

party of the second part his heirs and assigns, against all and every person or persons whomsoever lawfully claiming or to claim the same shall and lawfully warrant and by three presents defend.

In Witness Whereof the parties to three presents have hereunto set their Hands and Seals This day above written.

Thomas P. Pappas
 Esq. by Pappas
 Esq. by Pappas
 Esq. by Pappas

The State of Alabama, do Lewis C. Bolton a Justice of the peace
 of Wilcox County for said County hereby certify that Thomas
 Pappas whose name is signed to the foregoing conveyance and who
 is the same person as he is acknowledged before me this day that being in-
 formed of the contents of the conveyance he executed the same
 voluntarily on the same date.

Given under my hand this 9th day of December A.D. 1875
 Witness my hand and seal of office
 Lewis C. Bolton

Recorded the 11th day of March 1876

J. P. B. C.

H. S. Bryan Judge

The State of Alabama,
Baldwin County

}

PROBATE COURT

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

that the within and foregoing Two photostatic pages

contain a full, true and complete copy of the Deed from Thomas Passos to

John Pierce,

as the same appears of record in my office in Deed Book No. "L"

page 730-1.

Given under my hand and seal of office, this 14th day of November, 1957.

W. R. Stuart
Judge of Probate.

This Indenture, made the 16th day of
March in the Year of our Lord one thousand
eight hundred and sixty seven between Joseph
Pierce and his wife Annie Pierce of the first
part, and John Pierce and his wife Malley
Pierce of the second part Witnesseth that
The said part of the first part for and in

consideration of the sum of Three hundred and fifty (\$350) dollars lawful money of the United States of America, to in hand paid by the said parties of the second part at or before the executing and delivery of these presents, the receipt whereof is hereby acknowledged and the said parties of the second part their heirs executors and administrators, forever released and discharged from the same by these presents, he granted, bargained, sold, aliened, remised, released, conveyed, confirmed and confirmed, and by these presents do grant, bargain, sell, alien, remise, release, convey, confirm and confirm, unto the said parties of the second part, their heirs and assigns forever, all the following described property to wit: The west half of the north east one quarter section and the south east quarter of the north east one quarter section less six (6) acres on north side also north one half of south east one quarter section and north half of the south half of the south east one quarter section and the north half of the south east quarter of the south west one quarter section less four (4) acres deeded to Thomas Welborn by C. W. R. Schwaalter and his wife Olive C. Schwaalter and the north east one quarter of the south west one quarter sec. less ten (10) acres and the north west one quarter of the north west one quarter section in Sec. Seven Township seven South of Range two East, in Baldwin County, State of Alabama and the above described land is partly bounded on Mobile Bay a distance of about half mile and about three miles below Point Clear.

Together with all and singular the tenements, tenures, and rights, members, privileges and appurtenances unto the above mentioned and described premises, here going or any wise appertaining;

To have and to hold, the above granted and described premises with the appurtenances unto the said parties of the second part their heirs and assigns, to the sole and proper use, benefit and

behalf of the said parties of the second part, their heirs
 and assigns forever. And the said Joseph Pierce and
 his wife Anne Pierce for themselves and their heirs the
 above described and hereby granted and warranted
 premises and every part and parcel thereof, with the
 hereditaments, and appurtenances unto the said par-
 ties of the second part their heirs and assigns against
 the said parties of the first part and their heirs, and
 against all and every person and persons whom-
 soever lawfully claiming or to claim the same,
 shall and will warrant and by these presents for-
 ever defend. In Witness whereof the part of the
 first part to have presents hereunto set hand
 and seal the day and year first above written
 sealed and delivered
 in presence of { Joseph Pierce (S) }
 { Anne Pierce (S) }
 A. de Mont

The State of Alabama {
 Baldwin County. { A. de Mont Notary
 Public in and for said County in said State
 hereby certifies that Joseph Pierce and his wife Anne
 Pierce whose names are signed to the foregoing
 conveyance, and who are known by me, actual
 edged before me on this day that being informed
 of the contents of the conveyance last presented
 the same voluntarily on the day the same bears
 date. Given under my hand and official
 seal this 16th day of March A. D. 1897.
 A. de Mont
 Notary Public
 Baldwin County Alabama

Seal

Filed for Record April 16th 1897.
 Recorded April 17th 1897.
 Chas. Hull
 Judge of Probate

The State of Alabama,
Baldwin County

PROBATE COURT

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

that the within and foregoing Three photostatic pages

contain a full, true and complete copy of the Deed from Joseph Pierce, et al,

to John Pierce,

as the same appears of record in my office in Deed Book No. 1111

page 423-5.

Given under my hand and seal of office, this 14th day of November, 19 57.

W. R. Stuart
Judge of Probate.

STATE OF ALABAMA
COUNTY OF BALDWIN

KNOW ALL MEN BY THESE PRESENTS, That I, ROBERT J. PIERCE, unmarried, for and in consideration of the sum of one (\$1.00) dollars and other good and valuable considerations to me in hand paid by HUBERT M. HALL, the receipt of which is hereby acknowledged, do hereby remise, release, quit claim and convey unto the said HUBERT M. HALL, all the following described property situated in Baldwin County, Alabama, to-wit:

The northwest quarter of the northeast quarter; the southwest quarter of the northeast quarter; the north half of the northwest quarter of the southeast quarter; the north half of the north half of the southwest quarter of the southeast quarter; the north half of the southeast quarter of the southeast quarter; the north half of the northeast quarter of the southeast quarter; the south 28 acres of the southeast quarter of the northeast quarter; the southwest quarter of the southeast quarter of the southeast quarter; and fractional north half of the north half of the southeast quarter of the southwest quarter of section 7, township 7 south of range 2 east;

The north half of the northwest quarter of the southwest quarter of section 8, township 7 south of range 2 east.

Meaning and intending to convey hereby, and conveying hereby all my interest in any lands located in Township 7 South of Range 2 East, in Baldwin County, Alabama, whether herein specifically described or not.

TO HAVE AND TO HOLD unto the said HUBERT M. HALL, his heirs and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 20 day of Nov. 1935.

ROBERT J. PIERCE (SEAL)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Carl L. Bloxham, a Notary Public, in and for said County in said State, hereby certify that Robert J. Pierce, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 20 day of Nov. 1935.

CARL L. BLOXHAM, Notary Public,
Baldwin County, Alabama.

SEAL

STATE OF ALABAMA PROBATE COURT
BALDWIN COUNTY

Filed in office this 13 day of Oct. 1937 at 3:40 P. M. and duly recorded in Deed Book 63 N S page 190; and I certify that \$--- cts \$0 deed tax has been paid as required by law.

G. W. Robertson, Judge of Probate

G. W. Robertson, Judge of Probate

-----000000000000-----

The State of Alabama,
Baldwin County

PROBATE COURT

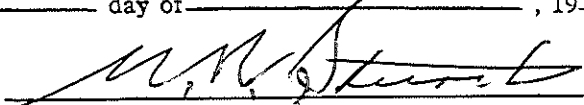
I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing One photostatic pages

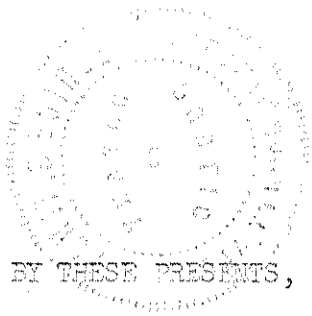
contain a full, true and complete copy of the Deed from Robert J. Pierce to
Hubert M. Hall,

as the same appears of record in my office in Deed Book No. 63
page 190.

Given under my hand and seal of office, this 14th day of November, 1957.


Judge of Probate.

STATE OF ALABAMA
BALDWIN COUNTY



Deed Tax _____
Mortgage Tax _____ 50

Judge of Probate
By _____

BOOK 226 PAGE 508

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

Northeast quarter of Northeast quarter, Southwest quarter of Northeast quarter; North half of Northwest quarter of Southeast quarter; North half of North half of Southwest quarter of Southeast quarter; North half of Southeast quarter of Southeast quarter; North half of Northeast quarter of Southeast quarter; South 28 acres of Southeast quarter of Northeast quarter; Southwest quarter of Southeast quarter of Southeast quarter; Fractional North half of North half of Southeast quarter of Southwest quarter of Section 7, Township 7 South, Range 2 East. North half of Northwest quarter of Southwest quarter of Section 8, Township 7 South, Range 2 East.

Meaning and intending to convey and conveying hereby all right, title and interest in and to all lands acquired by the Grantor in Deed from Robert J. Pierce dated November 20, 1935, and of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 63 NS, page 190.

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the

31 day of July, 1955.

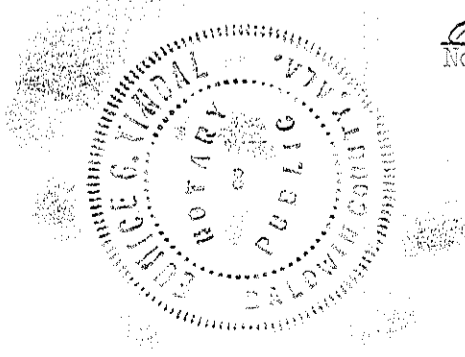
Hubert M. Hall (SEAL)

STATE OF ALABAMA
BALDWIN COUNTY

I, Emmie S. Sindel a Notary Public, in and for said County, in said State, hereby certify that Hubert M. Hall, unmarried, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 30 day of July, 1955.

Emmie S. Sindel
Notary Public,



Recorded Deed book 226 page 556
and I certify that the following Privilege Tax
has been paid.

Deed Tax _____ 50
Mortgage Tax _____

W.R. Stewart
Judge of Probate

By W

BOOK 226 PAGE 556

STATE OF ALABAMA
COUNTY OF BALDWIN

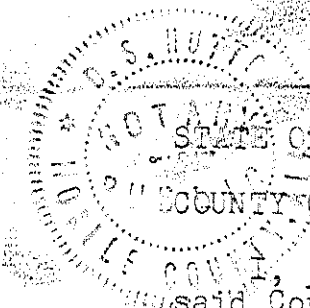
KNOW ALL MEN BY THESE PRESENTS, That I, JESSE PIERCE, a widower, hereinafter called the Grantor for and in consideration of the sum of One and NO/100 (\$1.00) DOLLAR, and other good and valuable consideration, in hand paid to the said Grantor, by JOHN P. PIERCE and MARIE W. PIERCE, husband and wife, hereinafter called the Grantees, the receipt of which is hereby acknowledged do hereby REMISE, RELEASE, QUIT-CLAIM and CONVEY unto the said Grantees all of my right, title, interest and claim in and to the following described real property situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

NW $\frac{1}{4}$ of NE $\frac{1}{4}$; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$; N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$; N $\frac{1}{2}$ of N $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$; N $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$; N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$; South $\frac{1}{2}$ acres of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, Township 7 South, Range 2 East, N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8, Township 7 South, Range 2 East.

TOGETHER WITH ALL AND SINGULAR, the rights, members, privileges, tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining; TO HAVE AND TO HOLD unto the said Grantees, their heirs and assigns, forever.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal on this the 9th day of May, 1955.

Jesse Pierce
Jesse Pierce



STATE OF ALABAMA
COUNTY OF Mobile

L.S. HULLO

a Notary Public in and for said County and State, hereby certify that Jesse Pierce, a widower, whose name is signed to the foregoing deed and who is known to me, acknowledged before me on this day, that being informed of the contents of the deed, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 9th day of May, 1955.

L.S. HULLO

NOTARY PUBLIC, COUNTY, ALABAMA.
My Commission Expires March 10 1958

and that the following mortgage tax has been paid.

Deed Tax 50

Mortgage Tax _____

J.R. Stewart
Judge of Probate

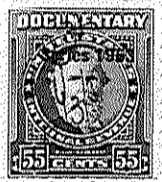
By 6

BOOK 242 PAGE 394

STATE OF ALABAMA
BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, that I, ANNO J. HELES, a widow, GRANTOR, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable considerations, to us in hand paid by JOHN P. PIERCE and MARIE W. PIERCE, husband and wife, GRANTEES, the receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL and CONVEY unto the said grantees, the following described real property situated in Baldwin County, Alabama, to-wit:

Commencing at the center of Fractional Sec. 7, Township 7 South, Range 2 East, run thence South 200 feet to a point which is the place of beginning of the lot herein described: run thence South along the half section line of said Sec. 7, 34 feet, run thence West and parallel with the East and West half section line 1025 feet, more or less to the Eastern shore of Mobile Bay, run thence Northwardly along the Eastern shore of Mobile Bay 34 feet, more or less to a point 200 feet due South of the East and West half Section line; run thence East and parallel with the East and West half Section line 1025 feet, more or less to point of beginning in the SW $\frac{1}{4}$ of Fractional Sec. 7, Township 7 South, Range 2 East;



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

IN WITNESS WHEREOF, we have hereunto set our hands and seals this the 3 day of Dec, 1955.

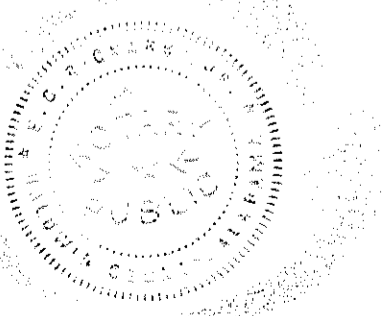
Anno J. Heles (SEAL)

STATE OF ALABAMA
Baldwin COUNTY

I, E.L. Rickard, Jr., a Notary Public in and for said State and County, hereby certify that Anno J. Heles, a widow, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 3 day of December, 1955.

E.L. Rickard, Jr.
Notary Public, Baldwin Co., Ala.



STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, that I, JOHN PAUL PIERCE, GRANTOR, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable considerations to me in hand paid by MARIE W. PIERCE, GRANTEE, the receipt of which is hereby acknowledged, do GRANT, BARGAIN, SELL and CONVEY unto the said Marie W. Pierce an undivided 1/16th interest in and to the following described land situated in Baldwin County, Alabama, to-wit:

The Northwest quarter of the Northeast quarter; the South half of the Southwest quarter of the Northeast quarter; the North half of the Northwest quarter of the Southeast quarter; the North half of the North half of the Southwest quarter of the Southeast quarter; the North half of the Southeast quarter of the Southeast quarter; the North half of the Northeast quarter of the Southeast quarter; the South eight acres of the Southeast quarter of the Northeast quarter, all in Section 7, Township 7 South, Range 2 East; the North half of the Northwest quarter of the Southwest quarter of Section 8, Township 7 South, Range 2 East; containing in all 158 acres, more or less;

Commencing at the center of fractional Section 7, Township 7 South, Range 2 East, and run thence South 200 feet to a point, which is the place of beginning of the lot herein described; run thence South along the half-section line of said Section 7, 34 feet; run thence West and parallel with the East and West half-section line 1025 feet more or less to the Eastern Shore of Mobile Bay; run thence Northwardly along the Eastern Shore of Mobile Bay 34 feet more or less to a point 200 feet due South of the East and West half-section line; run thence East and parallel with the East and West half-section line 1025 feet more or less to the point of beginning, in the Southwest quarter of Fractional Section 7, Township 7 South, Range 2 East.

Meaning and intending to convey and conveying hereby, an undivided 1/2 of the interest acquired by the grantor in and through that certain deed from Hubert M. Hall to the grantor herein, dated July 30, 1955, and recorded in Deed Book 226 at page 568, which said deed conveyed an undivided 1/8th interest in and to the above described lands.

TO HAVE AND TO HOLD unto the said grantee, her heirs and assigns, forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 11th day of May, 1957.

John Paul Pierce (SEAL)

BOOK 202 PAGE 133

STATE OF ALABAMA

BALDWIN COUNTY

I, Floyd G. Sweeney, a Notary Public in and for said State and County, hereby certify that John Paul Pierce, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 11th day of May, 1957.

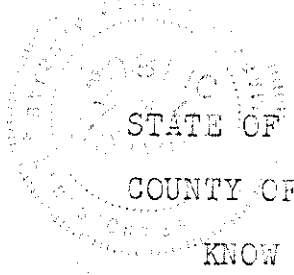


Floyd G. Sweeney
Notary Public, Baldwin County, Alabama.

BOOK 202 PAGE 328

STATE OF ALABAMA, BALDWIN COUNTY
Filed 5-25-57 11:45A.M.
Recorded deed book 262 page 322-3
and I certify that the following Privilege Tax
has been paid.

Deed Tax 50
Mortgage Tax _____
MR. Hunt
Judge of Probate
By D



Deed Tax _____ 50
 Mortgage Tax _____

 Judge of Probate
 By _____

BOOK
 228
 PAGE 569

STATE OF ALABAMA
 COUNTY OF BALDWIN

KNOW ALL MEN BY THESE PRESENTS, That I, MRS. ANNO J. HELES, a widow, hereinafter called the Grantor for and in consideration of the sum of One and NO/100 (\$1.00) DOLLAR and other good and valuable consideration, in hand paid to the said Grantor, by JOHN P. PIERCE and MARIE W. PIERCE, husband and wife, hereinafter called the Grantees, the receipt of which is hereby acknowledged do hereby REMISE, RELEASE, QUITCLAIM and CONVEY unto the said Grantees all of my right, title, interest and claim in and to the following described real property situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

NW $\frac{1}{4}$ of NE $\frac{1}{4}$; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$; N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$; N $\frac{1}{2}$ of N $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$; N $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$; N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$; South 8 acres of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, Township 7 South, Range 2 East, N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8, Township 7 South, Range 2 East.

TOGETHER WITH ALL AND SINGULAR, the rights, members, privileges, tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining; TO HAVE AND TO HOLD unto the said Grantees, their heirs and assigns, forever.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand and seal on this the 16th day of October, 1954.

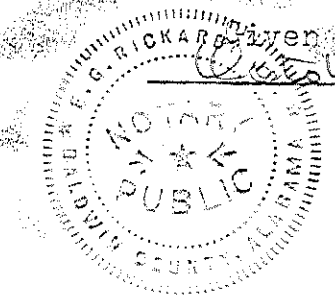
Mrs. Anno J. Heles a widow (SEAL)
 Mrs. Anno J. Heles, a widow

STATE OF ALABAMA
 COUNTY OF

I, E. G. Rickard, a Notary Public in and for said county in said state hereby certify that Mrs. Anno J. Heles, a widow, whose name is signed to the foregoing deed and who is known to me, acknowledged before me on this day that being informed of the contents of the within deed she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 16 day of October, 1954.

E. G. Rickard
 NOTARY PUBLIC, COUNTY, ALABAMA



STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That I, Rosa Pierce Danne, Widow, Grantor for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration to me in hand said by George J. Danne and wife, Mallie E. Eberlein Danne, Grantees, the receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL and CONVEY all of my right, title, and interest unto the said Grantees in and to the following described property situated in Baldwin County, Alabama, to-wit:

Northwest quarter of Northeast Quarter; South half of Southwest quarter of Northeast Quarter; North half of Northwest quarter of Southeast quarter; North half of North half of Southwest quarter of Southeast quarter; North half of Southeast quarter of Southeast quarter; North half of Northeast quarter of Southeast quarter; South eight acres of southeast quarter of Northeast quarter, Section 7 Township 7 South Range 2 East; North half of Northwest of Southwest quarter Section 8 Township 7 South Range 2 East.

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

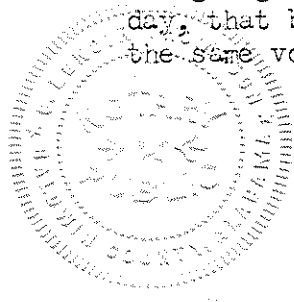
IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the 23 day of October, 1952.

Rosa Pierce Danne (SEAL)

STATE OF ALABAMA
BALDWIN COUNTY

I, C. LeNoir Thompson, a Notary Public, in and for said County, in said State, hereby certify that Rosa Pierce Danne, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day, that being informed of the contents of said conveyance, she executed the same voluntarily on the day the same bears date.

C. LeNoir Thompson
Notary Public, Baldwin County, Ala.



STATE OF ALABAMA, BALDWIN COUNTY
Filed 10-23-52 10:30 A.M.
Recorded Deed book 187 page 287
and fee for the following Privilege Tax
has been paid.
Deed Tax 50
Mortgage Tax
W.R. Stuart
Judge of Probate
By J.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon Mack H. Pierce, George J. Danne, Mallie B. Eberlein Danne, Rosa Pierce Danne, Donald Pierce, Jr., Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce, Juanita Pierce Bemis, ^{also known as Joseph Calloway} Joseph Fuller, Francis Calloway Nelson, J. V. Dorrough, Jr., Joseph Roland Dorrough, Miriam Bosarge, Mary Nelson, Kathryn Pierce, as the mother and custodian of Donald Pierce, Jr., a minor three years of age, Emma Pierce, as adult resident next of kin of Donald Pierce, Jr., a minor three years of age, and as the mother and adult resident next of kin of Norman L. Pierce, a minor nineteen years of age and as the mother and adult resident next of kin of ^{also known as Joseph Calloway} Juanita Pierce Bemis, a married minor seventeen years of age, Joseph Fuller, as the brother and adult resident next of kin of Francis Calloway Nelson, a minor sixteen years of age and Joseph Roland Dorrough, as the uncle and adult resident next of kin of J. V. Dorrough, Jr., a minor sixteen years of age, to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County, Equity Side, then and there to plead, answer or demur to the Bill of Complaint filed against them by John P. Pierce, Marie W. Pierce and William Pierce.

Witness my hand this 16th day of May, 1957.

Reid L. Newk
Register.

JOHN P. PIERCE, MARIE W. PIERCE
AND WILLIAM PIERCE,
PETITIONERS

VS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

MACK H. PIERCE, GEORGE J. DANNE,
MALLIE B. EBERLEIN DANNE, ROSA
PIERCE DANNE, ALLEN C. PIERCE,
ADRIAN F. PIERCE, JOSEPH FULLER, ^{also known as Joseph Calloway}
JOSEPH ROLAND DORROUGH, MIRIAM
BOSARGE, MARY NELSON, DONALD
PIERCE, JR., NORMAN L. PIERCE,
JUANITA PIERCE BEMIS, FRANCIS
CALLOWAY NELSON AND J. V. DORROUGH, JR.,
DEFENDANTS.

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

Come your petitioners, John P. Pierce, Marie W. Pierce and William Pierce and humbly complaining against Mack H. Pierce, George J. Danne, Mallie B. Eberlein Danne, Rosa Pierce Danne, Allen C. Pierce, Adrian F. Pierce, ^{also known as Joseph Calloway} Joseph Fuller, Joseph Roland Dorrough, Miriam Bosarge, Mary Nelson, Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrough, Jr., respectfully represent unto your Honor as follows:

1. That they are each over the age of twenty-one years and are residents of the State of Alabama; that John P. Pierce and Marie W. Pierce reside in Mobile, Alabama, and their Post Office address is Route No. 2, Box 336, Mobile, Alabama; that William Pierce resides in Fairhope, Alabama, and his Post Office address is Box 243-A, Fairhope, Alabama; that the defendants, Mack H. Pierce, George J. Danne, Mallie

B. Eberlein Danne, Rosa Pierce Danne, Allen C. Pierce, Adrian F. Pierce, ^{also known as Joseph Calloway} Joseph Fuller, Joseph Roland Dorrrough, Miriam Bosarge and Mary Nelson are each over the age of twenty-one years and their places of residence and Post Office addresses are as follows:

oMack H. Pierce, whose last known address was Box 1015, Midwest, Wyoming,
George J. Danne, 2160 Wagner, Mobile, Alabama
Mallie B. Eberlein Danne, 2160 Wagner, Mobile, Alabama
Rosa Pierce Danne, RFD 3, Fairhope, Alabama
Allen C. Pierce, Route No. 3, Foley, Alabama
Adrian F. Pierce, Route No. 3, Foley, Alabama
^{also known as Joseph Calloway} Joseph Fuller, Daphne, Alabama
Joseph Roland Dorrrough, Bayou LaBatre, Alabama
Miriam Bosarge, Bayou LaBatre, Alabama
Mary Nelson, Bayou LaBatre, Alabama;

that Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrrough, Jr., are each under the age of twenty-one years and their places of residence and Post Office addresses are as follows:

Donald Pierce, Jr., 15876 Lawton Drive, Detroit, Michigan, a minor 3 years of age, whose adult resident next of kin is Emma Pierce, Route No. 3, Foley, Alabama, and whose mother and custodian is Kathryn Pierce, 15876 Lawton Drive, Detroit, Michigan; Norman L. Pierce, Route No. 3, Foley, Alabama, a minor 19 years of age, whose adult resident next of kin and custodian is his mother, Emma Pierce, Route No. 3, Foley, Alabama; Juanita Pierce Bemis, Route No. 3, Foley, Alabama, a married minor 17 years of age, whose adult resident next of kin is her mother, Emma Pierce, Route No. 3, Foley, Alabama; Francis Calloway Nelson, 956 South Warren Street, Mobile, Alabama, a minor 16 years of age, whose adult resident next of kin is his brother, ^{also known as Joseph Calloway} Joseph Fuller, Daphne, Alabama; J. V. Dorrrough, Jr., Bayou LaBatre, Alabama, a minor 16 years of age, whose adult resident next of kin is his uncle, Joseph Roland Dorrrough, Bayou LaBatre, Alabama;

2. That your petitioners and the defendants are tenants in common of the following described real property situated in Baldwin County, Alabama, to-wit:

Tract 1: The Northwest quarter of the Northeast quarter; the South half of the Southwest quarter of the Northeast quarter; the North half of the Northwest quarter of the Southeast quarter; the North half of the North half of the Southwest quarter of the Southeast quarter; the North half of the Southeast quarter of the Southeast quarter; the North half of the Northeast quarter of the Southeast quarter; the South eight acres of the Southeast quarter of the Northeast quarter, all in Section 7, Township 7 South, Range 2 East; the North half of the Northwest quarter of the Southwest quarter of Section 8, Township 7 South, Range 2 East; containing in all 158 acres, more or less;

Tract 2: Commencing at the center of fractional Section 7, Township 7 South, Range 2 East, and run thence South 200 feet to a point, which is the place of beginning of the lot herein described; run thence South along the half-section line of said Section 7, 34 feet; run thence West and parallel with the East and West half-section line 1025 feet more or less to the Eastern Shore of Mobile Bay; run thence Northwardly along the Eastern Shore of Mobile Bay 34 feet more or less to a point 200 feet due South of the East and West half-section line; run thence East and parallel with the East and West half-section

line 1025 feet more or less to the point of beginning, in the Southwest quarter of Fractional Section 7, Township 7 South, Range 2 East;

3. That John Pierce, who died in 1918, owned the above described Tract 1 during his lifetime; that his widow, Molly L. Pierce, died in 1931; that the said John Pierce was the father of Burton Pierce, Emma Pierce, Walter Pierce, John Pierce, Jr., William Pierce, Josephine Pierce Heles, Jesse Pierce, Herbert Pierce, Robert Pierce, Rosa Pierce Danne, Mack Pierce and Joseph Pierce; that Burton Pierce, Emma Pierce, Walter Pierce and John Pierce, Jr., are all deceased, having left no children and no widows or widowers; that the said William Pierce owns an undivided 1/8th interest in the above described Tract 1, the same having been acquired by him as one of the sons of John Pierce, deceased; that Josephine Pierce Heles, Jesse Pierce, Herbert Pierce and Robert Pierce each acquired an undivided 1/8th interest in the above described Tract 1 as four of the children of John Pierce, deceased, which said interests they have each conveyed by deed to John P. Pierce and Marie W. Pierce, two of your petitioners, giving them, the said John P. Pierce and Marie W. Pierce, an undivided 1/4th interest each; that Rosa Pierce Danne owned an undivided 1/8th interest in the above described Tract 1 acquired by her as one of the daughters of John Pierce, deceased, which said interest she has conveyed by deed to George J. Danne and Mallie B. Eberlein Danne, two of the defendants; that Mack Pierce, one of the children of John Pierce, deceased, is deceased, having left one child, Donald Pierce, who is also deceased, having left one child, Donald Pierce, Jr., who owns an undivided 1/8th interest in the above described Tract 1 acquired by him as a great grandson of the said John Pierce, deceased; that Joseph Pierce, deceased, owned an undivided 1/8th interest in the said above described Tract 1, which interest was acquired by him as a son of John Pierce, deceased; that the said Joseph Pierce left surviving him the following heirs with their respective proportionate parts of his said 1/8th interest as follows: Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce and Juanita Pierce Bemis, each owning an undivided 1/128th interest in the above described Tract 1 as the children of Allen Pierce, deceased, a son of the said Joseph Pierce, deceased; ^{also known as Joseph Calloway} Joseph Fuller, and Francis Calloway Nelson each owning an undivided 1/64th interest in the above described Tract 1, as the children of Frances Pierce Calloway, deceased, a daughter of the said

Joseph Pierce, deceased; J. V. Dorrrough, Jr., Joseph Roland Dorrrough and Miriam Bosarge each owning an undivided 1/96th interest in the above described Tract 1 as the children of Hettie Pierce Dorrrough, deceased, a daughter of the said Joseph Pierce, deceased, and Mary Pierce Nelson owning an undivided 1/32nd interest in the above described Tract 1 as a daughter of Joseph Pierce, deceased; that all of the interests as above set out more specifically appear as follows:

William Pierce	1/8
John P. Pierce	1/4
Marie W. Pierce	1/4
George J. Danne	1/16
Mallie B. Eberlein Danne	1/16
Donald Pierce, Jr.	1/8
Allen C. Pierce	1/128
Adrian F. Pierce	1/128
Norman L. Pierce	1/128
Juanita Pierce Bemis	1/128
Joseph Fuller, <i>also known as Joseph Calloway</i>	1/64
Francis Calloway Nelson	1/64
J. V. Dorrrough, Jr.	1/96
Joseph Roland Dorrrough	1/96
Miriam Bosarge	1/96
Mary Nelson	1/32

That defendant Mack H. Pierce has no interest in Tract 1;

That John Pierce, who died in 1918, owned the above described Tract 2 during his lifetime; that his widow, Molly L. Pierce, died in 1931; that the said John Pierce was the father of Burton Pierce, Emma Pierce, Walter Pierce, John Pierce, Jr., William Pierce, Josephine Pierce Heles, Jesse Pierce, Herbert Pierce, Robert Pierce, Rosa Pierce Danne, Mack Pierce and Joseph Pierce; that Burton Pierce, Emma Pierce, Walter Pierce and John Pierce, Jr., are all deceased, having left no children and no widows or widowers; that the said William Pierce owns an undivided 1/8th interest in the above described Tract 2, the same having been acquired by him as one of the sons of John Pierce, deceased; that Jesse Pierce, who owned an undivided 1/8th interest in the above described Tract 2, as one of the sons of John Pierce, deceased, died intestate, leaving surviving him his children, petitioner John P. Pierce and defendant Mack H. Pierce, each of whom thereby acquired an undivided 1/16th interest in the above described Tract 2; that Josephine Pierce Heles, Herbert Pierce and Robert Pierce each acquired an undivided 1/8th interest in the above described Tract 2 as three of the children of John Pierce, deceased, which said interests they have each conveyed by deed to John P. Pierce and Marie W. Pierce, two of your petitioners, giving them, the said John P. Pierce and Marie W. Pierce, each an undivided 3/16ths interest by purchase, and giving the said John P. Pierce an undivided 1/4th interest through both purchase and inheritance, the

said Marie W. Pierce an undivided 3/16ths interest by purchase, and the said Mack H. Pierce an undivided 1/16th interest by inheritance; that Rosa Pierce Danne owns an undivided 1/8th interest in the above described Tract 2 acquired by her as one of the daughters of John Pierce, deceased; that Mack Pierce, one of the children of John Pierce, deceased, is deceased, having left one child, Donald Pierce, who is also deceased, having left one child, Donald Pierce, Jr., who owns an undivided 1/8th interest in the above described Tract 2 acquired by him as a great grandson of the said John Pierce, deceased; that Joseph Pierce, deceased, owned an undivided 1/8th interest in the said above described Tract 2, which interest was acquired by him as a son of John Pierce, deceased; that the said Joseph Pierce left surviving him the following heirs with their respective proportionate parts of his said 1/8th interest as follows: Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce and Juanita Pierce Bemis, each owning an undivided 1/128th interest in the above described Tract 2 as the children of Allen Pierce, deceased, a son of the said Joseph Pierce, deceased; Joseph Fuller, ^{also known as Joseph Calloway} and Francis Calloway Nelson each owning an undivided 1/64th interest in the above described Tract 2, as the children of Frances Pierce Calloway, deceased, a daughter of the said Joseph Pierce, deceased; J. V. Dorrrough, Jr., Joseph Roland Dorrrough and Miriam Bosarge each owning an undivided 1/96th interest in the above described Tract 2 as the children of Hettie Pierce Dorrrough, deceased, a daughter of the said Joseph Pierce, deceased, and Mary Pierce Nelson owning an undivided 1/32nd interest in the above described Tract 2 as a daughter of Joseph Pierce, deceased; that all of the interests as above set out more specifically appear as follows:

William Pierce	1/8
John P. Pierce	1/4
Marie W. Pierce	3/16
Mack H. Pierce	1/16
Rosa Pierce Danne	1/8
Donald Pierce, Jr.	1/8
Allen C. Pierce	1/128
Adrian F. Pierce	1/128

Norman L. Pierce	1/128
Juanita Pierce Bemis	1/128
Joseph Fuller, <i>also known as Joseph Calloway</i>	1/64
Francis Calloway Nelson	1/64
J. V. Dorrrough, Jr.	1/96
Joseph Roland Dorrrough	1/96
Miriam Bosarge	1/96
Mary Nelson	1/32

That defendants George J. Danne and Mallie B. Eberlein Danne have no interest in Tract 2;

4. That because of the large number of owners and because of the difference of the character and value of the several portions of the said land and because of the small proportionate interests of some of the owners, the property can not be equitably divided among the said tenants in common without a sale thereof and a division of the proceeds.

5. That it has been necessary for your petitioners to employ counsel in this action and they have employed Beebe & Swearingen of Bay Minette, Alabama, for the purpose of filing this bill to effect a division of the said property among the said tenants in common.

6. That it will be to the best interest of all parties to this cause that an abstract of title be made to the above described property, in order that said abstract can be examined by prospective purchasers prior to a sale thereof, the cost of which said abstract should be taxed as a part of the costs of this proceeding.

PRAYER FOR PROCESS

WHEREFORE, your petitioners pray that this Honorable Court will take jurisdiction of the cause, made by this bill of complaint, and by appropriate process make the said Mack H. Pierce, George J. Danne, Mallie B. Eberlein Danne, Rosa Pierce Danne, Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, *also known as Joseph Calloway*, Joseph Roland Dorrrough, Miriam Bosarge, Mary Nelson, Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrrough, Jr., parties defendant to this bill of complaint, and by appropriate process require them, and each of them separately and severally, to plead, answer or demur to the same within the time and under the pains and penalties

prescribed by law and the practice of this Honorable Court, and that a guardian ad litem be appointed to represent the interests of the said Donald Pierce, Jr., aged three, Norman L. Pierce, aged nineteen, Juanita Pierce Bemis, married but aged seventeen, Francis Calloway Nelson, aged sixteen, and J. V. Dorrough, Jr., aged sixteen, and that such process be served on such persons as this court shall direct on behalf of said minors that their interests may be fully and in all things protected.

PRAYER FOR RELIEF

Your petitioners further pray for the following separate and several aspects of relief:

1. That the above described property be ordered sold in the manner prescribed by law for a division among the said tenants in common.
2. That the Register of this court be authorized and empowered to have a complete abstract of title, covering the above described property, made for examination by prospective purchasers and that the costs of such abstract be taxed as a part of the costs in this proceeding.
3. That this court will make and enter a proper order or decree fixing the solicitor's fee to be paid to your petitioners' solicitors, making it a common charge against the proceeds of the sale of the said property.
4. That such further orders be made and decrees entered as may be mete and proper in the premises.

BEEBE & SWEARINGEN

By F. G. Swearingen
Solicitors for Complainants

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Madeline S. Bryars, a Notary Public in and for said State and County, personally appeared F. G. Swearingen, whose name is signed to the foregoing bill of complaint as solicitor for petitioners and who is known to me and who by me first duly sworn deposes and says: that he is informed and believes and upon such information and belief avers that allegations in the bill of complaint are true and correct; further deponent saith not.

F. G. Swearingen

Sworn to and subscribed before me this 16 day of May, 1957.

Madeline S. Bryars
Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon Mack H. Pierce, George J. Danne, Mallie B. Eberlein Danne, Rosa Pierce Danne, Donald Pierce, Jr., Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce, Juanita Pierce Bemis, Joseph Fuller, Francis Calloway Nelson, J. V. Dorrough, Jr., Joseph Roland Dorrough, Miriam Bosarge, Mary Nelson, Kathryn Pierce, as the mother and custodian of Donald Pierce, Jr., a minor three years of age, Emma Pierce, as adult resident next of kin of Donald Pierce, Jr., a minor three years of age, and as the mother and adult resident next of kin of Norman L. Pierce, a minor nineteen years of age and as the mother and adult resident next of kin of Juanita Pierce Bemis, a married minor seventeen years of age, Joseph Fuller, as the brother and adult resident next of kin of Francis Calloway Nelson, a minor sixteen years of age and Joseph Roland Dorrough, as the uncle and adult resident next of kin of J. V. Dorrough, Jr., a minor sixteen years of age, to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County, Equity Side, then and there to plead, answer or demur to the Bill of Complaint filed against them by John P. Pierce, Marie W. Pierce and William Pierce.

Witness my hand this 16th day of May, 1957.

Richard [Signature]
Register.

JOHN P. PIERCE, MARIE W. PIERCE
AND WILLIAM PIERCE,
PETITIONERS

IN THE CIRCUIT COURT OF

VS

MACK H. PIERCE, GEORGE J. DANNE,
MALLIE B. EBERLEIN DANNE, ROSA
PIERCE DANNE, ALLEN C. PIERCE,
ADRIAN F. PIERCE, JOSEPH FULLER,
JOSEPH ROLAND DORROUGH, MIRIAM
BOSARGE, MARY NELSON, DONALD
PIERCE, JR., NORMAN L. PIERCE,
JUANITA PIERCE BEMIS, FRANCIS
CALLOWAY NELSON AND J. V. DORROUGH, JR.,
DEFENDANTS.

BALDWIN COUNTY, ALABAMA

IN EQUITY

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

Come your petitioners, John P. Pierce, Marie W. Pierce and William Pierce and humbly complaining against Mack H. Pierce, George J. Danne, Mallie B. Eberlein Danne, Rosa Pierce Danne, Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, Joseph Roland Dorrough, Miriam Bosarge, Mary Nelson, Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrough, Jr., respectfully represent unto your Honor as follows:

1. That they are each over the age of twenty-one years and are residents of the State of Alabama; that John P. Pierce and Marie W. Pierce reside in Mobile, Alabama, and their Post Office address is Route No. 2, Box 336, Mobile, Alabama; that William Pierce resides in Fairhope, Alabama, and his Post Office address is Box 243-A, Fairhope, Alabama; that the defendants, Mack H. Pierce, George J. Danne, Mallie

B. Eberlein Danne, Rosa Pierce Danne, Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, *Also known as Joseph Calloway* Joseph Roland Dorrrough, Miriam Bosarge and Mary Nelson are each over the age of twenty-one years and their places

of residence and Post Office addresses are as follows:

Mack H. Pierce, whose last known address was Box 1015, Midwest, Wyoming,
George J. Danne, 2160 Wagner, Mobile, Alabama
Mallie B. Eberlein Danne, 2160 Wagner, Mobile, Alabama
Rosa Pierce Danne, RFD 3, Fairhope, Alabama
Allen C. Pierce, Route No. 3, Foley, Alabama
Adrian F. Pierce, Route No. 3, Foley, Alabama
Joseph Fuller, Daphne, Alabama *also known as*
Joseph Roland Dorrrough, Bayou LaBatre, Alabama
Miriam Bosarge, Bayou LaBatre, Alabama
Mary Nelson, Bayou LaBatre, Alabama;

that Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrrough, Jr., are each under the age of twenty-one years and their places of residence and Post Office addresses are as follows:

Donald Pierce, Jr., 15876 Lawton Drive, Detroit, Michigan, a minor 3 years of age, whose adult resident next of kin is Emma Pierce, Route No. 3, Foley, Alabama, and whose mother and custodian is Kathryn Pierce, 15876 Lawton Drive, Detroit, Michigan; Norman L. Pierce, Route No. 3, Foley, Alabama, a minor 19 years of age, whose adult resident next of kin and custodian is his mother, Emma Pierce, Route No. 3, Foley, Alabama; Juanita Pierce Bemis, Route No. 3, Foley, Alabama, a married minor 17 years of age, whose adult resident next of kin is her mother, Emma Pierce, Route No. 3, Foley, Alabama; Francis Calloway Nelson, 950 South Warren Street, Mobile, Alabama, a minor 16 years of age, whose adult resident next of kin is his brother, Joseph Fuller, *also known as* Daphne, Alabama; J. V. Dorrrough, Jr., Bayou LaBatre, Alabama, a minor 16 years of age, whose adult resident next of kin is his uncle, Joseph Roland Dorrrough, Bayou LaBatre, Alabama;

2. That your petitioners and the defendants are tenants in common of the following described real property situated in Baldwin County, Alabama, to-wit:

Tract 1: The Northwest quarter of the Northeast quarter; the South half of the Southwest quarter of the Northeast quarter; the North half of the Northwest quarter of the Southeast quarter; the North half of the North half of the Southwest quarter of the Southeast quarter; the North half of the Southeast quarter of the Southeast quarter; the North half of the Northeast quarter of the Southeast quarter; the South eight acres of the Southeast quarter of the Northeast quarter, all in Section 7, Township 7 South, Range 2 East; the North half of the Northwest quarter of the Southwest quarter of Section 8, Township 7 South, Range 2 East; containing in all 158 acres, more or less;

Tract 2: Commencing at the center of fractional Section 7, Township 7 South, Range 2 East, and run thence South 200 feet to a point, which is the place of beginning of the lot herein described; run thence South along the half-section line of said Section 7, 34 feet; run thence West and parallel with the East and West half-section line 1025 feet more or less to the Eastern Shore of Mobile Bay; run thence Northwardly along the Eastern Shore of Mobile Bay 34 feet more or less to a point 200 feet due South of the East and West half-section line; run thence East and parallel with the East and West half-section

line 1025 feet more or less to the point of beginning, in the Southwest quarter of Fractional Section 7, Township 7 South, Range 2 East;

3. That John Pierce, who died in 1913, owned the above described Tract 1 during his lifetime; that his widow, Molly L. Pierce, died in 1931; that the said John Pierce was the father of Burton Pierce, Emma Pierce, Walter Pierce, John Pierce, Jr., William Pierce, Josephine Pierce Heles, Jesse Pierce, Herbert Pierce, Robert Pierce, Rosa Pierce Danne, Mack Pierce and Joseph Pierce; that Burton Pierce, Emma Pierce, Walter Pierce and John Pierce, Jr., are all deceased, having left no children and no widows or widowers; that the said William Pierce owns an undivided 1/8th interest in the above described Tract 1, the same having been acquired by him as one of the sons of John Pierce, deceased; that Josephine Pierce Heles, Jesse Pierce, Herbert Pierce and Robert Pierce each acquired an undivided 1/8th interest in the above described Tract 1 as four of the children of John Pierce, deceased, which said interests they have each conveyed by deed to John P. Pierce and Marie W. Pierce, two of your petitioners, giving them, the said John P. Pierce and Marie W. Pierce, an undivided 1/4th interest each; that Rosa Pierce Danne owned an undivided 1/8th interest in the above described Tract 1 acquired by her as one of the daughters of John Pierce, deceased, which said interest she has conveyed by deed to George J. Danne and Mallie B. Eberlein Danne, two of the defendants; that Mack Pierce, one of the children of John Pierce, deceased, is deceased, having left one child, Donald Pierce, who is also deceased, having left one child, Donald Pierce, Jr., who owns an undivided 1/8th interest in the above described Tract 1 acquired by him as a great grandson of the said John Pierce, deceased; that Joseph Pierce, deceased, owned an undivided 1/8th interest in the said above described Tract 1, which interest was acquired by him as a son of John Pierce, deceased; that the said Joseph Pierce left surviving him the following heirs with their respective proportionate parts of his said 1/8th interest as follows: Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce and Juanita Pierce Bemis, each owning an undivided 1/128th interest in the above described Tract 1 as the children of Allen Pierce, deceased, a son of the said Joseph Pierce, deceased; Joseph Fuller ^{also known} and Francis Calloway Nelson each owning an undivided 1/64th interest in the above described Tract 1, as the children of Frances Pierce Calloway, deceased, a daughter of the said

Joseph Pierce, deceased; J. V. Dorrrough, Jr., Joseph Roland Dorrrough and Miriam Sosarge each owning an undivided 1/96th interest in the above described Tract 1 as the children of Hettie Pierce Dorrrough, deceased, a daughter of the said Joseph Pierce, deceased, and Mary Pierce Nelson owning an undivided 1/32nd interest in the above described Tract 1 as a daughter of Joseph Pierce, deceased; that all of the interests as above set out more specifically appear as follows:

William Pierce	1/8
John P. Pierce	1/4
Marie W. Pierce	1/4
George J. Danne	1/16
Mallie B. Eberlein Danne	1/16
Donald Pierce, Jr.	1/8
Allen C. Pierce	1/128
Adrian F. Pierce	1/128
Norman L. Pierce	1/128
Juanita Pierce Bemis	1/128
Joseph Fuller <i>also known</i>	1/64
Francis Calloway Nelson	1/64
J. V. Dorrrough, Jr.	1/96
Joseph Roland Dorrrough	1/96
Miriam Sosarge	1/96
Mary Nelson	1/32

That defendant Mack H. Pierce has no interest in Tract 1;

That John Pierce, who died in 1918, owned the above described Tract 2 during his lifetime; that his widow, Molly L. Pierce, died in 1931; that the said John Pierce was the father of Burton Pierce, Emma Pierce, Walter Pierce, John Pierce, Jr., William Pierce, Josephine Pierce Heles, Jesse Pierce, Herbert Pierce, Robert Pierce, Rosa Pierce Danne, Mack Pierce and Joseph Pierce; that Burton Pierce, Emma Pierce, Walter Pierce and John Pierce, Jr., are all deceased, having left no children and no widows or widowers; that the said William Pierce owns an undivided 1/8th interest in the above described Tract 2, the same having been acquired by him as one of the sons of John Pierce, deceased; that Jesse Pierce, who owned an undivided 1/8th interest in the above described Tract 2, as one of the sons of John Pierce, deceased, died intestate, leaving surviving him his children, petitioner John P. Pierce and defendant Mack H. Pierce, each of whom thereby acquired an undivided 1/16th interest in the above described Tract 2; that Josephine Pierce Heles, Herbert Pierce and Robert Pierce each acquired an undivided 1/8th interest in the above described Tract 2 as three of the children of John Pierce, deceased, which said interests they have each conveyed by deed to John P. Pierce and Marie W. Pierce, two of your petitioners, giving them, the said John P. Pierce and Marie W. Pierce, each an undivided 3/16ths interest by purchase, and giving the said John P. Pierce an undivided 1/4th interest through both purchase and inheritance, the

said Marie W. Pierce an undivided 3/16ths interest by purchase, and the said Mack H. Pierce an undivided 1/16th interest by inheritance; that Rosa Pierce Danne owns an undivided 1/8th interest in the above described Tract 2 acquired by her as one of the daughters of John Pierce, deceased; that Mack Pierce, one of the children of John Pierce, deceased, is deceased, having left one child, Donald Pierce, who is also deceased, having left one child, Donald Pierce, Jr., who owns an undivided 1/8th interest in the above described Tract 2 acquired by him as a great grandson of the said John Pierce, deceased; that Joseph Pierce, deceased, owned an undivided 1/8th interest in the said above described Tract 2, which interest was acquired by him as a son of John Pierce, deceased; that the said Joseph Pierce left surviving him the following heirs with their respective proportionate parts of his said 1/8th interest as follows: Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce and Juanita Pierce Bemis, each owning an undivided 1/128th interest in the above described Tract 2 as the children of Allen Pierce, deceased, a son of the said Joseph Pierce, deceased; Joseph Fuller ^{also known} and Francis Calloway Nelson each owning an undivided 1/64th interest in the above described Tract 2, as the children of Frances Pierce Calloway, deceased, a daughter of the said Joseph Pierce, deceased; J. V. Dorrrough, Jr., Joseph Roland Dorrrough and Miriam Bosarge each owning an undivided 1/96th interest in the above described Tract 2 as the children of Hettie Pierce Dorrrough, deceased, a daughter of the said Joseph Pierce, deceased, and Mary Pierce Nelson owning an undivided 1/32nd interest in the above described Tract 2 as a daughter of Joseph Pierce, deceased; that all of the interests as above set out more specifically appear as follows:

William Pierce	1/8
John P. Pierce	1/4
Marie W. Pierce	3/16
Mack H. Pierce	1/16
Rosa Pierce Danne	1/8
Donald Pierce, Jr.	1/8
Allen C. Pierce	1/128
Adrian F. Pierce	1/128

Norman L. Pierce	1/128
Juanita Pierce Bemis	1/128
Joseph Fuller <i>also known</i>	1/64
Francis Calloway Nelson	1/64
J. V. Dorrrough, Jr.	1/96
Joseph Roland Dorrrough	1/96
Miriam Bosarge	1/96
Mary Nelson	1/32

That defendants George J. Danne and Mallie E. Eberlein Danne have no interest in Tract 2;

4. That because of the large number of owners and because of the difference of the character and value of the several portions of the said land and because of the small proportionate interests of some of the owners, the property can not be equitably divided among the said tenants in common without a sale thereof and a division of the proceeds.

5. That it has been necessary for your petitioners to employ counsel in this action and they have employed Beebe & Swearingen of Bay Minette, Alabama, for the purpose of filing this bill to effect a division of the said property among the said tenants in common.

6. That it will be to the best interest of all parties to this cause that an abstract of title be made to the above described property, in order that said abstract can be examined by prospective purchasers prior to a sale thereof, the cost of which said abstract should be taxed as a part of the costs of this proceeding.

PRAYER FOR PROCESS

WHEREFORE, your petitioners pray that this Honorable Court will take jurisdiction of the cause, made by this bill of complaint, and by appropriate process make the said Mack H. Pierce, George J. Danne, Mallie E. Eberlein Danne, Rosa Pierce Danne, Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, Joseph Roland Dorrrough, Miriam Bosarge, Mary Nelson, Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrrough, Jr., parties defendant to this bill of complaint, and by appropriate process require them, and each of them separately and severally, to plead, answer or demur to the same within the time and under the pains and penalties

prescribed by law and the practice of this Honorable Court, and that a guardian ad litem be appointed to represent the interests of the said Donald Pierce, Jr., aged three, Norman L. Pierce, aged nineteen, Juanita Pierce Bemis, married but aged seventeen, Francis Calloway Nelson, aged sixteen, and J. V. Dorrough, Jr., aged sixteen, and that such process be served on such persons as this court shall direct on behalf of said minors that their interests may be fully and in all things protected.

PRAYER FOR RELIEF

Your petitioners further pray for the following separate and several aspects of relief:

1. That the above described property be ordered sold in the manner prescribed by law for a division among the said tenants in common.
2. That the Register of this court be authorized and empowered to have a complete abstract of title, covering the above described property, made for examination by prospective purchasers and that the costs of such abstract be taxed as a part of the costs in this proceeding.
3. That this court will make and enter a proper order or decree fixing the solicitor's fee to be paid to your petitioners' solicitors, making it a common charge against the proceeds of the sale of the said property.
4. That such further orders be made and decrees entered as may be mete and proper in the premises.

BEEBE & SWEARINGEN

By F. G. Swearingen
Solicitors for Complainants

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Madeline S. Bryars, a Notary Public in and for said State and County, personally appeared F. G. Swearingen, whose name is signed to the foregoing bill of complaint as solicitor for petitioners and who is known to me and who by me first duly sworn deposes and says: that he is informed and believes and upon such information and belief avers that allegations in the bill of complaint are true and correct; further deponent saith not.

F. G. Swearingen

Sworn to and subscribed before me this 16th day of May, 1957.

Madeline S. Bryars
Notary Public, Baldwin County, Alabama.

200
596-292834

345

Shiff's copy on
which to make return

70.4035 345

Received 16 day of May, 1959
and on _____ day of _____ 19____
I served a copy of the within s/c
_____ on _____
By _____ D. S.

TAYLOR WILKINS, Sheriff

By _____ D. S.

- ✓ on: Joseph Roland Derrough
- ✓ Joseph Roland Derrough for J. v. Derrough Jr.
- ✓ J. v. Derrough Jr. - 1460
- ✓ Miriam Bosarge - 594
- ✓ Mary Nelson
- ✓ Francis Callaway Nelson - 2548
- ✓ George J. Danne - 2980
- ✓ Mollie B. Eberlein - Danne

EXECUTED
This 1st day of June, 1959
by serving a copy of the within on
Joseph Roland Derrough
RAY D. BRIDGES, Sheriff
By W. Wade D. S.

EXECUTED
This 1st day of June, 1959
by serving a copy of the within on
Joseph Roland Derrough for
RAY D. BRIDGES, Sheriff
By W. Wade D. S.

EXECUTED
This 1st day of June, 1959
by serving a copy of the within on
J. v. Derrough, Jr.
RAY D. BRIDGES, Sheriff
By W. Wade D. S.

EXECUTED
This 29th day of May, 1959
by serving a copy of the within on
Miriam Bosarge
RAY D. BRIDGES, Sheriff
By W. Wade D. S.

The Sheriff claims _____
miles at 19c per mile for
a total of \$ 33.60
Ray Bridges, Sheriff
Mobile County, Alabama

EXECUTED
This 29th day of May, 1959
by serving a copy of the within on
Mary Nelson
RAY D. BRIDGES, Sheriff
By W. Wade D. S.

EXECUTED
This 25th day of May, 1959
by serving a copy of the within on
Francis Callaway Nelson
RAY D. BRIDGES, Sheriff
By H. Wiggins D. S.

EXECUTED
This 29th day of May, 1959
by serving a copy of the within on
George J. Danne
RAY D. BRIDGES, Sheriff
By C. J. Fitzpatrick D. S.

EXECUTED
This 29th day of May, 1959
by serving a copy of the within on
Mollie B. Eberlein Danne
RAY D. BRIDGES, Sheriff
By C. J. Fitzpatrick D. S.

JOHN P. PIERCE, MARIE W. PIERCE
AND WILLIAM PIERCE,

PETITIONERS

VS

MACK H. PIERCE, GEORGE J. DANNE,
MALLIE B. EBERLEIN DANNE, ROSA
PIERCE DANNE, ALLEN C. PIERCE,
ADRIAN F. PIERCE, JOSEPH FULLER,
also known as JOSEPH CALLOWAY,
JOSEPH ROLAND DORROUGH, MIRIAM
BOSARGE, MARY NELSON, DONALD
PIERCE, JR., NORMAN L. PIERCE,
JUANITA PIERCE BEMIS, FRANCIS
CALLOWAY NELSON AND J. V.
DORROUGH, JR.,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

No. 4035

This cause is submitted for decree of confirmation of the sale of the lands described in the bill of complaint as made and reported by the register on December 23, 1957 and for final decree on the original bill of complaint; decree pro confesso against Rosa Pierce Danne, Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, also known as Joseph Calloway, Joseph Roland Dorrough, Miriam Bosarge, Mary Nelson, and Mack H. Pierce; appointment, acceptance and answer of guardian ad litem; answer of George J. Danne and Mallie B. Eberlein Danne; stipulation and agreement dated September 26, 1957, signed by Beebe & Swearingen on behalf of complainants and Telfair J. Mashburn, Jr., on behalf of George J. Danne and Mallie B. Eberlein Danne; deposition of witnesses William Pierce and John P. Pierce; "Exhibit One" conveyance of Thomas Passos and Emily Passos to John Pierce, Jr., dated December 9, 1875 and recorded in Deed Book "L", pages 730-1; "Exhibit Two", conveyance of Joseph Pierce and Annie Pierce to John Pierce and Molly L. Pierce, dated March 16, 1897 and recorded in the office of the Judge of Probate of Baldwin County in Deed Book "W", pages 423-5; "Exhibit Three" conveyance of Robert J. Pierce to Hubert M. Hall dated November 20, 1935 and recorded in Deed Book 63 NS, page 190; "Exhibit Four" conveyance of Hubert M. Hall to John Paul Pierce dated July 30, 1955 and recorded in Deed Book 226, page 568; "Exhibit Five" conveyance of Jesse Pierce to John P. Pierce and Marie W. Pierce dated May 9, 1955 and recorded

in Deed Book 226, page 556; "Exhibit Six" conveyance of Anno J. Heles to John P. Pierce and Marie W. Pierce, dated December 3, 1955 and recorded in Deed Book 242, page 394; "Exhibit Seven" conveyance of John Paul Pierce to Marie W. Pierce dated May 11, 1957 and recorded in Deed Book 252, page 322-3; "Exhibit Eight" conveyance of Mrs. Anno J. Heles to John P. Pierce and Marie W. Pierce dated October 16, 1954 and recorded in Deed Book 226, page 562; "Exhibit Nine" conveyance of Rosa Pierce Danne to George J. Danne and Mallie B. Eberlein Danne dated October 23, 1952 and recorded in Deed Book 187, page 287; the decree of this Court rendered November 19, 1957 ordering the sale of the property described in the bill of complaint; notice of sale as published in the Baldwin Times, a newspaper published in Baldwin County, Alabama; the report of the Register of the sale of the property described in the bill of complaint filed December 23, 1957; the order of this court that the sale lie over for consideration January 3, 1958; the contest of the confirmation as filed by Wilson Hayes, guardian ad litem for Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrough, Jr., minors in the above described cause; the testimony taken orally before the court of witnesses O. W. Lyles, J. B. Blackburn, Tolbert Brantley and F. G. Swearingen, all as noted by the Register;

And it appearing therefrom that the sale of the lands described in the bill of complaint as held by the Register on the 23rd day of December, 1957 was fairly conducted; and that the bid of \$15,800.00 by John P. Pierce for the following described lands, to-wit:

Tract 1: The Northwest quarter of the Northeast quarter; the South half of the Southwest quarter of the Northeast quarter; the North half of the Northwest quarter of the Southeast quarter; the North half of the North half of the Southwest quarter of the Southeast quarter; the North half of the Southeast quarter of the Southeast quarter; the North half of the Northeast quarter of the Southeast quarter; the South eight acres of the Southeast quarter of the Northeast quarter, all in Section 7, Township 7 South, Range 2 East; the North half of the Northwest quarter of the Southwest quarter of Section 8, Township 7 South, Range 2 East; containing in all 158 acres, more or less;

was the highest, best and last bid therefor and the said lands were sold to him at said price; and that the bid of \$535.00 by Joseph B. Jones for the following described lands, to-wit:

Tract 2: Commencing at the center of fractional Section 7, Township 7 South, Range 2 East, and run thence South 200 feet to a point, which is the place of beginning of the lot herein described; run thence South along the half-section line of said Section 7, 34 feet; run thence West and parallel with the East and West half-section line 1025 feet more or less to the Eastern Shore of Mobile Bay; run thence Northwardly along the Eastern Shore of Mobile Bay 34 feet more or less to a point 200 feet due South of the East and West half-section line; run thence East and parallel with the East and West half-section line 1025 feet more or less to the point of beginning, in the Southwest quarter of fractional Section 7, Township 7 South, Range 2 East;

was the highest, best and last bid therefor and was sold to him at said price; and that the price at which the said lands were sold is the fair and reasonable market value thereof and that it is to the interest of the minors, Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrrough, Jr., and of the owners of said lands that the said lands be sold at the said price; and that the purchase money bid therefor has been paid into court and is held by the Register;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sale of the lands described above as Tract 1 to John P. Pierce for and at the sum of \$15,800.00 as reported by the Register be and the same is hereby confirmed and the Register be and she is hereby authorized and directed to execute and deliver to John P. Pierce a good and sufficient deed of conveyance conveying to him all the right, title and interest of William Pierce, John P. Pierce, Marie W. Pierce, George J. Danne, Mallie B. Eberlein Danne, Donald Pierce, Jr., Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce, Juanita Pierce Bemis, Joseph Fuller, also known as Joseph Calloway, Francis Calloway Nelson, J. V. Dorrrough, Jr., Joseph Roland Dorrrough, Miriam Bosarge and Mary Nelson in and to the lands described above as tract 1;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the sale of the lands described above as Tract 2 to Joseph B. Jones for and at the sum of \$535.00 as reported by the Register be and the same is hereby confirmed and the Register be and she is hereby authorized and directed to execute and deliver to Joseph B. Jones a good and

sufficient deed of conveyance conveying to him all the right, title and interest of William Fierce, John P. Pierce, Marie W. Pierce, Mack H. Pierce, Rosa Pierce Danne, Donald Pierce, Jr., Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce, Juanita Pierce Bemis, Joseph Fuller, also known as Joseph Calloway, Francis Calloway Nelson, J. V. Dorrough, Jr., Joseph Roland Dorrough, Miriam Bosarge, and Mary Nelson, in and to the lands described above as Tract 2;

And it further appearing that it was necessary and proper that complainants employ counsel for the institution and prosecution of this cause; that they employed Messrs. Beebe & Swearingen, attorneys at law, therefor, and it further appearing that it was necessary and proper that an abstract be made to the lands to be sold for division and that the Register of this Court employed Beebe & Swearingen to prepare such abstract and that such abstract was by them prepared and it further appearing from the testimony in this cause that \$1600⁰⁰ is a reasonable fee to be allowed complainants' attorneys for the institution and prosecution of this suit and that \$200⁰⁰ is a reasonable and fair charge for the making of the abstract as aforesaid; and it appearing that Wilson Hayes was appointed guardian ad litem to represent the interest of Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrough, Jr., minors, in this cause and he acted as such and that the sum of \$150⁰⁰ is the fair and reasonable fee for his services as such guardian ad litem;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the attorneys fee for complainants' attorneys aforesaid be and the same are hereby fixed and allowed at \$1600⁰⁰, and that the sum of \$200⁰⁰ be and is hereby fixed and allowed to them for the preparation of the abstract in this cause, and that the sum of \$150⁰⁰ be and the same is hereby fixed and allowed to Wilson Hayes as fee for his services as guardian ad litem in this cause; and that such amounts be taxed as a part of the cost in this cause and paid out of such proceeds of the sale before distribution;

And it further appearing that George J. Danne and Mallie B. Eberlein Danne, tenants in common in the said land, have paid taxes thereon for and on behalf and for the benefit of the other co-tenants in the sum of \$400.00 and that the taxes for the year 1957 have not been paid in the sum of \$33.65;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said George J. Danne and Mallie B. Eberlein Danne be and they are hereby allowed and there is ordered to be paid to them, by the Register out of the proceeds of such sale, for taxes paid by them on the lands described in the bill of complaint the sum of \$400.00;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register of this Court pay to the Tax Collector of Baldwin County taxes due for the year 1957 in the sum of \$3365, and that the same be paid out of the proceeds of the sale;

And it further appearing that the Court cost in this cause in addition to the matters herein specifically enumerated above is \$463⁷⁵;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Register be and she is hereby authorized and directed to retain out of the proceeds of the sale the said sum and to pay to those persons to whom the same have accrued;

And it further appearing that after the payment of the Court cost and all of the charges as set out herein there remains in the hands of the Register the sum of \$13487⁶⁰;

And it further appearing and this Court does ascertain and decree that the lands above described as tract 1 was owned by the parties to this cause and in proportion as follows:

William Pierce	1/8
John P. Pierce	1/4
Marie W. Pierce	1/4
George J. Danne	1/16
Mallie B. Eberlein Danne	1/16
Donald Pierce, Jr.	1/8
Allen C. Pierce	1/128
Adrian F. Pierce	1/128
Norman L. Pierce	1/128
Juanita Pierce Bemis	1/128
Joseph Fuller, also known as Joseph Calloway	1/64
Francis Calloway Nelson	1/64

J. V. Dorrrough, Jr.	1/96
Joseph Roland Dorrrough	1/96
Miriam Bosarge	1/96
Mary Nelson	1/32

And it further appearing and this Court does ascertain and decree that the lands above described as Tract 2 was owned by the parties to this cause and in proportion as follows:

William Pierce	1/8
John P. Pierce	1/4
Marie W. Pierce	3/16
Mack H. Pierce	1/16
Rosa Pierce Danne	1/8
Donald Pierce, Jr.	1/8
Allen C. Pierce	1/128
Adrian C. Pierce	1/128
Norman L. Pierce	1/128
Juanita Pierce Bemis	1/128
Joseph Fuller, also known as Joseph Calloway	1/64
Francis Calloway Nelson	1/64
J. V. Dorrrough, Jr.	1/96
Joseph Roland Dorrrough	1/96
Miriam Bosarge	1/96
Mary Nelson	1/32

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court cost and other charges and allowances herein directed to be paid out of the proceeds of such sale be prorated as between Tracts 1 and 2 in the ratio of the price for which each respective tract sold, and that after the payment of such Court cost and charges, prorated as aforesaid, there remains of the moneys for which Tract 1 was sold the sum of \$ 13,047⁶⁰, and of Tract 2 the sum of \$ 440⁰⁰ to be distributed to the respective owners of the said tracts, and the same is ordered to be distributed to the owners of the respective tracts as follows:

To the owners of Tract 1:

William Pierce owning a 1/8 interest	\$ <u>1630⁹⁵</u>
John P. Pierce owning a 1/4 interest	\$ <u>3261⁹⁰</u>
Marie W. Pierce owning a 1/4 interest	\$ <u>3261⁹⁰</u>
George J. Danne owning a 1/16 interest	\$ <u>815⁴⁷</u>
Mallie B. Eberlein Danne owning a 1/16 interest	\$ <u>815⁴⁷</u>
Donald Pierce, Jr. owning a 1/8 interest	\$ <u>1630⁹⁵</u>
Allen C. Pierce owning a 1/128 interest	\$ <u>101⁹⁴</u>
Adrian F. Pierce owning a 1/128 interest	\$ <u>101⁹⁴</u>
Norman L. Pierce owning a 1/128 interest	\$ <u>101⁹⁴</u>
Juanita Pierce Bemis owning a 1/128 interest	\$ <u>101⁹⁴</u>

Joseph Fuller, also known as Joseph Calloway, owning a 1/64 interest
 Francis Calloway Nelson owning a 1/64 interest
 Joseph Roland Dorrrough owning a 1/96 interest
 Miriam Bosarge owning a 1/96 interest
 Mary Nelson owning a 1/32 interest

203⁸⁶
 203⁸⁶
 135⁹²
 135⁹²
 135⁹²
 407⁹³

To the owners of Tract 2:

William Pierce owning a 1/8 interest
 John P. Pierce owning a 1/4 interest
 Marie W. Pierce owning a 3/16 interest
 Mack H. Pierce owning a 1/16 interest
 Rosa Pierce Danne owning a 1/8 interest
 Donald Pierce, Jr. owning a 1/8 interest
 Allen C. Pierce owning a 1/128 interest
 Adrian C. Pierce owning a 1/128 interest
 Norman L. Pierce owning a 1/128 interest
 Juanita Pierce Bemis owning a 1/128 interest
 Joseph Fuller, also known as Joseph Calloway owning a 1/64 interest
 Francis Calloway Nelson owning a 1/64 interest
 J. V. Dorrrough, Jr. owning a 1/96 interest
 Joseph Roland Dorrrough owning a 1/96 interest
 Miriam Bosarge owning a 1/96 interest
 Mary Nelson owning a 1/32 interest

55⁰⁰
 110⁰⁰
 82⁵⁰
 27⁵⁰
 55⁰⁰
 55⁰⁰
 344
 344
 344
 344
 681
 681
 457
 458
 458
 1375

1/6
 20
 12

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register of this Court cause a certified copy of this decree to be filed and recorded in the office of the Judge of Probate of Baldwin County and the cost thereof taxed as a part of the cost of this proceeding.

Done this the 4 day of January, 1958.

Hubert M. Hall

Judge

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and enrolled in my office.
 WITNESS MY HAND AND SEAL THIS THE 4 day of Jan, 1958

Alice J. Duck
 Register of Circuit Court, in Equity

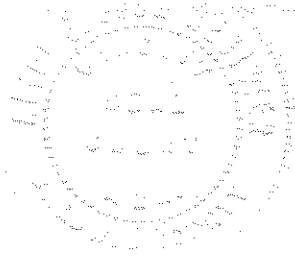
STATE OF ALABAMA, BALDWIN COUNTY

Filed 1-4-58 I.A.M.

Recorded Dud book 261 page 306-12

W.B. Stewart
 Judge of Probate

2



Handwritten notes and signatures in the bottom right corner.

JOHN P. PIERCE, et al

Complainants

vs

MACK H. PIERCE, et al

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 4035

Comes Wilson Hayes, Guardian Ad Litem for Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrough, Jr., minors in the above styled cause, and files this his contest of the confirmation of the sale of the lands described in the Bill of Complaint, and as grounds therefor says:

- (1) That the price for which the lands were sold was not the fair and reasonable market value therefor;
- (2) That it is not to the interest of the said minors that the lands be sold for and at said price;

filed
Jan. 3, 1958
Alice J. Cook,
Register

Wilson Hayes
Wilson Hayes, Guardian Ad Litem

JOHN P. PIERCE, MARIE W. PIERCE
AND WILLIAM PIERCE,
PÉTITIONERS

VS

MACK H. PIERCE, GEORGE J. DANNE,
MALLIE B. EBERLEIN DANNE, ROSA PIERCE
DANNE, ALLEN C. PIERCE, ADRIAN F.
PIERCE, JOSEPH FULLER, also known as
JOSEPH CALLOWAY, JOSEPH ROLAND DOR-
ROUGH, MIRIAM BOSARGE, MARY NELSON,
DONALD PIERCE, JR., NORMAN L. PIERCE,
JUANITA PIERCE BEMIS, FRANCIS CALLOWAY
NELSON AND J. V. DORROUGH, JR.,
DEFENDANTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 4035

This cause is submitted for decree upon the following: the original bill of complaint; decree pro confesso against Rosa Pierce Danne, Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, also known as Joseph Calloway, Joseph Roland Dorrough, Miriam Bosarge, Mary Nelson, and Mack H. Pierce; appointment, acceptance and answer of guardian ad litem; answer of George J. Danne and Mallie B. Eberlein Danne; stipulation and agreement dated September 26, 1957, signed by Beebe & Swearingen on behalf of complainants and Telfair J. Mashburn, Jr., on behalf of George J. Danne and Mallie B. Eberlein Danne; deposition of witness William Pierce; deposition of witness John P. Pierce; "Exhibit One", conveyance of Thomas Passos and Emily Passos to John Pierce, Jr., dated December 9, 1875 and recorded in Deed Book "L", pages 730-1; "Exhibit Two", conveyance of Joseph Pierce and Annie Pierce to John Pierce and Molly L. Pierce, dated March 16, 1897 and recorded in the office of the Judge of Probate of Baldwin County in Deed Book "W", pages 423-5; "Exhibit Three" conveyance of Robert J. Pierce to Hubert M. Hall dated November 20, 1935 and recorded in Deed Book 63 NS, page 190; "Exhibit Four", conveyance of Hubert M. Hall to John Paul Pierce dated July 30, 1955 and recorded in Deed Book 226, page 568; "Exhibit Five", conveyance of Jesse Pierce to John P. Pierce and Marie W. Pierce dated May 9, 1955 and recorded in Deed Book 226, page 556; "Exhibit Six", conveyance of Anno J. Heles to

John P. Pierce and Marie W. Pierce, dated December 3, 1955 and recorded in Deed Book 242, page 394; "Exhibit Seven", conveyance of John Paul Pierce to Marie W. Pierce dated May 11, 1957 and recorded in Deed Book 252, pages 322-3; "Exhibit Eight", conveyance of Mrs. Anno J. Heles to John P. Pierce and Marie W. Pierce dated October 16, 1954 and recorded in Deed Book 226, page 562; "Exhibit Nine", conveyance of Rosa Pierce Danne to George J. Danne and Mallie B. Eberlein Danne dated October 23, 1952 and recorded in Deed Book 187, page 287; the decree of this Court rendered November 19, 1957 ordering the sale of the property described in the Bill of Complaint; notice of sale as published in the Baldwin Times, a newspaper published in Baldwin County, Alabama; the report of the Register of the sale of the property described in the Bill of Complaint, filed December 23, 1957; the order of this court that the sale lie over for consideration January 3, 1958; the contest of the confirmation as filed by Wilson Hayes, Guardian Ad Litem for Donald Pierce Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrough, Jr., minors in the above styled cause; the testimony taken orally before the court of witnesses O. W. Lyles, J. B. Blackburn, Tolbert Brantly, and F. G. Swearingen.

This the 3rd day of January, 1958.

BEEBE & SWEARINGEN

By F. G. Swearingen
Attorneys for Complainants

William A. Madiburn
Attorney for defendants, George
J. Danne and Mallie B. Eberlein Danne.

Wilson Hayes
Guardian ad litem

W. L. Duck
Register

filed Jan. 3, 1958

THE BALDWIN TIMES

BALDWIN COUNTY

JIMMY FAULKNER
AND
BILL STEWART

E. R. MORRISSETTE, JR.
EDITOR-MANAGER

100,000
City's Best Newspaper

Such sale is made for the division of proceeds among the owners thereof, and subject to confirmation of the court.

This the 19th day of November, 1957.

ALICE J. DUCK,
Register.

Beebe & Swearingen,
Solicitors for complainants. 45-3tc.

Legal Notice

NOTICE OF SALE OF LANDS FOR DIVISION

Notice is hereby given that under and by virtue of an order of the Honorable H. M. Hall, judge of the Circuit Court in equity, rendered on the 19th day of November, 1957, in cause number 4035 pending in said Court wherein John E. Pierce et al are complainants and Mack H. Pierce et al are defendants, the undersigned, Register of the Circuit Court of Baldwin County, Alabama, will sell at public outcry, for cash, during the legal hours of sale in front of the courthouse door of Baldwin County, Alabama, on the 23rd day of December, 1957, the following described lands situated in the County of Baldwin, State of Alabama, to-wit:

Tract 1: The Northwest quarter of the Northeast quarter; the South half of the Southwest quarter of the Northeast quarter; the North half of the Northwest quarter of the Southeast quarter; the North half of the North half of the Southwest quarter of the Southeast quarter; the North half of the Southeast quarter of the Southeast quarter; the North half of the Northeast quarter of the Southeast quarter; the South eight acres of the Southeast quarter of the Northeast quarter, all in Section 7, Township 7 South, Range 2 East; the North half of the Northwest quarter of the Southwest quarter of Section 8, Township 7 South, Range 2 East; containing in all 158 acres, more or less;

Tract 2: Commencing at the center of fractional Section 7, Township 7 South, Range 2 East, and run thence South 200 feet to a point, which is the place of beginning of the lot herein described; run thence South along the half-section line of said Section 7, 34 feet; run thence West and parallel with the East and West half-section line 1025 feet more or less to the Eastern Shore of Mobile Bay; run thence Northwardly along the Eastern Shore of Mobile Bay 34 feet more or less to a point 200 feet due South of the East and West half-section line; run thence East and parallel with the East and West half-section line 1025 feet more or less to the point of beginning, in the Southwest quarter of Fractional Section 7, Township 7 South, Range 2 East;

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

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

John E. Pierce et al

Mack H. Pierce et al

COST STATEMENT

421 WORDS @ 5 cents \$ 21.05

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

E. R. Morrisette, Jr.
Editor.

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

Date of 1st publication Nov. 21, 1957 Vol. 69 No. 45

Date of 2nd publication Nov. 28, 1957 Vol. 69 No. 46

Date of 3rd publication Dec. 5, 1957 Vol. 69 No. 47

Date of 4th publication _____, 195__ Vol. _____ No. _____

Subscribed and sworn before the undersigned this 9 day of Dec, 1957.

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette, Jr.
Editor.

John P. Pierce, et al
Complainant
vs.
Mack H. Pierce, et al
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

No.

DEMAND FOR ORAL EXAMINATION

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from Bay Minette
....., in the County of Baldwin
.....
Alabama, the place of trial of said cause, to-wit: John P. Pierce, William Pierce
and Marie W. Pierce

2. That said Complainant requires an oral examination of said witnesses before a Commissioner appointed by the Register of this Court.

Beebe & Swearingen

by

J. D. Swearingen

Solicitor for Complainant

NOTE:

Complainant suggests the name of Madeline S. Bryans
.....
as a suitable and competent person to act as commissioner upon the examination of said witnesses.

Beebe & Swearingen

by

J. D. Swearingen

Solicitor for Complainant.

#4035

DEMAND FOR ORAL EXAMINATION

John P. Pierce + William Pierce
Complainant

vs.

Mark N. Pierce + Roy J. Downes et al
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Filed this 2 day of Nov

1947

Alex J. White Register
Moore Printing Co.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Madeline S. Bryars

KNOW YE: that we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine John P. Pierce, William Pierce and Marie W. Pierce

as witnesses in behalf of petitioners in a cause pending in our Circuit Court in Baldwin County, of said State, wherein John P. Pierce, et al

are, Complainant and Mac k H. Pierce, et al

Respondent

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

Witness the day of November, 1957

Leslie J. ...
Register.

Commissioner's Fee, \$ 25.00

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

John P. Pierce
et al

Complainant—

vs.

Mack H. Pierce
et al

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Madeline S. Bryan

WITNESSES:

FILED

NO 2 1951

ALICE J. DUCK, Register

JOHN P. PIERCE, MARIE W.
PIERCE AND WILLIAM PIERCE
PETITIONERS

VS

MACK H. PIERCE, GEORGE J.
DANNE, MALLIE B. EBERLEIN
DANNE, ROSA PIERCE DANNE,
ALLEN C. PIERCE, ADRIAN F.
PIERCE, JOSEPH FULLER, ALSO
KNOWN AS JOSEPH CALLOWAY,
JOSEPH ROLAND DORROUGH, MIRIAM
BOSARGE, MARY NELSON, DONALD
PIERCE, JR., NORMAN L. PIERCE,
JUANITA PIERCE BEMIS, FRANCIS
CALLOWAY NELSON AND J. V.
DORROUGH, JR.,
DEFENDANTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

It appearing in the above styled cause that Donald Pierce,
Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway
Nelson and J. V. Dorrough, Jr., minors, having been duly served
with process; that they have no guardian and have nominated no
guardian ad litem;

Now therefore _____ esquire who is learned
in the law, be and he is hereby appointed guardian ad litem for the
said Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis,
Francis Calloway Nelson and J. V. Dorrough, Jr., and is required
and directed to represent and defend them in this cause.

Done this the _____ day of _____, 1957.

Judge

THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

JIMMY FAULKNER
AND
BILL STEWART
PUBLISHERS

E. R. MORRISSETTE, JR.
EDITOR-MANAGER

Legal Notice

Notice To Non-Resident
THE STATE OF ALABAMA,
BALDWIN COUNTY, CIRCUIT
COURT, IN EQUITY, CASE NO.
4035. This the 16th day of May,
1957.

John P. Pierce, Marie W. Pierce
and William Pierce, Petitioners
vs. Mack H. Pierce, Donald Pierce,
Jr., et al, Defendants.

TO: Mack H. Pierce, 1253 Val
Vista Street, Sheridan, Wyoming
and Donald Pierce, Jr., 15876
Lawton Drive, Detroit, Michigan.

In this case is being made to ap-
pear to the Register of this Court
by the affidavit of F. G. Swear-
ingen, Solicitor for Petitioners,
that the defendants Mack H. Pierce
and Donald Pierce, Jr., are non-
residents of the State of Alabama;
that the place of residence and
post office address of Mack H.

Pierce is 1253 Val Vista Street,
Sheridan, Wyoming; that the place
of residence and post office ad-
dress of Donald Pierce, Jr., and
of his mother, Kathryn Pierce, in
whose custody he is, is 15876
Lawton Drive, Detroit, Michigan;
and further that, in the belief of
said Affiant the defendant Mack
H. Pierce is over the age of
twenty-one years, and the defend-
ant Donald Pierce Jr., is under
the age of twenty-one years; it is,
therefore, ordered that publica-
tion be made in the Baldwin
Times, a newspaper published in
Bay Minette, Baldwin County,
Alabama, once a week for four
consecutive weeks, requiring them,
the said Mack H. Pierce and Don-
ald Pierce, Jr., to plead, answer
or demur to the Bill of Complaint
in this cause by the 29th day of

June, 1957, or after thirty days
therefrom a decree pro confesso
may be taken against them.

ALICE J. DUCK,
Register.
Beebe & Swearingen
Solicitors for Complainants.

20-4tc

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

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

Pierce vs. Pierce

COST STATEMENT

OS @ 6 1/2 cents \$ 15 81
is correct, due and unpaid (paid).

E. R. Morrisette Jr.
Editor.

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

Date of 1st publication May 30, 1957 Vol. 68 No. 20
Date of 2nd publication June 6, 1957 Vol. 69 No. 21
Date of 3rd publication June 13, 1957 Vol. 68 No. 22
Date of 4th publication June 20, 1957 Vol. 68 No. 23

Subscribed and sworn before the undersigned this 20 day of June, 1957.

Walter M. Minter
Notary Public, Baldwin County.

E. R. Morrisette Jr.
Editor.

BALDWIN COUNTY SHERIFF SERVICE:

- One copy to be served on ~~Allen C.~~ Pierce, Route 3, Foley, Alabama.
- One copy to be served on ~~Adrian F.~~ Pierce, Route 3, Foley, Alabama.
- One copy to be served on ~~Emma~~ Pierce, Route 3, Foley, Alabama for Donald Pierce, Jr., Norman L. Pierce and Juanita Pierce Bemis.
- One copy to be served on ~~Norman L.~~ Pierce, Route 3, Foley, Alabama.
- One copy to be served on ~~Juanita~~ Pierce Bemis, Route 3, Foley, Alabama.
- One copy to be served on Joseph Fuller, Daphne, Alabama. //F
- One copy to be served on Joseph Fuller, Daphne, Alabama, for Francis Calloway Nelson. //F
- One copy to be served on ~~Rosa~~ Pierce Danne, RFD 3, Fairhope, Alabama.

THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

JIMMY FAULKNER
AND
BILL STEWART
PUBLISHERS

E. R. MORRISSETTE, JR.
EDITOR-MANAGER

BALDWIN COUNTY, ALABAMA

Legal Notice

NOTICE OF SALE OF LANDS FOR DIVISION

Notice is hereby given that under and by virtue of an order of the Honorable H. M. Hall, Judge of the Circuit Court in equity, rendered on the 19th day of November, 1957, in cause number 4035 pending in said Court wherein John P. Pierce et al are complainants and Mack H. Pierce et al are defendants, the undersigned, Register of the Circuit Court of Baldwin County, Alabama, will sell at public outcry, for cash, during the legal hours of sale in front of the courthouse door of Baldwin County, Alabama, on the 23rd day of December, 1957, the following described lands situated in the County of Baldwin, State of Alabama, to-wit:

Tract 1: The Northwest quarter of the Northeast quarter; the South half of the Southwest quarter of the Northeast quarter; the North half of the Northwest quarter of the Southeast quarter; the North half of the North half of the Southwest quarter of the Southeast quarter; the North half of the Southeast quarter of the Southeast quarter; the North half of the Northeast quarter of the Southeast quarter; the South eight acres of the Southeast quarter of the Northeast quarter, all in Sec-

tion 7, Township 7 South, Range 2 East; the North half of the Northwest quarter of the Southwest quarter of Section 8, Township 7 South, Range 2 East; containing in all 158 acres, more or less;

Tract 2: Commencing at the center of fractional Section 7, Township 7 South, Range 2 East, and run thence South 200 feet to a point, which is the place of beginning of the lot herein described; run thence South along the half-section line of said Section 7, 34 feet; run thence West and parallel with the East and West half-section line 1025 feet more or less to the Eastern Shore of Mobile Bay; run thence Northwardly along the Eastern Shore of Mobile Bay 34 feet more or less to a point 200 feet due South of the East and West half-section line; run thence East and parallel with the East and West half-section line 1025 feet more or less to the point of beginning, in the Southwest quarter of Fractional Section 7, Township 7 South, Range 2 East;

Such sale is made for the division of proceeds among the owners thereof, and subject to confirmation of the court.

This the 19th day of November, 1957.

ALICE J. DUCK,
Register,
Beebe & Swearingen,
Solicitors for complainants. 45-3tc.

AFFIDAVIT OF PUBLICATION

SAMA.
TY.

Morrisette, Jr. being duly sworn, deposes and says
TOR of THE BALDWIN TIMES, a Weekly Newspaper published
Baldwin County, Alabama; that the notice hereto attached of

a Sale of Lands
Pierce et al (Complainants)
Pierce et al (Defendants)

COST STATEMENT

WORDS @ 2 cents \$ 21.05
y this is correct, due and unpaid (paid).

E. R. Morrisette, Jr.
Editor.

said newspaper for 3 consecutive weeks in the following issues:

ation Nov 21, 1957 Vol 69 No 45

ation Nov 28, 1957 Vol 69 No 46

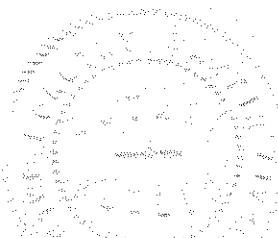
Date of 3rd publication Dec. 5, 1957 Vol 69 No 47

Date of 4th publication _____, 195___ Vol. ___ No. ___

Subscribed and sworn before the undersigned this 5 day of Dec., 1957

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette, Jr.
Editor.



JOHN P. PIERCE, MARIE W. PIERCE
AND WILLIAM PIERCE,
PETITIONERS

VS

MACK H. PIERCE, GEORGE J. DANNE,
MALLIE B. EBERLEIN DANNE, ROSA
PIERCE DANNE, ALLEN C. PIERCE,
ADRIAN F. PIERCE, JOSEPH FULLER,
also known as JOSEPH CALLOWAY,
JOSEPH ROLAND DORROUGH, MIRIAM
BOSARGE, MARY NELSON, DONALD
PIERCE, JR., NORMAN L. PIERCE,
JUANITA PIERCE BEMIS, FRANCIS
CALLOWAY NELSON AND J. V. DORROUGH, JR.,
DEFENDANTS.

IN THE CIRCUIT COURT

OF BALDWIN COUNTY, ALABAMA,

IN EQUITY

Comes Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, and respectfully reports and shows unto this Honorable Court:

That acting under and in strict conformity and compliance with the decree of this Honorable Court made and entered on the 19 day of Nov, 1957, the undersigned as Register of this Court did give notice by advertisement in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, in its issues of November 21, 1957, November 28, 1957 and December 5, 1957, that on the 23rd day of December, 1957, during the legal hours of sale, she, as such Register, would, in front of the Court-house door at Bay Minette, offer for sale, at public outcry, for cash, the lands described in the said order directing the sale, and at such time and place she did offer the said lands for sale, in said manner and did offer and receive bids for the said lands as a whole and in separate parcels, and at such sale John P. Pierce, being the highest, best and last bidder therefor, did purchase at the sum of \$ 13800⁰⁰ the following described lands, to-wit:

Tract 1: The Northwest quarter of the Northeast quarter; the South half of the Southwest quarter of the Northeast quarter; the North half of the Northwest quarter of the Southeast quarter; the North half of the North half of the Southwest quarter of the Southeast quarter; the North half of the Southeast quarter of the Southeast quarter; the North half of the Northeast quarter of the Southeast quarter; the South eight acres of the Southeast quarter of the Northeast quarter, all in Section 7, Township 7 South, Range 2 East; the

North half of the Northwest quarter of the Southwest quarter of Section 8, Township 7 South, Range 2 East; containing in all 158 acres, more or less;

And at such sale Joseph B Jones, being the highest, best and last bidder therefor, did purchase at the sum of \$ 535⁰⁰ the following described lands, to-wit:

Tract 2: Commencing at the center of fractional Section 7, Township 7 South, Range 2 East, and run thence South 200 feet to a point, which is the place of beginning of the lot herein described; run thence South along the half-section line of said Section, 34 feet; run thence West and parallel with the East and West half section line 1025 feet more or less to the Eastern Shore of Mobile Bay; run thence Northwardly along the Eastern Shore of Mobile Bay 34 feet more or less to a point 200 feet due South of the East and West half-section line; run thence East and parallel with the East and West half-section line 1025 feet more or less to the point of beginning, in the Southwest quarter of Fractional Section 7, Township 7 South, Range 2 East;

And each of the said bidders have paid into this Court the amount of their said bids and your petitioner as Register of this Court, holds the same subject to the approval by this Court of such sale and subject to further order and direction of this Court.

This the 23 day of December 1957.

filed Dec. 23, 1957
Alice J. Duck

Alice J. Duck
Register

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama

(In Equity)

Complainant

VS.

Respondent

I, Madeline S. Brvars

as ~~Register and~~ Commissioner heretofore appointed

have called and caused to come before me John P. Pierce and William Pierce

witness as named in the Requirement for Oral Examination, on the 9 day of November 1957, at the office of Beebe & Swearingen

in Bay Minette, Alabama, and having first sworn said Witness as to speak the truth, the whole truth, and nothing but the truth, the said William Pierce and John P. Pierce doth depose and say as follows:

My name is William Pierce. I am 64 years of age. I am a son of John Pierce, who at the time of his death owned the lands involved in this suit. He died in 1918. At the time of his death he was living on the land and there was a fairly good house on it. It was burned in part and what was left rotted down.

Originally there was 20 to 25 acres in cultivation. It has been 25 years since it was cultivated. The cultivated lands have grown up in blackjack oak sometimes called scrub oak, bamboo and persimmon trees, and other small valueless under brush. Forty acres of the land is in one block and an additional twenty acres in the swamp separated from the forty acres. Adjoining the twenty acres in the swamp there is ten acres on a hillside and there is some pine timbers on each of these pieces in the swamp. The rest of the land, with the exception of the 34 foot strip, lies about a half mile from the bay. That is where the house and cultivated lands were. The 34 foot strip runs from the bay back to the main tract last mentioned and is in fact a drainage ditch not suitable for any purpose other than drainage and access to the bay. It drains lands other than the lands involved in this suit.

There is some, but not a great deal of timber on the main tract. Fire has gotten into it several times. The timber had previously been turpentine and the fire did considerable damage to the timber.

CROSS EXAMINATION OF WILLIAM PIERCE BY TELEFAIR J. MASHBURN, JR.

There is no income from the land and there will not be for years. The character of the land and the situation of the several tracts is such that it could not be equitably divided in kind between the owners. There are so many heirs and such small portions owned by some of them that it could not be equitably divided. It is to the interest of the parties, including the minors, that the land be sold for division. The 34 feet, listed as tract two, is left over from sale of lands from a larger tract.

William Pierce

ORAL EXAMINATION.

I, Madeline S. Bryars, 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 as and read over to them and they signed the same in the presence of myself, F. G. Swearingen, Telfair J. Mashburn, Jr., Wilson Hayes at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proom made before me of the identity of said witnesses; that I am not of counsel or 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 9th day of November, 1957

Madeline S. Bryars (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

vs. Complainant

Respondent.

Filed _____, 195____

Recorded in _____, Register.

Vol. _____ Page _____

Record _____, Register

Oral Deposition

DIRECT EXAMINATION OF JOHN P. PIERCE BY F. G. SWEARINGEN:

My name is John P. Pierce. I am over the age of twenty-one years and I reside in Mobile County, Alabama. Marie W. Pierce is my wife, she is over the age of twenty-one years and resides with me in Mobile County. William Pierce is over the age of twenty-one and resides in Baldwin County. We are the complainants in that certain cause pending in the Circuit Court of Baldwin County, Alabama, in equity, No. 4035, for sale for partition of certain lands in Sections 7 and 8, Township 7 South, Range 2 East in Baldwin County, Alabama. Mack H. Pierce resides in Midwest, Wyoming, George J. Danne resides at 2160 Wagner, Mobile, Alabama, Mallie B. Eberlein Danne, resides at 2160 Wagner, Mobile, Alabama, Rosa Pierce Danne resides at Route 3, Fairhope, Alabama, Allen C. Pierce resides at Route 3, Foley, Alabama, Adrian F. Pierce resides at Route 3, Foley, Alabama, Joseph Fuller, also known as Joseph Calloway, resides at Daphne, Alabama, Joseph Roland Dorrrough resides at Bayou LaBatre, Alabama, Miriam Bcsarge resides at Bayou LaBatre, Alabama, Mary Nelson resides at Bayou LaBatre, Alabama, each of the said named persons are defendants in this cause and each is over the age of twenty-one years. Donald Pierce, Jr., resides at 15876 Lawton Drive, Detroit, Michigan, Norman L. Pierce resides at Route 3, Foley, Alabama, Juanita Pierce Bemis resides at Route 3, Foley, Alabama, Francis Calloway Nelson resides at 956 South Warren Street, Mobile, Alabama, J. V. Dorrrough, Jr., resides at Bayou LaBatre, Alabama, each of the said last named persons are defendants in this cause and each is under the age of twenty-one years. William Pierce, Marie W. Pierce and I, are the complainants in this cause, and the said persons named as defendants are owners of the following described land and are tenants in common therein:

Tract 1: The Northwest quarter of the Northeast quarter; the South half of the Southwest quarter of the Northeast quarter; the North half of the Northwest quarter of the Southeast quarter; the North half of the North half of the Southwest quarter of the Southeast quarter; the North half of the Southeast quarter of the Southeast quarter; the North half of the Northeast quarter of the Southeast quarter; the South 8 acres of the Southeast quarter of the Northeast quarter, all in Section 7, Township 7 South, Range 2 East; the North half of the Northwest quarter of the Southwest quarter of Section 8, Township 7 South, Range 2 East; containing in all 158 acres, more or less;

Tract 2: Commencing at the center of Fractional Section 7, Township 7 South, Range 2 East, and run thence South 200 feet to a point, which is the place of beginning of the lot herein described; run thence South along the half-section line of said Section 7, 34 feet; run thence West and parallel with the East and West half section line 1025 feet more or less to the Eastern Shore of Mobile Bay; run thence Northwardly along the Eastern Shore of Mobile Bay 34 feet more or less to a point 200 feet due South of the East and West half Section line; run thence East and parallel with the East and West half section line 1025 feet more or less to the Eastern Shore of Mobile Bay; run thence Northwardly along the Eastern Shore of Mobile Bay 34 feet more or less to a point 200 feet due South of the East and West half section line; run thence East and parallel with the East and West half-section line 1025 feet, more or less, to the point of beginning, in the Southwest quarter of Fractional Section 7, Township 7 South, Range 2 East;

The owners of tract one are, and the interest of each therein is, as follows:

William Pierce	1/8
John P. Pierce	1/4
Marie W. Pierce	1/4
George J. Danne	1/16
Mallie B. Eberlein Danne	1/16
Donald Pierce, Jr.	1/8
Allen C. Pierce	1/128
Adrian F. Pierce	1/128
Norman L. Pierce	1/128
Juanita Pierce Bemis	1/128

Joseph Fuller, also known as Joseph Calloway 1/64
 Francis Calloway Nelson 1/64
 J. V. Dorrrough, Jr 1/96
 Joseph Roland Dorrrough 1/96
 Miriam Bosarge 1/96
 Mary Nelson 1/32
 Defendant, Mack H. Pierce, has no interest in tract 1.

The owners of tract two are, and the interest of each therein is, as follows:

William Pierce	1/8
John F. Pierce	1/4
Marie W. Pierce	3/16
Mack H. Pierce	1/16
Rosa Pierce Danne	1/8
Donald Pierce, Jr.	1/8
Allen C. Pierce	1/128
Adrian F. Pierce	1/128
Norman L. Pierce	1/128
Juanita Pierce Bemis	1/128
Joseph Fuller also known as Joseph Calloway	1/64
Francis Calloway Nelson	1/64
J. V. Dorrrough, Jr.	1/96
Joseph Roland Dorrrough	1/96
Miriam Bosarge	1/96
Mary Nelson	1/32
Defendants, George J. Danne and Mallie B. Eberlein Danne	
have no interest in tract two;	

The lands which I have described as tract one was owned by John Pierce. He died intestate in 1918. His widow, Mollie L. Pierce, died intestate in the year 1931. John Pierce was the father of Burton Pierce, Emma Pierce, Walter Pierce, John Pierce, Jr., William Pierce, Josephine Pierce Heles, Jesse Pierce, Herbert Pierce, Robert Pierce, Rosa Pierce Danne, Mack Pierce and Joseph Pierce. Burton Pierce, Emma Pierce, Walter Pierce and John Pierce, Jr., are all deceased and left no children and no widows or widowers. William Pierce owns an undivided 1/8th interest in tract 1, the same having been acquired by him as one of the sons of John Pierce, deceased; Josephine Pierce Heles, Jesse Pierce, Herbert Pierce and Robert Pierce each acquired an undivided 1/8th interest in the above described tract 1 as four of the children of John Pierce, deceased, which said interests they have each conveyed by deed to Marie W. Pierce and me, giving us an undivided 1/4th interest each. Rosa Pierce Danne owned an undivided 1/8th interest in tract one acquired by her as one of the daughters of John Pierce, deceased, which said interest she has conveyed by deed to George J. Danne and Mallie B. Eberlein Danne, two of the defendants. Mack Pierce, one of the children of John Pierce, deceased, is deceased, and left one child, Donald Pierce, Jr., who owns an undivided 1/8th interest in tract one, acquired by him as a great grandson of the said John Pierce, deceased. Joseph Pierce, deceased, owned an undivided 1/8th interest in tract one, which interest was acquired by him as a son of John Pierce, deceased. The heirs of the said Joseph Pierce and their proportionate parts of his said 1/8th interest are as follows: Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce and Juanita Pierce Bemis, each owning an undivided 1/128th interest in tract one as the children of Allen Pierce, deceased, a son of the said Joseph Pierce, deceased. Joseph Fuller, also known as Joseph Calloway and Francis Calloway Nelson each own an undivided 1/64th interest in the above described tract one as the children of Frances Pierce Calloway, deceased, a daughter of the said Joseph Pierce, deceased. J. V. Dorrrough, Jr., Joseph Roland Dorrrough and Miriam Bosarge each own an undivided 1/96th interest in tract one as the children of Hettie Pierce Dorrrough, deceased, a daughter of the said Joseph Pierce, deceased, and Mary Pierce Nelson owns a undivided 1/32nd interest in tract one as a daughter of Joseph Pierce, deceased.

The land which I have described as tract two was owned by

John Pierce at the time of his death. He died intestate in the year 1918. His widow Mollie L. Pierce, died intestate in the year 1931. John Pierce was the father of Burton Pierce, Emma Pierce, Walter Pierce, John Pierce, Jr., William Pierce, Josephine Pierce Heles, Jesse Pierce, Herbert Pierce, Robert Pierce, Rosa Pierce Danne, Mack Pierce and Joseph Pierce; that Burton Pierce, Emma Pierce, Walter Pierce and John Pierce, Jr., are all deceased, and left no children and no widows or widowers. William Pierce owns an undivided 1/8th interest in tract two, having acquired the same as one of the sons of John Pierce, deceased. Jesse Pierce, who owned an undivided 1/8th interest in tract two as one of the sons of John Pierce, deceased, died intestate, leaving surviving him his children, petitioner John P. Pierce, and Mack H. Pierce, one of the defendants, each of whom thereby acquired an undivided 1/16th interest in tract two. Josephine Pierce Heles, Herbert Pierce and Robert Pierce each acquired an undivided 1/8th interest in tract two as three of the children of John Pierce, deceased, which interests they have each conveyed by deed to John P. Pierce and Marie W. Pierce, two of your petitioner, giving each of them an undivided 3/16th interest by purchase, and giving the said John P. Pierce an undivided 1/4th interest through both purchase and inheritance. Marie W. Pierce has an undivided 3/16th interest by purchase. Mack H. Pierce an undivided 1/16th interest by inheritance. Rosa Pierce Danne owns an undivided 1/8th interest in tract two acquired by her as one of the daughters of John Pierce, deceased. Mack Pierce one of the children of John Pierce, deceased, died leaving one child, Donald Pierce, Jr., who owns an undivided 1/8th interest in tract two. Joseph Pierce left surviving him the following heirs with their respective proportionate parts of his said 1/8th interest in tract two as follows: Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce and Juanita Pierce Bemis each own an undivided 1/128th interest in tract two as the children of Allen Pierce, deceased, a son of the said Joseph Pierce, deceased. Joseph Fuller, also known as Joseph Calloway, and Francis Calloway Nelson each own an undivided 1/64th interest in tract two as the children of Frances Pierce Calloway, deceased, a daughter of the said Joseph Pierce, deceased. J. V. Dorrrough, Jr., Joseph Roland Dorrrough and Miriam Bosarge each own an undivided 1/96th interest in the lands described as tract two as the children of Hettie Pierce Dorrrough, deceased, a daughter of the said Joseph Pierce, deceased. Mary Pierce Nelson owns an undivided 1/32nd interest in tract two as a daughter of Joseph Pierce, deceased.

The lands are not capable of being divided equitably between the owners. Some of the lands are cut over, some have growing timber, and some of the lands are not coming back in timber. There are no improvements of any consequence on either tract of land. The area and shape of the land is such that a partition in kind could not possibly be made equitably and those having a very small interest would get acreage of a size that would be of no value to them. A sale of the lands is necessary for division of the proceeds and the lands are not productive. There is no income from them and there will not be for a number of years. It is to the interest of the owners of the land and especially of the minors that the lands be sold and the proceeds be divided between the owners.

CROSS-EXAMINATION BY WILSON HAYES, GUARDIAN AD LITEM.

John Pierce lived on this land at the time of his death. A part of the land was cultivated and there was a house on it. The house in which he lived has burned and there are no improvements on the land at this time. It has not been cultivated for years and has grown up in brush and bushes. It could not be rented out for farm purposes. There is some timber on the land now that could be sold for pulpwood but it would not bring a great deal of money.

John P. Pierce

JOHN P. PIERCE, et al)	IN THE CIRCUIT COURT OF
Complainants)	
vs)	BALDWIN COUNTY, ALABAMA,
MACK H. PIERCE, et al)	IN EQUITY
Defendants)	NO. 4035

This cause coming on to be heard is submitted for decree on the bill of complaint, decree pro confesso against Rosa Fierce Danne, Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, also known as Joseph Calloway, Joseph Roland Dorrough, Miriam Bosarge, Mary Nelson and Mack H. Pierce, appointment, acceptance and answer of guardian ad litem, answer of George J. Danne and Mallie B. Eberlein Danne, stipulation dated September 26, 1957, signed by Beebe & Swearingen on behalf of the complainants and Telfair J. Mashburn, Jr., on behalf of George J. Danne and Mallie F. Eberlein Danne, and testimony and exhibits as noted by the Register, and it appearing therefrom that the lands described in the bill of complaint are owned by the parties to said cause and the same cannot be equitably divided among the owners thereof without sale of the said property, and that it is to the interest of the owners of the said property and of the minors, Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrough, Jr., that the said property be sold for division of the proceeds to the owners thereof as alleged in the said bill of complaint, the court is of the opinion that the complainants are entitled to the relief prayed for;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the lands described in the bill of complaint and the interest of the parties in and to the same be and is hereby ordered to be sold for division among the owners thereof, and the Register of this Court be and she is hereby authorized and directed to sell on the 23rd day of December, 1957 at public outcry in front of the courthouse door of Baldwin County, Alabama, during the legal hours of sale, to the highest bidder, for cash, in the manner required by law, the lands described in the bill of complaint, namely:

Tract 1: The Northwest quarter of the Northeast quarter; the South half of the Southwest quarter of the Northeast quarter; the North half of the Northwest quarter of the Southeast quarter; the North half of the North half of the Southwest quarter of the Southeast quarter; the North half of the Southeast quarter of the Southeast quarter; the North half of the Northeast quarter of the Southeast quarter; the South eight acres of the Southeast quarter of the Northeast quarter, all in Section 7, Township 7 South, Range 2 East; the North half of the Northwest quarter of the Southwest quarter of Section 8, Township 7 South, Range 2 East; containing in all 158 acres, more or less;

Tract 2: Commencing at the center of fractional Section 7, Township 7 South, Range 2 East, and run thence South 200 feet to a point, which is the place of beginning of the lot herein described; run thence South along the half-section line of said Section 7, 34 feet; run thence West and parallel with the East and West half-section line 1025 feet, more or less, to the Eastern Shore of Mobile Bay; run thence Northwardly along the Eastern Shore of Mobile Bay 34 feet, more or less, to a point 200 feet due South of the East and West half-section line; run thence East and parallel with the East and West half Section line 1025 feet more or less to the point of beginning, in the Southwest quarter of Fractional Section 7, Township 7 South, Range 2 East;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register be and she is hereby directed to give notice of the time, place and terms of such sale in the Baldwin Times, a newspaper published in Bay Minette, Alabama, once a week for three consecutive weeks before such sale and that she report such sale to this court for further order thereon.

Done this the 19 day of November, 1957.

Hubert M. Hall
Judge

JOHN P. PIERCE, ET AL
COMPLAINANTS

VS

MACK H. PIERCE, ET AL
DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 4035

Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in equity sitting, having on this day filed in this Court her report of sale of lands in the above styled cause under decree of this court rendered on the 19th day of November, 1957, and the same being submitted to me and being considered;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said report lie over until Friday, January 3, 1958, 9:00 o'clock A.M., at which time any person interested therein may appear and oppose the confirmation of such sale.

Done this the 23rd day of December, 1957.

Robert W. S. Hall

Judge

JOHN P. PIERCE, MARIE W.
PIERCE AND WILLIAM PIERCE
PETITIONERS

IN THE CIRCUIT COURT OF

VS

BALDWIN COUNTY, ALABAMA

MACK H. PIERCE, GEORGE J.
~~DANNE, WILLIE B. DANNE~~
DANNE, ROSA PIERCE DANNE,
ALLEN C. PIERCE, ADRIAN F.
PIERCE, JOSEPH FULLER, ALSO
KNOWN AS JOSEPH CALLOWAY,
JOSEPH ROLAND DORROUGH, MIRIAM
BOSARGE, MARY NELSON, DONALD
PIERCE, JR., NORMAN L. PIERCE,
JUANITA PIERCE BEMIS, FRANCIS
CALLOWAY NELSON AND J. V.
DORROUGH, JR.,
DEFENDANTS.

IN EQUITY

It appearing in the above styled cause that Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrough, Jr., minors, having been duly served with process; that they have no guardian and have nominated no guardian ad litem;

Now therefore Wilson Hays esquire who is learned in the law, be and he is hereby appointed guardian ad litem for the said Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrough, Jr., and is required and directed to represent and defend them in this cause.

Done this the 2 day of October, 1957.

Hubert M. Hall
Judge

JOHN P. PIERCE, MARIE W. PIERCE
AND WILLIAM PIERCE,

PETITIONERS

VS

MACK H. PIERCE, GEORGE J. DANNE,
MALLIE B. EBERLEIN DANNE, ROSA
PIERCE DANNE, ALLEN C. PIERCE,
ADRIAN F. PIERCE, JOSEPH FULLER,
also known as JOSEPH CALLOWAY,
JOSEPH ROLAND DORROUGH, MIRIAM
BOSARGE, MARY NELSON, DONALD
PIERCE, JR., NORMAN L. PIERCE,
JUANITA PIERCE BEMIS, FRANCIS
CALLOWAY NELSON AND J. V.
DORROUGH, JR.,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

No. 4035

This cause is submitted for decree of confirmation of the sale of the lands described in the bill of complaint as made and reported by the register on December 23, 1957 and for final decree on the original bill of complaint; decree pro confesso against Rosa Pierce Danne, Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, also known as Joseph Calloway, Joseph Roland Dorrough, Miriam Bosarge, Mary Nelson, and Mack H. Pierce; appointment, acceptance and answer of guardian ad litem; answer of George J. Danne and Mallie B. Eberlein Danne; stipulation and agreement dated September 26, 1957, signed by Beebe & Swearingen on behalf of complainants and Telfair J. Mashburn, Jr., on behalf of George J. Danne and Mallie B. Eberlein Danne; deposition of witnesses William Pierce and John P. Pierce; "Exhibit One" conveyance of Thomas Passos and Emily Passos to John Pierce, Jr., dated December 9, 1875 and recorded in Deed Book "L", pages 730-1; "Exhibit Two", conveyance of Joseph Pierce and Annie Pierce to John Pierce and Molly L. Pierce, dated March 16, 1897 and recorded in the office of the Judge of Probate of Baldwin County in Deed Book "W", pages 423-5; "Exhibit Three" conveyance of Robert J. Pierce to Hubert M. Hall dated November 20, 1935 and recorded in Deed Book 63 NS, page 190; "Exhibit Four" conveyance of Hubert M. Hall to John Paul Pierce dated July 30, 1955 and recorded in Deed Book 226, page 568; "Exhibit Five" conveyance of Jesse Pierce to John P. Pierce and Marie W. Pierce dated May 9, 1955 and recorded

in Deed Book 226, page 556; "Exhibit Six" conveyance of Anno J. Heles to John P. Pierce and Marie W. Pierce, dated December 3, 1955 and recorded in Deed Book 242, page 394; "Exhibit Seven" conveyance of John Paul Pierce to Marie W. Pierce dated May 11, 1957 and recorded in Deed Book 252, page 322-3; "Exhibit Eight" conveyance of Mrs. Anno J. Heles to John P. Pierce and Marie W. Pierce dated October 16, 1954 and recorded in Deed Book 226, page 562; "Exhibit Nine" conveyance of Rosa Pierce Danne to George J. Danne and Mallie B. Eberlein Danne dated October 23, 1952 and recorded in Deed Book 187, page 287; the decree of this Court rendered November 19, 1957 ordering the sale of the property described in the bill of complaint; notice of sale as published in the Baldwin Times, a newspaper published in Baldwin County, Alabama; the report of the Register of the sale of the property described in the bill of complaint filed December 23, 1957; the order of this court that the sale lie over for consideration January 3, 1958; the contest of the confirmation as filed by Wilson Hayes, guardian ad litem for Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrrough, Jr., minors in the above described cause; the testimony taken orally before the court of witnesses O. W. Lyles, J. B. Blackburn, Tolbert Brantley and F. G. Swearingen, all as noted by the Register;

And it appearing therefrom that the sale of the lands described in the bill of complaint as held by the Register on the 23rd day of December, 1957 was fairly conducted; and that the bid of \$15,800.00 by John P. Pierce for the following described lands, to-wit:

Tract 1: The Northwest quarter of the Northeast quarter; the South half of the Southwest quarter of the Northeast quarter; the North half of the Northwest quarter of the Southeast quarter; the North half of the North half of the Southwest quarter of the Southeast quarter; the North half of the Southeast quarter of the Southeast quarter; the North half of the Northeast quarter of the Southeast quarter; the South eight acres of the Southeast quarter of the Northeast quarter, all in Section 7, Township 7 South, Range 2 East; the North half of the Northwest quarter of the Southwest quarter of Section 8, Township 7 South, Range 2 East; containing in all 158 acres, more or less;

was the highest, best and last bid therefor and the said lands were sold to him at said price; and that the bid of \$535.00 by Joseph B. Jones for the following described lands, to-wit:

Tract 2: Commencing at the center of fractional Section 7, Township 7 South, Range 2 East, and run thence South 200 feet to a point, which is the place of beginning of the lot herein described; run thence South along the half-section line of said Section 7, 34 feet; run thence West and parallel with the East and West half-section line 1025 feet more or less to the Eastern Shore of Mobile Bay; run thence Northwardly along the Eastern Shore of Mobile Bay 34 feet more or less to a point 200 feet due South of the East and West half-section line; run thence East and parallel with the East and West half-section line 1025 feet more or less to the point of beginning, in the Southwest quarter of fractional Section 7, Township 7 South, Range 2 East;

was the highest, best and last bid therefor and was sold to him at said price; and that the price at which the said lands were sold is the fair and reasonable market value thereof and that it is to the interest of the minors, Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrrough, Jr., and of the owners of said lands that the said lands be sold at the said price; and that the purchase money bid therefor has been paid into court and is held by the Register;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sale of the lands described above as Tract 1 to John P. Pierce for and at the sum of \$15,800.00 as reported by the Register be and the same is hereby confirmed and the Register be and she is hereby authorized and directed to execute and deliver to John P. Pierce a good and sufficient deed of conveyance conveying to him all the right, title and interest of William Pierce, John P. Pierce, Marie W. Pierce, George J. Danne, Mallie B. Eberlein Danne, Donald Pierce, Jr., Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce, Juanita Pierce Bemis, Joseph Fuller, also known as Joseph Calloway, Francis Calloway Nelson, J. V. Dorrrough, Jr., Joseph Roland Dorrrough, Miriam Bosarge and Mary Nelson in and to the lands described above as tract 1;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the sale of the lands described above as Tract 2 to Joseph B. Jones for and at the sum of \$535.00 as reported by the Register be and the same is hereby confirmed and the Register be and she is hereby authorized and directed to execute and deliver to Joseph B. Jones a good and

sufficient deed of conveyance conveying to him all the right, title and interest of William Pierce, John P. Pierce, Marie W. Pierce, Mack H. Pierce, Rosa Pierce Danne, Donald Pierce, Jr., Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce, Juanita Pierce Bemis, Joseph Fuller, also known as Joseph Calloway, Francis Calloway Nelson, J. V. Dorrough, Jr., Joseph Roland Dorrough, Miriam Bosarge, and Mary Nelson, in and to the lands described above as Tract 2;

And it further appearing that it was necessary and proper that complainants employ counsel for the institution and prosecution of this cause; that they employed Messrs. Beebe & Swearingen, attorneys at law, therefor, and it further appearing that it was necessary and proper that an abstract be made to the lands to be sold for division and that the Register of this Court employed Beebe & Swearingen to prepare such abstract and that such abstract was by them prepared and it further appearing from the testimony in this cause that \$1600⁰⁰ is a reasonable fee to be allowed complainants' attorneys for the institution and prosecution of this suit and that \$200⁰⁰ is a reasonable and fair charge for the making of the abstract as aforesaid; and it appearing that Wilson Hayes was appointed guardian ad litem to represent the interest of Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrough, Jr., minors, in this cause and he acted as such and that the sum of \$150⁰⁰ is the fair and reasonable fee for his services as such guardian ad litem;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the attorneys fee for complainants' attorneys aforesaid be and the same are hereby fixed and allowed at \$1600⁰⁰, and that the sum of \$200⁰⁰ be and is hereby fixed and allowed to them for the preparation of the abstract in this cause, and that the sum of \$150⁰⁰ be and the same is hereby fixed and allowed to Wilson Hayes as fee for his services as guardian ad litem in this cause; and that such amounts be taxed as a part of the cost in this cause and paid out of such proceeds of the sale before distribution;

And it further appearing that George J. Danne and Mallie B. Eberlein Danne, tenants in common in the said land, have paid taxes thereon for and on behalf and for the benefit of the other co-tenants in the sum of \$400.00 and that the taxes for the year 1957 have not been paid in the sum of \$33.65;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said George J. Danne and Mallie B. Eberlein Danne be and they are hereby allowed and there is ordered to be paid to them, by the Register out of the proceeds of such sale, for taxes paid by them on the lands described in the bill of complaint the sum of \$400.00;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register of this Court pay to the Tax Collector of Baldwin County taxes due for the year 1957 in the sum of \$3365, and that the same be paid out of the proceeds of the sale;

And it further appearing that the Court cost in this cause in addition to the matters herein specifically enumerated above is \$ 463⁷⁵;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Register be and she is hereby authorized and directed to retain out of the proceeds of the sale the said sum and to pay to those persons to whom the same have accrued;

And it further appearing that after the payment of the Court cost and all of the charges as set out herein there remains in the hands of the Register the sum of \$ 13,487⁵⁰;

And it further appearing and this Court does ascertain and decree that the lands above described as tract 1 was owned by the parties to this cause and in proportion as follows:

William Pierce	1/8
John P. Pierce	1/4
Marie W. Pierce	1/4
George J. Danne	1/16
Mallie B. Eberlein Danne	1/16
Donald Pierce, Jr.	1/8
Allen C. Pierce	1/128
Adrian F. Pierce	1/128
Norman L. Pierce	1/128
Juanita Pierce Bemis	1/128
Joseph Fuller, also known as Joseph Calloway	1/64
Francis Calloway Nelson	1/64

J. V. Dorrrough, Jr.	1/96
Joseph Roland Dorrrough	1/96
Miriam Bosarge	1/96
Mary Nelson	1/32

And it further appearing and this Court does ascertain and decree that the lands above described as Tract 2 was owned by the parties to this cause and in proportion as follows:

William Pierce	1/8
John P. Pierce	1/4
Marie W. Pierce	3/16
Mack H. Pierce	1/16
Rosa Pierce Danne	1/8
Donald Pierce, Jr.	1/8
Allen C. Pierce	1/128
Adrian C. Pierce	1/128
Norman L. Pierce	1/128
Juanita Pierce Bemis	1/128
Joseph Fuller, also known as Joseph Calloway	1/64
Francis Calloway Nelson	1/64
J. V. Dorrrough, Jr.	1/96
Joseph Roland Dorrrough	1/96
Miriam Bosarge	1/96
Mary Nelson	1/32

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court cost and other charges and allowances herein directed to be paid out of the proceeds of such sale be prorated as between Tracts 1 and 2 in the ratio of the price for which each respective tract sold, and that after the payment of such Court cost and charges, prorated as aforesaid, there remains of the moneys for which Tract 1 was sold the sum of \$ 13,047⁶⁰, and of Tract 2 the sum of \$ 440⁰⁰ to be distributed to the respective owners of the said tracts, and the same is ordered to be distributed to the owners of the respective tracts as follows:

To the owners of Tract 1:

William Pierce owning a 1/8 interest	\$ 1630 ⁹⁰
John P. Pierce owning a 1/4 interest	\$ 3261 ⁸⁰
Marie W. Pierce owning a 1/4 interest	\$ 3261 ⁸⁰
George J. Danne owning a 1/16 interest	\$ 815 ⁴⁵
Mallie B. Eberlein Danne owning a 1/16 interest	\$ 815 ⁴⁵
Donald Pierce, Jr. owning a 1/8 interest	\$ 1630 ⁹⁰
Allen C. Pierce owning a 1/128 interest	\$ 101 ⁹⁰
Adrian F. Pierce owning a 1/128 interest	\$ 101 ⁹⁰
Norman L. Pierce owning a 1/128 interest	\$ 101 ⁹⁰
Juanita Pierce Bemis owning a 1/128 interest	\$ 101 ⁹⁰

Joseph Fuller, also known as Joseph Calloway, owning a 1/64 interest	\$ 203 86
Francis Calloway Nelson owning a 1/64 interest	\$ 203 86
J. V. Dorrrough, Jr., owning a 1/96 interest	\$ 135 92
Joseph Roland Dorrrough owning a 1/96 interest	\$ 135 92
Miriam Bosarge owning a 1/96 interest	\$ 135 92
Mary Nelson owning a 1/32 interest	\$ 407 73

To the owners of Tract 2:

William Pierce owning a 1/8 interest	\$ 55 00
John P. Pierce owning a 1/4 interest	\$ 110 00
Marie W. Pierce owning a 3/16 interest	\$ 82 50
Mack H. Pierce owning a 1/16 interest	\$ 27 50
Rosa Pierce Danne owning a 1/8 interest	\$ 55 00
Donald Pierce, Jr. owning a 1/8 interest	\$ 55 00
Allen C. Pierce owning a 1/128 interest	\$ 34 40
Adrian C. Pierce owning a 1/128 interest	\$ 34 40
Norman L. Pierce owning a 1/128 interest	\$ 34 40
Juanita Pierce Bemis owning a 1/128 interest	\$ 34 40
Joseph Fuller, also known as Joseph Calloway owning a 1/64 interest	\$ 682
Francis Calloway Nelson owning a 1/64 interest	\$ 682
J. V. Dorrrough, Jr. owning a 1/96 interest	\$ 458
Joseph Roland Dorrrough owning a 1/96 interest	\$ 458
Miriam Bosarge owning a 1/96 interest	\$ 458
Mary Nelson owning a 1/32 interest	\$ 1372

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register of this Court cause a certified copy of this decree to be filed and recorded in the office of the Judge of Probate of Baldwin County and the cost thereof taxed as a part of the cost of this proceeding.

Done this the 4 day of January, 1958.

Hubert M. Hall
Judge

NOTICE TO NON-RESIDENT

JOHN P. PIERCE, MARIE W.
PIERCE AND WILLIAM PIERCE,

PETITIONERS

VS

MACK H. PIERCE, DONALD PIERCE,
JR., et al,

DEFENDANTS

THE STATE OF ALABAMA

BALDWIN COUNTY,

CIRCUIT COURT, IN EQUITY

CASE NO. 4035

This the 16th day of May,
1957.

TO: Mack H. Pierce, 1253 Val Vista Street, Sheridan,
Wyoming and
Donald Pierce, Jr., 15876 Lawton Drive, Detroit,
Michigan.

In this cause it being made to appear to the Register of this Court by the affidavit of F. G. Swearingen, Solicitor for Petitioners, that the defendants Mack H. Pierce and Donald Pierce, Jr., are non-residents of the State of Alabama; that the place of residence and post office address of Mack H. Pierce is 1253 Val Vista Street, Sheridan, Wyoming; that the place of residence and post office address of Donald Pierce, Jr., and of his mother, Kathryn Pierce, in whose custody he is, is 15876 Lawton Drive, Detroit, Michigan; and further, that, in the belief of said Affiant the defendant Mack H. Pierce is over the age of twenty-one years, and the defendant Donald Pierce, Jr., is under the age of twenty-one years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring them, the said Mack H. Pierce and Donald Pierce, Jr., to plead, answer or demur to the Bill of Complaint in this cause by the 29th day of June, 1957, or after thirty days therefrom a decree pro confesso may be taken against them.

filed
May 16, 1957
Alice J. Luck
Register

Alice J. Luck
Register

JOHN P. PIERCE, MARIE W. PIERCE,
and WILLIAM PIERCE,

Petitioners,

VS.

MACK H. PIERCE, GEORGE J. DANNE,
MALLIE B. EBERLEIN DANNE, ROSA
PIERCE DANNE, ALLEN C. PIERCE,
ADRIAN F. PIERCE, JOSEPH FULLER,
JOSEPH ROLAND DORROUGE, MIRIAM
BOSARGE, MARY NELSON, DONALD
PIERCE, JR., NORMAN L. PIERCE,
JUANITA PIERCE BEMIS, FRANCIS
CALLOWAY NELSON AND J. V.
DORROUGE, JR.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 4035

Come now, GEORGE J. DANNE AND MALLIE B. EBERLEIN DANNE,
respondents named in the bill of complaint heretofore filed in
this cause, and, for answer to said bill of complaint and to
each and every paragraph thereof, say:

1. That they admit the allegations contained in paragraph
1 of said bill of complaint.

2. That they deny each and every allegation contained in
paragraph 2 of said bill of complaint insofar as said ^a paragraph
2 refers to the lands described as "Tract 1" of said paragraph;
and respondents say that they are the sole owners of said lands
described as said "Tract 1", having acquired title to the same
from ROSA PIERCE DANNE by deed dated October 23, 1952, and of
record in the Probate Office of Baldwin County, Alabama, in Deed
Book 187, page 287; that ROSA PIERCE DANNE ACQUIRED title to said
lands from TILFORD BLACKMON AND WIFE, WUNCILE BLACKMON, and WM.
J. WATSON AND WIFE, GEORGIA M. WATSON, by deed dated July 11, 1952,
and of record in the Probate Office of Baldwin County, Alabama, in
Deed Book 184, page 128-9; and that the said TILFORD BLACKMON AND
WM. J. WATSON acquired title to said lands from the State of
Alabama, by deed dated 19th day of July, 1950,
and of record in the Probate Office of Baldwin County, Alabama, in
Deed Book 155, page 483; that immediately upon purchasing said lands
your respondents went into the actual possession of said lands and
have been in possession ever since; and that your respondents have
assessed and paid taxes on said lands ever since said purchase;
that they neither admit nor deny the allegations of said paragraph

2 of said bill of complaint with regard to the lands described as Tract "2" of said bill of complaint, but say that they have no knowledge of the facts alleged therein.

3. That your respondents deny each and every allegation of paragraph 3 of said bill of complaint with regard to the interests owned by others in the lands described in Parcel, or Tract "1" of said bill of complaint, and repeat that your respondents are the sole owners of the lands described in said bill of complaint; that your respondents have no knowledge as to the ownership of the lands described as Tract "2" of said bill of complaint, and, therefore, they neither admit nor deny the allegations of said paragraph 3 with regards to said lands;

4. That your respondents deny each and every allegation contained in paragraph 4 of said bill of complaint, insofar as said paragraph 4 refers to the lands described as Tract "1";

5. That your respondents deny each and every allegation contained in paragraph 5 of said bill of complaint, insofar as said paragraph 5 refers to the lands described as Tract "1";

6. That your respondents deny each and every allegation contained in paragraph 6 of said bill of complaint, insofar as said paragraph 6 refers to the lands described as Tract "1";

WHEREFORE, having answered the bill of complaint heretofore filed in this cause, your Respondents, GEORGE J. DANNE AND MALLIE B. EBERLEIN DANNE, pray that they be permitted to go hence with their costs.

filed July 8, 1957
Alice J. Luck
register

J. A. Madbury
SOLICITOR FOR RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 4035

JOHN P. PIERCE, MARIE W.
PIERCE AND WILLIAM PIERCE,
Complainants,

VS.

GEORGE J. DANNE AND MALLIE
B. EBERLEIN DANNE, et al.,
Respondents.

ANSWER:

FILED

JUL 8 1957

ALICE J. DUCK, Register

THE STATE OF ALABAMA,
Baldwin County

No. 4035 Circuit Court, In Equity.

John P. Pierce, Marie W. Pierce and William Pierce Complainant S.

Vs.

Mack H. Pierce and Donald Pierce, Jr., et al Defendant S.

Motion is hereby made for a Decree Pro Confesso against George J. Danne, Mollie B. Danne, Oberlein Danne, Rosa Pierce Danne, Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, also known as Joseph Calloway, Joseph Roland Dorrough, Miriam Bosarge and Mary Nelson Defendant S.

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant ...; and that said summons was duly served according to law, and that said Defendant ... have failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 2nd day of October 1957
before me
by F. B. Swearingen

Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, In Equity

Vs.

Motion for Decree Pro Confesso on
Personal Service

Filed 10-2 1957

Archie J. French
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

CIRCUIT COURT COMPLAINT

Printed By Baldwin Times, Bay Minette, Ala.

John P. Pierce, et al
Complainant,
Vs.
Wack H. Pierce, et al
Respondent.

In the Circuit Court.
In Equity No. 4035.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent S
George J. Danne, Mollie B. Eberlein Danne, Rosa Pierce Danne,
Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, also known as
Joseph Calloway, Joseph Roland Dorough, Miriam Bosarge and Mary
Nelson, more than 30 days prior to this date,
by the Sheriff of _____ County, on the _____ day of _____,

194_____.

And it further appears to the Register, that the said George J. Danne, Mollie
B. Eberlein Danne, Rosa Pierce Danne, Allen C. Pierce, Adrian
F. Pierce, Joseph Fuller, also known as Joseph Calloway, Joseph
Roland Dorough, Miriam Bosarge and Mary Nelson.

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

This 2nd day of Oct, 1957.

W. J. ...
Register.

No. _____

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

Complainant,

Vs.

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this 7 day of Oct,
1957.

Alice J. ...
Register.

JOHN P. PIERCE, MARIE W. PIERCE
AND WILLIAM PIERCE

PETITIONERS

VS

MACK H. PIERCE, GEORGE J. DANNE,
MALLIE B. EBERLEIN DANNE, ROSA
PIERCE DANNE, ALLEN C. PIERCE,
ADRIAN F. PIERCE, JOSEPH FULLER,
ALSO KNOWN AS JOSEPH CALLOWAY,
JOSEPH ROLAND DORROUGH, MIRIAM
BOSARGE, MARY NELSON, DONALD
PIERCE, JR., NORMAN L. PIERCE
JUANITA PIERCE BEMIS, FRANCIS
CALLOWAY NELSON AND J. V.
DORROUGH, JR.,
DEFENDANTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

THIS STIPULATION AND AGREEMENT made and entered into by and between Beebe & Swearingen, by F. G. Swearingen, Solicitors of record for the Petitioners in the above styled cause, and Telfair J. Mashburn, Solicitor of record for George J. Danne and Mallie B. Eberlein Danne, two of the Respondents in the above styled cause, on this the 26th day of September, 1957;

WITNESSETH, THAT WHEREAS, on the 16th day of May, 1957, the complainants in the above styled cause did file in the Circuit Court of Baldwin County, Alabama, in Equity, their petition praying a sale and division of the proceeds between the joint owners of the lands described in said petition;

AND WHEREAS, on the 18th day of July, 1957, Telfair J. Mashburn, Solicitor of record for the said George J. Danne and Mallie B. Eberlein Danne, did file his answer and cross bill to the said complaint, setting out therein that Rosa Pierce Danne held a tax title against said lands derived by deed from Tilford Blackmon and wife Vencil Blackmon, and William J. Watson and wife Georgia M. Watson, dated July 11, 1952, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 184 at pages 128-9, and by said Rosa Pierce Danne conveyed to George J. Danne and Mallie B. Eberlein Danne, by deed dated October 23, 1952, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 187 at page 287;

AND WHEREAS the said George J. Danne and Mallie B. Eberlein Danne have paid out the sum of \$400.00 for said tax deed and subsequent taxes on said lands;

NOW THEREFORE, it is agreed by and between the said Solicitors of record that the said amount of \$400.00 so expended by the said George J. Danne and Mallie B. Eberlein Danne shall and will be paid to them from the proceeds of the sale of the said property before any distribution of said proceeds, and that in consideration therefor, the said George J. Danne and Mallie B. Eberlein Danne will, and do hereby through their said Solicitor of record, Telfair J. Mashburn, withdraw the cross bill and answer as above set forth and consent and agree that an order and decree of sale of said lands be entered forthwith.

Done this the day and year first above written.

Beebe & Swearingen

By F. G. Swearingen
Solicitors of Record for Petitioners

Telfair J. Mashburn
Solicitor of Record for George J. Danne
and Mallie B. Eberlein Danne, Respon-
dents

filed
sept. 27, 1957
Alice J. Shuck
register

JOHN P. PIERCE, et al		IN THE CIRCUIT COURT OF
PETITIONERS		
VS		BALDWIN COUNTY, ALABAMA,
MACK H. PIERCE, et al		
DEFENDANTS		IN EQUITY

TO: Wilson Hayes, guardian ad litem, for Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrrough, Jr., minors, and to Telfair J. Mashburn, Jr., attorney for George J. Danne, Mallie B. Eberlein Danne, and Rosa Pierce Danne.

Notice is hereby given that the complainants in the above styled cause have this day made application for the oral examination of John P. Pierce, William Pierce and Marie W. Pierce, witnesses for the complainants in the above styled cause and have suggested Madeline S. Bryars as a suitable person to act as commissioner in the taking of the deposition of the said witnesses.

Witness this the 2nd day of November, 1957.

filed - 11-2-57
Alice J. Duck
 Register

Beebe & Swearingen
 By *F. E. Swearingen*
 Solicitors for complainants

Alice J. Duck
 Register

Notice and copy of the foregoing notice was received by me this 2nd day of November, 1957.

Wilson Hayes
 Wilson Hayes, Guardian Ad Litem
Telfair J. Mashburn, Jr.
 Solicitor for George J. Danne
 and Mallie B. Eberlein
 Danne

4035

John P. Pierce & William Pierce,
Complainants

vs
Mark H. Pierce & George J. Darnie,
et al

Respondents

Notes of application for
oral examination -

Filed 11-2-57
Beicef. n. n. n.
Regatta

JOHN P. PIERCE, et al	(IN THE CIRCUIT COURT OF
Petitioners)	
vs	(BALDWIN COUNTY, ALABAMA,
MACK H. PIERCE, et al)	
Defendants)	IN EQUITY

To Wilson Hayes, guardian ad litem, for Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorough, Jr., minors, and to Telfair J. Mashburn, Jr., attorney for George J. Danne, Mallie B. Eberlein Danne and Rosa Pierce Danne.

Notice is hereby given that the testimony of John P. Pierce, William Pierce and Marie W. Pierce, witnesses for the petitioners in the above styled cause will be taken orally before Madeline S. Bryars, commissioner, heretofore duly appointed, at the office of Beebe & Swearingen, attorneys for the petitioners, at 9:00 o'clock A.M. on the 9th day of November, 1957.

This the 6 day of November, 1957.

Madeline S. Bryars
Commissioner

Beebe & Swearingen

By W. C. Beebe
Solicitors for petitioners

I hereby accept service of a copy of the above notice on this the 6 day of Nov. 1957.

Telfair J. Mashburn, Jr.

I hereby accepted service of a copy of the above notice on this the 6th day of Nov, 1957

Wilson Hayes
Guardian ad litem

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT, IN EQUITY

No. 4035 _____, Term, 19____

John P. Pierce, Lucile W. Pierce and William Pierce Complainant 3

Vs.

Jack E. Pierce, Donald Pierce, Jr., et al. Defendant 3

Motion is hereby made for a Decree Pro Confesso against _____

_____ Defendant _____

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 2nd day of October, 1957.

746 Code

Becker & Smearing
by J. B. Smearing Solicitor.

No. _____ Page _____

**THE STATE OF ALABAMA
BALDWIN COUNTY**

CIRCUIT COURT, IN EQUITY

Complainant _____

Vs.

Defendant _____

**Motion for Decree Pro Confesso
On Publication**

Filed 10-2, 1957

Archie J. Stewart
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 4035, Term, 1957

William P. Pierce, Denis W. Pierce and William Pierce Complainant s
Vs.

Mack H. Pierce, Donald Pierce, Jr., et al. Defendant s

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 20th day of June, 1957, in the Baldwin Times a newspaper published in Baldwin, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 20th day of June 1957 and

And it now further appearing to the Register Alice J. Duck, that the said Mack H. Pierce

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant s, ordered and decreed by the Register Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Mack H. Pierce

This 2nd day of Oct 1957
Alice J. Duck Register.

037

No. _____

Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Vs.

Decree Pro Confesso of Publication

Issued

10 - 2

1957

Archie J. ...
Register.

Recorded in _____

Record

Vol. _____

Page _____

Register.

NOTICE OF SALE OF LANDS
FOR DIVISION

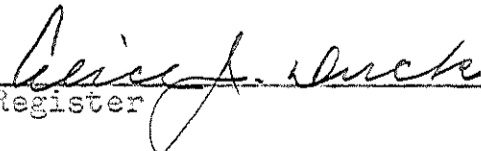
Notice is hereby given that under and by virtue of an order of the Honorable H. M. Hall, judge of the Circuit Court in equity, rendered on the 19th day of November, 1957, in cause number 4035 pending in said Court wherein John P. Pierce et al are complainants and Mack H. Pierce et al are defendants, the undersigned, Register of the Circuit Court of Baldwin County, Alabama, will sell at public outcry, for cash, during the legal hours of sale in front of the courthouse door of Baldwin County, Alabama, on the 23rd day of December, 1957, the following described lands situated in the County of Baldwin, State of Alabama, to-wit:

Tract 1: The Northwest quarter of the Northeast quarter; the South half of the Southwest quarter of the Northeast quarter; the North half of the Northwest quarter of the Southeast quarter; the North half of the North half of the Southwest quarter of the Southeast quarter; the North half of the Southeast quarter of the Southeast quarter; the North half of the Northeast quarter of the Southeast quarter; the South eight acres of the Southeast quarter of the Northeast quarter, all in Section 7, Township 7 South, Range 2 East; the North half of the Northwest quarter of the Southwest quarter of Section 8, Township 7 South, Range 2 East; containing in all 158 acres, more or less;

Tract 2: Commencing at the center of fractional Section 7, Township 7 South, Range 2 East, and run thence South 200 feet to a point, which is the place of beginning of the lot herein described; run thence South along the half-section line of said Section 7, 34 feet; run thence West and parallel with the East and West half-section line 1025 feet more or less to the Eastern Shore of Mobile Bay; run thence Northwardly along the Eastern Shore of Mobile Bay 34 feet more or less to a point 200 feet due South of the East and West half-section line; run thence East and parallel with the East and West half-section line 1025 feet more or less to the point of beginning, in the Southwest quarter of Fractional Section 7, Township 7 South, Range 2 East;

such sale is made for the division of proceeds among the owners thereof, and subject to confirmation of the court.

This the 19th day of November, 1957.


Register

JOHN P. PIERCE, MARIE W.
PIERCE AND WILLIAM PIERCE
PETITIONERS

VS

MACK H. PIERCE, GEORGE J.
DANNE, MALLIE B. EBBELEIN
DANNE, ROSA PIERCE DANNE,
ALLEN C. PIERCE, ADRIAN F.
PIERCE, JOSEPH FULLER, ALSO
KNOWN AS JOSEPH CALLOWAY,
JOSEPH ROLAND DORROUGH, MIRIAM
BOSARGE, MARY NELSON, DONALD
PIERCE, JR., NORMAN L. PIERCE,
JUANITA PIERCE BEMIS, FRANCIS
CALLOWAY NELSON AND J. V.
DORROUGH, JR.,
DEFENDANTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Under and by virtue of an order of the Honorable Hubert
M. Hall, Judge of the Circuit Court of Baldwin County, rendered
in the above styled cause on the 2 day of Oct, 1957,
you are hereby appointed as guardian ad litem for and to represent
Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis
Calloway Nelson and J. V. Dorrough, Jr., minor defendants in the
above styled cause.

Witness, this the 8 day of Oct, 1957.

Alvin J. Houch
Register.

I hereby accept the foregoing appointment as guardian ad
litem for Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis,
Francis Calloway Nelson and J. V. Dorrough, Jr., minor defendants
in the above styled cause, and do hereby file this denial of the
allegations made in the bill of complaint in the said cause and
demand strict proof of the same.

This the 8 day of Oct, 1957.

Will Hays
Guardian Ad Litem.

JOHN P. PIERCE, et al		IN THE CIRCUIT COURT OF
Complainants		BALDWIN COUNTY, ALABAMA
vs		
MACK H. PIERCE, et al		IN EQUITY
Defendants		NO. 4035

This cause is submitted for decree upon the following: the original bill of complaint; decree pro confesso against Rosa Pierce, Danne, Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, also known as Joseph Calloway, Joseph Roland Dorrough, Miriam Bosarge, Mary Nelson and Mack H. Pierce; appointment, acceptance and answer of guardian ad litem; answer of George J. Danne and Mallie B. Eberlein Danne; stipulation and agreement dated September 26, 1957, signed by Beebe & Swearingen on behalf of complainants and Telfair J. Mashburn, Jr., on behalf of George J. Danne and Mallie B. Eberlein Danne; deposition of witness William Pierce; deposition of witness John F. Pierce; "exhibit one", conveyance of Thomas Passos and Emily Passos to John Pierce, Jr. dated December 9, 1875 and recorded in Deed Book "L", pages 730-1; "exhibit two", conveyance of Joseph Pierce and Annie Pierce to John Pierce and Molly L. Pierce, dated March 16, 1897 and recorded in the office of the Judge of Probate of Baldwin County in Deed Book "W", pages 423-5; "exhibit three" conveyance of Robert J. Pierce to Hubert M. Hall dated November 20, 1935 and recorded in Deed Book 63 NS, page 190; "exhibit four", conveyance of Hubert M. Hall to John Paul Pierce dated July 30, 1955 and recorded in Deed Book 226, page 568; "exhibit five", conveyance of Jesse Pierce to John P. Pierce and Marie W. Pierce dated May 9, 1955 and recorded in Deed Book 226, page 556; "exhibit six", conveyance of Anno J. Heles to John P. Pierce and Marie W. Pierce, dated December 3, 1955 and recorded in Deed Book 242, page 394; "Exhibit seven", conveyance of John Paul Pierce to Marie W. Pierce dated May 11, 1957 and recorded in Deed Book 252, pages 322-3; "exhibit eight", conveyance of Mrs. Anno J. Heles to John P. Pierce and Marie W. Pierce dated October 16, 1954 and recorded in Deed Book 226, page 562; "exhibit nine", conveyance of Rosa Pierce

Danne to George J. Danne and Mallie B. Eberlein Danne dated October 23, 1952 and recorded in Deed Book 187, page 287.

BEEBE & SWEARINGEN

By F. B. Swearingen
Attorneys for complainants

Julian J. Madhury, Jr.
Attorney for defendants, George J. Danne and Mallie B. Eberlein Danne.

W. H. Hagen
Guardian ad litem

Oliver J. Wuck
Register

filed Nov. 19, 1957

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon Mack H. Pierce, George J. Danne, Mallie B. Eberlein Danne, Rosa Pierce Danne, Donald Pierce, Jr., Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce, Juanita Pierce Bemis, Joseph Fuller, Francis Calloway Nelson, J. V. Dorrough, Jr., Joseph Roland Dorrough, Miriam Bosarge, Mary Nelson, Kathryn Pierce, as the mother and custodian of Donald Pierce, Jr., a minor three years of age, Emma Pierce, as adult resident next of kin of Donald Pierce, Jr., a minor three years of age, and as the mother and adult resident next of kin of Norman L. Pierce, a minor nineteen years of age and as the mother and adult resident next of kin of Juanita Pierce Bemis, a married minor seventeen years of age, Joseph Fuller, as the brother and adult resident next of kin of Francis Calloway Nelson, a minor sixteen years of age and Joseph Roland Dorrough, as the uncle and adult resident next of kin of J. V. Dorrough, Jr., a minor sixteen years of age, to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County, Equity Side, then and there to plead, answer or demur to the Bill of Complaint filed against them by John P. Pierce, Marie W. Pierce and William Pierce.

Witness my hand this 16th day of May, 1957.

Alvin J. Neuse
Register

JOHN P. PIERCE, MARIE W. PIERCE
AND WILLIAM PIERCE,
PETITIONERS

VS

MACK H. PIERCE, GEORGE J. DANNE,
MALLIE B. EBHRLIN DANNE, ROSA
PIERCE DANNE, ALLEN C. PIERCE,
ADRIAN F. PIERCE, JOSEPH FULLER,
JOSEPH ROLAND DORROUGH, MIRIAM
BOSARGE, MARY NELSON, DONALD
PIERCE, JR., NORMAN L. PIERCE,
JUANITA PIERCE BEMIS, FRANCIS
CALLOWAY NELSON AND J. V. DORROUGH, JR.,
DEFENDANTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

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

Come your petitioners, John P. Pierce, Marie W. Pierce and William Pierce and humbly complaining against Mack H. Pierce, George J. Danne, Mallie B. Eberlein Danne, Rosa Pierce Danne, Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, Joseph Roland Dorrough, Miriam Bosarge, Mary Nelson, Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrough, Jr., respectfully represent unto your Honor as follows:

1. That they are each over the age of twenty-one years and are residents of the State of Alabama; that John P. Pierce and Marie W. Pierce reside in Mobile, Alabama, and their Post Office address is Route No. 2, Box 336, Mobile, Alabama; that William Pierce resides in Fairhope, Alabama, and his Post Office address is Box 243-A, Fairhope, Alabama; that the defendants, Mack H. Pierce, George J. Danne, Mallie

3. Eberlein Danne, Rosa Pierce Danne, Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, Joseph Roland Dorrrough, Miriam Bosarge and Mary Nelson are each over the age of twenty-one years and their places of residence and Post Office addresses are as follows:

Mack H. Pierce, whose last known address was Box 1015, Midwest, Wyoming,
George J. Danne, 2160 Wagner, Mobile, Alabama
Mallie B. Eberlein Danne, 2160 Wagner, Mobile, Alabama
Rosa Pierce Danne, RFD 3, Fairhope, Alabama
Allen C. Pierce, Route No. 3, Foley, Alabama
Adrian F. Pierce, Route No. 3, Foley, Alabama
Joseph Fuller, Daphne, Alabama
Joseph Roland Dorrrough, Bayou LaBatre, Alabama
Miriam Bosarge, Bayou LaBatre, Alabama
Mary Nelson, Bayou LaBatre, Alabama;

that Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrrough, Jr., are each under the age of twenty-one years and their places of residence and Post Office addresses are as follows:

Donald Pierce, Jr., 15876 Lawton Drive, Detroit, Michigan, a minor 3 years of age, whose adult resident next of kin is Emma Pierce, Route No. 3, Foley, Alabama, and whose mother and custodian is Kathryn Pierce, 15876 Lawton Drive, Detroit, Michigan; Norman L. Pierce, Route No. 3, Foley, Alabama, a minor 19 years of age, whose adult resident next of kin and custodian is his mother, Emma Pierce, Route No. 3, Foley, Alabama; Juanita Pierce Bemis, Route No. 3, Foley, Alabama, a married minor 17 years of age, whose adult resident next of kin is her mother, Emma Pierce, Route No. 3, Foley, Alabama; Francis Calloway Nelson, 956 South Warren Street, Mobile, Alabama, a minor 16 years of age, whose adult resident next of kin is his brother, Joseph Fuller, Daphne, Alabama; J. V. Dorrrough, Jr., Bayou LaBatre, Alabama, a minor 16 years of age, whose adult resident next of kin is his uncle, Joseph Roland Dorrrough, Bayou LaBatre, Alabama;

2. That your petitioners and the defendants are tenants in common of the following described real property situated in Baldwin County, Alabama, to-wit:

Tract 1: The Northwest quarter of the Northeast quarter; the South half of the Southwest quarter of the Northeast quarter; the North half of the Northwest quarter of the Southeast quarter; the North half of the North half of the Southwest quarter of the Southeast quarter; the North half of the Southeast quarter of the Southeast quarter; the North half of the Northeast quarter of the Southeast quarter; the South eight acres of the Southeast quarter of the Northeast quarter, all in Section 7, Township 7 South, Range 2 East; the North half of the Northwest quarter of the Southwest quarter of Section 8, Township 7 South, Range 2 East; containing in all 158 acres, more or less;

Tract 2: Commencing at the center of fractional Section 7, Township 7 South, Range 2 East, and run thence South 200 feet to a point, which is the place of beginning of the lot herein described; run thence South along the half-section line of said Section 7, 34 feet; run thence West and parallel with the East and West half-section line 1025 feet more or less to the Eastern Shore of Mobile Bay; run thence Northwardly along the Eastern Shore of Mobile Bay 34 feet more or less to a point 200 feet due South of the East and West half-section line; run thence East and parallel with the East and West half-section

line 1021 feet more or less to the point of the 1881 map, in the Southwest quarter of Fractional Section 7, Township 7 South, Range 2 East:

3. That John Pierce, who died in 1918, owned the above described Tract 1 during his lifetime; that his widow, Molly L. Pierce, died in 1931; that the said John Pierce was the father of Burton Pierce, Emma Pierce, Walter Pierce, John Pierce, Jr., William Pierce, Josephine Pierce Heles, Jesse Pierce, Herbert Pierce, Robert Pierce, Rosa Pierce Danne, Mack Pierce and Joseph Pierce; that Burton Pierce, Emma Pierce, Walter Pierce and John Pierce, Jr., are all deceased, having left no children and no widows or widowers; that the said William Pierce owns an undivided 1/8th interest in the above described Tract 1, the same having been acquired by him as one of the sons of John Pierce, deceased; that Josephine Pierce Heles, Jesse Pierce, Herbert Pierce and Robert Pierce each acquired an undivided 1/8th interest in the above described Tract 1 as four of the children of John Pierce, deceased, which said interests they have each conveyed by deed to John P. Pierce and Marie W. Pierce, two of your petitioners, giving them, the said John P. Pierce and Marie W. Pierce, an undivided 1/4th interest each; that Rosa Pierce Danne owned an undivided 1/8th interest in the above described Tract 1 acquired by her as one of the daughters of John Pierce, deceased, which said interest she has conveyed by deed to George J. Danne and Mallie B. Eberlein Danne, two of the defendants; that Mack Pierce, one of the children of John Pierce, deceased, is deceased, having left one child, Donald Pierce, who is also deceased, having left one child, Donald Pierce, Jr., who owns an undivided 1/8th interest in the above described Tract 1 acquired by him as a great grandson of the said John Pierce, deceased; that Joseph Pierce, deceased, owned an undivided 1/8th interest in the said above described Tract 1, which interest was acquired by him as a son of John Pierce, deceased; that the said Joseph Pierce left surviving him the following heirs with their respective proportionate parts of his said 1/8th interest as follows: Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce and Juanita Pierce Bemis, each owning an undivided 1/128th interest in the above described Tract 1 as the children of Allen Pierce, deceased, a son of the said Joseph Pierce, deceased; Joseph Fuller and Francis Calloway Nelson each owning an undivided 1/64th interest in the above described Tract 1, as the children of Frances Pierce Calloway, deceased, a daughter of the said

Joseph Pierce, deceased; J. V. Dorrrough, Jr., Joseph Roland Dorrrough and Miriam Bosarge each owning an undivided 1/96th interest in the above described Tract 1 as the children of Hettie Pierce Dorrrough, deceased, a daughter of the said Joseph Pierce, deceased, and Mary Pierce Nelson owning an undivided 1/32nd interest in the above described Tract 1 as a daughter of Joseph Pierce, deceased; that all of the interests as above set out more specifically appear as follows:

William Pierce	1/8
John P. Pierce	1/4
Marie W. Pierce	1/4
George J. Danne	1/16
Mallie B. Wberlein Danne	1/16
Donald Pierce, Jr.	1/8
Allen C. Pierce	1/128
Adrian F. Pierce	1/128
Norman L. Pierce	1/128
Juanita Pierce Bemis	1/128
Joseph Fuller	1/64
Francis Calloway Nelson	1/64
J. V. Dorrrough, Jr.	1/96
Joseph Roland Dorrrough	1/96
Miriam Bosarge	1/96
Mary Nelson	1/32

That defendant Mack H. Pierce has no interest in Tract 1;

That John Pierce, who died in 1918, owned the above described Tract 2 during his lifetime; that his widow, Molly L. Pierce, died in 1931; that the said John Pierce was the father of Burton Pierce, Emma Pierce, Walter Pierce, John Pierce, Jr., William Pierce, Josephine Pierce Heles, Jesse Pierce, Herbert Pierce, Robert Pierce, Rosa Pierce Danne, Mack Pierce and Joseph Pierce; that Burton Pierce, Emma Pierce, Walter Pierce and John Pierce, Jr., are all deceased, having left no children and no widows or widowers; that the said William Pierce owns an undivided 1/8th interest in the above described Tract 2, the same having been acquired by him as one of the sons of John Pierce, deceased; that Jesse Pierce, who owned an undivided 1/8th interest in the above described Tract 2, as one of the sons of John Pierce, deceased, died intestate, leaving surviving him his children, petitioner John P. Pierce and defendant Mack H. Pierce, each of whom thereby acquired an undivided 1/16th interest in the above described Tract 2; that Josephine Pierce Heles, Herbert Pierce and Robert Pierce each acquired an undivided 1/8th interest in the above described Tract 2 as three of the children of John Pierce, deceased, which said interests they have each conveyed by deed to John P. Pierce and Marie W. Pierce, two of your petitioners, giving them, the said John P. Pierce and Marie W. Pierce, each an undivided 3/16ths interest by purchase, and giving the said John P. Pierce an undivided 1/4th interest through both purchase and inheritance, the

said Marie W. Pierce an undivided 3/16ths interest by purchase, and the said Mack H. Pierce an undivided 1/16th interest by inheritance; that Rosa Pierce Danne owns an undivided 1/8th interest in the above described Tract 2 acquired by her as one of the daughters of John Pierce, deceased; that Mack Pierce, one of the children of John Pierce, deceased, is deceased, having left one child, Donald Pierce, who is also deceased, having left one child, Donald Pierce, Jr., who owns an undivided 1/8th interest in the above described Tract 2 acquired by him as a great grandson of the said John Pierce, deceased; that Joseph Pierce, deceased, owned an undivided 1/8th interest in the said above described Tract 2, which interest was acquired by him as a son of John Pierce, deceased; that the said Joseph Pierce left surviving him the following heirs with their respective proportionate parts of his said 1/8th interest as follows: Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce and Juanita Pierce Bemis, each owning an undivided 1/128th interest in the above described Tract 2 as the children of Allen Pierce, deceased, a son of the said Joseph Pierce, deceased; Joseph Fuller and Francis Calloway Nelson each owning an undivided 1/64th interest in the above described Tract 2, as the children of Frances Pierce Calloway, deceased, a daughter of the said Joseph Pierce, deceased; J. V. Dorrrough, Jr., Joseph Roland Dorrrough and Miriam Bosarge each owning an undivided 1/96th interest in the above described Tract 2 as the children of Hettie Pierce Dorrrough, deceased, a daughter of the said Joseph Pierce, deceased, and Mary Pierce Nelson owning an undivided 1/32nd interest in the above described Tract 2 as a daughter of Joseph Pierce, deceased; that all of the interests as above set out more specifically appear as follows:

William Pierce	1/8
John P. Pierce	1/4
Marie W. Pierce	3/16
Mack H. Pierce	1/16
Rosa Pierce Danne	1/8
Donald Pierce, Jr.	1/8
Allen C. Pierce	1/128
Adrian F. Pierce	1/128

Norman L. Pierce	1/128
Juanita Pierce Bemis	1/128
Joseph Fuller	1/84
Francis Calloway Nelson	1/84
J. V. Dorrrough, Jr.	1/96
Joseph Roland Dorrrough	1/96
Miriam Sosarge	1/96
Mary Nelson	1/32

That defendants George J. Danne and Mallie B. Eberlein Danne have no interest in tract 2:

4. That because of the large number of owners and because of the difference of the character and value of the several portions of the said land and because of the small proportionate interests of some of the owners, the property can not be equitably divided among the said tenants in common without a sale thereof and a division of the proceeds.

5. That it has been necessary for your petitioners to employ counsel in this action and they have employed Beebe & Swearingen of Bay Minette, Alabama, for the purpose of filing this bill to effect a division of the said property among the said tenants in common.

6. That it will be to the best interest of all parties to this cause that an abstract of title be made to the above described property, in order that said abstract can be examined by prospective purchasers prior to a sale thereof, the cost of which said abstract should be taxed as a part of the costs of this proceeding.

PRAYER FOR PROCESS

WHEREFORE, your petitioners pray that this Honorable Court will take jurisdiction of the cause, made by this bill of complaint, and by appropriate process make the said Mack H. Pierce, George J. Danne, Mallie B. Eberlein Danne, Rosa Pierce Danne, Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, Joseph Roland Dorrrough, Miriam Sosarge, Mary Nelson, Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrrough, Jr., parties defendant to this bill of complaint, and by appropriate process require them, and each of them separately and severally, to plead, answer or demur to the same within the time and under the pains and penalties

prescribed by law and the practice of this Honorable Court, and that a guardian ad litem be appointed to represent the interests of the said Donald Pierce, Jr., aged three, Norman L. Pierce, aged nineteen, Juanita Pierce Bemis, married but aged seventeen, Francis Calloway Nelson, aged sixteen, and J. V. Dorrrough, Jr., aged sixteen, and that such process be served on such persons as this court shall direct on behalf of said minors that their interests may be fully and in all things protected.

PRAYER FOR RELIEF

Your petitioners further pray for the following separate and several aspects of relief:

1. That the above described property be ordered sold in the manner prescribed by law for a division among the said tenants in common.
2. That the Register of this court be authorized and empowered to have a complete abstract of title, covering the above described property, made for examination by prospective purchasers and that the costs of such abstract be taxed as a part of the costs in this proceeding.
3. That this court will make and enter a proper order or decree fixing the solicitor's fee to be paid to your petitioners' solicitors, making it a common charge against the proceeds of the sale of the said property.
4. That such further orders be made and decrees entered as may be mete and proper in the premises.

BEEBE & SWEARINGEN

By F. G. Swearingen
Solicitors for Complainants

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Madeline S. Bryars, a Notary Public in and for said State and County, personally appeared F. G. Swearingen, whose name is signed to the foregoing bill of complaint as solicitor for petitioners and who is known to me and who by me first duly sworn deposes and says: that he is informed and believes and upon such information and belief avers that allegations in the bill of complaint are true and correct; further deponent saith not.

F. G. Swearingen

Sworn to and subscribed before me this 16th day of May, 1957.

Madeline S. Bryars
Notary Public, Baldwin County, Alabama.

Kathryn Pierce
15876 Lawton Drive
Detroit, Michigan for
Donald Pierce, Jr.
(Registered Mail)

FILED

MAY 16 1957

ALICE J. BOCK, Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon Mack H. Pierce, George J. Danne, Mallie B. Eberlein Danne, Rosa Pierce Danne, Donald Pierce, Jr., Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce, Juanita Pierce Bemis, Joseph Fuller, Francis Calloway Nelson, J. V. Dorrough, Jr., Joseph Roland Dorrough, Miriam Bosarge, Mary Nelson, Kathryn Pierce, as the mother and custodian of Donald Pierce, Jr., a minor three years of age, Emma Pierce, as adult resident next of kin of Donald Pierce, Jr., a minor three years of age, and as the mother and adult resident next of kin of Norman L. Pierce, a minor nineteen years of age and as the mother and adult resident next of kin of Juanita Pierce Bemis, a married minor seventeen years of age, Joseph Fuller, as the brother and adult resident next of kin of Francis Calloway Nelson, a minor sixteen years of age and Joseph Roland Dorrough, as the uncle and adult resident next of kin of J. V. Dorrough, Jr., a minor sixteen years of age, to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County, Equity Side, then and there to plead, answer or demur to the Bill of Complaint filed against them by John P. Pierce, Marie W. Pierce and William Pierce.

Witness my hand this 16th day of May, 1957.

Quinn J. ...
Register.

JOHN P. PIERCE, MARIE W. PIERCE
AND WILLIAM PIERCE,
PETITIONERS

VS

MACK H. PIERCE, GEORGE J. DANNE,
MALLIE B. EBERLEIN DANNE, ROSA
PIERCE DANNE, ALLEN C. PIERCE,
ADRIAN F. PIERCE, JOSEPH FULLER,
JOSEPH ROLAND DORROUGH, MIRIAM
BOSARGE, MARY NELSON, DONALD
PIERCE, JR., NORMAN L. PIERCE,
JUANITA PIERCE BEMIS, FRANCIS
CALLOWAY NELSON AND J. V. DORROUGH, JR.,
DEFENDANTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

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

Come your petitioners, John P. Pierce, Marie W. Pierce and William Pierce and humbly complaining against Mack H. Pierce, George J. Danne, Mallie B. Eberlein Danne, Rosa Pierce Danne, Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, Joseph Roland Dorrough, Miriam Bosarge, Mary Nelson, Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrough, Jr., respectfully represent unto your Honor as follows:

1. That they are each over the age of twenty-one years and are residents of the State of Alabama; that John P. Pierce and Marie W. Pierce reside in Mobile, Alabama, and their Post Office address is Route No. 2, Box 336, Mobile, Alabama; that William Pierce resides in Fairhope, Alabama, and his Post Office address is Box 243-A, Fairhope, Alabama; that the defendants, Mack H. Pierce, George J. Danne, Mallie

B. Eberlein Danne, Rosa Pierce Danne, Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, Joseph Roland Dorrough, Miriam Bosarge and Mary Nelson are each over the age of twenty-one years and their places

of residence and Post Office addresses are as follows:

Mack H. Pierce, whose last known address was Box 1015, Midwest, Wyoming,
George J. Danne, 2160 Wagner, Mobile, Alabama
Mallie B. Eberlein Danne, 2160 Wagner, Mobile, Alabama
Rosa Pierce Danne, RFD 3, Fairhope, Alabama
Allen C. Pierce, Route No. 3, Foley, Alabama
Adrian F. Pierce, Route No. 3, Foley, Alabama
Joseph Fuller, Daphne, Alabama
Joseph Roland Dorrough, Bayou LaBatre, Alabama
Miriam Bosarge, Bayou LaBatre, Alabama
Mary Nelson, Bayou LaBatre, Alabama;

that Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrough, Jr., are each under the age of twenty-one years and their places of residence and Post Office addresses are as follows:

Donald Pierce, Jr., 15876 Lawton Drive, Detroit, Michigan, a minor 3 years of age, whose adult resident next of kin is Emma Pierce, Route No. 3, Foley, Alabama, and whose mother and custodian is Kathryn Pierce, 15876 Lawton Drive, Detroit, Michigan; Norman L. Pierce, Route No. 3, Foley, Alabama, a minor 19 years of age, whose adult resident next of kin and custodian is his mother, Emma Pierce, Route No. 3, Foley, Alabama; Juanita Pierce Bemis, Route No. 3, Foley, Alabama, a married minor 17 years of age, whose adult resident next of kin is her mother, Emma Pierce, Route No. 3, Foley, Alabama; Francis Calloway Nelson, 956 South Warren Street, Mobile, Alabama, a minor 16 years of age, whose adult resident next of kin is his brother, Joseph Fuller, Daphne, Alabama; J. V. Dorrough, Jr., Bayou LaBatre, Alabama, a minor 16 years of age, whose adult resident next of kin is his uncle, Joseph Roland Dorrough, Bayou LaBatre, Alabama;

2. That your petitioners and the defendants are tenants in common of the following described real property situated in Baldwin County, Alabama, to-wit:

Tract 1: The Northwest quarter of the Northeast quarter; the South half of the Southwest quarter of the Northeast quarter; the North half of the Northwest quarter of the Southeast quarter; the North half of the North half of the Southwest quarter of the Southeast quarter; the North half of the Southeast quarter of the Southeast quarter; the North half of the Northeast quarter of the Southeast quarter; the South eight acres of the Southeast quarter of the Northeast quarter, all in Section 7, Township 7 South, Range 2 East; the North half of the Northwest quarter of the Southwest quarter of Section 8, Township 7 South, Range 2 East; containing in all 158 acres, more or less;

Tract 2: Commencing at the center of fractional Section 7, Township 7 South, Range 2 East, and run thence South 200 feet to a point, which is the place of beginning of the lot herein described; run thence South along the half-section line of said Section 7, 34 feet; run thence West and parallel with the East and West half-section line 1025 feet more or less to the Eastern Shore of Mobile Bay; run thence Northwardly along the Eastern Shore of Mobile Bay 34 feet more or less to a point 200 feet due South of the East and West half-section line; run thence East and parallel with the East and West half-section

line 1025 feet more or less to the point of beginning, in the Southwest quarter of Fractional Section 7, Township 7 South, Range 2 East;

3. That John Pierce, who died in 1918, owned the above described Tract 1 during his lifetime; that his widow, Molly L. Pierce, died in 1931; that the said John Pierce was the father of Burton Pierce, Emma Pierce, Walter Pierce, John Pierce, Jr., William Pierce, Josephine Pierce Heles, Jesse Pierce, Herbert Pierce, Robert Pierce, Rosa Pierce Danne, Mack Pierce and Joseph Pierce; that Burton Pierce, Emma Pierce, Walter Pierce and John Pierce, Jr., are all deceased, having left no children and no widows or widowers; that the said William Pierce owns an undivided $1/8$ th interest in the above described Tract 1, the same having been acquired by him as one of the sons of John Pierce, deceased; that Josephine Pierce Heles, Jesse Pierce, Herbert Pierce and Robert Pierce each acquired an undivided $1/8$ th interest in the above described Tract 1 as four of the children of John Pierce, deceased, which said interests they have each conveyed by deed to John P. Pierce and Marie W. Pierce, two of your petitioners, giving them, the said John P. Pierce and Marie W. Pierce, an undivided $1/4$ th interest each; that Rosa Pierce Danne owned an undivided $1/8$ th interest in the above described Tract 1 acquired by her as one of the daughters of John Pierce, deceased, which said interest she has conveyed by deed to George J. Danne and Mallie B. Eberlein Danne, two of the defendants; that Mack Pierce, one of the children of John Pierce, deceased, is deceased, having left one child, Donald Pierce, who is also deceased, having left one child, Donald Pierce, Jr., who owns an undivided $1/8$ th interest in the above described Tract 1 acquired by him as a great grandson of the said John Pierce, deceased; that Joseph Pierce, deceased, owned an undivided $1/8$ th interest in the said above described Tract 1, which interest was acquired by him as a son of John Pierce, deceased; that the said Joseph Pierce left surviving him the following heirs with their respective proportionate parts of his said $1/8$ th interest as follows: Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce and Juanita Pierce Bemis, each owning an undivided $1/128$ th interest in the above described Tract 1 as the children of Allen Pierce, deceased, a son of the said Joseph Pierce, deceased; Joseph Fuller and Francis Calloway Nelson each owning an undivided $1/64$ th interest in the above described Tract 1, as the children of Frances Pierce Calloway, deceased, a daughter of the said

Joseph Pierce, deceased; J. V. Dorrrough, Jr., Joseph Roland Dorrrough and Miriam Bosarge each owning an undivided 1/96th interest in the above described Tract 1 as the children of Hettie Pierce Dorrrough, deceased, a daughter of the said Joseph Pierce, deceased, and Mary Pierce Nelson owning an undivided 1/32nd interest in the above described Tract 1 as a daughter of Joseph Pierce, deceased; that all of the interests as above set out more specifically appear as follows:

William Pierce	1/8
John P. Pierce	1/4
Marie W. Pierce	1/4
George J. Danne	1/16
Mallie B. Eberlein Danne	1/16
Donald Pierce, Jr.	1/8
Allen C. Pierce	1/128
Adrian F. Pierce	1/128
Norman L. Pierce	1/128
Juanita Pierce Bemis	1/128
Joseph Fuller	1/64
Francis Calloway Nelson	1/64
J. V. Dorrrough, Jr.	1/96
Joseph Roland Dorrrough	1/96
Miriam Bosarge	1/96
Mary Nelson	1/32

That defendant Mack H. Pierce has no interest in Tract 1;

That John Pierce, who died in 1918, owned the above described Tract 2 during his lifetime; that his widow, Molly L. Pierce, died in 1931; that the said John Pierce was the father of Burton Pierce, Emma Pierce, Walter Pierce, John Pierce, Jr., William Pierce, Josephine Pierce Heles, Jesse Pierce, Herbert Pierce, Robert Pierce, Rosa Pierce Danne, Mack Pierce and Joseph Pierce; that Burton Pierce, Emma Pierce, Walter Pierce and John Pierce, Jr., are all deceased, having left no children and no widows or widowers; that the said William Pierce owns an undivided 1/8th interest in the above described Tract 2, the same having been acquired by him as one of the sons of John Pierce, deceased; that Jesse Pierce, who owned an undivided 1/8th interest in the above described Tract 2, as one of the sons of John Pierce, deceased, died intestate, leaving surviving him his children, petitioner John P. Pierce and defendant Mack H. Pierce, each of whom thereby acquired an undivided 1/16th interest in the above described Tract 2; that Josephine Pierce Heles, Herbert Pierce and Robert Pierce each acquired an undivided 1/8th interest in the above described Tract 2 as three of the children of John Pierce, deceased, which said interests they have each conveyed by deed to John P. Pierce and Marie W. Pierce, two of your petitioners, giving them, the said John P. Pierce and Marie W. Pierce, each an undivided 3/16ths interest by purchase, and giving the said John P. Pierce an undivided 1/4th interest through both purchase and inheritance, the

said Marie W. Pierce an undivided $3/16$ ths interest by purchase, and the said Mack H. Pierce an undivided $1/16$ th interest by inheritance; that Rosa Pierce Danne owns an undivided $1/8$ th interest in the above described Tract 2 acquired by her as one of the daughters of John Pierce, deceased; that Mack Pierce, one of the children of John Pierce, deceased, is deceased, having left one child, Donald Pierce, who is also deceased, having left one child, Donald Pierce, Jr., who owns an undivided $1/8$ th interest in the above described Tract 2 acquired by him as a great grandson of the said John Pierce, deceased; that Joseph Pierce, deceased, owned an undivided $1/8$ th interest in the said above described Tract 2, which interest was acquired by him as a son of John Pierce, deceased; that the said Joseph Pierce left surviving him the following heirs with their respective proportionate parts of his said $1/8$ th interest as follows: Allen C. Pierce, Adrian F. Pierce, Norman L. Pierce and Juanita Pierce Bemis, each owning an undivided $1/128$ th interest in the above described Tract 2 as the children of Allen Pierce, deceased, a son of the said Joseph Pierce, deceased; Joseph Fuller and Francis Calloway Nelson each owning an undivided $1/64$ th interest in the above described Tract 2, as the children of Frances Pierce Calloway, deceased, a daughter of the said Joseph Pierce, deceased; J. V. Dorrrough, Jr., Joseph Roland Dorrrough and Miriam Bosarge each owning an undivided $1/96$ th interest in the above described Tract 2 as the children of Hettie Pierce Dorrrough, deceased, a daughter of the said Joseph Pierce, deceased, and Mary Pierce Nelson owning an undivided $1/32$ nd interest in the above described Tract 2 as a daughter of Joseph Pierce, deceased; that all of the interests as above set out more specifically appear as follows:

William Pierce	$1/8$
John P. Pierce	$1/4$
Marie W. Pierce	$3/16$
Mack H. Pierce	$1/16$
Rosa Pierce Danne	$1/8$
Donald Pierce, Jr.	$1/8$
Allen C. Pierce	$1/128$
Adrian F. Pierce	$1/128$

Norman L. Pierce	1/128
Juanita Pierce Bemis	1/128
Joseph Fuller	1/64
Francis Calloway Nelson	1/64
J. V. Dorrrough, Jr.	1/96
Joseph Roland Dorrrough	1/96
Miriam Bosarge	1/96
Mary Nelson	1/32
That defendants George J. Danne and Mallie B. Eberlein Danne have no interest in Tract 2;	

4. That because of the large number of owners and because of the difference of the character and value of the several portions of the said land and because of the small proportionate interests of some of the owners, the property can not be equitably divided among the said tenants in common without a sale thereof and a division of the proceeds.

5. That it has been necessary for your petitioners to employ counsel in this action and they have employed Beebe & Swearingen of Bay Minette, Alabama, for the purpose of filing this bill to effect a division of the said property among the said tenants in common.

6. That it will be to the best interest of all parties to this cause that an abstract of title be made to the above described property, in order that said abstract can be examined by prospective purchasers prior to a sale thereof, the cost of which said abstract should be taxed as a part of the costs of this proceeding.

PRAYER FOR PROCESS

WHEREFORE, your petitioners pray that this Honorable Court will take jurisdiction of the cause, made by this bill of complaint, and by appropriate process make the said Mack H. Pierce, George J. Danne, Mallie B. Eberlein Danne, Rosa Pierce Danne, Allen C. Pierce, Adrian F. Pierce, Joseph Fuller, Joseph Roland Dorrrough, Miriam Bosarge, Mary Nelson, Donald Pierce, Jr., Norman L. Pierce, Juanita Pierce Bemis, Francis Calloway Nelson and J. V. Dorrrough, Jr., parties defendant to this bill of complaint, and by appropriate process require them, and each of them separately and severally, to plead, answer or demur to the same within the time and under the pains and penalties

prescribed by law and the practice of this Honorable Court, and that a guardian ad litem be appointed to represent the interests of the said Donald Pierce, Jr., aged three, Norman L. Pierce, aged nineteen, Juanita Pierce Bemis, married but aged seventeen, Francis Calloway Nelson, aged sixteen, and J. V. Dorrough, Jr., aged sixteen, and that such process be served on such persons as this court shall direct on behalf of said minors that their interests may be fully and in all things protected.

PRAYER FOR RELIEF

Your petitioners further pray for the following separate and several aspects of relief:

1. That the above described property be ordered sold in the manner prescribed by law for a division among the said tenants in common.
2. That the Register of this court be authorized and empowered to have a complete abstract of title, covering the above described property, made for examination by prospective purchasers and that the costs of such abstract be taxed as a part of the costs in this proceeding.
3. That this court will make and enter a proper order or decree fixing the solicitor's fee to be paid to your petitioners' solicitors, making it a common charge against the proceeds of the sale of the said property.
4. That such further orders be made and decrees entered as may be mete and proper in the premises.

EEEBE & SWARINGEN

By F. G. Swearingen
Solicitors for Complainants

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Madeline S. Bryars, a Notary Public in and for said State and County, personally appeared F. G. Swearingen, whose name is signed to the foregoing bill of complaint as solicitor for petitioners and who is known to me and who by me first duly sworn deposes and says: that he is informed and believes and upon such information and belief avers that allegations in the bill of complaint are true and correct; further deponent saith not.

F. G. Swearingen

Sworn to and subscribed before me this 16 day of May, 1957

Madeline S. Bryars
Notary Public, Baldwin County, Alabama.

4035
Donald Price, Jr.
15876 Lorton Drive
Detroit, Michigan

Filed: May 16, 1957
Richard A. ...
Register

NOTICE TO NON-RESIDENT

JOHN P. PIERCE, MARIE W.
PIERCE AND WILLIAM PIERCE,

PETITIONERS

VS

MACK H. PIERCE, DONALD PIERCE,
JR., et al,

DEFENDANTS

THE STATE OF ALABAMA
BALDWIN COUNTY,
CIRCUIT COURT, IN EQUITY
CASE NO. 4035

This the 16th day of May,
1957.

TO: Mack H. Pierce, Box 1015, Midwest Wyoming and
Donald Pierce, Jr., 15876 Lawton Drive, Detroit,
Michigan.

In this cause it being made to appear to the Register of this Court by the affidavit of F. G. Swearingen, Solicitor for Petitioners, that the Defendants Mack H. Pierce and Donald Pierce, Jr., are non-residents of the State of Alabama; that the last known address of Mack H. Pierce was Box 1015, Midwest Wyoming; that the place of residence and post office address of Donald Pierce, Jr., and of his mother, Kathryn Pierce, in whose custody he is, is 15876 Lawton Drive, Detroit, Michigan; and further, that, in the belief of said Affiant the Defendant Mack H. Pierce is over the age of twenty-one years, and the Defendant Donald Pierce, Jr., is under the age of twenty-one years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring them, the said Mack H. Pierce and Donald Pierce, Jr., to plead, answer or demur to the Bill of Complaint in this cause by the 29th day of June, 1957, or after thirty days therefrom a decree Pro Confesso may be taken against them.


Register