

4326

LOLA MAE TANNER, MORGAN A. LOVELL, JR., and RAYMOND L. LOVELL,

Complainants,

-VS-

DON LOVELL and BEBE LOVELL,

Respondents.

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

NO. 4326

DECREE:

This matter coming on to be heard is submitted upon the bill of complaint, answer of the Respondents, acting by and through their guardian, and the testimony taken orally in open Court, which said testimony was reduced to writing, was signed by the witnesses and was filed in said cause, and it appearing to the Court from the pleadings and from the testimony of said witnesses, that the Complainants and the Respondents jointly own the following described real estate, situated in Baldwin County, Alabama, to-wit:

Southwest Quarter of Northeast Quarter and South Half of Southeast Quarter of Southeast Quarter of Section 9, Township 5 South, Range 3 East, containing 60 acres, more or less; and the West Half of Southwest Quarter of Section 10, Township 5 South, Range 3 East, containing 80 acres, more or less.

That the Complainants own an undivided five-sevenths (5/7th) interest in said land, in equal shares, and the Respondents each own an undivided one-seventh (1/7th) interest in said land. It further appears to the Court that said land is farming land, most of it being in cultivation, and that it is of approximately the same value per acre and can be divided in kind among the parties to said cause. And it further appearing to the Court that the Complainants do not desire to have their portion of the land separated from each other, but that they desire to have conveyed to them jointly the interest owned by the

minors in one hundred (100) acres of said land, and that they in turn will convey their interest in the remaining forty (40) acres of land to said minors. The Court having considered the same is of the opinion that the Complainants are entitled to the relief prayed for in their bill of complaint.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Gladys Y. Lovell, as Guardian of Don Lovell and Bebe Lovell, having been appointed as such by the Probate Court of Baldwin County, Alabama, on June 19, 1958, shall convey to Lola Mae Tanner, Morgan A. Lovell, Jr. and Raymond L. Lovell, jointly, all of the right, title and interest of the said Don Lovell and Bebe Lovell in and to the following described real estate, situated in Baldwin County, Alabama, to-wit:

South Half of Southeast Quarter of Southeast Quarter, Section 9, and the West Half of Southwest Quarter, Section 10, Township 5 South, Range 3 East, containing 100 acres more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the above named Complainants, Lola Mae Tanner, Morgan A. Lovell, Jr. and Raymond L. Lovell, shall convey to Don Lovell their interest in and to the following described real estate, situated in Baldwin County, Alabama, to-wit:

North Half of Southwest Quarter of Northeast Quarter, of Section 9, Township 5 South, Range 3 East, containing 20 acres more or less,

and shall convey to Bebe Lovell their interest in and to the following described real estate, situated in Baldwin County, Alabama, to-wit:

South Half of Southwest Quarter of Northeast Quarter of Section 9, Township 5 South, Range 3 East, containing 20 acres more or less.

The said Gladys Y. Lovell, as such guardian of Bebe Lovell, is hereby authorized and directed to join such deed conveying to Don Lovell the undivided interest of Bebe Lovell in the lands that are to be acquired by the said Don Lovell, and the said Gladys Y. Lovell, as Guardian of Don Lovell, is hereby authorized

and directed to join in such deed conveying to Bebe Lovell the undivided interest of Don Lovell in the lands that are to be acquired by the said Bebe Lovell.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that when the above mentioned deeds have been properly executed that they shall be delivered to the Register of this Court, and such Register shall file all of said deeds for record in the office of the Judge of Probate of Baldwin County, Alabama, the cost of recording such deeds to be taxed as a part of the cost in this cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register of this Court shall file a copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, the cost of recording the same to be taxed as a part of the cost in this cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainants shall pay three fifths (3/5th) of the cost of this proceeding and that Gladys Y. Lovell, as Guardian of said minors shall pay, out of monies belonging to said minors, two-fifths (2/5th) of the cost accrued in this cause.

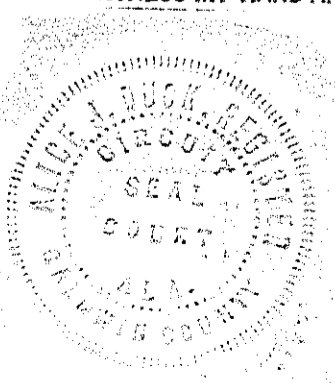
DONE THIS 21st day of July, 1958.

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 1 day of Aug, 1958

*Alice J. Duck*  
Register of Circuit Court, in Equity



STATE OF ALABAMA, BALDWIN COUNTY  
Filed 8-1-58 10 A.M.  
Recorded *Paul* book 268 page 437-7  
*M.D. Stewart*  
Judge of Probate

LOLA MAE TANNER, MORGAN A.  
LOVELL, JR., and RAYMOND L.  
LOVELL,

Complainants,

vs.

DON LOVELL and BEBE LOVELL,

Respondents.

Y  
Y  
Y  
Y  
Y  
Y  
Y  
Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes Gladys Y. Lovell as the Guardian of the above named Respondents and for answer to the Bill of Complaint filed in said cause, says:

1. That she admits the allegations in the first paragraph of the Bill of Complaint.
2. That she admits the allegations in the second paragraph of the Bill of Complaint.
3. That she admits the allegations in the third paragraph of the Bill of Complaint.
4. That she admits the allegations in the fourth paragraph of the Bill of Complaint.

The Respondents hereby request that the testimony be taken in the above styled cause, without further notice to them, on July 21, 1958. If upon the taking of such testimony the Court is satisfied that it is to the best interest of the Respondents that each of them shall receive twenty acres located in the Southwest Quarter of the Northeast Quarter of Section 9, Township 5 South, Range 3 East, and that the Complainants be jointly awarded the remaining lands described in the Bill of Complaint, that Gladys Y. Lovell as such guardian shall be authorized and directed by a decree of this Court to execute a deed conveying the interest of the Respondents in such lands to the Complainants. That such decree shall award each of the Respondents twenty acres of land located in the Southwest Quarter of the Northeast Quarter of Section 9, Township 5 South, Range 3 East, and shall direct the Complainants to execute separate deeds to such Respondents conveying Complainant's interest in said land.

*Gladys Y. Lovell*  
AS Guardian for Respondents

CHASON & STONE  
Solicitors for Respondents

*Filed July 16, 1958*

LOLA MAE TANNER, MORGAN A.  
LOVELL, JR. and RAYMOND L.  
LOVELL,

Complainants,

vs.

DON LOVELL and BEBE LOVELL,

Respondents.

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA  
) IN EQUITY, NO. 4326

WAIVER

Comes now, LOLA MAE TANNER, Complainant in the above styled cause, and waives notice of service of process and notice of taking depositions, and consents that the Motion to Amend Final Decree be submitted to the Judge for Amended Final Decree without notice to this Complainant.

*Lola Mae Tanner*  
\_\_\_\_\_  
LOLA MAE TANNER

Witness:

*L. M. Lacey Jr*  
\_\_\_\_\_

**FILED**

JAN 30 1969

**ALICE J. DUCK** CLERK  
REGISTER

92-~~4~~F

LOLA MAE TANNER, MORGAN A. )	IN THE CIRCUIT COURT OF
LOVELL, JR. and RAYMOND L. )	BALDWIN COUNTY. ALABAMA
LOVELL, )	
Complainants, )	IN EQUITY NO. 1326
vs. )	
DON LOVELL and BEBE LOVELL, )	
Respondents. )	

AMENDED FINAL DECREE

THIS CAUSE, coming on to be heard, is submitted upon a sworn petition by DON LOVELL and GLADYS Y. LOVELL, as Guardian of BEBE LOVELL, a minor, and the instruments attached thereto, and after due consideration, the Court finds the following:

1. That on, to-wit: the 21st day of July, 1958, a Final Decree was rendered in this cause wherein the Complainants were to convey to the Respondents certain parcels of land situated in Baldwin County, Alabama, and
2. That through some mistake or error, the two parcels of land in the Final Decree were reversed as to the understanding and agreement of all parties.
3. That the Complainants herein, without referring to the Final Decree, along with GLADYS Y. LOVELL, as Guardian of BEBE LOVELL, executed a Correction Deed in favor of DON LOVELL on the hereinafter described property situated in Baldwin County, Alabama, to-wit:
 

The South Half of the Southwest Quarter of the Northeast Quarter of Section 9, Township 5 South, Range 3 East, containing 20 acres, more or less.
4. That the Respondent, DON LOVELL and his wife, JUDY LOVELL, did convey by a Statutory Warranty Deed, to BEBE LOVELL, the following described real estate situated in Baldwin County, Alabama, to-wit:
 

The North Half of the Southwest Quarter of the Northeast Quarter of Section 9, Township 5 South, Range 3 East, containing 20 acres, more or less.
5. The Court further finds that all of the parties now agree that the Final Decree was in error in the reversal of the hereinabove described two parcels of land, and it is now expedient

92-~~82~~.



LOLA MAE TANNER, MORGAN A.  
LOVELL, JR. And RAYMOND L.  
LOVELL,

Complainants,

-VS-

DON LOVELL and BEBE LOVELL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

No. 4326

TESTIMONY OF Morgan A. Lovell Jr.

My name is \_\_\_\_\_; I am over the age of 21 years, and a resident citizen of Baldwin County, Alabama, and residing near Loxley, Baldwin County, Alabama; I am one of the Complainants in this cause, being case No. 4326, which was filed in the Circuit Court of Baldwin County, Alabama, in equity, in which suit Don Lovell and Bebe Lovell are the Respondents.

Don Lovell is a minor over seventeen years of age and Bebe Lovell is a minor five years of age and both reside at Loxley, Alabama, with their mother, Gladys Y. Lovell; their father is now dead. Gladys Y. Lovell is the guardian of the person and property of said minors, having been appointed as such by the Probate Court of Baldwin County, Alabama, on June 19, 1958; the Complainants and the Respondents in said cause are the joint owners of the property described in the bill of complaint. The Complainants jointly own a five-sevenths (5/7th) interest in said lands, each of them owning an equal interest therein, and Don Lovell and Bebe Lovell each own an undivided one-seventh (1/7th) interest in said land.

The lands described in the bill of complaint is what is known as farm land and most of it is in cultivation. Practically all of the land described in the bill of complaint is of similar character and nature and each tract of such land is of approximately the same value per acre. It is possible to divide said lands in kind so that each of the joint owners will receive lands



equal to their interest in the same; it is for the best interest of all of the parties to said cause to divide said lands in kind. The Complainants now own land adjacent to that portion of the land described in the bill of complaint, which is described as the South Half of the Southeast Quarter of Southeast Quarter of Section 9 and the West Half of Southwest Quarter of Section 10, Township 5 South, Range 3 East, containing one hundred (100) acres more or less. The other land described in the bill of complaint is the Southwest Quarter of Northeast Quarter of Section 9, Township 5 South, Range 3 east, containing forty (40) acres more or less.

It is the desire of the Complainants that they be awarded the one hundred (100) acre tract of land above referred to, jointly, and that the Guardian of said minors be ordered and directed to convey the interest of such minors in and to said land, that is, the South half of the Southeast Quarter of Southeast Quarter of Section 9, and the West half of Southwest Quarter of Section 10, Township 5 South, Range 3 East, to the Complainants, and that the Court will order and direct the Complainants to convey their interest in the Southwest Quarter of Northeast Quarter of Section 9, Township 5 South, Range 3 East, to the Respondents by separate deeds so that each of such minors will own twenty (20) acres of land in their own right. In the opinion of the witness the entire forty acres of land could either be divided as above set out or could be conveyed to the minors jointly, whichever the Court deems best and either means of division would be for the best interest of said minors.

The parties to this proceeding inherited the above described land from their father, Morgan A. Lovell, Sr., who died intestate. The Complainants have received a deed from the widow of said Morgan A. Lovell, Sr., and from two of his children

who are now adults, conveying their undivided interest in said property, which deeds are of record in the office of the Judge of Probate of Baldwin County, Alabama.

*Margaret A. Lowell*

RECORDED  
INDEXED  
MAY 11 1911  
BALDWIN COUNTY, ALA.

LOLA MAE TANNER, MORGAN A. )  
LOVELL, JR. and RAYMOND L. )  
LOVELL, )

Complainants, )

vs. )

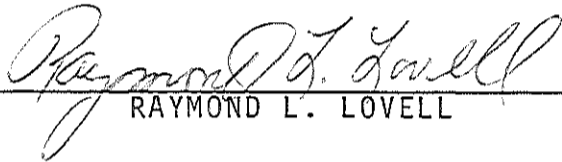
DON LOVELL and BEBE LOVELL, )

Respondents. )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY, NO. 4326

WAIVER

Comes now, RAYMOND L. LOVELL, Complainant in the above styled cause, and waives notice of service of process and notice of taking depositions, and consents that the Motion to Amend Final Decree be submitted to the Judge for Amended Final Decree without notice to this Complainant.

  
RAYMOND L. LOVELL

Witness:

  
\_\_\_\_\_

**FILED**

JAN 30 1969

**ALICE J. DUCK** CLERK  
REGISTER

92-~~17~~2

LOLA MAE TANNER, MORGAN A. )  
LOVELL, JR. and RAYMOND L. )  
LOVELL, )

Complainants, )

vs. )

DON LOVELL and BEBE LOVELL, )


Respondents. )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA


IN EQUITY, NO. 4326

WAIVER

Comes now, MORGAN A. LOVELL, JR., Complainant in the above styled cause, and waives notice of service of process and notice of taking depositions, and consents that the Motion to Amend Final Decree be submitted to the Judge for Amended Final Decree without notice to this Complainant.

  
MORGAN A. LOVELL, JR.

Witness:

  
\_\_\_\_\_

**FILED**

JAN 30 1969

**ALICE J. DUCK** CLERK  
REGISTER

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STATE OF ALABAMA  
BALDWIN COUNTY

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Don Lovell and Bebe Lovell to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by Lola Mae Tanner, Morgan A. Lovell, Jr. and Raymond L. Lovell as Complainants, against Don Lovell and Bebe Lovell, as Respondents.

Witness my hand this the 9 day of ~~XXXX~~ July, 1958.

  
Register

LOLA MAE TANNER, MORGAN A. LOVELL, JR. and RAYMOND L. LOVELL,	I	
	I	IN THE CIRCUIT COURT OF
Complainants,	I	
	I	BALDWIN COUNTY, ALABAMA
vs.	I	
	I	IN EQUITY
DON LOVELL and BEBE LOVELL,	I	
	I	
Respondents.	I	

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

Come the Complainants and show unto this Court and unto  
Your Honor as follows:

1. That the Complainants are all over the age of twenty-one years and are resident citizens of Baldwin County, Alabama, residing in or near Loxley, Alabama. That the Respondent Don Lovell is a minor seventeen years of age and the Respondent Bebe Lovell is a minor five years of age, both of whom are residing at Loxley, Alabama. That both of such minors reside with and are in the custody of their mother, Gladys Y. Lovell, who is the legal guardian of their person and property, having been appointed as such guardian by the

Probate Court of Baldwin County, Alabama, on June 19<sup>th</sup>, 1958.

2. That the Complainants and the Respondents are the joint owners of the following described real property situated in Baldwin County, Alabama, to-wit:

Southwest Quarter of Northeast Quarter and South Half of Southeast Quarter of Southeast Quarter of Section 9, Township 5 South, Range 3 East, containing 60 acres, more or less; and the West Half of Southwest Quarter of Section 10, Township 5 South, Range 3 East, containing 80 acres, more or less.

That Lola Mae Tanner, Morgan A. Lovell, Jr. and Raymond L. Lovell jointly own an undivided 5/7th interest in said land, each of them owning an equal interest therein. That Don Lovell and Bebe Lovell each own an undivided 1/7th interest in said land.

3. The Complainants further show unto Your Honor that the above described land, or a large portion thereof, is suitable for farming purposes and that such Complainants desire to use their portion of such land for such purposes but are unable to do so because of the joint ownership of the above named minors in such land. The lands above are all of similar character and nature and each tract of such land is approximately of the same value per acre. That the above described lands may be divided in kind so that each of the joint owners will receive an equal value. The Complainants desire to have said land divided by this Court and allege that it would be to the best interest of all parties to this proceeding if the Court would authorize a division thereof and in such division would allot the Complainants the South Half of the Southeast Quarter of the Southeast Quarter of Section 9 and the West Half of Southwest Quarter of Section 10, Township 5 South, Range 3 East as their portion of such land, jointly, and would allot one-half of the Southwest Quarter of Northeast Quarter of Section 9, Township 5 South, Range 3 East, to each of the Respondents.

4. The Complainants further allege that there is no valid authority to sell the interest of said parties in said property vested in any person by the terms of the instrument under which such parties hold such interest and that a division of such property is not prohibited or restricted by the instrument under which they hold title.

PRAYER FOR PROCESS

The premises considered your Complainants pray that the above named Don Lovell and Bebe Lovell be made parties Respondent to this cause by the usual writ or process of this Court requiring them to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the statutes made and provided in such cases. That service of such process by the Sheriff of Baldwin County, Alabama, shall be had upon Gladys Y. Lovell as the guardian of the person and property of said minors.

PRAYER FOR RELIEF

The Complainants pray that upon a final hearing of this cause that Your Honor will make and enter an order and decree partitioning the above described land in kind, which decree will order your Complainants to convey their undivided 5/7th interest in said land to twenty acres thereof to each of said minors and will order the guardian of said minors to convey the undivided 1/7th interest of each of said minors in said land to the Complainants, jointly, for the other one hundred acres of said land and will order said deeds to be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, the cost of recording the same to be taxed as a part of the cost of this proceeding and your Complainants pray for such other, further and general relief to which they may be entitled.

*Executed July 10, 1958* Lala Mae Tanner

Margen A. Lovell Jr.  
Raymond J. Lovell  
Complainants

4326

Received 9 day of July 19 58  
and on 10 day of July 19 58  
served a copy of the within REC  
on Don Lovell  
By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By Edw. Steadman D. S.

*Loxley, Ala.*

Sheriff claims ~~40~~ 40 miles at  
Ten Cents per mile Total \$ 4.00  
TAYLOR WILKINS, Sheriff  
BY Edw. Steadman  
DEPUTY SHERIFF

LOLA MAE TANNER ET AL.,  
Complainants,  
vs.  
DON LOVELL and BEBE LOVELL,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

SUMMONS AND COMPLAINT

FILED  
JUL 9 1958  
ALICE J. DUCK, CLERK  
REGISTER



LOLA MAE TANNER, MORGAN A.  
LOVELL, JR. and RAYMOND L.  
LOVELL,

Complainants,

-VS-

DON LOVELL and BEBE LOVELL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 4326

TESTIMONY OF

Raeppa Green

My name is

, I am over

the age of 21 years and reside near Loxley, in Baldwin County,  
Alabama; I am familiar with the following described lands,  
located in Baldwin County, Alabama, viz:

Southwest Quarter of Northeast Quarter, and  
South Half of Southeast Quarter of Southeast  
Quarter, of Section 9, and the  
West Half of Southwest Quarter of Section 10,  
Township 5 South, Range 3 East, containing 140  
acres, more or less.

I have known such lands for many years; practically all of the land  
is suitable for farming purposes and much of it is in cultivation  
at this time; it is all of approximately the same value per  
acre; it is my opinion that said land can be equally divided  
in kind between the parties to this proceeding and that it would  
be to the best interest of the Minors involved in such proceed-  
ing for it to be so divided. I am not related to any of the  
parties to this suit and have no interest in the matter.

Ralph Green



LOLA MAE TANNER, MORGAN A.  
LOVELL, JR. and RAYMOND L.  
LOVELL,

Complainants,

VS.

DON LOVELL and BEBE LOVELL,

Respondents.

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

)  
) NO. 4326  
)  
)  
)

TESTIMONY OF GLADYS Y. LOVELL.

My name is Gladys Y. Lovell; I am over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, residing at Loxley; I am the mother of Don Lovell, who is seventeen years of age, and of Bebe Lovell, who is five years of age, and I have the legal custody of both of such children; their father is dead; I am the legal guardian of the person and property of said minors, having been appointed as such by the Probate Court of Baldwin County, Alabama, on June 19, 1958; the above named Don Lovell and Bebe Lovell are Respondents in cause No. 4326, which was filed in the Circuit Court of Baldwin County, Alabama, in equity, by Lola Mae Tanner, Morgan A. Lovell, Jr., and Raymond L. Lovell. The allegations of the bill of complaint are true, and in my opinion the lands described in the bill of complaint are all of equal value per acre; I think it would be best for all parties concerned for such land to be divided in kind; In my opinion it would be best for the complainants jointly to receive the one hundred (100) acres, which lies on the south side of such land and for the minors to receive the forty (40) acres which lies on the north side of said land; it would be satisfactory to me for the Court to either award such land to the minors jointly, or by separate tracts.

*Gladys Y. Lovell*



minors in one hundred (100) acres of said land, and that they in turn will convey their interest in the remaining forty (40) acres of land to said minors. The Court having considered the same is of the opinion that the Complainants are entitled to the relief prayed for in their bill of complaint.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Gladys Y. Lovell, as Guardian of Don Lovell and Bebe Lovell, having been appointed as such by the Probate Court of Baldwin County, Alabama, on June 19, 1958, shall convey to Lola Mae Tanner, Morgan A. Lovell, Jr. and Raymond L. Lovell, jointly, all of the right, title and interest of the said Don Lovell and Bebe Lovell in and to the following described real estate, situated in Baldwin County, Alabama, to-wit:

South Half of Southeast Quarter of Southeast Quarter, Section 9, and the West Half of Southwest Quarter, Section 10, Township 5 South, Range 3 East, containing 100 acres more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the above named Complainants, Lola Mae Tanner, Morgan A. Lovell, Jr. and Raymond L. Lovell, shall convey to Don Lovell their interest in and to the following described real estate, situated in Baldwin County, Alabama, to-wit:

North Half of Southwest Quarter of Northeast Quarter, of Section 9, Township 5 South, Range 3 East, containing 20 acres more or less,

and shall convey to Bebe Lovell their interest in and to the following described real estate, situated in Baldwin County, Alabama, to-wit:

South Half of Southwest Quarter of Northeast Quarter of Section 9, Township 5 South, Range 3 East, containing 20 acres more or less.

The said Gladys Y. Lovell, as such guardian of Bebe Lovell, is hereby authorized and directed to join such deed conveying to Don Lovell the undivided interest of Bebe Lovell in the lands that are to be acquired by the said Don Lovell, and the said Gladys Y. Lovell, as Guardian of Don Lovell, is hereby authorized

and directed to join in such deed conveying to Bebe Lovell the undivided interest of Don Lovell in the lands that are to be acquired by the said Bebe Lovell.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that when the above mentioned deeds have been properly executed that they shall be delivered to the Register of this Court, and such Register shall file all of said deeds for record in the office of the Judge of Probate of Baldwin County, Alabama, the cost of recording such deeds to be taxed as a part of the cost in this cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register of this Court shall file a copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama, the cost of recording the same to be taxed as a part of the cost in this cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainants shall pay three fifths ( $3/5$ th) of the cost of this proceeding and that Gladys Y. Lovell, as Guardian of said minors shall pay, out of monies belonging to said minors, two-fifths ( $2/5$ th) of the cost accrued in this cause.

DONE THIS 21st day of July, 1958.

  
JUDGE

ORIGINAL

LOLA MAE TANNER, MORGAN A. )	IN THE CIRCUIT COURT OF
LOVELL, JR. and RAYMOND L. )	BALDWIN COUNTY, ALABAMA
LOVELL, )	
Complainant, )	IN EQUITY, NO. 4326
vs. )	
DON LOVELL and BEBE LOVELL, )	
Respondents. )	

MOTION TO AMEND ERROR OF FINAL DECREE

Comes now the Respondents in the above styled cause, DON LOVELL and GLADYS Y. LOVELL, as Guardian of BEBE LOVELL, a Minor, and respectively move the Court to amend the Final Decree granted in this cause on, to-wit: the 21st day of July, 1958, and assigns as grounds therefor as follows:

That a Final Decree was rendered in this cause and that in and by the terms of said Final Decree, DON LOVELL, one of the Respondents herein, by an understanding between the Complainants and the Respondent, was to receive, by conveyance, the title in and to the following described real estate situated in Baldwin County, Alabama, to-wit:

The South Half of the Southwest Quarter of the Northeast Quarter of Section 9, Township 5 South, Range 3 East, containing 20 acres, more or less.

That the Respondent, BEBE LOVELL, a Minor, was to receive according to the terms of an agreement by all of the parties in the suit, the following described real estate situated in Baldwin County, Alabama, to-wit:

The North Half of the Southwest Quarter of the Northeast Quarter of Section 9, Township 5 South, Range 3 East, containing 20 acres, more or less.

That subsequent to the rendition of said Decree, the two hereinabove mentioned parcels of land were conveyed in reverse according to the terms of the Decree, and that the Decree through some mistake, error or deed, reversed the two parcels of land and that upon the Respondents herein discovering the mistake but without referring to the Final Decree herein, were under the impression that they owned the correct parcels of land.

That the Respondent, DON LOVELL, and his wife, were under the impression that they were the owners of the South <sup>half</sup> of the Southwest Quarter of the Northeast Quarter of Section 9, Township 5 South, Range 3 East, containing 20 acres, more or less, and with this impression, applied and obtained a loan on the said hereinabove described property from Baldwin County Savings & Loan Association of Robertsdale.

That upon the discovery of the error in the original deeds ordered to be conveyed to the Respondents herein by the Court, the Respondent, DON LOVELL and his wife, conveyed to BEBE LOVELL, a Minor, the North Half of the Southwest Quarter of the Northeast Quarter, Section 9, Township 5 South, Range 3 East, containing 20 acres, more or less, which said deed is recorded in Deed Book 389 at Pages 505, and that the Complainants herein, through a Correction Deed, conveyed to the Respondent herein, DON LOVELL, the South Half of the Southwest Quarter of the Northeast Quarter of Section 9, Township 5 South, Range 3 East, containing 20 acres, more or less, which said Correction Deed is recorded in Deed Book 389 at Pages 513-515 in the Office of the Judge of Probate of Baldwin County, Alabama.

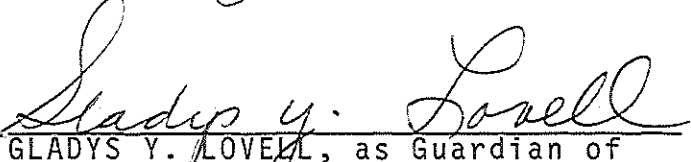
That subsequent to the recording of the hereinabove described deeds, the Final Decree was investigated, and found to be in error along with the original deeds, and all of the heretofore described deeds are attached hereto and made a part of this Motion by incorporation as though fully set out.

WHEREFORE, the premises considered, the Respondents respectfully move the Court to amend the said Decree in order that the Correction Deed executed by the Complainants herein and the Deed from the Respondent, DON LOVELL and wife, JUDY LOVELL, be in all respects confirmed, and that the original Decree be amended to read that the Respondent, DON LOVELL, shall have the South Half of the Southwest Quarter of the Northeast Quarter of Section 9, Township 5 South, Range 3 East, containing 20 acres, more or less, and that the Respondent, BEBE LOVELL, a Minor, shall have the



North Half of the Southwest Quarter of the Northeast Quarter of Section 9, Township 5 South, Range 3 East, containing 20 acres, more or less, in accordance with the agreement and understanding of all the parties at the time the Final Decree was rendered.

  
DON LOVELL

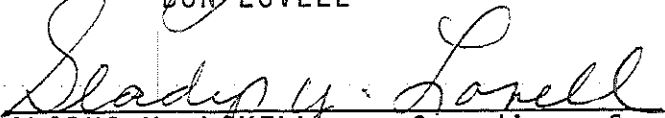
  
GLADYS Y. LOVELL, as Guardian of  
BEBE LOVELL, a Minor

STATE OF ALABAMA

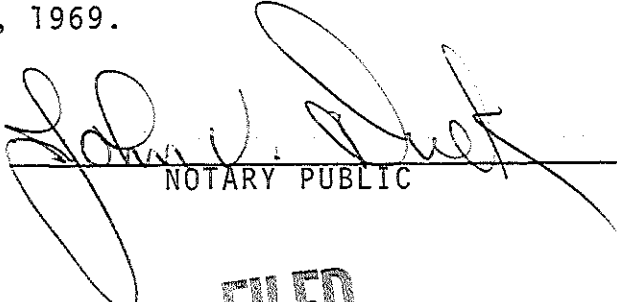
BALDWIN COUNTY

Personally appeared before me, the undersigned authority, DON LOVELL and GLADYS Y. LOVELL, as Legal Guardian of BEBE LOVELL, a Minor, who being by me first duly and legally sworn, doth depose and say that the matters and facts alleged in the foregoing Motion are true and correct.

  
DON LOVELL

  
GLADYS Y. LOVELL, as Guardian of  
BEBE LOVELL, a Minor.

Sworn to and subscribed before me on this the 23<sup>rd</sup>  
day of January, 1969.

  
NOTARY PUBLIC

**FILED**

JAN 27 1969

**ALICE J. DUCK** CLERK  
REGISTER

92-c

CONVEYANCE DEED

STATE OF ALABAMA

BALDWIN COUNTY

THIS INDENTURE, made this the 1<sup>st</sup> day of January, 1968, by and between LOLA MAE TANNER, and ERNEST V. TANNER, her husband, MORGAN A. LOVELL, JR. and wife, MARY ANNA LOVELL, RAYMOND V. LOVELL and BEBE LOVELL, all of Baldwin County, Alabama, acting by and through GLADYS Y. LOVELL as her Guardian, hereinafter referred to as GRANTORS, and DON LOVELL, hereinafter referred to as GRANTEE,

WITNESSETH:

WHEREAS, the Grantors under and by virtue of a Decree of Circuit Court of Baldwin County, Alabama in Equity in that certain cause wherein Lola Mae Tanner, et al., are the Complainants, and Don Lovell and Bebe Lovell are the Respondents, and the Complainants and Gladys Y. Lovell as Guardian of Bebe Lovell were ordered to execute a deed conveying to the said Don Lovell, property herein after describes, a copy of such Decree having been filed for record in the Office of the Judge of Probate of Baldwin County, Alabama, and which said property was conveyed by deed from the Grantors herein to the Grantee, which said deed is dated the 21st day of July, 1958 and recorded in Deed Book 268 at Page 454-5, and

WHEREAS, the Grantors herein did execute and deliver unto the said Grantee the hereinabove described deed in accordance with the terms of the Decree of the Court, the conveyance of the herein after described lands in Baldwin County, Alabama, which said conveyance was recorded as hereinabove set out, and

WHEREAS, in said conveyance, by mistake, the description of the property read as follows:

The North Half of the Southwest Quarter of Northeast Quarter (N-1/2 of SW-1/4 of NE-1/4) of Section 9, Township 5 South, Range 3 East, containing twenty (20) acres, more or less.

INSTEAD OF THE HEREINAFTER CORRECTLY DESCRIBED LANDS:

The South Half of the Southwest Quarter of Northeast Quarter (S-1/2 of SW-1/4 of NE-1/4) of Section 9, Township 5 South, Range 3 East, containing twenty (20) acres, more or less.

WHEREAS, to present and thereafter, it is expedient to correct the records.

NOW, KNOW ALL MEN by these presents that the Grantors, for and in consideration of the sum of ONE DOLLAR (\$1.00) to them in hand paid by the Grantee herein, do hereby GRANT, CONVEY, RELEASE AND CONFIRM unto the Grantee, his heirs and assigns the hereinabove description.

TO HAVE AND TO HOLD unto the said Grantee, and unto his heirs and assigns forever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals on this the date and year first above written.

*Lola Mae Tanner*  
LOLA MAE TANNER

*Ernest V. Tanner*  
ERNEST V. TANNER

*Morgan A. Lovell, Jr.*  
MORGAN A. LOVELL, JR.

*Mary Anna Lovell*  
MARY ANNA LOVELL

*Raymond E. Lovell*  
RAYMOND E. LOVELL

*Nadine Lovell*  
NADINE LOVELL

BEBE LOVELL

*Stacy T. Lovell*  
STACY T. LOVELL, as her Guardian

STATE OF ALABAMA  
BALDWIN COUNTY  
I certify that this instrument was filed on

NOV 23 1938 4:24 PM

and that no tax was collected. Recorded in  
Book *53*  
Page *10*  
By *James D. White* Judge of Probate

STATUTORY  
WARRANTY DEED

STATE OF ALABAMA  
COUNTY OF BALDWIN

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to us in hand paid, the sum of ten dollars, hereinafter referred to as GRANTEE, the receipt whereof is hereby acknowledged, we, DON LOVELL and wife, JUDY LOVELL, hereinafter referred to as GRANTORS, do hereby GRANT, BARGAIN, SELL and CONVEY unto the said Grantee, the following described land, situated in Baldwin County, Alabama, to-wit:

The North Half of the Southwest Quarter of Northeast Quarter (N-1/2 of SW-1/4 of NE-1/4) of Section 9, Township 5 South, Range 3 East, containing twenty (20) acres, more or less.

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

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

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the 5 day of November, 1968.

*Don Lovell*  
DON LOVELL  
*Judy Lovell*  
JUDY LOVELL

STATE OF ALABAMA  
BALDWIN COUNTY

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that DON LOVELL and wife, JUDY LOVELL, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day this, being informed of the contents of said instrument, they executed the same voluntarily on the day the same bears date.

Given under my said seal on this the 5 day of November, 1968.

Notary Public  
Baldwin County

I certify that this instrument was filed and the following fee collected:

NOV 23 1968

*Notary Signature*  
Notary Public  
Baldwin County

*Notary Seal*  
NOTARY PUBLIC  
MY COMMISSION EXPIRES





STATE OF ALABAMA

BALDWIN COUNTY

FILED 2008 MAR 14 10:22

WHEREAS, under and by virtue of a decree of the Circuit Court of Baldwin County, Alabama, in Equity in that certain cause wherein Lola Mae Tanner, et al. are the Complainants and Don Lovell and Bebe Lovell are the Respondents, the Complainants and Gladys V. Lovell as Guardian of Don Lovell were ordered to execute a deed conveying to the said Don Lovell, hereinafter designated, a certain parcel of land, to-wit: as more fully set forth in the Office of the Judge of Probate of Baldwin County, Alabama.

NOW THEREFORE, in compliance with such decree the said Lola Mae Tanner and Ernest V. Tanner, her husband, Morgan A. Lovell, Jr. and Mary Anna Lovell, his wife, Raymond L. Lovell and Judine Lovell, his wife and Don Lovell, a minor, acting by and through Gladys T. Lovell as his Guardian, hereinafter referred to as parties of the first part, do hereby GRANT, SURRENDER, SELL and CONVEY unto the said Bebe Lovell, hereinafter referred to as party of the second part, all of their right, title and interest in and to the following described real property situated in Baldwin County, Alabama, to-wit:

The South Half of the Northwest Quarter of Northeast Quarter (N $\frac{1}{2}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of Section 9, Township 6 South, Range 3 East, containing twenty (20) acres - more or less.

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

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

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals on this the 21 day of July, 1958.

STATE OF ALABAMA, BALDWIN COUNTY  
I, \_\_\_\_\_, Clerk of the Court, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of said Court.  
Witness my hand and seal of office at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 1958.  
By \_\_\_\_\_

Lola Mae Tanner (SEAL)

Ernest V. Tanner (SEAL)

Morgan A. Lovell, Jr. (SEAL)

Mary Anna Lovell (SEAL)

Raymond L. Lovell (SEAL)

Judine Lovell (SEAL)

Don Lovell

Gladys T. Lovell (SEAL)  
as his Guardian

STATE OF ALABAMA

BALDWIN COUNTY

A. G. ALLEGRI, JR.

a Notary Public, in and for said County in said State, hereby certify that John Lee Tanner and Ernest V. Tanner, her husband, George V. Lovell, Jr. and Mary Anna Lovell, his wife, and Raymond W. Lovell and Madine Lovell, his wife, whose names are signed to the foregoing instrument and who were present at the execution of the same, after being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 30 day of July, 1911.

A. G. Allegri, Jr.  
Notary Public, Baldwin County, Alabama

My Commission Expires July 15, 1912  
Baldwin County, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

John Lee Tanner

I, John Lee Tanner, a Notary Public, in and for said County in said State, hereby certify that George V. Lovell, whose name as George V. Lovell, Senior, is signed to the foregoing instrument and who was present at the execution of the same, after being informed of the contents of the same, executed the same voluntarily on the day the same bears date.

Given under my hand and seal on the 31 day of July, 1911.

John Lee Tanner  
Notary Public, Baldwin County, Alabama



SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA  
Baldwin County

Circuit Court, Baldwin County

No. 4326

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon Gladys Y. Lovell, as Guardian of Bebe Lovell,  
a minor,

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint  
filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against DON LOVELL  
AND BEBE LOVELL Defendant

by LOLA MAE TANNER, MORGAN A. LOVELL, JR. AND RAYMOND L. LOVELL  
Plaintiff

Witness my hand this 27th day of January 1969

*Alice J. [Signature]* Clerk

*92-D*

**ORIGINAL**

No. 4326

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

LOLA MAE TANNER, MORGAN A. LOVELL,

JR., And RAYMOND L. LOVELL

Plaintiffs

vs.

DON LOVELL and BEBE LOVELL

Defendants

SUMMONS AND COMPLAINT

Filed January 27, 1969

Alice J. Duck Clerk

JOHN V. DUCK

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Serve Gladys Y. Lovell, as Guardian of BEBE LOVELL, A Minor PIXIE SHOP, Fairhope, Ala.....

Received In Office

RECEIVED

JAN 27 1969

19.....

Sheriff

I have executed this summons

this Jan 31 1969

by leaving a copy with

*Don Lovell*

*Bebe Lovell*

*Gladys Y. Lovell*

*Fairhope - 70 miles*

*Bebe Lovell*

*Fairhope 2-4-69*

Sheriff claims *140* miles at

Ten Cents per mile Total \$ *14.00*

TAYLOR WILKINS, Sheriff

BY *Landell* DEPUTY SHERIFF

*Gladys Wilkins* Sheriff

*Roy Rankel* Deputy Sheriff