8602 DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL B.T.-10-46-200

FANNIE BERT DAVIS SMITH,

Complainant,

Vs.

COL. J. R. TILL, ET AL.,

Respondents

CIRCUIT COURT OF
Baldwin County.

IN EQUITY

In this cause it being made to appear to the Register that on the 8th day of February, 19~~4~~ 57, a copy of the Bill of Complaint filed in this cause was sent to Leila E. Lampkin

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the 28th day of February, 19~~4~~ 57, such receipt was duly received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered, adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things taken as confessed against the said

Leila E. Lampkin Defendant

This the 27th day of May, 19~~4~~ 57

Register

No. 3974

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

In Equity.

FANNIE BERT DAVIS SMITH,

Complainant

Vs.

COL. J. R. TILL, ET AL.,

Respondents

DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL

Filed in office this 27th day of May, 1957

Register

Entered in O. B. _____ Page _____

The Baldwin Times, Bay Minette, Ala.

8602 DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL B.T.-10-46-200

FANNIE BERT DAVIS SMITH,

Complainant,

Vs.

COL. J. R. TILL, ET AL.,

Respondents

CIRCUIT COURT OF
Baldwin County.

IN EQUITY

In this cause it being made to appear to the Register that on the 8th day of February, 194~~X~~ 57, a copy of the Bill of Complaint filed in this cause was sent to Tom Peyton Tunstall

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the 12th day of April, 19~~X~~ 57, such receipt was duly received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered, adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things taken as confessed against the said Tom Peyton Tunstall Defendant

This the 27 th day of May, 19~~X~~ 57

Register.

No. 3974

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

In Equity.

FANNIE BERT DAVIS SMITH,

Complainant,

Vs.

Col. J. R. TILL, ET AL.,

Respondents

DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL

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Alice J. Ducke, Register

Entered in O. B. _____ Page _____

The Baldwin Times, Bay Minette, Ala.

$10.00

FANNIE BERT DAVIS SMITH, Complainant, VS. COL. J. R. TILL, E T AL. Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. No. 3974

MRS. FANNIE BERT DAVIS, SMITH, THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Chason.

Q. Is this Mrs. Fannie Bert Davis Smith?

A. Yes sir.

Q. Mrs. Smith, are you one of the heirs at law and next of kin of Sarah H. Feist?

A. I am a granddaughter.

Q. Now Mrs. Smith, you are over the age of 21 years and a resident of Baldwin County, Alabama, are you not?

A. That is right.

Q. Of these Respondents that are named in this bill of Complaint -- I will ask you first, how many children did Sarah Feist have?

A. 11.

Q. Do you remember when she died?

A. In Apr il--

Q. Was it April 23, 1912?

A. Yes sir.

Q. Do you know whether she had a will or not?

A. I don't think she did.

Q. Her Estate was administed in Baldwin County, Alabama, was it not?

A. Yes.

Q. This administration recited that she had no will. There was never a will to your knowledge?

A. Not to my knowledge.

Q. In this administration I am going to read you the names as shown by the petition for letters of Administration and get you to identify those people with the ones who are named in this suit.

A. All right.

Q. Did Mrs. Feist have one child named Fannie Feist Davis?

A. Yes sir.

Q. Was Fannie Feist Davis the same person as the Fannie B. Davis named in this petition?

A. Yes.

Q. Is that the same person as Fannie B. Davis, wife of H. J. Davis?

A. That is right.

Q. Is the Georgia Feist Reed - Was she a daughter of Sarah Feist?

A. She was.

Q. Was she the same person as Georgia V. Reed named in this administration?

A. That is right.

Q. Did she have a son B. F. Feist?

A. She did.

Q. That is Sarah Feist we are talking about?

A. Yes sir.

Q. Is that the same person as Bertram F. Feist?

A. Yes sir.

Q. Sue Feist Bryant, was she a daughter of Sarah Feist?

A. She was.

Q. Is that the same person as Sue H. Bryant named in this proceeding?

A. Yes sir.

Q. J. H. Feist, was he a son of Sarah Feist?

A. Yes sir.

Q. Is he the same person as J. Herman Feist named in this proceeding?

A. That is right.

Q. Now did Sarah Feist have a daughter, Jessie Feist Bryant?

A. Yes she did.

Q. Did she have another daughter named Leila Feist Zimmern?

A. Yes.

Q. Is that the same person as Leila M. Zimmern named in this estate proceeding?

A. The same.

Q. Did she have a daughter - Did Sarah Feist have a daughter named Annie Fiest Tunstall?

A. Yes she did.

Q. Is that the same person as Annie M. Tunstall named in this

proceeding?

A. That is right.

Q. Did Sarah Feist have a daughter named Ella Feist Lambert?

A. Yes sir.

Q. Did she have a daughter named Amelia Fiest McConnell?

A. That is right.

Q. Is that the same person as Amelia D. McConnell named in this proceeding?

A. Yes sir.

Q. Now you say she had 11 children and we have referred to 10. Do you remember the name of the eleventh child?

A. Maggie.

Q. Is that Maggie Feist?

A. Yes sir.

Q. Did she ever marry?

A. No.

Q. Did she ever have any children of her own?

A. No sir.

Q. Is she now dead?

A. She is.

Q. Now Mrs. Smith, have all of the children of Sarah Feist -- Are any of them now living?

A. One.

Q. There is one child still living?

A. Yes, Sue Feist Bryant.

Q. She is one of the original children of Sarah Feist?

A. That is right.

Q. What interest would Sue Feist Bryant own in this property referred to in this suit?

A. 1/10th interest.

Q. She is one of the original children?

A. Yes sir.

Q. You say the rest of the children are all dead?

A. Yes sir.

Q. Your mother was Fannie Feist Davis, I believe?

A. Yes sir.

Q. How many children did Fannie Feist Davis have?

A. Four.

Q. Can you name them?

A. Sadie was the oldest.

Q. That is Sadie Davis Till?

A. Yes sir.

Q. The next one?

A. Maggie.

Q. Would that be Maggie Davis Nelson?

A. Yes sir.

Q. The next one?

A. Fannie B. Smith.

Q. That is you?

A. That is me. And Georgia Davis Till.

Q. Would that be Georgia Ella Davis Till?

A. Yes sir.

Q. I will ask you this: You said your mother was dead?

A. Yes sir.

Q. Did she leave a will?

A. Yes she did.

Q. She did?

A. Yes sir, and she divided what she had between her four children.

Q. Do you remember the date that your mother died?

A. I don't.

Q. Was that in September of 1947?

A. Yes.

Q. Was her will admitted to Probate here inBaldwin County?

A. Yes it was.

Q. Under the terms of her will what interest did she leave in this property involved in this suit to you?

A. She didn't mention that at all.

Q. I will ask you: In her will if she said this: "I give, devise and bequeath all of my property of every kind and nature, real personal or mixed which I own or to which I may be entitled at the time of my death as follows: 1/4th to my daughter Fannie B. Smith; 1/4 to my daughter Mary Augustus Nelson; 1/4th to my

daughter, Georgia Till; 1/8th to my grandson Jacob R. Till, Jr., 1/8th to my granddaughter, Frances Till Nelson?

A. That is correct.

Q. Of these people that are named in the will are they all now living?

A. Yes.

Q. What interest do you claim in this property involved in this suit?--Do you claim 1/4th of a 1/10th interest, or an undivided 1/40th interest?

A. Yes sir.

Q. Does Ella Davis Till have a 1/40th interest?

A. Yes sir.

Q. Does Maggie Davis Nelson have a 1/40th interest?

A. Yes sir.

Q. Now Colonel J. R. Till, would he have a 1/80th interest?

A. Yes sir.

Q. In here it refers to Frances Till Nelson. Is she the same person as Mrs. R. E. Nelson that we have referred to?

A. Yes sir.

Q. Does she have a 1/80th. interest in this property?

A. Yes.

Q. All right, Georgia Feist Reed, one of Sarah Feist's children, is she dead?

A. Yes.

Q. Do you remember of your own knowledge when she died?

A. No.

Q. Was there ever any estate proceedings on her estate that you have any knowledge of?

A. No.

Q. About how many years has she been dead?

A. Quite a long time.

Q. More than five years?

A. Oh yes.

Q. Now do you know the name of Georgia Feist Redd's children?

A. Mrs. McDavid --

Q. Vivian Reed McDavid?

A. Yes sir.

Q. And Doctor J. M. Reed?

A. Yes sir.

Q. Vivian Reed McDavid is still living is she not?

A. Yes.

Q. Would she have a one-half of a 1/10th interest, or a 1/20th interest?

A. Yes.

Q. Doctor J. M. Reed is dead is he not?

A. Yes.

Q. Has he been dead for more than five years?

A. Yes.

Q. Did he leave any will to your knowledge?

A. I don't know.

Q. Who were his children?

A. Mack Reed--

Q. Is that J. M. Reed, Jr.?

A. Yes sir and Mrs. George Page.

Q. If their father owned a 1/20th interest, would each of those persons own a 1/40th interest in this land?

A. Yes sir.

Q. Now B. F. Feist was one of the sons of Mrs. Sarah Feist?

A. Yes sir.

Q. Is he dead?

A. He is dead.

Q. Do you know how many years he has been dead?

A. Not quite a year I don't think.

Q. Did he leave any will to your knowledge?

A. I don't know.

Q. Do you know the names of his children?

A. Birdie Feist Mitchell, Etta Feist May.

Q. Did he leave a widow?

A. That is right.

Q. Mrs. B. F. Feist?

A. Yes sir.

Q. Would Birdie Feist Mitchell and Etta Feist May each own a 1/20th interest in this property, subject to the dower rights of their mother?

A. Yes sir.

Q. You say Sue Feist Bryant is still living andown a 1/10 interest in this land?

A. Yes.

Q. Now Doctor J. H. Feist , he was a son of Sarah H. Feist?

A. He was.

Q. Is he dead?

A. Yes he is.

Q. Did he die on October 16, 1952?

A. Yes sir.

Q. Did he leave a will?

A. Yes he did.

Q. Was that will admitted to Probate and record in Baldwin County, Alabama?

A. Yes it was.

Q. I will ask yo u whether he devised in his will certain personal property to some of his relatives and then had this provision in his will: "I give, devise and bequeath all of the remainder of my property, real, personal and mixed, wherever situated, including my undivided interest in my family's estate to my beloved Nephew, Peter Benjamin McConnell, Jr?

A. Yes sir.

Q. Is he the same person as P. B. McConnell, Jr.?

A Yes.

Q. He would own a 1/10th interest in the property, would he not?

A. Yes.

Q. Now Jessie Feist Bryant, is she dead?

A. She is.

Q. Was there ever any administration of her estate insofar as you know?

A. I don't know.

Q. Has she been dead for more than five years?

A. Oh yes.

Q. Who were her children?

A. Georgia Virigina Bryant and Jessie Lee Bryant, Sadie Bryant Smith and Doctor P. A. Bryant, Jr.

Q. So Georgia Virgiaia Bryant, Jessie Lee Bryant, Sadie Bryant Smith and Doctor P. A. Bryant would each own 1/4th of their mother's share, or a 1/40th interest each, would they not?

A. That is right.

Q. Now Lelia Feist Zimmern, who was a daughter of Sarah Feist, is she dead?

A. She is.

Q. Did she leave a will which has been admitted to probate and record over in Mobile County?

A. I think she did.

Q. In her will did she make this bequest: "I give and devise and beq ueath to my chilren, share and share alike, Bernice Levinson, and my daughter, Janice Zimmernon and Sameul Zimmern, Jr. my son, all property of which I may die seized and possessed and all property in which I may have an interest?

A. Yes.

Q. Is Samuel Zimmern, Jr. the same person as you referred to as S. J. Zimmern, Jr.?

A. That is right.

Q. If their mother had a ;1/10th interest, and there were three children, would each of them own a 1/30th interest in the property?

A. Yes sir.

Q. Now Annie Feist Tunstall, she was a daughter of Sarah Feist, I believe?

A. Yes.

Q. Is she dead?

A. She is.

Q. Was any administration of her estate had to your knowledge?

A. No.

Q. Now do you know the names ofher children?

A. E. S. Tunstall, B. F. Tunstall, George Tunstall, Lula Mae Tunstall Wolf, and Tom Peyton Tunstall.

Q. Is George Tunstall living?

A. No.

Q. Did he leave any children when he died?

A. No.

Q. Now the other four children of Annie Feist Tunstall, they are still living?

A. Yes.

Q. Would they then each own an undivided 1/40th interest in this property?

A. That is right.

Q. Now Ella Feist Lambert, was she a daughter of Sarah Feist?

A. Yes.

Q. Is she dead?

A. She is.

Q. Was any administration of her estate to your knowledge had?

A. I don't know.

Q. How many children did she have?

A. Only one.

Q. Who is that?

A. George Lambert.

Q. Then he would have an undivided 1/10th interest in the property?

A. Yes.

Q. The tenth child, Amelia Feist McConnell, she was a daughter of Sarah Feist, was she not?

A. Yes sir.

Q. Is she dead?

A. Yes she is.

Q. Did they have any administration on her estate?

A. No.

Q. Can you name her children?

A. S. A. McConnell and she left children --

Q. Sarah A. McConnell Stevens that you referred to?

A, Yes sir.

Q. P. B. and Leon McConnell.

A. Yes sir.

Q. Sue Ella McConnell Odom and Margurite McConnell Sharit.

Q. All are living except Sarah McConnell Stevens?

A. Yes sir.

Q. Those four that are living --Did she have other children that died without issue?

A. Yes.

Q. Now these four, P. B. McConnell, Leon McConnell, Margurite McConnell Sherit and Sue Ella McConnell Odom, would each own a 1/5th of a 1/10th or a 1/50th interest in this property?

A. Yes sir.

Q. Sarah McConnell Stevens, you say she is dead?

A. Yes.

Q. She had seven children, did she not?

A. Yes.

Q. Would those seven children be Levern W. Stephens, Alfred Smith, William O. Smith, Mrs. Carl Firth, ---

Levern W. Stevens was married more than once?

A. Yes.

Q. Once to Stevens and once to Smith?

A. Yes.

Q. The other children, Alfred Smith, William O. Smith, Mrs. Carl Firth, T. P. Smith, Leila E. Lampkins and Junior Stevens?

A. Yes sir.

Q. Are all of those people living?

A. Yes.

Q. So those seven children would each own a 1/7th of a 1/50th interest, or a 1/350th interest in said property? --Each of them?

A. Yes.

Q. Now that is the respective interests that you tell the court the different people own in this property?

A. Yes.

Q. Now I show you a map of the property that is involved in this suit. Did you have this plat prepared by Mr. Norman Durant?

A. Yes I did.

Q. On December 4, 1956?

A. That is right.

Q. Now does this map accurately show a description of the land that is up there in the Tensaw Community that now belongs to the heirs of Sarah Feist?

A. Yes sir.

Q. And is this the same land described in your suit?

A. Yes sir.

Q. You have an omission here, and we have an exception in the description in the complaint -- Her estate does not own this 10t acres that is excepted -- is that property owned by you, Mrs. Fannie B Smith?

A. Yes.

Q. So you own out in the tract of land this 10 acres, and other than that it is in a solid block, but with irregular lines?

A. Yes, very irregular.

Q. Is this a true and correct plat of the land owned by Sarah Feist?

A. Just as good as we could get it.

Q. Were you present part of the time while Mr. Durant was surveying it?

A. Yes.

Q. Are there fences surrounding a portion of this land, and did Mr. Durant locate accurate corners?

A. Yes.

Q. Now Mrs. Smith, this land as shown by this plat lies partly in four government sub-divisions, the major portion being in the Southeast Quarter of Northwest Quarter of Section 5, Township 2 North, Range 3 East. Then there is a small portion in the Northeast Quarter of Southwest Quarter of the Same Section; a small portion in the Northwest Quarter of Southeast Quarter of the same section and in the Southwest Quarter of Northeast Quarter of the same section. You do not remember of your own knowledge when Sarah Feist acquired title to this because it was before you were born?

A. Yes.

Q. Do you mind telling us how old you are?

A. 65

Q. Now I have an abstract here that has been prepared for us which shows on pages 28 and 29 of the abstract a Sheriff's deed to Sarah Feist, recorded in Deed Book I. page 92, Probate Records of Baldwin County, Alabama, where she acquired title to the Southeast Quarter of Northwest Quarter of that Section, which is the major portion of the land, which deed is dated August 5, 1867. Now is that the same Sarah Feist that you are referring to?

A. It must be; I never heard of any other Sarah Feist up there.

Q. We also have here a quitclaim deed dated June 10th. 1881 from Camellia Booth, some Lassiters and McMillans to Sarah M. Feist for the Southwest Quarter of Northeast Quarter and Northwest Quarter of S utheast Quarter of Section 5, Township 2 N. Range 3 East. Would that be the same Sarah M. Feist?

A. I am sure it is.

Q. Now you were born in 1892?

A. Yes sir.

Q. And your grandmother died in 1912, I believe?

A. Yes.

Q. So you were then about 19 or 20 years old when she died?

A. Yes sir.

q. Did you live up there in that community where these lands are located when you were a small child?

A. Yes sir, I was born there.

Q. Did you know your grandmother, Sarah Feist?

A. Yes.

Q. Did you know the lands that she had possession of during her last years up there?

A. No--Q.

Q. Did you know about this land?

A. Sure.

Q. Did Sarah Feist live on a portion of this land involved in this suit?

A. Yes.

Q. She had a home on it?

A. Yes sir.

Q. Did Sarah Feist own all of the land involved in this suit at the time of her death?

A. Yes--

Q. The land that we are asking to be sold for division, she owned all of that?

A. Yes sir.

Q. Had she been, to your own personal knowledge, in the actual peaceable and exclusive possession of this land for more than 10 years prior to her death and paying taxes on it?

A. Yes.

Q. You were approximately 20 years old when she died?

A. Yes sir.

Q. You were living there and could remember her for more than 10 years prior to her death?

A. Yes sir.

Q. During that period of time you say she had the exclusive

possession of this land involved in this suit and she was paying taxes on it?

A. Yes.

Q. Now Mrs. Smith, what type of land is this that is involved in this suit?---Is it farm land, timber land or what? Tell the Court about the type of land it is?

A. The only thing I can think of is clay hills and sand.

Q. Is there any timber on it?

A. It has some timber, but not much. Doctor Feist cut it over three times b efore he died.

Q. Have you been looking after this land for a number of years for the benefit of these heirs?

A. Yes, since Doctor Feist died.

Q. Have you been assessing and paying the taxes for the benefit of the the heirs?

A. For two or threeyears.

Q. Now are there any buildings on this land?

A. Well the shack -- the building that he died in is just about a shack now; it is not livable.

Q. Now Mrs. Smith, would there be any way you and them35 Respondents, or the 36 owners with the interest that we have discussed here today, would there be any way that this land could be divided up so that each person would get their proportionate share, without having the land sold?

A. I don't think so.

Q. Now there is one matter for the record that I would like to clear up, which I think you informed me after I filed the bill of complaint. In this bill of complaint, we allege that you caused a survey to be made and you paid for it. I believe you told me since the filing of the suit that you did pay for the survey, but you paid for it out of money that you had collected?

A. Yes sir.

Q. So you are not claiming from the Court anything for that survey?

A. No sir.

Q. In fact, when you sell the land you have a little bit of money on hand to contribute to the portion for division?

A. Around $300.00 - that much I know in the bank.

Q. I also mentioned in the bill of complaint that you had paid the taxes on the land. Those taxes were also paid out of the estate money?

A. Yes sir.

Q. You are not making any claim for taxes that you have paid?

A. No sir.

Q. Now have you employed some Attorneys to bring this proceeding for you ?

A. Yes sir.

Q. Did you employ the firm of Chason & Stone to assist you in this

A. Yes I did.

MR. E. S. TUNSTALL, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Chason.

Q. Is this Mr. E. S. Tunstall?

A. Yes sir.

Q. Mr. Tunstall, you are one of the Respondents in the suit brought by Fannie Bert Davis Smith in the Circuit Court of Baldwin County, Alabama, in equity, being cause No. 3974, which is a suit for partition and division -- You are one of the Respondents, are you not?

A. Yes sir.

Q. Now Mr. Tunstall, how long have you known the lands involved in this suit to your knowledge?

A. Oh I'm 62 years old and I was born and raised in a stone's throw of it; it joined our home place.

Q. Was this land owned by Sarah Feist at the time of her death?

A. Yes.

Q. You have heard Mrs. Smith testify about the respective interests that each party who is a complainant and respondent owns in this land?

A. Yes .

Q. Without going over all of those again were her answers correct to the best of your knowledge, and are the interests which she has testified to the correct interest owned by each party in this suit?

A. Yes sir.

Q. Now Mrs. Sarah Feist had had actual possession of this land for more than 10 years prior to her death, had she not?

A. Yes.

Q. Had she assessed and paid taxes on the land during that period of time?

A. Yes sir.

Q. During her life time?

A. Yes sir.

Q. In your judgment could this land be divided among all of these owners without a sale of it so that each one would get his proper portion ?

A. No.

Q. In your opinion is it for the best interest of all parties involved in this suit that this land be sold for partition and division?

A. Yes.

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

I hereby certify that the foregoing, consisting of pages 1 to 22, 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 August 20, 1957.

Louise Duesenberry
Court Reporter

FANNIE BERT DAVIS SMITH,
Complainant,
Vs.
COL. J. R. TILL, ET AL.,
Respondents

CIRCUIT COURT OF
Baldwin County.

IN EQUITY

In this cause it being made to appear to the Register that on the 8th day of February, 194~~x~~ 57, a copy of the Bill of Complaint filed in this cause was sent to Levern W. Stephens

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the 2nd day of April, 194~~x~~ 57, such receipt was duly received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered, adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things taken as confessed against the said Levern W. Stephens Defendant

This the 27th day of May, 194~~x~~ 57

[illegible] Register.

No. 3974

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

In Equity.

FANNIE BERT DAVIS SMITH,

Complainant,

Vs.

COL. J. R. TILL, ET AL.,

Respondents

DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL

Filed in office this 27th day of May, 1957

Register

Entered in O. B. _____ Page _____

The Baldwin Times, Bay Minette, Ala.

FANNIE BERT DAVIS SMITH,	)	
Complainant,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
COL. J. R. TILL, ET AL.,	)	IN EQUITY NO. 3974
Respondents.	)	

RELEASE OF DOWER

WHEREAS, B. F. Feist, who is now deceased, was a son of Sarah Feist, Deceased, and was the owner of an undivided one-tenth interest in and to the property described in the above styled cause, which is a suit for partition and division and which is now pending in the Circuit Court of Baldwin County, Alabama, In Equity, and

WHEREAS, the undersigned Mrs. B. F. Feist is the widow of B. F. Feist, Deceased, and Birdie Feist Mitchell and Etta Feist May are the children of B. F. Feist, Deceased, and are all of the heirs at law and next of kin, the said B. F. Feist having died intestate, and

WHEREAS, the undersigned desires to release her dower interest in the property described in the above suit so that the said Birdie Feist Mitchell and Etta Feist May will each own an undivided one-twentieth interest in said property and in the proceeds derived from the sale of such property, free and clear of any claim of dower which was vested in the undersigned as the widow of B. F. Feist, Deceased.

NOW THEREFORE the said Mrs. B. F. Feist does hereby release and convey unto the said Birdie Feist Mitchell and Etta Feist May all of her dower interest in and to the property described in the above styled cause and does release and convey to them any money that might be due her arising out of the sale of said property and she does hereby direct the Register of said court to pay over to Birdie Feist Mitchell and Etta Feist May the full and entire interest in any money arising from the said property which would be due the

estate of B. F. Feist, Deceased.

IN WITNESS WHEREOF, the said Mrs. B. F. Feist has hereunto set her hand and seal on this the 8th day of October, 1957.

Mrs B. F. Feist (SEAL)

STATE OF ALABAMA

MOBILE COUNTY

I, Howard L. Parker, a Notary Public, in and for said County in said State, hereby certify that Mrs. B. F. Feist, a widow, whose name is signed to the foregoing instrument 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 8th day of October, 1957.

Howard L. Parker
Notary Public, Mobile, County, Alabama

filed Oct. 10, 1957
Alice J. Huck, Register

FANNIE BERT DAVIS SMITH,	)	IN THE CIRCUIT COURT OF
Complainant,	)	BALDWIN COUNTY, ALABAMA
Vs.	)	IN EQUITY
COL. J. R. TILL, ET AL,	)	
Respondents.	)	

Come the Respondents William O. Smith and Junior Stephens and for answer to the Bill of Complaint filed in the above styled cause, say:

1. That they admit the allegations of the first paragraph of the Bill of Complaint.

2. That they admit the allegations of the second paragraph of the Bill of Complaint.

3. That they admit the allegations of the third paragraph of the Bill of Complaint.

4. That they admit the allegations of the fourth paragraph of the Bill of Complaint.

The Respondents William O. Smith and Junior Stephens do hereby waive notice of the taking of testimony in this case and notice of submission of said case and do hereby agree that the testimony may be taken and the cause submitted without further notice to them.

Wm. Olen Smith

Junior Stephens

Respondents

filed July 31, 1957
Alice J. Duck, Register

FANNIE BERT DAVIS SMITH,	X	
Complainant,	X	
vs.	X	
	X	
COL. J. R. TILL, MRS. R. E. NELSON, MAGGIE DAVIS NELSON, GEORGIA ELLA DAVIS TILL, VIVIAN REED McDAVID, J. M. REED, JR., MRS. GEORGE PAGE, BIRDIE FEIST MITCHELL, ETTA FEIST MAY, MRS. B. F. FEIST, SUE FEIST BRYANT, P. B. McCONNELL, JR., GEORGIA VIRGINIA BRYANT, JESSIE LEE BRYANT, SADIE BRYANT SMITH, DR. P. A. BRYANT, JANICE ZIMMERN, BERNICE ZIMMERN LEVINSON, S. J. SIMMERN, JR., E. S. TUNSTALL, B. F. TUNSTALL, LAURA MAE TUNSTALL WOOLF, TOM PEYTON TUNSTALL, GEORGE LAMBERT, P. B. McCONNELL, LEON MCCONNELL, MARGURITE McCONNELL SHARIT, SUE ELLA McCONNELL ODOM, LEVERN W. STEPHENS, ALFRED SMITH, WILLIAM O. SMITH, MRS. CARL FIRTH, T. P. SMITH, LEILA E. LAMPKIN AND JUNIOR STEPHENS,	X	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY
Respondents.	X	

NOTICE OF SALE

Under and by virtue of a decree rendered in the above styled cause by Hubert M. Hall, as Judge of said Court, on August 20, 1957, I, Alice J. Duck, as Register of said Court, shall proceed to sell at public outcry, to the highest bidderfor cash, in front of the Courthouse door of Baldwin County, Alabama, at 11:00 o'clock A. M. on Monday, September 30, 1957, for the purpose of a partition and division among the joint owners thereof the following described real estate situated in Baldwin County, Alabama, to-wit:

> Begin at the Northeast Corner of the Southeast Quarter of the Northwest Quarter of Section Five, Township Two North, Range Three East, run thence West 1320 feet to a point; run thence South 2145 feet to a point; run thence East 1122 feet to a point; run thence South 42° East 143.9 feet to a point; run thence North 48° East 165 feet to a point; run thence North 231 feet to a point run thence East 371.2 feet to a point on the West right of way line of the Stockton-Little River Highway; run thence North 50° and 50 minutes East along such highway 165.5 feet to a point; run thence North 54° 30 minutes West 436 feet to a point; thence run North 50° West 138.6 feet to a point; run thence North 29° 30 minutes East 565.62 feet to a point; run thence North 80° East 73.2 feet to a point; thence run North 40° East 198 feet to a point; run thence North 26° 45 minutes West 1012.4 feet to the place of beginning, said land lying and being situated in the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the South-

west Quarter, the Northwest Quarter of the Southeast Quarter and the Southwest Quarter of the Northeast Quarter of Section Five, Township Two North, Range Three East, SAVE AND EXCEPT the following described lands, viz: Begin at the Southeast Corner of the Northeast Quarter of the Southwest Quarter of Section Five, Township Two North, Range Three East; run thence North 21° 30 minutes West 990 feet to the point of beginning of excepted lands; run thence North 42° West 693 feet to a point; run thence South 40° West 807.4 feet to a point on the West line of the Northeast Quarter of Southwest Quarter of said Section, run thence South along such West line 31.5 feet to a point; run thence South 75° East 840.2 feet to a point; run thence North 25° East 396 feet to the point of beginning.

Together with any and all improvements located thereon.

This notice is given, said sale will be held and the proceeds thereof applied, all in accordance with the decrees of said Court and the statute in such cases made and provided.

Witness my hand and seal as Register of the Circuit Court of Baldwin County, Alabama, In Equity, on this the 24 day of August, 1957.

Berice J. Deck
As Register of said Court

NOTICE OF SALE

FANNIE BERT DAVIS SMITH,

Complainant,

vs.

COL. J. R. TILL, ET AL.,

Respondents,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FANNIE BERT DAVIS SMITH,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
COL. J. R. TILL ET AL.,	X	IN EQUITY
Respondents.	X	
	X	

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

In pursuance to a decree of the Circuit Court of Baldwin County, Alabama, In Equity, made on August 20, 1957, I, Alice J. Duck, as Register of said Court, did offer for sale in front of the courthouse door of Baldwin County, Alabama, on September 30, 1957, at public outcry, to the highest bidder, for cash, at 11:00 A. M., after giving notice of the time, place and terms of said sale by publication in the Baldwin Times, a newspaper published in Baldwin County Alabama, for three successive weeks, said notices appearing in the issues of said paper dated August 29th, September 5th and September 12, 1957, the following described property situated in Baldwin County, Alabama, to-wit:

> Begin at the Northeast Corner of the Southeast Quarter of the Northwest Quarter of Section Five, Township Two, North, Range Three East, run thence West 1320 feet to a point; run thence South 2145 feet to a point; run thence East 1122 feet to a point; run thence South 42° East 143.9 feet to a point; run thence North 48° East 165 feet to a point; run thence North 231 feet to a point run thence East 371.2 feet to a point on the West right of way line of the Stockton-Little River Highway; run thence North 50° and 50 minutes East along such highway 165.5 feet to a point; run thence North 54° 30 minutes West 436 feet to a point; thence run North 50° West 138.6 feet to a point; run thence North 29° 30 minutes East 565.62 feet to a point; run thence North 80° East 73.2 feet to a point; thence run North 40° East 198 feet to a point; run thence North 26° 45 minutes West 1012.4 feet to the place of beginning, said land lying and being situated in the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, the Northwest Quarter of the Southeast Quarter and the Southwest Quarter of the Northeast Quarter of Section Five, Township Two North, Range Three East, SAVE AND EXCEPT the following described lands, viz: Begin at the Southeast Corner of the Northeast Quarter of the Southwest Quarter of Section Five, Township Two North, Range Three East; run thence North 21° 30 minutes West 990 feet to the point of beginning of excepted

lands, run thence North 42° West 693 feet to a point run thence South 40° West 807.4 feet to a point on the West line of the Northeast Quarter of Southwest Quarter of said Section, run thence South along such West line 31.5 feet to a point; run thence South 75° East 840.2 feet to a point; run thence North 25° East 396 feet to the point of beginning, together with any and all improvements located thereon.

At said time and said place, I offered such lands for sale in its entirety, since there was no means of properly describing such land in smaller parcels. Numerous bids were made on such land from at least five or six different persons interested therein. The highest, best and last bid that I received for said property was in the sum of Six Thousand One Hundred Dollars ($6,100.00) which was offered by Jesse M. Reed and George K. Page. Their bid being the highest, best and last bid for said property, I proceeded to sell such property to them, subject to the approval of this court, and they having paid into my hands as Register of said Court the sum of Six Thousand One Hundred Dollars, which amount I now hold as Register of this Court, subject to the orders of this Court.

Respectfully submitted this the 1st day of October, 1957.

Alice J. Luck
Register

filed - 10-1-57
Alice J. Luck
Register

8602 DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL B.T.-10-46-200

FANNIE BERT DAVIS SMITH

Complainant

Vs.

COL. J. R. TILL, ET AL.,

Respondents

CIRCUIT COURT OF
Baldwin County.

IN EQUITY

In this cause it being made to appear to the Register that on the 8th day of February, 19~~4~~ 57, a copy of the Bill of Complaint filed in this cause was sent to Marguerite McConnell Sharrit, Sue Ella McConnell Odom, Mrs. Carl Firth and T. P. Smith Defendants by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the 21st day of February, 19~~4~~ 57, such receipt was duly received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered, adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things taken as confessed against the said Marguerite McConnell Sharrit, Sue Ella McConnell Odom, Mrs. Carl Firth and T. P. Smith Defendant~~s~~

This the 27th day of May, 19~~4~~ 57

Alvin J. Vincent Register.

No. 3974

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

In Equity.

FANNIE BERT DAVIS SMITH,

Complainant,

Vs.

COL. J. R. TILL, ET AL.,

Respondents

DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL

Filed in office this 27th day of May, 19~~4~~ 57

Register

Entered in O. B. _____ Page _____

The Baldwin Times, Bay Minette, Ala.

8602 DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL B.T.-10-46-200

FANNIE BERT DAVIS SMITH, Complainant, Vs. COL. J. R. TILL, ET AL., Respondents	CIRCUIT COURT OF Baldwin County. IN EQUITY

In this cause it being made to appear to the Register that on the 8th day of February, 19~~4~~ 57, a copy of the Bill of Complaint filed in this cause was sent to Col. J. R. Till, Leon McConnell and Alfred Smith

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the 22nd day of February, 19~~x~~57, such receipt was duly received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered, adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things taken as confessed against the said Col. J. R. Till, Leon McConnell and Alfred Smith Defendant~~s~~

This the 27th day of May, 19~~x~~ 57

Register.

No. 3974

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

In Equity.

FANNIE BERT DAVIS SMITH,

Complainant,

Vs.

COL. J. R. TILL, ET AL.,

Respondents

DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL

Filed in office this 27th day of May, 1957

Alice J. Renck, Register

Entered in O. B. _____ Page _____

The Baldwin Times, Bay Minette, Ala.

FANNIE BERT DAVIS SMITH, Complainant,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
COL. J. R. TILL, ET AL., Respondents.	X	IN EQUITY NO. 3974

MOTION FOR DECREE PRO CONFESSO AFTER SERVICE BY REGISTERED MAIL

Motion is hereby made for a Decree Pro Confesso against Col. J. R. Till, Tom Peyton Tunstall, Leon McConnell, Marguerite McConnell Sharrit, Sue Ella McConnell Odom, Levern W. Stephens, Alfred Smith, Mrs. Carl Firth, T. P. Smith, and Leila E. Lampkin, Respondents in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Respondents, and that said summons was duly served by Registered Mail, according to law, and that said Respondents have failed to demur, plead or to answer the Bill of Complaint in this cause to this date.

This 27th day of May, 1957.

CHASON & STONE

By: J. W. Chason
Solicitor

filed May 27, 1957
Alice J. Huck, Register

MOTION FOR DECREE PRO CONFESSO
AFTER SERVICE BY REGISTERED MAIL

FANNIE BERT DAVIS SMITH,

Complainant,

vs.

COL. J. R. TILL, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3974

FILED
MAY 27 1957
ALICE J. DUCK, Register

~~CIRCUIT COURT COMPLAINT~~

Printed by the Baldwin Times, Bay Minette, Alabama.

FANNIE BERT DAVIS SMITH,
Complainant,
Vs.
COL. J. R. TILL, ET AL.,
Respondent.

In the Circuit Court.

In Equity No. 3974.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent

B. F. Tunstall

by the Sheriff of Mobile County, on the 20th day of February, 19~~4~~ 57.

And it further appears to the Register, that that the said

B. F. Tunstall

the Respondent, having to the date hereof, failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore, on motion of CHASON & STONE Solicitors for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be, and it hereby is, in all things taken as confessed against the said

B. F. Tunstall

This 27th day of May, 19~~4~~ 57.

Register.

No. 3974

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY

FANNIE BERT DAVIS SMITH,

Complainant,

Vs.

COL. J. R. TILL, ET AL.,

Respondent.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

Issued this 27 day of May

19~~4~~ 57.

Register.

THE BALDWIN TIMES

~~CIRCUIT COURT COMPLAINT~~

Printed by the Baldwin Times, Bay Minette, Alabama.

FANNIE BERT DAVIS SMITH,
Complainant,
Vs.
COL. J. R. TILL, ET AL.,
Respondent.

In the Circuit Court.
In Equity No. 3974.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondents Mrs. George Page, George Lambert, Vivian Reed McDavid and Dr. P. A. Bryant

by the Sheriff of Baldwin County, on the 18th day of February, 19~~4~~ 57

And it further appears to the Register, that that the said Mrs. George Page, George Lambert, Vivian Reed McDavid and Dr. P. A. Bryant

the Respondents, having to the date hereof, failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore, on motion of CHASON & STONE Solicitors for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be, and it hereby is, in all things taken as confessed against the said Mrs. George Page, George Lambert, Vivian Reed McDavid and Dr. P. A. Bryant

This 27th day of May, 19~~4~~ 57.

Denise J. Nerren
Register.

No. 3974

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY

FANNIE BERT DAVIS SMITH

Complainant,

Vs.

COL. J. R. TILL, ET AL.,

Respondent.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

Issued this 27 day of May

19~~4~~ 57.

Register.

THE BALDWIN TIMES

~~XCIRCUIT XCOURT XCOMPLAINT~~

Printed by the Baldwin Times, Bay Minette, Alabama.

FANNIE BERT DAVIS SMITH,
Complainant,
Vs.
COL. J. R. TILL, ET AL.,
Respondent.

In the Circuit Court.
In Equity No. 3974.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent P. B. McConnell, Jr.

by the Sheriff of Mobile County, on the 22nd day of February, 19~~4~~ 57

And it further appears to the Register, that that the said P. B. McConnell, Jr.

the Respondent, having to the date hereof, failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore, on motion of CHASON & STONE Solicitors for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be, and it hereby is, in all things taken as confessed against the said P. B. McConnell, Jr.

This 27th day of May, 19~~4~~ 57

Register.

No. 3974

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY

FANNIE BERT DAVIS SMITH,

Complainant,

Vs.

COL. J. R. TILL, ET AL.,

Respondent.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

Issued this 27 day of May

19 57.

Register.

THE BALDWIN TIMES

~~CIRCUIT COURT COMPLAINT~~

Printed by the Baldwin Times, Bay Minette, Alabama.

FANNIE BERT DAVIS SMITH,
Complainant,
Vs.
COL. J. R. TILL, ET AL.,
Respondent.

In the Circuit Court.

In Equity No. 3974.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondents P. B. McConnell Maggie Davis Nelson, Georgia Ella Davis Till, J. M. Reed, Jr., Sue Fiest Bryant, Georgia Virginia Bryant, Jessie Lee Bryant, Sadie Bryant Smith, Laura Mae Tunstall Woolf

by the Sheriff of Baldwin County, on the 19th day of February, 19~~4x~~ 57.

And it further appears to the Register, that that the said ~~P. B. McConnell, Maggie~~ Davis Nelson, Georgia Ella Davis Till, J. M. Reed, Jr., Sue Fiest Bryant, Georgia Virginia Bryant, Jessie Lee Bryant, Sadie Bryant Smith and Laura Mae Tunstall Woolf

the Respondents, having to the date hereof, failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,

on motion of CHASON & STONE Solicitors for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,

and it hereby is, in all things taken as confessed against the said ~~P. B. McConnell, Maggie~~ Davis Nelson, Georgia Ella Davis Till, J. M. Reed, Jr., Sue Fiest Bryant, Georgia Virginia Bryant, Jessie Lee Bryant, Sadie Bryant Smith and Laura Mae Tunstall Woolf

This 27th day of May, 19~~4~~ 57

Register.

No. 3974

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY

FANNIE BERT DAVIS SMITH,

Complainant,

Vs.

COL. J. R. TILL, ET AL,

Respondent.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

Issued this 27 day of May

19~~4~~57.

Register.

THE BALDWIN TIMES

~~CIRCUIT COURT COMPLAINT~~

Printed by the Baldwin Times, Bay Minette, Alabama.

FANNIE BERT DAVIS SMITH,
Complainant,
Vs.
COL. J. R. TILL, ET AL.,
Respondent.

In the Circuit Court.

In Equity No. 3974.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent E. S. Tunstall

by the Sheriff of Baldwin County, on the 15th day of February, 19~~4~~ 57.

And it further appears to the Register, that that the said E. S. Tunstall

the Respondent, having to the date hereof, failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore, on motion of CHASON & STONE Solicitors for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be, and it hereby is, in all things taken as confessed against the said E. S. Tunstall

This 27th day of May, 19~~4~~ 57.

Register.

No. 3974

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY

FANNIE BERT DAVIS SMITH,

Complainant,

Vs.

COL. J. R. TILL, ET AL.,

Respondent.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

Issued this 27 day of May

19~~4~~ 57.

Register.

THE BALDWIN TIMES

CIRCUIT COURT COMPLAINT

Printed by the Baldwin Times, Bay Minette, Alabama.

FANNIE BERT DAVIS SMITH,
Complainant,
Vs.
COL. J. R. TILL, ET AL.,
Respondent.

In the Circuit Court.
In Equity No. 3974.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent Mrs. R. E. Nelson

by the Sheriff of Mobile County, on the 19 day of February, 19 57.

And it further appears to the Register, that that the said Mrs. R. E. Nelson

the Respondent, having to the date hereof, failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore, on motion of CHASON & STONE Solicitors for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be, and it hereby is, in all things taken as confessed against the said Mrs. R. E. Nelson

This 27th day of May, 19 57.

Register.

FANNIE BERT DAVIS SMITH,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
COL. J. R. TILL, ET AL.,	X	IN EQUITY NO. 3974
Respondents.	X	
	X	

MOTION FOR DECREE PRO CONFESSO ON PERSONAL SERVICE

Motion is hereby made for a Decree Pro Confesso against Mrs. R. E. Nelson, Maggie Davis Nelson, Georgia Ella Davis Till, Vivian Reed McDavid, J. M. Reed, Jr., Mrs. George Page, Sue Fiest Bryant, P. B. McConnell, Jr., Georgia Virginia Bryant, Jessie Lee Bryant, Sadie Bryant Smith, Dr. P. A. Bryant, E. S. Tunstall, B. F. Tunstall, Laura Mae Tunstall Woolf, George Lambert, and P. B. McConnell, Respondents in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Respondents; and that said summons was duly served according to law, and that said Respondents have failed to demur, plead or to answer the Bill of Complaint in this cause to this date.

This 27th day of May, 1957.

CHASON & STONE

filed May 27, 1957
Alice J. Huck,
Register

By: [signature]
Solicitor

MOTION FOR DECREE PRO CONFESSO
ON PERSONAL SERVICE

FANNIE BERT DAVIS SMITH,

Complainant,

vs.

COL. J. R. TILL, ET AL.,

Respondents,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY, NO. 3974

FILED
MAY 27 1957
ALICE J. BECK, Register

FANNIE BERT DAVIS SMITH,	)	
Complainant,	)	
-Vs-	)	
COL. J. R. TILL, MRS. R. E. NELSON, MAGGIS DAVIS NELSON, GEORGIA ELLA DAVIS TILL, VIVIAN REED McDAVID, J. M. REED, JR. MRS. GEORGE PAGE, BIRDIE FEIST MITCHELL, ETTA FEIST MAY, MRS. B. F. FEIST, SUE FIEST BRYANT, P. B. McCONNELL, JR., GEORGIA VIRGINIA BRYANT, JESSIE LEE BRYANT, SADIE BRYANT SMITH, DR. P. A. BRYANT, JANICE ZIMMERN, BERNICE ZIMMERN LEVINSON, S. J. ZIMMERN, JR., E. S. TUNSTALL, B. F. TUNSTALL, LAURA MAE TUNSTALL WOOLF, TOM PEYTON TUNSTALL, GEORGE LAMBERT, P. B. McCONNELL, LEON McCONNELL, MARGURITE McCONNELL SHARIT, SUE ELLA McCONNELL ODEM, LEVERN W. STEPHENS, ALFRED SMITH, WILLIAM O. SMITH, MRS. CARL FIRTH, T. P. SMITH, LEILA E. LAMPKIN AND JUNIOR STEPHENS,	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY NO._____
Respondents.	)	

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

Come the Respondents, Birdie Feist Mitchell, Etta Feist May, Mrs. B. F. Feist, Janice Zimmern, Bernice Zimmern Levinson, S. J. Zimmern, and for answer to the bill of complaint heretofore filed in this cause, and separately and severally to each paragraph thereof, says:

ONE

Respondents admit the allegations of paragraph one of said bill of complaint.

TWO

Respondents admit the allegations in paragraph two of said complaint.

THREE

Respondents are not advised as to, and therefore, neither admit nor deny the averments of paragraph three of said bill of complaint, but demand strict proof thereof.

FOUR

Respondents are not advised as to, and therefore, neither admit nor deny the averments of paragraph four of said bill of

complaint, but demand strict proof thereof.

As for further answer and as a cross-bill, your Respondents allege as follows:

a. In the event that the Court orders a sale of the property described in said bill of complaint, your Respondents would be interested in obtaining in return for their respective interests in said property a sum equal to the fair market value of their respective shares, less expenses incurred in this proceeding as provided by law; and the Respondents further allege that a complete abstract of title to the aforesaid property would be helpful in obtaining the maximum possible bids for said property from prospective purchasers and therefore beneficial to the Respondents in obtaining the best possible return for their respective interests in said property.

WHEREFORE, your Respondents pray that this Honorable Court consider this as your Respondents' cross-bill.

PRAYER FOR RELIEF

The premises considered, your Respondents further pray in the event the Court orders a sale of the aforesaid property that Your Honor will make and enter an order and decree ordering that an abstract of the title of the aforesaid property be made by some competent person, or company, which said abstract shall be filed with the officer making the sale thereof, for five (5) days before the date of the sale, and which shall be open to the inspection and examination of any prospective purchasers.

Your Respondents further pray that Your Honor will fix the compensation of the person or company making such abstract, and that the amount so fixed shall be a part of the costs and expenses of said sale, and shall be paid out of the proceeds thereof.

Your Respondents further pray that Your Honor will order to be paid to the attorneys for the above respondents, a reasonable attorneys' fee for their services in representing the interests of said Respondents in the sale of the aforesaid property.

Filed March 19, 1957
Alice J. Luck, Register

Leo M. Brown
LEO M. BROWN

D. Richard Bounds
D. RICHARD BOUNDS

STATE OF ALABAMA

IN THE CIRCUIT COURT - IN EQUITY

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Col. J. R. Till, Mrs. R. E. Nelson, Maggie Davis Nelson, Georgia Ella Davis Till, Vivian Reed McDavid, J. M. Reed, Jr., Mrs. George Page, Birdie Feist Mitchell, Etta Feist May, Mrs. B. F. Feist, Sue Feist Bryant, P. B. McConnell, Jr., Georgia Virginia Bryant, Jessie Lee Bryant, Sadie Bryant Smith, Dr. P. A. Bryant, Janice Zimmern, Bernice Zimmern Levinson, S. J. Zimmern, Jr., E. S. Tunstall, B. F. Tunstall, Laura Mae Tunstall Woolf, Tom Peyton Tunstall, George Lambert, P. B. McConnell, Leon McConnell, Margurite McConnell Sharit, Sue Ella McConnell Odom, Levern W. Stephens, Alfred Smith, William O. Smith, Mrs. Carl Firth, T. P. Smith, Leila E. Lampkin and Junior Stephens 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 Fannie Bert Davis Smith, as Complainant, against the above named parties as Respondents.

Witness my hand this 15 day of February, 1957.

Register

We, William O. Smith and Junior Stephens, who are Respondents in the suit brought in the Circuit Court of Baldwin County, Ala., in equity by Fannie Bert Davis Smith against us and others bein Cause no 3974, do hereby accept service of a copy of the within Summons and Bill of Complaint and waive further service of same on this the 27th day of July, 1957

William O. Smith

Junior Stephens

FANNIE BERT DAVIS SMITH,	)	
Complainant,	)	
vs.	)	
COL. J. R. TILL, MRS. R. E. NELSON, MAGGIE DAVIS NELSON, GEORGIA ELLA DAVIS TILL, VIVIAN REED MCDAVID, J. M. REED, JR., MRS. GEORGE PAGE, BIRDIE FEIST MITCHELL, ETTA FEIST MAY, MRS. B. F. FEIST, SUE FEIST BRYANT, P. B. MCCONNELL, JR., GEORGIA VIRGINIA BRYANT, JESSIE LEE BRYANT, SADIE BRYANT SMITH, DR. P. A. BRYANT, JANICE ZIMMERN, BERNICE ZIMMERN LEVINSON, S. J. ZIMMERN, JR., E. S. TUNSTALL, B. F. TUNSTALL, LAURA MAE TUNSTALL WOOLF, TOM PEYTON TUNSTALL, GEORGE LAMBERT, P. B. MCCONNELL, LEON MC-CONNELL, MARGURITE MCCONNELL SHARIT, SUE ELLA MCCONNELL ODOM, LEVERN W. STEPHENS, ALFRED SMITH, WILLIAM O. SMITH, MRS. CARL FIRTH, T. P. SMITH, LEILA E. LAMPKIN AND JUNIOR STEPHENS,	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY
Respondents.	)	
	)	

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

Comes your Complainant, Fannie Bert Davis Smith, and files this her Bill of Complaint, and shows unto Your Honor and to this Honorable Court as follows:

FIRST:

That your Complainant is a resident citizen of Baldwin County, Alabama, and is over the age of twenty-one years; that the places of residence of those Respondents who reside within the State of Alabama, and the Post Office addresses of the non-residents of the State of Alabama, are as follows: Col. J. R. Till, R. R. No. 4, Peru, Indiana; Mrs. R. E. Nelson, 13 York Place, Springhill, Alabama; Maggie Davis Nelson, Bay Minette, Alabama; Georgia Ella Davis Till, Bay Minette, Alabama; Vivian Reed McDavid, Bay Minette, Alabama; J. M. Reed, Jr., Bay Minette, Alabama; Mrs. George Page, Fairhope, Alabama; Birdie Feist Mitchell, 311 South Monterey Street, Mobile, Alabama; Etta Feist May, 1916 Hunter Avenue, Mobile, Alabama; Mrs. B. F. Feist, 1916 Hunter Avenue, Mobile, Alabama; Sue Feist Bryant, Bay Minette,

Alabama; P. B. McConnell, Jr., 1412 Greenwood Avenue, Mobile, Alabama; Georgia Virginia Bryant, Stockton, Alabama; Jessie Lee Bryant, Stockton, Alabama; Sadie Bryant Smith, Stockton, Alabama; Dr. P. A. Bryant, Bay Minette, Alabama; Janice Zimmern, 1171 S. Skyland Circle, Sky Ranch, Mobile, Alabama; Bernice Zimmern Levinson, 308 North, East Street, Coudersport, Pennsylvania; S. J. Zimmern, Jr., 201, 45th Street South, St. Petersburg, Florida; E. S. Tunstall, Bay Minette, Alabama; B. F. Tunstall, 70 Crenshaw Street, Mobile, Alabama; Laura Mae Tunstall Woolf, Tensaw, Alabama; Tom Peyton Tunstall, c/o Mene Grande Oil Company, Apartado 45, Barcelona, Venezula, South America; George Lambert, Bay Minette, Alabama; P. B. McConnell, Little River, Alabama; Leon McConnell, 802 Main Street, Mound City, Illinois; Margurite McConnell Sharit, Route 2, Box 418, Pensacola, Florida; Sue Ella McConnell Odom, 815 North S Street, Pensacola, Florida; Levern W. Stephens, A. B. 2, U-1D, Uss Saratoga, 6V.A60, Fleet Post Office, New York, N. Y.; Alfred Smith, Venice, Louisiana; William O. Smith, 1005 Main Street, Biloxi, Mississippi; Mrs. Carl Firth, Kentwood, Louisiana; T. P. Smith, Route 2, Box 125, Pensacola, Florida; Leila E. Lampkin, Route 7, Box 684, Pensacola, Florida and Junior Stephens, Route 1, Box 398, Plant City, Florida. That all of such Respondents are over the age of twenty-one years.

SECOND:

Your Complainant further shows unto Your Honor that she and the Respondents are the joint owners of the following described real estate situated in Baldwin County, Alabama, to-wit:

> Begin at the Northeast Corner of the Southeast Quarter of the Northwest Quarter of Section Five, Township Two North, Range Three East, run thence West 1320 feet to a point; run thence South 2145 feet to a point; run thence East 1122 feet to a point; run thence South 42° East 143.9 feet to a point; run thence North 48° East 165 feet to a point; run thence North 231 feet to a point; run thence East 371.2 feet to a point, on the West right of way line of the Stockton-Little River Highway; run thence North 50° and 50 minutes East along such highway 165.5 feet to a point; run thence North 54° 30 minutes West 436 feet to a point; run thence North 50° West 138.6 feet to a point; run thence North 29° 30 minutes East 565.62 feet to a point; run thence North 80° East 73.2 feet to a point; run thence North 40° East 198 feet to a point; run thence North 26° 45 minutes West

1012.4 feet to the place of beginning, said land lying and being situated in the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, the Northwest Quarter of the Southeast Quarter and the Southwest Quarter of the Northeast Quarter of Section Five, Township Two North, Range Three East, SAVE AND EXCEPT the following described lands, viz: Begin at the Southeast Corner of the Northeast Quarter of Southwest Quarter of Section Five, Township Two North, Range Three East; run thence North 21° 30 minutes West 990 feet to the point of beginning of excepted lands; run thence North 42° West 693 feet to a point; run thence South 40° West 807.4 feet to a point on the West line of the Northeast Quarter of Southwest Quarter of said Section, run thence South along such West line 31.5 feet to a point; run thence South 75° East 840.2 feet to a point; run thence North 25° East 396 feet to the point of beginning.

That your Complainant owns an undivided 1/40th interest in the land hereinabove described and the Respondents own the following interests in said land, viz: Col. J. R. Till and Mrs. R. E. Nelson each own an undivided 1/80th interest; Maggie Davis Nelson and Ella Davis Till each own an undivided 1/40th interest; Vivian Reed McDavid owns an undivided 1/20th interest; J. M. Reed, Jr., and Mrs. George Page each own an undivided 1/40th interest; Birdie Feist Mitchell and Etta Feist May each own an undivided 1/20th interest, subject to the dower rights of their mother, Mrs. B. F. Feist; Sue Feist Bryant owns an undivided 1/10th interest; P. B. McConnell, Jr., owns an undivided 1/10th interest; Georgia Virginia Bryant, Jessie Lee Bryant, Sadie Bryant Smith and Dr. P. A. Bryant each own an undivided 1/40th interest; Janice Zimmern, Bernice Zimmern Levinson and S. J. Zimmern, Jr., each own an undivided 1/30th interest; B. F. Tunstall, E. S. Tunstall, Laura Mae Tunstall Woolf and Tom Peyton Tunstall each own an undivided 1/40th interest; George Lambert owns an undivided 1/10th interest; P. B. McConnell, Leon McConnell, Margurite McConnell Sharit and Sue Ella McConnell Odom each own an undivided 1/50th interest; Levern W. Stephens, Alfred Smith, William O. Smith, Mrs. Carl Firth, T. P. Smith, Leila E. Lampkin and Junior Stephens each own an undivided 1/350th interest.

THIRD:

Your Complainant further shows unto Your Honor that she has paid the taxes on said land for many years and that she has caused a survey to be made of said land in order to be able to file this suit and the cost of such survey has been paid by her.

FOURTH:

Your Complainant further shows unto Your Honor that said land cannot be equitably divided by metes and bounds among the joint owners thereof and that it is necessary, in order to bring about an equitable partition of the same, that said lands be sold by this Court, after due notice, for partition and division of the proceeds of said sale among the joint owners thereof. That it has been necessary for the Complainant to employ Solicitors for this purpose and she has employed the law firm of Chason & Stone, Bay Minette, Alabama, as such Solicitors.

PRAYER FOR PROCESS:

To the end that equity may be had in the premises your Complainant prays that Your Honor will cause the usual Writ of Process to be issued to Mrs. R. E. Nelson, 13 York Place, Springhill, Alabama; Maggie Davis Nelson, Bay Minette, Alabama; Georgia Ella Davis Till, Bay Minette, Alabama; Vivian Reed McDavid, Bay Minette, Alabama; J. M. Reed, Jr., Bay Minette, Alabama; Mrs. George Page, Fairhope, Alabama; Birdie Feist Mitchell, 311 South Monterey Street, Mobile, Alabama; Etta Feist May, 1916 Hunter Avenue, Mobile, Alabama; Mrs. B. F. Feist, 1916 Hunter Avenue, Mobile, Alabama; Sue Feist Bryant, Bay Minette, Alabama; P. B. McConnell, Jr., 1412 Greenwood Avenue, Mobile, Alabama; Georgia Virginia Bryant, Stockton, Alabama; Jessie Lee Bryant, Stockton, Alabama; Sadie Bryant Smith, Stockton, Alabama; Dr. P. A. Bryant, Bay Minette, Alabama; Janice Zimmern, 1171 S. Skyland Circle, Sky Ranch, Mobile, Alabama; E. S. Tunstall, Bay Minette, Alabama; B. F. Tunstall, 70 Crenshaw Street, Mobile, Alabama; Laura Mae Tunstall Woolf, Tensaw, Alabama; George Lambert, Bay Minette, Alabama; P. B. McConnell, Little River, Alabama, and that such process be served upon them by some lawful officer of the County in which such Respondent resides. That a copy of a Summons, together with a copy of this Bill of Complaint, be mailed to the following named Respondents by registered or certified mail, postage prepaid, marked for delivery only to the person to whom addressed, with return receipt requested, viz: Col. J. R. Till, R. R. No. 4, Peru, Indiana; Bernice

Zimmern Levinson, 308 North, East Street, Coudersport, Pennsylvania; S. J. Zimmern, Jr., 201, 45th Street South, St. Petersburg, Florida; Tom Peyton Tunstall, c/o Mene Grande Oil Company, Apartado 45, Barcelona, Venezula, South America; Leon McConnell, 802 Main Street, Mound City, Illinois; Margurite McConnell Sharit, Route 2, Box 418, Pensacola, Florida; Sue Ella McConnell Odom, 815 North S Street, Pensacola, Florida; Levern W. Stephens, A. B. 2, U-1D, Uss Saratoga 6V.A60 Fleet Post Office, New York, N. Y.; Alfred Smith, Venice, Louisiana; William O. Smith, 1005 Main Street, Biloxi, Mississippi; Mrs. Carl Firth, Kentwood, Louisiana; T. P. Smith, Route 2, Box 125, Pensacola, Florida; Lelia E. Lampkin, Route 7, Box 684, Pensacola, Florida; Junior Stephens, Route 1, Box 398, Plant City, Florida. That such respondents be required to appear and plead, answer or demur within the time allowed by law.

PRAYER FOR RELIEF

The premises considered your Complainant further prays that Your Honor will make and enter an order and decree ordering the Register of this Court to proceed to sell the above described land for partition and division among the joint owners thereof after giving due notice of the time and place of such sale as provided by the laws of the State of Alabama, and the order of this Court; that said sale be made in front of the Courthouse door in Bay Minette, Baldwin County, Alabama, to the highest bidder for cash during the legal hours of sale and that such Register be authorized to execute a deed conveying such property to such purchaser, after confirmation by this Court.

Your Complainant further prays that Your Honor will order a reference to be held by the Register of this Court to ascertain:

1. The amount of taxes which have been paid upon said land by your Complainant.

2. The amount expended by your Complainant in having a survey made of said land.

3. A reasonable Solicitor's fee to be paid Chason & Stone as Solicitors for Complainant for their services in bringing about the sale of said lands and a distribution of the proceeds thereof among the joint owners.

4. The dower interest of Mrs. B. F. Feist which will

be deducted from the money to be paid the Respondents Birdie Feist Mitchell and Etta Feist May.

That Your Honor will order such Register to pay the amounts ascertained by such reference, to the persons entitled thereto.

Your Complainant prays for such other, further and different relief to which she might be entitled.

CHASON & STONE

By: John Larson
Solicitors for Complainant

BALDWIN COUNTY ABSTRACT COMPANY
P. E. TETER, MANAGER
BAY MINETTE, ALABAMA

October 4th, 1957

Received at the hands of Mr. John Chason, Attorney, check in the amount of $200.00 signed by Mrs. J. B. Smith, for payment of our Abstract prepared for the Feist Estate, numbered 4503, ordered in connection with sale of property by the Court having jurisdiction thereof.

BALDWIN COUNTY ABSTRACT COMPANY

By S. P. Teter

Asst Mgr

Member American Title Association

FANNIE BERT DAVIS SMITH,	X	
Complainant,	X	
vs.	X	
	X	
COL J. R. TILL, MRS. R. E. NELSON, MAGGIE DAVIS NELSON, GEORGIA ELLA DAVIS TILL, VIVIAN REED McDAVID, J. M. REED, JR., MRS. GEORGE PAGE, BIRDIE FEIST MITCHELL, ETTA FEIST MAY, MRS. B. F. FEIST, SUE FEIST BRYANT, P. B. McCONNELL, JR., GEORGIA VIRGINIA BRYANT, JESSIE LEE BRYANT, SADIE BRYANT SMITH, DR. P. A. BRYANT, JANICE ZIMMERN, BERNICE ZIMMERN LEVINSON, S. J. ZIMMERN, JR., E. S. TUNSTALL, B. F. TUNSTALL, LAURA MAE TUNSTALL WOOLF, TOM PEYTON TUNSTALL, GEORGE LAMBERT, P. B. McCONNELL, LEON McCONNELL, MARGURITE McCONNELL SHARIT, SUE ELLA McCONNELL ODOM, LEVERN W. STEPHENS, ALFRED SMITH, WILLIAM O. SMITH, MRS. CARL FIRTH, T. P. SMITH, LEILA E. LAMPKIN and JUNIOR STEPHENS,	X	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY NO. 3974
Respondents.	X	

FINAL DECREE

This matter coming on for hearing is submitted upon the original Summons and Bill of Complaint, Decrees Pro Confesso, Answer and Waiver of William O. Smith and Junior Stephens, Answer of Birdie Feist Mitchell, Etta Feist May, Mrs. B. F. Feist, Janice Zimmern, Bernice Zimmern Levinson and S. J. Zimmern, Testimony of Fannie Bert Davis Smith and E. S. Tunstall taken orally before the Court, Waiver of Dower filed by Mrs. B. F. Feist, Order of Sale, Notice of Sale, Affidavit of Publication, Report of Sale, Testimony of J. B. Blackburn and Testimony of Harry Wilters taken orally before the Court and reduced to writing and the Court having considered the same enters its final decree as follows:

1. The Court having considered the Report of Sale filed by the Register of said Court on October 1, 1957, and said report having been on file for more than ten days and no exceptions or objections thereto having been filed in said cause, the Court hereby

ratifies and approves such sale and hereby orders Alice J. Duck as Register of said Court to execute a deed conveying the property described in such report to Jesse M. Reed and George K. Page, the purchase money having been paid by them to the Register of said Court.

2. An abstract of Title covering the lands described in the Report of Sale was prepared by the Baldwin County Abstract Company in accordance with a decree of this Court rendered on August 20, 1957, which abstract cost $200.00. The cost of such abstract having been paid by Fannie Bert Davis Smith out of money held by her for the benefit of all of the parties and a receipt showing that the cost of preparing such abstract has been paid to the Baldwin County Abstract Company having been filed in said cause, no charge shall be made against said estate for the cost of said abstract.

3. Under a decree of this Court rendered on August 20, 1957, the Court ordered that the value of the dower interest of Mrs. B. F. Feist be ascertained and fixed by an order of this Court, after a sale of the property, unless a stipulation is entered into and filed in this cause by and between the heirs of B. F. Feist and such widow and it now appearing to the Court that Mrs. B. F. Feist as such widow has now filed in said cause an instrument releasing such dower rights and requesting that any money which was due to the heirs of B. F. Feist, Deceased, should be paid to Birdie Feist Mitchell and Etta Feist May, it is therefore ordered and decreed by this Court that Mrs. B. F. Feist shall not receive any of the proceeds derived from such sale and that Birdie Feist Mitchell and Etta Feist May shall receive all of the amount due for the share belonging to the estate of B. F. Feist, Deceased.

4. And it appearing to the Court that court costs have accrued in said cause in the sum of $282.30, it is ordered and decreed by this Court that Alice J. Duck as Register of said Court shall deduct from the amount that she received on the sale of such property, the amount of such court costs.

5. And it further appearing to the Court from the testimony of J. B. Blackburn and Harry Wilters, who are practicing attorneys at law in Bay Minette, Baldwin County, Alabama, that a reason-

able fee to be paid Chason & Stone as solicitors for the Complainant in said cause for their efforts in bringing about a sale of said property would be $600.00, and the Court having considered the same is of the opinion that the fee testified to by such attorneys would be fair and reasonable it is therefore ordered and decreed by the Court that Alice J. Duck as Register of said Court shall pay Chason & Stone as solicitors for the Complainant the sum of $600.00 as their attorneys fee in said cause.

6. And it appearing to the Court that after the payment of the court costs in said cause and after the payment of the attorneys in said cause, that there remains in the hands of Alice J. Duck as Register the sum of $5,217.70 which is subject to being distributed among the joint owners of said property as their interests appear and it further appearing to said Court that by a decree of this Court rendered on August 20, 1957, the Court determined the interest of each of said parties in such land, it is therefore ordered and decreed by this Court that Alice J. Duck as Register of said Court shall pay to the parties to said cause the following amounts, viz:

Fannie Bert Davis Smith	$130.44
Col. J. R. Till	65.22
Mrs. R. E. Nelson	65.22
Maggie Davis Nelson	130.44
Georgia Ella Davis Till	130.44
Vivian Reed McDavid	260.89
J. M. Reed, Jr.	130.44
Mrs. George Page	130.44
Birdie Feist Mitchell	260.89
Etta Feist May	260.89
Sue Feist Bryant	521.77
P. B. McConnell, Jr.	521.77
Georgia Virginia Bryant	130.44
Jessie Lee Bryant	130.44
Sadie Bryant Smith	130.44
Dr. P. A. Bryant	130.44
Janice Zimmern	173.93
Bernice Zimmern Levinson	173.93
S. J. Zimmern, Jr.	173.93
B. F. Tunstall	130.44
E. S. Tunstall	130.44
Laura Mae Tunstall Woolf	130.44
Tom Peyton Tunstall	130.44
George Lambert	521.77
P. B. McConnell	104.35
Leon McConnell	104.35
Margurite McConnell Sharit	104.35
Sue Ella McConnell Odom	104.35

Levern W. Stephens	14.91
Alfred Smith	14.91
William O. Smith	14.91
Mrs. Carl Firth	14.91
T. P. Smith	14.91
Leila E. Lampkin	14.91
Junior Stephens	14.91

Done this the 15th day of October, 1957.

Hubert M Hale

Judge

FINAL DECREE

FANNIE BERT DAVIS SMITH,

Complainant,

vs.

COL. J. R. TILL, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3974

FILED

OCT 15 1957

ALICE J. DUCK, Register

FANNIE BERT DAVIS SMITH,	)	
Complainant,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
	)	
COL. J. R. TILL ET AL.,	)	IN EQUITY NO. 3974
Respondents.	)	
	)	

TESTIMONY OF J. B. BLACKBURN

My name is J. B. Blackburn. I am a duly licensed attorney at law in Baldwin County, Alabama. My office is in Bay Minette and I have maintained such office since the year 1928. I have examined the Court file in the above styled cause and have been informed by the solicitors for the Complainant that they prepared thirty-five copies of the Summons and Bill of Complaint in said cause which were served upon the Respondents in said cause. I have also been informed by the solicitors for the Complainant that it was necessary for them to write a number of letters in connection with the addresses of the Respondents and that they made two trips to Mobile in connection with the service upon some of the Respondents and that they have also had numerous conferences in connection with this matter.

The file discloses that said property was sold at public sale for the sum of Six Thousand One Hundred Dollars ($6,100.00). I am of the opinion that the sum of $ 600.00 would be a reasonable fee to be paid Chason & Stone as solicitors for the Complainant in connection with their services in this matter.

J. B. Blackburn

FANNIE BERT DAVIS SMITH,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
COL. J. R. TILL, ET AL.,	X	IN EQUITY NO. 3974
Respondents.	X	

TESTIMONY OF HARRY WILTERS

My name is Harry Wilters. I am a duly licensed attorney at law in Baldwin County, Alabama. My office is in Bay Minette, Alabama and I began the practice of law in the year 1952. I have examined the Court file in the above styled cause and have been informed by the solicitors for the Complainant that they prepared thirty-five copies of the Summons and Bill of Complaint in said cause which were served upon the Respondents in said cause. I have also been informed by the solicitors for the Complainant that it was necessary for them to write a number of letters in connection with the addresses of the Respondents and that they made two trips to Mobile in connection with the service upon some of the Respondents and that they have also had numerous conferences in connection with this matter.

The file discloses that said property was sold at public sale for the sum of Six Thousand One Hundred Dollars ($6,100.00). I am of the opinion that the sum of $600.00 would be a reasonable fee to be paid Chason & Stone as solicitors for the Complainant in connection with their services in this matter.

Harry Wilters

FANNIE BERT DAVIS SMITH,	X	
Complainant,	X	
vs.	X	
	X	
COL. J. R. TILL, MRS. R. E. NELSON, MAGGIE DAVIS NELSON, GEORGIA ELLA DAVIS TILL, VIVIAN REED McDAVID, J. M. REED, JR., MRS. GEORGE PAGE, BIRDIE FEIST MITCHELL, ETTA FEIST MAY, MRS. B. F. FEIST, SUE FEIST BRYANT, P. B. McCONNELL, JR., GEORGIA VIRGINIA BRYANT, JESSIE LEE BRYANT, SADIE BRYANT SMITH, DR. P. A. BRYANT, JANICE ZIMMERN, BERNICE ZIMMERN LEVINSON, S. J. ZIMMERN, JR., E. S. TUNSTALL, B. F. TUNSTALL, LAURA MAE TUNSTALL WOOLF, TOM PEYTON TUNSTALL, GEORGE LAMBERT, P. B. McCONNELL, LEON McCONNELL, MARGURITE McCONNELL SHARIT, SUE ELLA McCONNELL ODOM, LEVERN W. STEPHENS, ALFRED SMITH, WILLIAM O. SMITH, MRS. CARL FIRTH, T. P. SMITH, LEILA E. LAMPKIN AND JUNIOR STEPHENS,	X	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY
Respondents.	X	

This cause coming on for hearing is submitted for decree on the Bill of Complaint, Decrees Pro Confesso, Answer of Respondents, Birdie Feist Mitchell, Etta Feist May, Mrs. B. F. Feist, Janice Zimmern, Bernice Zimmern Levinson, S. J. Zimmern, William O. Smith and Junior Stephens, and the testimony of Fannie Bert Davis Smith and E. S. Tunstall taken orally before the Court, all of which being understood by the Court, the Court is of the opinion that the Complainant is entitled to the relief prayed for in her Bill of Complaint except as hereinafter set out.

And it further appearing to the Court that the Complainant and the Respondents named in the Bill of Complaint are the joint owners of the following described real estate situated in Baldwin County, Alabama, to-wit:

> Begin at the Northeast Corner of the Southeast Quarter of the Northwest Quarter of Section Five, Township Two North, Range Three East, run thence West 1320 feet to a point; run thence South 2145 feet to a point; run thence East 1122 feet to a point; run thence South 42° East 143.9 feet to a point; run thence North 48° East 165 feet to a point; run thence North 231 feet to a point

run thence East 371.2 feet to a point on the West right of way line of the Stockton-Little River Highway; run thence North 50° and 50 minutes East along such highway 165.5 feet to a point; run thence North 54° 30 minutes West 436 feet to a point; run thence North 50° West 138.6 feet to a point; run thence North 29° 30 minutes East 565.62 feet to a point; run thence North 80° East 73.2 feet to a point; run thence North 40° East 198 feet to a point; run thence North 26° 45 minutes West 1012.4 feet to the place of beginning, said land lying and being situated in the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, the Northwest Quarter of the Southeast Quarter and the Southwest Quarter of the Northeast Quarter of Section Five, Township Two North, Range Three East, SAVE AND EXCEPT the following described lands, viz: Begin at the Southeast Corner of the Northeast Quarter of the Southwest Quarter of Section Five, Township Two North, Range Three East; run thence North 21° 30 minutes West 990 feet to the point of beginning of excepted lands; run thence North 42° West 693 feet to a point; run thence South 40° West 807.4 feet to a point on the West line of the Northeast Quarter of Southwest Quarter of said Section, run thence South along such West line 31.5 feet to a point; run thence South 75° East 840.2 feet to a point; run thence North 25° East 396 feet to the point of beginning.

And it further appearing to the Court that the Complainant owns an undivided 1/40th interest in the land hereinabove described and the Respondents own the following interests in said land, viz: Col. J. R. Till and Mrs. R. E. Nelson each own an undivided 1/80th interest; Maggie Davis Nelson and Ella Davis Till each own an undivided 1/40th interest; Vivian Reed McDavid owns an undivided 1/20th interest; J. M. Reed, Jr., and Mrs. George Page each own an undivided 1/40th interest; Birdie Feist Mitchell and Etta Feist May each own an undivided 1/20th interest, subject to the dower rights of their mother, Mrs. B. F. Feist; Sue Feist Bryant owns an undivided 1/10th interest; P. B. McConnell, Jr., owns an undivided 1/10th interest; Georgia Virginia Bryant, Jessie Lee Bryant, Sadie Bryant Smith and Dr. P. A. Bryant each own an undivided 1/40th interest; Janice Zimmern, Bernice Zimmern Levinson and S. J. Zimmern, Jr., each own an undivided 1/30th interest; B. F. Tunstall, E. S. Tunstall, Laura Mae Tunstall Woolf and Tom Peyton Tunstall each own an undivided 1/40th interest; George Lambert owns an undivided 1/10th interest; P. B. McConnell, Leon McConnell, Margurite McConnell Sharit and Sue Ella McConnell Odom each own an undivided 1/50th interest; Levern W. Stephens, Alfred Smith, William O. Smith, Mrs. Carl Firth, T. P. Smith,

Leila E. Lampkin and Junior Stephens each own an undivided 1/350th interest.

And it further appearing to the Court that the above described lands cannot be equitably divided among the joint owners thereof and that it is necessary to bring about an equitable partition and division of said lands, that such lands be sold under the order of this Court and that the proceeds derived therefrom be divided between the joint owners thereof in accordance with the interest of each owner after deducting the cost of this proceeding, including a reasonable solicitors fee to be paid Chason & Stone as Solicitors for Complainant.

It is therefore ORDERED, ADJUDGED and DECREED that the above described lands be sold for partition and division of the proceeds thereof between the Complainant and the Respondents.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Register of this Court shall proceed to sell said land together with any improvements located thereon for said purpose, in front of the courthouse door of Baldwin County, Alabama, on Monday, September 30, 1957, during the legal hours of sale, at public outcry, to the highest bidder for cash, after giving notice of the time, place and terms of said sale by publication in some newspaper published in Baldwin County, Alabama for three (3) successive weeks and said Register is to report the results of said sale to this Court as provided by law.

And it further appearing to the Court that Chason & Stone of Bay Minette, Alabama, has been employed by the Complainant to prosecute such proceeding and that it was necessary for her to employ solicitors for that purpose,

It is therefore ORDERED, ADJUDGED and DECREED by the Court that Chason & Stone be paid a reasonable solicitor's fee for their services in the matter, such fee to be fixed by an order of this Court to be entered after the sale of such property and before a division of the proceeds derived therefrom.

And it further appearing to the Court that Mrs. B. F. Feist owns a dower interest in an undivided interest in such property. The value of such interest is to be fixed by an order of this Court

after a sale of the property unless a stipulation is entered into and filed in this cause by and between the heirs of B. F. Feist, Deceased and such widow.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainant shall have a complete abstract of title prepared for said lands by some reliable abstract company, the cost of such abstract to be taxed as a part of the court costs in this proceeding and that such abstract may be examined by any prospective purchaser should such prospective purchaser desire to do so. Such abstract shall be delivered to the purchaser at said sale when the sale has been approved by this Court.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainant and the Respondents named in said cause are the owners of an undivided interest in the lands above described and that their interests in such land are as shown in the original Bill of Complaint and in the second page of this decree.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainant is not entitled to be reimbursed for taxes which she has paid upon said land or for the cost of the survey thereof as it now appears from the evidence in said cause that such taxes and the cost of survey was paid by her out of money belonging to all of the parties to such proceeding.

It is further ORDERED, ADJUDGED and DECREED by the Court that Leo M. Brown and D. Richard Bounds, as solicitors of the Respondents Birdie Feist Mitchell, Etta Feist May, Mrs. B. F. Feist, Janice Zimmern, Bernice Zimmern Levinson and S. J. Zimmern are not entitled to have their solicitor's fee for representing such Respondents paid out of the proceeds derived from the sale of such property.

Done this the 20th day of August, 1957.

Hubert M Hall

Judge