

3987

REALTY APPRAISAL REPORT

for

CIRCUIT COURT OF BALDWIN COUNTY
Griffin-Sawyer vs Johnson, et al
Case No. 3987

Location

North Baldwin County
Blacksher Community

by

C. W. COLEMAN & ASSOCIATES
Appraisers - Consultants
P. O. Box 804
Fairhope, Alabama 36532

Appraiser

C. W. Coleman, SRA, SCV

Date of Appraisal

September 16, 1982

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SUMMARY OF IMPORTANT FACTS AND
CONCLUSIONS

- A. OWNER/REQUESTOR: CIRCUIT COURT OF BALDWIN COUNTY
CASE NO. 3987 (Griffin-Sawyer vs Johnson et al)
- B. ADDRESS OF PROPERTY: Blacksher Community(no address)
- C. DATE OF APPRAISAL: September 16, 1982
- D. EFFECTIVE DATE OF VALUATION: September 16, 1982
- E. FINAL VALUE ESTIMATE:
- | | Parcel No. 1 | Parcel No. 2 |
|---------------------|--------------|--------------|
| LAND VALUE-----\$ | 14,300.00 | 48,000.00 |
| IMPROVEMENTS-----\$ | 0.00 | 0.00 |
| TOTAL-----\$ | 14,300.00 | 48,000.00 |
- F. LEGAL DESCRIPTION:
See inside report.

CERTIFICATION

I, the undersigned, do hereby certify that I have no interest, present nor contemplated, in the property herein described, and that neither the employment to make the appraisal nor the compensation is contingent to the value estimate rendered.

No responsibility is assumed for matters legal in nature.

I further certify that I have personally inspected the property and that, according to my best knowledge and belief, all statements included herein are true and correct.


C. W. Coleman, SRA, SCV

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to estimate the market value of the two parcels of land as of September 16, 1982.

DEFINITION OF MARKET VALUE

Market Value, as defined in Real Estate Appraisal Terminology, is "the most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus."

IDENTIFICATION OF PROPERTY

The subject two parcels of land consist of Parcel No. 1 which is an island surrounded by the Alabama River in the extreme northwest section of Baldwin County. Parcel No. 2 consists of 80 acres which is located approximately 1½ miles southwest of Blacksher. Neither property is improved.

LEGAL DESCRIPTION

Parcel No. 1: All that real property situated solely in Baldwin County, Alabama, more particularly described as all of the land in Section 2 & 3, T3N, R2E, surrounded by the Alabama River, together with the north half of Section 2, T3N, R2E, lying east of the Alabama River.

Parcel No. 2: The east half of the southeast quarter of Section 21, T3N, R3E.

UTILITIES

No utilities are serving either parcel of land.

ZONING

Both parcels lie outside the zoning jurisdiction of any municipality.

HIGHEST AND BEST USE

It is the opinion of the appraiser that the highest and best use of both parcels of land is for timber growing purposes with Parcel No. 1 being restricted to hardwood growth due to environmental conditions and Parcel No. 2 being adaptable for the production of pine timber.

AREA ANALYSIS

With an area of approximately 1,056,000 acres, Baldwin County is the largest of Alabama's sixty-seven counties. Although seldom realized, the County is practically surrounded by water. Mobile Bay and the River Delta System outline the western borders, while Little River to the north and Perdido River and Bay to the east front these borders. The Gulf of Mexico forms the southern boundary.

Prior to the turn of the century, the County was accessible almost exclusively by water. This both protected the area from rapid growth and contributed to its charm. During this time, small resort communities were established along the County's extensive shoreline, and are now today's resort areas. These resorts are now frequented by people from across the nation. Several of the communities in the County were settled by various ethnic groups which have accentuated the unique quality of the County.

Baldwin County has extensive areas of highly fertile land in its southern half which is now largely farm and pasture land. The County also has a vast amount of timberland in the northern portion.

After the opening of Mobile Bay Causeway (in the 20's), which connected Mobile and Baldwin Counties, development began along the routes to Bay Minette, Loxley, Robertsedale and to Pensacola, Florida. Large farms and related industries grew from this point and is continuing to the present time.

Over the years, a network of roads and highways has been constructed into previously inaccessible parts of the County. The County Road System is over 1,400 miles in length, of which 50% is now paved. The State Road System, including Interstate Highways 10 and 65 totals over 300 miles. A spur line of the L & N Railroad connects with the main east-west artery in Bay Minette.

The most diversified area of industry in the County is in Bay Minette, which is also the County Seat. The 1980 Census indicated that the largest city is Bay Minette with a population of 7,529, Fairhope being the second largest with a population of 7,209, and Foley ranking third with a population of 4,016. All of these towns have experienced a rapid growth in recent years and all indications are that this growth will continue. The entire population of the County increased by 32% during the period from 1970 to 1980.

Baldwin County benefits from a mild climate, which although almost subtropical is tempered with breezes from the Gulf of Mexico in the summer. Winters are usually short and mild. Crops can be cultivated, normally, for 10 months of the year.

All of the above factors have influenced growth, in business and residential, particularly along the Eastern Shore of Mobile Bay from Spanish Fort southward and in the Gulf Shores area where many condominium units and hotels have been constructed over the past three years.

LOCATION DATA

Both parcels of land are located in north Baldwin County, with Parcel No. 1 being located in the northwesternmost part of the County and is surrounded by the Alabama River. The surrounding area is undeveloped and is in forestland. The whole vicinity is in woodlands with hunting and fishing being prevalent. It is located approximately 6 miles north of the Montgomery Hill Landing and approximately 8 miles northwest of the Blacksher Community. There is only sparse settlement within this general neighborhood.

Parcel No. 2 is located approximately 1½ miles southwest of Blacksher. It is in an area that is sparsely settled, with small farms and large acreages of timberland. There are local Churches and rural stores in the general area. The economic base of the community is the agricultural industry, mostly forest products which employs large numbers of the residents.

SITE DATA

Parcel No. 1:

A. Physical Description: The subject parcel of land has not been surveyed to determine the current acreage but it was estimated by the appraiser from aerial photographs and other reliable data, that the area would be approximately 130 acres. This area of ownership varies from time to time based upon the natural actions of the Alabama River which may accrete the area or delete therefrom. Access was gained to this island by boat by travel along the waterway. It was physically impossible to perform a complete inspection by walking the area, however it was visited by the appraiser and inspected insofar as was possible, and examination by use of aerial photogrammetry was also heavily relied upon.

The island is frequently inundated by flood waters of the Alabama River and this has limited timber growth to the hardwood species which are unaffected by flooding. At the time of inspection there was a light growth of timber which was considered to be merchantable and by all reliable sources at no more than 25,000 board feet of hardwood saw timber or 100 cords of pulpwood. To harvest and market this timber would entail greater than normal in timber cutting operations due to the problem of moving appropriate heavy equipment to the island. The timber value on this island has also been greatly influenced, not only by the current market but by an anticipated market, all resulting from our national economy. These influencing factors, herein described, have greatly influenced the highest and best use of the subject property which is limited by all forces to a timber growing use.

B. Soil Description: The primary soil type of the subject Parcel no. 1 is Iuka, which is a silt loam. It is deep and moderately well drained and located on the flood plain of streams. It is high in natural fertility and medium in content of organic matter. Permiability is slow, runoff is slow, and it is subject to flooding but normally flood waters remain only a short time. The soil is fertile and productive but limited in use by this flooding. Most of it is in woods. Along the perimeter of the parcel is found a soil type which is referred to as Riverwash. It is found in the curves of streams, and the only vegetation is a few weeds which grow on the more nearly stabilized areas. It has no value for tree growing or agricultural use.

PARCEL NO. 2;

A. Physical Description: The subject parcel consists of approximately 80 acres which is more particularly shown by the enclosed map. Access is provided by graded roads which, based upon all information gathered, is legal in nature. Thus the value conclusion herein is predicated upon a parcel of land with legal access. The property is sloping gently to 25% slopes and is, for the most part fairly well drained. The latter is discussed later in the report.

The personal inspection of the property indicates a medium growth of merchantable timber comprising general pine saw timber with an estimated volumn of 1,500 board feet per acre. The only other improvement on the land is an old tenant residence which was found to be highly deteriorated and has no contributory value to the land.

B. Soil Description: There are several types of soil on the subject parcel, with Goldsboro, Bowie, Lakeland and Cuthbert making up the larger portion and small amounts of Myatt and Klej in the northwestern corner. The Goldboro soil is a fine sandy loam and appears to cover approximately one-third of the area. It has 5 to 8% slopes and is a transitional soil between well drained and poorly drained soils. It can be cultivated, is better suited for pastureland, with most of the acreage in trees. The three soil types, Bowie, Lakeland and Cuthbert are grouped together on this parcel, with 8 to 25% slopes, eroded and has rapid runoff. This can only be used for trees and appears to cover approximately two-third to three-fourths of the parcel. In the northwest corner there is a small section of Myatt, with 0 to 2% slopes, fine sandy loam, poorly drained and limited in use by high water table. Also a small amount of Klej, loamy fine sand with 0 to 5% slopes, moderately well drained, can be cultivated, or well adapted for pasture.

Sale No.: 1 Date of Sale 7/80 Date Inspected _____
 Grantor: Charles Y. Earle Grantee: _____
 County: Baldwin Deed Book: _____ Page: _____
 Consideration: \$96,000.00 Verification: GRantor
 Financing: _____ Verification: _____
 Conditions of Sale: arm's length Verification: _____
 Highest & Best Use Time of Sale: timberland
 Zoning at Time of Sale: none
 Type of Improvements: see below
 Area of Improvements: n/a
 Land Area: 160 acres Unit Price: \$600.00 per acre
 Location and Description: SE $\frac{1}{4}$ of Section 22, T3N, R3E, Baldwin County, Ala.
and in Section adjoining Parcel No. 2 in this report. At time of sale
the timber had been cutover and pines replanted at a rate of 500
trees per acre.

Other Pertinent Information If Any:

Page _____ of _____

Sale No.: 2 Date of Sale 9/77 Date Inspected _____
 Grantor: FRank Turner Grantee: T. J. Earle
 County: Baldwin Deed Book: _____ Page: _____
 Consideration: \$55,000.00 Verification: Grantor
 Financing: _____ Verification: _____
 Conditions of Sale: arm's length Verification: Grantor
 Highest & Best Use Time of Sale: timber growing
 Zoning at Time of Sale: _____ none
 Type of Improvements: _____ none
 Area of Improvements: _____ none
 Land Area: 120 acres Unit Price: \$460.00
 Location and Description: S $\frac{1}{2}$ of NW $\frac{1}{2}$ and SW $\frac{1}{2}$ of the NE $\frac{1}{2}$ and the S $\frac{1}{2}$ of SE $\frac{1}{4}$
of Section 2, T3N, R3E, Baldwin County, Alabama.
Cut over timber land at time of sale.

Other Pertinent Information If Any:

Sale No.: 3 Date of Sale 10/74 Date Inspected _____

Grantor: _____ Grantee: _____

County: Mobile Deed Book: 1388 Page: Page 218

Consideration: \$17,100.00 Verification: Ted Gibson, Realtor

Financing: _____ Verification: _____

Conditions of Sale: _____ Verification: _____

Highest & Best Use Time of Sale: timber growing

Zoning at Time of Sale: _____ none

Type of Improvements: _____ none

Area of Improvements: Had timber valued at \$75.00 per acre at time of sale

Land Area: 111 acre Unit Price: \$154.00

Location and Description: Located in Section 43, T1N, R1E, Mobile County

Other Pertinent Information If Any:

Page _____ of _____

Sale No.: 4 Date of Sale 12/73 Date Inspected _____

Grantor: _____ Grantee: _____

County: Baldwin Deed Book: 455 Page: 587

Consideration: \$296,130.00 Verification: Ted Gibson, Realtor

Financing: terms Verification: _____

Conditions of Sale: _____ Verification: _____

Highest & Best Use Time of Sale: _____ timber growing

Zoning at Time of Sale: _____ none

Type of Improvements: est. timber at time of sale, \$140.00 per acre (cypress, gum&oak)

Area of Improvements: _____

Land Area: 1,516 Unit Price: \$195.00

Location and Description: Swampland in T1S, R2E,

Other Pertinent Information If Any:

Sale No.: 5 Date of Sale 6/77 Date Inspected _____

Grantor: Myrtle Garrett Gatlin Grantee: N. C. Nichols

County: Baldwin Deed Book: 516 Page: 256

Consideration: \$130,000.00 Verification: _____

Financing: _____ Verification: _____

Conditions of Sale: arm's length Verification: _____

Highest & Best Use Time of Sale: timber growing

Zoning at Time of Sale: _____

Type of Improvements: _____

Area of Improvements: _____

Land Area: 320 acres Unit Price: \$406.25 per acre

Location and Description: S $\frac{1}{2}$ of SE $\frac{1}{4}$, Section 22, T1N, R3E, and W $\frac{1}{2}$ of the NE $\frac{1}{4}$, the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 27, T1N, R3E, and the SW $\frac{1}{4}$ of the of the NW $\frac{1}{4}$ of Section 27, T2N, R3E, Baldwin County, Alabama. Cut over timber land.

Other Pertinent Information If Any:

Page _____ of _____

Sale No.: 6 Date of Sale 3/77 Date Inspected _____

Grantor: Margaret Thompson Grantee: J. L. Mothershed

County: Baldwin Deed Book: 512 Page: 435

Consideration: \$120,000.00 Verification: _____

Financing: _____ Verification: _____

Conditions of Sale: arm's length Verification: _____

Highest & Best Use Time of Sale: timbergrowing

Zoning at Time of Sale: _____ none

Type of Improvements: _____ none

Area of Improvements: _____ none

Land Area: 200 acres Unit Price: \$600.00

Location and Description: Typical north Baldwin land with very light growth of timber. SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6, and the NW $\frac{1}{4}$ of Section 7, in T1S, R5E, Baldwin County, Alabama

Other Pertinent Information If Any:

APPROACHES TO VALUE

Of the three approaches to value normally applied in an appraisal, only the Direct Sales Comparison Approach is applicable for the subject property as it consists of unimproved land.

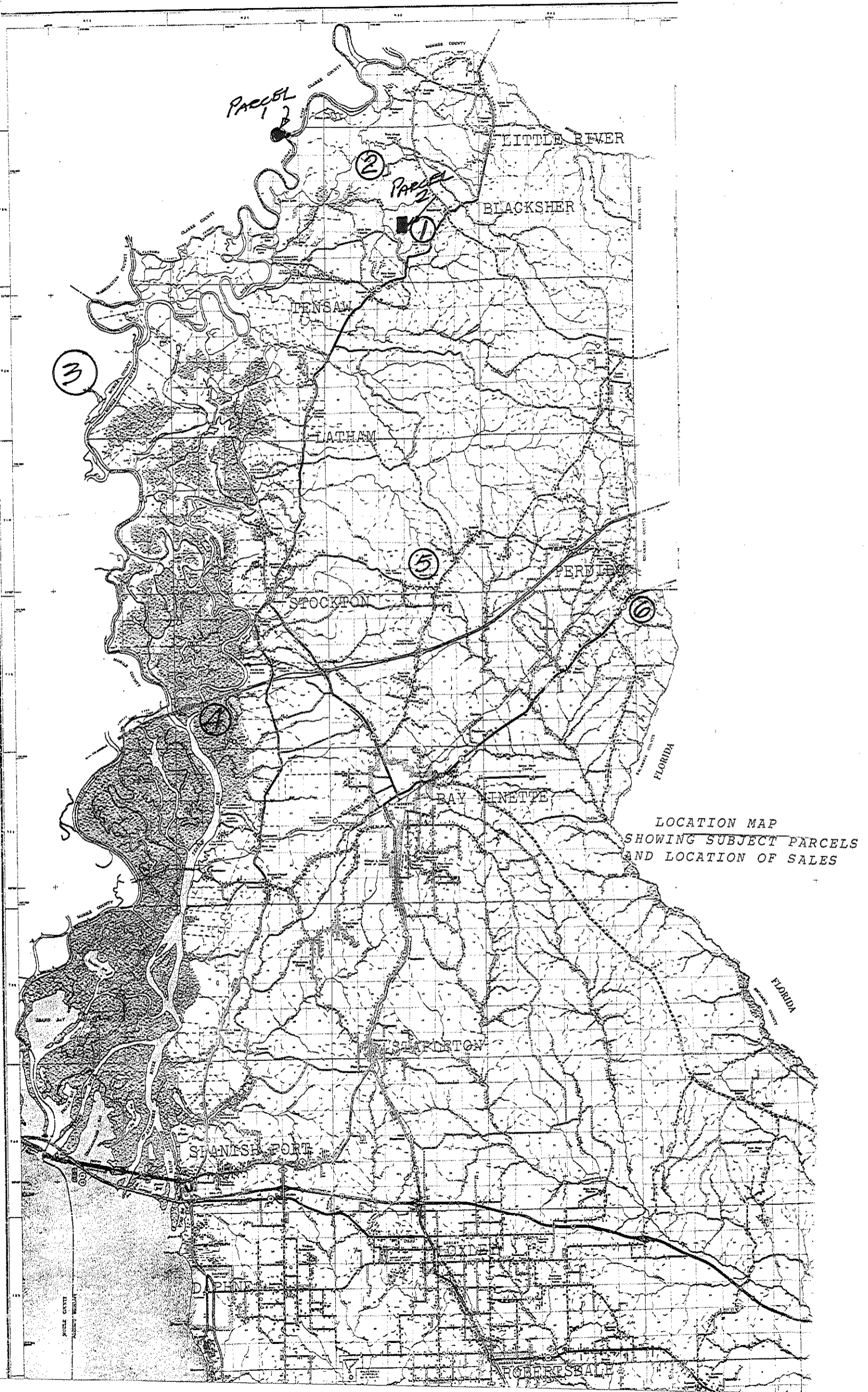
Based upon the sales attached to this report and others which were studied in the investigation process of this appraisal report, Sales 3 and 4 were found most similar to Parcel No. 1 and Sales 1 2, 5 and 6 were found to be most similar to Parcel No. 2.

After the indicated adjustments which were made for size, time, location and condition, the estimated market value of Parcel No. 1 is found to be \$110.00 per acre or a total estimated value in the amount of:

FOURTEEN THOUSAND AND THREE HUNDRED DOLLARS
(\$14,300.00)

Applying the proper adjustments for time, location, size and condition, for Parcel No. 2, the estimated market value for this parcel is found to be \$600.00 per acre or a total estimated value in the amount of:

FORTY-EIGHT THOUSAND DOLLARS
(\$48,000.00)



LOCATION MAP
SHOWING SUBJECT PARCELS
AND LOCATION OF SALES

GENERAL ASSUMPTIONS & LIMITING CONDITIONS

The legal description (if any) used in this report is assumed to be correct.

No survey of the property has been made by the appraiser and no responsibility is assumed in connection with such matters. Sketches in this report are included only to assist the reader in visualizing the property.

Information furnished by others is assumed to be true and correct and was gathered from usually reliable sources. A reasonable effort has been made to verify such information; however, no responsibility for its accuracy is assumed by the appraiser.

All mortgages, liens, encumbrances, leases and servitudes have been disregarded unless so specified with this report. The property is appraised as though under responsible ownership and competent management.

It is assumed that there are no hidden nor unapparent conditions of the property, subsoil, or structures which would render it more or less valuable. No responsibility is assumed for such conditions nor for engineering which may be required to discover them.

It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws unless non-compliance is stated, defined and considered in the appraisal report.

It is assumed that all required licenses, consents or other legislative authority from any local, state or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.

It is assumed that the utilization of the land and improvements is within the boundaries of property lines of the property described and that there is no encroachment or trespass unless so noted in the report.

Unless prior arrangements have been made the appraiser will not be required to give testimony or appear in court because of having made this report.

Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is address without the written consent of the appraiser, and then, only in its entirety.

Neither all nor any part of this report, or copy thereof, shall be conveyed to the public through advertising, public relations, news, sales or any other media with written consent of the appraiser, nor shall the appraiser nor his firm be identified without his written consent.

QUALIFICATIONS OF CLARENCE W. COLEMAN

EDUCATION:

Baldwin County High School, Bay Minette, Alabama (Graduate)
University of Alabama, Civil Engineering (no degree)

PROFESSIONAL AND TECHNICAL EDUCATION:

PRINCIPLES & TECHNIQUES OF REAL ESTATE APPRAISING
Mobile Chapter, Society of Real Estate Appraisers

REAL ESTATE APPRAISAL COURSE I, American Institute of
Real Estate Appraisers, University of Kentucky

THE APPRAISAL OF APARTMENTS & MULTI-FAMILY HOUSING
Mobile Chapter, Society of Real Estate Appraisers

THE APPRAISAL OF INCOME PRODUCING PROPERTIES, Society
of Real Estate Appraisers, University of Georgia

FINANCIAL ANALYSIS OF REAL ESTATE INVESTMENTS, University
of Alabama

APPRAISING RESIDENTIAL CONDOMINIUMS, Society of Real
Estate Appraisers

APPRAISAL REPORT WRITING, Society of Real Estate Appraisers

LICENSE & PROFESSIONAL DESIGNATIONS:

Alabama Real Estate Commission, LICENSED REAL ESTATE BROKER
Society of Real Estate Appraisers, SENIOR RESIDENTIAL APPRAISER
(SRA)

International Institute of Valuers, SENIOR CERTIFIED VALUER
(SCV)

International Right of Way Association, SENIOR RIGHT OF WAY AGENT
(SR/WA)

PROFESSIONAL EXPERIENCE:

Served 30 years with the Alabama Highway Department, holding the positions of Instrumentman, Project Engineer, Office Engineer, District Engineer and Assistant Division Engineer administering the various phases of highway planning such as highway location, design, right of way acquisition, traffic engineering, utilities engineering, environmental engineering, public relations and general administration.

Have owned and operated a real estate appraisal firm since 1964 with full time appraisers, while devoting only part-time, self service to the firm until 1980. Full time service has been given to the firm since January, 1980 with its being diversified to include not only real estate appraising but right of way acquisition for public and private agencies.

Extensive testimony in State and Federal Courts as an expert witness in appraising and highway engineering.

**C. W. COLEMAN
AND ASSOCIATES**

P. O. BOX 804 .. FAIRHOPE, ALABAMA 36532

(205) 928-1049 .. (205) 928-5980

September 22, 1982

TO: Circuit Court of Baldwin County
Bay Minette, Alabama

FOR PROFESSIONAL SERVICES:

Appraisal of two parcels of land as per Court Order of 9/25/82
issued by Judge Wilters for Case No. 3987 (Griffin-Sawyer vs Johnson, et al)

CIRCUIT COURT
BALDWIN CO., ALA.
FILED

SEP 23 1982

EUNICE G. TINDAL
REGISTER

TOTAL FEE \$ 300.00

Real Estate Appraisers - Consultants

ADAMS, ADAMS & WILSON

ATTORNEYS-AT-LAW

GROVE HILL, ALABAMA, 36451

TELEPHONE NO. 275-3221

JOHN E. ADAMS
JOHN E. ADAMS, JR.
BRUCE N. WILSON

C. B. GILLMORE
(1902-1965)

November 15, 1982

Mrs. Eunice G. Tindal
Circuit Register
Baldwin County Courthouse
Bay Minette, Alabama 36507

Re: Griffin vs. Johnson
Case No. 3987

Dear Mrs. Tindal:

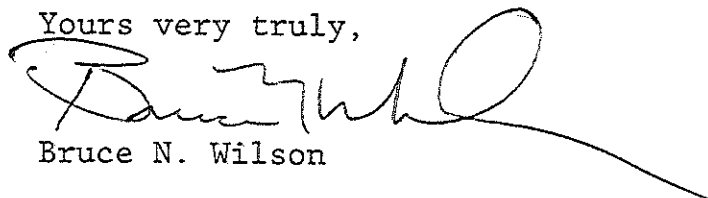
Our firm represents Belden & Blake Corporation, one of the defendants in the above matter. Although we do not own any interest in the surface property we do own certain mineral leases which the property is subject to.

In the final order which we received today the Judge directs you to issue a register's deed covering the property as described in the order of February 19, 1982. I would call your attention to that description in that it specifically recognizes our mineral leases. I just wanted to make sure that the deed which you execute does recognize our leases, as set forth in the February 19 order.

If you are being provided with a deed which does not specifically recognize our lease interests I would appreciate it if you would alert us to that fact. If you are preparing the deed yourself I would ask that you include the specific reference to our outstanding leasehold interests pursuant to the February 19 order.

Thank you very much for your cooperation in this matter.

Yours very truly,



Bruce N. Wilson

BNW/kc

cc: Mr. Allan R. Chason
Attorney At Law
Bay Minette, AL 36507

CIRCUIT COURT
BALDWIN CO., ALA.
FILED

NOV 16 1982

EUNICE G. TINDAL
REGISTER

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

CAROL S. GRIFFIN and
ELIZABETH S. SAWYER,

Plaintiffs,

§
§
§
§
§
§

VS.

CASE NO. 3987

LEE JOHNSON, et al.,

Defendants.

MOTION TO AMEND FINAL JUDGMENT

Comes now the undersigned attorney pursuant to Rule 60B of the Alabama Rules of Court and moves this court to amend its final judgment entered in the above-styled cause on November 10, 1982. As grounds therefor, said attorney would show unto the court as follows:

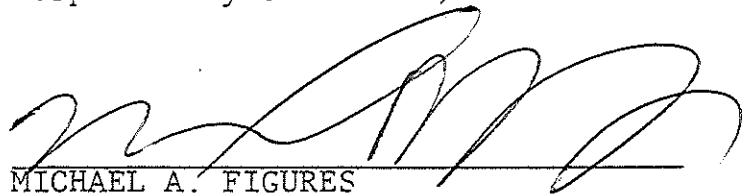
1. Paragraph five (5) of the judgment indicates that the undersigned attorney represents and has appeared for JOHN L. MARTIN. That is in error in that the undersigned does not represent the said JOHN L. MARTIN and has not entered an appearance for him. Defendant has no knowledge of the whereabouts of JOHN L. MARTIN and has never represented him. In fact, the court's order substituting parties dated May 18, 1982 specifically notes that JOHN L. MARTIN had not filed an appearance of record.
2. The Defendant received from the Office of the Register of the Baldwin County Circuit Court a check in the amount of \$18,772.33 presumably representing the share from the proceeds of the sale of the various parties represented by the undersigned. However, the list contains several persons

who are not represented and have never been represented by the undersigned. They are, PEARL (HUNT), JOHN L. MARTIN, WILLIAM J. JOHNSON, MS. CHARLIE LEE JOHNSON JAMES, HATTIE MAE JOHNSON DEAS and JACOB JOHNSON.

3. The said undersigned does not wish to be held responsible for their behalf and it would be improper for him to be listed as counsel for the persons named herein when he does not in fact represent them and never has.

WHEREFORE, the Defendants would respectfully request that this court amend its final order and indicate therein that the said MICHAEL A. FIGURES does not represent the parties so named herein and would further direct the Register of the Court to amend her records and payments accordingly.

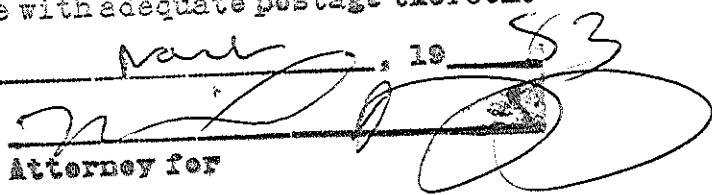
Respectfully submitted,


MICHAEL A. FIGURES
Attorney for Defendants
2317 St. Stephens Road
Mobile, Alabama 36617

CERTIFICATE OF SERVICE

This is to certify that I have this ~~day~~ service counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in properly addressed envelope with adequate postage thereon.

This 23 day of March, 19 83


Attorney for

CIRCUIT COURT
BALDWIN CO., ALA.
FILED

MAR 8 1983

EUNICE G. TINDAL
REGISTER

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA

CAROL GRIFFIN and ELIZABETH S. X
SAWYER, X

Plaintiffs, X
X

vs. X CASE NO. 3987

LEE JOHNSON, et al., X
Defendants. X

ORDER

The above styled cause coming on to be heard on the motion of certain Defendants to set aside the final judgment as was heretofore entered in the above styled cause, and the Court having heard testimony offered in support of said motion and considered the argument of counsel was of the opinion that said motion is due to be denied, and the motion which was heretofore filed by the Belden and Blake Corporation to deny the motion to set aside the judgment is hereby granted. It is, therefore,

ORDERED, ADJUDGED and DECREED as follows:

1. That the motion to set aside the judgment filed by certain Defendants in this cause is hereby denied.

2. That the motion to strike filed by Belden and Blake Corporation is hereby granted.

3. That C. W. Coleman, who was appointed by order of this Court dated February 19, 1981, to appraise the subject

property, is hereby instructed to file his report of appraisal within thirty (30) days from the date hereof and that the parties proceed thereafter as provided by law and as directed in the final order of this Court dated February 19, 1981.

DONE this 25 day of August, 1982.


Circuit Judge

CIRCUIT COURT
BALDWIN CO., ALA.
FILED

AUG 25 1982

EUNICE G. TINDAL
REGISTER

MAY 17 1984

EUNICE G. TINDAL
REGISTER

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

CAROL S. GRIFFIN and
ELIZABETH S. SAWYER,

Plaintiffs,

VS.

LEE JOHNSON, ET AL.,

Defendants.

*
*
*
*
*
*

CASE NO. 3987

MOTION TO AMEND FINAL JUDGMENT

Comes now the undersigned attorney pursuant to Rule 60B of the Alabama Rules of Court and moves this Court to amend its final judgment entered in the above-styled cause on November 10, 1982. As grounds therefor, said attorney would show unto the Court as follows:

1. Paragraph five (5) of the judgment indicates that the undersigned attorney represents and has appeared for JOHN L. MARTIN. That is in error in that the undersigned does not represent the said JOHN L. MARTIN and has not entered an appearance for him. Defendant has no knowledge of the whereabouts of JOHN L. MARTIN and has never represented him. In fact, the Court's Order substituting parties dated May 18, 1982 specifically notes that JOHN L. MARTIN had not filed an appearance of record.

2. The Defendant received from the Office of the Register of the Baldwin County Circuit Court a check in the amount of

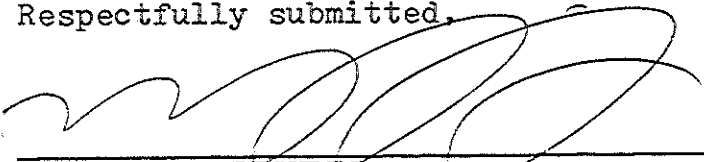
\$18,772.33 presumably representing the share from the proceeds of the sale of the various parties represented by the undersigned. However, the list contains several persons who are not represented and have never been represented by the undersigned. They are PEARL (HUNT), JOHN L. MARTIN, WILLIAM J. JOHNSON, MS. CHARLIE LEE JOHNSON JAMES, HATTIE MAE JOHNSON DEAS and JACOB JOHNSON.

3. The said undersigned does not wish to be held responsible for their behalf and it would be improper for him to be listed as counsel for the persons named herein when he does not in fact represent them and never has.

4. The said undersigned has attempted to resolve this matter through the Register of the Court but has been unsuccessful. Attached are two (2) letters which explain the current status of the situation.

WHEREFORE, The Defendants would respectfully request that this Court amend its final order and indicate therein that the said MICHAEL A. FIGURES does not represent the parties so named herein and would further direct the Register of the Court to amend her records and payments accordingly.

Respectfully submitted,



MICHAEL A. FIGURES
Attorney for Defendants
2317 St. Stephens Road
Mobile, Alabama 36617
(205) 456-9922

CERTIFICATE OF SERVICE

This is to certify that I have this day served
counsel for the opposing party in the foregoing
matter with a copy of this pleading by depositing
in the United States Mail a copy of same in properly
addressed envelope with adequate postage thereon.

This 11th day of May 19 84


Attorney for Y

CIRCUIT COURT
BALDWIN CO., ALA.
FILED

MAY 17 1984

ELNICE G. TINDAL
REGISTER

Mrs. Eunice G. Tindal
Register, Circuit Court

REGISTER
28th JUDICIAL CIRCUIT
Baldwin County
P. O. Box 489
Bay Minette, Alabama 36507
(205) 937-9561

Mrs. Clara H. Smith
Deputy Register

May 2, 1984

Hon. Michael A. Figures
Attorney At Law
2317 St. Stephens Road
Mobile, Al 36617

Re: Slaughter vs. Johnston et al

Dear Mr. Figures:

In reply to your letter of April 10th and the return of my check #2293 in the amount of \$18,772.33. These funds were disbursed as ordered by the Court and I do not feel it is my place to take this up with Judge Wilters. Unless further orders are issued by the Court, this money will be held in fiduciary until time runs for it to be paid over to the State.

Sincerely,


Eunice G. Tindal, Register

FIGURES AND LUDGOOD

ATTORNEYS AT LAW
2317 St. Stephens Road
MOBILE, ALABAMA 36617

TELEPHONE: 456-9922
AREA CODE (205)

MICHAEL A. FIGURES
MERCER L. LUDGOOD

April 10, 1984

Ms. Eunice G. Tindal, Register
Baldwin County Circuit Court
BALDWIN COUNTY COURTHOUSE
Bay Minette, Alabama 36507

RE: SLAUGHTER V. JOHNSON, ET AL.

Dear Ms. Tindal:

Please find enclosed the Equity Division Circuit Court check in the amount of \$18,772.33. It is not my intent to be uncooperative in this matter, but I have done everything I know how to do to indicate that the check contains payments for people I do not represent. It would be a violation of The Canons of Ethics for me to handle money for persons I do not represent and I do not want to expose myself to any risk either on that account or risk any liability I may incur for handling funds for people I did not represent.

I filed a motion to amend the judgment to reflect these concerns, but the motion was apparently denied in August of last year, although, for some reason, I was under the impression that it had been granted. Nevertheless, I would be happy to handle funds for those I do represent but the reasons stated above I cannot handle the funds for those I do not represent.

I would appreciate you taking this matter up with Judge Wilters so that we might resolve it.

Sincerely,


Michael A. Figures

MAF/gsc

Enclosure

FIGURES AND LUDGOOD

ATTORNEYS AT LAW
2317 ST. STEPHENS ROAD
MOBILE, ALABAMA 36617

March 7, 1983

TELEPHONE: 456-9922
AREA CODE (205)

MICHAEL A. FIGURES
MERCERIA L. LUDGOOD

Ms. Eunice G. Tindal
Register of Circuit Court
BALDWIN COUNTY COURTHOUSE
Bay Minette, Alabama 36507

Re: Carol S. Griffin and
Elizabeth S. Sawyer
vs.
Lee Johnson, et al.
Case No. 3987

Dear Ms. Tindal:

Enclosed is Defendants' Motion to Amend
Final Judgment entered in the above referenced
matter on November 10, 1982 to be filed.

Also enclosed is a check in the amount of
\$18,772.33 that was received from your office.
Please pay specific attention to Paragraph five
(5) of the said motion and take appropriate action.

Your kind cooperation in this matter will
be greatly appreciated.

Sincerely,



Michael A. Figures

MAF/cek

Enclosures

ASHETON B. SLAUGHTER ET AL	*	IN THE CIRCUIT COURT OF
PLAINTIFF	*	BALDWIN COUNTY, ALABAMA
VS	*	CASE NO. <u>3987</u>
LEE JOHNSON ET AL	*	
DEFENDANT	*	

Comes HUBERT H. EDGE and C. R. SUMMERS and files this their petition making the following named individuals defendants in the above styled cause in that said individuals acquired or sought to acquire certain interests in and to the oil, gas and minerals of the lands subject to the action of the Circuit Court of Baldwin County in the above styled cause, to-wit Civil Case Number 3987.

That the said Warren L. Finch and Beverly L. Finch and Belden & Blake Corporation, an Ohio Corporation are necessary parties.

Your petitioners further show that despite notice to the public filed March 5, 1957 in Lis Pendens Book 4, page 349 and further that defendants, Warren L. Finch and Beverly L. Finch had personal knowledge of said lawsuit as developed from that date and were aware of same, inasmuch as the said Warren L. Finch accepted employment of some of the litigants in said case obtaining from them leases, copies attached ^{and made a part hereof} /and marked "no payments of rental are required." Said leases being for a term of 10 years.

Defendants Belden & Blake Corporation, an Ohio Corporation of 702 Tuscarawas Street West, Canton, Ohio 44702, acquired said leases from the said Warren L. Finch and Beverly L. Finch as written providing no monetary income to the land owners in said case.

That said defendants have acquired or endeavored to acquire said interest in said property, same being recorded in Real Property Book number 490, pages 490-511.

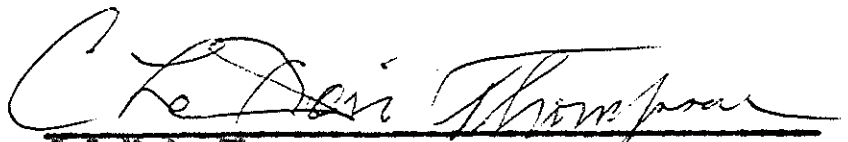
Your petitioners further show unto your Honor that the said leases constitute a cloud on the title to the property since they purport to cover the entire 295 acres whereas the parties executing the said original lease do not own said acreage and the acreage for which they may be paid constitutes only a portion of the said total acreage and their said portion is undetermined, and if permitted to continue will damage the remaining property and inasmuch as they were created or acquired since the property was in litigation and under the jurisdiction of this Honorable Court; and further by the tone of the leases showed there were no monetary considerations paid for same by the original purchasers.

PRAYER FOR RELIEF

The said petitioners respectfully pray that the court make Warren L. Finch and Beverly L. Finch and Belden & Blake Corporation, an Ohio Corporation parties to this cause.

Said petitioners further respectfully pray that said leases be held void and of no consequence in the matter of the said lands; and further that the said records of said leases in Real Property Book 490, pages 490-511, be noted as having been voided by this Honorable Court.


Respectfully Submitted,



C. LeNoir Thompson
Attorney for Hubert H. Edge & C.R. Summers
P.O. Box 359, Bay Minette, Alabama 36507

CERTIFICATE OF SERVICE

I hereby certify that I have this the 11th day of June, 1980, served a copy of the foregoing petition on Honorable J. B. Blackburn, Attorney at Law, Bay Minette, Alabama 36507, Attorney for plaintiff; Honorable Charles Partin, Attorney at Law, Bay Minette, Alabama; Honorable John E. Adams, Attorney at Law, Grove Hill, Alabama 36451, Attorney for Belden & Blake Corporation, an Ohio Corporation; and Honorable Warren L. Finch, Attorney at Law, 963 Old Shell Road, Mobile, Alabama, Attorney for Beverly L. Finch.


C. Lenoir Thompson
Attorney for Hubert H. Edge & C.R. Summers

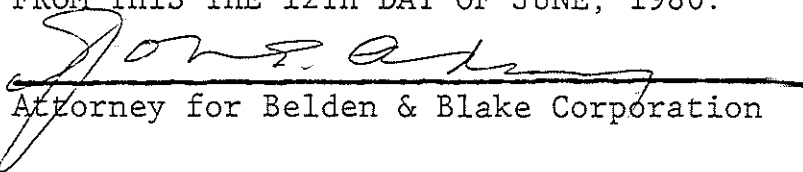
I ACCEPT SERVICE FOR WARREN L. FINCH and BEVERLY L. FINCH.

I ACCEPT SERVICE FOR BELDEN & BLAKE CORPORATION, AN OHIO CORPORATION, EXPRESSLY RESERVING THE RIGHT TO FILE RESPONSIVE PLEADING AT ANY TIME WITHIN THIRTY DAYS FROM THIS THE 12TH DAY OF JUNE, 1980.

CIRCUIT COURT
BALDWIN CO., ALA.

FILED

JUN 13 1980


Attorney for Belden & Blake Corporation

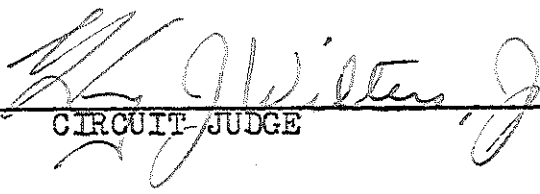
EUNICE G. TINDAL
REGISTER

ASHETON B.SLAUGHTER ET AL*		IN THE CIRCUIT COURT OF
PLAINTIFF	*	BALDWIN COUNTY, ALABAMA
VS	*	CASE NO. <u>3987</u>
LEE JOHNSON ET AL	*	
DEFENDANT	*	

This action came on the motion of the plaintiff for a default judgment pursuant to Rule 55(b) (2) of the Alabama Rules of Civil Procedure, and the defendant having been duly served with the summons and complaint more than thirty days prior hereto, and not being an infant or an unrepresented incompetent person and having failed to plead or otherwise defend, and the defendant having taken no proceedings since said motion was filed, it is, therefore,

ORDERED, ADJUDGED and DECREED by the Court that a default judgment be granted against Warren L. Finch and Beverly L. Finch in this cause.

DONE at Bay Minette, Alabama, this 15 day of August, 1980.



 CIRCUIT JUDGE

CIRCUIT COURT
 BALDWIN CO., ALA.
FILED

AUG 16 1980

EUNICE G. TINDAL
 REGISTER

APPLICATION, AFFIDAVIT, AND ENTRY OF DEFAULT AND DEFAULT JUDGMENT

Case Number

Form C-25 Rev. 2/79

3987
ID YR Number

THE CIRCUIT COURT OF BALDWIN COUNTY

Plaintiff ASHETON B. SLAUGHTER, ET AL vs. Defendant LEE JOHNSON, ET AL

An entry of default against the defendants WARREN L. FINCH & BEVERLY L. FINCH in the above case is requested for his failure to plead, answer, or otherwise defend.

Signed C. LeNoir Thompson
C. LeNoir Thompson

A default judgment against the defendant _____ in the above case is requested for his failure to plead, answer, or otherwise defend.

Signed _____

STATE OF ALABAMA BALDWIN COUNTY

~~The affiant~~ C. LeNoir Thompson, being duly sworn, says:

1. That he has personal knowledge of the facts set forth in this affidavit.
2. That the defendant was served with a copy of the Statement of Claim or Complaint on (date) July 7, 1980.
3. That more than 30 days have elapsed since the defendant was served with a copy of the Statement of Claim or Complaint.
4. That the defendant has failed to answer or otherwise defend himself against the plaintiff's claim.
5. That this affidavit is executed by the affiant in accordance with Rule 55(a) of the Alabama Rules of Civil Procedure, for the purpose of enabling the plaintiff to obtain an entry of default against the defendant, for his failure to answer or otherwise defend himself against the plaintiff's claim.
6. That the defendant is not an infant or an incompetent person, and there has been no violation of the provisions of Chapter 19, Title 5, Code of Alabama, 1975.
7. Judgment conditions: with without waiver of exemptions.
8. That the amount of money due by the defendant to the plaintiff in this case is TO BE DETERMINED BY COURT, THE SUM OF \$ _____, WHICH IS TO BE DETERMINED BY THE CLERK AND COMPOSED OF THE FOLLOWING:

Principle Balance \$ _____

Interest \$ _____

Attorney Fee \$ _____

(As provided by contract or note)

FILED

Affiant

C. LeNoir Thompson
C. LeNoir Thompson

AUG 8 1980

Sworn To and Subscribed Before Me This

Date: August 8, 1980

Louis M. Wilson
EUNICE G. TINDAL, CLERK PUBLIC, BALDWIN COUNTY, ALABAMA
Baldwin Co. Ala.

Entry of default entered against defendant _____ this (date) 8-8-80.

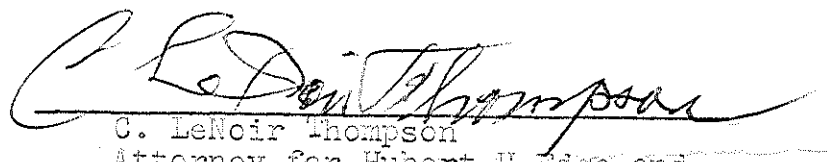
Eunice G. Tindal
Clerk/Register

By: BT

ASHTON B. SLAUGHTER * IN THE CIRCUIT COURT OF
 PLAINTIFF * BALDWIN COUNTY, ALABAMA
 VS * CASE NO. 3987
 LEE JOHNSON, ET AL *
 SCOTT PAPER CO. (INTERVENOR) *
 DEFENDANTS *

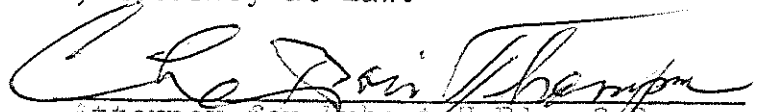
Come Tina Marie Johnson, Hubert H. Edge and C. R. Summers, defendants in the above styled cause and respectfully move the court to order the filing of pleading by attorney Warren Finch as a party in said cause or in the alternative move the court to order the cancellation of the oil leases executed by certain defendants in said cause to the said Warren Finch in that said leases constitute a cloud on the remaining owners' interest and will cause a reduction in the sale of the oil, gas and minerals in said property.

WHEREFORE this motion,



C. LeNoir Thompson
 Attorney for Hubert H. Edge and
 C. R. Summers, Tina Marie Johnson
 P. O. Box 359
 Bay Minette, Alabama 36507

I hereby certify that I have this the 3rd day of December, 1979, served a copy of the foregoing on Honorable J.B. Blackburn, Attorney at Law, Bay Minette, Alabama, and Honorable Charles C. Partin, Attorney at Law, Bay Minette, Alabama, by handing them a copy in open court, ALSO Honorable Warren Finch, Attorney at Law.



Attorney for Hubert H. Edge, C/R.
 Summers and Tina Marie Johnson

*Filed
 12/3/79
 Sumner
 Requester*

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

ASHETON B. SLAUGHTER, ET AL., X
Plaintiffs, X
VS. CIVIL ACTION NO. 3987
LEE JOHNSON, ET AL., X
Defendants. X

REQUEST FOR APPOINTMENT OF APPRAISERS

Now comes Elizabeth S. Sawyer and shows unto the court that she is a joint owner of the real property involved in this action and desires to purchase with Carol S. Griffin the interest of all other parties to this proceeding, subject, however, to outstanding oil, gas and mineral leases, and desires to invoke the provisions of Section 35-6-100 et seq., of the Code of Alabama, by having appraisers appointed for the purposes provided therein.

WHEREFORE, the said Elizabeth S. Sawyer moves the court to appoint appraisers as provided in and for the purposes set out in the code sections referred to above.

Dated this 20th day of January, 1981.


J. B. Blackburn
Attorney for Elizabeth S. Sawyer


CIRCUIT COURT
BALDWIN CO., ALA.
FILED

JAN 20 1981

EUNICE G. TINDAL
REGISTER

STATE OF ALABAMA X
*
BALDWIN COUNTY X

I hereby certify that I mailed a copy of the fore-
going Request for Appointment of Appraisers to Mr. Charles
Partin, Mr. Allan R. Chason, Mr. C. LeNoir Thompson, Mr.
Warren Finch, Mr. John E. Adams and Mr. J. Connor Owens
on this the 20th day of January, 1981.



J. B. Blackburn
Attorney for Elizabeth S. Sawyer

CIRCUIT COURT
BALDWIN CO., ALA.
FILED

JAN 20 1981

EUNICE G. TINDAL
REGISTER

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

ASHTON B. SLAUGHTER, et al., X
Plaintiffs, X
vs. X CIVIL ACTION NO: 3987
LEE JOHNSON, et al., X
Defendants. X

DISCLAIMER

Comes now Scott Paper Company, Intervenor in this action, by and through its attorney, and disclaims all of its right, title and interest, except as the owner of an undivided interest as claimed in this action, in and to the following described property situated in Baldwin County, Alabama:

All that portion of Section 3, Township 3 North, Range 2 East, on an island which lies East of the old course of the Alabama River comprising 24.78 acres, more or less.

Scott Paper Company maintains its claim to a fee simple title in and to the balance of all of Section 3, Township 3 North, Range 2 East, which lies West of the old course of the Alabama River in Mobile County.



Charles C. Partin
Attorney for Scott Paper Company
Post Office Box 1109
Bay Minette, Alabama 36507

CERTIFICATE OF SERVICE

I, Charles C. Partin, attorney for Scott Paper Company in the above styled action, hereby certify that on the 11th day of December, 1980, I served the attached Disclaimer upon the attorneys listed below, by depositing a copy of the same in the United States Mails, postpaid, addressed to each of them as follows:

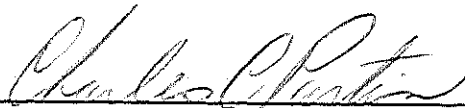
J. B. Blackburn, Esquire
110 Courthouse Square
Bay Minette, Alabama 36507

C. Lenoir Thompson, Esquire
P. O. Box 359
Bay Minette, Alabama 36507

J. Connor Owens, Esquire
P. O. Box 729
Bay Minette, Alabama 36507

Warren Finch, Esquire
963 Old Shell Road
Mobile, Alabama 36604

John Adams, Esquire
P. O. Box 99
Grove Hill, Alabama 36451



Charles C. Partin
Attorney for Scott Paper Company

CIRCUIT COURT
BALDWIN CO., ALA.
FILED

DEC 11 1980

EUNICE G. TINDAL
REGISTER

IN THE CIRCUIT COURT OF THE TWENTY-EIGHTH
JUDICIAL CIRCUIT OF ALABAMA
- BALDWIN COUNTY -

ASHTON B. SLAUGHTER, et al.,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
LEE JOHNSON, et al.,	:	No. 3987
	:	
Defendants.	:	
	:	

STATEMENT OF:	PEARL MARTIN
DATE:	May 5, 1982
TIME:	Commenced at: 10:15 a.m. Terminated at: 10:30 a.m.
PLACE:	Baldwin County Courthouse Jury Room Number One BayMinette, AL 36507



LOU ANN ROSSI
OFFICIAL COURT REPORTER
BALDWIN COUNTY COURTHOUSE
BAY MINETTE, ALABAMA 36507

CIRCUIT COURT
BALDWIN CO., ALA.

FILED

MAY 5 1982

EUNICE G. TINDAL
REGISTER

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APPEARANCES:

On Behalf of Scott Paper Company:

CHARLES C. PARTIN, ESQUIRE
Stone Partin Granade, Crosby
P. O. Box 1109
BayMinette, AL 36507

On Behalf of Beldon Blake:

BRUCE WILSON, ESQUIRE
First National Bank Building
Mobile, AL 36601

On Behalf of Carol Griffin:

ALLAN R. CHASON, ESQUIRE
Chason and Chason
P. O. Box 120
BayMinette, AL 36507

On Behalf of the Johnson Heirs:

MICHAEL A. FIGURES, ESQUIRE
MERCERIA LUDGOOD, ESQUIRE
1407 Davis Avenue
Mobile, AL

ALSO PRESENT:

Roosevelt Johnson

I N D E X

	<u>Page</u>
PROCEEDINGS	3
WITNESS:	
<u>PEARL MARTIN</u>	1
Direct Examination by Mr. Chason	3
Cross-examination by Mr. Figures	7
CERTIFICATE OF REPORTER	8

P R O C E E D I N G S

1
2
3 MR. CHASON:

4 If you would let the record reflect that
5 Mr. Figures had filed a motion to substitute parties in this
6 case and suggested on the record the death of one of the
7 Defendants, Clara Bell Martin, and we appeared in Court this
8 morning, today being the date set to hear his Motion to
9 Substitute Parties.

10 There was some question about which parties were
11 due to be substituted in the place of the Defendant, Clara
12 Bell Martin. And Judge Wilters instructed us to come into
13 this room and to take the testimony of the witness that
14 we're about to take the testimony of and to ascertain the
15 correct date of the death of the Defendant and the names of
16 the parties that are due to be substituted in her place; is
17 that correct?

18 (No response.)

19 PEARL MARTIN,

20 the witness, having first been duly sworn to tell
21 the whole truth, and nothing but the truth, was examined and
22 testified as follows:

23 DIRECT EXAMINATION

24 BY MR. CHASON:

25 Q Tell us your name, please, ma'am.

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A My name is Pearl Martin.

Q And where do you live?

A I live at 805 Moran Street, Bay Minette.

Q Would you mind if I asked you your age?

A (Pause) Is it necessary?

Q No, it's not necessary. Do you know Clara Bell Martin?

A Yes, I do.

Q How is she related to you?

A That's my mother.

Q Did she have personal knowledge that she was the Defendant in this case?

A Yes, I did.

Q And she has died, I understand?

A Yes.

Q What was the date of her death?

A May the 18th, 1979.

Q Where did she live at the time she died?

A 805 Moran Street.

Q Here in Bay Minette, in Baldwin County?

A Hm-mm.

Q Would you tell me the names of all of her children that were born to her at any time.

A Yes, she only had three.

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Q Okay.

A And it's John Martin, George Martin, and myself.

Q Okay. There were no children that died or anything like that?

A Not to my knowledge.

Q Are all three of the individuals that you just named alive today?

A Yes, they are.

Q Do you know the whereabouts of John Martin?

A No, I don't, not right at the present.

Q Does he have a permanent residence that you know of?

A That's still pending because he lived with me for awhile, so he left.

Q Was it you that I talked to on the phone yesterday?

A Yes, it was, yesterday, yes.

Q How long has he been gone from Alabama?

A A month.

Q I assumed, in asking you that, that he's gone from Alabama?

A As far as I know.

Q How long had a been in Alabama when he left?

A Oh, better than two years.

Q Do you know if he claimed Alabama as the place of

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his residence?

A Now, that, I don't know.

Q Did he vote here?

A I don't know that.

Q Did he own any property here other than what's involved in this case?

A Not to my knowledge.

Q Did he buy a car tag here?

A Yes, he did.

Q Now, y'all's other brother, I believe, is George Martin?

A Hm-mm.

Q Where does he live?

A Wilmington, Delaware.

Q Do you have his address?

A Not with me.

Q And you and George are both represented by Michael Figures' firm; is that right?

A As far as I know.

Q Did your mother at the time of her death leave a last will and testament?

A (Shakes head negatively.)

Q None has been offered for Probate as far as you know?

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A None that I know.

MR. CHASON:

Do you have anything, Mike?

MR. FIGURES:

I just have a couple of questions.

CROSS-EXAMINATION

BY MR. FIGURES:

Q Mrs. Martin, who represented your mother at the time of her death in this lawsuit or who was representing her at her death at the time of this lawsuit?

A Warren Finch.

Q Was he aware of her death?

A Yes, he was. He was at the funeral.

Q He was at the funeral?

A (Nods head affirmatively.)

MR. FIGURES:

Nothing further.

(Whereupon, the proceedings were
concluded at 10:30 a.m.)

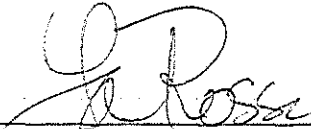
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STATE OF ALABAMA)
COUNTY OF BALDWIN)

C E R T I F I C A T E

I, LOU ANN ROSSI, Official Court Reporter and Registered Professional Reporter, do hereby certify that the above and foregoing deposition was taken down by me in machine shorthand, and the questions and answers thereto were reduced to typewriting under my personal supervision, and that the foregoing represents a true and correct transcript of the proceeding give by said witness upon said deposition.

I FURTHER CERTIFY that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.



Lou Ann Rossi, RPR, CP
Official Court Reporter
Baldwin County, AL 36507

May 5, 1982.

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA

CIRCUIT COURT
BALDWIN CO., ALA.
FILED

OCT 15 1982

CAROL S. GRIFFIN and
ELIZABETH S. SAWYER,

X

Plaintiffs,

X

X

vs.

X

CIVIL ACTION NO. 3987

LEE JOHNSON, et al.,

X

Defendants.

X

X

EUNICE G. TINDAL
REGISTER

TENDER OF PURCHASE PRICE

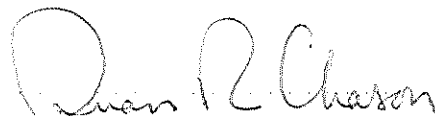
Come now Carol S. Griffin and Elizabeth S. Sawyer, Plaintiffs in the above styled cause and do hereby tender to the owners of the property involved in the above styled cause as was set forth in the order of sale in this cause dated February 19, 1981, the sum of Sixty-Two Thousand Three Hundred Dollars (\$62,300.00), which is the appraised value of both parcels of land, which is the subject of this cause pursuant to the realty appraisal report of C. W. Coleman and Associates dated September 16, 1982, and which was filed in the above styled cause on September 23, 1982. In the event that the sum of Sixty-Two Thousand Three Hundred Dollars (\$62,300.00), which is attached hereto is later determined by the Court to be an incorrect payment to the said owners of said property then said Plaintiffs would

hereby tender unto the Court such additional sum as is necessary to pay the correct sum into Court.

Said payment is tendered herewith to the parties hereto as follows:

Carol S. Griffin	\$31,150.00
Elizabeth S. Sawyer	31,150.00

DATED this 14th day of October, 1982.



Allan R. Chason
Attorney for Plaintiff,
Carol S. Griffin

OF COUNSEL:

CHASON & CHASON, P.C.
P. O. Box 120
Bay Minette, Alabama 36507

CERTIFICATE OF SERVICE

I, Allan R. Chason, attorney for the Plaintiff, Carol S. Griffin, in the above styled cause, hereby certify that on the 14th day of October, 1982, I served a copy of the foregoing pleading Tender of Purchase Price, upon Mr. J. B. Blackburn, Mr. John E. Adams, Mr. Charles Partin, Mr. C. LeNoir Thompson and Mr. Michael A. Figures, by depositing a copy of the same in the United States mails, postpaid, addressed to each of them at their respective address.

CIRCUIT COURT
BALDWIN CO., ALA.

FILED

OCT 15 1982



Allan R. Chason

EUNICE G. TINDAL
REGISTER

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

ASHTON V. SLAUGHTER, et al., X
Plaintiffs, X
vs. X CIVIL ACTION NO: 3987
LEE JOHNSON, et al. X
Defendants. X

PRETRIAL ORDER

On October 21, 1980, a pretrial conference was convened in this action after due notice to all parties. J. B. Blackburn appeared for the Slaughter interest, C. Lenoir Thompson appeared for Mr. Summers and Mr. Edge, J. E. Adams appeared for Belden & Blake Corporation, Charles C. Partin appeared for Scott Paper Company, Connor Owens, Guardian Ad Litem, was excused from attending the conference and Warren L. Finch, Attorney at Law for the heirs of Mary and James Johnson, failed to appear. After consideration of the pleadings, argument of counsel and stipulation of parties, the court enters the following order:

I. AGREED FACTS

1. The course of the Alabama River has gradually changed and shifted since the original government survey was completed in approximately 1827. The change of the river course was gradual and the boundary line between Baldwin County and Clarke County changed as the Alabama River moved its course.

2. That parcel of real estate now completely surrounded by the Alabama River situated in Sections 2 and 3, Township 3 North, Range 2 East, now lies in Baldwin County as does the North Half of Section 2, Township 3 North, Range 2 East (hereinafter called "Riverbottom").

3. The Plaintiff and Counter-plaintiffs and those claiming through them make no claim to any land situated in Section 2, Township 3 North, Range 2 East, or Section 35, Township 4 North, Range 2 East, which lies North of the present course of the Alabama River and in Clarke County, Alabama.

4. Each of the parties except Belden & Blake Corporation and Summers and Edge is a tenant in common and owns an undivided fractional interest in the Riverbottom property.

5. The fractional ownership owned by each party with respect to the Riverbottom property is correctly stated in the stipulation attached to this order.

6. Each of the parties except Scott Paper Company and Belden & Blake Corporation is a tenant in common with respect to the East Half of the Southeast Quarter of Section 21, Township 3 North, Range 3 East (hereinafter called "Pineywoods").

7. Neither the Riverbottom property nor the Pineywoods property can be equitably divided because of the type of property and the number of tenants in common.

II. TRYABLE ISSUES

1. The fractional ownership of the Pineywoods Tract.
2. The amount of attorney's fees due C. Lenoir Thompson for previous services rendered to Mary and James Johnson heirs.

III. TRIAL TIME

1. It is estimated this case will take one-half a day to try.

IV. TYPE TRIAL

1. Non-Jury.

V. MOTIONS.

1. The court finds that there are no motions now pending and directs Warren L. Finch to comply with the subpoena duces tecum heretofore filed and heretofore served on him.

2. The court hereby grants the oral motion to amend the pleadings in this cause to correctly state the description of the real property which is the subject matter of this suit so that the same will read as follows:

All that real property situated solely in Baldwin County, Alabama, more particularly described as all of the land in Sections 2 and 3, Township 3 North, Range 2 East, surrounded by the Alabama River together with the North Half of Section 2, Township 3 North, Range 2 East, lying East of the Alabama River.

PARCEL 2: the East half of the Southeast Quarter of Section 21, Township 3 North, Range 3 East.

3. At trial the court will dismiss the bill to quiet title filed by the Slaughters and grant the counterclaim filed by the heirs of Mary Johnson and James Johnson for a sale of the property and a division of the sale proceeds.

4. At or before trial the Court will dismiss the Petition of Summers and Edge seeking to void the leases of Belden & Blake Corporation as requested by Summers & Edge.

VI. TRIAL DATE

This case is set for trial on November 25, 1980, at 9:00 a.m.

ORDERED this 30 day of October, 1980.


Circuit Judge

CIRCUIT COURT
BALDWIN CO., ALA.
FILED

OCT 30 1980

EUNICE G. TINDAL
REGISTRAR

1. That Lee Johnson, a respondent herein is over the age of 21 and that Emma Lee Johnson, a minor, herein is over the age of 14 and both are residents of the State of Alabama. That the remaining tenants in common, respondents herein are over the age of 21 and are residents of the State of Alabama with the exception of Leonard Thomas who presently resides in Pickney, Michigan.

2. That Asheton B. Slaughter is over the age of 21 and is the original complainant herein.

3. That Dupree Slaughter is over the age of 21 and a resident of Baldwin County, Alabama.

4. That the said Asheton B. Slaughter and Dupree Slaughter claim to be joint devisees of the alleged interests of one, James Johnson, under the will of Archer W. Slaughter, claiming to acquire the right, title and interest of said deviser, whatever it may have been, in the following property:

All that part of the North Half of Fractional Section 2 Township 3 North, Range 2 East, which lies in Baldwin County, Alabama;

East Half of the Southeast Quarter, Section 21, Township 3 North, Range 3 East, Baldwin County, Alabama.

All of Section 35, Township 4 North, Range 2 East, which lies South of the Alabama River, in Baldwin County, Alabama.

5. That the will of the said Archer W. Slaughter, deceased, created a life estate in the said Asheton B. Slaughter and Dupree Slaughter of said lands and listed the heirs of the said Asheton B. Slaughter and Dupree Slaughter, respectively as remaindermen which heirs are to your petitioner's knowledge:

Heirs of Asheton B. Slaughter: Elizabeth S. Sawyer, Fairhope, Alabama.
Carol S. Martin, Redondo Beach, California

Heirs of Dupree Slaughter: Georgia H. Slaughter, Tensaw, Alabama
Asheton B. Slaughter, Fairhope, Alabama
Harriett Swanson, Grovehill, Alabama.
Arabelle Byrne, Brewton, Ala.
Gladin S. Byrne, Brewton, Ala.

The Merchants National Bank of Mobile, a National Banking Association, As Trustee under the Last Will and Testament of A. W. Slaughter, conveyed a life estate in compliance with the terms of the said will, and the decree, in the above noted property, to Asheton B. Slaughter and Dupree Slaughter, with a reversion to their respective heirs, this instrument being dated March 12, 1954, and filed in Deed Book 207, pages 38-41.

6. That James Johnson alias Jimmie Johnson, husband of Mary Johnson, during his lifetime owned the following described property:

East Half of the Southeast Quarter of Section Twenty-one in Township three North, of range three East, of St. Stephens Meridian in Alabama, Baldwin County, con-

AMENDED ANSWER AND CROSS-BILL AS LAST AMENDED

ASHEATON B. SLAUGHTER	X	
Complainant	X	
vs	X	IN THE CIRCUIT COURT OF
LEE JOHNSON and EMMA	X	BALDWIN COUNTY, ALABAMA
LEE JOHNSON, a minor,	X	
by LEE S. JOHNSON, as	X	IN EQUITY NO. 3989
next friend, DOCK	X	
JOHNSON, LESHANNON	X	
JOHNSON, ROOSEVELT	X	
JOHNSON, CLARA BELL	X	
JOHNSON MARTIN, SARAH	X	
JOHNSON BRYANT, DURANTE	X	
THOMAS, JOHNNY LEE MARSHALL,	X	
and LEONARD THOMAS	X	
Respondents	X	

Come the respondents and cross-complainants in the above styled cause and with leave of the Court first had and obtained amend their original petition filed in said cause to read as follows:

ASHEATON B. SLAUGHTER	X	
Complainant	X	
vs	X	
LEE JOHNSON and EMMA	X	
LEE JOHNSON, a minor	X	
by LEE S. JOHNSON, as	X	
next friend, DOCK JOHNSON,	X	IN THE CIRCUIT COURT OF
LESHANNON JOHNSON, ROOSEVELT	X	BALDWIN COUNTY, ALABAMA
JOHNSON, CLARA BELL JOHNSON	X	
MARTIN, SARAH JOHNSON BRYANT,	X	IN EQUITY NO. 3989
DURANTE THOMAS, JOHNNY LEE	X	
MARSHALL, and LEONARD	X	
THOMAS.	X	
Respondents	X	
DUPREE SLAUGHTER, ELIZABETH S.	X	
SAWYER, CAROL S. MARTIN,	X	
GEORGIA H. SLAUGHTER,	X	
ASHEATON B. SLAUGHTER,	X	
HARRIETT SWANSON, ARABELLE	X	
BYRNE and GLADIN S. BYRNE	X	
Cross-Respondents	X	

Come the respondents in the above styled cause and amend their answer and cross-bill as last amended to read as follows:

-1-

They deny the allegations of said complaint, separately and severally.

-2-

And now, having answered the allegations of the Bill filed in this cause by ASHEATON B. SLAUGHTER, your respondents pray that this their amended answer, be made and taken as a cross-bill, and they aver:

taining eighty acres and twenty-eight hundredths of an acre.

7. That Mary Johnson during her lifetime owned the following described property in addition to other properties, to-wit:

South division of fractional section 35, Township 4 North, Range 2 East, containing 27 27-100 acres.

The North or Middle A of Fractional Section 2 Township 3 North, Range 2 East, containing 109 12/100 acres, Baldwin County, Alabama.

East Half of the Northeast Quarter of section 2, Township 3 North, Range 2 East, Baldwin County, Alabama, containing 82 acres.

8. That Mary Johnson died leaving the following named heirs now surviving:

James Johnson who died October 20, 1939, leaving your petitioners and others;

Amy Johnson Harris who died in 1928 and whose interests your petitioners now hold;

Judith Johnson West who died in 1948, and whose interests your petitioners now hold;

Johnnie Moore who died in 1944 and whose interests your petitioners now hold;

Adeline Johnson Thomas who died in 1960, leaving as heirs, Durante Thomas, Johnny Lee Marshall, and Leonard Thomas.

Your Orators do not know whether or not any heirs of Ann Johnson Hunt survive.

And the heirs of James Johnson are as follows:

Dock Johnson, LeShannon Johnson, Roosevelt Johnson, Curly Johnson, who died April 10, 1944, leaving your petitioner, Emma Lee Johnson, Lee Johnson and Clara Bell Johnson Martin and Sarah Johnson Bryant.

James Johnson alias Jimmie Johnson died leaving the heirs as aforesaid except as to Johnnie Moore.

9. That said respondents and cross-complainants own the following interests in said lands, to-wit:

Durante Thomas, 14/84 interest; Leonard Thomas, 14/84 interest; Johnny Lee Marshall 14/84 interest; Dock Johnson 6/84 interest; LeShannon Johnson 6/84 interest; Roosevelt Johnson, 6/84 interest; Emma Lee Johnson 6/84 interest; Lee Johnson 6/84 interest; Clara Bell Johnson Martin, 6/84 interest and Sara Johnson Bryant, 6/84 interest.

10. The complainant and cross-respondents and their heirs claim or are reputed to claim some right, title or interest in, or encumbrance on the said lands, and your Orators bring this cross-bill of complaint against the said cross-respondents to determine their interest, if any, and to settle the title to the said lands and clear up all doubt and disputes concerning the same. Your Orators here and now call upon the said cross-respondents to set forth and specify their right, title or interest in, lien or encumbrance on the said lands, or any part thereof, and how and by what instrument the same is derived and created.

11. That said complainant and cross-respondents have sold or permitted to be cut, standing timber from said real property or portions thereof, and received payment therefor, the exact amount involved being unknown to respondents and cross-complainants. That the complainant and cross-respondents have failed or refused to give your respondents and cross-complainants an accounting of the monies received for said timber.

12. That it has been necessary that your respondents and cross-complainants employ an attorney for the purpose of bringing this action for a sale for the division of the proceeds among the tenants in common and they have employed the firm of Thompson & White, Bay Minette, Alabama, for that purpose.

WHEREFORE, the premises considered, your Orators make the said Asheton B. Slaughter and Dupree Slaughter, and their heirs named herein, respondents to their cross-bill, and pray the process of this Court be directed to them according to law, commanding them to appear in this cause within the time and in the manner required by law and the rules of this Honorable Court, and plead, answer or demur to this their cross-bill and,

~~Orators pray that upon a final hearing, your Honor will make and enter~~ a decree determining the ownership of the above described property, and incorporate therein, a determination of the interest of James Johnson in said property on April 12, 1927, and, on the date of the same James Johnson's death in 1939; and in the event said property cannot be divided equally between the owners as decreed by this Honorable Court, then your Honor shall make and enter a decree further providing for the sale of said property, or division after an accounting has been had of receipts and expenditures arising from said property.

And the respondents and cross-complainants further pray that on the confirmation of any sale so made that this Honorable Court will order that a reference be held to fix and determine a reasonable attorney's fee to be paid out of the proceeds of such sale to Thompson & White, as attorneys for the respondents and cross-complainants and to further determine the amounts which have been spent by the respondents and cross-complainants, or either of them, in and about the preservation and protection of said property for the benefit of all of the tenants in common and that the respondents and cross-complainants, or either of the, be awarded a lien on the amount of the share of each of the complainants

and cross-respondents for such amounts as may be due said cross-complainants from the accounting from the sale of said timber.

Your Orators pray further for such other, further and different or general relief as in equity and good conscience they may be entitled to receive; the premises considered, etc.

THOMPSON & WHITE

BY: Mary Thompson White
Solicitors for respondents and cross-complainants.

FILED

JUN 25 1963

ALICE J. DUCK, CLERK
REGISTER

700,3989

Ashton B. Slaughter

vs

Lee Johnson
et al's

ived 24 day of June 1963
on 27 day of June 1963
ved a copy of the within

Elizabeth S. Sawyer

ervice on

TAYLOR WILKINS, Sheriff

By Fred Seibert D. S.

Battle Creek

Sheriff claims 25 miles at
Ten Cents per mile Total \$ 2.50

TAYLOR WILKINS, Sheriff

Fred Seibert

Executed this 23 day
July 1963 by serving
a copy of the within.

Answer on Cron Bill

on A S Bryant
B S Bryant
Sheriff

Executed by serving copy of within on

Harriet Swanson

this the 16 day of July 1963

A. A. Powell

Sheriff

Executed this 27 day

July 1963 by serving

a copy of the

Answer on Cron Bill

JUN 25 1963

on Arnold J. Duck
CLERK
REGISTER
Sheriff

By W. A. Jackson
TAYLOR WILKINS, Sheriff

By service on

on Douglas H. Slaughter

I served a copy of the within
and on 19 day of July 1963

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

ASHTON B. SLAUGHTER, et al.,	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO.
		3987
LEE JOHNSON, et al.,	§	
Defendants.	§	

MOTION TO SET ASIDE JUDGMENT

Come now your Defendants, ELSIE HUNT, JAMES HUNT, BESSIE LEE HUNT ARMSTRONG, DOCK JOHNSON, EMMA LEE JOHNSON HOUSER, IRENE JOHNSON MUNERLY, CURLEY JOHNSON, JR., ROOSEVELT JOHNSON, HARRY LEE JOHNSON, LORETTA JOHNSON, PATRICIA JOHNSON, JUANITA WILLIAMS, CLARA BELL JOHNSON, TINA MARIE JOHNSON, CLARA BELL MARTIN, SARAH BRYANT, MATTIE BELL WARREN, SALLY MAY MARSHALL, JULIA HORNE, YOUNG JOHNSON, JR., pursuant to Rule 60(b) of Alabama Rules of Civil Procedure and respectfully show unto the Court the following:

1. Said Defendants were represented by Warren Finch, now suspended from practice in this state.
2. The Defendants contest their interests in the property but this issue was not raised by Finch because, to do so, would bring into question the validity of certain oil leases allegedly conveyed to him.
3. Defendants contend that the oil leases are fraudulent, that the only agreement entered into was what they thought to be an employment contract or in the alternative, if said leases were, in fact, entered into, it was based solely on misrepresentation by Finch.

4. Said oil leases were allegedly conveyed to Warren Finch and his wife, Beverly Finch, between April 21 and April 30, 1976, during the course of Finch's representation of the Defendants.
5. On April 30, 1976, Finch sold the oil leases to Beldon and Blake Corporation.
6. Landowners, the Defendants, received no money compensation from said oil leases or sale thereof.
7. The validity of the oil leases was not raised in the lawsuit nor could it be raised by Finch.
8. Finch's role in these transactions created a conflict between his clients' interests and his own.
9. A pretrial conference in this case was held March, 1981, where attorneys for the parties entered into a consent decree stipulating the respective interests of each party. Defendants' counsel was not present and Defendants contest the agreement for this reason.
10. Defendants were unaware of their rights until they sought substitute counsel upon suspension of Warren Finch.
11. Defendants were not adequately represented in this cause since a major issue was not pursued due to their previous counsel's conflict of interest and possible misrepresentations to said Defendants.

WHEREFORE, Defendants pray that this Honorable Court set aside the oil leases and the consent agreement and grant a new trial by jury to allow the Defendants to adduce evidence regarding the interests of the parties, their rights to the minerals or royalties therefrom and any other relief the Court deems proper and necessary.

Respectfully submitted,



MICHAEL A. FIGURES
Attorney for Defendants
1407 Davis Avenue
Mobile, Alabama 36603

CIRCUIT COURT
BALDWIN CO., ALA.
FILED

SEP 18 1981

EUNICE G. TINDAL
REGISTER

FEBRUARY 26, 1982

THE STATE OF ALABAMA - - - - - JUDICIAL DEPARTMENT

IN THE SUPREME COURT OF ALABAMA

OCTOBER TERM 1981-82

80-422

SCOTT PAPER COMPANY, HUBERT EDGE
AND C. R. SUMMERS

VS.

BALDWIN CIRCUIT COURT #3987

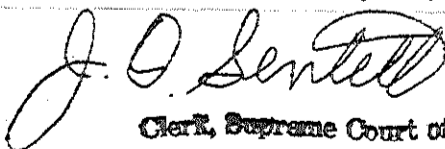
CAROL S. GRIFFIN AND ELIZABETH
SAWYER, ET AL.

This cause having been duly argued and submitted, IT IS CONSIDERED,
ORDERED AND ADJUDGED that the judgment of the circuit court be affirmed.

IT IS FURTHER ORDERED AND ADJUDGED that the appellants, Scott Paper
Company, Hubert Edge and C. R. Summers, and Charles C. Partin and C. Lenoir
Thompson, sureties for the costs of appeal, pay the costs of appeal as
provided by the Alabama Rules of Appellate Procedure. And it appearing
that said parties have waived their rights of exemption under the laws of
Alabama, IT IS ORDERED that execution issue accordingly.

OPINION BY ADAMS, J.
TORBERT, C.J., FAULKNER, ALMON AND EMBRY, JJ., CONCUR.

I, J. O. Sentell, Clerk of the Supreme Court of
Alabama, do hereby certify that the foregoing is
a full, true and correct copy of the instrument(s)
herewith set out as same appears of record in said
Court.
Witness my hand this 16th day of March 1982



Clerk, Supreme Court of Alabama

CIRCUIT COURT
BALDWIN CO., ALA.
FILED

MAR 18 1982

EUNICE G. TINDAL
REGISTER

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA

CAROL S. GRIFFIN and
ELIZABETH S. SAWYER,

Plaintiffs,

vs.

LEE JOHNSON, et al.,

Defendants.

X
X
X
X
X
X
X

CASE NO. 3987

FINAL JUDGMENT

The Court having heretofore entered an order of sale in the above styled cause on February 19, 1981, directing that the property which is the subject of said cause be appraised by C. W. Coleman, that his appraisal be filed with the Court, in writing, within thirty (30) days from said date, and further providing for the purchase of the interest of all other parties in said real property by Carol S. Griffin and Elizabeth S. Sawyer, all pursuant to the Code of Alabama, Section 35-6-100, et seq. (1975, 1982 Cum.Supp.); and appeal having been taken from said order by Scott Paper Company and said order of sale having been affirmed on appeal in that certain case styled Scott Paper Company v. Griffin, 409 So.2d 1375 (Ala. 1982) and C. W. Coleman having thereafter filed his report of appraisal on September 23, 1982, finding that the fair market value of the Riverbottom tract was Fourteen Thousand Three Hundred Dollars (\$14,300.00) and the fair market value of the Pineywoods tract was Forty-eight Thousand Dollars

(\$48,000.00); and the said Carol S. Griffin and Elizabeth S. Sawyer having paid into Court the sum of Sixty-two Thousand Three Hundred Dollars (\$62,300.00) pursuant to said appraisal and the matter coming before the Court this day on confirmation of said sale to the said Carol S. Griffin and Elizabeth S. Sawyer and for such other matters as may properly come before the Court, and the Court finding that all parties having been given due notice of the hearing set for this date and the Court having heard the testimony offered at said hearing is of the opinion that the said Carol S. Griffin and Elizabeth S. Sawyer are entitled to the relief requested.

It is, therefore, ORDERED, ADJUDGED and DECREED as follows:

1. That the Court does find that the reasonable market value of the Riverbottom tract is the sum of Fourteen Thousand Three Hundred Dollars (\$14,300.00) and the Pineywoods tract is Forty-eight Thousand Dollars (\$48,000.00) and that Carol S. Griffin and Elizabeth S. Sawyer have properly complied with the provisions of the Code of Alabama, Section 35-6-100, et seq. (1975, 1982 Cum.Supp.), and that said sale of both parcels to them is due to be and is hereby confirmed.

2. That the Register of the Circuit Court of Baldwin County, Alabama, is hereby directed to execute and deliver to Carol S. Griffin and Elizabeth S. Sawyer a Register's Deed conveying the subject property as described in the order of sale in this cause dated February 19, 1981, which deed shall be

effective to convey all of the right, title and interest of all parties hereto to the said Carol S. Griffin and Elizabeth S. Sawyer as tenants in common.

3. That the Court does hereby find that C. LeNoir Thompson has rendered legal services in this matter which were for the common benefit of the parties hereto and that he is entitled to payment of a reasonable attorneys fee from the proceeds of sale in this matter and the Court does hereby direct the Register of the Circuit Court of Baldwin County, Alabama, to pay to C. LeNoir Thompson the sum of Six Thousand Two Hundred Thirty Dollars (\$6,230.00) for services rendered herein.

4. That C. W. Coleman and Associates is due to be paid a reasonable appraisal fee for services rendered in this cause and the Court does hereby find that the sum of Three Hundred Dollars (\$300.00) is a reasonable appraisal fee and that the Register shall disburse to said C. W. Coleman and Associates said sum, which sum shall be taxed as Court costs against Carol S. Griffin and Elizabeth S. Sawyer; that all other Court costs in this matter shall be taxed against the proceeds of sale and the Register is hereby directed to pay all other Court costs from the proceeds of sale.

5. That it having been made it appear to the Court that Clara Bell Martin has died intestate leaving surviving her as her only heirs at law and next of kin three (3) children, whose names are John L. Martin, George Martin, Jr. and Pearl Martin, which heirs at law and next of kin were heretofore added as parties Defendant in this cause and for whom appearance has been made by

Michael A. Figures, Attorney At Law, and the Court does hereby find that the interest of the said Clara Bell Martin as was heretofore determined by the Court in the order of sale dated February 19, 1981, is to be divided among said heirs at law and next of kin of the said Clara Bell Martin in equal shares.

6. That one of the owners of the subject property is referred to as "Unknown Hunt" and that the interest of said heir shall be held by the Register of the Circuit Court of Baldwin County, Alabama, and invested by her in such interest bearing account as she, in her sole discretion, deems reasonable, pending proper application and proof of ownership of said funds.

7. That all expenses of sale herein directed shall be charged against the two (2) respective parcels of property which are the subject of this action, in the same proportion that the appraised value of each respective parcel bears to the total appraised value of both parcels and, after payment of all such expenses of sale and after making provision for the owner referred to as "Unknown Hunt", the Register of the Circuit Court of Baldwin County, Alabama, shall make distribution of the balance of said proceeds to the parties hereto, in the respective interests as are set out in the order of sale in this cause dated February 19, 1981, the interest of the said Clara Bell Martin being further divided as is set forth herein, and that said disbursements be made to the attorneys of record for the various parties for further distribution by said attorneys to respective clients of said attorneys as their interests are defined in the order of sale in this cause referred to above.

8. The foregoing order is intended to be a final order and any other claims or demands for relief of any kind by any party are hereby denied.

DONE this 10 day of November, 1982.


Circuit Judge

CIRCUIT COURT
BALDWIN COUNTY, ALA.

FILED

NOV 10 1982

EUNICE G. TINDAL
REGISTER

STIPULATED FRACTIONAL OWNERSHIP

OF

All that real property situated solely in Baldwin County, Alabama, more particularly described as all of the land in Sections 2 and 3, Township 3 North, Range 2 East, surrounded by the Alabama River together with the North Half of Section 2, Township 3 North, Range 2 East, lying East of the Alabama River.

Slaughter Interest	2/5	40.0000%
Pearl Hunt	4/45	8.8888%
Elsie Hunt	2/45	4.4444%
James Hunt	2/45	4.4444%
Bessie Lee Hunt	2/45	4.4444%
Unknown Hunt	2/45	4.4444%
Dock Johnson	1/135	.7407%
* Lee Shannon Johnson	1/135	.7407%
Emma Lee Johnson Houser	1/405	.2469%
Irene Johnson Munerlyn	1/405	.2469%
Curley Johnson, Jr.	1/405	.2469%
Roosevelt Johnson	1/135	.7407%
Harry Lee Johnson	1/810	.1234%
Lorretta Johnson	1/810	.1234%
Patricia Johnson	1/810	.1234%
Juanita Williams	1/810	.1234%
Clara Bell Johnson	1/810	.1234%
Tina Marie Johnson	1/810	.1234%
Clara Bell Martin	1/135	.7407%
Sarah Bryant	1/135	.7407%
William Johnson	1/540	.1852%
Mrs. Charlie Lee Johnson James	1/540	.1852%
Hattie Mae Johnson Deas	1/540	.1852%
Jacob Johnson	1/540	.1852%
Mattie Warren	1/540	.1852%
Sally Marshall	1/540	.1852%
Julia Horne	1/540	.1852%
Young Johnson, Jr.	1/540	.1852%
* Durant Thomas	4/45	8.8888%
* John Marshall Thomas	4/45	8.8888%
* Leonard Thomas	4/45	8.8888%
		99.9989%

* Purchased by Scott 27.40%

27.40%

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA

ASHETON B. SLAUGHTER,	X	
Plaintiff,	X	
vs.	X	CIVIL ACTION NO. 3987
LEE JOHNSON, et al.,	X	
Defendants.	X	

ORDER SUBSTITUTING PARTIES

On Motion of the Plaintiff, Carol Griffin, and Michael A. Figures, attorney for the Defendant, Clara Belle Martin, to substitute as parties in the above styled cause the heirs at law and next of kin of the Defendant, Clara Belle Martin, who died on March 18, 1979, and the Court having considered said motion and testimony taken on May 5, 1982, in support thereof, is of the opinion that said motion is due to be granted. It is, therefore,

ORDERED, ADJUDGED AND DECREED that Pearl Martin, George Martin and John L. Martin are added as party Defendants hereto in substitution for the Defendant, Clara Belle Martin, and it is further

ORDERED, ADJUDGED AND DECREED that the style of the

above styled cause be amended to reflect said substitution and that Michael A. Figures be shown as attorney of record for Pearl Martin and George Martin, the said John L. Martin not having filed an appearance of record.

DATED this 18 day of May, 1982.


Circuit Judge

CIRCUIT COURT
BALDWIN CO., ALA.
FILED

MAY 18 1982

EUNICE G. TINDAL
REGISTER

ORDER TO APPEAR (SUBPOENA)

Case Number

3987

Form C-13 Rev 8/77

ID YR Number

IN THE Circuit COURT OF Baldwin COUNTY

Plaintiff Carol S. Griffin, et al Defendant Lee Johnson, et al

In the
Matter of
(Juvenile Case)

EXECUTED
This 2 day of August, 1982
by Warren Finch a copy of the within or

Mr. Warren Finch
963 Old Shell Rd.
Mobile, Alabama 36604

THOMAS J. PUBVIS, Sheriff
By Warren Finch D. S.

A. Issued at the Request of:

1. Plaintiff/State
2. Defendant
3. Grand Jury

B. Special Instructions

You are ordered to:

1. Produce Records or Documents—See attached Schedule(s)—
2. Appear at Deposition
3. Other _____

You may contact Michael A. Figures, 1407 Davis Avenue, Mobile, Alabama
(205/432-1691)

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

You are ordered to serve this order on the above named person and make return to this court.

TO WITNESS: You are ORDERED TO APPEAR before the court as stated below until otherwise excused. This order is subject to all judicial enforcement and sanction. Present this order to the clerk or register of this court to prove your appearance and for payment of witness fees if appropriate. (Defense witnesses in criminal cases are not entitled to witness fees.)

DATE: August 3, 1982

ADDITIONAL INSTRUCTIONS

TIME: 9:00 A. M.

ROOM: One

ADDRESS: Baldwin County Courthouse
Bay Minette, Alabama 36507

July 30, 1982
Date Issued

Louise A. Joubert [BJ]
Register Signature (Deputy Clerk Initials)

RETURN ON SERVICE

I certify that I personally delivered a copy of this order to _____ on _____, 1982.

Served By _____ Mail, Return receipt dated _____, 1982.

Signature and Title of Server

Signature of Clerk/Register

(Deputy Clerk Initials)

**ORDER TO APPEAR
(SUBPOENA)**

Case Number

3987

ID YR Number

IN THE Circuit COURT OF Baldwin COUNTY

Plaintiff Carol S. Griffin, et al Defendant Lee Johnson, et al

In the
Matter of

(Juvenile Case)

EXECUTED
This 2 day of August, 1982
by serving a copy of the within on

Issued at the Request of:

Ms. Debra Shoemaker
951 Government Street,
Suite 900
Mobile, Alabama 36602

Debra Shoemaker
THOMAS J. PURVIS, Sheriff

- 1. Plaintiff/State
- 2. Defendant
- 3. Grand Jury

B. Special Instructions

You are ordered to:

- 1. Produce Records or Documents—See attached Schedule(s)—
- 2. Appear at Deposition
- 3. Other _____

You may contact Michael A. Figures, 1407 Davis Avenue, xxxxxxxx Mobile, Ala. 36604
(205/432-1691)

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

You are ordered to serve this order on the above named person and make return to this court.

TO WITNESS: You are ORDERED TO APPEAR before the court as stated below until otherwise excused. This order is subject to all judicial enforcement and sanction. Present this order to the clerk or register of this court to prove your appearance and for payment of witness fees if appropriate.
(Defense witnesses in criminal cases are not entitled to witness fees.)

DATE: August 3, 1982

ADDITIONAL INSTRUCTIONS

TIME: 9:00 A. M.

ROOM: One

ADDRESS: Baldwin County Courthouse
Bay Minette, Alabama 36507

July 30, 1982
Date Issued

Thomas J. Purvis BJ
Clerk/Register Signature (Deputy Clerk Initials)

RETURN ON SERVICE

I certify that I personally delivered a copy of this order to _____ on _____, 19____.

Served By _____ Mail, Return receipt dated _____, 19____.

Signature and Title of Server

Signature of Clerk/Register

[_____] (Deputy Clerk Initials)

FIGURES AND LUDGOOD

ATTORNEYS AT LAW
2317 ST. STEPHENS ROAD
MOBILE, ALABAMA 36617

Michael A. Figures
Merceria L. Ludgood

Telephone: 456-9922
Area Code: (205)

May 9, 1984

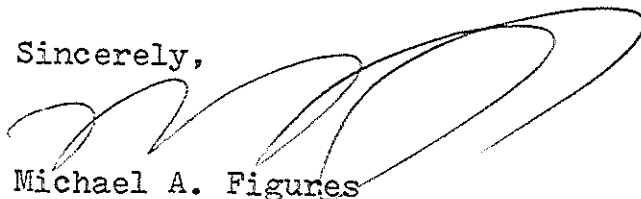
Ms. Eunice G. Tindal
Register of Circuit Court
BALDWIN COUNTY COURTHOUSE
Bay Minette, Alabama 36507

RE: GRIFFIN, ET AL. V. JOHNSON, ET AL.
CASE NO.: 3987

Dear Ms. Tindal:

Please file the enclosed Motion to
Amend Final Judgment in the above referenced
matter.

Sincerely,



Michael A. Figures

MAF/cek

Enclosure

CIRCUIT COURT
BALDWIN CO., ALA.
FILED

MAY 17 1984

EUNICE G. TINDAL
REGISTER

3487

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

RUTH KIGGANS

Complainant

vs.

HARRY KIGGANS, JR.

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree and Confession of~~ ANSWER AND WAIVER and Testimony as noted by the Register, and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in said bill.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby dissolved, and that the said RUTH KIGGANS is forever divorced from the said HARRY KIGGANS, JR., for and on account of ABANDONMENT

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant have the care, custody and control of the minor children, Mickey Kiggans and Nina Kiggans and that the Respondent pay to the Complainant the sum of \$20.00 each week for the care and maintenance of said minor children. The Respondent is given the right to visit the said minor children at such times and places as may be reasonable and proper.

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

It is further ordered that the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon payment of the cost of this suit.

It is further ordered that HARRY KIGGANS, JR. the RESPONDENT pay the cost herein to be taxed, for which executed may issue.

This 6th day of MARCH 19 57

[Handwritten Signature]

Judge Circuit Court, In Equity.

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

Witness my hand and seal this the _____ day of _____, 19__

Register of Circuit Court, In Equity.

No. 3989 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

RUTH KIGGANS

Complainant

vs.

HARRY KIGGANS, JR.

Respondent

DIVORCE DECREE

FILED

MAR 6 1957

AMICE & BOOK, BALDWIN

Baldwin Co Divorce Records
Bay Minette AL 36507

1-7-85-

3989

re: Harry Kiggins Sr

Please send me a copy of, or a statement about, your record of the following marriage:

Name of wife ~~Ruth~~ ^{Annie} Ruth (Black) Kiggins

Name of husband ~~Harry~~ Harry Kiggins Sr

Date of ~~marriage~~ ^{divorce} 1957

Place of ~~marriage~~ ^{divorce} Bay Minette AL

Because this copy or statement will be used in connection with an application for Social Security benefits, please show the date of birth or age given for both parties and have the document certified by the custodian of the records and impressed with his seal, if he has one.

I am enclosing \$ 2.00, which I understand is the usual fee for this service.

Thank you very much for your help in this matter.

Sincerely yours,

Annie Ruth Black Kiggins
(Name)

1024 Fremont Ave
(Street Address)

Pensacola, Fla 32505
(City and State)

self
(Relationship to above person)

Please send record to Social Security office Pensacola in enclosed envelope

RUTH KIGGANS,
Complainant,
vs.
HARRY KIGGANS, JR.,
Respondent.

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

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

Your Complainant, Ruth Kiggans, respectfully represents and shows unto the Court and your Honor as follows:

1. Your Complainant is over the age of twenty-one years and is a resident of Baldwin County, Alabama, and has been a bona fide resident citizen of said State and County for more than one year next preceding the filing of this Bill of Complaint. The Respondent, Harry Kiggans, Jr., is a non-resident of the State of Alabama, and his address is General Delivery, Palmer, Massachusetts.

2. The Complainant and the Respondent were lawfully married on or about, to-wit, February 4, 1944, at Gulfport, Mississippi, and lived together as man and wife until on or about August, 1954.

3. Complainant avers that the said Respondent voluntarily abandoned the bed and board of your Complainant for more than one year next preceding the filing of this Bill of Complaint, since which time, Complainant and Respondent have not lived together nor in any way recognized each other as husband and wife.

4. There was born to the Complainant and Respondent during this marriage, two children, Mickey Kiggans, a son, approximately ten years of age, and Nina Kiggans, a daughter, approximately eight years of age, both of whom are now in the care, custody and control of your Complainant, who is a fit and proper person to have the care, custody and control of said minor children.

PRAYER FOR PROCESS:

The premises considered, your Complainant makes the said Harry Kiggans, Jr., a party respondent to this Bill of Complaint

and in order that the Complainant may have the relief herein prayed for she prays that the usual process of this Honorable Court issue to the Respondent requiring him to appear and plead, answer or demur to this Bill of Complaint within the time prescribed by law and under the rules and practices of this Court.

PRAYER FOR RELIEF


Complainant respectfully prays for the following separate and several relief:

1. That on a final hearing of this cause the Court will make and enter a proper order or decree giving and granting the Complainant the permanent custody and control of the said minor children.

2. That the Court will make and enter a proper decree divorcing the Complainant from the Respondent and will fix a reasonable monthly amount to be paid to the Complainant by the Respondent, for the maintenance and support of the said minor children.

3. Complainant further prays for such other, further and general relief as she may be equitably entitled to, the premises considered.

Respectfully submitted,


Solicitor for Complainant.

3989

BILL OF COMPLAINT

RUTH KIGGANS,
Complainant,
vs.
HARRY KIGGANS, JR.,
Respondent.

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

FILED
MAR 6 1957
ALICE A. WALKER, CLERK

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RUTH KIGGANS,)
Complainant,)
vs.)
HARRY KIGGANS, JR.,)
Respondent.)

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

ANSWER AND WAIVER

Now comes the Respondent in the above styled cause and waives notice of the filing of the Bill of Complaint in the above styled cause, waives notice of the time of taking of testimony in said cause and consents and agrees that a decree be rendered in said cause without further notice to him.

For answer to the Bill of Complaint filed in this cause, the Respondent says:

1. He admits the allegations of Paragraphs numbered 1, 2, and 4 of the said Bill of Complaint.
2. He denies the allegations of Paragraph numbered 3 of the Bill of Complaint and demands strict proof thereof.

Harry Kiggans Jr.
Respondent.

WITNESS:

Walter D. Peery

3989

ANSWER & WAIVER

RUTH KIGGANS,
Complainant,

vs.

HARRY KIGGANS, JR.,
Respondent.

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

FILED
MAR 6 1957

ALEX L. BUCK, Register

[Handwritten signature]

RUTH KIGGANS,

Complainant,

vs.

HARRY KIGGANS, JR.

Respondent

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, ANSWER
AND WAIVER, COMMISSION TO TAKE DEPOSITION AND TESTIMONY OF
COMPLAINANT

and in behalf of Defendant upon ANSWER AND WAIVER

Register.

No. 3889.....

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

RUTH KIGGANS

Complainant,

vs.

HARRY KIGGANS, JR.,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 6.....

day of March....., 1947

David J. Henner
Register.

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: ALICE L. MILLER

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine RUTH KIGGANS

a witnesses in behalf of RUTH KIGGANS in a cause pending in our Circuit Court in Baldwin County, of said State, wherein RUTH KIGGANS

Complainant
and HARRY KIGGANS, JR.

Respondent
on oath, to be by you administered, upon RUTH KIGGANS to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 5th day of MARCH, 1957

Alice J. ...
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 3989

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

RUTH KIGGANS

Complainant

VS.

HARRY KIGGANS, JR.

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

ALICE L. MILLER

WITNESSES:

RUTH KIGGANS

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The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

RUTH KIGGANS,

Complainant

VS.

HARRY KIGGANS, JR.

Respondent

I, ALICE L. MILLER

as Register and Commissioner

have called and caused to come before me RUTH KIGGANS

witness named in the Requirement for Oral Examination, on the 5th day of MARCH

19 57, at the office of JAMES R. OWEN, Attorney at Law

in BAY MINETTE, Alabama, and having first sworn said Witness to speak the

truth, the whole truth, and nothing but the truth, the said RUTH KIGGANS

doth depose and say as follows:

My name is Ruth Kiggans and I am the Complainant in the above styled cause. I am over the age of twenty-one years and a resident of Baldwin County, Alabama, and have been a bona fide resident citizen of the said State and County for more than one year next preceding the filing of the Bill of Complaint in this cause. The respondent, Harry Kiggans, Jr., is a non-resident of the State of Alabama, and his address is General Delivery, Palmer, Massachusetts.

The respondent and I were lawfully married on February 4, 1944, in Gulfport, Mississippi, and lived together as man and wife until about August, 1954.

The Respondent, Harry Kiggans, Jr., voluntarily abandoned me more than one year ago, since which time, we have not lived together nor in any way recognized each other as husband and wife.

The respondent and I have two children, Mickey Kiggans, a son, and Nina Kiggans, a daughter, both of whom are now in my care, custody and control and I am a fit and proper person to have the care, custody and control of said children.

In my opinion a reasonable monthly amount to be paid to me for care, custody and control of said children by the Respondent is \$20.00 each week.

Ruth Kiggans

ORAL EXAMINATION

I, ALICE L. MILLER, as ~~Register and~~ Commissioner hereby certify that the foregoing deposition... on Oral Examination was taken down by me in writing in the words of the witness... and read over to her and she signed the same in the presence of myself and JAMES R. OWEN

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness... or had proof made before me of the identity of said witness...; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 5th day of MARCH, 1957

Alice L. Miller (L. S.)

3989

No. 3989 Page _____

The State of Alabama
Baldwin County.

In Circuit Court, In Equity

RUTH KIGGANS,

vs. Complainant

HARRY KIGGANS, JR.

Respondent

Oral Deposition

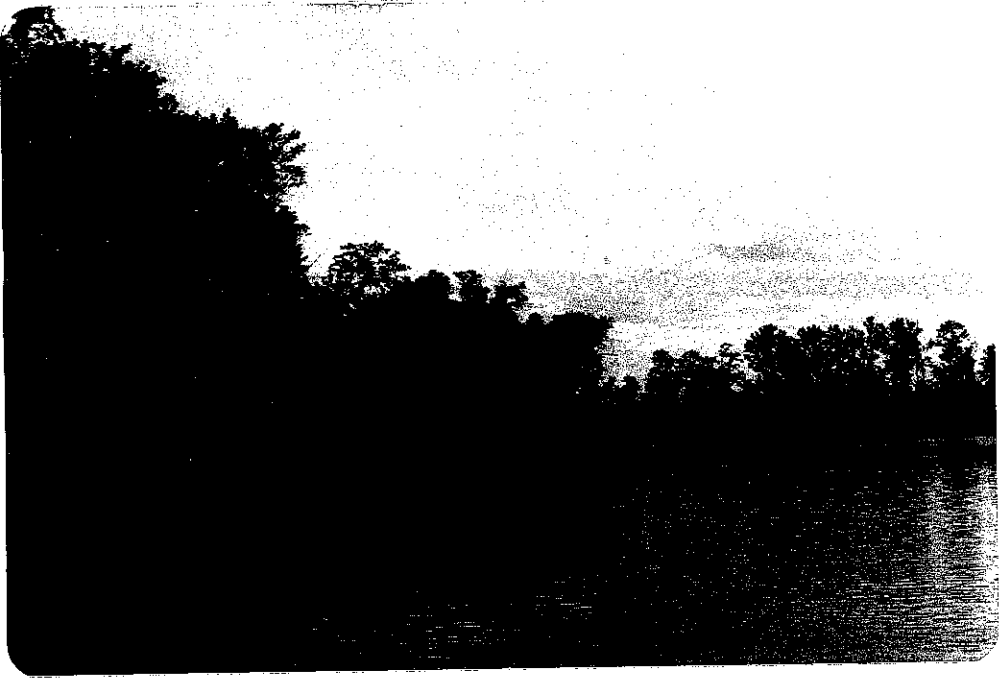
Filed 3-6, 1957

Alice L. Miller, Register
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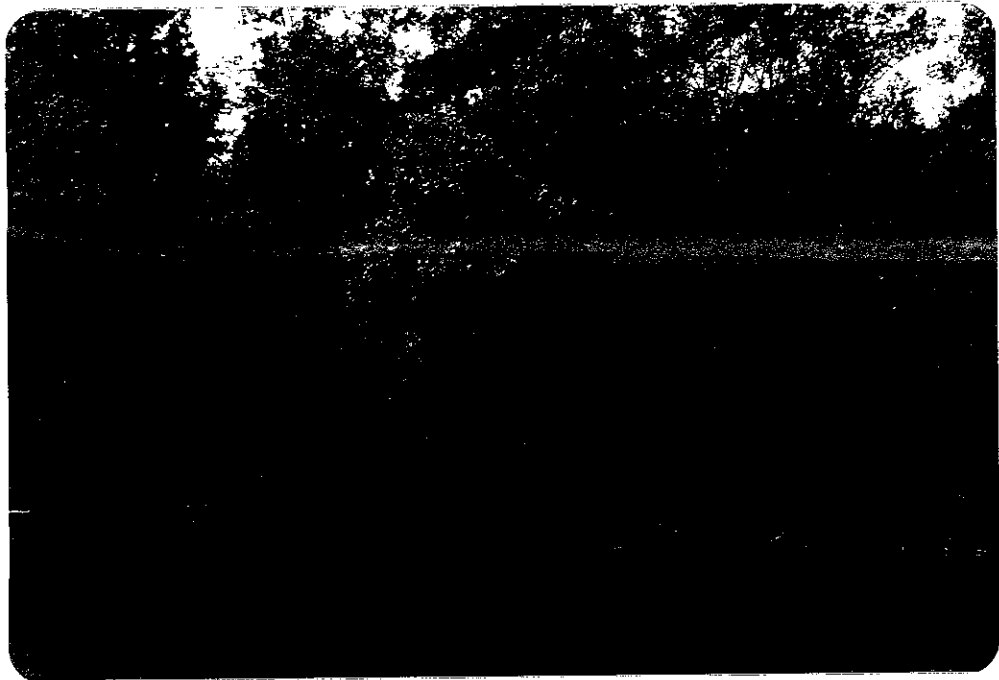
Record

Vol. _____ Page _____

Register



VIEW ALONG NO. SIDE

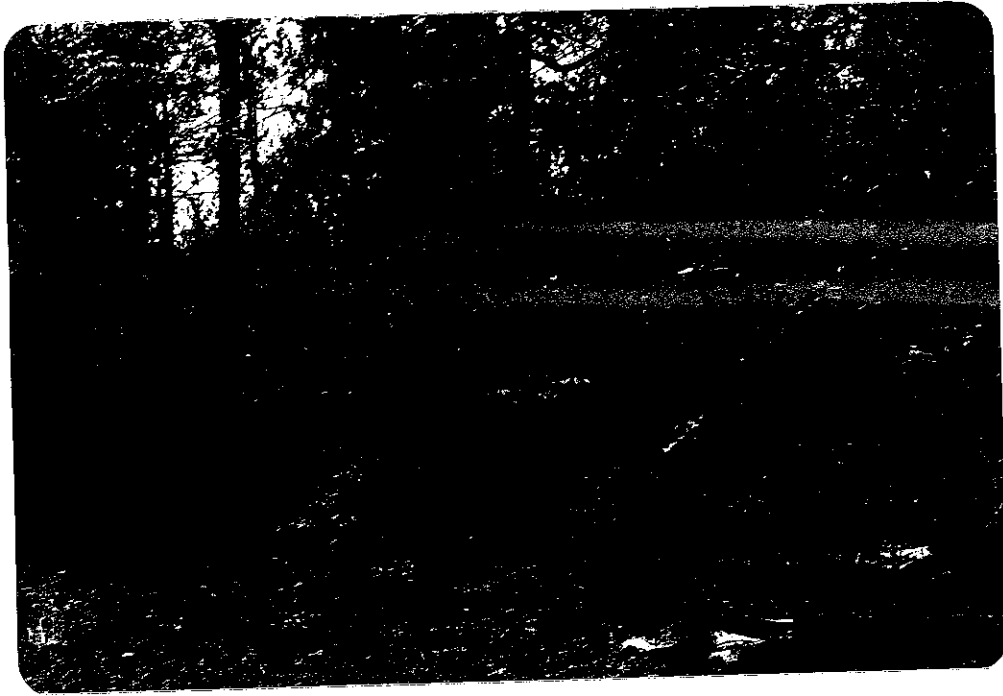


VIEW ALONG S. END

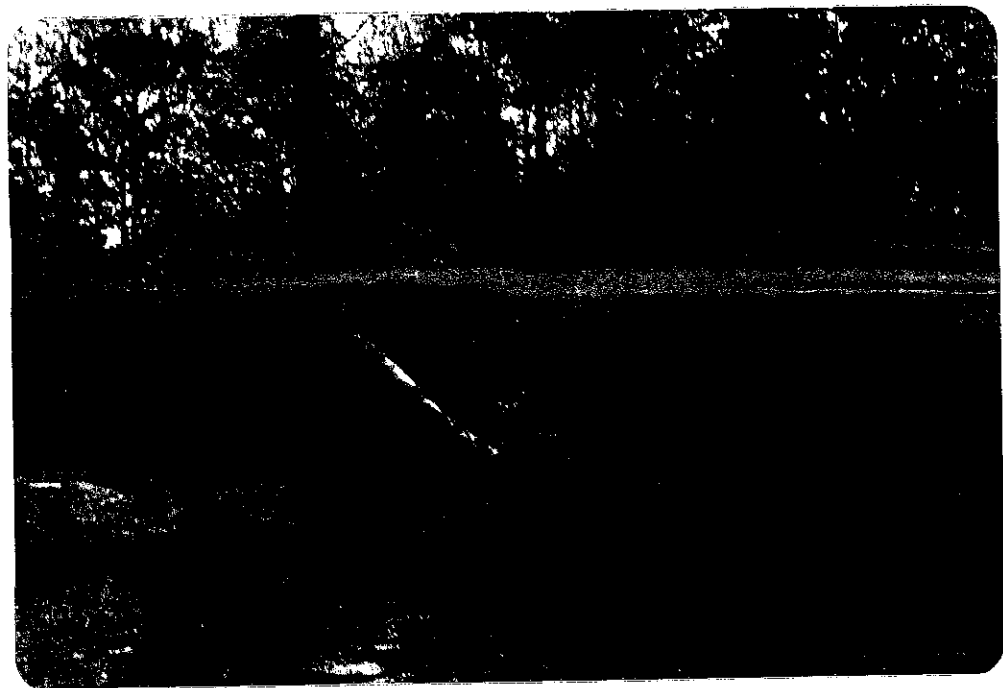


VIEW ALONG WEST SIDE

PARCEL No. 1



TYPICAL INT. VIEW



TYPICAL INT. VIEW



OLD RESIDENCE

PARCEL NO. 2