

4355

MISSOURI HORACE, ET AL.,	×	
Complainants,	×	IN THE CIRCUIT COURT OF
vs.	×	BALDWIN COUNTY, ALABAMA
BERTHA FERRELL, ET AL.,	×	IN EQUITY
Respondents.	×	

ORDER

This day came the Complainants in the above styled cause, by their attorneys and filed a petition in writing under oath praying that Sam Walker, one of the Respondents in this cause be required to account to the Court for the sale of pecans from the property which is the subject matter of this suit; and said petition having been called to the attention of the Court it is the opinion of the Court that the same should be set down for hearing and that notice of the day set for the hearing of said petition and of the filing thereof be given to Messrs. Beebe & Swearingen as attorneys for the said Respondent Sam Walker; it is, therefore

ORDERED by the Court that a copy of the petition heretofore filed in this cause and hereinabove referred to be served upon Messrs. Beebe & Swearingen as attorneys for the Respondent Sam Walker and that a copy of this order setting said petition down for hearing be also served upon them.

It is further ordered that said petition be, and the same is hereby, set down for hearing on Thursday, October 23, 1958 at 9:00 A.M. and that the said Respondent Sam Walker be present at said hearing to show cause why he should not comply with the prayer contained in said petition.

Done this 15th day of October, 1958.

J. Hubert M. Steele
Circuit Judge.

MISSOURI HORACE and ANNIE
ROBINSON,

X

Complainants,

X

vs.

X

IN THE CIRCUIT COURT OF

X

BALDWIN COUNTY, ALABAMA

BERTHA FERRELL, WILLIE
PARKER, SADIE PARKER JACK-
SON, JOE JAMES, SAM WALKER
and BALDWIN COUNTY BANK, a
corporation,

X

IN EQUITY

X

X

Respondents.

X

CERTIFICATE OF SERVICE BY REGISTER

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that I have this day sent by registered mail, postage prepaid, marked "for delivery only to the person to whom addressed" and return receipt demanded, addressed to myself as Register of said Court, a copy of the Bill of Complaint in the above styled cause, together with a summons, to the following named persons at the addresses shown opposite their respective names:

Sadie Parker Jackson, 1228 Egbert Avenue, San Francisco, California

Bertha Ferrell, 108 West Nervin Avenue, Richmond, California

Willie Parker, 108 West Nervin Avenue, Richmond, California

which persons are all of the parties Respondent in the above styled cause who reside out of the State of Alabama.

WITNESS my hand and seal on this the 11 day of _____

Alice J. Duck, 1958.

Alice J. Duck
Register of the Circuit
Court of Baldwin County
Alabama

MISSOURI HORACE and ANNIE
ROBINSON,

COMPLAINANTS

VS

BERTHA FERRELL, WILLIE
PARKER, SADIE PARKER JACK-
SON, JOE JAMES, SAM WALKER
and BALDWIN COUNTY BANK, a
Corporation,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Come Sam Walker and the Baldwin County Bank, defendants in the above styled cause and answering complainants' complaint say:

1. They admit the allegation of the first paragraph as to ages and places of residence of these two defendants; they deny all the other allegations of paragraph one and demand strict proof thereof.

2. They admit the allegation of Paragraph two that the lands described therein are in Baldwin County situated near Stockton and are divided by public road and that improvements have been made thereon; they deny all other allegations therein made and demand strict proof of the same.

3. They deny all of the allegations of paragraph three and demand strict proof of the same.

4. Defendants say that the land described in paragraph two of the bill of complaint is owned by the defendant, Sam Walker, in fee simple, clear of encumbrance, save and except a mortgage from him to the Baldwin County Bank, which said mortgage is now held by the Baldwin County Bank and the same has not been paid in full; that the other persons named in Paragraph four have no interest whatever in the said land and that the said lands are owned by Sam Walker.

5. They deny all of the allegations of paragraph five of the bill of complaint, except that Frank Pope and Camillo Pope conveyed the said lands to Sam Walker, that the said conveyance

did not convey to him a one-fourteenth interest therein, but that the said Frank Pope and Camillo Pope owned the entire interest in the said lands and conveyed the same to the defendant, Sam Walker, by the deed therein recited, and they deny any and all other allegations made in paragraph five and demand strict proof of the same.

6. Defendants say that Sam Walker is the owner of the entire interest in the lands described in the said bill of complaint; that the other persons named in the sixth paragraph of the bill of complaint do not have any interest in the said property; they admit that the Baldwin County Bank has a mortgage on the said land, that the mortgage is a good and valid mortgage on the said lands and conveys the entire interest in the said lands and the entire interest in the said lands stands under the said mortgage as security therein recited.

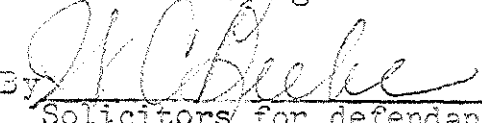
7. They deny all allegations in paragraph seven, eight and nine and demand strict proof of the same.

8. And further answering the said complaint defendants say that Frank and Camillo Pope during their lifetime and before the sale to the defendant, Sam Walker, for more than twenty years consecutively next preceeding the date they sold the same to the defendant, Sam Walker, were in the actual, open, exclusive, peaceable, hostile, notorious, continuous and adverse possession of the lands described in the said bill of complaint and each and every part and parcel thereof, and that they annually assessed and paid taxes on the same, all of which was made known to the complainants in this cause, and to each of them for more than twenty years next preceeding the date of the sale of the same to the defendant, Sam Walker; the said Camillo Pope and Frank Pope built a residence on said lands at a cost of more than \$3,000.00 and that they occupied and used the same and were using the same

at the time of the sale of the said lands to the defendant, Sam Walker; that the mortgage to the Baldwin County Bank covering the said lands was given by the defendant, Sam Walker, to secure a part of the purchase money paid by him for the said lands.

And now having answered the defendants pray they may go hence with their reasonable cost in this behalf expended.

Beebe & Swearingen

By 
Solicitors for defendants
Sam Walker and Baldwin County
Bank.



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

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

Missouri Horace and Annie Robinson, complainants, vs. Gertrude Slade, Collins Horace, Willie Mae Henry, Leona Simmons, Bertha Ferrell, Willie Parker, Sadie Parker Jackson and Joe James, respondents.

Order of Publication

It having been made to appear to the undersigned, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, from the affidavit of Norborne C. Stone, Jr., one of the attorneys of record for the Complainants in the above styled cause, that Willie Parker, one of the Respondents in the above styled cause is a non-resident of the State of Alabama, over the age of twenty-one years, residing in the State of California, but whose particular address cannot be ascertained after reasonable effort and that service of process should be had by publication in accordance with Equity Rule 6 (A) Alabama Equity Rules; now, therefore,

NOTICE IS HEREBY GIVEN to Willie Parker, a non-resident of the State of Alabama, residing in the State of California, that on the 11th day of August, 1958, Missouri Horace and Annie Robinson filed a Bill of Complaint in the Circuit Court of Baldwin County, Alabama, in which you were named as a Respondent along with Gertrude Slade et al. The Bill of Complaint alleges that the Complainants and the Respondents are the joint owners of the following described parcels of land situated in Baldwin County, Alabama, to-wit:

Parcel A

Beginning at the Southeast corner of Section 22, Township 1 North, Range 2 East, run thence West 1,577.6 feet to an iron bolt in Rice Creek for the point of beginning; run thence South 85° 30' West along a fence line 194 feet to a point; run thence North 88° West 880 feet along a fence line to a corner post situated in the East right-of-way line of a public highway; run thence North 2° 39' West 344 feet along said East right-

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

Missouri Horace + Annie Robinson
vs. Gertrude Slade, etc.

COST STATEMENT

652 WORDS @ 6 1/2 cents \$ 42. 38
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 August 14, 1958 Vol. 70 No. 31

Date of 2nd publication August 21, 1958 Vol. 70 No. 32

Date of 3rd publication August 28, 1958 Vol. 70 No. 33

Date of 4th publication September 4, 1958 Vol. 70 No. 34

Subscribed and sworn before the undersigned this 4 day of Sept, 1958

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette Jr.
Editor.

Missouri Horace, et al,

 Complainants
 Vs.
Bertha Ferrell, et

 Respondents

CIRCUIT COURT OF
 Baldwin County.
 IN EQUITY

In this cause it being made to appear to the Register that on the 11th
 day of August, 1958, a copy of the Bill of Complaint filed in this cause was
 sent to Bertha Ferrell and Sadie Parker Jackson

Defendants, by registered mail, postage prepaid, marked "For delivery only to the person to whom
 addressed," and return receipt demanded addressed to the Register of this Court; and that on the
23rd day of August, 1958 and on the
25th day of ~~day of~~ August, 1958, such receipts ^{were} ~~was~~ duly
 received and filed in this cause:

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

This the 15th day of August, 1959

Allice J. Puck Register.

No. 4355

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

In Equity.

Missouri Horace, et al,

Complainants,

Vs.

Bertha Ferrell, et al,

Respondents.

DECREE PRO CONFESSO AFTER
NOTICE BY REGISTERED MAIL

Filed in office this _____ day of

FILED

_____, 19

DEC 15

_____, Register

ALICE I. DICK

CLERK
REGISTER

Entered in O. B. _____ Page _____

408 op. 2 - 21.11.1907

The State of Alabama, }
Baldwin County

No. 4355

CIRCUIT COURT, IN EQUITY

Missouri Horace, et al., -----, Complainants

Vs.

Bertha Ferrell, et al., -----, Defendants

Motion is hereby made for a Decree Pro Confesso against Bertha Ferrell and Sadie

Parker Jackson -----, Defendant

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 by Registered Mail, according to law, and that said Defendants have failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 15th day of December, 1959.

Marlene J. Stone, Solicitor.

No. 4355

Page _____

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, In Equity

Missouri Horace, et al,

Complainants

vs.

Bertha Ferrell, et al,

Respondents

Motion For Decree Pro Confesso
After Notice By Registered Mail

FILED

Filed _____, 19
DEC 15 1959

ALICE J. DUCK, CLERK
REGISTER REGISTER

Recorded in _____ Record,

Vol. _____ Page _____

Register.

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

No. 4355

December

Term, 1959

Missouri, Horace and Annie Robinson Complainant S

Vs.

Bertha Terrell, et al Defendant S

Motion is hereby made for a Decree Pro Confesso against Willie Parker

..... 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 15th day of December 1959

746 Code

Melrose S. Stone Solicitor.

No. 4355

Page _____

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

Missouri Horace, et al,

Complainant S

Vs.

Bertha Ferrell, et al,

Defendant S

Motion for Decree Pro Confesso
on Publication

FILED

filed _____ 19 _____

DEC 15 - 59

ANDRE J. DUCK, CLERK Register.
REGISTER

Recorded in _____ Record

Vol. _____ Page _____

Register.

The State of Alabama,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY

No. 4355 December Term, 1959

Missouri Herace and Arnie Robinson Complainants
v. Bertha Ferrell, et al Defendants

In this cause it appears to the Register that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 14th day of August, 1958, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 11th day of August, 1958, and

a copy of the Bill of Complaint, together with a summons, was sent by registered mail, postage prepaid, marked "for delivery only to the person to whom addressed, and return receipt demanded; which was received by Willie Parker on August 20, 1958;

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

Willie Parker

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

that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Willie Parker

This 15th day of December 1959

Alice J. Duck Register.

No. 4355

Page _____

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

Missouri Horace, et al,

Vs.

Bertha Ferrell, et al,

Decree Pro Confesso of Publication

FILED

Issued _____ 19__

DEC 15 1959

Register.

ALICE J. DUCK, CLERK
REGISTER

Recorded in _____ Record

Vol. _____ Page _____

Register.

MISSOURI HORACE and ANNIE
ROBINSON,

Complainants

VS

BERTHA FERRELL, WILLIE
PARKER, SADIE PARKER JACK-
SON, JOE JAMES, SAM WALKER
and BALDWIN COUNTY BANK, a
Corporation,

Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

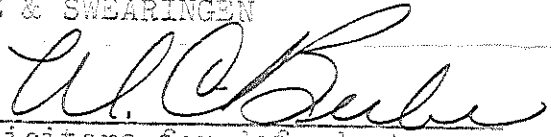
IN EQUITY

Come the defendants, Sam Walker and the Baldwin
County Bank, and demurring to complainants' bill of complaint
say:

1. There is no equity in the bill.

BEEBE & SWEARINGEN

BY


Solicitors for defendants

43555

Missouri Horace and Annie
Robinson,

Complainants

vs

Bertha Ferrell et al

Respondents

Demurrer

FILED

SEP 5 1950

ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA

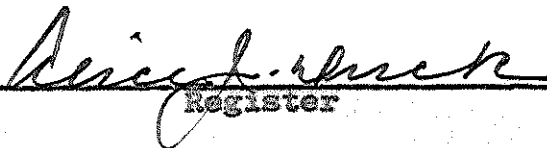
IN THE CIRCUIT COURT - IN EQUITY

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Sam Walker, Joe James, and Baldwin County Bank, a corporation, 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 Missouri Horace and Annie Robinson, as Complainants, against Bertha Ferrell, et al., Respondents.

Witness my hand on this the 11 day of August, 1958.


Register

B.C. Bank

MISSOURI HORACE and ANNIE
ROBINSON,

Complainants,

vs.

BERTHA FERRELL, WILLIE
PARKER, SADIE PARKER JACK-
SON, JOE JAMES, SAM WALKER
and BALDWIN COUNTY BANK, A
Corporation,

Respondents.

X
X
X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

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

Come your Complainants Missouri Horace and Annie Robinson,
by their attorneys, and respectfully represent and show unto Your
Honor and unto this Honorable Court as follows:

FIRST:

That they are both over the age of twenty-one years and
are resident citizens of Baldwin County, Alabama, residing in Stock-
ton, Alabama. That the Respondents are each over the age of twenty-
one years. The Respondent Bertha Ferrell is a resident citizen of
the State of California, residing at 108 West Nervin Avenue in Rich-
mond, California; the Respondent Sadie Parker Jackson is a resident
citizen of the State of California, residing at 1228 Egbert Avenue,
San Francisco, California; the Respondent Willie Parker is a resi-
dent of the State of California, but his address is not known to your
Complainants and cannot be ascertained but your Complainants know
that he does live near the Respondent Bertha Ferrell in Richmond,
California; the Respondent Joe James is a resident citizen of the
State of Alabama, residing at Prichard, Alabama, but his particular
address is not now known; the Respondent Sam Walker is a resident
citizen of the State of Alabama residing in Stockton, Alabama; and
the Respondent Baldwin County Bank is a corporation organized and
existing under the laws of the State of Alabama with its principal
place of business in Bay Minette, Alabama.

SECOND:

That your Complainants, together with the Respondents,
are the joint owners and tenants in common of the following described
real property situated in Baldwin County, Alabama, to-wit:

PARCEL A

Beginning at the Southeast corner of Section 22, Township 1 North, Range 2 East, run thence West 1,577.6 feet to an iron bolt in Rice Creek for the point and place of beginning; run thence South $85^{\circ} 30'$ West along a fence line 194 feet to a point; run thence North 88° West 380 feet along a fence line to a corner post situated in the East right-of-way line of a public highway; run thence North $2^{\circ} 39'$ West 344 feet along said East right-of-way line to a brass pipe; run thence North $64^{\circ} 10'$ East 368.2 feet to a one inch iron rod; run thence North $64^{\circ} 10'$ East 266.4 feet to an iron bolt located on the edge of Rice Creek; run thence in a Southeasterly direction and following the meanderings of Rice Creek in a general direction of South $37^{\circ} 48'$ East 815 feet, more or less, to the point and place of beginning, containing 10.8 acres, more or less.

PARCEL B

Commencing at the Northeast corner of Section 37, Township 1 North, Range 2 East, run thence North 35 feet, more or less, to a fence corner post for the point and place of beginning; thence continue North $6^{\circ} 30'$ East along a fence line 414 feet to an iron pin; run thence North 76° East 210 feet to a point in the West right-of-way line of a public highway; run thence South $2^{\circ} 55'$ East 467 feet along the West right-of-way of said public highway to a point; run thence West 234 feet to the point and place of beginning, containing 2.25 acres, more or less,

which property is situated near Stockton in Baldwin County, Alabama. That said property is divided by a public road and there are improvements on a portion of said property, part of the same being located in a creek bottom and part of the same being located along the highway and said property cannot be equitably divided without a sale of the same and a division of the proceeds of such sale among the joint owners.

THIRD:

That said property was owned during her lifetime by one Phyllis Washington, the grandmother of both of the Complainants and the great grandmother of the Respondents Bertha Ferrell, Willie Parker, Sadie Parker Jackson. That the said Phyllis Washington died about thirty years ago intestate and her husband predeceased her and she left as her heirs at law and next of kin two sons, Hamilton Washington and Charlie Washington. That Hamilton Washington died many years ago, the exact date of his death being unknown to your Complainants and they do not know whether he died before his mother,

Phyllis Washington, or not, but they do know that he died intestate and that his wife, Carrie Washington, died subsequent to his death. That the said Hamilton Washington left surviving him as his heirs at law and next of kin, aside from his wife Carrie Washington, who is now deceased, the following children: Camilla Pope, Bertha Mattox, Viola Young, Eugene Washington, Reuben Washington, Missouri Horace (one of the Complainants) Lenora Parker and Odessa Washington. That Odessa Washington died intestate about fifteen years ago and left no children and was unmarried on the date of her death and her heirs at law and next of kin were the named children of the said Hamilton Washington, who were her brothers and sisters. That Lenora Parker is now dead and her husband is also dead and she left surviving her three children as her heirs at law and next of kin, namely: Bertha Ferrell, Willie Parker and Sadie Parker Jackson, all of whom are named as Respondents to this proceeding. That Charlie Washington, the other son of the said Phyllis Washington, died intestate subsequent to the death of Phyllis Washington and his wife, Anna Washington, had predeceased him. That he left surviving him as his heirs at law and next of kin the following children: Bessie James, Haver Williams, Nellie Stevens, Vandon Washington, Hamilton Washington and Laura James and Annie Robinson (one of the Complainants). That Bessie James died intestate about two years ago and left surviving her, her husband, Joe James (one of the Respondents named herein) and two children, Lucille James and Mary A. Williams, as her heirs at law and next of kin. That Lucille James died on June 26, 1957, leaving as her only heir at law and next of kin, one child, John Edward James.

FOURTH:

That prior to the conveyance by a number of the above named heirs at law and next of kin of the said Hamilton Washington and Charlie Washington which is hereinafter particularly referred to, the title to the above described parcels of land was owned in the following proportions:

Camilla Pope.....1/14
 Bertha Mattox.....1/14
 Viola Young.....1/14

Eugene Washington.....	1/14
Reuben Washington.....	1/14
Missouri Horace.....	1/14
Bertha Ferrell.....	1/42
Willie Parker.....	1/42
Sadie Parker.....	1/42
John Edward James.....	1/24
Mary Williams.....	1/24
Hover Williams.....	1/12
Hellie Stevens.....	1/12
Vandon Washington.....	1/12
Hamilton Washington.....	1/12
Annie Robinson.....	1/12

subject only to a life estate in Joe James in an undivided 1/14th interest in said parcels of land as the surviving husband of Bessie James who owned a 1/14th interest at the time of her death.

FIFTH:

That on April 15, 1950, the said Camilla Pope and her husband Frank Pope executed and delivered to Malcolm ONeal Williams and Helen Williams a Warranty Deed purporting to convey the entire fee simple interest in and to seventeen and one quarter (17 $\frac{1}{4}$) acres of land in Section 22, Township 1 North, Range 2 East, which said deed included all of the land which is the subject matter of this suit except a small portion in the Northeast corner of "PARCEL A". Said deed is recorded in Deed Book 162 N. S. at pages 486, Baldwin County Records. On January 12, 1952, Malcolm ONeal Williams and Helen Williams re-conveyed said seventeen and one quarter (17 $\frac{1}{4}$) acre parcel to Frank Pope and Camilla Pope, husband and wife, which deed is recorded in Deed Book 194 N. S. at page 51, Baldwin County, Alabama public records. By virtue of the last noted conveyance, and in view of the fact that Camilla Pope was, on April 15, 1950, vested with the title to an undivided one-fourteenth (1/14) interest in the land which is the subject matter of this proceeding, she and her husband Frank Pope, were then vested with an undivided one-twenty-eighth (1/28) interest each in all of said property except the small portion in the Northeast Corner of "PARCEL A" in which Frank Pope did

not acquire an interest until the death of the said Camilla Pope intestate, at which time he acquired a life estate in the undivided one-fourteenth (1/14) interest with which his wife was seized at the time. On October 31, 1955, Camilla Pope and Frank Pope, her husband, executed and delivered a warranty deed to the Respondent Sam Walker conveying a tract of land which included all of the property which is the subject matter of this proceeding. This deed is recorded in Deed Book 228 N. S. at Page 404, Baldwin County, Alabama, public records. The Complainants allege that although this deed purports to convey the full fee simple title to the property therein described, reference to which deed is hereby made for a particular description, that as a matter of fact Camilla Pope and Frank Pope, her husband, had no more than an undivided 1/14th interest in the property described in said deed. On the same day (October 31, 1955) Sam Walker executed a mortgage to Baldwin County Bank, a corporation, to secure the payment of an indebtedness of the said Sam Walker to said Bank of One Thousand Two Hundred Fifty-nine Dollars and Twenty-eight Cents (\$1,259.28), which mortgage is recorded in Mortgage Record 258 at pages 66-68, Baldwin County, Alabama, public records. Although this mortgage purports to convey the full fee simple title to the property therein described, reference to which is hereby made for a particular description, that, in fact, Sam Walker was vested with only an undivided 1/14th interest in and to said property.

SIXTH:

That on February 14, 1958, all of the above named heirs at law and next of kin of the said Hamilton Washington and Charlie Washington except Bertha Ferrell, Willie Parker, Sadie Parker, Camilla Pope and the said Joe James conveyed all of their right, title and interest in and to said property to Missouri Horace and Annie Robinson (the Complainants) in equal parts, which deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 265 at pages 111-116. That subsequent to said conveyance and the conveyances noted in paragraph "FIFTH", above, the title to said property was vested in the following persons in the

proportions shown opposite their names and is now vested in such persons in accordance with such proportions:

Missouri Horace.....	71/168
Annie Robinson.....	73/168
Sam Walker.....	12/168
Bertha Ferrell.....	4/168
Willie Parker.....	4/168
Sadie Parker.....	4/168

subject only to the life estate in Joe James in an undivided 12/168 or 1/14th, and to the mortgage of Baldwin County Bank covering the undivided 1/14th interest of Sam Walker.

SEVENTH:

That your Complainants, Missouri Horace and Annie Robinson, has expended great sums of money in and about the preservation and maintenance of said property and the payment of the taxes thereon including the cost of a survey made on January 10, 1958, by Claude W. Arnold in the amount of One Hundred Fifty Dollars (\$150.00), and other expenses necessarily incident to the proper preservation and protection of the said property and for the expenditure of which sums the said Complainants do hereby claim a lien in the total amount of said expenditures on said property and the proceeds of any sale thereof as herein prayed for.

EIGHTH:

That in order to properly present this proceeding to this Court and to formulate the respective interests of all of the joint owners of this property and to otherwise render the services required in filing and presenting this Bill of Complaint it has been necessary that your Complainants employ attorneys and to this end they have employed the firm of Chason & Stone of Bay Minette, Alabama, as such attorneys and have incurred attorneys fees with said firm for and on behalf of all said joint owners.

NINTH:

That there is presented herewith an affidavit of Notorborne

C. Stone, Jr., one of the attorneys of record for the Complainants relative to the non-residence of five of the above Respondents in accordance with the equity rules in such cases made and provided.

PRAYER FOR PROCESS

The premises considered, your Complainants respectfully pray that this Honorable Court will cause the usual Writ of Process to issue against the named Respondents who are residents of the State of Alabama and whose addresses are shown herein and will cause such writ to be served upon them in accordance with the statutes in such cases made and provided requiring them to plead, answer or demur to this Bill of Complaint within the time allowed by law and under the rules of this Honorable Court. Your Complainants further pray that service of process be had upon the adult non-resident Defendants, Bertha Ferrell and Sadie Parker Jackson, whose addresses are known to the Complainants, in accordance with Equity Rule 5, 2(b), Alabama Equity Rules, by the Register of this Court mailing to said Respondents by registered mail, postage prepaid, a copy of this Bill of Complaint together with a summons to answer the same within thirty days from the receipt thereof, the envelope containing said copy of the Bill of Complaint and Summons to be marked "for delivery only to the person to whom addressed" and a return receipt demanded of the postoffice authority addressed to the Register of this Court. And Your Complainants further pray that service by publication be had on the Respondent Willie Parker, an adult non-resident Respondent whose address is not known and cannot be ascertained after reasonable effort under Equity Rule 6 (A), Alabama Equity Rules, by entering an order of publication requiring said Respondent to answer or plead to the Bill of Complaint before a date to be named therein, not less than thirty days nor more than fifty days from the making thereof, such order of publication to be published in a newspaper to be designated therein, once a week for four consecutive weeks and a copy of which order to be posted at the front door of the courthouse of Baldwin County, Alabama, and will further cause a copy of the Bill of Complaint to be mailed to the said Willie Parker at the address

for found in my county after diligent search and in
return to you of
1887
for the Respondent Bertha Merrill, it having been alleged that
he lives with the said Bertha Merrill in the State of California.

PRAYER FOR RELIEF

In the premises considered, the Complainants pray that upon a
final hearing of this cause that this Honorable Court will enter an
order or decree establishing the joint ownership of the Complainants
the Respondents hereinabove described and will, in and by the
terms of said decree, determine that the property hereinabove describ-
ed cannot be equitable divided or partitioned among the said joint
owners and will order a sale thereof for a division of the proceeds
of said sale, and order or decree to specify the notices in regard
to said sale and the time and place for the same to be held. And
your Complainants further pray that in and by the terms of said de-
cree that this Honorable Court will fix and determine a reasonable
attorneys fee to be paid to Chason & Stone as attorneys for the Com-
plainants and will order that said fee be paid out of the proceeds
of said sale before a division and distribution thereof and will fur-
ther order and decree that the Complainants Missouri Horace and Annie
Robinson are entitled to a lien on said property and the proceeds of
such sale in an amount to be fixed and determined by this Court, such
amount to be paid to them before a distribution of the proceeds of
such sale. And your Complainants pray for such other and different
relief as in the premises will be most and proper and they do hereby
offer to do equity.

CHASON & STONE

By: Melrose Stone, Jr.
Attorneys for Complainants

20.4353

Returned 15 day of Aug 1958
Not found in my county after diligent search and inquiry.

Taylor Wilkins, Sheriff,
By W. A. Tolbert
Deputy Sheriff

MISSOURI HORACE and ANNIE ROBINSON,

Complainants,

vs.

BERTHA FERRELL, ET AL.,

Respondents.

SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

AUG 11 1958

ALICE J. BOCK, Register

Handwritten signature and text at the bottom right of the page.