JAMES H. BENNETT, and AMELIA B. BENNETT, Complainants vs. ANNA CARR BENNETT, MINNIE LOU BRABANT, ANNA SUE BENNETT, JAMES B. BOSLEY, ALICE B. MURPHY, JOYCE B. HAWES, SAM BOSLEY, GEORGE M. BOSLEY, MARTHA B. FOSTER, MILDRED B. WARD, LOUISE B. THRIFT, MARY B. STINSON, A.F. BENNETT, and J.W. BOSLEY, Respondents	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY	No. 4385

DECREE

This cause, coming on for further hearing on the Report of the Commissioner, notice of which was given the parties and upon testimony, said testimony being taken in open court and the same being considered by the Court

It appears to the Court as follows:

Pursuant to the decree of this Court, dated the 11th day of December, 1958, Mrs. Alice J. Duck, the Commissioner appointed herein, did set a sale of the property hereinafter described for 12:00 noon on the 26th day of January, 1959, and did give notice of the time, place and terms of sale and the description of the property by publication for three (3) successive weeks in the Baldwin Times, a newspaper of general circulation published in Baldwin County, Alabama, said property being located in Baldwin County and being described as follows, to-wit:

PARCEL NUMBER ONE

From the Northwest corner of Section 13, Township 3 South, Range 4 East, Baldwin County, Alabama, run East 1233.5 feet to a corner of the International Paper Company's land for a point of beginning: thence run East 1072.0 feet, thence South 44 degrees 30 minutes East 1598 feet, thence South 44 degrees 30 minutes West 1190 feet, thence North 35 degrees 15 minutes West 2413.5 feet to the point of beginning, containing 46.2 acres, more or less.

PARCEL NUMBER TWO

An one-half undivided interest in the minerals located on, in or under the following property

in Baldwin County, Alabama, to-wit: From the Southeast corner of Section 13, Township 3 South, Range 4 East, run North along the East line of said Section 1279.0 feet; thence North 45 degrees 30 minutes West 3059 feet; thence South 44 degrees 30 minutes West 150 feet; thence North 35 degrees 15 minutes West 2413.15 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter; thence West along the North section line 178.5 feet; thence South 60 degrees 20 minutes West 1152 feet to point in West line of Section; thence South 4818 feet to Southwest corner of said Section; thence East 488 feet to Southeast corner to point of beginning, comprising a total of 398.6 acres, more or less.

Subject to that certain oil, gas and mineral lease by James H. Bennett, et al. to Union Oil Company of California dated October 5, 1955, and recorded in Deed Book 233 N.S., p. 109-15, Baldwin County, Alabama, Records.

At the time and place set out in said notice, the said property was offered for sale at public auction to the highest and best bidder for cash, first offering each parcel separately, and second, all of the above described parcels as one unit; that the highest and best bids for said property came by offering each property separately and was as follows: Adolphus Jones being the highest and best and last bidder did purchase Parcel Number One at the sum of TWO THOUSAND, SEVEN HUNDRED,SEVENTY-FIVE ($2,775.00) DOLLARS, said Parcel Number One being as above described herein. That the best and last and the highest bidder for Parcel Number Two was Charles Finklea who did purchase Parcel Number Two at the sum of TWO THOUSAND ONE HUNDRED SEVENTY-EIGHT ($2,178.00) DOLLARS, said Parcel Number Two being as described above herein; that said bids were fair and reasonable and should be confirmed; that the said commissioner reported said sale to this Honorable Court on the 26th day of January, 1959, and notice of such was given to the complainants in this cause, being the only parties against which no decree pro confesso was taken; that no objections or exceptions were filed to the said report within ten(10) days thereafter, and that no cause was shown as to why said sale should not

be confirmed and it appears to this Court from the testimony taken on this hearing, that said sale should be confirmed and a deed executed by the said Alice J. Duck, to the said Adolphus Jones for Parcel Number One; and that it appears to this Court from the testimony taken on this hearing that said sale should be confirmed and a deed executed by the Commissioner to Charles Finklea, as to Parcel Number Two. That the said A.F. Bennett is entitled to a life estate in as set out more specifically in the decree of this Court dated December 11th, 1958, it appears to the Court from the testimony given in this case heretofore and from the value of the land and minerals, as shown by the sale herein, and from testimony, that the said A.F. Bennett's life estate should be valued at $ 214.00.

It further appearing to the Court that said Bill of Complaint was filed by J. Connor Owens, Jr., Attorney, and that a reasonable attorney's fee should be allowed him for services rendered in said cause in the sum of $ 500.00.

It further appearing to the Court that Mrs. Alice J. Duck, as Commissioner, sold said property and is entitled to a fee of $ 61.03. It further appearing to the Court that court costs incurred in this proceeding amount to $ 94.00.

It is , therefore, ORDERED, ADJUDGED and DECREED that Mrs. Alice J. Duck, as Commissioner, be and she hereby is ordered to execute a deed for the property herein described as Parcel Number One to ADOLPHUS JONES.

It is further ORDERED, ADJUDGED and DECREED that Mrs. Alice J. Duck, as Commissioner, be and she is hereby ordered to execute a deed for said property described as Parcel Number Two to CHARLES FINKLEA.

It is further ORDERED, ADJUDGED and DECREED that from the proceeds of the sale in the hands of said Commissioner, she is hereby ordered to pay JAMES H. BENNETT and AMELIA B. BENNETT the sum of $1269.89, pursuant to the decree of this

Court dated December the 11th, 1958; the said J. CONNOR OWENS, JR., Attorney at Law, the sum of $ 560.00 ; MRS. ALICE J. DUCK, as Commissioner, the sum of $ 61.03 ; and MRS. ALICE J. DUCK, Register, the sum of $ 94.00 as court costs in this proceeding and the balance of the said proceeds will be distributed as follows:

JAMES H. BENNETT	$ 1082.03
AMELIA B. BENNETT	$ 757.02
ANNA CARR BENNETT	$ 325.01
MINNIE LOU BRABANT	$ 325.01
ANNA SUE BENNETT	$ 32.51
JAMES B. BOSLEY	$ 32.50
ALICE B MURPHY	$ 32.50
JOYCE B. HAWES	$ 32.50
SAM BOSLEY	$ 32.50
GEORGE M. BOSLEY	$ 32.50
MARTHA B. FOSTER	$ 32.50
MILDRED B. WARD	$ 32.50
LOUISE B. THRIFT	$ 32.50
MARY B. STINSON	$ 32.50
A.F. BENNETT	$ 214.00

It is further ORDERED, ADJUDGED and DECREED that Mrs. Alice J. Duck, as Commissioner, report to this Court within 30 days her actions hereunder.

DONE this the 6th day of February, 1959.

Hubert M Stace
CIRCUIT JUDGE

SUMMONS AND COMPLAINT

Baldwin Times

CIRCUIT COURT, BALDWIN COUNTY

THE STATE OF ALABAMA,

BALDWIN COUNTY

No. 4385

Sept. TERM, 19 58

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Anna Carr Bennett, Minnie Lou Brabant, Anne Sue Bennett, James B. Bosley, Alice B. Murphy, Joyce B. Hawes, Sam Bosley, George H. Bosley, Martha B. Foster, Mildred B. Ward, Louise B. Thrift, Mary B. Stinson, A. F. Bennett, and J. W. Bosley

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 Anna Carr Bennett, Minnie Lou Brabant, Anna Sue Bennett, James B. Bosley, Alice B. Murphy, Joyce B. Hawes, Sam Bosley, George H. Bosley, Martha B. Foster, Mildred B. Ward, Louise B. Thrift, Mary B. Stinson, A. F. Bennett, and J. W. Bosley, Respondents Defendant

by James H. Bennett and Amelia B. Bennett, Plaintiffs

Witness my hand this 22 day of September 19 58.

203

Clerk

No. ..... Page .....

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

_____

_____

Plaintiffs

vs.

_____

_____

Defendants

SUMMONS and COMPLAINT

Filed ....., 19.....

....., Clerk

_____

Plaintiff's Attorney

_____

Defendant's Attorney

_____

Defendant lives at

_____

RECEIVED IN OFFICE

_____, 19.....

_____, Sheriff

I have executed this summons

this _____, 19.....

by leaving a copy with

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

..... Sheriff

..... Deputy Sheriff

JAMES H. BENNETT, and AMELIA B. BENNETT, Complainants vs. ANNA CARR BENNETT, MINNIE LOU BRABANT, ANNA SUE BENNETT, JAMES B. BOSLEY, ALICE B. MURPHY, JOYCE B. HAWES, SAM BOSLEY, GEORGE H. BOSLEY, MARTHA B. FOSTER, MILDRED B. WARD, LOUISE B. THRIFT, MARY B. STINSON, A. F. BENNETT, AND J. W. BOSLEY, Respondents	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY NO._____.

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

Now come your complainants, James H. Bennett, and Amelia B. Bennett, by their solicitor, and show unto this Court and unto your Honor, the following:

1. That your complainants are each over the age of twenty-one years, and are residents of Baldwin County, Alabama; that the respondents are each over the age of twenty-one years, are of sound mind, and that each are non-residents of the State of Alabama; that the respondent, Anna Carr Bennett, resides at 403 Legion Boulevard, Owensboro, Kentucky; that the respondent, Minnie Lou Brabant, resides in Hardinsburg, Kentucky; that the respondent, Anna Sue Bennett, resides at 2609 South Allen Street, Owensboro, Kentucky; that the respondent, Alice B. Murphy, resides at 1811 N. Chesterfield Drive, Owensboro, Kentucky; that the respondent, James B. Bosley, resides at 9336 Horton Drive, La Mesa, California; that the respondent, Joyce B. Hawes, resides in Springer, New Mexico, with mailing address of P. O. Box 701; that the respondent, Sam Bosley, resides at Route 2, Owensboro, Kentucky; that the respondent, George H. Bosley, resides on Route 2, Owensboro, Kentucky; that the respondent, Martha B. Foster, resides on Route 2, Philpot, Kentucky; that the respondent, Mildred B. Ward, resides on Route 2, Utica, Kentucky; that the respondent, Louise B. Thrift, resides at 224 Monument Street, Anaheim, California;

that the respondent, Mary B. Stinson, resides on Route 2, Owensboro, Kentucky; that the respondent, A. F. Bennett, resides at 809 West 13th Street, Owensboro, Kentucky; that the respondent, J. W. Bosley, resides on Route 2, Owensboro, Kentucky.

2. That the complainants and the respondents, with the sole exception of J. W. Bosley, own the following described land in Baldwin County, Alabama, in fee simple, to-wit:

> From the Northwest corner of Section 13, Township 3 South, Range 4 East, Baldwin County, Alabama, run East 1233.5 feet to a corner of the International Paper Company's land for a point of beginning: thence run East 1072.0 feet; thence South 44 degrees 30 minutes East 1598 feet; thence South 44 degrees 30 minutes West 1190 feet; thence North 35 degrees 15 minutes West 2413.5 feet to a point of beginning, containing 46.2 acres, more or less.

that said tract so described is owned by the complainants and the respondents, with the sole exception of J. W. Bosley, in the following proportions; complainants own an undivided four-eighths(4/8)interest in said lands, and that the complainant, James H. Bennett, owns an additional one-eighth (1/8) interest in said land, subject to a life estate of the said A. F. Bennett; that the said Anna Carr Bennett owns an undivided one-eighth(1/8)interest in said land, subject to a life estate of the said A. F. Bennett; that the said Minnie Lou Brabant owns an undivided one-eighth(1/8)interest in said land, subject to a life estate of the said A. F. Bennett; that, subject to a life estate by the said A. F. Bennett, the said Anna Sue Bennett, James B. Bosley, Alice B. Murphy, Joyce B. Hawes, Sam Bosley, George H. Bosley, Martha B. Foster, Mildred B. Ward, Louise B. Thrift, and Mary B. Stinson each own an undivided one-eightieth(1/80) interest in said tract. Complainants allege that said land cannot be fairly and equitably divided or partitioned among the joint owners thereof without a sale.

3. That the complainants and the respondents, with the sole exception of J. W. Bosley, own an undivided one-half interest in the minerals located on, in or under the following described property in Baldwin County, Alabama, to-wit:

From the Southeast corner of Section 13, Township 3 South, Range 4 East, run North along the East line of said Section 1279.0 feet; thence North 45 degrees 30 minutes West 3059 feet; thence South 44 degrees 30 minutes West 150 feet; thence North 35 degrees 15 minutes West 2413.15 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter; thence West along the North section line 178.5 feet; thence South 60 degrees 20 minutes West 1152 feet to point in West line of Section; thence South 4818 feet to the Southwest corner of said Section; thence East 488 feet to Southeast corner to point of beginning, comprising a total of 398.60 acres, more or less.

That said interest of the complainants and the respondents, with the sole exception of J. W. Bosley, comprises a total of 199.30 mineral acres, more or less, and that the same is owned in the following proportions; complainants own an undivided four-eighths(4/8)interest in said mineral acreage, and that the said complainant, James H. Bennett, owns an additional one-eighth(1/8)interest in said mineral acreage, subject to a life estate of the said A. F. Bennett; that the said Anna Carr Bennett owns an one-eighth(1/8)interest in said mineral acreage, subject to a life estate of the said A. F. Bennett; that the said Minnie Lou Brabant owns an one-eighth(1/8)interest in said mineral acreage, subject to a life estate of the said A. F. Bennett; that, subject to a life estate of the said A. F. Bennett, the said Anna Sue Bennett, James B. Bosley, Alice B. Murphy, Joyce B. Hawes, Sam Bosley, George H. Bosley, Martha B. Foster, Mildred B. Ward, Louise B. Thrift, and Mary B. Stinson each own an undivided one-eightieth(1/80)interest in said mineral acreage. Complainants further allege that said mineral interests cannot be fairly or equitably divided or partitioned among the joint owners thereof without a sale.

4. Complainants further allege that the said A. F. Bennett is the husband of Alice Bennett, deceased, said Alice Bennett having been an owner of a one half-undivided interest in said land and mineral acreage; that the said Alice Bennett died in Kentucky during July, 1928; that she left a will which was duly probated in Kentucky; that said will was never probated in the State of Alabama; that the said Alice Bennett left surviving her, a husband, A. F. Bennett, and the following named children: James H. Bennett, Pauline Bennett Bosley, Anna Carr Bennett, and Minnie Lou Bennett, who is now Minnie Lou Brabant.

Complainants further allege that Anna Sue Bennett, James B. Bosley, Alice B. Murphy, Joyce B. Hawes, Sam Bosley, George H. Bosley, Martha B. Foster, Mildred B. Ward, Louise B. Thrift and Mary B. Stinson are each and all of the children of the said Pauline B. Bosley, who died on or about November 8, 1955; that the said Pauline B. Bosley was a non-resident of the State of Alabama at the time of her death, and complainants further allege that the said Pauline B. Bosley died intestate; that the said Pauline B. Bosley was survived by her husband, J. W. Bosley, who claims some right, title, interest in said properties.

5. Complainants allege that they have paid the taxes on the said property described above herein since 1929, in the total sum of $379.89; and complainants further allege that they have expended the further and additional sum of $140.00 for improvements upon said lands by planting thereupon pine trees; that on or about February, 1930, they paid to the Baldwin County Bank the sum of $750.00, the balance due the said bank for improvements which were placed upon the first described tract herein at the behest and instance of the complainants and Alice Bennett.

6. The complainants allege that it has become necessary to employ solicitors to institute this suit for partition and division; that they have employed J. Connor Owens, Jr., as such solicitor, and that the services of such solicitor are for the benefit of all the parties hereto, and that he is entitled to a fee to be paid from the common property as provided in Title 46, Section 63 of the Code of Alabama, 1940.

PRAYER FOR PROCESS

The premises considered, the complainants pray that your Honor will cause the usual writ of process to issue to the said respondents, Anna Carr Bennett, Minnie Lou Brabant, Anna Sue Bennett, James B. Bosley, Alice B. Murphy, Joyce B. Hawes, Sam Bosley, George H. Bosley, Martha B. Foster, Mildred B. Ward, Louise B. Thrift, Mary B. Stinson, A. F.

Bennett, and J. W. Bosley, making them party respondents to the Bill of Complaint, and requiring them to plead, answer or demur to the same within thirty days from service hereof, and that in default thereof, the said Bill of Complaint be taken as forever confessed against them.

PRAYER FOR RELIEF

The premises considered, the complainants pray that your Honor will, upon the hearing of this cause, decree a sale of the lands and the mineral interests herein described by the Register of this Court for partition and division of the proceeds thereof. The complainants further pray that this Court will ascertain and fix the life estate interest of the said respondent, A. F. Bennett; that this Court will ascertain and fix the interest of the said J. W. Bosley, if any; that this Court ascertain and fix the sums of money so duly expended by the complainants for the benefit of the respondents and that said complainants be reimbursed for such expenses from the proceeds of the sale of the land; that this Court ascertain and fix a reasonable attorney's fee to be paid to the said solicitor and will order that said fee be taxed as costs and paid from the common fund which may be received from the proceeds of said sale. The complainants pray for such other, further and different relief as in equity and good conscience, they may be entitled to receive.

J. Connor Owens, Jr.
SOLICITOR FOR COMPLAINANTS

STATE OF ALABAMA
BALDWIN COUNTY

AFFIDAVIT

Before me, the undersigned authority in and for said County and State, personally appeared J. Connor Owens, Jr., who is known to me, and who, having been by me duly sworn, deposes and says that he is solicitor for the complainants in the above styled cause, and that the facts alleged in the foregoing Bill of Complaint, from all information obtainable, are true, and from such information obtained, he verily believes, and so states, the same to be true.

J. Connor Owens, Jr.

Sworn to and subscribed before me, this the 22nd day of September, 1958.

R. O.
Notary Public

JAMES H. BENNETT, and
AMELIA B. BENNETT,

Complainants

VS

ANNA CARR BENNETT, MINNIE LOU BRABANT, ANNA SUE BENNETT, JAMES B. BOSLEY, ALICE B. MURPHY, JOYCE B. HAWES, SAME BOSLEY, GEORGE M. BOSLEY, MARTHA B. FOSTER, MILDRED B. WARD, LOUISE B. THIRFT, MARY B. STINSON, A.F. BENNETTE AND J.W. BOSLEY.

Respondents.

IN THE

CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4385

REPORT OF REGISTERS SALE

Whereas on the 11th day of December, 1958, Your Honor entered a decree in the above styled cause directing the Register to sell parcels of land described in said decree.

The undersigned as Register of this court, did give notice by advertisement in the Baldwin Times a newspaper published at Bay Minette, Baldwin County, Alabama, three consecutive weeks prior to the sale, that on the 26th day of January, 1959, during the legal hours of sale, she as such Register would offer for sale at public outcry, in front of the Courthouse the parcels of land described in said order directing the sale, and at such place and time she did offer the said parcels of land for sale; in said manner and did offer and receive bids for said parcels of land. At such sale Adolphus Jones being the highest best and last bidder therefor did purchase parcel Number One at the sum of Two Thousand Seven Hundred Seventy-five Dollars ($2775.00) said parcel described as follows:

PARCEL NUMBER ONE

From the Northwest corner of Section 13, Township 3 South, Range 4 East, Baldwin County, Alabama, run East 1233.5 feet to a corner of the International Paper Company's land for a point of beginning: thence run East 1072.0 feet; thence South 44 degrees 30 minutes East 1598 feet; thence South 44 degrees 30 minutes West 1190 feet; thence North 35 degrees 15 minutes West 2413.5 feet to the point of beginning, containing 46.2 acres, more or less.

Also at said sale Charles Finklea being the highest best and last bidder therefor did purchase parcel Number Two, at the sum of Two Thousand One Hundred Seventy-eight Dollars ($2178.00), said parcel Number Two being described as follows:

PARCEL NUMBER TWO

An one-half undivided interest in the minerals located on, in or under the following property in Baldwin County, Alabama, to-wit: From the Southeast corner of Section 13 Township 3 South, Range 4 East, run North along the East line of said Section 1279.0 feet; thence North 45 degrees 30 minutes West 3059 feet; thence South 44 degrees 30 minutes West 150 feet; thence North 35 degrees 15 minutes West 2413.15 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter; thence West along the North section line 178.5 feet; thence South 60 degrees 20 minutes West 1152 feet to point in West line of Section; thence South 4818 feet to Southwest corner of said Section; thence East 488 feet to Southeast corner to point of beginning, comprising a total of 398.6 acres, more or less.

Subject to that certain oil, gas and mineral lease by James H. Bennett, et al. to Union Oil Company of California dated October 5, 1955, and recorded in Deed Book 233 N.S., p. 109-15, Baldwin County, Alabama, Records.

And the said bidders have paid into this Court the amount of said bids and your Register of this Court holds the same subject to the approval by this court of such sale and subject to further orders of and directions of this Court.

This 26 day of January, 1959.

Register in Equity.

B2.5

JAMES H. BENNETT AMELIA B. BENNETT Complainant, VS. ANN CARR BENNETT, ET AL., Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NO. 4385

WALTER LINDSEY, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Owens.

Q. What is your name, please?

A. Walter Lindsey.

Q. What is your business, Mr. Lindsey?

A. Real Estate business.

Q. How long have you been engaged in the real estate business?

A. 12 years.

Q. Are you familiar with the land described in this bill of complaint and decree, as parcel No. 1, and also known as the Bennett land, containing 42.6 acres, and located on the old Pensacola Road?

A. Yes sir.

Q. In your opinion is $60.00 an acre a fair and reasonable price for the lands?

A. I believe it is.

TOLBERT M. BRANTLEY, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Owens.

Q. What is your name, please?

A. Tolbert M. Brantley.

Q. Attorney at Law?

A. Yes sir.

Q. How long have you been practicing law?

A. Eight years.

Q. Are you familiar with fees charged in suits for division of lands?

A. Yes.

Q. Have you examined the file in the case of James H. Bennett and Amelia B. Bennett, complainants, vs. Ann Carr Bennett, et al?

A. Yes.

Q. Mr. Brantley, assuming an attorney filed such proceeding, and the sale price of the two parcels involved totaled $4,963.00, and the Attorney contacted prospective buyers, made examination of the title in connection with the suit, what, in your opinion is a reasonable Attorn ey's fee?

A I would like to ask you several questions.

EXAMINATION OF MR. OWENS BY MR. BRANTLEY:

Q. Mr. Owens, how many conferences did you have with your clients leading up to this suit?

A. I imagine 10.

Q. How long did each conference last?

A. The conferences would last over a period of any where from a half hour to an hour or so.

Q. Did you have to ascertain the Respondents and the Respondents' addresses, or was such information furnished you?

A. I had to assist in ascertaining their residences and correct the addresses and we mailed the petition in two or three cases and I had to ascertain the interest of the various parties. I had to work all of this out. I spent a total, I guess of 80 to 100 hours on the suit.

Q. You said something about checking the title. Did you prepare an abstract to ascertain the respective interests?

A. The abstract was brought up to date; I didn't pr pare the abstract; I examined the abstract in connection with the preparation of the law suit.

MR. OWENS CONTINUES WITH EXAMINATION

A. I would say $500.00 would be a reasonable fee.

JAMES R. OWEN, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Owen.

Q. Are you an Attorney at Law?

A. Yes sir.

Q. Practice in Bay Minette?

A. Yes sir.

Q. How long have you practiced law?

A. Seven years.

Q. Are you familiar with the fees charged in cases of sale of land for partition and division?

A. I am.

Q. Have you examined the file in this matter?

A. Yes sir.

Q. What, in your opinion, would be a reasonable Attorney's fee for the Attorney for the Complainants in this case?

A. $500.00.

MR. OWENS: Judge, there was a mineral interest offered for sale and I would like to offer, as Complainants' Exhibit A. this letter that I received from an oil and mineral broker in Pensacola, Florida.

THE COURT: T he minerals brought $11.00 an acre?

MR. OWENS: Yes sir.

THE COURT: I am satisfied with that.

C E R T I F I C A T E:

I hereby certify that the foregoing, consisting of pages 1 to 4 both inclusive, correctly sets forth a true and correct transcript of the testimony as taken by me in open court on this day in said cause.

This 6th day of February, 1959.

Lana Dunchum
Court Reporter

Frederick Gillmore, III

Realtor

513 THIESEN BUILDING
DIAL HE 3-2452 P. O. BOX 2295
PENSACOLA, FLORIDA

KENNETH W. ANDERSON
ASSOCIATE

CITY - COUNTY - WATERFRONT PROPERTY
PROPERTY MANAGEMENT
BEACH PROPERTY "A SPECIALTY"

June 20, 1958

Mr. J. Connor Owens, Jr.
101 Court House Square
Bay Minette, Alabama

Re: Mineral evaluation on Property
located in S.13, Twp. 3 S, R. 4E.
Baldwin County, Alabama

Dear Mr. Owens:

Please excuse my delay in answering your letter of May 22, 1958, concerning 398.6 acres, more or less, in the above-captioned section, township, and range.

I am of the opinion that mineral rights in this immediate area are worth $10.00 per net acre. It is difficult to establish an equitable evaluation for mineral rights in this area, since we are dealing strictly with wildcat acreage; however, I have used this basis of evaluation in similar areas in Alabama and Florida for the past five years.

I have used this figure in buying, court appraisals, and estate appraisals, and I think that you will find it to be a fair evaluation to both the buyer and the seller.

Trusting that this opinion is of some help to you, I am,

Yours very truly,

Frederick Gillmore III

Frederick Gillmore, III

FG:ABW

JAMES H. BENNETT, and AMELIA B. BENNETT, Complainants, vs. ANNA CARR BENNETT, MINNIE LOU BRABANT, ANNA SUE BENNETT, JAMES B. BOSLEY, ALICE B. MURPHY, JOYCE B. HAWES, SAM BOSLEY, GEORGE M. BOSLEY, MARTHA B. FOSTER, MILDRED B. WARD, LOUISE B. THRIFT, MARY B. STINSON, A.F. BENNETT, and J.W. BOSLEY, Respondents	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY No. 4385

DECREE

This cause, coming on to be heard upon the Motion of the Complainants, James H. Bennett and Amelia B. Bennett, by their Solicitor, for relief from clerical mistakes, and for such other, further and different relief as to which they may be entitled, and the same being considered by the Court. And the Court having considered the matter therein and finding that no prejudicial mistake having been made, and that under the Laws of this State that portion of the description sought to be corrected by this motion is, in fact, governed by the boundaries set forth in the deed, petition, notice of sale, decree of this Court dated December 11th, 1958, and the decree of this Court dated February the 6th, 1959; in that the description states " from the Southeast corner of Section 13, Township 3 South, Range 4 East, ...; thence East 488 feet to the Southeast corner to the point of beginning,"; and it appearing to the Court that on the course described that the governing boundaries are the Southwest corner of said Section and the Southeast corner of said Section, the point of beginning. That the said boundaries so stated are the governing factors in the description.

It is, therefore, ORDERED, ADJUDGED and DECREED that the said James H. Bennett and Amelia B. Bennett are entitled to the relief prayed for and the decrees of this Honorable

Court are corrected as to Parcel No.II so that the same shall read as follows:

> An one-half undivided interest in the minerals located on, in or under the following property in Baldwin County, Alabama, to-wit: From the Southeast corner of Section 13, Township 3 South, Range 4 East, run North along the East line of said Section 1279.0 feet; thence North 45 degrees 30 minutes West 3059 feet; thence South 44 degrees 30 minutes West 150 feet; thence North 35 degrees 15 minutes West 2413.15 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter; thence West along the North section line 178.5 feet; thence South 60 degrees 20 minutes West 1152 feet to point in West line of Section; thence South 4818 feet to Southwest corner of said Section; thence East 4888 feet to Southeast corner to point of beginning, comprising a total of 398.6 acres, more or less.
>
> Subject to that certain oil, gas and mineral lease by James H. Bennett, et al. to Union Oil Company of California dated October 5, 1955, and recorded in Deed Book 233 N.S., p. 109-15, Baldwin County, Alabama, Records.

It is further ORDERED, ADJUDGED and DECREED that the said Alice J. Duck, as Commissioner, issue a corrected deed bearing the corrected description above to the said Charles O. Finklea.

Done at Bay Minette, Alabama, this the 18 day of February, 1959.

Hubert M. Hall
Judge

JAMES H. BENNETT, and AMELIA B. BENNETT, Complainants VS. ANNA CARR BENNETT, MINNIE LOU BRABANT, ANNA SUE BENNETT, JAMES B. BOSLEY, ALICE B. MURPHY, JOYCE B. HAWES, SAM BOSLEY, GEORGE M. BOSLEY, MARTHA B. FOSTER MILDRED B. WARD, LOUISE B. THRIFT, MARY B. STINSON, A. F. BENNETT, AND J. W. BOSLEY, Respondents	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY NO. 4385.

In this cause it being made to appear to the Register that on the 22 day of September, 1958, copies of the Bill of Complaint filed in this cause were sent to Anna Carr Bennett, Minnie Lou Brabant, Anna Sue Bennett, James B. Bosley, Alice B. Murphy, Joyce B. Hawes, Sam Bosley, George M. Bosley, Martha B. Foster, Mildred B. Ward, Louise B. Thrift, Mary B. Stinson, A. F. Bennett, and J. W. Bosley, being all of the respondents in this cause, 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 such receipts from the persons to whom each was addressed was duly received and filed in this cause as follows:

Anna Carr Bennett	September 25, 1958
Anna Sue Bennett	September 26, 1958
Sam Bosley	September 30, 1958
James B. Bosley	September 26, 1958
George M. Bosley	September 25, 1958
Mildred B. Ward	October 15, 1958
J. W. Bosley	September 26, 1958
Louise B. Thrift	September 26, 1958
Joyce B. Hawes	September 29, 1958
Alice B. Murphy	September 25, 1958
Mary B. Stinson	September 25, 1958
Martha B. Foster	September 25, 1958
A. F. Bennett	September 25, 1958
Minnie Lou Brabant	September 25, 1958

And it further appearing to the Register that the said Respondents have failed to plead, answer or demur to the said Bill of Complaint to the date hereof, it is now, therefore, on motion of the Complainants, ordered, adjudged and decreed by the Register that the said Bill of Complaint be, and it is hereby in all things taken as

confessed against the said Anna Carr Bennett, Minnie Lou Brabant, Anna Sue Bennett, James B. Bosley, Alice B. Murphy, Joyce B. Hawes, Sam Bosley, George M. Bosley, Martha B. Foster, Mildred B. Ward, Louise B. Thrift, Mary B. Stinson, A. F. Bennett, A. F. Bennett, and J. W. Bosley, being all of the respondents in this cause.

This the 17 day of November, 1958.

Register

No. 4385

JAMES H. BENNETT, ET AL.

Complainants

vs.

ANNA CARR BENNETT, ET AL.

Respondents

DECREE PRO CONFESSO

JAMES H. BENNETT, and AMELIA B. BENNETT, Complainants, vs. ANNA CARR BENNETT, MINNIE LOU BRABANT, ANNA SUE BENNETT, JAMES B. BOSLEY, ALICE B. MURPHY, JOYCE B. HAWES, SAM BOSLEY, GEORGE M. BOSLEY, MARTHA B. FOSTER, MILDRED B. WARD, LOUISE B. THRIFT, MARY B. STINSON, A.F. BENNETT, and J.W. BOSLEY, Respondents	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY	No. 4385

MOTION FOR RELIEF FROM CLERICAL MISTAKES

Now comes the Complainants in this cause, by their Solicitor, and shows unto this Honorable Court as follows:

1. That the Complainants herein filed their Bill in this Court seeking the partition of certain lands in Baldwin County, Alabama, as described in the petition as being Parcel I and Parcel II. That the petitioners in their Bill described Parcel II as follows:

> An one-half undivided interest in the minerals located on, in or under the following property in Baldwin County, Alabama, to-wit: From the Southeast corner of Section 13, Township 3 South, Range 4 East, run North along the East line of said Section 1279.0 feet; thence North 45 degrees 30 minutes West 3059 feet; thence South 44 degrees 30 minutes West 150 feet; thence North 35 degrees 15 minutes West 2413.15 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter; thence West along the North section line 178.5 feet; thence South 60 degrees 20 minutes West 1152 feet to point in West line of Section; thence South 4818 feet to Southwest corner of said Section; thence East 488 feet to Southeast corner to point of beginning, comprising a total of 398.6 acres, more or less.
>
> Subject to that certain oil, gas and mineral lease by James H. Bennett, et al. to Union Oil Company of California dated October 5, 1955, and recorded in Deed Book 233 N.S., p. 109-15, Baldwin County, Alabama, Records.

That this Honorable Court in its Decree dated the 11th day of December, 1958, and the Decree dated February the 6th, 1959, described the land as hereinabove shown.

2. Complainants show to this Honorable Court that the correct description of the land described as being Parcel II

is as follows:

> An one-half undivided interest in the minerals located on, in or under the following property in Baldwin County, Alabama, to-wit: From the Southeast corner of Section 13, Township 3 South, Range 4 East, run North along the East line of said Section 1279.0 feet; thence North 45 degrees 30 minutes West 3059 feet; thence South 44 degrees 30 minutes West 150 feet; thence North 35 degrees 15 minutes West 2413.15 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter; thence West along the North section line 178.5 feet; thence South 60 degrees 20 minutes West 1152 feet to point in West line of Section; thence South 4818 feet to Southwest corner of said Section; thence East 4888 feet to Southeast corner to point of beginning. comprising a total of 398.6 acres, more or less.
>
> Subject to that certain oil, gas and mineral lease by James H. Bennett, et al. to Union Oil Company of California dated October 5, 1955, and recorded in Deed Book 233 N.S., p. 109-15, Baldwin County, Alabama, Records.

This description as shown in this paragraph is the same as that described in Complainants Exhibit II.

3. Complainants further allege that said description under the Law of this State is governed by the bounds set forth and that no fatal error occurred in the proceedings herein by the advertisement and sale of the land as so described.

Wherefore, your Complainants pray that this Court envoke Rule 63 of the Equity Rules of this Honorable Court and correct the Decrees heretofore entered by adding thereto the corrected description of the land sold as Parcel II. That this Honorable Court direct Mrs. Alice J. Duck, as Commissioner, to re-issue a corrected deed to the purchaser of Parcel II, the said Charles O. Finklea. That your Complainants pray for such other, further and different relief to which in equity they are entitled.

Samuel Rivers Jr.
Solicitor for Complainants

filed Feb. 18, 1959
Alice J. Duck, reg.

JAMES H. BENNETT, and AMELIA B. BENNETT, Complainants vs. ANNA CARR BENNETT, MINNIE LOU BRABANT, ANNA SUE BENNETT, JAMES B. BOSLEY, ALICE B. MURPHY, JOYCE B. HAWES, SAM BOSLEY, GEORGE M. BOSLEY, MARTHA B. FOSTER MILDRED B. WARD, LOUISE B. THRIFT, MARY B. STINSON, A. F. BENNETT, AND J. W. BOSLEY, Respondents	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY No. 4385

DECREE

This cause, coming on for hearing on the Bill of Complaint, service by registered mail, decree pro confesso, and other pleading and proof as noted by the Register, and it appearing to the Court that the following described real property situate in Baldwin County, Alabama, to-wit:

> From the Northwest corner of Section 13, Township 3 South, Range 4 East, Baldwin County, Alabama, run East 1233.5 feet to a corner of the International Paper Company's land for a point of beginning: thence run East 1072.0 feet; thence South 44 degrees 30 minutes East 1598 feet; thence South 44 degrees 30 minutes West 1190 feet; thence North 35 degrees 15 minutes West 2413.5 feet to the point of beginning, containing 46.2 acres, more or less.
>
> An one-half undivided interest in the minerals located on, in or under the following property in Baldwin County, Alabama, to-wit: From the Southeast corner of Section 13, Township 3 South, Range 4 East, run North along the East line of said Section 1279.0 feet; thence North 45 degrees 30 minutes West 3059 feet; thence South 44 degrees 30 minutes West 150 feet; thence North 35 degrees 15 minutes West 2413.15 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter; thence West along the North section line 178.5 feet; thence South 60 degrees 20 minutes West 1152 feet to point in West line of Section; thence South 4818 feet to Southwest corner of said Section; thence East 488 feet to Southeast corner to point of beginning, comprising a total of 398.6 acres, more or less.
>
> Subject to that certain oil, gas and mineral lease by James H. Bennett, et al. to Union Oil Company of California dated October 5, 1955, and recorded in Deed Book 233 N.S., p. 109-15, Baldwin County, Alabama, Records.

is held and owned in the following proportions: James H. Bennett and Amelia B. Bennett own an undivided four-

eighth's interest in said land and mineral acreage; that James H. Bennett owns an additional one-eighth interest in said land and mineral acreage, subject to a life estate of the said A. F. Bennett; that Anna Carr Bennett owns an one-eighth interest in said land and mineral acreage, subject to a life estate of the said A. F. Bennett; that the said Minnie Lou Brabant owns an one-eighth interest in said land and mineral acreage, subject to a life estate by the said A. F. Bennett; that, subject to a life estate by the said A. F. Bennett, that said Anna Sue Bennett, James B. Bosley, Alice B. Murphy, Joyce B. Hawes, Sam Bosley, George M. Bosley, Martha B. Foster, Mildred B. Ward, Louise B. Thrift, and Mary B. Stinson each own an undivided one-eightieth interest in said land and mineral acreage. That the said J. W. Bosley has no right, title or interest in said lands or mineral acreage at the time of the filing of this suit and the rendition of this decree.

And it further appearing to the Court that the said James H. Bennett and Amelia B. Bennett have paid taxes upon said property since 1929 in the total sum of $379.89, said taxes being State and County ad valorem taxes; and that the said James H. Bennett and Amelia B. Bennett have expended the additional sum of $140.00 for improvement of said land by causing to be planted upon the same pine trees; and that they further expended the sum of $750.00 in payment to the Baldwin County Bank in February of 1930 for improvements which existed upon said property for several years, said improvements being made at the behest of Alice Bennett, and it appearing to the Court that the said James H. Bennett and Amelia B. Bennett are entitled to reimbursement for such expenditures in the sum of $ 1269 89 ; and

It further appearing to the Court that the said property cannot be equitably divided or partitioned among the parties and that a sale therefor is necessary for the purpose of making an equitable division and distribution:

It is therefore ORDERED, ADJUDGED and DECREED by the Court that said property described above herein be sold for division, and that, for the purpose of effecting such sale, Alice J. Dean be and she is hereby appointed Commissioner to make the sale, and she is hereby ordered to sell the above described property at 12:00 noon on the 16 day of January, 1959, at public auction to the highest bidder for cash, after first having given notice of the place, day and terms of sale and a description of the property by publication for three consecutive weeks in a newspaper published in Baldwin County, Alabama, and that said Commissioner make report of said sale to this Court within thirty days after the same is made.

This Court retains jurisdiction of said matter for such other and further orders as it deems necessary and proper.

DONE this the 11 day of December, 1958.

Hubert Mitchell
Circuit Judge

JAMES H. BENNETT, and
AMELIA B. BENNETT,
Complainants

VS

ANNA CARR BENNETT, MINNIE LOU BRABANT, ANNA SUE BENNETT, JAMES B. BOSLEY, ALICE B. MURPHY, JOYCE B. HAWES, SAM BOSLEY, GEORGE M. BOSLEY MARTHA B. FOSTER, MILDRED B. WARD, LOUISE B. THIRFT, MARY B. STINSON, L.W. BENNETT, and J.W. BOSLEY,
Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 4385

DECREE

This cause, coming on for further hearing on the Report of the Commissioner, notice of which was given the parties and upon testimony, said testimony being taken in open court and the same being considered by the Court

It appears to the Court as follows:

Pursuant to the decree of this Court, dated the 11th day of December, 1958, Mrs. Alice J. Duck, the Commissioner appointed herein, did set a sale of the property hereinafter described for 12:00 noon on the 26th day of January, 1959, and did give notice of the time, place and terms of sale and the description of the property by publication for three (3) successive weeks in the Baldwin Times a newspaper of general circulation published in Baldwin County, Alabama, said property being located in Baldwin County and being described as follows, to-wit:

PARCEL NUMBER ONE

From the Northwest corner of Section 13, Township 3 South, Range 4 East, Baldwin County, Alabama, run East 1233.5 feet to a corner of the International Paper Company's land for a point of beginning; thence run East 1072.0 feet, thence South 44 degrbes 30 minutes East 1598 feet, thence South 44 degrees 30 minutes West 1190 feet, thence North 35 degrees 15 minutes West 2413.5 feet to the point of beginning, containing 46.2 acres, more or less.

PARCEL NUMBER TWO

An one-half undivided interest in the minerals located on, in or under the following property in Baldwin County, Alabama, to-wit: From the Southeast corner of Section 13, Township 3 South, Range 4 East, run North along the East line of said Section 1279.0 feet; thence North 45 degrees 30 minutes West 3059 feet; thence South 44 degrees 30 minutes West 150 feet; thence North 35 degrees 15 minutes West 2413.15 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter; thence West along the North section line 178.5 feet; thence South 60 degrees 20 minutes West 1152 feet to point in West line of Section; thence South 4818 feet to Southwest corner of said Section; thenme East 488 feet to Southeast corner to point of beginning, comprising a total of 398.6 acres, more or less.

Subject to that certain oil, gas and mineral lease by James H. Bennett, et al, to Union Oil Company of California dated October 5, 1955, and recorded in Deed Book 233 N.S., p. 109-15, Baldwin County, Alabama, Records.

At the time and place set out in said notice, the said property was offered for sale at public auction to the highest and best bidder for cash, first offering each parcel separately, and second, all of the above described parcels as

one unit; that the highest and best bids for said property came by offering each property separately and was as follows: Adolphus Jones being the highest and best and last bidder did purchase Parcel Number One at the sum of TWO THOUSAND, SEVEN HUNDRED SEVENTY-FIVE ($2,775.00) DOLLARS, said Parcel Number One being as above described herein. That the best and last and the highest bidder for Parcel Number Two was Charles Finklea who did purchase Parcel Number Two at the sum of TWO THOUSAND OWN HUNDRED SEVENTY-EIGHT ($2,178.00) DOLLARS, said Parcel Number Two being as described above herein; that said bids were fair and reasonable and should be confirmed; that the said commissioner reported said sale to this Honorable Court on the 26th day of January, 1959, and notice of such was given to the complainants in this cause, being the only parties against which no decree pro confesso was taken; that no objections or exceptions were filed to the said report within ten (10) days thereafter, and that no cause was shown as to why said sale should not be confirmed and it appears to this Court from the testimony taken on this hearing, that said sale should be confirmed and a deed executed by the said Alice J. Duck, to the said Adolphus Jones for Parcel Number One; and that it appears to this Court from the testimony taken on this hearing that said sale should be confirmed and a deed executed by the Commissioner to Charles Finklea, as to Parcel Number Two. That the said A.F. Bennett is entitled to alife estate in as set out more specifically in the decree of this Court dated December 11th, 1958, it appears to the Court from the testimony given in this case heretofore and from the value of the land and minerals, as shown by the sale herein, and from testimony, that the said A.F. Bennett's life estate should be valued at $214.00 .

It further appearing to the Court that said Bill of Complaint was filed by J. Connor Owens, Jr., Attorney, and that a reasonable attorney's fee should be allowed him for services rendered in said cause in the sum of $500.00 .

It further appearing to the Court that Mrs. Alice J. Duck, as Commissioner, sold said property and is entitled to a fee of $61.03 . It further appearing to the Court that court costs incurred in this proceeding amount to $94.00 .

It is, therefore, ORDERED, ADJUDGED and DECREED that Mrs. Alice J. Duck, as Commissioner, be and she hereby is ordered to execute a deed for the property herein described as Parcel Number One to ADOLPHUS JONES.

It is further ORDERED, ADJUDGED and DECREED that Mrs. Alice J. Duck, as Commissioner, be and she is hereby ordered to execute a deed for said property described as Parcel Number Two to CHARLES FINKLEA.

It is further ORDERED, ADJUDGED and DECREED that From the proceeds of the sale in the hands of said Commissioner, she is hereby ordered to pay JAMES H.

BENNETT and AMELIA B. BENNETT the sum of $1269.89, pursuant to the decree of this Court dated December the 11th, 1958; the said J. CONNOR OWENS, JR. Attorney at Law, the sum of $500.00; MRS. ALICE J. DUCK, as Commissioner, the sum of $61.03; and MRS. ALICE J. DUCK, Register, the sum of $94.00 as court costs in this proceeding and the balance of the said proceeds will be distributed as follows:

JAMES H. BENNETT	$ 1082.03
AMELIA B. BENNETT	$ 757.02
ANNA CARR BENNETT	$ 325.01
MINNIE LOU BRABANT	$ 325.01
ANNA SUE BENNETT	$ 32.51
JAMES B. BOSLEY	$ 32.50
ALICE B. MURPHY	$ 32.50
JOYCE B. HAWES	$ 32.50
SAM BOSLEY	$ 32.50
GEORGE M. BOSLEY	$ 32.50
MARTHA B. FOSTER	$ 32.50
MILDRED B. WARD	$ 32.50
LOUISE B. THRIFT	$ 32.50
MARY B. STINSON	$ 32.50
A.F. BENNETT	$ 214.00

It is further ORDERED, ADJUDGED and DECREED that Mrs. Alice J. Duck, as Commissioner, report to this Court within 30 days her actions hereunder.

DONE This the 6th day of February, 1959.

Hubert M. Hall
CIRCUIT JUDGE

JAMES H. BENNETT, and
AMELIA B. BENNETT,
Complainants

VS

ANNA CARR BENNETT, MINNIE LOU BRABANT, ANNA SUE BENNETT, JAMES B. BOSLEY, ALICE B. MURPHY, JOYCE B. HAWES, SAM BOSLEY, GEORGE M. BOSLEY MARTHA B. FOSTER, MILDRED B. WARD, LOUISE B. THIRFT, MARY B. STINSON, A.F. BENNETT, and J.W. BOSLEY,
Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 4385

DECREE

This cause, coming on for further hearing on the Report of the Commissioner, notice of which was given the parties and upon testimony, said testimony being taken in open court and the same being considered by the Court

It appears to the Court as follows:

Pursuant to the decree of this Court, dated the 11th day of December, 1958, Mrs. Alice J. Duck, the Commissioner appointed herein, did set a sale of the property hereinafter described for 12:00 noon on the 26th day of January, 1959, and did give notice of the time, place and terms of sale and the description of the property by publication for three (3) successive weeks in the Baldwin Times a newspaper of general circulation published in Baldwin County, Alabama, said property being located in Baldwin County and being described as follows, to-wit:

PARCEL NUMBER ONE

From the Northwest corner of Section 13, Township 3 South, Range 4 East, Baldwin County, Alabama, run East 1233.5 feet to a corner of the International Paper Company's land for a point of beginning; thence run East 1072.0 feet, thence South 44 degrees 30 minutes East 1598 feet, thence South 44 degrees 30 minutes West 1190 feet, thence North 35 degrees 15 minutes West 2413.5 feet to the point of beginning, containing 46.2 acres, more or less.

PARCEL NUMBER TWO

An one-half undivided interest in the minerals located on, in or under the following property in Baldwin County, Alabama, to-wit: From the Southeast corner of Section 13, Township 3 South, Range 4 East, run North along the East line of said Section 1279.0 feet; thence North 45 degrees 30 minutes West 3059 feet; thence South 44 degrees 30 minutes West 150 feet; thence North 35 degrees 15 minutes West 2413.15 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter; thence West along the North section line 178.5 feet; thence South 60 degrees 20 minutes West 1152 feet to point in West line of Section; thence South 4818 feet to Southwest corner of said Section; thenme East 488 feet to Southeast corner to point of beginning, comprising a total of 398.6 acres, more or less.

Subject to that certain oil, gas and mineral lease by James H. Bennett, et al, to Union Oil Company of California dated October 5, 1955, and recorded in Deed Book 233 N.S., p. 109-15, Baldwin County, Alabama, Records.

At the time and place set out in said notice, the said property was offered for sale at public auction to the highest and best bidder for cash, first offering each parcel separately, and second, all of the above described parcels as

one unit; that the highest and best bids for said property came by offering each property separately and was as follows: Adolphus Jones being the highest and best and last bidder did purchase Parcel Number One at the sum of TWO THOUSAND, SEVEN HUNDRED SEVENTY-FIVE ($2,775.00) DOLLARS, said Parcel Number One being as above described herein. That the best and last and the highest bidder for Parcel Number Two was Charles Finklea who did purchase Parcel Number Two at the sum of TWO THOUSAND ONN HUNDRED SEVENTY-EIGHT ($2,178.00) DOLLARS, said Parcel Number Two being as described above herein; that said bids were fair and reasonable and should be confirmed; that the said commissioner reported said sale to this Honorable Court on the 26th day of January, 1959, and notice of such was given to the complainants in this cause, being the only parties against which no decree pro confesso was taken; that no objections or exceptions were filed to the said report within ten (10) days thereafter, and that no cause was shown as to why said sale should not be confirmed and it appears to this Court from the testimony taken on this hearing, that said sale should be confirmed and a deed executed by the said Alice J. Duck, to the said Adolphus Jones for Parcel Number One; and that it appears to this Court from the testimony taken on this hearing that said sale should be confirmed and a deed executed by the Commissioner to Charles Finklea, as to Parcel Number Two. That the said A.F. Bennett is entitled to alife estate in as set out more specifically in the decree of this Court dated December 11th, 1958, it appears to the Court from the testimony given in this case heretofore and from the value of the land and minerals, as shown by the sale herein, and from testimony, that the said A.F. Bennett's life estate should be valued at $214.00 .

It further appearing to the Court that said Bill of Complaint was filed by J. Connor Owens, Jr., Attorney, and that a reasonable attorney's fee should be allowed him for services rendered in said cause in the sum of $500.00 .

It further appearing to the Court that Mrs. Alice J. Duck, as Commissioner, sold said property and is entitled to a fee of $61.03 . It further appearing to the Court that court costs incurred in this proceeding amount to $94.00 .

It is, therefore, ORDERED, ADJUDGED and DECREED that Mrs. Alice J. Duck, as Commissioner, be and she hereby is ordered to execute a deed for the property herein described as Parcel Number One to ADOLPHUS JONES.

It is further ORDERED, ADJUDGED and DECREED that Mrs. Alice J. Duck, as Commissioner, be and she is hereby ordered to execute a deed for said property described as Parcel Number Two to CHARLES FINKLEA.

It is further ORDERED, ADJUDGED and DECREED that From the proceeds of the sale in the hands of said Commissioner, she is hereby ordered to pay JAMES H.

BENNETT and AMELIA B. BENNETT the sum of $1269.89, pursuant to the decree of this Court dated December the 11th, 1958; the said J. CONNOR OWENS, JR. Attorney at Law, the sum of $500.00; MRS. ALICE J. DUCK, as Commissioner, the sum of $61.03; and MRS. ALICE J. DUCK, Register, the sum of $94.00 as court costs in this proceeding and the balance of the said proceeds will be distributed as follows:

JAMES H. BENNETT	$ 1082.03
AMELIA B. BENNETT	$ 757.02
ANNA CARR BENNETT	$ 325.01
MINNIE LOU BRABANT	$ 325.01
ANNA SUE BENNETT	$ 32.51
JAMES B. BOSLEY	$ 32.50
ALICE B. MURPHY	$ 32.50
JOYCE B. HAWES	$ 32.50
SAM BOSLEY	$ 32.50
GEORGE M. BOSLEY	$ 32.50
MARTHA B. FOSTER	$ 32.50
MILDRED B. WARD	$ 32.50
LOUISE B. THRIFT	$ 32.50
MARY B. STINSON	$ 32.50
A.F. BENNETT	$ 214.00

It is further ORDERED, ADJUDGED and DECREED that Mrs. Alice J. Duck, as Commissioner, report to this Court within 30 days her actions hereunder.

DONE This the 6th day of February, 1959.

Hubert M. Hall
CIRCUIT JUDGE

JAMES H. BENNETT, and
AMELIA B. BENNETT,
Complainants

VS

ANNA CARR BENNETT, MINNIE LOU BRABANT, ANNA SUE BENNETT, JAMES B. BOSLEY, ALICE B. MURPHY, JOYCE B. HAWES, SAM BOSLEY, GEORGE M. BOSLEY MARTHA B. FOSTER, MILDRED B. WARD, LOUISE B. THIRFT, MARY B. STINSON, ANNI BENNETT, and J.W. BOSLEY,
Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 4385

DECREE

This cause, coming on for further hearing on the Report of the Commissioner, notice of which was given the parties and upon testimony, said testimony being taken in open court and the same being considered by the Court

It appears to the Court as follows:

Pursuant to the decree of this Court, dated the 11th day of December, 1958, Mrs. Alice J. Duck, the Commissioner appointed herein, did set a sale of the property hereinafter described for 12:00 noon on the 26th day of January, 1959, and did give notice of the time, place and terms of sale and the description of the property by publication for three (3) successive weeks in the Baldwin Times a newspaper of general circulation published in Baldwin County, Alabama, said property being located in Baldwin County and being described as follows, to-wit:

PARCEL NUMBER ONE

From the Northwest corner of Section 13, Township 3 South, Range 4 East, Baldwin County, Alabama, run East 1233.5 feet to a corner of the International Paper Company's land for a point of beginning; thence run East 1072.0 feet, thence South 44 degrees 30 minutes East 1598 feet, thence South 44 degrees 30 minutes West 1190 feet, thence North 35 degrees 15 minutes West 2413.5 feet to the point of beginning, containing 46.2 acres, more or less.

PARCEL NUMBER TWO

An one-half undivided interest in the minerals located on, in or under the following property in Baldwin County, Alabama, to-wit: From the Southeast corner of Section 13, Township 3 South, Range 4 East, run North along the East line of said Section 1279.0 feet; thence North 45 degrees 30 minutes West 3059 feet; thence South 44 degrees 30 minutes West 150 feet; thence North 35 degrees 15 minutes West 2413.15 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter; thence West along the North section line 178.5 feet; thence South 60 degrees 20 minutes West 1152 feet to point in West line of Section; thence South 4818 feet to Southwest corner of said Section; thenme East 488 feet to Southeast corner to point of beginning, comprising a total of 398.6 acres, more or less.

Subject to that certain oil, gas and minetal lease by James H. Bennett, et al, to Union Oil Company of California dated October 5, 1955, and recorded in Deed Book 233 N.S., p. 109-15, Baldwin County, Alabama, Records.

At the time and place set out in said notice, the said property was offered for sale at public auction to the highest and best bidder for cash, first offering each parcel separately, and second, all of the above described parcels as

one unit; that the highest and best bids for said property came by offering each property separately and was as follows: Adolphus Jones being the highest and best and last bidder did purchase Parcel Number One at the sum of TWO THOUSAND, SEVEN HUNDRED SEVENTY-FIVE ($2,775.00) DOLLARS, said Parcel Number One being as above described herein. That the best and last and the highest bidder for Parcel Number Two was Charles Finklea who did purchase Parcel Number Two at the sum of TWO THOUSAND ONE HUNDRED SEVENTY-EIGHT ($2,178.00) DOLLARS, said Parcel Number Two being as described above herein; that said bids were fair and reasonable and should be confirmed; that the said commissioner reported said sale to this Honorable Court on the 26th day of January, 1959, and notice of such was given to the complainants in this cause, being the only parties against which no decree pro confesso was taken; that no objections or exceptions were filed to the said report within ten (10) days thereafter, and that no cause was shown as to why said sale should not be confirmed and it appears to this Court from the testimony taken on this hearing, that said sale should be confirmed and a deed executed by the said Alice J. Duck, to the said Adolphus Jones for Parcel Number One; and that it appears to this Court from the testimony taken on this hearing that said sale should be confirmed and a deed executed by the Commissioner to Charles Finklea, as to Parcel Number Two. That the said A.F. Bennett is entitled to alife estate in as set out more specifically in the decree of this Court dated December 11th, 1958, it appears to the Court from the testimony given in this case heretofore and from the value of the land and minerals, as shown by the sale herein, and from testimony, that the said A.F. Bennett's life estate should be valued at $214.00 .

It further appearing to the Court that said Bill of Complaint was filed by J. Connor Owens, Jr., Attorney, and that a reasonable attorney's fee should be allowed him for services rendered in said cause in the sum of $500.00 .

It further appearing to the Court that Mrs. Alice J. Duck, as Commissioner, sold said property and is entitled to a fee of $61.03 . It further appearing to the Court that court costs incurred in this proceeding amount to $94.00 .

It is, therefore, ORDERED, ADJUDGED and DECREED that Mrs. Alice J. Duck, as Commissioner, be and she hereby is ordered to execute a deed for the property herein described as Parcel Number One to ADOLPHUS JONES.

It is further ORDERED, ADJUDGED and DECREED that Mrs. Alice J. Duck, as Commissioner, be and she is hereby ordered to execute a deed for said property described as Parcel Number Two to CHARLES FINKLEA.

It is further ORDERED, ADJUDGED and DECREED that From the proceeds of the sale in the hands of said Commissioner, she is hereby ordered to pay JAMES H.

BENNETT and AMELIA B. BENNETT the sum of $1269.89, pursuant to the decree of this Court dated December the 11th, 1958; the said J. CONNOR OWENS, JR. Attorney at law, the sum of $500.00; MRS. ALICE J. DUCK, as Commissioner, the sum of $61.03; and MRS. ALICE J. DUCK, Register, the sum of $94.00 as court costs in this proceeding and the balance of the said proceeds will be distributed as follows:

JAMES H. BENNETT	$ 1082.03
AMELIA B. BENNETT	$ 757.02
ANNA CARR BENNETT	$ 325.01
MINNIE LOU BRABANT	$ 325.01
ANNA SUE BENNETT	$ 32.51
JAMES B. BOSLEY	$ 32.50
ALICE B. MURPHY	$ 32.50
JOYCE B. HAWES	$ 32.50
SAM BOSLEY	$ 32.50
GEORGE M. BOSLEY	$ 32.50
MARTHA B. FOSTER	$ 32.50
MILDRED B. WARD	$ 32.50
LOUISE B. THRIFT	$ 32.50
MARY B. STINSON	$ 32.50
A.F. BENNETT	$ 214.00

It is further ORDERED, ADJUDGED and DECREED that Mrs. Alice J. Duck, as Commissioner, report to this Court within 30 days her actions hereunder.

DONE This the 6th day of February, 1959.

Hubert M. Hall
CIRCUIT JUDGE

COMMISSION TO TAKE DEPOSITIONS B.T.-500-11-54

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Ora S. Nelson

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

a witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein James H. Bennett, et al.

, Complainant

and Anna Carr Bennett, et al.

Respondent

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

Witness 22nd day of November, 1958.

Register.

Commissioner's Fee, $17 50/xx

Witness' Fees, $

No. 4385

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

James H. Bennett, et al.

Complainant

VS.

Anna Carr Bennett, et al.

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Ora S. Nelson

WITNESSES:

~~James H. Bennett~~

James H. B ennett, et al.,
Complainant,

VS.

Anna Carr Bennett, et al.,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY.
NO. 4385

DEMAND FOR ORAL EXAMINATION.

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

1. That the following named witnesses reside within one hundred miles from Bay Minette, in the County of Baldwin Alabama, the place of trial of said cause, to-wit: ~~Bay Minette, Alabama~~

James H. Bennett

;

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

J. Cannon Owens, Jr.,
Solicitor for Complainant.

NOTE:

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

J. Cannon Owens, Jr.
Solicitor for Complainant.

No 4385

BT-6-40-500

DEMAND FOR ORAL EXAMINATION.

James H. Bennett, et al.,
Complainant,

Vs.

Anna Carr Bennett, et al.,
Respondent.

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

Filed this 22 day of Nov, 1946.

Register.

JAMES H. BENNETT, and AMELIA B. BENNETT, Complainants VS. ANNA CARR BENNETT, MINNIE LOU BRABANT, ANNA SUE BENNETT, JAMES B. BOSLEY, ALICE B. MURPHY, JOYCE B. HAWES, SAM BOSLEY, GEORGE M. BOSLEY, MARTHA B. FOSTER, MILDRED B. WARD, LOUISE B. THRIFT, MARY B. STINSON, A. F. BENNETT, AND J. W. BOSLEY, Respondents	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY NO. 4385.

Motion is hereby made for a Decree Pro Confesso against Anna Carr Bennett, Minnie Lou Brabant, Anna Sue Bennett, James B. Bosley, Alice B. Murphy, Joyce B. Hawes, Sam Bosley, George M. Bosley, Martha B. Foster, Mildred B. Ward, Louise B. Thrift, Mary B. Stinson, A. F. Bennett, and J. W. Bosley, being all of the respondents in the above styled cause on the ground that more than thirty days have elapsed since service of summons upon the said respondents, and that said summons was duly served upon each by Registered Mail, according to law, and that the said respondents, and each of them, have failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This the 17th day of November, 1958.

Filed Nov. 17, 1958
Alice J. Huck,
Register

Solicitor for Complainants

No. 4385

JAMES H. BENNETT, ET AL.

Complainants

vs.

ANNA CARR BENNETT, ET AL.

Respondents

MOTION FOR DECREE PRO CONFESSO

9336 Horton Dr.
La Mesa, California
October 22, 1958

To the Honorable Circuit Court of Baldwin County, Alabama, and
To the Honorable H.M. Hall, Judge thereof, sitting in equity:

Reference: Summons and Complaint

The State of Alabama, Baldwin County	Circuit Court, Baldwin County No. 4385 Sept. Term, 1958

Complainants: James H. Bennett and Amelia B. Bennett

It is with interest that I learn that I own an undivided one-eightieth (1/80) interest in 46.2 acre tract of land in Baldwin County, Alabama. With further interest I learn that I own an undivided one eightieth (1/80) interest in the minerals located on, in or under 398.6 acres of additional land in Baldwin County, Alabama. Had it been made known to me that I owned such property in Alabama I certainly would have made necessary arrangements to discharge my responsibility to Baldwin County and the State of Alabama. The above noted summons is the first notice that I have had of the fact that I am a property owner in Baldwin County Alabama. I visited in the state of Alabama twice in the year 1941 and again in 1943. I would like to have visited my property on these trips had I known that I owned property there. Perhaps I did not own the property at that time.

I visited in Kentucky in the summer of 1958. While there I learned from my aunts, Anna Carr Bennett and Minnie Lou Brabant, that my uncle, James H. Bennett, would like to have all of the property deeded to him. In fact I understood that he had sent papers to be signed by my aunts and my father, J. W. Bosley, and my grandfather, A.F. Bennett, deeding him the property and that he had also sent a check for ten dollars ($10) to each of the above named people to cover any costs involved in signing the legal papers.

It was my understanding that the above named people were willing to deed the 46.2 acres of land to my uncle, James H. Bennett, so that he might build a house on it to live in upon his retirement. However, they were not willing to deed to uncle James the mineral rights on the 398.6 acres of land.

It is my understanding that my grandmother, Alice Bennett, the now deceased wife of A.F. Bennett, invested $17,500.00 in the above mentioned property in Baldwin County, Alabama. I believe that my father, the above mentioned aunts, and my grandfather think it is only fair that uncle James H. Bennett pay all taxes on the Alabama property mentioned above during his lifetime for the benefit of having the 46.2 acres deeded to him. This seems reasonable to me in view of the money invested by my grandmother to help uncle James get started in business.

8581. NOTE OF TESTIMONY 1M-7-46 Printed By The Baldwin Times

James H. Bennett et al.

vs.

Anna Carr Bennett, et al.

No. 4385

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, service by registered mail, decree pro confesso upon service by registered mail, testimony of James H. Bennett.

and in behalf of Defendant upon

J. Cannon Owens Jr.
Solicitor for Complainants

Register.

No. 4385

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

James H. Bennett, et al.

vs.

Anna Carr Bennett, et al.

NOTE OF TESTIMONY

Filed in Open Court this 25

day of Nov, 1948.

Register.

Printed By The Baldwin Times

I have no interest other than justice. Please consider carefully the interest of my aged grandfather, A.F. Bennett, the husband of Alice Bennett, deceased.

Sincerely,

James B. Bosley

Ja mes B. Bosley

THE BALDWIN TIMES

JIMMY FAULKNER
PUBLISHER

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

LEGAL NOTICE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY No. 4385

JAMES H. BENNETT, and
AMELIA B. BENNETT,
Complainants,

vs.

ANNA CARR BENNETT, MINNIE LOU BRABANT, ANNA SUE BENNETT, JAMES B. BOSLEY, ALICE B. MURPHY, JOYCE B. HAWES, SAM BOSLEY, GEORGE M. BOSLEY, MARTHA B. FOSTER, MILDRED B. WARD, LOUISE B. THRIFT, MARY B. STINSON, A. F. BENNETT, and J. W. BOSLEY,

Respondents.

NOTICE OF SALE

Notice is hereby given that under and pursuant to the decree rendered by the Honorable Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, in the above entitled cause, I will sell, to the highest bidder, for cash, at 12:00 noon, on January 26, 1959, in front of the court house of Baldwin County, Alabama, the following described property, viz.

PARCEL NUMBER ONE

From the Northwest corner of Section 13 Township 3 South, Range 4 East, Baldwin County, Alabama, run East 1233.5 feet to a corner of the International Paper Company's land for a point of beginning; thence run East 1072.0 feet; thence South 44 degrees 30 minutes East 1598 feet; thence South 44 degrees 30 minutes West 1190 feet; thence North 35 degrees 15 minutes West 2413.5 feet to the point of beginning, containing 46.2 acres, more or less.

PARCEL NUMBER TWO

An one-half undivided interest in the minerals located on, in or under the following property in Baldwin County, Alabama, to-wit: From the Southeast corner of Section 13, Township 3 South, Range 4 East, run North along the East line of said Section 1279.0 feet; thence North 45 degrees 30 minutes West 3059 feet; thence South 44 degrees 30 minutes West 150 feet; thence North 35 degrees 15 minutes West 2413.15 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter; thence North along the North section line 178.5 feet; thence South 60 degrees 20 minutes West 1152 feet to point in West line of Section; thence South 4818 feet to Southwest corner of said Section; thence East 488 feet to Southeast corner to point of beginning, comprising a total of 398.5 acres, more or less.

Subject to that certain oil, gas and mineral lease by James H. Bennett, et al. to Union Oil Company of California dated October 5, 1955, and recorded in Deed Book 283 N.S. P.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

E. R. Morrissette, 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

James H. Bennett and Amelia B. Bennett

COST STATEMENT

309 WORDS @ 5 cents ..... $ 15.45

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

E. R. Morrissette Jr.
Editor.

was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication Dec. 18, 1958 Vol. 70 No. 49

Date of 2nd publication Dec. 24, 1958 Vol. 70 No. 50

Date of 3rd publication Dec. 31, 1958 Vol. 70 No. 51

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

Subscribed and sworn before the undersigned this 8 day of Jan, 1959.

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrissette Jr.
Editor.

JAMES H. BENNETT, and AMELIA B. BENNETT, Complainants, vs. ANNA CARR BENNETT, MINNIE LOU BRABANT, ANNA SUE BENNETT, JAMES B. BOSLEY, ALICE B. MURPHY, JOYCE B. HAWES, SAM BOSLEY, GEORGE M. BOSLEY, MARTHA B. FOSTER, MILDRED B. WARD, LOUISE B. THRIFT, MARY B. STINSON, A.F. BENNETT, and J.W. BOSLEY, Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY No. 4385

NOTICE OF SALE

Notice is hereby given that under and pursuant to the decree rendered by the Honorable Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, in the above entitled cause, I will sell, to the highest bidder, for cash, at 12:00 noon, on January 26, 1959, in front of the court house of Baldwin County, Alabama, the following described property, viz.

PARCEL NUMBER ONE

From the Northwest corner of Section 13, Township 3 South, Range 4 East, Baldwin County, Alabama, run East 1233.5 feet to a corner of the International Paper Company's land for a point of beginning: thence run East 1072.0 feet; thence South 44 degrees 30 minutes East 1598 feet; thence South 44 degrees 30 minutes West 1190 feet; thence North 35 degrees 15 minutes West 2413.5 feet to the point of beginning, containing 46.2 acres, more or less.

PARCEL NUMBER TWO

An one-half undivided interest in the minerals located on, in or under the following property in Baldwin County, Alabama, to-wit: From the Southeast corner of Section 13, Township 3 South, Range 4 East, run North along the East line of said Section 1279.0 feet; thence North 45 degrees 30 minutes West 3059 feet; thence South 44 degrees 30 minutes West 150 feet; thence North 35 degrees 15 minutes West 2413.15 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter; thence North along the North section line 178.5 feet; thence South 60 degrees 20 minutes West 1152 feet to point in West line of Section; thence South 4818 feet to Southwest corner of said Section; thence East 488 feet to Southeast corner to point of beginning, comprising a total of 398.6 acres, more or less.

Subject to that certain oil, gas and mineral lease by James H. Bennett, et al. to Union Oil Company of California dated October 5, 1955, and recorded in Deed

Book 233 N.S., p. 109-15, Baldwin County, Alabama, Records.

Alice J. Duck

Alice J. Duck, Commissioner

J. Connor Owens, Jr.
Solicitor for Complainants

STATE OF ALABAMA

COUNTY OF BALDWIN

WHEREAS, suit was instituted in the Circuit Court for the Twenty-eighth Judicial Circuit, in Equity, for the sale for division of the real estate hereinafter described in a proceeding styled "James H. Bennett, and Amelia B. Bennett, Complainants, vs. Anna Carr Bennett, Minnie Lou Brabant, Anna Sue Bennett, James B. Bosley, Alice B. Murphy, Joyce B. Hawes, Sam Bosley, George M. Bosley, Martha B. Foster, Mildred B. Ward, Louise B. Thrift, Mary B. Stinson, A.F. Bennett, and J.W. Bosley, Respondents"; and

WHEREAS, a decree was entered in said cause on the 11th day of December, 1958, appointing undersigned as Commissioner and ordering her to conduct the sale of said property in accordance with the provisions thereof; and

WHEREAS, pursuant to the provisions of said decree undersigned, as Commissioner, did set said sale for 12:00 noon on the 26th day of January, 1959, and did give notice of the place, day and terms of said sale and a description of the property by publication for three (3) weeks in the Baldwin Times, a newspaper of general circulation published in Baldwin County, Alabama; and

WHEREAS, on the 26th day of January, 1959, at the time and place set out in said notice, undersigned offered said property for sale at public auction to the highest and best bidder, for cash, first offering each individual parcel and second all of the described parcels as one unit; and

WHEREAS, the highest and best bid for said property consisted of bids on individual parcels, and that the highest and best bid for that property described as Parcel Number Two was the sum of $2,178.00 bid by Charles Pinklea; and

WHEREAS, undersigned made a report of her acts and

doings in conducting said sale to the Circuit Court in said proceeding pending therein; and

WHEREAS, said report remained on file for more than ten (10) days and no exceptions or objections were filed thereto; and

WHEREAS, after giving notice to the interested parties thereto, the Circuit Court entered an order in said proceeding confirming said sale and ordering the undersigned to execute a deed to the purchaser of said property:

NOW, THEREFORE, in consideration of the premises and of the payment of TWO THOUSAND ONE HUNDRED SEVENTY-EIGHT AND NO/100 ($2,178.00) DOLLARS, the receipt of which is hereby acknowledged, ALICE J. DUCK, AS COMMISSIONER, does hereby grant, bargain, sell and convey unto CHARLES FINKLEA, hereinafter called the GRANTEE, the following described real property in the County of Baldwin, State of Alabama, to-wit:

> An one-half undivided interest in the minerals located on, in or under the following property in Baldwin County, Alabama, to-wit: From the Southeast corner of Section 13, Township 3 South, Range 4 East, run North along the East line of said Section 1279.0 feet; thence North 45 degrees 30 minutes West 3059 feet; thence South 44 degrees 30 minutes West 150 feet; thence North 35 degrees 15 minutes West 2413.15 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter; thence West along the North section line 178.5 feet; thence South 60 degrees 20 minutes West 1152 feet to point in West line of Section; thence South 4818 feet to Southwest corner of said Section; thence East 488 feet to Southeast corner to point of beginning, comprising a total of 398.6 acres, more or less.
>
> Subject to that certain oil, gas and mineral lease by James H. Bennett, et al. to Union Oil Company of California dated October 5, 1955, and recorded in Deed Book 233 N.S., p. 109-15, Baldwin County, Alabama, Records.

TOGETHER WITH all and singular the rights, tenements, hereditaments, members, privileges and appurtenances thereunto belonging or in anywise appertaining, and conveying herein all rights reserved by James H. Bennett, et al., in that certain deed dated December 28, 1929, and recorded in Deed Book 48, N. S., pp. 460-462, Baldwin County, Alabama, Records.

TO HAVE AND TO HOLD the above described property unto the said grantee, his heirs and assigns forever. And assigned herewith are all rents and royalties accruing or which will accrue under the lease described above as being that certain oil, gas and mineral lease by James H. Bennett, et al. to Union Oil Company of California dated October 5, 1955, and recorded in Deed Book 233 N.S., pp. 109-15, Baldwin County, Alabama, Records.

IN WITNESS WHEREOF, the said ALICE J. DUCK, AS COMMISSIONER, has hereunto set her hand and seal this the _____ day of _____, 1959.

_____(SEAL)
ALICE J. DUCK, AS COMMISSIONER

STATE OF ALABAMA

COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said County in said State, hereby certify that ALICE J. DUCK, whose name as COMMISSIONER is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she, as such commissioner, and with full authority, executed the same voluntarily acting in her capacity as commissioner as aforesaid.

Given under my hand this the _____ day of _____ _____, 1959.

_____
Notary Public, Baldwin County, Alabama

ORAL DEPOSITION

THE STATE OF ALABAMA **BALDWIN COUNTY**	**Circuit Court of Baldwin County, Alabama** **(In Equity)**
JAMES H. BENNETT, et al,	COMPLAINANTs
vs.	
ANNA CARR BENNETT, et als,	RESPONDENTs

I, Ora S. Nelson

as ~~Register and~~ Commissioner

have called and caused to come before me James H. Bennett

witness named in the requirement for Oral Examination, on the 22nd day of November, 1958, at the office of J. Connor Owens,

in Bay Minette, Alabama, and having first sworn said witness to speak the truth, the whole truth, and nothing but the truth, the said James H. Bennett

doth depose and say as follows:

ORAL EXAMINATION

I, Ora S. Nelson as ~~Register and~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness and read over to him and he signed the same in the presence of myself and

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

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

Given under my hand and seal, this 24th day of November , 19 58 .

Ora S. Nelson (L. S.)
Commissioner

No. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

ORAL DEPOSITION

Filed , 19

, Register.

RECORDED IN

Record

Vol. Page

, Register.

ON DIRECT EXAMINATION
By Mr. J. Connor Owens, Jr

We introduce into evidence deed from P. V. Pardon and Minerva Pardon, his wife, to James H. Bennett and Alice Bennett, Certified Copy, recorded in the office of the Probate Judge in Deed Book 32 at pages 393, 394, said deed being dated the 6th day of July, 1922, and ask that it be marked Exhibit "1".

(Certified Copy of the deed above described identified as Complainant's Exhibit "1" and is attached to this deposition).

We introduce in evidence that certain deed from James H. Bennett and Amelia B. Bennett, Ann Brownfield, James W. Bosley, Mrs. Pauline Bosley, Anna Carr Bennett and Minnie Lou Bennett, to the International Paper Company of Alabama, said deed being recorded in Deed Book 48 at pages 460-62, in the office of the Judge of Probate of Baldwin County, Alabama, and asked that it be identified and marked as Complainants' Exhibit "2".

(Certified copy of the deed above described identified as Complainants' Exhibit "2" and is attached to this deposition).

We introduce into evidence Certified Copy of a Deed from Ann Brownfield to James H. Bennett and Amelia B. Bennett, said deed being recorded in Deed Book Number 102 at page 195 of the Probate Records of Baldwin County, Alabama, and ask that it be identified and marked as Complainants' Exhibit "3".

(Certified copy of the deed above described identified as Complainants' Exhibit "3" and is attached to this deposition).

TESTIMONY

Q. Will you state your name, please sir?

A. James H. Bennett.

Q. Mr. Bennett, are you the Complainant in that certain suit-

A. I am.

Q. -whereby you and Amelia B. Bennett are suing Anna Carr Bennett, Minnie Lou Brabant, Anna Sue Bennett, James B. Bosley, Alice B. Murphy, Joyce B. Hawes, Sam Bosley, George M. Bosley, Martha B. Foster, Mildred B. Ward, Louise B. Thrift, Mary B. Stinson,

A. F. Bennett and J. W. Bosley, in the Circuit Court of Baldwin County, Alabama, for sale of certain lands described in the Complaint? You are the Complainant?

A. I am.

Q. And Amelia B. Bennett is your wife?

A. She is.

Q. Both of you are over twenty-one?

A. Yes.

Q. Both residents of Baldwin County, Alabama?

A. Yes sir.

Q. All of the Respondents are over the age of twenty-one years?

A. Yes sir.

Q. Are any of the Respondents residents of this State?

A. No sir.

Q. Have you found out the addresses of the Respondents?

A. I have.

Q. Have you informed me of the addresses?

A. I have.

Q. Are the addresses as far as you know listed in the Bill of Complaint correct?

A. So far as I know they are.

Q. Have you read the description or are you familiar with the description of the lands in the Bill of Complaint?

A. Yes sir.

Q. There are two tracts involved in this suit, are there not?

A. Yes.

Q. The first tract consists of 46.2 acres?

A. That is correct.

Q. Will you describe the property?

A. The land lies in Section Thirteen (13) Township Three South Range Four East.

Q. And would you describe the physical nature of the land?

A. It is not cultivated, part of which is rough, now set to pine. Some of it has a natural growth and some of which is planted, located about twelve and a half miles from Bay Minette on the Pensacola Road, no part of which is cleared or under cultivation.

Q. Are there any improvements on the land at the present time?

A. None whatsoever.

Q. In your opinion could this land be partitioned down to a 1/80th interest?

A. Certainly have to use a slide rule to do it.

Q. What is the worth of the tract; what does that consist of Mr. Bennett?

A. Mineral rights.

Q. Would you describe those mineral rights if you can, about how much of the-

A. One-half of the 398.6 acres located in the same Section, Township and Range.

Q. Are those the same mineral rights which were retained by you and the other parties in that deed to the International Paper Company which has been marked Exhibit "2".

A. They are.

Q. Now are those mineral rights presently free and clear as to leases?

A. It's under lease.

Q. It is under lease?

A. Yes sir.

Q. I'll ask you if-

A. That doesn't apply to the forty-six acres.

Q. But the mineral rights described in Exhibit "2", they are owned by you and the other parties to this suit and under lease to Union Oil Company of California?

A. Yes sir.

Q. The lease is dated October 5, 1955?

A. Yes.

Q. And recorded in Deed Book 233 at page 109 through 115, Baldwin County Records?

A. Correct.

Q. Now what is the rental per year on that lease?

A. One Dollar per acre.

Q. One Dollar per mineral acre?

A. Yes.

Q. And that would be approximately-?

A. One Hundred Ninety-eight Dollars.

Q. One Hundred Ninety-eight Dollars per year?

A. Yes.

Q. Is that lease for a primary term of ten years?

A. Yes sir, if not allowed to lapse in that time.

Q. You have an expectancy of receiving rental upon that lease through the year 1964?

A. Yes sir.

Q. Mr. Bennett, could those mineral interests be fairly divided or partitioned among the joint owners of the minerals?

A. I don't have any knowledge of it being done.

Q. Who was Alice Bennett?

A. That was my mother.

Q. Is she alive?

A. No sir, she is deceased.

Q. Is she the Alice Bennett referred to in Exhibit "1", being the deed from P. V. Pardon to James H. Bennett and Alice Bennett?

A. That is correct.

Q. Now when did, what year did Alice Bennett die?

A. In 1928, July 13th.

Q. Has a will ever been probated in this county?

A. It has not.

Q. What were the survivors, what survivors did Alice Bennett leave at the time?

A. Three daughters and one son.

Q. What is the name of the son?

A. James H. Bennett.

Q. That is you, the same person?

A. That is correct.

Q. And who were the sisters? Who were the daughters?

A. Pauline Bennett Bosley, Anna Car Bennett and Minnie Lou Bennett.

Q. What is the name of Minnie Lou Bennett now?

A. Brabant, B r a b a n t.

Q. Did Alice Bennett's husband survive her?

A. Yes.

Q. What is his name?

A. Amos Franklin Bennett, or A. F. Bennett is the way he signs his name.

Q. He is A. F. Bennett?

A. Yes.

Q. Is he still alive?

A. Yes.

Q. How old is he?

A. He is ninety at the present time.

Q. What is the condition of his health?

A. He is retired, confined to his home most of the time.

Q. Is he in good health for a man who is ninety years old is he in good health?

A. Considered to be.

Q. Considered to be in good health for a man ninety years old?

A. He is suffering from infirmities of his age.

Q. What is, in your opinion, the yearly rental value of the property involved in this suit?

A. I don't know of anything except the mineral lease.

Q. How much is that worth a year?

A. A Hundred and Ninety-eight Dollars.

Q. Does the 46.2 acre tract have any rental value?

A. None whatsoever, no income.

Q. If this property could be leased how much would it produce?

A. It would produce the full $1.00 per year without division.

Q. Isn't it customary for a bonus to be paid at the time of leasing?

A. Yes.

Q. How much is that bonus?

A. To the best of my knowledge $3.00 an acre.

Q. Would this land have any fair market value for rental and farm purposes, Mr. Bennett?

A. None whatsoever. It would be impracticable.

Q. Growing pine timber is the purpose to which it is best

suited; the land best suited?

A. It is.

MR. OWEN: We would like the Court to take judicial notice of the fact that a man who is ninety years old has a life expectancy of 1.42 years, said notice being based on those mortality tables published in Alabama Acts 1955, Regular Session, by the State Department of Insurance and Banking, pursuant to Alabama Code, Title 47, Section 276, et. seq.

Q. Now, Mr. Bennett, all of your sisters alive at the present time?

A. One is deceased.

Q. Who was this sister that died?

A. Pauline Bennett Bosley.

Q. When did she die?

A. November, 1955.

Q. Was she a non-resident of the State of Alabama?

A. Yes.

Q. At the time of her death?

A. Yes.

Q. Do you know of any probate action of any will she might have left?

A. Not to my knowledge, any will or settlement of any kind.

Q. As far as you know there was no probate of any will in this state?

A. There has not.

Q. Who are the survivors?

A. The husband, J. W. Bosley, and the children.

Q. How many children did she leave?

A. Ten.

Q. Would you name those children?

A. Anna Sue Bennett, James B. Bosley, Alice B. Murphy, Joyce B. Hawes, George H. Bosley, Martha B. Foster, Mildred B. Ward, Louise B. Thrift, and Mary B. Stinson.

Q. Mr. Bennett, who has looked after this land and mineral acreage in this county since the death of your mother?

A. I have.

Q. Who has paid the taxes on this land?

A. I have.

Q. Have you made or caused to be made a search of the tax records of Baldwin County as to receipts and assessments?

A. Yes sir.

Q. Since that date. I will ask you what is the total amount of taxes that you have paid on this land for the benefit of the other parties since the year 1928?

A. $379.89.

Q. Have you expended any other sum for improvements on this property on this property?

A. Yes sir, the purchase and planting of pine seedlings.

Q. How much did you expend for planting pine seedlings?

A. One Hundred Forty Dollars.

Q. To the best of your knowledge have you received any contribution from any other party either for taxes paid on this land or for expenditure you made for pine trees?

A. None whatsoever.

Q. Did the planting of pine trees on this property improve the property?

A. Yes sir.

Q. Now have you made any other expenditures for improvements which were placed upon the land?

A. Seven Hundred Fifty Dollars.

Q. For what did that consist, Mr. Bennett?

A. Paying of an indebtedness against a note held by the bank against the property.

Q. Have you ever received any contribution from any parties to this suit for that payment?

A. None whatsoever.

Q. Was it necessary for you to bring this action for sale for division and did you hire an attorney in this connection?

A. I did.

Q. Who was that attorney?

A. J. Connor Owens Jr.

Q. Mr. Bennett, you and Amelia B. Bennett, your wife own outright a one-half undivided interest in this property, do you not?

A. We do.

Q. By virtue of that deed introduced as Exhibit "1" and by virtue of that deed shown as Exhibit "3" from Anne Brownfield?

A. We do.

Q. The land that you and your wife claim a one-half undivided interest in there you claim to own an additional one-eighth interest in the land subject to a life estate of your father, do you not?

A. I do.

Q. That Anna Carr Bennett owns an undivided one-eighth interest in the land?

A. She does.

Q. Subject to a life estate of your father, is that correct?

A. She does.

Q. Minnie Lou Brabant owns an undivided one-eighth interest in the land subject to the life estate of A. F. Bennett, your father?

A. She does.

Q. The children, some ten in number, of your deceased sister Pauline Bosley, each own an undivided 1/80th interest subject to the life estate of your father?

A. That is correct.

Q. Now as far as you know J. W. Bosley has no right, title or interest in this land, does he?

A. Not to my knowledge.

Q. The land is described by you as being what?

A. The land we claim as joint owners is:

From the Northwest corner of Section 13, Township 3 South, Range 4 East, Baldwin County, Alabama, run East 1233.5 feet to a corner of the International Paper Company's land for a point of beginning:
Thence run East 1072.0 feet; thence South 44 degrees 30 minutes East 1598 feet; thence South 44 degrees 30 minutes West 1190 feet; thence North 35 degrees 15 minutes West 2413.5 feet to a point of beginning, containing 46.2 acres, more or less.

Q. And the minerals that you own are what, as joint owners?

A. The minerals I own consists of an undivided one-half interest in the minerals located on, in or under the following described property in Baldwin County, Alabama:

From the Southeast corner of Section 13, Township 3 South, Range 4 East, run North along the East line of said Section 1279.0 feet; thence North 45 degrees 30 minutes West 3059 feet; thence South 44 Degrees 30 minutes West 150 feet; thence North 35 degrees 15 minutes West 2413.15 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter; thence West along the North section line 178.5 feet; thence South 60 degrees 20 minutes West 1152 feet to point in West line of Section; thence South 4818 feet to the Southwest corner of said Section; thence East 488 feet to Southeast corner to point of beginning, comprising a total of 398.60 acres, more or less.

Q. Mr. Bennett, have you had prepared an abstract to this property?

A. I have.

Q. Is this/the abstract you had prepared to the property?

A. It is.

Q. Are you willing to furnish this abstract if requested by the Court?

A. I am.

MR. OWEN: We would like you to identify this abstract as being that certain partial abstract of title to properties described in this suit, being dated the 3rd day of September, 1946, at 4:00 o'clock P. M., prepared by Harry Parker, Licensed Abstractor, Baldwin County, Alabama, and also supplemental abstract of title prepared by J. A. Ertzinger and Son and dated the 9th day of January, 1958, said supplemental abstract covering the lands described in the Bill of Complaint, since the 3rd day of September, 1946.

(Abstract identified as Complainants' Exhibit "4")

- - - - - -

James S. Bennett

Complainants
Exhibit "7" Case # 4385
Nov. 22-1958 Atty

----------00000----------

Cod

Deed With Warranty.

[illegible] made the 8th day of July, 1922 between P.V. Pardon and Minerva Pardon his wife parties of the first part and James [illegible] Bennett and Alice Bennett parties of the second part.

Witnesseth that the parties of the first part, in consideration of Ten and no/100 Dollars ($10.00) and other valuable considerations to them in hand paid by the parties of the second part, the receipt of which is hereby acknowledged, have bargained and sold, and by these do grant, bargain sell and convey and deliver unto the said parties of the second part their heirs and assigns forever, all that real property situated in Escambia County, Alabama, described as follows to-wit: Beginning at the North West corner of Section (13) Township (5) South, Range (4) East, Thence South with the West line of said Section Thirteen (13) Five thousand two hundred eighty (5280) feet to the Southwest corner of said section Thirteen (13) Thence East with the South line of said Section Thirteen (13) Four Thousand eight hundred eighty eight (4888) feet to the South east corner of said Section Thirteen (13) Thence North (4888) feet to the South east corner of said Section Thirteen (13) Two Thousand seven hundred twenty three (2723) feet to a point on the southerly right of way line of the Pensacola Road, Thence [illegible] along said southerly right of way line of said Pensacola Road, West [illegible] three hundred sixty seven (3367) feet to a point on the North line of said Section Thirteen (13); Thence West two thousand three hundred six and four tenths (2306.4) feet to the beginning. Containing a total of five hundred eleven and six tenths (511.6) acres.

To have and to hold all appurtenances thereunto belonging, to have and to hold forever and [illegible] any person lawfully claiming the same, said parties of the first part shall ever warrant and defend.

In witness whereof, the parties of the first part have hereunto set their hands and seals this day and year first above written.

Signed, sealed and delivered in the presence of

P.V. Pardon (Seal)
Minerva Pardon (Seal)

($6.50 [illegible] Stamp attached)

State of Alabama, Baldwin County.

I, [illegible] Weston, a Notary Public in and for said County and State, hereby certify that [illegible] whose names are signed to the foregoing conveyance, and who are known to me acknowledged before me on this day that being informed of the contents of the conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 7th day of ~~September~~ July, 1922

Herbert [illegible]. Weston
Notary Public, Baldwin County, Ala.

(Seal)

State of Alabama, Baldwin County)

I, Herbert [illegible]. Weston, a notary public in and for said County and State, do hereby certify that on the 7th day of July, 1922, came before me the within named Minerva Pardon known to me to be the wife of the within named E.W. Pardon who being examined separate and apart from her husband, touching her signature to the within conveyance acknowledged that she signed the same of her own free will and accord, and without fear, constraint or threat on the part of her husband.

IN WITNESS WHEREOF, I hereunto set my hand and seal this 7th day of July, 1922.

Herbert [illegible]. Weston
Notary Public Baldwin County, Ala.

(Seal)

Filed for record Sept.1[illegible], 1922 at 4 [illegible]

Recorded Sept.1[illegible], 1922.

Jas. [illegible]. Voltz, Judge of Probate.

-----------o0o0o-----------

The State of Alabama,
Baldwin County

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify that the within and foregoing _____ pages contain a full, true and complete copy of the Deed from P. V. Pardon and Minerva Pardon to James H. Bennett and Alice Bennett

as the same appears of record in my office in Deed Book No. 32 page 393-4.

Given under my hand and seal of office, this 18th day of November, 1958

W R Stuart
Judge of Probate.

By: Lea S. Thomas, Chief Clerk

MOORE PRINTING CO., BAY MINETTE, ALA.

Complainants Exhibit "2" Case # 4325-
Rec. 11-1958-
Sol.

marr
part
of w
or
each
what
thos

seal

STAT
BALD

that
poin
info
the

(SEA

STAT
BALD

tify
know
arate
nowl
cons

(SEA

THE
BALD

Book
said

STATE OF ALABAMA,
BALDWIN COUNTY.

WARRANTY DEED.

THIS INDENTURE, made and entered into, by and between JAMES W. BURLEY and PAULINE BURLEY, his wife, ANA MORRILL, widow, ANNA MAE BURLEY, single, and FRANIE LOU BURLEY, single, of the first part, and the INTERNATIONAL PAPER COMPANY of ALABAMA, a corporation, of the second part, WITNESSETH:-

That for and in consideration of the sum of Two Thousand and Three Hundred Ninety One & 60/100 Dollars ($2,391.60) this day paid to parties of the first part by party of the second part, receipt whereof is hereby acknowledged, parties of the first part have granted, bargained and sold and by these presents do hereby GRANT, BARGAIN, SELL and CONVEY unto the said party of the second part the following described real property in Baldwin County, Alabama, viz.:-

Begin at the Southwest corner of Lot on Section Thirteen (13), Township Three (3) South, Range Two (2) East; thence North, along the East line of said Section Thirteen (13), 1279.0 feet to a point; thence North 43° 00' West, 3000.0 feet to a point; thence South 44° 00' West, 1000.0 feet to a point; thence North 32° 15' West, [illegible] feet to the Northeast corner of the Northwest quarter (NW¼) of the Northwest quarter (NW¼) of said Section Thirteen (13); thence West, along the North line of said Section Thirteen (13), [illegible] feet to a point; thence South 66° 20' West, 1122.0 feet to a point in the West line of said Section Thirteen (13); thence South [illegible] feet to the Southwest corner of said Section Thirteen (13); thence East [illegible] feet to the Southeast corner of said Section Thirteen (13), to [illegible] of BEGINNING; containing an area of 89 and 6/10 acres in Section Thirteen (13), Township Three (3) South, Range Two (2) East.

Together with all and singular the rights, privileges, 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, its successors and assigns, forever, and the said parties of the first part, for themselves and their heirs executors and administrators, hereby covenant and warrant with and unto party of the second part, its successors and assigns, that they are seized of an indefeasible estate in fee simple in and to all of the property hereinabove described; that the same is free from all liens and encumbrances; that they have a good right to convey the same as herein conveyed; that they will guarantee the peaceable possession thereof and that they will, and their heirs, executors and administrators shall, forever warrant and defend the same unto the said party of the second part, its successors and assigns, against the lawful claims of all persons whomsoever.

SUBJECT, HOWEVER, to:- (1) State and County taxes on said lands which become due October 1st, 1930; the same having been pro-rated between the parties and are to be paid by party of the second part. (2) Such easements for public roads as the State of Alabama or the general public may have acquired by Deed or otherwise.

It is further understood and agreed that the Sellers reserve to themselves, their heirs and assigns forever, an undivided one-half interest in and to the oil, gasses and other minerals upon or under said land, together with all necessary rights of development thereof.

IN WITNESS WHEREOF, the said James H. Bennett and Amelia B. Bennett, his wife, James W. Bosley and Pauline Bosley, his wife, Ann Brownfield, widow, Anna Carr Bennett, single, and Minnie Lou Bennett, single, hereunto set their hands and seals, as parties of the first part, on this the 28th day of December, 1929.

James H. Bennett SEAL
Amelia B. Bennett SEAL
Ann Brownfield SEAL
James W. Bosley SEAL
Mrs. Pauline Bosley SEAL
Anna Carr Bennett SEAL
Minnie Lou Bennett SEAL

STATE OF ALABAMA.
BALDWIN COUNTY.

I, R. C. Heard, a Notary Public in and for said County in said State, hereby certify that James H. Bennett and Amelia B. Bennett, his wife, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, 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 Notarial Seal hereto affixed by me this 28 day of December, 1929.

R. C. Heard
(SEAL) Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA.
BALDWIN COUNTY.

I, R. C. Heard, a Notary Public in and for said County in said State, hereby certify that on the 28th day of December, 1929, came before me the within named Amelia B. Bennett, wife of the within named James H. Bennett, who, being examined separate and apart from the husband touching her signature to the within instrument, acknowledged that she signed the same of her own free will and accord and without fear, constraints or threats on the part of the husband.

In witness whereof I hereunto set my hand and affix my seal on this the 28th day of December, 1929.

R. C. Heard
(SEAL) Notary Public, Baldwin County, Alabama.

STATE OF KENTUCKY.
DAVIESS COUNTY.

I, Guy A. Aull Co. Ct. Clk, in and for said County, in said State, hereby certify that James W. Bosley and Pauline Bosley, his wife, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, 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 hereto affixed by me this 11 day of January, 1930.

Guy A. Aull Co. Court Clerk
Daviess County, Kentucky.
(SEAL) By J. C. Riney D. C.

STATE OF KENTUCKY.
DAVIESS COUNTY.

I, Guy A. Aull Co. Ct. Clk, in and for said County in said State, hereby certify that on the 11th day of Jan, 1930, came before me the within named Pauline Bosley, known to me to be the wife of the within named James W. Bosley, who, being examined separate and apart from the husband touching her signature to the within instrument, acknowledged that she signed the same of her own free will and accord and without fear, constraints or threats on the part of the husband.

In witness whereof I hereunto set my hand and affix my seal on this the 11 day of January, 1930.

Guy A. Aull Co. Ct. Clerk
Daviess County, Kentucky.
(SEAL) By J. C. Riney D. C.

STATE OF KENTUCKY.
DAVIESS COUNTY.

I, Edith Palmer, a Notary Public in and for said County in said State, hereby certify that Ann Brownfield, widow, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and Notarial Seal hereto affixed by me this 10 day of Jany, 1930.

Edith Palmer
Notary Public, Daviess County, Kentucky.
My Commission Expires 1/5/32.

STATE OF KENTUCKY.
DAVIESS COUNTY.

I, Guy A. Aull Co. Ct. Clk, in and for said County in said State, hereby certify that Anna Carr Bennett, single, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and Notarial Seal hereto affixed by me this 11th day of January, 1930.

Guy A. Aull Co. Court Clerk
Daviess County, Kentucky.
By J. C. Riney D. C.

(SEAL)

STATE OF KENTUCKY.
FAYETTE COUNTY.

I, Arthur W. Leigh a Notary Public in and for said County in said State, hereby certify that Minnie Lou Bennett, single, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and Notarial Seal hereto affixed by me this 6th day of January, 1930.

(SEAL)

Arthur W. Leigh
Notary Public, Fayette County, Kentucky.
My commission Expires June 11, 1933.

THE STATE OF ALABAMA.
BALDWIN COUNTY. PROBATE COURT.

Filed in office this 28 day of April, 1930--10:10 A. M. and duly recorded in Deed Book No. 48 N. S. pages 460-2; and I certify that $ 2 / cts 50 / license or privilege tax, paid as required by an Act of the Legislature, approved September 14, 1923.

G. W. Humphries, Judge of Probate, by J. I. Kessler, Clerk.

G. W. Humphries, Judge of Probate.

----------00000000----------

The State of Alabama,
Baldwin County

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify that the within and foregoing _____ pages contain a full, true and complete copy of the Deed from James H. Bennett and Amelia B. Bennett, Ann Brownfield, James W. Bosley, Mrs. Pauline Bosley, Anna Carr Bennett, and Minnie Lou Bennett to the International Paper Company of Alabama

as the same appears of record in my office in Deed Book No. 48 page 460-2.

Given under my hand and seal of office, this 18th day of November, 1958

W R Stuart
Judge of Probate.

By: Leo A. Bloom, Chief Clerk

MOORE PRINTING CO., BAY MINETTE, ALA.

Conveyance & Exh 3"

Case # 4385 - Rec ... 1958 ...

BOOK 102 PAGE 195

The State of Alabama
Baldwin County

This deed made this 8th day of January, A. D. 1946, between ANNE BROWNFIELD, a widow, of the First Part, and JAMES H. BENNETT and AMELIA B. BENNETT, husband and wife, of the Second Part, W I T N E S S E T H:

That the Party of the First Part, in consideration of One (1) Dollar and other value to her in hand paid by the parties of the Second Part, the receipt of which is hereby acknowledged, has remised, released and quit claimed and by these presents does remise, release and quit claim forever unto the said Parties of the Second Part, their heirs and assigns, forever, all the real property in Baldwin County, Alabama, described as follows, to wit:

An undivided one half interest in and to the following; Beginning at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section Thirteen, Township Three South, Range Four East, thence East with the north line of said Section Thirteen One Thousand and seventy two (1072) feet to a point on the Southerly Right of Way Line of the Pensacola Road; thence South Forty Five Degrees Thirty Minutes East with said Southerly Right of Way line Fifteen Hundred Ninety Eight (1598) feet to the northwest corner of lands formerly belonging to the Baldwin County Bank; thence South Forty Four degrees Thirty minutes West along the Westerly line of the aforesaid Baldwin County Bank land and also to a corner on lands of the International Paper Company Eleven Hundred Ninety (1190) feet; thence North Thirty Five Degrees Fifteen minutes West along the Northerly line of said International Paper Company land Twenty Four Hundred Thirteen and Five Tenths (2413.5) feet to the aforesaid Northwest corner of the Northeast Quarter of the Northwest Quarter , the POINT OF BEGINNING, containing Forty Six and Three Tenths (46.3) acres in Section Thirteen, Township Three South, Range Four East.

AND

An undivided one half interest in and to the following; Beginning at the Northwest corner of Section Thirteen, Township Three South, Range Four East, thence East with the North line of said Section Thirteen to a corner of the International Paper Company's land which is One Hundred Seventy Eight and five tenths (178.5) feet West of the Northwest corner of the Northeast Quarter of the Northwest Quarter of said Section Thirteen; thence South Sixty six degrees Twenty minutes West along the North line of said International Paper Company's land Eleven Hundred Fifty two (1152) feet to the West line of said Section Thirteen; thence North with the West line of said Section Thirteen Four Hundred Sixty Two (462) feet, to POINT OF BEGINNING, containing Five and five tenths (5.5) acres in Section Thirteen, Township Three South, Range Four East.

AND

And undivided one half interest in and to the following; The oil, gas and mineral upon or under certain lands more particularly described in a certain deed from James H. Bennett and others to the International Paper Company of Alabama, a corporation, which said deed is dated December 28th 1929 and is recorded in Deed Book 48NS, Pages 460-462, in the Probate Records of said Baldwin County, Alabama, being an area of Three Hundred Ninety Eight and 6/10 (398.6) acres in Section Thirteen, Township Three South, Range Four East, together with the necessary development rights thereof, said oil, gas, mineral and developments rights having been reserved in said deed.

TO HAVE AND TO HOLD the said released premises unto the said Parties of the Second Part, their heirs and assigns forever; So that neither the Party of the First Part, her heirs or assigns nor any other person in trust for her or in her name shall or will, can or may, by any ways or means whatsoever, hereafter, have or claim any right or title thereto; BUT THAT the said Party of the First Part, her heirs and assigns, each and every one of them from all estate, right, title, interest or claim and demand, whatsoever, in or to said premises, or any part thereof, are, is and shall be, BY THESE PRESENTS, FOREVER EXCLUDED AND DEBARRED.

In Witness Whereof, the Party of the First Part has hereunto set her hand and seal the day and year first above written.

Anne Brownfield (Seal)

State of Alabama
Baldwin County

I, E. Cramer, a Notary Public in and for said County and State, hereby certify that Anne Brownfield, a widow, whose name is signedto the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 8th day of January, 1946.

E. Cramer

The State of Alabama,
Baldwin County

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify that the within and foregoing _____ pages contain a full, true and complete copy of the Deed from Anne Brownfield to James H. Bennett and Amelia B. Bennett

as the same appears of record in my office in Deed Book No. 102 page 195.

Given under my hand and seal of office, this 18th day of November, 1958

W. R. Stuart
Judge of Probate.
By Lou N. Bloom Chief Clerk

MOORE PRINTING CO., BAY MINETTE, ALA.

STATE OF ALABAMA

COUNTY OF BALDWIN

WHEREAS, suit was instituted in the Circuit Court for the Twenty-eighth Judicial Circuit, in Equity, for the sale for division of the real estate hereinafter described in a proceeding styled " James H. Bennett, and Amelia B. Bennett, Complainants, vs. Anna Carr Bennett, Minnie Lou Brabant, Anna Sue Bennett, James B. Bosley, Alice B. Murphy, Joyce B. Hawes, Sam Bosley, George M. Bosley, Martha B. Foster, Mildred B. Ward, Louise B. Thrift, Mary B. Stinson, A.F. Bennett, and J.W. Bosley, Defendants"; and

WHEREAS, a decree was entered in said cause on the 11th day of December, 1958, appointing undersigned as Commissioner and ordering her to conduct the sale of said property in accordance with the provisions thereof; and

WHEREAS, pursuant to the provisions of said decree undersigned, as Commissioner, did set said sale for 12:00 noon on the 26th day of January, 1959, and did give notice of the place, day and terms of said sale and a description of the property by publication for three (3) weeks in the Baldwin Times, a newspaper of general circulation, published in Baldwin County, Alabama; and

WHEREAS, on the 26th day of January, 1959, at the time and place set out in said notice, undersigned offered said property for sale at public auction to the highest and best bidder, for cash, first offering each individual parcel and second all of the described parcels as one unit; and

WHEREAS, the highest and best bid for said property consisted of bids on individual parcels, and that the highest and best bid for that property described as Parcel Number One was the sum of $2775.00 bid by Adolphus Jones; and

WHEREAS, undersigned made a report of her acts and

doings in conducting said sale to the Circuit Court in said proceeding pending therein; and

WHEREAS, said report remained on file for more than ten (10) days and no exceptions or objections were filed thereto; and

WHEREAS, after giving notice to the interested parties thereto, the Circuit Court entered an order in said proceeding confirming said sale and ordering the undersigned to execute a deed to the purchaser of said property:

NOW, THEREFORE, in consideration of the premises and of the payment of TWO THOUSAND SEVEN HUNDRED SEVENTY-FIVE AND NO/100 ($2775.00) DOLLARS, the receipt of which is hereby acknowledged, ALICE J. DUCK, AS COMMISSIONER, does hereby grant, bargain, sell and convey unto ADOLPHUS JONES, hereinafter called the GRANTEE, the following described real property in the County of Baldwin, State of Alabama, to-wit:

From the Northwest corner of Section 13, Township 3 South, Range 4 East, Baldwin County, Alabama, run East 1233.5 feet to a corner of the International Paper Company's land for a point of beginning: thence run East 1072.0 feet; thence South 44 degrees 30 minutes East 1598 feet; thence South 44 degrees 30 minutes West 1190 feet; thence North 35 degrees 15 minutes West 2413.5 feet to the point of beginning, containing 46.2 acres, more or less.

TOGETHER WITH all and singular the rights, tenements, hereditaments, members, privileges and appurtenances thereunto belonging or in anywise appertaining;

TO HAVE AND TO HOLD the above described property unto the said grantee, his heirs and assigns forever.

IN WITNESS WHEREOF, the said ALICE J. DUCK, AS COMMISSIONER, has hereunto set her hand and seal this the _____ day of _____, 1959.

_____ (SEAL)
ALICE J. DUCK, AS COMMISSIONER

STATE OF ALABAMA

COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said County in said State, hereby certify that ALICE J. DUCK, whose name as COMMISSIONER is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she, as such commissioner, and with full authority, executed the same voluntarily, acting in her capacity as commissioner as aforesaid.

Given under my hand this the _____ day of _____, 1959.

_____
Notary Public, Baldwin County, Alabama