

Largest Weekly Circulation in South Alabama

Bay Minette, Ala., 2/11/26

Mr. T. W. Richardson, Register

THE BALDWIN TIMES

FINE JOB PRINTING. BEST ADVERTISING MEDIUM

PROMPT SERVICE. LOWEST PRICES.

LOCAL AND LONG DISTANCE TELEPHONE

All Bills Must Be Paid Within 30 Days

Notice to non-resident
Miss Lillie Smith No 6558
Mrs. Alice ^{see} Costello

A8,76

Post Office Department
OFFICIAL BUSINESS

REGISTERED ARTICLE NO. 435
No. 687
INSURED PARCEL

Penalty for Private Use to Avoid Payment of Postage \$300

Return to *T. W. Richerson*
(NAME OF SENDER)

Street and Number
or Post Office Box

Post Office at _____
State _____

NOTICE TO NON-RESIDENT

State of Alabama, Baldwin County. Circuit Court, in Equity, This the 15th day of January, 1926. Miss Lillie Smith, No. 558. vs. Mrs. Alice Costello.

In this cause it being made to appear to the Register of this Court by the affidavit of George J. Sullivan, one of the Solicitors for Complainant, that the Defendant Mrs. Alice Costello, is a non-resident of the State of Alabama residing at New Rochelle, N. Y., her Post office address being 620 Main street, her temporary Post Office address being 4217 Canal Street, New Orleans, La. and further, that in the belief of said Affiant the Defendant is over the age of 21 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 Mrs. Alice Costello, the said Defendant, to answer or demur to the Bill of Complaint in this cause by the 22nd day of February, 1926, or after thirty days therefrom a decree Pro Confesso may be taken against her.

T. W. RICHERSON, Register
Sullivan & Stallsworth, Attorneys for Plaintiff.

51-4t

Post Office Department
OFFICIAL BUSINESS

REGISTERED ARTICLE NO. 435
No. 687
INSURED PARCEL

Penalty for Private Use to Avoid Payment of Postage \$300

Return to *T. W. Richerson*
(NAME OF SENDER)

Street and Number
or Post Office Box

Post Office at _____
State _____

Delivery receipt

RECEIPT FOR REGISTERED ARTICLE NO. 435

Fee paid. _____ class postage paid. _____ (Date) 1926

From *T. W. Richerson*

Addressed to *Edward Davis, 1111 1/2 1st St, Bay Minette, Ala.*

Accepting employee will place initials in spaces applicable to indicate endorsements, etc.

Return receipt desired. Special delivery

Delivery restricted To addressee in person _____
 To addressee or order _____ Postmaster, per *L.*

Bay Minette, Ala. 1926

Post Office Department
OFFICIAL BUSINESS

REGISTERED ARTICLE NO. 687
INSURED PARCEL 1926

No. _____

Return to *T. W. Richerson*
(NAME OF SENDER)

Street and Number or Post Office Box _____
Post Office at _____
State _____

Penalty for Private Use to Avoid Payment of Postage \$300

Postmark of Delivery Office _____
Date of Delivery _____

Post Office Department
OFFICIAL BUSINESS

REGISTERED ARTICLE NO. 686
INSURED PARCEL 1926

No. _____

Return to *T. W. Richerson*
(NAME OF SENDER)

Street and Number or Post Office Box _____
Post Office at _____
State _____

Penalty for Private Use to Avoid Payment of Postage \$300

Postmark of Delivery Office _____
Date of Delivery _____

NOTICE TO NON-RESIDENT

State of Alabama, Baldwin County, Circuit Court, in Equity, This the 15th day of January, 1926.
Miss Lillie Smith, No. 558. vs. Mrs. Alice Costello.

In this cause it being made to appear to the Register of this Court by the affidavit of George J. Sullivan, one of the Solicitors for Complainant, that the Defendant Mrs. Alice Costello is a non-resident of the State of Alabama residing at New Rochelle, N. Y., her Post office address being 620 Main street, her temporary Post Office address being 4217 Canal Street, New Orleans, La. and further, that in the belief of said Affiant the Defendant is over the age of 21 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 Mrs. Alice Costello, the said Defendant, to answer or demur to the Bill of Complaint in this cause by the 22nd day of February, 1926, or after thirty days therefrom a decree Pro Confesso may be taken against her.

T. W. RICHERSON, Register
Sullivan & Stallworth, Attorneys for Plaintiff.

51-4t

RECEIPT FOR REGISTERED ARTICLE NO. 435

Fee paid. _____
From *T. W. Richerson* (Date) 1-15-26, 1926

Addressed to *Edw. Davis, Hallewell, Ala.*
Almas Ferry, Baldwin Co., Ala.

Return receipt desired Special delivery _____
Delivery restricted To addressee in person _____
 To addressee or order _____ Postmaster, per *L.*



RECEIPT FOR REGISTERED ARTICLE NO. 453

15 fee paid / class postage paid 1925

From J. W. Richerson

Addressed to Edward Davis, 1111 1/2 St. ...
 Also to ...

Accepting employee will also initials in spaces applicable to ...

Return receipt desired Special delivery

Delivery restricted To addressee in person To addressee or order Postmaster, per

Stamp: 1925 JAN 15

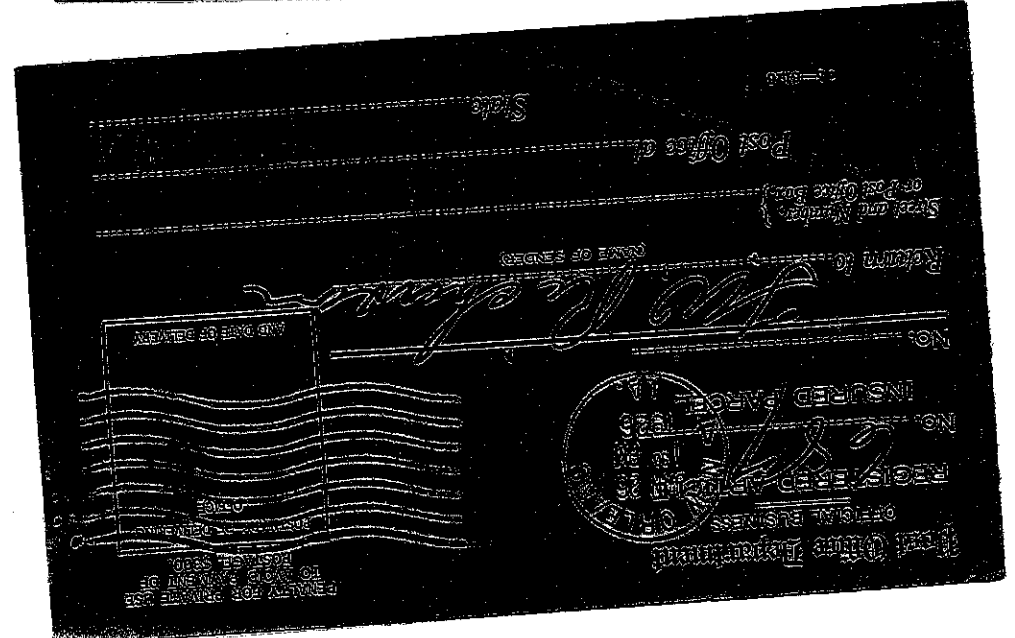
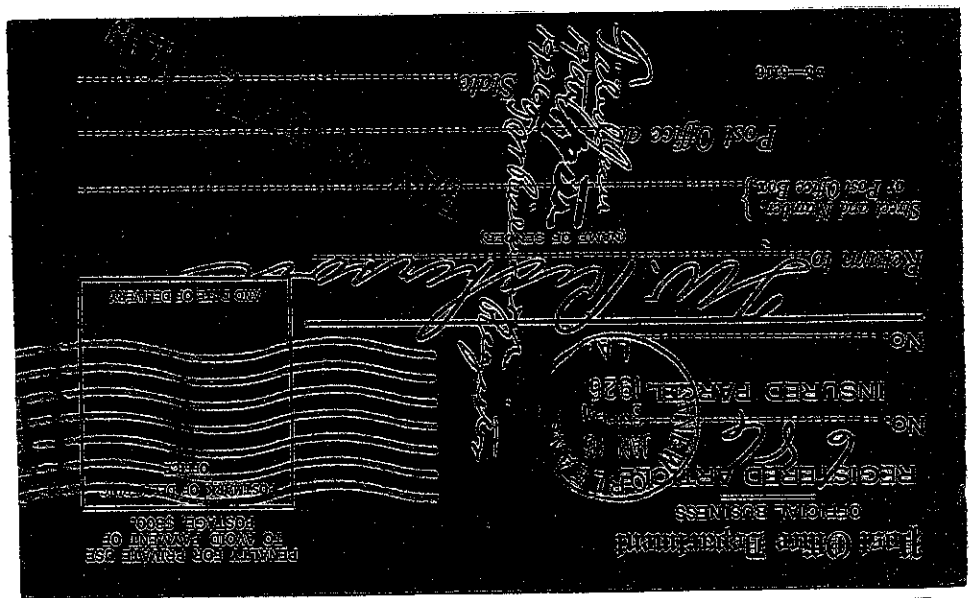
NOTICE TO NON-RESIDENT

State of Alabama, Baldwin County, Circuit Court in Equity. This the 15th day of January, 1926.

Miss Willie Smith, No. 558 vs. Mrs. Alice Costello.

In this cause it being made to appear to the Register of this Court by the affidavit of George J. Sullivan, one of the Solicitors for Complainant, that the Defendant, Mrs. Alice Costello, is a non-resident of the State of Alabama, residing at New Rochelle, New York, her Post office address being 620 Main street, her temporary Post Office address being 4217 Canal Street, New Orleans, La., and further that in the belief of said Affiant the Defendant is over the age of 21 years, it is therefore ordered that publication be made in the Baldwin Times, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks, requiring Mrs. Alice Costello the said Defendant, to answer or demur to the Bill of Complaint in this cause by the 22nd day of February, 1926, or after thirty days therefrom a decree Pro Confesso may be taken against her.

J. W. RICHERSON, Register
 Sullivan & Stallworth, Attorneys for Plaintiff.



RETURN RECEIPT.

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

45323

(Signature of name of addressee)

(Signature of addressee's agent)

Date of delivery,, 190

Form 6911

6-11

RETURN RECEIPT.

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

2/17/20
Handwritten signature and date

(Signature of name of addressee)

(Signature of addressee's agent)

Date of delivery,, 190

Form 6911

6-11

To the Honorable John D. Leigh,

Judge of the Circuit Court of

Baldwin County, Alabama, sitting in equity.

558

Your complainant Miss Lillie Smith brings this bill of complaint against Mrs. Alice Costello, and respectfully shows unto your Honor that

1. Complainant and respondent are both women, over the age of twenty-one years and of sound mind, your complainant being an unmarried woman and the respondent being a widow, complainant residing at Pt. Clear, Baldwin County, Alabama, and the respondent residing at New Rochelle, New York, her Post Office address being 620 Main Street, though her Post Office address temporarily is 4217 Canal Street, New Orleans, Louisiana.

2. On, to-wit, May 22, 1925, the respondent owning and being in the possession of the hereinafter described property, sold the same to your complainant for the sum of seven hundred and fifty dollars (\$750.00) and your complainant paid therefor ten dollars (\$10.00) on account of the purchase money and received from the respondent an acknowledgment thereof and statement of the agreement between the parties as follows:

"Pt. Clear, Ala., May 22, 1925.

Received of Miss Lillie A. Smith \$10.00 part payment on \$750.00 price of two lots on Pt. Clear Beach adjoining Zundles; if any flaw in title, deal called off money refunded.

Alice L. Costello.*

The agreement between the parties was further evidenced by letters between them wherein the respondent sold the property to your complainant and your complainant bought it from the respondent for seven hundred and fifty dollars (\$750.00).

The said two lots mentioned in the said receipt and in the correspondence between the parties are particularly described as follows, to-wit:

All that real property in the County of Baldwin, Alabama, within the limits of the Mariana Rouise Grant in Township Six (6) South, Range Two (2) East, particularly described as follows, to-wit:

That lot bounded by a line beginning at the centre line on Mobile Bay of lot number two (2); thence running east eleven and .45 (11.45) chains to the public road from Zundel's to Ft. Clear; thence north along said road sixty-one and one-half (61-1/2) feet to Moog's south boundary line; thence west eleven and .50 (11.50) chains to Mobile Bay; thence southwardly meandering the Bay to the place of beginning. Saving and excepting from the said lot, however, a lot at the east end thereof, immediately south of the Moog property, fronting fifty-one and one-half (51-1/2) feet on the public road and extending back westwardly along Moog's line, with even width, one hundred and seventy-five (175) feet for depth, which was conveyed by the respondent to H. J. and Archibald Campbell in 1918.

3. Shortly after making her said purchase, the complainant entered into the possession of the said lot, made valuable improvements thereon and let the same to a tenant who has continued and is now in the actual occupancy and use of said premises.

4. A conveyance of said property, to be executed and acknowledged by the respondent, conveying the property to your complainant in pursuance of said agreement, was drawn and presented to the respondent with the request that she execute, acknowledge and deliver the same to your complainant, who at all times has been ready, willing, able and desirous of paying the balance of the purchase money therefor in accordance with said agreement, and who has repeatedly requested the respondent to execute and deliver the deed to her, your complainant; but the respondent, in breach of her obligation to your complainant, at first simply failed to answer complainant's written requests and finally, after much correspondence and efforts on the part of your complainant and her attorneys and a firm of real estate agents in whose hands the respondent had said property for sale for many years, respondent on, to-wit, December 14, 1925, repudiated her agreement and though since repeatedly asked by complainant to make the conveyance, has failed so to do.

5. Complainant is now, and has at all times been, and will continue to hold herself, in readiness to pay the balance of the purchase price and to do and perform all such other and additional things as

she may in equity and good conscience be required to do, to fully execute and comply with her part of said agreement.

Prayer for Process.

Complainant prays that the respondent be compelled to answer this bill of complaint, and to that end that the respondent be served with the court's writ of subpoena, and that a copy of this bill be sent by registered mail to the respondent, at both of the above stated addresses, and for such other process as by law and the practice of this Honorable Court is provided.

Prayer for Relief.

Complainant prays this Honorable Court to enter a decree establishing the contract hereinabove related between complainant and the respondent; declaring that the equitable title to said lot is in your complainant, subject to the payment of the balance of the purchase money, as aforesaid, and such other sums of money, if any, as upon the hearing of this cause it may to the court seem equitable and meet that the complainant should pay to the respondent; further declaring that the legal title to the said lot held by the respondent is by her held in trust for your complainant under said contract, and permitting your complainant to pay into the registry of this court, for the use of the respondent, the aforesaid balance of the purchase money, and any other moneys which in equity and good conscience the complainant ought to pay to the respondent, and upon such payment being made, to divest the legal title out of the respondent Alice Costello and vest the same in your complainant Lillie Smith, and enter any and all such other orders and decrees for the specific performance of the aforesaid contract between the complainant and the respondent as, upon the submission of the cause, may to the court appear equitable, just and in keeping with good conscience between the parties.

Complainant prays for all such other, further and different relief as by law and in good conscience and according to the practice of this Honorable Court the complainant is entitled to receive.

William J. Sturtevant

Solicitors for Complainant.

FOOT-NOTE: The respondent is required to answer each paragraph of the foregoing bill of complaint, from one to five inclusive of both, but not under oath, oath to the same being hereby expressly waived.

Sullivan & Stalworth

Solicitors for Complainant.

State of Alabama, #

Mobile County. #
#

Before me, the undersigned authority, personally appeared George J. Sullivan, who being by me first duly sworn, did depose and say upon his oath that

I am one of the solicitors for the complainant in the above written bill. I know both the parties thereto. I have examined carefully the correspondence submitted to me by the complainant; have had repeated interviews with Major James K. Glennon, the real estate agent referred to in the bill; ^{and} with the attorney for the respondent Mrs. Costello.

I am informed and verily believe that the facts stated in the foregoing bill are true, and am of the opinion that the complainant is justly, and in equity, entitled to the relief prayed in her foregoing bill of complaint.

Geo J Sullivan

Subscribed and sworn to before me #
this 14th. day of January, 1926. #
#

Clara M. Stokes
Notary Public, Mobile County, Ala.

2

No. 558

CIRCUIT COURT OF
BALDWIN COUNTY.
IN EQUITY.

Miss Lillie Smith.

vs.

Mrs Alice Costello.

RECORDED

CERTIFICATE OF REGISTER AS TO NOTICE
BY REGISTERED MAIL.

Filed in office on this 23rd

day of January, 1926

[Handwritten Signature]

Register.

2
No. 558

CIRCUIT COURT OF
BALDWIN COUNTY.
IN EQUITY.

Miss Lillie Smith.

vs.

Mrs Alice Costello.

RECORDED

CERTIFICATE OF REGISTER AS TO NOTICE
BY REGISTERED MAIL.

Filed in office on this 23rd

day of January, 1926

J. W. [Signature]

Register.

Miss Lillie Smith

vs.

Mrs. Alice Costello.

#

No. 558.

Circuit Court of
Baldwin County, Alabama.

In Equity.

Comes the complainant and shows to the court that this cause has been settled by the respondent's executing and delivering to complainant a conveyance of the property described in the bill, which has been filed for record in the office of the Probate Judge of said County, and by complainant's paying to the respondent the consideration agreed upon between the parties and the costs of this cause.

Wherefore, complainant moves the court to dismiss the bill.



Solicitors for Complainant.

Miss Lillie Smith

- 08 -

3

Mr. Alvin Costello.

Sold May 8th 1926

J. W. Williamson
Register

RECORDED

The State of Alabama, }
Baldwin County.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING :

WE COMMAND YOU, That you summon Mrs. Alice Costello,

~~Non resident~~ ~~&&~~ to be and appear before the Judge of the Circuit Court
of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Sum-
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Miss Lillie Smith.

against said Mrs. Alice Costello,

and further to do and perform what said Judge shall order and direct in that behalf. And this the
said Defendant shall in no wise omit, under penalty, etc. And we further command that you return
this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 15th day of

January, 1926.

T. W. Richerson Register.

N. B.— Any party defendant is entitled to a copy of the bill upon application to the Register.

Original

SERVE ON.....

Circuit Court of Baldwin County
In Equity.

No.

SUMMONS

Miss Lillie Sumner

vs.

Miss Alice Costello

Sullivan & Starnes
Solicitor for Complainant

Recorded in Vol. Page

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this
day of 192.....

Sheriff.

Executed this day of
..... 192.....

by leaving a copy of the within Summons with

Defendant.

Sheriff.

By Deputy Sheriff.

Jan 15th 1926
Copy of Summons & Copy of
Complaint sent by Reg. mail
to Dept at 620 Union St
New Rochelle, New York. Reg.
And also to Dept at 4217
Canal St New Orleans
La

J. M. Williams
Reg. Clerk

Mrs. Alice Costello

Register

be taken against

192 6, or after thirty days therefrom a decree Pro Confesso may
to answer or demur to the Bill of Complaint in this cause by the

the said Defendant, Baldwin County, Alabama, once a week for four consecutive weeks, requiring Mrs. Alice Costello

a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks, requiring Mrs. Alice Costello
years; it is, therefore ordered that publication be made in the Baldwin Times
and further, that, in the belief of said Affiant, the Defendant is over the age of 21

office address being 4217 Canal Street, New Orleans, La.;
is a non-resident of the State of Alabama residing at New Rochelle, N.Y. her post

Mrs. Alice Costello,
that the Defendant
George J. Sullivan, one of the solicitors for

In this cause it being made to appear to the Register of this Court by the affidavit of

January 6 192 6

This the 15th day of

CIRCUIT COURT, IN EQUITY.

Baldwin County.

STATE OF ALABAMA,

Mrs. Alice Costello,

No. 558.

Mrs. Alice Costello,

GEO. J. SULLIVAN

N. E. STALLWORTH

SULLIVAN & STALLWORTH
ATTORNEYS AND COUNSELLORS AT LAW
MOBILE, ALABAMA

January 14, 1926.

Mr. T. W. Richerson,
Register of the Circuit Court,
Bay Minette, Ala.

Dear Sir:

In re Smith vs. Costello :
Enclosed we hand you bill in equity which you will
please file, sending copies and notice by registered mail to the
respondent at both addresses given in the bill, 620 Main Street, New
Rochelle, New York, and 4217 Canal Street, New Orleans, Louisiana,
and make order of publication as provided by law to non-residents,
sending copies of the publication, as made, to the respondent at
both addresses, and also sending copies thereof to us.

Yours truly,



Det.