?
- A. Yes sir.
- Q. Were - When you are able to rent that house, Mrs. Kahalley, how much rent did you get?
- A. \$15.00 a month.
- Q. During the year 1961 how many months have you had it rented?
- A. About three months.
- Q. Did you collect all of the rent?
- A. No sir.
- Q. The type people that rent that house usually move out owing you?
- A. Yes sir.
- Q. On an average, do you have an opinion on how much you have rented the house each year?
- A. I would say it is like ~~xxxxxxx~~ transits- in and out of the house all

of the time; don't stay more than a month or so at the time and pay part of the rent - maybe \$5.00, \$7.50, or something like that and move out owing the rest.

Q. Do you have the taxes to pay on that place?

A. Yes sir.

Q. Do you have to pay insurance?

A. Yes sir.

Q. And has that place been a drain on the rest of the estate for the last several years?

A. It has.

Q. Now Parcel No. 2, which is described as:

Commencing at the Southeast corner of Lot 19 in the Mobile and Montgomery Railroad Company's Addition to the Town of Bay Minette, Alabama, according to the official Plat or Map thereof recorded in Miscellaneous Record 1 at page 106, Baldwin County, Alabama Records, and run thence South 61 degrees west 162 feet along the north line of Oak Street to the point or place of beginning; thence south 61 degrees west 151 feet to a point, thence North 5 degrees 15' West 169.5 feet to point on the Section line dividing Sections 9 and 16 in Township 2 South, Range 3 East; thence East along the Section line 25.5 feet to a point; thence North 68 degrees East 69.5 feet to a point; thence South 26 degrees East 134.3 feet to the point or place of beginning.

Now what is on that piece of land?

A. Nothing.

Q. Does it provide any income for the estate?

A. No sir.

Q. Do you have to pay taxes on it?

A. Yes sir.

- Q. Is there any possibility of the estate being able to construct rental facilities on this property?
- A. No.
- Q. Now under your late husband's last will and testament, there is a provision that the property of the estate can not be sold, is there not?
- A. That is right.
- Q. Does the estate furnish sufficient income to support you and the children and pay these other expenses too?
- A. No sir.
- Q. Now besides yourself, who are the other people interested in this estate?
- A. Just my children and I.
- Q. Give us their names and ages?
- A. George seven and one half years old and Julia six and one half years old.
- Q. Has your son, George, been sick lately?
- A. Yes sir.
- Q. Tell the Court what problems you have had?
- A. Well he has been under the Doctor for the past two years; he has a rheumatic condition that has damaged his heart.
- Q. Has he required extra money for Doctor and Medical care?
- A. Yes, I have had to take him to the Doctor every three weeks.
- Q. Has the estate sufficient income to provide sufficient money for these expenses?
- A. No sir.
- Q. Have you been having to rely on your family for financial help?
- A. Yes sir.
- Q. Is it necessary to take care of his health that you have more money and get rid of some of the expenses of the estate?

A. Yes it is.

Q. At the time your husband died, was he in the process of buying a piece of rental property from Mr. L. T. Rhodes?

A. Yes sir.

Q. Where is that piece of property?

A. On Dobson Avenue.

Q. That is the property described as the Dobson Avenue House?

A. Yes sir.

Q. About how much is due on that contract, Mrs. Kahalley?

A. The last account I had was \$761.45.

Q. Is that house in rentable condition?

A. It is in very poor condition, but I rent it, but I do not get very much rent.

Q. If you can sell the two pieces that are costing you money and pay for this Dobson Avenue Property, that will furnish some extra income for the estate?

A. Yes sir.

Q. In your opinion, Mrs. Kahalley, would it be to the best interest of the estate, and you and your children, and the people interested, if the Court authorized you to sell this property at a private sale?

A. Yes sir.

Q. In your opinion, could you get a better price for it at a private sale than a public sale?

A. Yes sir.

Q. Have you read the bill of complaint filed in this case?

A. Yes sir.

Q. Are the allegations of that bill of complaint true and correct?

A. Yes sir.

MR. MASHBURN: I would like to introduce the bill of complaint
in evidence, as Complainant's Exhibit 1.

ON CROSS EXAMINATION OF PETITIONER, SHE TESTIFIED:

Examination by Mr. Owens, Guardian ad Litem.

Q. Mrs. Kahalley, none of the property involved in this
petition is used as your homestead, is it?

A. I don't understand you?

Q. None of the property involved in this bill of complaint is
homestead property?

A. No sir.

Q. How many rooms does the old house on Powell Avenue have in
it?

A. Five.

Q. When was the last time to your knowledge that repairs
were made on the house?

A. Last year - I had the roof fixed.

Q. Now where is this second parcel of land located?

A. It is the vacant lots?

Q. Yes?

A. On Oak Street, down by the hospital.

Q. How much income has the Dobson Avenue property provided?

A. I get \$32.50 a month for that, and I pay Mrs. Rhodes \$30.00
a month.

Q. Who pays the taxes and insurance?

A. I do.

Q. Is the property insured?

A. Yes sir.

Q. Do you pay the insurance?

A. Yes sir.

WALTER M. LINDSEY, A WITNESS FOR THE PETITIONER, BEING FIRST
DULY SWORN, TESTIFIED:

Examination by Mr. Mashburn.

Q. You are Walter M. Lindsey?

A. Yes sir.

Q. What is your business, or occupation, Mr. Lindsey?

A. Insurance, real estate and title work.

Q. How long have you been engaged in the real estate and title
work business in Baldwin County?

A. 15 years.

Q. Are you familiar with the prices of real estate and the
market values of real estate in and around Bay Minette?

A. I am.

Q. Mr. Lindsey, are you familiar with the property described
as Lots 22, 24, 26 and 28, Powell Heights - Block 6 -
Addition to the Town of Bay Minette, and which is described
in the petition as Parcel No. 1?

a. Yes, I am familiar with it.

Q. You say you are familiar with it?

A. Yes sir.

Q. Do you know the condition of the house on this piece of
property?

A. Yes sir.

Q. Is the condition of the house good or bad?

A. Very poor.

Q. In your opinion, Mr. Lindsey, would it be an advantage to the estate to dispose of this piece of property?

A. Definitely.

Q. In your opinion, is it a drag and expense to the estate?

A. Yes it is.

Q. In your opinion, could you arrange a better sale and better terms by a private sale?

A. I would think so.

Q. Do you have an opinion as to the reasonable market value of that property?

A. I have not made an appraisal of that particular parcel of land.

Q. The piece of land described as Parcel No. 2 - the lots behind the hospital - are you familiar with those lots?

A. Yes sir I am.

Q. In your opinion, would it be to the best interest of the estate that that parcel of land be sold?

A. Yes sir, I believe it would be.

Q. In your opinion, Mr. Lindsey, could a better sale and better terms be arranged by selling it at a private sale, rather than at public auction?

A. Yes sir.

EXAMINATION BY MR. OWENS, GUARDIAN AD LITEM

Q. The vacant lots by the hospital, do they have an potential as rental property for parking lots?

A. I would not think so.

ON RE-DIRECT EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Mashburn.

Q. Possibly the best chance of a sale would be to some Doctor or Dentist that wanted to get close to the hospital?

A. Some one of that nature - I think it would have a good market value for that purpose.

ALBERT THOMPSON, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. MASHBURN:

Q. Is this Mr. Albert Thompson?

A. Yes sir.

Q. You are engaged in the retail clothing business here in Bay Minette?

A. I am.

Q. I believe over the last several years you have bought and sold real property here in town?

A. I have.

A. Are you familiar with the piece of property over in Powell Heighths described in the bill of complaint in this cause as Parcel No. 1? -- Four lots in Block 6?

A. Yes I am.

Q. Are you familiar with the house on those lots, Albert?

A. Yes sir.

Q. What is the condition of that house?

A. Very poor real estate.

Q. In its present condition can it be rented very easily?

A. You couldn't expect much income out of property like that.

The type people that would rent it, usually are welfare type people and they are not able to pay rent.

Q. Now being familiar with the house, in your opinion, would it be to the best interest of the estate and the widow and minor children of George C. Kahalley that this piece of property be disposed of?

A. Yes sir.

Q. In your opinion, could a better price and better terms be arranged at a private sale rather than at public auction?

A. Yes sir.

Q. Now Parcel No. 2 - the lots next to the hospital; are you familiar with those lots?

A. Yes sir.

Q. Do they furnish any income to the estate?

A. No.

Q. Without the expenditure of a large sum of money would it be possible to get any sum of money from those lots?

A. You would have to improve them.

Q. In your opinion, would it be to the best interest of the estate that this piece of property be disposed of?

A. Yes sir.

Q. In your opinion would it be better to sell it at private sale rather than public auction?

A. Yes sir.

EXAMINATION OF THIS WITNESS BY GUARDIAN AD LITEM:

N O N E:

MRS. KAHALLEY, THE PETITIONER, BEING RECALLED, TESTIFIED:

Examination by Mr. Owens, Guardian Ad Litem.

Q. Mrs. Kahalley, how much other income producing property do you have?

A. I have a house on Fifth Street and a big house next to me; I have a house on Fourth Street and one on Clay Street.

Q. And this one under contract?

A. Yes sir.

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

I hereby certify that the foregoing, consisting of pages 1 to 10 both inclusive, correctly sets forth a true and correct transcript of the testimony in the captioned matter, as taken by me on this 6th day of November, 1961.

November 6, 1961.

Louise D. [Signature]
Court Reporter

THE STATE OF ALABAMA, Baldwin COUNTY

PROBATE COURT

November 9, 1955

In the Matter of the Estate of George C. Kahalley, Deceased.

Present, Hon. W. R. Stuart, Judge of Probate.

Before me, W. R. Stuart, Judge of Probate, in and for said County, personally appeared in open Court C. LeNoir Thompson

who, having been by me first duly sworn and examined, did depose and say on oath, that he is a subscribing witness to the instrument of writing now shown to him and which purports to be the last will and testament of George C. Kahalley, deceased, late an inhabitant of this County, that said George C. Kahalley signed and executed said instrument on the day the same bears date, and declared the same to be his last will and testament, and that affiant set his signature thereto on the day the same bears date as a subscribing witness to the same in the presence of said George C. Kahalley, and William L. Smith, the other subscribing witness and that such other witness subscribed his name as a witness in his presence and in the presence of said George C. Kahalley, all at the request of said George C. Kahalley.

That said George C. Kahalley was of sound mind and disposing memory, and in the opinion of the deponent fully capable of making his will at the time the same was so made as aforesaid. Affiant further states that said George C. Kahalley was on the day of the said date of said will of the full age of twenty-one years and upwards.

STATE OF ALABAMA, BALDWIN COUNTY

Recorded Will book 2 page 71

W. R. Stuart, Judge of Probate

[Signature] (L. S.)

_____ (L. S.)

_____ (L. S.)

Sworn to and subscribed before me this the 9th day of November, 1955.

[Signature] Judge of Probate

No. _____ Page _____

THE STATE OF ALABAMA

_____ COUNTY

PROBATE COURT

Estate of _____

Deceased

PROOF OF WILL

Filed _____, 19____

Judge of Probate

Made _____, 19____

Judge of Probate

Recorded in _____ Record

Vol. _____, Page _____

Judge of Probate