

3980

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JACK PHILLIPS and ARRENIA DALE 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 MARY WILLIAMS as Complainant and JACK PHILLIPS and ARRENIA DALE as Respondents.

WITNESS my hand this the 27 day of Feb, 1957.

Archie J. Smith
Register

MARY WILLIAMS)	IN THE CIRCUIT COURT OF
COMPLAINANT)	BALDWIN COUNTY, ALABAMA,
VS)	IN EQUITY
JACK PHILLIPS and)	
ARRENIA DALE)	
RESPONDENTS)	

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

Your Complainant, Mary Williams, respectfully represents and shows unto Your Honor as follows:

1.

That she is over the age of twenty-one years, a resident of the State of Alabama, and lives at 1160 St. Mader Street, Mobile, Alabama.

2.

That the Respondents are each over the age of twenty-one years and residents of Baldwin County, Alabama.

3.

That Ed White, who during his life time, was the owner and in possession of the lands herein described died intestate in Baldwin County, Alabama, on January 25, 1951. The said property being described as follows:

Start at the Southeast corner of the West half of the Southeast quarter, Section 33, Township 4 North, Range 4 East, go thence North 220 feet to a point of beginning, thence continue North 1576 feet, thence go West 608 feet, thence South 2°34' West 1578 feet, thence East 679 feet to the point of beginning, containing 23.28 acres, more or less.

4.

That the said Ed White left surviving him neither, father, mother, nor children, or their descendants; that he left surviving him one sister who is your Complainant, Mary Williams, and one niece, Katie Tarvin, who is the daughter of a deceased brother.

5.

That Ed White married Dorham Davis on the 27th day of August, 1900, and as far as your Complainant has been able to ascertain was never divorced from her and that the said Dorham Davis White states that she is the lawful wife of Ed White, deceased, and that the Respondent Arrenia Dale maintains that she is the widow of Ed White, deceased, and as such is entitled to share in the distribution of his estate.

6.

That on to-wit, the 29th day of December, 1956, Dorann White conveyed to the Complainant, Mary Williams, by deed filed for record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 246 at page 555 the above described lands.

That a copy of said deed is hereto attached and marked Exhibit "A" and asked to be taken as a part of this complaint as though herein fully set out.

7.

That on, to-wit, the 29th day of December, 1956, Katie Tarvin and husband, Joe L. Tarvin conveyed to the Complainant, Mary Williams, by deed filed for record in the office of the Probate Judge of Baldwin County, Alabama, recorded in Deed Book 246, at page 556 the above described lands.

That a copy of this deed has been hereto attached and marked Exhibit "B" and asked to be taken as a part of this Complaint as though it were herein fully set out.

8.

That on to-wit, September 21, 1951, Arrenia White, now Arrenia Dale, conveyed to Jack Phillips by deed filed for record in the office of the Probate Judge of Baldwin County, Alabama, and recorded in Deed Book 169 at page 429 the following described lands in Baldwin County, Alabama, to-wit:

From the Southeast corner of the West half of the Southeast quarter of Section 31, Township 1 North, Range 1 East, run thence North 220 feet, thence continuing North 420 feet, thence West 645 feet, thence Southerly 420 feet, thence East 645 feet to the point of beginning.

9.

That the said Ed White at the time he married the Respondent, Arrenia White, now Arrenia Dale, then had a Living wife Dorham White, and the marriage to the Respondent Arrenia Dale, was void and the said Respondent, Arrenia Dale, had and has no rights in and to the property of which the said Ed White was seized.

10.

That there is now subsisting an actual justiciable controversy between the Complainant and the Respondents on which substantial property rights are dependants.

WHEREFORE, the premises considered, your Complainant prays that Your Honor will by proper process make the said Jack Phillips and Arrenia Dale party respondents to this bill of complaint requiring them, and each of them, to plead, answer or demur to the same within the time and under the penalties prescribed by law.

Complainant further prays that on a final hearing hereof your Honor will render a declaratory judgment and decree stating:

- A. Whether or not the said Dorham White is the legal widow of Ed White; deceased.
- B. Whether or not the Respondent, Arrenia Dale is the legal widow of said Ed White, deceased, and if so what are her property rights in and to the lands of which the said Ed White was seized.
- C. Whether or not the Respondent, Jack Phillips, has any right in and to the property, the subject matter of this suit, and if so what rights he has.
- D. Whether or not the Grantor, Katie Tarvin in the conveyance to the Complainant was an heir of Ed White, deceased, and if so what property rights she had in and to the property of which the said Ed White was seized.
- E. Whether or not your Complainant is the owner of the lands, the subject matter of this suit, to-wit:

Start at the Southeast corner of the West half of the Southeast quarter, Section 33, Township 4 North, Range 4 East, go thence North 220 feet to a point of beginning, thence continue North 1576 feet, thence go West 608 feet, thence South 2°34' West 1578 feet, thence East 679 feet to the point of beginning, containing 23.28 acres, more or less.

and her interest or rights therein. Your Complainant prays for such other, further or different relief as may be just and proper, premises considered.

Wiltors & Brantley

BY:

Albert M Brantley
Solicitors for the Complainant

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That I, Dora Ann White, widow of Ed White, deceased, 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 MARY WILLIAMS, Grantee, the receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Grantee, the following described property situated in Baldwin County, Alabama, to-wit:

Start at the Southeast corner of the West half of the Southeast quarter of Section 33, Township 4 North, Range 4 East, go thence North 220 feet to a point of beginning, thence continue North 1576 feet, thence go West 608 feet, thence South 2°34' west 1578 feet, thence East 679 feet to the point of beginning, containing 23.28 acres, more or less. This being a part of the same land deeded to Rainey White by A. D. Johnson and wife by deed dated 16 December, 1909, and recorded in Deed Book 15 NS, page 577.

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 29th day of December, 1956.

Dorann White (Seal)

STATE OF ALABAMA
COUNTY OF ESCAMBIA

I, Maude T. Davis, a Notary Public, in and for said County, in said State, hereby certify that Dora Ann White, widow, whose name is signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 29th day of December, 1956.

(seal)

Maude T. Davis
Notary Public,

Filed: Jan. 8, 1957
Recorded: Deed Book 246 page 555

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That we, KATIE TARVIN and JOE L. TARVIN her husband, Grantors, for and in consideration of the sum of ONE (\$1.00) DOLLAR and other good and valuable consideration to me in hand paid by MARY WILLIAMS, Grantee, the receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Grantee, the following described property situated in Baldwin County, Alabama, to-wit:

Start at the Southeast corner of the West half of the Southeast quarter of Section 33, Township 4 North, Range 1 East, go thence North 220 feet to a point of beginning, thence continue North 1576 feet, thence go West 608 feet, thence South 2°34' West 1578 feet, thence East 679 feet to the point of beginning, containing 23.28 acres, more or less. This being a part of the same land deeded to Rainey White by A. D. Johnson and wife, by deed dated December, 1909, and recorded in Deed Book 15 NS, page 577.

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

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the 28th day of December, 1956.

Katie Tarvin (Seal)
Joe L. Tarvin (Seal)

STATE OF ALABAMA
COUNTY MOBILE

I, August E. Argiro, a Notary Public, in and for said County, in said State, hereby certify that Katie Tarvin and Joe L. Tarvin, her husband, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

And I do further certify that on the 28th day of December, 1956, came before me the within named Katie Tarvin, known to me to be the wife of the within named Joe L. Tarvin, and who being examined separate and apart from her husband, touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraints or threats on the part of her husband.

Given under my hand and seal on this the 28th day of December, 1956.

August E. Argiro
Notary Public, (Seal)

Filed: Jan. 8, 1957
Recorded: Deed Book 246, page 556.

Received 27 day of Feb 1957
and on _____ day of _____ 19____

Little River
(3982)

Received a copy of the within Bill of Complaint
in Jack Phillips
Armenia Dale
by service on Jack Phillips
Armenia Dale

TAYLOR WILKINS
COMPLAINANT

TAYLOR WILKINS, Sheriff
By W. A. Tolbert D. S.
Little River

VS
JACK PHILLIPS AND
ARMENIA DALE

RESPONDENTS

sheriff claims 7.0 miles at
Ten Cents per mile Total \$ 7.00
TAYLOR WILKINS, Sheriff
BY Tolbert
DEPUTY SHERIFF

BILL OF COMPLAINT

FILED
FEB 27 1957
MASS A. BECK, Register