

3738

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|------------------------------|---|-------------------------|
| IRENE JOHNSTON, | ! | IN THE CIRCUIT COURT OF |
| Complainant, | ! | BALDWIN COUNTY, ALABAMA |
| vs. | ! | IN EQUITY. |
| MARY SIBLEY SWANSON, ET AL., | ! | |
| Respondents. | ! | |

ORDER CONFIRMING COMMISSIONER'S SALE

This day came Alice J. Duck, the Commissioner heretofore appointed by the court, and moves the court that sale of the property of the joint owners thereof, heretofore made by said Commissioner in pursuance of the order made on the 26th day of February, 1957, appointing her Commissioner to sell certain property of said joint owners and by her duly reported to this court on March 19, 1957, be now confirmed by an order of this court.

And it further appearing to the satisfaction of the court from said report and from the evidence now therewith submitted that said property could not equitably divided or partitioned without said sale; that the said Commissioner had no personal or pecuniary interest in said sale, nor was she directly or indirectly a purchaser at said sale; that said sale was fairly conducted in strict accordance with law, and that said property sold for an amount not greatly less than its real value, and that all of the terms of sale, as prescribed by the court, have been complied with.

And it further appearing from the report that the said property was sold to W. C. Holmes and that he has paid the purchase money in full and that the property sold was situated in Baldwin County, Alabama and is described as follows:

The Northwest Quarter of the Southeast Quarter of the Southeast Quarter; the Northeast Quarter of the Southwest Quarter of the Southeast Quarter; the Southeast Quarter of the Northwest Quarter of the Southeast Quarter; the Southwest Quarter of the Northeast Quarter of the Southeast Quarter of Section 4, Township 2 North, Range 3 East, EXCEPTING THEREFROM, all oil, gas and other minerals situated in, on or under the above described property.

And it further appears to the court that the purchase price for the said property was Forty-seven Hundred Dollars (\$4700.00).

It is, therefore, hereby ORDERED by the court that said sale be confirmed and that Alice J. Duck, the Commissioner, make conveyance to the purchaser aforesaid of all right, title and interest which the said joint owners had in such property, which property was particularly described in the preceding paragraph above.

The court reserves jurisdiction of this cause for such other and further orders and decrees as may be necessary and proper in the premises.

ORDERED, ADJUDGED AND DECREED On this the 29th day of March, 1957.

Robert M. Trace
Judge.

IRENE JOHNSTON,)
 Complainant,)
 VS.)
 MARY SIBLEY SWANSON, ET AL,)
 Respondents.)

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 IN EQUITY NO. 3738

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree on the pleadings filed and decrees heretofore rendered in this cause, the stipulation heretofore entered into by the solicitor for the complainant and the solicitor for the respondent, Dr. W. C. Holmes, and the testimony of the witnesses, and the exhibits thereto, all as noted by the Register, from all of which the court finds as follows:

A. The property involved in this suit has been heretofore sold under the authority of the former orders and decrees rendered in this cause, which sale has been confirmed, for the total sum of Forty-seven Hundred Dollars (\$4700.00).

B. The interest of each party to this cause in the net proceeds of the said sale and the amount hereinafter ordered to be paid into court by Dr. W. C. Holmes is as set forth in the original Bill of Complaint.

C. The court costs incurred in this proceeding, including the amount paid for the abstract, which is a common charge against the parties hereto, except Dr. W. C. Holmes, amount to \$313.10.

D. The respondent, Dr. W. C. Holmes, has paid taxes on the said property involved in this suit in the amount of \$165.73. The interest on these amounts so paid is \$110.13.

E. The attorney's fee of \$888.56 allowed to James R. Owen, as solicitor for complainant, for services rendered by him in this cause, and fixed as hereinafter provided, is also a common charge against all of the parties to this proceeding, except Dr. W. C. Holmes.

F. The value of the timber cut from the said property by the respondent, Dr. W. C. Holmes, on or about January, 1956, is \$586.55, and the value of the tops of the said timber so cut is \$106.26.

G. The total of the selling price of the said property, the timber cut and the tops of the timber cut is \$5,392.81. The court costs amounting to \$313.10; the taxes and interest to be paid to Dr. W. C. Holmes in the amount of \$275.86; and the attorney's fee for complainant's attorney amounting to \$888.56, make the total sum of \$1,477.52, which is a common charge against all of the parties to this proceeding, except Dr. W. C. Holmes. When the said sum of \$1,477.52 is deducted from the sum of \$5,392.81, it leaves a net balance for distribution to the complainant and the respondents, except Dr. W. C. Holmes, of the sum of \$3,915.29.

H. The sum of \$5,392.81, which represents the gross proceeds of the said sale and the timber cut and the tops of the timber, is now in possession of Alice J. Duck, as Register and Commissioner (except the amount of \$586.55, which is to be paid to her by Dr. W. C. Holmes, as hereinafter provided), and this amount should be distributed in the manner provided for in this decree and this cause finally settled.

Upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. Alice J. Duck, as Register and Commissioner, is hereby authorized, empowered, instructed and directed to pay to herself, as Register, the sum of \$313.10, which amount is all of the court costs incurred in this proceeding, including an abstract bill of \$100.00. Alice J. Duck, as Register, is hereby authorized, empowered, instructed and directed to pay to J. A. Ertzinger and Son the sum of \$100.00 for the said abstract and take its receipt therefor and file the said receipt in this cause.

2. Alice J. Duck, as Register and Commissioner aforesaid, is authorized, empowered and instructed to pay to Dr. W. C. Holmes the sum of \$275.86 to reimburse him for the taxes paid on the property involved in this proceeding, which amount includes interest in the amount of \$110.13.

3. The sum of \$888.56 shall be and it is hereby fixed and allowed to James R. Owen, as solicitor for the complainant, for services rendered by him as solicitor for the complainant in this cause, and the Register is hereby authorized, empowered, instructed and directed to pay to James R. Owen the said sum of \$888.56, take his receipt therefor and file it in this cause.

4. Dr. W. C. Holmes is hereby ordered to pay to Alice J. Duck, as Register and Commissioner, the sum of \$586.55 and this amount shall be a judgment against the said Dr. W. C. Holmes, for which execution may issue.

5. After the said amount in Paragraph 4 has been paid to Alice J. Duck, as Register and Commissioner, she will have in her possession for distribution to the parties hereto (except Dr. W. C. Holmes) the sum of \$3,915.29, which shall be distributed as follows:

| | |
|----------------------------|-----------|
| Mary Sibley Swanson, | \$ 118.64 |
| Hubert Swanson. | 118.64 |
| Nannie Swanson, | 118.64 |
| Mrs. Edith Swanson Lee, | 118.64 |
| T. W. Swanson, Jr., | 118.64 |
| William S. Swanson | 118.64 |
| Mrs. Ouida Swanson Berglin | 118.64 |
| Mrs. Dennis Dees. | 118.64 |
| James W. Swanson, | 118.65 |
| Mrs. Helen S. Capell, | 118.65 |
| Mrs. Bessie S. Bryant, | 118.65 |
| Isabella Hall, | 163.14 |
| James J. Coghlan. | 163.14 |
| Maynard Coghlan. | 163.14 |
| Elizabeth Coghlan, | 163.14 |
| Malachi Coghlan. | 163.14 |
| Irene Johnston. | 163.14 |
| Origen S. Coghlan. | 163.14 |
| Willie Howard. | 163.14 |
| Mrs. Maiben Holmes | 1,305.10 |

The said Register is authorized, empowered, instructed and directed to pay the said amounts to the said parties after the sum of \$586.55 has been paid to her by Dr. W. C. Holmes and take a receipt from each of the parties and file it in this cause.

6. Upon compliance with all of the terms and provisions of this decree, the Register of this court shall report her said actions to this court for final confirmation.

ORDERED, ADJUDGED AND DECREED on this the 18th day of April, 1957.

Hubert M. Trace
Judge

IRENE JOHNSTON,)
)
 Complainant,) IN THE CIRCUIT COURT OF
 VS.) BALDWIN COUNTY, ALABAMA
)
 MARY SIBLEY SWANSON, ET AL,) IN EQUITY NO. 3738
)
 Respondents.)

NOTE OF TESTIMONY

This cause coming on to be heard on this date is submitted for a final decree on the part of the complainant upon the following:

1. Original Bill of Complaint.
2. Amendment to Bill of Complaint.
3. Motion for Decree Pro Confesso.
4. Decree Pro Confesso.
5. Answer of the respondent, Dr. W. C. Holmes.
6. Petition of Bessie Bryant.
7. Decree dated February 26, 1957.
8. Commission to Alice J. Duck, dated March 4, 1957.
9. Notice of sale of property, dated February 27, 1957.
10. Proof of Publication of notice of sale of property, which notice is dated February 27, 1957.
11. Report of Sale, dated March 19, 1957.
12. Order confirming Commissioner's sale, dated March 29, 1957.
13. Motion of complainant to take testimony and order setting date to take testimony, dated April 3, 1957.
14. Testimony of Irene Johnston, Orrie Coghlan and J. Connor Owens, Jr., witnesses for complainant.
15. Exhibits 1 through 8 heretofore introduced by complainant.
16. Stipulation entered into on April 11, 1957, by solicitor for complainant and solicitor for respondent, Dr. W. C. Holmes.

The cause is submitted for a final decree on the part of the respondent, Dr. W. C. Holmes, on the following:

1. Answer filed April 16, 1956.

2. Exhibit 1 and Exhibit A to respondent's testimony.
3. Testimony of W. C. Holmes and E. S. Tunstall.

Dated this 16 day of April, 1957.

Register

JAMES R. OWEN,
Solicitor for complainant.

TO: ...

...

...

...

NOTE OF TESTIMONY

IRENE JOHNSTON,

Complainant,

VS.

MARY SIBLEY SWANSON, ET AL,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3738

SOUGHT BY THE PLAINTIFFS

FILED FOR RECORD

RECORDED AND INDEXED
MAY 10 1938
BALDWIN COUNTY, ALABAMA

NO. 248 PAGE 248

IRVING JOHNSTON, Complainant,

vs. MARY SIBLEY SWANSON, ET AL., Respondents.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. 3738

DECREE

This cause coming on to be heard on this day is submitted

for a decree upon the original Bill of Complaint; Amendment to

Bill of Complaint filed January 24, 1957; Answer of Dr. W. C.

Holmes; Motion for decree pro confesso; Decree pro confesso;

Petition of Bessie Bryant paying into this Court the sum of \$126.06

received from M. D. Cox; and the testimony of the witnesses taken

in open court on January 24, 1957, and February 7, 1957; Exhibits

introduced by the parties by their attorneys, and the Exhibits introduced

by the Complainant and Respondent, Dr. W. C. Holmes, upon con-

sideration of all of which the court is of the opinion that the

allegation of facts set out in said Bill of Complaint and the

amendment thereto are true and that the Complainant is entitled to

the relief prayed for therein, upon consideration of all of which

it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as

follows:

1. The Complainant, Irene Johnston, and the Respondents,

Mary Sibley Swanson, Hubert Swanson, Mamie Swanson, Mrs. Edith

Swanson Lee, T. W. Swanson, Dr., Williams S. Swanson, Mrs. Ouida

Swanson Berglin, Mrs. Dennis Dees, James W. Swanson, Mrs. Helen S.

Capell, Mrs. Bessie S. Bryant, Isabella Hall, James J. Coghlan,

Wayward Coghlan, Elizabeth Coghlan, Malachi Coghlan, Origen S.

Coghlan, Willie Howard, Mrs. Malben Holmes, are joint tenants or

tenants in common of the lands described in the Bill of Complaint

which has been filed in this cause, which is the following describ-

ed property situated in Baldwin County, Alabama, to-wit:

The Northwest Quarter of the Southeast Quarter of the
Southeast Quarter of the Northwest Quarter of the
Southeast Quarter of the Southeast Quarter of the
Southeast Quarter of the Southeast Quarter of the
Southeast Quarter of the Southeast Quarter of the

Northeast Quarter of the Southeast Quarter of
Section 4, Township 2 North, Range 3 East.

and that the said Complainant and Respondents named above each own an undivided interest in the said property in the shares and proportions as set forth in the original Bill of Complaint.

That the said property cannot be equitably divided, except the oil, gas and other minerals situated in, on or under the said property among the said joint owners thereof without a sale and division of the proceeds, and that such sale is to the best interest of all parties interested in this proceeding.

2. The said property is hereby ordered sold for division and for the purpose of effecting such sale, the Register of the Circuit Court of Baldwin County, Alabama, in Equity, shall be, and she is hereby appointed commissioner to make the sale, and is hereby ordered and directed to sell the above described property, except the oil, gas and other minerals situated in, on or under the said property, at public outcry to the highest bidder for cash, at the front door of the Courthouse at Bay Minette, in Baldwin County, Alabama, at 1:00 o'clock P. M. on the 19th day of March, 1957, after first giving notice of the time, place and terms of the said sale and a description of the said property, by publication once a week for three successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama.

The said commissioner shall make report of the said sale to this court within thirty days after the sale is made.

3. The Register of this Court is hereby authorized, empowered, instructed and directed to have a complete Abstract of Title made covering all of the above described property, the costs of which Abstract shall be taxed as a part of the costs of this proceeding.

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

B. M. 226 PAID 040

5. Jurisdiction of this cause is reserved for the purpose of taking testimony relative to an attorney's fee to be paid to the Complainant's Attorney or Solicitor for his services rendered and to be rendered in this cause; for the purpose of taking testimony relative to the amount of taxes paid on said property by the Respondent, Dr. W. C. Holmes, and other testimony as may be meted and proper and for the purpose of making such other and further orders or decrees as may be necessary and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 26th day of February, 1957.

Hubert M. Hall
Judge.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and enrolled in my office.

WITNESS MY HAND AND SEAL AS THE 4 day of March 1957

Alice J. Duck
Register of Circuit Court, in Equity



STATE OF ALABAMA, BALDWIN COUNTY

Filed 3-7-57 3:10 P.M.

Recorded de ed book 248 page 548-50

W. R. Stuart
Judge of Probate

BOOK 248 PAGE 548

Handwritten notes:
Mrs. Duck
1/2

Handwritten initials:
W
M
A
M

Handwritten initials:
NS

JIMMY FAULKNER
AND
BILL STEWART
PUBLISHERS

THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

E. R. MORRISSETTE, JR.
EDITOR-MANAGER

Legal Notice

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 3738.

IRENE JOHNSTON, Complainant,
vs. MARY SIBLEY SWANSON,
ET AL., Respondents.

Pursuant to the terms and provisions of a decree rendered in this cause on February 26, 1957, the undersigned, as Commissioner,

will sell at public outcry, to the highest bidder for cash, at the front door of the Courthouse in Bay Minette, Baldwin County, Alabama, at 1:00 o'clock P. M. on the 19th day of March, 1957, the following described property, to-wit:

The Northwest Quarter of the Southeast Quarter of the Southeast Quarter; the Northeast Quarter of the Southwest Quarter of the Southeast Quarter; the Southeast Quarter of the Northwest Quarter of the Southeast Quarter; the Southwest Quarter of the Northeast Quarter of the Southeast Quarter of Section 4, Township 2 North, Range 3 East.

Except all oil, gas and other minerals situated in, on or under the above described property.

The said sale will be made for the purpose of making division among the joint owners of said property.

Dated this 27th day of February, 1957.

ALICE J. DUCK,
As Commissioner.
James R. Owen,
Solicitor for Complainant. 7-3tc

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.
BALDWIN COUNTY.

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

Est. Johnston vs. Swanson

COST STATEMENT

190 WORDS @ 5 cents \$ 9.50
I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette, Jr.
Editor.

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

Date of 1st publication Feb. 28, 1957 Vol 67 No 7
Date of 2nd publication Mar 7, 1957 Vol 67 No 8
Date of 3rd publication Mar 14, 1957 Vol 67 No 9
Date of 4th publication _____, 195____ Vol _____ No _____

Subscribed and sworn before the undersigned this 19 day of Mar, 1957

Deaetey Martin
Notary Public, Baldwin County.

E. R. Morrisette, Jr.
Editor.

CECIL G. CHASON

ATTORNEY-AT-LAW
FOLEY, ALABAMA

May 15, 1957

Mrs. Alice J. Duck, Register
Bay Minette, Alabama

Re: Johnson -vs- Swanson, et al
Equity No. 3738

Dear Mrs. Duck:

I am enclosing herewith check of L. J. Early Lumber Company in the amount of \$586.55, being the amount due for timber to be disbursed in accordance with the Decree of the Court heretofore made in this cause.

Yours very truly,


C. G. Chason

CGC:fm

encls. 1

cc: Mr. James R. Owen
Attorney at Law
Bay Minette, Alabama

IRENE JOHNSTON,

Complainant,

VS.

MARY SIBLEY SWANSON, HUBERT SWANSON,
NANNIE SWANSON, MRS. EDITH SWANSON
LEE, T. W. SWANSON, JR., WILLIAM S.
SWANSON, MRS. OUIDA SWANSON BERGLIN,
MRS. DENNIS DEES, JAMES W. SWANSON,
MRS. HELEN S. CAPELL, MRS. BESSIE
S. BRYANT, ISABELLA HALL, JAMES J.
COGHLAN, MAYNARD COGHLAN, ELIZABETH
COGHLAN, MALACHI COGHLAN, ORIGEN S.
COGHLAN, WILLIE HOWARD, MRS. MAIBEN
HOLMES AND DR. W. C. HOLMES,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

LIS PENDENS NOTICE

Notice is hereby given that Irene Johnston, the Complainant, in the above styled cause heretofore filed a Bill of Complaint in the Circuit Court of Baldwin County, Alabama, in Equity, against the above named Respondents by which she alleges that all of the above Respondents, except Dr. W. C. Holmes, were joint owners or tenants in common of the following described property situated in Baldwin County, Alabama, to-wit:

Northwest Quarter of Southeast Quarter of Southeast Quarter; Northeast Quarter of Southwest Quarter of Southeast Quarter; Southeast Quarter of Northwest Quarter of Southeast Quarter; Southwest Quarter of Northeast Quarter of Southeast Quarter, Section 4, Township 2 North, Range 3 East.

The said Bill of Complaint alleges that no suit is pending regarding the title to the said property and asks the Court to determine the interest of each of the said parties and that the said property be sold, except all oil, gas and other minerals, and that the proceeds be divided among the several owners in accordance with the shares and interest established by the pleading and evidence.

All persons are cautioned against purchasing the said property or any interest therein, except subject to the rights of the parties to this cause and orders of this Court.

Miss J. D. D. D.
Register.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 4-11-56 3:1 P.M.
Recorded La Pend book 4 page 269
W. R. Stuart
Judge of Probate 112

LIS PENDENS NOTICE

IRENE JOHNSTON,
8' Complainant,

VS.

MARY SIBLEY SWANSON, ET AL,

~~Habit~~
~~Nannie~~ 25
~~T.W. Jr.~~
~~W.D.S.~~
~~J.W.~~
~~Edith S. Neal~~ 5
~~Alice S. Berg~~ 19
~~(Mrs) Dennis Dees~~ 65
~~Helen S. Campbell~~ 41
~~Bessie S. Bryant~~ 31
~~Isabella Hall~~ 51
~~Isabel Coglan~~
~~Maynard~~ 49
~~Rosa~~
~~Malachi~~
~~Origen S.~~
~~William Howard~~ 27 ~~Mrs. Marshall Holmes~~ 65

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

R-1.00

Alice J. Duck
B.M.

CECIL G. CHASON

ATTORNEY AT LAW
FOLEY, ALABAMA

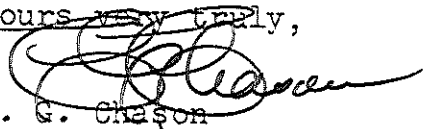
April 14, 1956

Mrs. Alice J. Duck, Register
Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Answer of Dr. W. C. Holmes in case of Irene Johnston vs. Mary Sibley Swanson, et al, a copy of which is being mailed to Jimmy Owan, Attorney for the Complainant.

Yours very truly,


C. G. Chason

CGC:dc

IRENE JOHNSTON, | IN THE CIRCUIT COURT OF
Complainant, | BALDWIN COUNTY, ALABAMA
vs. | IN EQUITY. NO. 3738.
MARY SIBLEY SWANSON, ET AL., |
Respondents. |

REPORT OF SALE

The undersigned Alice J. Duck, the Commissioner heretofore appointed to sell certain real estate for division and distribution among the joint owners thereof, which said real estate is particularly set forth and described in the decree of sale rendered in this cause and dated February 26, 1957, and also in the commission which was issued in this cause and addressed to the undersigned which commission is hereto annexed and referred to as a part of this report, respectfully represents to the court and your Honor that in pursuance of and in strict accordance with the directions of the said commission and the statutes in such cases made and provided she did, at one o'clock P. M. on the 19th day of March, 1957, sell at public outcry, in front of the courthouse of this County, the property described in the said commission, which sale was to the highest and best bidder of said property and was fairly conducted in all respects. The said property was sold to W. C. Holmes for .Forty-seven Hundred Dollars (\$4700.00) and the said property is situated in Baldwin County, Alabama, and is described as follows, to-wit:

The Northwest Quarter of the Southeast Quarter of the Southeast Quarter; the Northeast Quarter of the Southwest Quarter of the Southeast Quarter; the Southeast Quarter of the Northwest Quarter of the Southeast Quarter; the Southwest Quarter of the Northeast Quarter of the Southeast Quarter of Section 4, Township 2 North, Range 3 East, EXCEPTING THEREFROM, all oil, gas and other minerals.

The said property described above was sold for an amount not greatly less or disproportionate to its real value.

The said purchaser has complied with the terms of the said sale and has paid the purchase price of the said property so purchased.

The undersigned commissioner having fully complied with the directions of the said commission, submits the foregoing as her report of her actions in the premises.

The undersigned prays that she be allowed a reasonable amount for the services rendered by her in the premises; that she be ordered to divide the said funds according to law and that such other orders be made and decrees rendered as may be requisite and proper in the premises.


As Commissioner.

Sworn to and subscribed before
me on this the 19th day of
March, 1957.


Notary Public, Baldwin County, Ala.

IRENE JOHNSTON,

Complainant,

vs.

MARY SIBLEY SWANSON, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. 3738.

Pursuant to the terms and provisions of a decree rendered in this cause on February 26, 1957, the undersigned, as Commissioner, will sell at public outcry, to the highest bidder for cash, at the front door of the Courthouse in Bay Minette, Baldwin County, Alabama, at 1:00 o'clock P. M. on the 19th day of MARCH, 1957, the following described property, to-wit:

The Northwest Quarter of the Southeast Quarter of the Southeast Quarter; the Northeast Quarter of the Southwest Quarter of the Southeast Quarter; the Southeast Quarter of the Northwest Quarter of the Southeast Quarter; the Southwest Quarter of the Northeast Quarter of the Southeast Quarter of Section 4, Township 2 North, Range 3 East.

Except all oil, gas and other minerals situated in, on or under the above described property.

The said sale will be made for the purpose of making division among the joint owners of said property.

DATED this 27th day of February, 1957.


ALICE J. DUCK,
As Commissioner.

JAMES R. OWEN,
Solicitor for Complainant.

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

BOOK 022 PAGE 394

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Mary Sibley Swanson, Hubert Swanson, Nannie Swanson, Mrs. Edith Swanson Lee, T. W. Swanson, Jr., William S. Swanson, Mrs. Ouida Swanson Berglin, Mrs. Dennis Dees, James W. Swanson, Mrs. Helen S. Capell, Mrs. Bessie S. Bryant, Isabella Hall, James J. Coghlan, Maynard Coghlan, Elizabeth Coghlan, Malachi Coghlan, Origen S. Coghlan, Willie Howard, Mrs. Maiben Holmes and Dr. W. C. Holmes, to appear within thirty days from the service of this writ in the Circuit Court, to be held for said County at the place of holding the same, then and there to answer the complaint of Irene Johnston.

WITNESS my hand, this 6 day of March, 1956.



Register

IRENE JOHNSTON,

Complainant,

VS.

MARY SIBLEY SWANSON, HUBERT SWANSON,)
NANNIE SWANSON, MRS. EDITH SWANSON)
LEE, T. W. SWANSON, JR., WILLIAM S.)
SWANSON, MRS. OUIDA SWANSON BERGLIN,)
MRS. DENNIS DEES, JAMES W. SWANSON,)
MRS. HELEN S. CAPELL, MRS. BESSIE)
S. BRYANT, ISABELLA HALL, JAMES J.)
COGHLAN, MAYNARD COGHLAN, ELIZABETH)
COGHLAN, MALACHI COGHLAN, ORIGEN S.)
COGHLAN, WILLIE HOWARD, MRS. MAIBEN)
HOLMES AND DR. W. C. HOLMES,)

Respondents.

BOOK 022 PAGE 395

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, SITTING IN EQUITY:

Your Complainant, Irene Johnston, files this her Bill of Complaint against Mary Sibley Swanson, Hubert Swanson, Nannie Swanson, Mrs. Edith Swanson Lee, T. W. Swanson, Jr., William S. Swanson, Mrs. Ouida Swanson Berglin, Mrs. Dennis Dees, James W. Swanson, Mrs. Helen S. Capell, Mrs. Bessie S. Bryant, Isabella Hall, James J. Coghlan, Maynard Coghlan, Elizabeth Coghlan, Malachi Coghlan, Origen S. Coghlan, Willie Howard, Mrs. Maiben Holmes and Dr. W. C. Holmes, and respectfully shows unto the court and your honor as follows:

1. Your Complainant is over the age of twenty-one years and a bona fide resident citizen of Mobile County, Alabama. All of the Respondents are over the age of twenty-one years and their places of residence are as follows: Mary Sibley Swanson, 9 Houston Street, Mobile County, Mobile, Alabama; Hubert Swanson, Grove Hill, Alabama; Nannie Swanson, Monroeville, Monroe County, Alabama; Mrs. Edith Swanson Lee, Route, Whatley, Alabama; T. W. Swanson, Jr., C/o Camp Camden, Camden, Alabama; William S. Swanson, Finchburg, Alabama; Mrs. Ouida Swanson Berglin, Fairhope, Alabama; Mrs. Dennis Dees, Finchburg, Alabama; James W. Swanson, Jackson, Alabama; Mrs. Helen S. Capell, 119 Bigger Street, Monroeville, Alabama; Mrs. Bessie S. Bryant, 809 McMillan Avenue, Bay Minette, Alabama; Isabella Hall, Stockton, Alabama; James J. Coghlan, 656 South *Reginald*

Crest Road, Chattanooga, Tennessee; Maynard Coghlan, Latham, Alabama; Elizabeth Coghlan, Latham, Alabama; Malachi Coghlan, Latham, Alabama; Origen S. Coghlan, Latham, Alabama; Willie Howard, 6 Benedict Place, Mobile, Alabama; Mrs. Maiben Holmes, Foley, Alabama and Dr. W. C. Holmes, Foley, Alabama.

2. Complainant further shows unto the court and your honor that she and the Respondents, except Dr. W. C. Holmes, are the joint owners or tenants in common of all of the following described property situated in Baldwin County, Alabama, to-wit:

Northwest Quarter of Southeast Quarter of Southeast Quarter; Northeast Quarter of Southwest Quarter of Southeast Quarter; Southeast Quarter of Northwest Quarter of Southeast Quarter; Southwest Quarter of Northeast Quarter of Southeast Quarter, Section 4, Township 2 North, Range 3 East.

3. Complainant further shows unto the court that the interest of your Complainant and each of the Respondents in the above described property is as follows:

Mary Sibley Swanson, 1/33
 Hubert Swanson, 1/33
 Nannie Swanson, 1/33
 Mrs. Edith Swanson Lee, 1/33
 T. W. Swanson, Jr., 1/33
 William S. Swanson, 1/33
 Mrs. Ouida Swanson Berglin, 1/33
 Mrs. Dennis Dees, 1/33
 James W. Swanson, 1/33
 Mrs. Helen S. Capell, 1/33
 Mrs. Bessie S. Bryant, 1/33
 Isabella Hall, 1/24
 James J. Coghlan, 1/24
 Maynard Coghlan, 1/24
 Elizabeth Coghlan, 1/24
 Malachi Coghlan, 1/24
 Irene Johnston, 1/24
 Origen S. Coghlan, 1/24
 Willie Howard, 1/24
 Mrs. Maiben Holmes, 1/3

Complainant further avers that Dr. W. C. Holmes does not own any interest in any of the above described property, but alleges that he has paid taxes on all of the above described property for many years and that he is entitled to receive all money expended by him for the payment of these taxes.

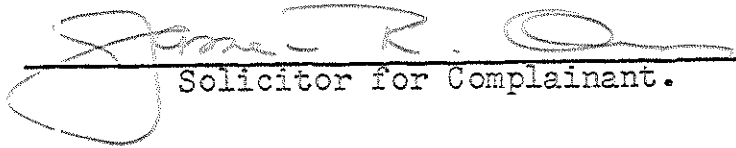
4. Complainant further shows that there is no suit pending regarding the title to or possession of said property, that

said land consists of unimproved open land and that it is impossible to equitably divide the surface of said property among the various owners and this Bill is filed for sale for petition among the said joint owners. Complainant further avers that the oil, gas and mineral interest situated on, in or under the above described property is capable of an equitable division thereof and therefore she does not desire that the said oil, gas and other minerals be included in the sale of the surface of the said property.

WHEREFORE, Complainant prays that the process of this court will issue to those parties who are residents of the State of Alabama and that service of notice be had on the remaining Respondents by notice by registered mail, and such other methods of service as may be prescribed by the rules of this court and the laws of the State of Alabama, requiring each of said parties to appear and plead, answer or demur to this Bill of Complaint within the time required by law, or in default thereof, a decree pro confesso be rendered against them.

Complainant further prays that on a hearing of this cause, this honorable court will determine the interest of each of said parties or persons not named parties who should be made parties if it appears that such interest exists, and that an order be entered showing that said property cannot be divided among the several owners, except the oil, gas and mineral interest therein, in accordance with their interest in equitable manner, and ordering that said property be sold, except all oil, gas and other minerals, by the Register of this court and directing that an abstract of title be prepared and supplied for the information of possible purchasers so that the full value of said property might be received at a sale, that following said sale, a confirmation be made by this court if proper and conveyances issued to the purchaser, and the proceeds of said sale be applied to the payment of a reasonable solicitor's fee for Complainant's solicitor, as a proper charge against the proceeds of said sale, derived from the work on behalf of all owners, that a reasonable charge be

allowed as a part of the costs of court, for the abstract of title for the benefit of the purchaser at such sale, and after the payment of proper costs of court and other charges, the proceeds be divided among the several owners in accordance with the shares and interest established by the pleading and evidence. Complainant further prays that such further, other or different relief be granted to the Complainant and the owners of said property, as may be just and proper, the premises considered.


Solicitor for Complainant.

IRENE JOHNSTON,
Complainant,
VS.
MARY SIBLEY SWANSON, ET AL,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3738

PETITION

Now comes Bessie Bryant, one of the Respondents in the above styled cause and shows unto the Court that before the commencement of this suit part of the timber, situated on the property described in the Bill of Complaint, was sold to L. J. Early and that he sold the tops of the said timber to M. D. Cox. The said Respondent further alleges that the said timber and tops were cut before the commencement of this suit and that M. D. Cox has paid to her the sum of One Hundred Six and 26/100 Dollars (\$106.26) by check for the said tops, which she herewith pays into Court for distribution as the Court finds mete and proper.

Bessie Bryant
Bessie Bryant

FILED

NOV 11 1917

IN WITNESS WHEREOF I have hereunto set my hand and the seal of said Court at Baldwin County, Alabama, this 11th day of November, 1917.

CLERK OF COURT
BALDWIN COUNTY, ALABAMA

3684

PETITION

IRENE JOHNSTON,
Complainant,
VS.
MARY SIBLEY SWANSON, ET AL,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3738

FILED
JAN 22 1957
ALICE I. BOCK, Registrar

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IRENE JOHNSTON,
 Complainant,
 VS.
 MARY SIBLEY SWANSON, et al
 Respondents.

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 IN EQUITY NO. 3738


Comes Dr. W. C. Holmes, one of the Respondents in the above styled cause and in bar of the proceeding shows unto this Honorable Court that on the 17th day of June 1937 he became the Purchaser of the property described in said Bill of Complaint at a Tax Sale as shown in Sales Book 13, Page 8, and that he is and has been in the open, notorious, peaceable and adverse possession of said property since the date of his purchase, and that therefore, the time of redemption having expired, this proceeding is barred by the Statute of Limitations. Respondent Dr. W. C. Holmes therefore prays that on a hearing of said cause, or on this his said Plea that the Complainant be barred from further proceeding in this suit.

As further answer to the Bill of Complaint heretofore filed, the Respondent Dr. W. C. Holmes shows unto this Honorable Court the following:

1. Respondent neither admits nor denies the allegations of Paragraph One of said Bill of Complaint, but demands strict proof thereof.
2. Respondent denies the allegations of Paragraph Two of the Bill of Complaint and shows unto the Honorable Court that he is the owner of the property therein described.
3. Respondent denies the allegations of Paragraph Three of the Bill of Complaint as to ownership or interest of any other person, as he is the sole owner of said property, but admits that he has paid taxes on the property described in the Bill of Complaint as is set out in Paragraph Three, but shows that he has paid the taxes as the owner thereof.
4. Respondent admits that there is no suit now pending regarding the title to or possession of said property as is set out in Paragraph Four of the Bill of Complaint, and shows to the Court

that since he is the owner of the real estate described in said Complaint, a question as to whether the land is subject to division should not arise.

5. The Respondent denies each and every allegation of the Bill of Complaint not herein specifically admitted and demands strict proof thereof.


Solicitor for
Respondent Dr. W. C. Holmes

| | | |
|------------------------------|--|-------------------------|
| IRENE JOHNSTON, | | IN THE CIRCUIT COURT OF |
| Complainant, | | BALDWIN COUNTY, ALABAMA |
| vs. | | IN EQUITY. NO. 3738. |
| MARY SIBLEY SWANSON, ET AL., | | |
| Respondents. | | |

AMENDMENT TO BILL OF COMPLAINT

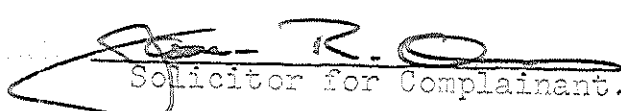
Now comes the Complainant and amends the Bill of Complaint heretofore filed in this cause by adding thereto the following:

5. Complainant further shows that the Respondent, Dr. W. C. Holmes, sold timber from the land herein described on at least two different occasions and received for the sale of the said timber approximately \$1300.00 and has not paid any of this sum of money to your Complainant or any of the other Respondents entitled to the proceeds of the said sales of timber.

6. Your Complainant offers to do equity.

Now again comes the Complainant and further amends the Bill of Complaint heretofore filed in this cause by adding to the Prayer for Relief in the said Bill of Complaint, the following:

Complainant further prays that upon a hearing of this cause, this Honorable Court will determine the amount received by the Respondent, Dr. W. C. Holmes from the sale or sales of timber from the said land herein described, and will order that the Respondent, Dr. W. C. Holmes, pay said amount or amounts into Court so that the proceeds thereof may be divided among the several owners in accordance with the share and interest established by the pleadings and evidence.


Solicitor for Complainant.

IRENE JOHNSTON,
Complainant,

vs.


MARY SIBLEY SWANSON, ET AL.,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 3738.

NOTICE:

Pursuant to the provisions of Act #375 enacted by the Legislature of Alabama and approved September 8, 1955, (General Acts of Alabama, 1955 Session, Volume 2, pages 901-7), Notice is hereby given that the Complainant desires to take the testimony of the Respondent, W. C. Holmes by deposition upon oral examination for the purpose of discovery or for use as evidence in the action or for both purposes.

Notice is further given that the said testimony will be taken in the Office of the Circuit Judge of Baldwin County, Alabama, in the Courthouse at Bay Minette, Alabama, at 2:00 o'clock P. M., on November 13, 1956.


Solicitor for Complainant.

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NOTICE:

IRENE JOHNSTON,
Complainant,
vs.
MARY SIBLEY SWANSON, ET AL.,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 3738.

FILED

OCT 26 1956

ALICE J. DUCK, Register


| | | |
|-----------------------------|---|-------------------------|
| IRENE JOHNSTON, | } | |
| | } | |
| Complainant, | } | IN THE CIRCUIT COURT OF |
| | } | BALDWIN COUNTY, ALABAMA |
| VS. | } | |
| | } | IN EQUITY NO. 3738 |
| MARY SIBLEY SWANSON, ET AL, | } | |
| | } | |
| Respondents. | } | |

DECREE PRO CONFESSO

In this cause it appears to the Register that a summons was issued out of this Court on the 6th day of March, 1956, directed to each of the Respondents herein, requiring them to appear and plead, answer or demur, within thirty days from the service thereof to the Bill of Complaint in this cause; and that a copy of the said summons was duly served upon the Respondent, Bessie Bryant, by the proper officer on the 6th day of March, 1956; that a copy of the said summons was duly served upon the Respondents, Maynard Coghlan, Elizabeth Coghlan, Malachi Coghlan and Origen Coghlan on March 7, 1956, by the proper officer; that a copy of the said summons was duly served upon the Respondent, Isabella Hall, by the proper officer on March 9, 1956; that a copy of the said summons was duly served upon the Respondent, Maiben Holmes, on March 10, 1956, by the proper officer; that a copy of the said summons was duly served upon the Respondent, Ouida Swanson Berglin, by the proper officer on March 13, 1956; that a copy of the said summons was duly served upon the Respondent, Edith Swanson Lee, on April 3, 1956, by the proper officer; that a copy of the said summons was duly served upon the Respondent, Hubert Swanson, by the proper officer on April 6, 1956; that a copy of the said summons was duly served upon the Respondent, James W. Swanson, by the proper officer on April 9, 1956; that a copy of the said summons was duly served upon the Respondents, William S. Swanson, Mrs. Dennis Dees, Nannie Swanson and Mrs. Helen S. Capell, by the proper officer on March 24, 1956; that a copy of the said summons was duly served upon the Respondent, Mary Sibley Swanson, by the proper officer on April 23, 1956; that a copy of the

served upon the Respondent, Mary Sibley Swanson, by the proper officer on April 23, 1956; that a copy of the said summons was duly served upon the Respondent, Willie Howard, by the proper officer on April 20, 1956; that a copy of the said summons was duly served upon the Respondent, T. W. Swanson, Jr., by the proper officer on April 17, 1956; and that a summons directed to the Respondent, James J. Coghlan, together with a copy of the Bill of Complaint in this cause was issued and forwarded by registered mail directed to the said James J. Coghlan at his place of residence, as shown by the Bill of Complaint and the postage on said letter was prepaid and the same mailed "For delivery only to the person to whom addressed", return receipt demanded, and said demanded return receipt bearing the signature, James J. Coghlan, was duly received and filed for record in this cause on the 10th day of March, 1956, and that the said Respondents and each of them have to the date hereof failed to plead, answer or demur to said Bill of Complaint:

It is now, therefore, on motion of Complainant, ordered and decreed, that the said Bill of Complaint in this cause, and it hereby is, in all things, taken as confessed against the said Respondents and each of them. Dated this 24th day of May, 1956.


Register.

DECREE PRO CONFESSO

IRENE JOHNSTON,

Complainant,

VS.

MARY SIBLEY SWANSON, ET AL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3738

FILED
MAY 19 1902

| | | |
|-----------------------------|---|-------------------------|
| IRENE JOHNSTON, |) | |
| Complainant, |) | IN THE CIRCUIT COURT OF |
| VS. |) | BALDWIN COUNTY, ALABAMA |
| MARY SIBLEY SWANSON, ET AL, |) | IN EQUITY NO. 3738 |
| Respondents. |) | |


MOTION FOR DECREE PRO CONFESSO

Now comes the Complainant, by her solicitor, and shows unto the Register that a summons was issued out of this Court on the 6th day of March, 1956, directed to each of the Respondents herein, requiring them to appear and plead, answer or demur, within thirty days from the service thereof to the Bill of Complaint in this cause; and that a copy of the said summons was duly served upon the Respondent, Bessie Bryant, by the proper officer on the 6th day of March, 1956; that a copy of the said summons was duly served upon the Respondents, Maynard Coghlan, Elizabeth Coghlan, Malachi Coghlan and Origen Coghlan on March 7, 1956, by the proper officer; that a copy of the said summons was duly served upon the Respondent, Isabella Hall, by the proper officer on March 9, 1956; that a copy of the said summons was duly served upon the Respondent, Maiben Holmes, on March 10, 1956, by the proper officer; that a copy of the said summons was duly served upon the Respondent, Ouida Swanson Berglin, by the proper officer on March 13, 1956; that a copy of the said summons was duly served upon the Respondent, Edith Swanson Lee, on April 3, 1956, by the proper officer; that a copy of the said summons was duly served upon the Respondent, Hubert Swanson, by the proper officer on April 6, 1956; that a copy of the said summons was duly served upon the Respondent, James W. Swanson, by the proper officer on April 9, 1956; that a copy of the said summons was duly served upon the Respondents, William S. Swanson, Mrs. Dennis Dees, Nannie Swanson and Mrs. Helen S. Capell, by the proper officer on March 24, 1956; that a copy of the said summons was duly

served upon the Respondent, Mary Sibley Swanson, by the proper officer on April 23, 1956; that a copy of the said summons was duly served upon the Respondent, Willie Howard, by the proper officer on April 20, 1956; that a copy of the said summons was duly served upon the Respondent, T. W. Swanson, Jr., by the proper officer on April 17, 1956; and that a summons directed to the Respondent, James J. Coghlan, together with a copy of the Bill of Complaint in this cause was issued and forwarded by registered mail directed to the said James J. Coghlan at his place of residence, as shown by the Bill of Complaint and the postage on said letter was prepaid and the same mailed "For delivery only to the person to whom addressed", return receipt demanded, and said demanded return receipt bearing the signature, James J. Coghlan, was duly received and filed for record in this cause on the 10th day of March, 1956, and that the said Respondents and each of them have to the date hereof failed to plead, answer or demur to said Bill of Complaint:

WHEREFORE, Complainant moves that a decree pro confesso be entered against the said Respondents.

Dated this the 24th day of May, 1956.


Solicitor for Complainant.

MOTION FOR DECREE PRO CONFESSO

IRENE JOHNSTON,
Complainant,

VS.

MARY SIBLEY SWANSON, ET AL,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3738

*Filed 5-24-54
Gentry
Register*

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The State of Alabama,

CIRCUIT COURT. (Equity)

Baldwin County

TERM, 19...

Ernest Johnson
 No. 3738 VS.
Mary Sibley Swanson

BILL OF COSTS

| REGISTER'S FEES | AMOUNT | REGISTER'S FEES - Continued | AMOUNT |
|---|--------|---|--------|
| 1. Filing Bills or other paper 37 .15 | 5 55 | 56. Recording Copy of Decree in Probate Court25 | 25 |
| 2. Copy of Bill or other paper, 100 words20 | | 57. State Certificate50 | |
| 3. Docketing Cause 1.00 | 1 00 | 58. Commission on Sales | |
| 4. Issuing Subpoena on Bills75 | 75 | | 1 60 |
| 5. Copies 19 .50 | 9 50 | Total Register's Fees | |
| 6. Entering Return15 | 2 85 | | |
| 7. Order of Publication to Non-Residents 1.25 | 1 25 | SHERIFF'S FEES: | |
| 8. Abstract for Publication, 100 words20 | | 1. Summoning on Bill, Each Defendant 12 \$1.50 | 18 00 |
| 9. Attachment Writ 1.00 | | 2. Executing Writ of Injunction, or No Exeat, Each 1.50 | |
| 10. Injunction Writ 1.50 | | 3. Executing Subpoenas for Witnesses, Each 6 .65 | 3 90 |
| 11. Copy50 | | 4. Executing Writs of Possession, Each 5.00 | |
| 12. Entering Return15 | 80 | 5. Executing Scire Facias or Notice, Each 1.50 | |
| 13. Entering Appearance50 | 1 25 | 6. Taking and Approving Bonds, Each 1.00 | |
| 14. Decree Pro Confesso 1.25 | | 7. Impaneling Jury75 | |
| 15. Appointing Guardian ad litem 1.25 | | 8. Collecting Execution for Costs Only, Each 1.50 | |
| 16. Issuing Commission to take testimony75 | 10 | 9. Sheriff's Commissions | |
| 17. Receiving and Filing each pkg. of Testimony10 | | 411 mi | 41 10 |
| 18. Endorsing each pkg. of Depositions published10 | | Total Sheriff's Fees | 63 00 |
| 19. Entering Order Submitting Cause for Decree50 | 50 | | |
| 20. Any Other Order25 | 50 | SUMMARY OF FEES, COSTS AND JUDGMENT | |
| 21. Noting All Testimony50 | 3 00 | Fees in Circuit Court: | |
| 22. Abstract Docket, each case 1.00 | | 1. Register's Fees 47 60 | |
| 23. Entering Decree, 500 words or less 3 1.00 | 3 00 | 2. Ex-Register's Fees | 63 00 |
| 24. Entering Decree, over 500 words for every 100 word over 50020 | 1 50 | 3. Sheriff's Fees | |
| 25. Taking Account, Swearing Witnesses, etc., per day 3.00 | | 4. Ex-Sheriff's Fees | |
| 26. Taking Testimony on Reference, 100 words20 | | 5. Witness Fees 2 50 | |
| 27. Report of 500 words or less 3.00 | 3 00 | 6. Commissioner's Fees <i>commissioner</i> } 20 00 | |
| 28. Report of over 500 words, for every 100 words over 50020 | | 7. Guardian Ad Litem 9 50 | |
| 29. But when the amount claimed is less than \$500, and the Register is not required to pass upon any disputed item of indebtedness, Payment or credit Reference and Rept. 2.00 | | 8. Publisher's Fees | |
| 30. Issuing Subpoena, each Witness 6 .25 | 1 50 | 9. Solicitor's Fees | |
| 31. Witness Certificate25 | | 10. Court Reporter's Fees, Per Day or Fraction Thereof 5.00 | 5 00 |
| 32. Issuing Execution75 | | 11. Trial Tax 450 4 50 | |
| 33. Entering Return15 | | 12. <i>abstract</i> 10 00 | |
| 34. Taking and Approving Bond 1.00 | | 13. <i>rec. decree (Probate)</i> 2 50 | |
| 35. Making Complete Record, 100 words20 | 10 00 | 14. | |
| 36. Hearing Application for Appointment of Receiver or Trustee 3.00 | | Fees and Costs in Inferior Court: | |
| 37. Settlement with Receiver or Trustee 4.00 | | 15. Clerk of Inferior Court, Fees | |
| 38. Examining Vouchers15 | | 16. Sheriff's Fees | |
| 39. Examining Answer 3.00 | | 17. Witness Fees 58 50 | |
| 40. Taking Question and Answer and Recording Same in proceedings to perpetuate testimony, per 100 words25 | | 18. <i>(Saldon term)</i> | |
| 41. For all other services relating to such proceedings 1.00 | | 19. | |
| 42. Taking Testimony to relieve Minors of the Disabilities of non-age 5.00 | | 20. Total Fees and Costs in Inferior Court | |
| 43. For making each Deed to property sold 3.00 | 3 00 | 21. Total Fees and Costs | |
| 44. Notices sent by mail to creditors15 | | 22. Judgment | |
| 45. Filing, receipting for and docketing each claim25 | | 23. | |
| 46. Entries on Subpoena Docket50 | | 24. | |
| 47. Entries on Commission Docket50 | | 25. Total Fees, Cost and Judgment | 313 10 |
| 48. Each Certificate or Affidavit with Seal75 | | | |
| 49. Each Certificate or Affidavit without Seal50 | | | |
| 50. Each Notice not otherwise provided for75 | | | |
| 51. Entering Orders by the Register50 | | | |
| 52. Recording Registration, Removal or Suggestion of Death of Trustee75 | | | |
| 53. Entering each Certificate of Supreme Court50 | | | |
| 54. Transcript at .15 per 100 words | | | |
| 55. Certified Copy of Decree 1.50 | | | |

I certify that the within is a true and correct Bill of Costs in the within styled cause.

ATTEST: _____
Register Circuit Court, Baldwin County, Ala.

Received payment this _____ day of _____, 19____

ATTEST: _____
Register Circuit Court, Baldwin County, Ala.

No. _____
Page _____

THE STATE OF ALABAMA
Baldwin County

Circuit Court

vs. _____
Plaintiff _____

Defendant _____

EQUITY COST BILL

_____ Term, 19____

Fee Book _____, Page _____

Plaintiff's Attorney,

Defendant's Attorney,

| | | |
|------------------------------|---|-------------------------|
| IRENE JOHNSTON, | ¶ | IN THE CIRCUIT COURT OF |
| Complainant, | ¶ | BALDWIN COUNTY, ALABAMA |
| vs. | ¶ | IN EQUITY. NO. 3738 |
| MARY SIBLEY SWANSON, ET AL., | ¶ | |
| Respondents. | ¶ | |

DECREE

This cause coming on to be heard on this day is submitted for a decree upon the original Bill of Complaint; Amendment to Bill of Complaint filed January 24, 1957; Answer of Dr. W. C. Holmes; Motion for decree pro confesso; Decree pro confesso; Petition of Bessie Bryant paying into this Court the sum of \$126.06 received from M. D. Cox; and the testimony of the witnesses taken in open court on January 24, 1957, and February 7, 1957; Stipulation of the parties by their attorneys, and the Exhibits introduced by the Complainant and Respondent, Dr. W. C. Holmes, upon consideration of all of which the court is of the opinion that the allegation of facts set out in said Bill of Complaint and the amendment thereto are true and that the Complainant is entitled to the relief prayed for therein, upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The Complainant, Irene Johnston, and the Respondents, Mary Sibley Swanson, Hubert Swanson, Nannie Swanson, Mrs. Edith Swanson Lee, T. W. Swanson, Jr., Williams S. Swanson, Mrs. Ouida Swanson Berglin, Mrs. Dennis Dees, James W. Swanson, Mrs. Helen S. Capell, Mrs. Bessie S. Bryant, Isabella Hall, James J. Coghlan, Maynard Coghlan, Elizabeth Coghlan, Malachi Coghlan, Origen S. Coghlan, Willie Howard, Mrs. Maiben Holmes, are joint tenants or tenants in common of the lands described in the Bill of Complaint which has been filed in this cause, which is the following described property situated in Baldwin County, Alabama, to-wit:

The Northwest Quarter of the Southeast Quarter of the Southeast Quarter; the Northeast Quarter of the Southwest Quarter of the Southeast Quarter; the Southeast Quarter of the Northwest Quarter of the Southeast Quarter; the Southwest Quarter of the

Northeast Quarter of the Southeast Quarter of
Section 4, Township 2 North, Range 3 East.

and that the said Complainant and Respondents named above each own an undivided interest in the said property in the shares and proportions as set forth in the original Bill of Complaint.

That the said property cannot be equitably divided, except the oil, gas and other minerals situated in, on or under the said property among the said joint owners thereof without a sale and division of the proceeds, and that such sale is to the best interest of all parties interested in this proceeding.

2. The said property is hereby ordered sold for division and for the purpose of effecting such sale, the Register of the Circuit Court of Baldwin County, Alabama, in Equity, shall be, and she is hereby appointed commissioner to make the sale, and is hereby ordered and directed to sell the above described property, except the oil, gas and other minerals situated in, on or under the said property, at public outcry to the highest bidder for cash, at the front door of the Courthouse at Bay Minette, in Baldwin County, Alabama, at 1:00 o'clock P. M. on the 19th day of March, 1957, after first giving notice of the time, place and terms of the said sale and a description of the said property, by publication once a week for three successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama.

The said commissioner shall make report of the said sale to this court within thirty days after the sale is made.

3. The Register of this Court is hereby authorized, empowered, instructed and directed to have a complete Abstract of Title made covering all of the above described property, the costs of which Abstract shall be taxed as a part of the costs of this proceeding.

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

5. Jurisdiction of this cause is reserved for the purpose of taking testimony relative to an attorney's fee to be paid to the Complainant's Attorney or Solicitor for his services rendered and to be rendered in this cause; for the purpose of taking testimony relative to the amount of taxes paid on said property by the Respondent, Dr. W. C. Holmes, and other testimony as may be mete and proper and for the purpose of making such other and further orders or decrees as may be necessary and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 26th day of February, 1957.

Robert M. Howe

Judge.

FILED

FEB 27 1957

ALICE A. BUCK, Register

IRENE JOHNSTON,
Complainant,

vs.

MARY SIBLEY SWANSON, ET AL.,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 3738.

TO ALICE J. DUCK, GREETING:

Whereas, in and by a decree rendered in this cause on this date, you were appointed as Commissioner to sell the following described real property situated in Baldwin County, Alabama, to-wit:

The Northwest Quarter of the Southeast Quarter of the Southeast Quarter; the Northeast Quarter of the Southwest Quarter of the Southeast Quarter; the Southeast Quarter of the Northwest Quarter of the Southeast Quarter; the Southwest Quarter of the Northeast Quarter of the Southeast Quarter of Section 4, Township 2 North, Range 3 East. EXCEPT all oil, gas and other minerals situated in, on or under the above described property.

NOW, THEREFORE, you are directed in pursuance of the said decree and the statutes in said cases made and provided to sell the above described property at public outcry to the highest bidder for cash at the front door of the Courthouse in Bay Minette, Alabama, on the 19th day of March, 1957, after first giving notice of the time, place and terms of said sale and description of the said property by publication once a week for three successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama.

You are further directed to make report to this court in writing and under oath of your proceedings in this behalf within thirty days after said sale and it shall be duly confirmed and subject to the further orders of this court.

ORDERED, ADJUDGED AND DECREED on this the 4th day of March, 1957.

Hubert M. Stace

IRENE JOHNSTON,
Complainant,
vs.
MARY SIBLEY SWANSON ET AL.,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 3738.

MOTION:

Now comes the Complainant in the above styled cause and moves the court to set a time and date to take the testimony relative to an attorney's fee to be paid to the Complainant's Solicitor for his services rendered in this cause and to take testimony relative to the amount of taxes paid on the said property by the Respondent, Dr. W. C. Holmes, and other testimony as may be mete and proper.


Solicitor for Complainant.

ORDER:

The above motion having been presented to me on this date it is hereby ORDERED, ADJUDGED AND DECREED that April 11th, 1957 at two o'clock P. M. be set as a date and time to take the said testimony referred to in the said motion.

ORDERED, ADJUDGED AND DECREED on this the 3 day of April, 1957.


Judge.