

4632

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JAMES DONALD to appear and plead, answer or demur within thirty days from the service hereof to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by GULIE CUMBIE as Complainant and against James Donald, as Respondent.

WITNESS my hand this the 27 day of June, 1959.

Allice J. Duke
Register

GULIE CUMBIE)	IN THE CIRCUIT COURT OF
COMPLAINANT)	BALDWIN COUNTY, ALABAMA,
VS)	IN EQUITY
JAMES DONALD)	
RESPONDENT)	

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

Comes now your Complainant in the above styled cause and respectfully shows unto Your Honor as follows:

1.

That your Complainant is over the age of twenty-one years and resides at Little River, Alabama, and is the owner of an undivided one-half interest in and to the land hereinafter described.

2.

That the Respondent, James Donald, is over the age of 21 years, resides at Little River, Alabama, and is the owner of an undivided one-half interest in the land hereinafter described.

3.

The property your Complainant is seeking to have divided is described as follows:

South half of Southwest quarter of Section 21; 22 acres, more or less, in West half of Southeast quarter of Section 1, described as follows: Beginning at the Southwest corner of Southeast quarter of Section 1, and run North 653 1/3 yards to a point, thence run East 165 yards, thence run South 653 1/3 yards, thence run West 165 yards to the point of beginning; Northeast quarter of Northwest quarter of Section 12, all in Township 3 North, Range 3 East, in Baldwin County, Alabama.

4.

The Complainant alleges that the said lands cannot be equitably divided or partitioned among the joint owners thereof with a sale because part of the land is in cultivation and part is in timber and there is a house on this land.

5.

The Complainant further shows unto Your Honor that it is necessary for the Complainant to employ a solicitor to institute this proceeding for partition and division by a sale of the aforesaid property; that he has employed the firm of Wilters & Brantley, Attorneys at Law, for this purpose and that their fee as such solicitors should be ascertained and taxed as a part of the costs of this proceedings.

THE PREMISES CONSIDERED: Your Complainant prays that the said James Donald be made party respondent to this bill of complaint, and that he be required to plead, answer or demur to the same within the time required by law and that such orders and decrees be made and such proceedings had to the end that the above described lands may be sold for division and partition between the said joint owners; that Your Honor order a reference to ascertain a reasonable solicitors fee, to be taxed as a part of the costs of this proceedings, to be paid to the Complainant's solicitors of record out of the proceeds of the sale of said property. That the Complainant may have such other, further or different relief as unto Your Honor may seem meet and properly.

Wilters & Brantley

BY: Albert M Brantley
Solicitors for the Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me the undersigned authority, in and for said county and State, personally appeared Gulie Cumbie, who is known to me, and who having been by me first duly sworn, deposes and says, that the facts stated in the foregoing Bill of Complaint are true.

Gulie Cumbie
Sworn to and subscribed before me this 27 day of July, 1959.
Albert M Brantley

FILED

June 27 - 1959

ALICE J. DUCK, CLERK REGISTER

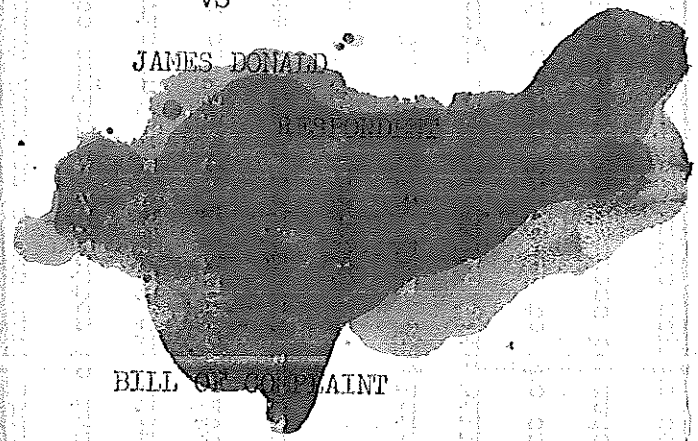
Little River ✓

4632

Received 27 day of June 1959
on 2 day of July 1959
served a copy of the within Bill of Complaint
James Donald

service on _____
TAYLOR WILKINS, Sheriff
By W. A. Felt D. S.
Little River

GUILIE CUMBLE
COMPLAINANT
VS
JAMES DONALD



BILL OF COMPLAINT

Sheriff's Office
Taylor Wilkins, Sheriff
BY [Signature]
DEPUTY SHERIFF

FILED
JUN 27 1959
ALICE J. DUCK, CLERK
REGISTER

[Faint, mostly illegible text from the reverse side of the document, including a signature and various lines of text.]

GULIE CUMBIE,	¶	IN THE CIRCUIT COURT OF
Complainant,	¶	BALDWIN COUNTY, ALABAMA
vs.	¶	
JAMES DONALD,	¶	IN EQUITY. NO. 4632.
Respondent.	¶	

ANSWER AND CROSS-BILL:

Now comes the Respondent in the above styled cause, and for answer to the Bill of Complaint heretofore filed in this cause says:

1. He admits the allegations contained in paragraph 1 relative to the age and residence of the Respondent but he denies the allegations that the Complainant is an owner of an undivided interest in and to the lands described in the Bill of Complaint and demand strict proof thereof.

2. He admits that he is over the age of twenty-one years and resides at Little River, Alabama, but denies that he is the owner of an undivided one-half interest in the lands described in the Bill of Complaint and shows unto the court that he is the owner in fee simple of all of the lands described in the said Bill of Complaint.

3. He admits the allegations of paragraph 3 of the Bill of Complaint.

4. He denies the allegations of paragraph 4 of the Bill of Complaint and demands strict proof thereof.

5. He denies the allegations of paragraph 5 of the Bill of Complaint and demands strict proof thereof.

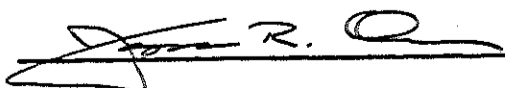
For further answer to the Bill of Complaint and by way of Cross-Bill, the Respondent and Cross-Complainant shows unto the Court and your Honor as follows:

A. The Respondent and Cross-Complainant is the owner of and is in peaceable possession of the lands described in the Bill of Complaint, to-wit:


The South half of the Southwest Quarter of Section 21; 22 acres, more or less, in West half of Southeast Quarter of Section 1, described as follows: Beginning at the Southwest corner of Southeast Quarter of Section 1 and run North 653 and 1/3 yards to a point; thence run East 165 yards; run thence South 653 and 1/3 yards; thence run West 165 yards to the point of beginning; Northeast Quarter of Northwest Quarter of Section 12, all in Township 3 North, Range 3 East, in Baldwin County, Alabama.

B. That the said Respondent and Cross-Complainant claims or is reputed to claim some right, title, claim or interest in, lien or encumbrance upon the above described property, or some part or parcel thereof, and the Complainant calls upon him to set forth and specify his right, title, claim or interest, lien or encumbrance upon the said lands or any part or parcel thereof, and to show how and by what instrument or instruments the same is derived and created.

WHEREFORE, the Respondent and Cross-Complainant prays that this Honorable Court take jurisdiction of this cause and give notice of the filing of this Answer and Cross-Bill to the Complainant and Cross-Respondent or to his Solicitors of Record, and require them to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court; Respondent and Cross-Complainant further prays that upon a final hearing of this cause that this Honorable Court will make and enter an order or decree adjudging and decreeing that the said Complainant and Cross-Respondent has no right, title, claim or interest in, lien or encumbrance upon the said lands, or any part thereof, and that the title to the said lands be quieted and established in Respondent and Cross-Complainant as against the said Complainant and Cross-Respondent, and that the said Complainant and Cross-Respondent be forever enjoined from asserting or attempting to assert or from claiming or attempting to claim any right, title, claim or interest in, lien or encumbrance upon the said lands or any part, or parcels thereof.


Solicitor for Respondent and Cross-Complainant.

Respondent and Cross-Complainant
demands a trial by jury of the
facts in issue of this cause.



Solicitor for Respondent and Cross-
Complainant.

FILED
JUL 24 1959
ALICE L. DUNK, CLERK
REGISTER

Com. cert 13

STATE OF ALABAMA, BALDWIN COUNTY
Filed 6-11-58 11A-M
Recorded _____ book _____ page _____
Mortgage Tax _____
Deed Tax 50
Mortgage Tax _____

BOOK 266 PAGE 144

STATE OF ALABAMA
BALDWIN COUNTY

W.D. Street
Judge of Probate
By 12

KNOW ALL MEN BY THESE PRESENTS, That I, THERESA DONALD, a married woman, whose husband has abandoned her for more than 20 years, Grantor, for and in consideration of the sum of ONE (\$1.00) DOLLAR and other good and valuable considerations to me in hand paid by GULIE CUMBER, Grantee, the receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Grantee, the following described real property in Baldwin County, Alabama, to-wit:

South half of Southwest quarter of Section 1; 22 acres, more or less, in West half of Southeast quarter of Section 1, described as follows: Beginning at the Southwest corner of Southeast quarter of Section 1, and run North 653 1/3 yards to a point, thence run East 165 yards, thence run South 653 1/3 yards, thence run West 165 yards to the point of beginning; Northeast quarter of Northwest quarter of Section 12, all in Township 3 North, Range 3 East, in Baldwin County, Alabama.

TOGETHER WITH ALL AND SINGULAR the rights, members, privileges, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

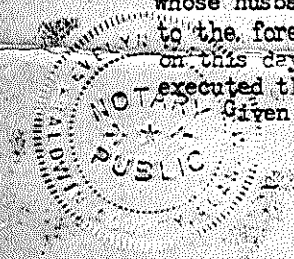
TO HAVE AND TO HOLD unto the said Grantee, his heirs and assigns forever. And I do covenant with the said Grantee that I am lawfully seized in fee simple of the said premises; that I am in the quiet and peaceable possession of the same; that I have a good right to sell and convey the same as aforesaid; that said premises are free from all liens and encumbrances; and that I will and my heirs, executors, administrators and assigns shall forever warrant and defend the title to and the possession of the same unto the said Grantee, his heirs and assigns against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 11th day of June, 1958.

Theresa Donald (SEAL)

STATE OF ALABAMA
BALDWIN COUNTY

I, Evelyn Watts, a Notary Public, in and for said County, in said State, hereby certify that Theresa Donald, a married woman whose husband has abandoned her for more than 20 years, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date. Given under my hand and seal on this the 11th day of June, 1958.



Evelyn Watts
Notary Public, Baldwin County, Alabama.

The State of Alabama,
Baldwin County.

PROBATE COURT

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

that the within and foregoing One photostatic pages

contain a full, true and complete copy of the Deed from Theresa Donald to

Gulie Cambie

as the same appears of record in my office.

Given under my hand and seal of office, this 20th day of July, 1961.

W R Stuart
Judge of Probate
By: Harry M. [Signature] Chief Clerk

GULIE CUMBIE,	I	
Complainant,	I	IN THE CIRCUIT COURT OF
Vs.	I	BALDWIN COUNTY, ALABAMA
JAMES DONALD, Revived against	I	IN EQUITY
MOSE DONALD and MAE BELLE		
WHEELER, as Executors of the	I	CASE NO. 4632
Estate of James Donald and		
Jim Donald, Jr., et al,	I	
Respondents.	I	

REPORT OF REGISTER'S SALE

Where as on the _____ day of September, 1961, Your Honor entered a Decree in the above styled cause directing the Register to sell the parcel of land described in said Decree.

The undersigned, as Register of this Court, did give notice by advertisement in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, for three consecutive weeks prior to the sale. That on the 11th day of September, 1961, during the legal hours of sale, she, as such Register, did offer for sale, at public outcry, in front of the courthouse, the parcel of land described in said order directing the same, and at such place and time she did offer the said parcel of land for sale; in said manner and did offer and receive bids for said parcel of land. At such sale Gulie Cumbie, being the highest, best and last bidder therefor did purchase said parcel at the sum of Five Thousand Two Hundred Fifty and 00/100-----DOLLARS (\$5,250.00) said parcel described as follows:

The South half of the Southwest Quarter of Section 1;
The Northeast Quarter of Northwest Quarter of Section 12, in Township 3 North, Range 3 East.

Beginning at the Southwest corner of the Southeast Quarter of Section 1, Township 3 North, Range 3 East, run thence East 165 yards to a point; run thence North 653 1/2 yards to a point; run West 165 yards to a point; run thence South 653 1/2 yards to the point or place of beginning.

TWENTY-EIGHTH JUDICIAL CIRCUIT OF ALABAMA

HUBERT M. HALL, JUDGE

BAY MINETTE, ALABAMA

TELEPHONE 3281

KENNETH COOPER
CIRCUIT SOLICITOR

LOUISE DUSENBURY
REPORTER

July 8, 1959

LOURILLA AUTRY, a Non Compos Mentis,
By: JAMES DONALD, AS HER NEXT FRIEND,

Complainant,

VS.

THEREASA DONALD AND GULIE CUMBIE,

Respondents

IN ACCOUNT WITH:

LOUISE DUSENBURY, Court Reporter,
Bay Minette, Alabama.

To original and four copies of transcript in the
above styled case, on transcript paper for Supreme

Court-----\$135.00

for file
H2³ & Equity

Antony

And the said bidder having paid into this Court the amount of said bid and your Register of this Court holds the same subject to the approval by this Court of such sale and subject to further orders of and directions of this Court.

This ____ day of September, 1961.

Register in Equity

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That, in a proceeding in the Circuit Court of said County, in said State, wherein Gulie Cumbie is the Complainant, and James Donald, Revived against Mose Donald and Mae Belle Wheeler, as Executors of the Estate of James Donald and Jim Donald, Jr., et al, were Respondents, being a proceeding for the sale of certain lands for division among the joint owners thereof, said Court did, on the ____ day of September, 1961, render a decree of sale of said lands, for the purpose stated, said sale to be made to the highest bidder, for cash, in front of the courthouse of said county, after notice as required by law, and did appoint the undersigned, Alice J. Duck, Commissioner, to sell the same; and I, as such Commissioner, pursuant to said order of sale, having first given notice of the time, place and terms of the sale, together with a description of the property to be sold, and the authority for and purpose of said sale, for three weeks preceding said sale, by publication thereof, in the Baldwin Times, a newspaper published in said County and State, once a week for three successive weeks, did, within the legal hours of sale, on the 11th day of September, 1961, sell said lands to the highest bidder for cash, in front of the courthouse of said County, and at said sale Gulie Cumbie became the purchaser thereof, at and for the sum of FIVE THOUSAND TWO HUNDRED FIFTY AND 00/100 DOLLARS, he being the highest, best and last bidder for said land, who did pay to me, as Commissioner aforesaid, the sum of FIVE THOUSAND TWO HUNDRED FIFTY AND 00/100 DOLLARS cash, being the full amount of the purchase money; and I did report on the ____ day of September, 1961, under oath, in writing, the said sale to the said Circuit Court, and said Court did on the ____ day of September, 1961, duly confirm and ratify said sale and order a deed to be executed by the undersigned,

as commissioner, to said Gulie Cumbie.

NOW, THEREFORE, in consideration of the premises, and of the payment to me by the said Gulie Cumbie of the said sum of FIVE THOUSAND TWO HUNDRED FIFTY AND 00/100 DOLLARS, and by virtue of the authority vested in me by the proceedings hereinbefore recited, I, ALICE J. DUCK, as Commissioner aforesaid; have this day GRANTED, BARGAINED AND SOLD, and by these presents do Grant, Bargain, Sell and Convey unto the said Gulie Cumbie, his heirs and assigns, forever, as fully and completely as I am authorized by law to convey the same, all the interest of whatsoever kind the said Gulie Cumbie, Mose Donald and Mae Belle Wheeler, as Executors of the Estate of James Donald, deceased, and James Donald, Jr., Willie Donald, Mose Donald, Alice D. Bogan, Zetella Munnerlye, Lurilla Vaughn, Annie Belle Barnes, Melvin Donald and Mae Belle Wheeler, had in and to the following described property, to-wit:

The South half of the Southwest Quarter of Section 1;
The Northeast Quarter of Northwest Quarter of Section 12, in Township 3 North, Range 3 East.

Beginning at the Southwest corner of the Southeast Quarter of Section 1, Township 3 North, Range 3 East, Run thence East 165 yards to a point; run thence North 653 1/2 yards to a point; run West 165 yards to a point; run thence South 653 1/2 yards to the point or place of beginning.

TOGETHER WITH ALL AND SINGULAR tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same unto the said Gulie Cumbie, and unto his heirs and assigns, forever, as fully and completely as I am authorized to convey the same.

IN WITNESS WHEREOF, I, Alice J. Duck, as Commissioner
aforesaid, do hereunto set my hand and seal this the _____
day of September, 1961.

(SEAL)

STATE OF ALABAMA
BALDWIN COUNTY

I, _____, a Notary Public, in
and for said County, in said State, hereby certify that Alice
J. Duck, whose name as Commissioner, is signed to the foregoing
conveyance, and who is known to me, acknowledged before me on
this day that, being informed of the contents of the conveyance,
she, in her capacity as such commissioner, executed the same
voluntarily on the day the same bears date.

Given under my hand and seal this the _____ day of September,
1961.

Notary Public, Baldwin County, Alabama

GULIE CURSIE,	I	
Complainant	I	IN THE CIRCUIT COURT OF
Vs.	I	BALDWIN COUNTY, ALABAMA
JAMES DONALD, Revived against	I	IN EQUITY
MOSE DONALD and MAE KELLE		
WHEELER, as Executors of the	I	CASE NO. 4632
Estate of James Donald and		
Jim Donald, Jr., et al,	I	
Respondents.	I	

DECREE FOR SALE

This cause coming on to be heard and the parties being present in person or by their attorneys, this day it submitted for Final Decree upon the pleadings and proof as noted by the Register.

Upon consideration of this matter, the Court is of the opinion that the Complainant is entitled to the relief prayed for in his Bill. It is, therefore, ORDERED, ADJUDGED and DECREED by the Court as follows:

That Gulie Curbie is the fee simple owner of an undivided 1/2 interest in and to the following described property:

The South half of the Southwest Quarter of Section 1;
The Northeast Quarter of Northwest Quarter of Section 12, in Township 3 North, Range 3 East.

Beginning at the Southwest corner of the Southeast Quarter of Section 1, Township 3 North, Range 3 East, run thence East 165 yards to a point; run thence North 653 1/2 yards to a point; run West 165 yards to a point; run thence South 653 1/2 yards to the point or place of beginning.

That James Donald, Jr. is the fee simple owner of an undivided 1/18 interest; that Willie Donald is the fee simple owner of an undivided 1/18 interest; Mose Donald is the fee simple owner of an undivided 1/18 interest; Alice D. Bogan is the fee simple owner of an undivided 1/18 interest; Zetella Manneriye is the fee simple owner of an undivided 1/18 interest; Lurilla Vaughn is the fee simple owner of an undivided 1/18 interest; Annie Belle Barnes is the fee simple owner of an undivided 1/18 interest; and Malvin Donald is the fee simple owner of an undivided 1/18 interest.

That the above described property is partly in cultivation and partly in timber; part is hill land and part is swamp land and the same cannot be equitably divided among the owners thereof without a sale of the same for division.

That Alice J. Duck, as Commissioner, be, and she is, hereby authorized and directed to sell on the 11 day of ~~Aug~~ ^{September} 1961, at public outcry, for cash, in front of the courthouse of Baldwin County, Alabama, at Bay Minette, Alabama, during the legal hours of sale, the property herein above described, after first giving notice by publication in the Baldwin Times, a newspaper of general circulation, published in Baldwin County, Alabama, once a week for three consecutive weeks, of the time, place, terms of sale and a description of the property.

Handwritten notes:
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Hubert M. Hall, Circuit Judge
28th Judicial Circuit Court of
Baldwin County, Alabama

GULIE CUMBIE,
Complainant,
vs.
JAMES DONALD,
Respondent.

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

DEMURRER:

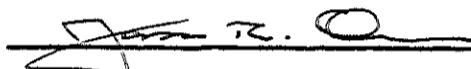
Now comes the Respondent in the above styled cause and demurs to the Complaint heretofore filed in this cause and as grounds for said demurrer, assigns the following; separately and severally:

1. There is no equity in the Bill of Complaint.

FILED

JUL 15 1959

ALICE J. DUCK, Register



Solicitor for Respondent.

4632

DEMURRER

GULIE CUMBIE,

Complainant,

vs.

JAMES DONALD,

Respondent.

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

FILED

JUL 15 1959

ALICE J. DUCK, Register

GULIE CUMBIE,	⌘	
Complainant,	⌘	IN THE CIRCUIT COURT OF
Vs.	⌘	BALDWIN COUNTY, ALABAMA
JAMES DONALD, Revived against	⌘	IN EQUITY
MOSE DONALD and MAE BELLE		
WHEELER, as Executors of the	⌘	CASE NO. 4632
Estate of James Donald and		
Jim Donald, Jr., et al,	⌘	
Respondents.	⌘	

REPORT OF REGISTER'S SALE

Where as on the 10 day of ~~September~~ ^{August}, 1961, Your Honor entered a Decree in the above styled cause directing the Register to sell the parcel of land described in said Decree.


The undersigned, as Register of this Court, did give notice by advertisement in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, for three consecutive weeks prior to the sale. That on the 11th day of September, 1961, during the legal hours of sale, she, as such Register, did offer for sale, at public outcry, in front of the courthouse, the parcel of land described in said order directing the same, and at such place and time she did offer the said parcel of land for sale; in said manner and did offer and receive bids for said parcel of land. At such sale Gulie Cumbie, being the highest, best and last bidder therefor did purchase said parcel at the sum of Five Thousand Two Hundred Fifty and 00/100-----DOLLARS (\$5,250.00) said parcel described as follows:

The South half of the Southwest Quarter of Section 1;
The Northeast Quarter of Northwest Quarter of Section 12, in Township 3 North, Range 3 East.

Beginning at the Southwest corner of the Southeast Quarter of Section 1, Township 3 North, Range 3 East, run thence East 165 yards to a point; run thence North 653 1/2 yards to a point; run West 165 yards to a point; run thence South 653 1/2 yards to the point or place of beginning.

And the said bidder having paid into this Court the amount of said bid and your Register of this Court holds the same subject to the approval by this Court of such sale and subject to further orders of and directions of this Court.

This 11 day of September, 1961.



Register in Equity

GULIE GUMBIE,	Y	
Complainant	Y	IN THE CIRCUIT COURT OF
Vs.	Y	BALDWIN COUNTY, ALABAMA
JAMES DONALD, Revived against	Y	IN EQUITY
MOSE DONALD and MAE BELLE		
WHEELER, as Executors of the	Y	CASE NO. 4632
Estate of James Donald and		
Jim Donald, Jr., et al,	Y	
Respondents.	Y	

NOTICE OF SALE

Pursuant to a Decree rendered by the Circuit Court of Baldwin County, Alabama, I, Alice J. Duck, as Commissioner, will sell, at public outcry, for cash, to the highest bidder, in front of the Courthouse door, at Bay Minette, Baldwin County, Alabama, between the hours of legal sale, on the 11 day of September, 1961, the following described property, to-wit:

The South half of the Southwest Quarter of Section 1;
 The Northeast Quarter of Northwest Quarter of Section 12, in Township 3 North, Range 3 East.

Beginning at the Southwest corner of the Southeast Quarter of Section 1, Township 3 North, Range 3 East, run thence East 165 yards to a point; run thence North 653 1/2 yards to a point; run West 165 yards to a point; run thence South 653 1/2 yards to the point or place of beginning.

Said sale is made pursuant to a Petition for Sale and Partition filed by one of the tenants in common of the above described land.

Alice J. Duck
 Alice J. Duck

GULIE CUMBIE, ¶ IN THE CIRCUIT COURT OF
 Complainant, ¶ BALDWIN COUNTY, ALABAMA
 Vs. ¶ IN EQUITY
JAMES DONALD, ¶ CASE NO. 4632
 Respondent. ¶

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

Comes now your Complainant in the above styled cause and shows unto the Court that James Donald, the Respondent in the above styled cause, died in the month of August, 1960; the exact date being unknown to your Complainant. That his Will has been duly probated in the Probate Court, Baldwin County, Alabama. That Mose Donald and Mae Belle Wheeler have been duly appointed as executors of the said James Donald's Last Will and Testament, and that the terms of this said Will devise his interest in the real property described in this Bill of Complaint to his following named children: Jim Donald, Jr., Willie Donald, Mose Donald, Alice D. Bogan, Zetella Munnerlye, Mae Belle Wheeler, Lurilla Vaughn, Annie Belle Barnes and Melvin Donald, jointly as tenants in common. That each are over the age of 21 years, and their places of residence are as follows: Lurilla Vaughn - 1434 Oregon Street, Flint, Michigan, Jim Donald, Jr. - 316 60th Street Fairfield - Birmingham, Alabama, Willie Donald - 1000 1/2 Basil Street - Mobile, Alabama, Alice D. Bogan - 365 Gadston Street, Mobile, Alabama, Zetella Munnerlye - 1762 1/2 St. Stephens Street - Apartment F - Mobile, Alabama, Mae Belle Wheeler - 252 North Bayou Street - Mobile, Annie Belle Barnes - 252 North Bayou Street - Mobile, Alabama, Melvin Donald - Prichard, Alabama, Mose Donald - Mobile, Alabama - whose exact address is unknown to your Complainant.

BK

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Your Complainant avers and alleges that the above mentioned nine persons each own an undivided 1/18 interest in the land described in the Bill of Complaint, subject, however, to any claim which may be proven against the Estate of James Donald, deceased.

The premises considered, the Complainant now moves the Court that this suit be revived against Mose Donald and Mae Belle Wheeler, as executors aforesaid, and Jim Donald, Jr., Willie Donald, Mose Donald, Alice D. Bogan, Zetella Munnerlye, Mae Belle Wheeler, Lurilla Vaughn, Annie Belle Barnes and Melvin Donald; that the said Mose Donald and Mae Belle Wheeler, as exectors of the Estate of the said James Donald, be substituted in the place of the said James Donald, deceased; and that the Bill in this cause be amended so as to make the said Mose Donald and Mae Belle Wheeler, executors aforesaid, and the said nine (9) persons, parties Respondents hereto.

Complainant further moves that the said Mose Donald and Mae Belle Wheeler, executors, and the said Jim Donald, Jr., Willie Donald, Mose Donald, Alice D. Bogan, Zetella Munnerlye, Mae Belle Wheeler, Lurilla Vaughn, Annie Belle Barnes and Melvin Donald be served by the sheriff with a copy of the order of substitution, together with a summons, and that they be required to plead, answer or demur to the said Bill of Complaint as amended within the time prescribed by law, and that the relief therein prayed for may be granted against the said Mose Donald and Mae Belle Wheeler, as executors, and against Jim Donald, Jr., Willie Donald, Mose Donald, Alice D. Bogan, Zetella Munnerlye, Mae Belle Wheeler, Lurilla Vaughn, Annie Belle Barnes and Melvin Donald.

WILTERS & BRANTLEY

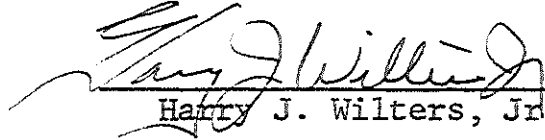
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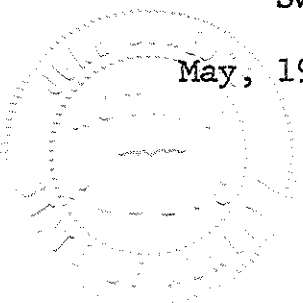
STATE OF ALABAMA

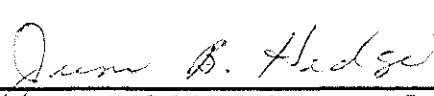
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Harry J. Wilters, Jr., who after being by me first duly sworn, deposes and says, that he has read the foregoing Motion, and that the facts contained therein are true and correct.


Harry J. Wilters, Jr.

Sworn to and subscribed before me on this the 22nd day of May, 1961.




Notary Public, State of Alabama
At Large

STATE OF ALABAMA

BALDWIN COUNTY

I, ~~James R. Owen, the Attorney of Record for Mose Donald and Mae Belle Wheeler, as Executors of the Estate of James Donald, deceased, and for Jim Donald, Jr., Willie Donald, Mose Donald, Alice D. Bogan, Zetella Munnerlye, Mae Belle Wheeler, Lurilla Vaughn, Annie Belle Barnes and Melvin Donald,~~ hereby accept service of the foregoing Motion to Revive.

Witness my hand and seal on this the 22nd day of May, 1961.

 (SEAL)
James R. Owen

FILED
MAY 22 1961
ALICE J. DUCK, CLERK REGISTER

STATE OF ALABAMA
COUNTY OF MOBILE

LAST WILL AND TESTAMENT
OF

JIM DONALD

KNOW ALL MEN BY THESE PRESENTS, that I, JIM DONALD, being of sound mind and disposing memory, but conscious of the uncertainties of life and of the certainty of death, do hereby MAKE, PUBLISH and DECLARE this to be My Last Will and Testament, and by these presents, do expressly REVOKE, CANCEL and MAKE VOID any and all wills, codicils and other instruments of a testamentary nature heretofore made by me.

FIRST

I nominate and appoint my son, MOSE DONALD, and my daughter, MAE BELLE WHEELER, as joint executor and executrix of my estate and do expressly relieve them from giving any bond, surety or security in said capacity and from filing any inventory of my estate in any Court.

SECOND

I request my said executor and executrix to pay all my just debts and funeral expenses, as well as the expenses of the administration upon my estate as soon as expedient after the probate of my will.

THIRD

I GIVE, DEVISE and BEQUEATH to my daughter, THERESA DONALD HOWARD the sum of ONE AND NO/100 (\$1.00) DOLLAR, and no more.

FOURTH

I GIVE, DEVISE and BEQUEATH to the following nine (9) of my children, namely: JIM DONALD, JR., WILLIE DONALD, MOSE DONALD, ALICE DONALD, ZETELLA MUNNERLYE, MAE BELLE WHEELER, LURILLA VAUGEN, ANNIE BELLE BARNES, and MELVIN DONALD, share and share alike, as tenants in common with equal interest all of my right, title and interest in the properties inherited from my Father, James Donald and from my sister, Ida Hayden, which said property is described as follows:

The Southwest Quarter of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter of Section 1, and the Northeast Quarter of the Northwest Quarter of Section 12, all in Township 3 North, Range 3 East, of St. Stephens Meridian, located in Baldwin County, Alabama; and Commencing at the Southwest corner of the Southeast Quarter of Section 1, Township 3 North, Range 3 East, run thence East 165 yards, run thence North 653 1/3 yards, run thence West 165 yards, run thence South 653 1/3 yards to the place of beginning, containing 22 acres; and also

all the rest, residue and remainder of my estate, both real personal and

James Donald
Wanda Spivey
Virginia Donah
BALDWIN COUNTY
Dec 27 1960
Book
100
Page
100
Judge of Probate

mixed, of whatever nature and wherever situate, and if any of the herein-
above named childred should predeceased me, I GIVE, DEVISE and BEQUEATH
his or her share to his or her lenial decendants, per stirpes, and if any
of such of my said children should die without lenial decendants, I then
GIVE, DEVISE AND BEQUEATH his or her share to the remainder of my chil-
dren, other than THERESA DONALD HOWARD and to the lenial decendants of
any of them who may be then deceased.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this
the 6th day of December, 1957.

Jim Donald (SEAL)
JIM DONALD

The above and foregoing instrument was on the 6th day of December,
1957, signed by Jim Donald, the above named testator, in our presence and
declared by him to us to be his last will and testament and the execution
thereof to be his free act and deed, and we thereupon, at his request and
in his presence and in the presence of each other, have signed our names
hereto as witnesses to the said will; and we do hereby declare that we
believe the said Jim Donald, at the time of signing, executing and acknow-
ledging and witnessing of the said will, to be of sound mind and memory,
and that the same was his free and voluntary act and deed.

DATED THIS 6th DAY OF DECEMBER, 1957.

Jose H. [Signature] residing at Spring Hill, Mobile, Ala
Virginia Joseph residing at 6th Mile, Ala
Nancy Sellers residing at Mobile, Alabama

STATE OF ALABAMA

The State of Alabama,
Baldwin County.

PROBATE COURT

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

that the within and foregoing Three photostatic pages

contain a full, true and complete copy of the Last Will and Testament, with certificate
of proof thereon, of Jim Donald, Deceased,

as the same appears of record in my office.

Given under my hand and seal of office, this 19th day of July, 1961.

W R Stuart
Judge of Probate
By: Harry M. Blake Chief Clerk

500
GULIE CUMBIE,

COMPLAINANT,

VS.

JAMES DONALD,

RESPONDENT.

)
)
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)
)
)
)

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA. IN EQUITY.

GULIE CUMBIE, THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED
AS FOLLOWS:

Examination by Mr. Brantley

Q. Is this Gulie Cumbie?

A. Right.

Q. Did you, Gulie, file a suit in June of 1959 against
James Donald for partition and division of some land?

A. Yes sir.

Q. Since that time has James Donald died?

A. Yes sir.

Q. Did he leave a will?

A. They says he did; I don't know.

Q. At the time that this original suit was filed, did you
know the description of this land that you owned jointly --

--Let me ask you this: Where did you get the land from?

A. From Theresa Donald.

Q. Also from Lourilla Autrey?

A. Yes sir.

Q. Is this the deed you got from Lourilla Autrey?

A. That is right.

MR. BRANTLEY: We offer this deed in evidence as Complainant's

Exhibit 1.

Q. Now Lourilla Autrey gave Theresa Donald a deed to this same land?

A. Yes sir.

Q. Is this the deed that was given to her?

A. Yes sir.

MR. BRANTLEY: We offer this deed in evidence as Complainant's Exhibit 2.

Q. You say Theresa Donald gave you a deed to this particular piece of land after the deed was given to her by Lourilla Autrey?

A. Yes sir.

MR. BRANTLEY: We introduce this deed in evidence as Complainant's Exhibit 3.

Q. Can you describe this land generally? -- Let me ask you this: is a part of this land in timber and a part in cultivation?

A. Yes sir.

Q. Part is hilly and part in swamp?

A. Branches and hills.

Q. Could the land be equally divided between you and the heirs of Jim Donald?

A. No sir.

Q. Are there any two 5 acre tracts alike?

A. No sir - not enough of it alike - there is just little spots and there is not much of it alike.

Q. All right, in bringing this suit, was it necessary that you hire a Lawyer to bring this law suit?

A. Which one is that?

Q. The one to divide this land?

A. Well, I reckon so; I got one and I reckon it was necessary

Q. Who did you hire to do that?

A. Brantley.

Q. Of the firm of Wilters & Brantley?

A. Yes sir.

NO CROSS EXAMINATION BY MR. OWEN.

THERESA DONALD, A WITNESS FOR THE COMPLAINANT, BEING FIRST
DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Brantley.

Q. Your name is Theresa Donald?

A. Yes sir.

Q. Are you the daughter of James Donald?

A. Yes sir.

Q. When - Is he dead?

A. Yes sir.

Q. When did he die?

A. I don't remember the exact date.

Q. When he died did he leave a will?

A. Not as I knows of. I don't know nothing about it.

Q. When he died who was he survived by? Who were his children?

A. How many?

Q. Who were they and what was their names?

A. Theresa Donald, James Donald, Jr., Willie E. Donald,
Epps Donald --

Q. --Was Epps one of his children?

A. Yes sir, he was the one that got killed.

Q. Is he living or dead?

A. My brother Epps is dead.

Q. Did Epps leave any children when he died?

A. Yes sir, four. Four head.

Q. What are their names?

A. James Roosevelt Donald, Mary Elizabeth Donald, James

Sylvester Donald and Doris Marie Donald; that is Epps Donald's children.

Q. Is Mose Donald one of the children of James Donald?

A. Yes sir.

Q. Is Alice D. Bogan one of the children?

A. Yes sir.

Q. Zetella Munnerlye?

A. Yes sir

Q. Mae Belle Wheeler?

A. Yes sir;

Q. Lurilla Vaughn?

A. Yes sir.

Q. Annie Belle Barnes?

A. Yes sir.

Q. And Melvin Donald?

A. Yes sir.

Q. Now are each of these people over the age of 21 years?

A. Yes sir.

Q. They are?

A. Each of the children are; My brother Epps' children - some of them is under 21.

Q. You say you don't know anything about James Donald leaving a Will?

A. No sir.

Q. Do you know this piece of property that this law suit is over?

A. Yes sir, I was born and raised on it.

Q. Can you describe the land to the Court, please?

A. Well a portion of it is a field and part of it is in farm land and it has growed up;there is a little branch there and my father's house is on there; there is also three old houses on it; they an't no good; they have done rotted down.

Q. Couldthis land be divided , in your opinion between Mr. Cumbie and your father's heirs so that it would be equal?

A. I don't know whether they could divide it or not.

Q. You say a pa rt of it is in cultivation and a part in timber?

a. Yes sir.

Q. A part of it is in the swamp?

A. Yes sir.

Q. And you say there are three houses on it?

A. Yes sir.

MR. BRANTLEY: We introduce photostatic copy of Last will and testament of James Donald Deceased, as Complainant's exhibit 4.

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

I hereby certify that the foregoing, consisting of pages 1 to 5 both inclusive, correctly sets forth a true and correct transcript of the testimony as taken by me in open Court in the above styled cause.

This the 18th day of July, 1961.

Louise D. Deunberry
Court Reporter

STATE OF ALABAMA
BALDWIN COUNTY

Com. Ex. 1

KNOW ALL MEN BY THESE PRESENTS, That I, LOURILLIA AUTRY, a widow, Grantor, for and in consideration of the sum of ONE (\$1.00) DOLLAR and other good and valuable consideration to me in hand paid by GULIE CUMBIE, Grantee, the receipt of which is hereby acknowledged, do hereby REMISE, RELEASE, QUIT CLAIM AND CONVEY unto the said Grantee, all my right, title and interest in and to the following described real property situated in Baldwin County, Alabama, to-wit:

South half of Southwest quarter of Section 1; 22 acres, more or less, in West half of Southeast quarter of Section 1, described as follows: Beginning at the Southwest corner of Southeast quarter of Section 1, and run North 653 1/3 yards to a point, thence run East 165 yards, thence run South 653 1/3 yards, thence run West 165 yards to the point of beginning; Northeast quarter of Northwest quarter of Section 12, all in Township 3 North, Range 3 East, in Baldwin County, Alabama.

TO HAVE AND TO HOLD with the appurtenances thereunto belonging unto the said Grantee, his heirs and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 7th day of March, 1958.

Lourilla Autry

witnesses: *Wesley V. Cumbie*
Buster Cumbie



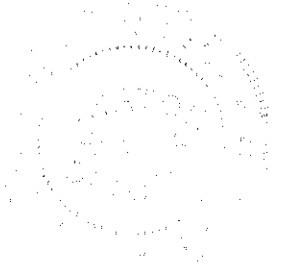
STATE OF ALABAMA
BALDWIN COUNTY

I, *June M. Slaughter*, a Notary Public, in and for said County, in said State, hereby certify that Lourilla Autry, a widow, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date. Given under my hand and seal on this the 7th day of March, 1958.

June M. Slaughter
Notary Public, Baldwin County, Alabama

STATE OF ALABAMA, BALDWIN COUNTY
Filed 3-8-58 10:30 A.M.
Recorded *and* book 263 page 309
and I certify that the following Privilege Tax has been paid.

Deed Tax 50
Mortgage Tax _____
W.R. Stewart
Judge of Probate
By *[Signature]*



Com 2

BOOK 257 PAGE 339

STATE OF ALABAMA

STATUTORY WARRANTY DEED

BALDWIN COUNTY

THIS INDENTURE, made and entered into by and between LOURILLA AUTRY, a widow, hereinafter referred to as party of the first part, and THERESA DONALD, hereinafter referred to as party of the second part, WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, this day cash in hand paid to party of the first part by party of the second part, receipt whereof is hereby acknowledged, party of the first part has granted, bargained, sold and conveyed and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto the party of the second part, all of my undivided interest in and to the following described property situated in Baldwin County, Alabama, To-wit:

The South Half of the Southwest Quarter of Section one, and the Northeast Quarter of the Northwest Quarter of Section Twelve, all in Township Three North, Range Three East.

ALSO, beginning at the Southwest Corner of the Southeast Quarter of Section One, Township Three North, Range Three East, run East 165 yards; North 653½ yards; West 165 yards; South 653½ yards to the point of beginning

Together with, all and singular, the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging or in any wise appertaining.

TO HAVE AND TO HOLD unto the party of the second part, her heirs and assigns, FOREVER.

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal on this the 2nd day of October, 1957.

Louvilla Autry (SEAL)

STATE OF ALABAMA

BALDWIN COUNTY

I, Jane W. Slaughter, a Notary Public, in and for said County in said State, hereby certify that Lourilla Autry, a widow, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day, that being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 2nd day of October, 1957.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 10-3-57 11:45AM

Recorded and book 257 page 337
and I certify that the following Privilege Tax has been paid.

Deed Tax _____

50

Mortgage Tax _____

M. D. ...
Judge of Probate

By [Signature]

Jane W. Slaughter
Notary Public, Baldwin County, Ala.

GULIE CUMBIE,	⌘	IN THE CIRCUIT COURT OF
Complainant	⌘	BALDWIN COUNTY, ALABAMA
vs.	⌘	IN EQUITY
JAMES DONALD,	⌘	CASE NO. 4632
Respondent.	⌘	

DECREE OF REVIVAL

In this cause, the death of James Donald as suggested by the Complaint with the request that leave be granted to the revival in the name of Mose Donald and Mae Belle Wheeler, as Executors of the Estate of James Donald, deceased, and Jim Donald, Jr., Willie Donald, Mose Donald, Alice D. Bogan, Zetella Munnerlye, Mae Belle Wheeler, Lurilla Vaughn, Annie Belle Barnes and Melvin Donald, to be and appear before this Court on the 22 day of June, 1961, and to defend in the place and stead of said James Donald, or failing to do so, this cause will be revived against the above mentioned parties without any further order or revival thereof.

Done and Ordered on this the 22 day of May, 1961.



Judge Hubert M. Hall, Circuit Judge
28th Judicial Circuit Court, In
Equity Sitting

GULIE CUMBIE,	⌘	
Complainant,	⌘	
vs.	⌘	
JAMES DONALD,	⌘	IN THE CIRCUIT COURT OF
Respondent,	⌘	BALDWIN COUNTY, ALABAMA
vs.	⌘	IN EQUITY
MOSE DONALD AND MAE BELLE	⌘	CASE NO. 4632
WHEELER, Executors of the	⌘	
Estate of James Donald,	⌘	
deceased, et al,	⌘	
Substituted Parties,	⌘	
Respondent	⌘	

DECREE GRANTING MOTION OF SUBSTITUTION

Upon consideration of the Motion for Substitution filed in this Court on the 2nd day of May, 1961, and it appearing that the facts stated therein are true, the Court is of the opinion that said motion should be granted. It is therefore, ORDERED, ADJUDGED AND DECREED by the Court; that in so far as the interest of James Donald, deceased, is concerned, this suit be and the same is hereby revived against Mose Donald and Mae Belle Wheeler, as executors of the Last Will and Testament of James Donald, deceased, and as against Jim Donald, Jr., Willie Donald, Mose Donald, Alice D. Bogan, Zetella Munnerlye, Mae Belle Wheeler, Lurilla Vaughn, Annie Belle Barnes and Melvin Donald, and that a copy of this Order of Substitution, together with a summons, be served upon the above mentioned parties by any sheriff of the State of Alabama.

Done this the 2nd day of May, 1961.

Robert M. Price

GULIE CUMBIE,	Y	
Complainant	Y	IN THE CIRCUIT COURT OF
Vs.	Y	BALDWIN COUNTY, ALABAMA
JAMES DONALD, Revived against	Y	IN EQUITY
MOSE DONALD and MAE BELLE		
WHEELER, as Executors of the	Y	CASE NO. 4632
Estate of James Donald and		
Jim Donald, Jr., et al,	Y	
Respondents.	Y	

DECREE FOR SALE

This cause coming on to be heard and the parties being present in person or by their attorneys, this day it submitted for Final Decree upon the pleadings and proof as noted by the Register.

Upon consideration of this matter, the Court is of the opinion that the Complainant is entitled to the relief prayed for in his Bill. It is, therefore, ORDERED, ADJUDGED and DECREED by the Court as follows:

That Gulie Cumbie is the fee simple owner of an undivided 1/2 interest in and to the following described property:

The South half of the Southwest Quarter of Section 1;
The Northeast Quarter of Northwest Quarter of Section 12, in Township 3 North, Range 3 East.

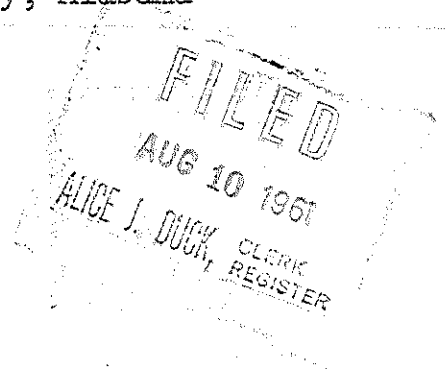
Beginning at the Southwest corner of the Southeast Quarter of Section 1, Township 3 North, Range 3 East, run thence East 165 yards to a point; run thence North 653 1/2 yards to a point; run West 165 yards to a point; run thence South 653 1/2 yards to the point or place of beginning.

That James Donald, Jr. is the fee simple owner of an undivided 1/18 interest; that Willie Donald is the fee simple owner of an undivided 1/18 interest; Mose Donald is the fee simple owner of an undivided 1/18 interest; Alice D. Bogan is the fee simple owner of an undivided 1/18 interest; Zetella Munnerylye is the fee simple owner of an undivided 1/18 interest; Lurilla Vaughn is the fee simple owner of an undivided 1/18 interest; Annie Belle Barnes is the fee simple owner of an undivided 1/18 interest; and Melvin Donald is the fee simple owner of an undivided 1/18 interest.

That the above described property is partly in cultivation and partly in timber; part is hill land and part is swamp land and the same cannot be equitably divided among the owners thereof without a sale of the same for division.

That Alice J. Duck, as Commissioner, be, and she is, hereby authorized and directed to sell on the 11 day of ^{September} ~~Aug~~, 1961, at public outcry, for cash, in front of the courthouse of Baldwin County, Alabama, at Bay Minette, Alabama, during the legal hours of sale, the property herein above described, after first giving notice by publication in the Baldwin Times, a newspaper of general circulation, published in Baldwin County, Alabama, once a week for three consecutive weeks, of the time, place, terms of sale and a description of the property.

Hubert M. Hall
Hubert M. Hall, Circuit Judge
28th Judicial Circuit Court of
Baldwin County, Alabama



GULIE CUMBIE,	Y	
Complainant,	Y	THE THE CIRCUIT COURT OF
Vs.	Y	BALDWIN COUNTY, ALABAMA,
JAMES DONALD, Rivived against	Y	IN EQUITY
MOSE DONALD and MAE BELLE		
WHEELER, as Executors of the	Y	CASE NO. 4632
Estate of James Donald and		
Jim Donald, Jr., et al,	Y	
Respondents.	Y	

DECREE

This cause coming on for further hearing on the report of the Commissioner notice of which was given the parties and upon the testimony, said testimony being taken before Alice J. Duck, as Commissioner, and the same being considered by the court. It appears to the court as follows:

Pursuant to the decree of this court dated the 10 day of ~~September~~ ^{August}, 1961, Alice J. Duck, the Commissioner appointed herein, did set a sale of the property hereinafter described during the legal hours of sale on the 11th day of September, 1961 and did give notice of the time, place and terms of the sale and the description of the property for three successive weeks in the Baldwin Times, a newspaper of general circulation published in Baldwin County, Alabama, said property being located in Baldwin County, Alabama, and being described as follows, to-wit:

The South half of the Southwest Quarter of Section 1;
The Northeast Quarter of Northwest Quarter of Section 12, in Township 3 North, Range 3 East.

Beginning at the Southwest corner of the Southeast Quarter of Section 1, Township 3 North, Range 3 East, run thence East 165 yards to a point; run thence North 653 1/2 yards to a point; run West 165 yards to a point; run thence South 653 1/2 yards to the point or place of beginning.

At the time and place set out in said notice, the said property was offered for sale at public auction to the highest and best bidder for cash. That Gulie Cumbie, being the

highest, best and last bidder, did purchase the aforesaid land for the sum of FIVE THOUSAND TWO HUNDRED FIFTY AND 00/100 DOLLARS (\$5,250.00). That these bids were fair and reasonable and should be confirmed; that the said Commissioner reported said sale to this Honorable Court on the 11 day of September, 1961; that notice of such was given to the Respondents; that no objections or exceptions were filed to said report within ten days thereafter, and that no cause was shown why said sale should not be confirmed. It appears to the court from the testimony taken in this cause that said sale should be confirmed and a deed executed by Alice J. Duck, to Gulie Cumbie, conveying to him the property heretofore described in this decree.

It further appearing to the court that this cause was filed by the Firm of Wilters & Brantley, Attorneys, and that a reasonable attorneys fee should be allowed them for the services rendered in this cause in the sum of \$500.00.

It further appearing to the court that the costs incurred in this proceeding amount of \$128.10, which includes a Commissioner Fee.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that Alice J. Duck, as Commissioner, be and she is hereby ordered to execute a deed for the property heretofore described to Gulie Cumbie.

It Appearing to the court from the testimony in this cause that Gulie Cumbie is the owner of an undivided 1/2 interest in said land.

And it appearing further to the court that James Donald died since the original suit was filed; that he died testate leaving a Will which has been duly probated in the Probate Court of Baldwin County, Alabama, and that Mose Donald and Mae Belle Wheeler have been and are now acting as executors of this Estate of James Donald; that the administration of this said estate is now pending and has not been closed; that James Donald owned an

undivided 1/2 interest in the above described land, and that by the terms of his Will, he devised the same to some of his children.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the proceeds of the sale in the hands of said Commissioner be paid as follows:

Wilters & Brantley	500.00
Alice J. Duck, as Commissioner & Register	128.10

this amount being the court costs in this proceeding; the balance of said sum will be distributed as follows:

Gulie Cumbie	2,310.95
Mose Donald and Mae Belle Wheeler, as Executors of the Estate of James Donald	2,310.95

This sum paid to Mose Donald and Mae Belle Wheeler, as executors of the Estate of James Donald, deceased, will be divided in accordance with the terms of the Will of James Donald, deceased, and in accordance with the directions and orders of the Probate Court where the same is now pending administration.

Done this 28th day of September, 1961.



JUDGE

FILED
SEP. 28 1961
ALICE J. DUCK, CLERK
REGISTER

Julie Cumbie

vs.

James Donald revives
Against Mose Donald
et al

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
CIRCUIT COURT OF BALDWIN COUNTY

This cause is submitted in behalf of Complaint upon the original Bill of Complaint,

petition to revive, decree granting petition
testimony of Julie Cumbie - testimony of Mose
Donald - Complainant's exhibits 1-2-3-4

James M. Bantle

and in behalf of Defendant upon Answer and Cross-bill

Register.

The Baldwin Times

"Baldwin's Only All County Newspaper"

BAY MINETTE, ALABAMA

J. H. FAULKNER, Publisher

LEGAL NOTICE

GULIE C. [REDACTED] Complainant

JAMES BO [REDACTED] vs [REDACTED] Respondents

MOSIE DON [REDACTED] vs [REDACTED] Respondents

WHEELER [REDACTED] vs [REDACTED] Respondents

Estate of [REDACTED] and [REDACTED] Respondents

Jim Donald [REDACTED] Respondents

In The Circuit Court of Baldwin County, Alabama in Equity Case No. 4832

NOTICE OF SALE

Pursuant to a Decree rendered by the Circuit Court of Baldwin County, Alabama, I, Alice J. Dukes, Commissioner, will sell, at public outcry, for cash, the within-mentioned property, to-wit: [REDACTED] in front of the [REDACTED] door of Bay Minette, Baldwin County, Alabama, on the 1st day of [REDACTED] 1961, the [REDACTED] of the [REDACTED] to-wit: [REDACTED] in the Southwest [REDACTED] of the Northeast [REDACTED] Quarter of Section [REDACTED] Township 8 North, Range 3 East, Beginning at the Southwest corner of [REDACTED] East, [REDACTED] a [REDACTED] to [REDACTED] 53 1/2 [REDACTED] be [REDACTED] to a [REDACTED] by [REDACTED] of [REDACTED] of [REDACTED] described in [REDACTED] ALICE J. DUKES 32-4c

Range 3 East, Beginning at the Southwest corner of [REDACTED] East, [REDACTED] a [REDACTED] to [REDACTED] 53 1/2 [REDACTED] be [REDACTED] to a [REDACTED] by [REDACTED] of [REDACTED] of [REDACTED] described in [REDACTED] ALICE J. DUKES 32-4c

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

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

Cumby vs Donald.

COST STATEMENT

213 WORDS @ 6 1/2 cents _____ \$ 13.85

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

J. H. Faulkner, Jr.
Editor.

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

Date of 1st publication Aug 17, 1961 Vol. 73 No. 32

Date of 2nd publication Aug 24, 19 Vol. 73 No. 33

Date of 3rd publication Aug 31, 19 Vol. 73 No. 34

Date of 4th publication Sept 7, 19 Vol. 73 No. 35

Subscribed and sworn before the undersigned this 11 day of Sept, 1961!

Dorothy Martin
Notary Public, Baldwin County.

J. H. Faulkner, Jr.
Editor.

The Baldwin Times

"Baldwin's Only All County Newspaper"

BAY MINETTE, ALABAMA

J. H. FAULKNER, Publisher

LEGAL NOTICE

GUIZE... Respondents.

In The Circuit Court of Baldwin County, Alabama in Equity Case No. 4532

NOTICE OF SALE

Plaintiff vs. Defendants

the Circuit Court of Baldwin County, Alabama, will sell at public auction on the 12th day of September, 1961, at 10 o'clock in the forenoon, at the Court House in Bay Minette, Alabama, the following described land to-wit:

The South 1/4 of Section 12, in Township 9 North, Range 3 East.

Beginning at the Southwest corner of the Southeast Quarter of Section 12, Township 9 North, Range 3 East, run thence East 100 yards to a point, thence North 100 yards to a point, thence South 65 1/2 yards to a point, thence West 100 yards to the point of beginning.

Said sale is made pursuant to a Petition for Sale and Partition filed by one of the tenants in common of the above described land.

324c

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

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

Cumbe vs Donald

COST STATEMENT

213 WORDS @ 6 1/2 cents \$ 13.85

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

J. H. Faulkner, Jr.
Editor.

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

- Date of 1st publication Aug. 17, 1961 Vol. 73 No. 32
- Date of 2nd publication Aug. 24, 1961 Vol. 73 No. 33
- Date of 3rd publication Aug. 31, 1961 Vol. 73 No. 34
- Date of 4th publication Sept. 7, 1961 Vol. 73 No. 35

Subscribed and sworn before the undersigned this 11 day of Sept, 1961

Parathy Martin
Notary Public, Baldwin County.

J. H. Faulkner, Jr.
Editor.