

STATE OF ALABAMA)

BALDWIN COUNTY)

TO THE HONORABLE PROBATE COURT OF BALDWIN COUNTY, ALABAMA,
AND TO THE HONORABLE W. R. STUART, JUDGE OF THE PROBATE COURT:

PETITION TO PROBATE

Your Petitioner, Mrs. David Pree, who is over the age of twenty-one years and a resident of St. Clair Shores, Michigan, respectfully represents and shows unto the Court and unto Your Honor as follows:

1. That Josephine Schuller, who was at the time of her death an inhabitant and resident of Baldwin County, Alabama, departed this life at Fairhope, Alabama on March 13, 1958, leaving a Last Will and Testament dated the 27th day of August, 1945, witnessed by Frank Vorel and I. William Zaks, both of whom are residents of Baldwin County, Alabama; in which Will your Petitioner was named Executrix and as a devisee and legatee. Petitioner produces herewith and files for record in this Court the Last Will and Testament of said decedent.

2. The only heirs of said decedent are Mrs. David Pree, Detroit, Michigan, Mrs. Josephine Lowell Young, Mobile, Alabama, Mrs. Frank Donley, Detroit, Michigan, all of whom are over the ages of twenty-one years and of sound mind, and all of whom are daughters of the said decedent, and Bill Schuller, Jr., Fairhope, Alabama, and Josephine Manteuffel, Semmes, Alabama, both of whom are over the ages of twenty-one years and being the children of Bill Schuller, the son of the decedent, deceased.

3. All of the said heirs of the decedent have waived notice of this petition and consent to the probate of the Will of Josephine Schuller, deceased, as shown by Exhibits "A" through "D" as attached hereto.

WHEREFORE, your Petitioner prays that the Court will take jurisdiction of this petition, appoint and set a day for hearing the said petition and on the day set for hearing, will make and enter a proper order or decree admitting the said instrument to probate and record as and for the Last Will and Testament of said decedent. Petitioner further prays that such other orders be made and decrees rendered as may be requisite and proper in the premises and Letters Testamentary be issued to her.

STATE OF ALABAMA, BALDWIN COUNTY

Filed April 2, 1958 MRecorded Tab + Men book 15 page 299W. R. Stuart
Judge of ProbateMrs. David Pree
PETITIONER

STATE OF ALABAMA)
BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS that I, the undersigned Josephine Manteuffel, a granddaughter of Josephine Schuller, deceased, and being the daughter of Bill Schuller, deceased, the son of Josephine Schuller, deceased, do hereby accept notice of the filing for Letters Testamentary of the estate of Josephine Schuller, deceased, and waive all other and further notices and consent that the said estate be administered and that Mrs. David Pree be named as Executrix.

Be it understood and agreed that I do further waive all other or further notices as to final settlement of the said estate and I do hereby authorize and empower the said Mrs. David Pree to make full and final settlement of said estate without accounting or inventory of the same.

Witness my hand and seal this the 11th day of March, 1958.

Josephine Manteuffel (SEAL)
JOSEPHINE MANTEUFFEL

STATE OF ALABAMA)
BALDWIN COUNTY)

I, the undersigned notary public in and for State of Alabama at Large, certify that Josephine Manteuffel, 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 seal this the 11th day of March, 1958.

My commission expires July 14, 1958.

Ernest M. Bailey
NOTARY PUBLIC

EXHIBIT "D"

STATE OF ALABAMA)
BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS that I, the undersigned Mrs. Frank Donley, a daughter of Josephine Schuller, deceased, and being over the age of twenty-one years and of sound mind, do hereby accept notice of the filing for Letters Testamentary of the estate of Josephine Schuller, deceased, and waive all other and further notices and consent that the said estate be administered, and that Mrs. David Pree be named as Executrix.

Be it understood and agreed that I do further waive all other or further notices as to final settlement of said estate and I do hereby authorize and empower the said Mrs. David Pree to make full and final settlement of the said estate without accounting or inventory of the same.

Witness my hand and seal this the 11th day of March, 1958.

Mrs. Frank Donley (SEAL)
MRS. FRANK DONLEY

STATE OF ALABAMA)
BALDWIN COUNTY)

I, the undersigned notary public in and for State of Alabama at Large, certify that Mrs. Frank Donley, 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 before me voluntarily on the day the same bears date.

Given under my hand and seal this the 11th day of March, 1958.

My commission expires July 14, 1958.

James M. Bailey
NOTARY PUBLIC

EXHIBIT "A"

STATE OF ALABAMA)
)
 BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS that I, the undersigned Mrs. Josephine Lowell Young, a daughter of Josephine Schuller, deceased, and being over the age of twenty-one years and of sound mind, do hereby accept notice of the filing for Letters Testamentary of the estate of Josephine Schuller, deceased, and waive all other and further notices and consent that the said estate be administered, and that Mrs. David Pree be named as Executrix.

Be it understood and agreed that I do further waive all other or further notices as to final settlement of the said estate and I do hereby authorize and empower the said Mrs. David Pree to make full and final settlement of the said estate without accounting or inventory of the same.

Witness my hand and seal this the 11th day of March, 1958.

Mrs. Josephine Lowell Young (SEAL)
 MRS. JOSEPHINE LOWELL YOUNG

STATE OF ALABAMA)
)
 BALDWIN COUNTY)

I, the undersigned notary public in and for State of Alabama at Large, certify that Mrs. Josephine Lowell Young, 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 same bears date.

Given under my hand and seal this the 11th day of March, 1958.
 My commission expires July 14, 1958.

James M. Smith
 NOTARY PUBLIC

EXHIBIT "B"

STATE OF ALABAMA)
BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS that I, the undersigned Bill Schuller, Jr., a grandson of Josephine Schuller, deceased, and being the son of Bill Schuller, deceased, a son of Josephine Schuller, deceased, do hereby accept notice of the filing for Letters Testamentary of the estate of Josephine Schuller, deceased, and waive all other and further notices and consent that the said estate be administered, and that Mrs. David Pree be named as Executrix.

Be it understood and agreed that I do further waive all other or further notices as to final settlement of the said estate and I do hereby authorize and empower the said Mrs. David Pree to make full and final settlement of the said estate without accounting or inventory of the same.

Witness my hand and seal this the 11th day of March, 1958.

Bill Schuller Jr. (SEAL)
BILL SCHULLER, JR.

STATE OF ALABAMA)
BALDWIN COUNTY)

I, the undersigned notary public in and for State of Alabama at Large, certify that Bill Schuller, Jr., 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, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 11th day of March, 1958.

My commission expires July 14, 1958.

Garland M. Bentley
NOTARY PUBLIC

EXHIBIT "C"

THE STATE OF ALABAMA, BALDWIN COUNTY

Probate Court, March 17, 19 58

KNOW ALL MEN BY THESE PRESENTS, That we, Mrs. David Pree And The

Fidelity and Casualty Company of
New York, New York.

are held and firmly bound unto THE HONORABLE W. R. STUART

Judge of Probate of said County, and his successors in office in the penal sum of
Three Thousand (\$3,000.00) Dollars

for the payment of which, well and truly to be made and done, we bind ourselves, and each of us, our and each
of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated, this 17th day of March, 19 58

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas, Mrs. David Pree

has been appointed Executor
of Estate of Josephine Schuller, Deceased

Now, therefore, if the said Mrs. David Pree

shall well and truly perform all the duties which are or may be by law required of her as such Executor
then this obligation to be null and void, otherwise to remain in full force and effect.

And we, and each of us, hereby waive all rights of claim of exemption as to personal property we or
either of us have now or may hereafter have, under the Constitution and laws of Alabama, and we hereby
severally certify that we have property free from all incumbrance, to the full amount of the above bond.

Witness our hands and seals this 17th day of March 19 58

Mrs. David Pree (L. S.)
Principal

The Fidelity & Casualty Company of (L. S.)
New York, New York. (L. S.)

BY: Jno. S. Huffman (L. S.)
Jno. S. Huffman, Attorney

Taken and approved, this 17th day of March, 19 58.



W. R. Stuart
Judge of Probate

STATE OF ALABAMA,

PROBATE COURT

BALDWIN

COUNTY

April 21,

19 58

In the Matter of the Estate of Mrs. Josephine Schuller deceased.

This the 21st day of April, 1958, having been regularly appointed

by an order of this Court, formerly made and entered, for hearing the application of

Mrs. David Pree which was heretofore filed in this Court,

for the probate of an instrument in writing, purporting to be the Last Will and Testament of the said

Mrs. Josephine Schuller deceased, now comes the said

applicant, Mrs. David Pree, by her attorney,

and also comes

who was heretofore duly appointed by order of this Court, and who consented, to act as Guardian ad Litem for

all of whom are minors

and children and heirs of the said deceased;

and it appearing to the satisfaction of the Court that notice of the said application and of the time appointed for

waived by all of the heirs at law,

hearing same has been given in pursuance of law and in strict accordance with a former order of this Court, made

and entered in the premises on the day of 19 now, on the

motion of the said Mrs. David Pree, by her attorney,

the applicant aforesaid, the Court proceeds to hear said application. And it appearing to the satisfaction of the

Court, on the testimony of Frank Vorel and

that he, on the day of the date thereof,

in the presence of the testat rix, and at her request, respectively signed the said instrument as sub-

scribing witnesses to the same, the said testat rix then declaring that said instrument constituted her

Last Will and Testament; and it also being shown to the satisfaction of the Court by competent testimony that said

testat rix was of the full age of twenty-one years and upwards at the time of making said Will, it seems to the

Court that said application should be granted: It is, therefore, ordered, adjudged and decreed by the Court that

said Will of said Mrs. Josephine Schuller deceased, be received,

and the same is hereby declared to be duly proved as the Last Will and Testament of said testat rix, and, as

such, admitted to probate to be recorded, together with the proof thereof and all other papers on file relating to

and that letters testamentary issue to Petitioner.

this proceeding. / It is further ordered that said applicant pay the cost of this proceeding and that she

be reimbursed on the final settlement of said estate.

W. R. Stewart

Judge of Probate.

No. _____ Page _____

THE STATE OF ALABAMA

_____ COUNTY

PROBATE COURT

ESTATE OF

_____ Deceased.

**ORDER ADMITTING WILL TO
PROBATE AND RECORD**

Made _____ 19 _____

Judge of Probate.

Recorded in _____ Record

Vol. _____ Page _____

Judge of Probate.

Form 1106-3. (Rev. July, 1945) LETTERS TESTAMENTARY (Code 1940, Tit. 61, Sec. 70) Printed and for Sale by Roberts & Son, Birmingham

THE STATE OF ALABAMA

BALDWIN

County

COURT OF PROBATE

The will of Mrs. Josephine Schuller, deceased,

having been duly admitted to record in said County, letters testamentary are hereby granted to

Mrs. David Free, the executrix named in said will, who has complied with

the requisitions of the law, and is authorized to take upon herself the execution of said will.

Witness my hand, and dated this 21st day of April, 1958.



Judge of Probate

THE STATE OF ALABAMA

County

I, _____, Judge of Probate in and for said County and State, hereby certify that the within and foregoing is a true, correct, and complete copy of the Letters Testamentary issued to _____ as Execut _____ of the will of _____, deceased, as the same appears of record in my office, and are still in full force and effect.

Given under my hand and seal of office, this the _____ day of _____ 19 _____

Judge of Probate

THE STATE OF ALABAMA

 County

PROBATE COURT

Estate of

Deceased

Execut

Letters Testamentary

The Fairhope Courier



ESTABLISHED 1894

E. B. GASTON ESTATE, PUBLISHERS

TELEPHONE WA-85207 9188

FAIRHOPE, ALABAMA

"On Mobile Bay"

This is to certify that the attached legal notice appeared in The Fairhope Courier, a weekly newspaper published in the City of Fairhope, County of Baldwin, State of Alabama on the dates of May 15 - 22 - 29.

Francis H. Crawford
Editor

State of Alabama
County of Baldwin

Sworn to and subscribed this 31st
day of May A. D. 1958, before me.

John P. Duck
Notary Public, Baldwin County

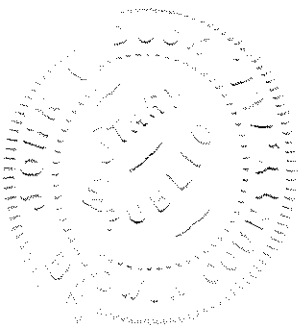
Legal Notice

PROBATE COURT
Estate of Mrs. Josephine Schuller, Deceased.

Letters testamentary upon the estate of said deceased having been granted to the undersigned on the 21st day of April, 1958, by the Hon. W. R. Stuart, Judge of the Probate Court of Baldwin County, notice is hereby given that all persons having claims against said estate are hereby required to present the same within time allowed by law or the same will be barred.

Mrs. David Pree,
Executrix of said Estate

ERNEST M. BAILEY,
Attorney



STATE OF ALABAMA
BALDWIN COUNTY

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§

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA
IN THE MATTER OF THE ESTATE OF
JOSEPHINE SCHULLER, DECEASED

DECREE ON FINAL SETTLEMENT BY CONSENT

Now comes Mrs. David Pree, Executrix of the estate of Josephine Schuller, deceased, and files in this Court her petition in writing and under oath, praying that the Court would allow a final settlement of said estate, without notice, or publication or posting;

It appearing to the Court that said Executrix was duly appointed as such on the 21st day of April, 1958 and that she gave notice of such appointment by publication of a notice, as required by law, in The Fairhope Courier, a newspaper of general circulation published in Baldwin County, Alabama, said notice requiring all persons having claims against said estate to file the same within the time allowed by law or that the same would be barred;

And it appearing to the Court that all legal charges against the estate have been paid and satisfied in full except the Court costs of this proceedings, which is to be determined by the Court, and that there is no further need for administration of the said estate;

And it appearing to the Court that the Petitioner, Mrs. David Pree, and Mrs. Josephine Lowell Young, Mrs. Frank Donley, Bill Schuller, Jr. and Josephine Manteuffel, who are all over the age of twenty-one years and of sound mind, are the only heirs, legatees and distributees of said estate, and that they have, by written instruments filed with said petition, consented, agreed and requested that said estate be settled by consent, without notice, or publication, or posting;

And it appearing to the Court that the balance sum due as costs of this proceedings amounts to the sum of \$ 35⁸⁵ dollars;

WHEREUPON, it is ORDERED, ADJUDGED AND DECREED by the Court that upon payment of Court costs, the said estate be and it hereby is, in all respects, fully and finally settled; and that Mrs. David Pree, the Executrix, be and she is hereby relieved of and from all further liability because of her said Executrixship.

WITNESS my hand this the 7 day of ^{March} ~~February~~, 1959.

Hubert M. Stone
JUDGE OF CIRCUIT COURT

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IN THE MATTER OF THE ESTATE OF
JOSEPHINE SCHULLER, DECEASED

DECREE ON FINAL SETTLEMENT
BY CONSENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

FILED
MAR 2 1950
ALICE J. DUCK, CLERK
REGISTER

TESTIMONY OF JOHN S. HUFFMAN

I, John S. Huffman, being a witness for the Executrix in the estate of Josephine Schuller, deceased, and on questions by Ernest M. Bailey, Solicitor for the said estate, after being first duly sworn to speak the truth, the whole truth, do depose and state:

Q. State your name, age, residence and occupation.

A. My name is John S. Huffman, I am over the age of twenty-one years, I live in Fairhope, Alabama and am engaged in the real estate business.

Q. Mr. Huffman, are you familiar with the following described property located on Fels Avenue in Fairhope, Alabama and which property is owned by Mrs. Josephine Schuller, deceased? (Mr. Bailey read the description of the property as described in the petition for sale).

A. Yes and have known the property for approximately fifteen years.

Q. Do you think the property could be equitably divided among several heirs to the estate of Mrs. Schuller?

A. No. It would be impossible to divide the property. There is one house on the lot and the lot is very small. Also the lot is the property of the Fairhope Single Tax Corporation.

Q. In your opinion, can the property only be divided by selling the same and distributing the proceeds?

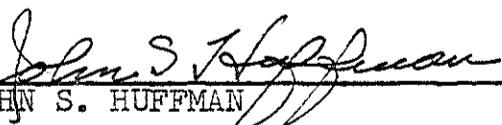
A. Yes.

Q. In your opinion, what is a reasonable value for this property?

A. Approximately \$4,500.00.

Q. Would a sales price of \$4,750.00 be a reasonable value for the property?

A. Yes.


JOHN S. HUFFMAN

Sworn and subscribed to before me this the 31st day of October, 1958.


COMMISSIONER

TESTIMONY OF J. C. McDANIEL

I, J. C. McDaniel, being a witness for the Executrix in the estate of Josephine Schuller, deceased, and on questions by Ernest M. Bailey, Solicitor for the said estate, after being duly sworn to speak the truth and the whole truth, do depose and state:

Q. State your name, age, residence and occupation.

A. My name is J. C. McDaniel, I am over the age of twenty-one years, I live in Fairhope, Alabama and am in the real estate business.

Q. Are you familiar with the following described property located on Fels Avenue in Fairhope, Alabama and which property is owned by Josephine Schuller, deceased? (Mr. Bailey read the description of the property as described by the petition for sale.)

A. Yes. I have known the property for approximately five years.

Q. Do you think the property could be equitably divided among the several heirs to the estate of Mrs. Schuller?

A. No. It would be impossible to divide the property. There is one house on the lot and the lot is quite small. The lot is the property of the Fairhope Single Tax Corporation.

Q. In your opinion, can the property only be divided by selling the same and distributing the proceeds?


A. Yes.

Q. In your opinion, what is a reasonable value for this property?

A. I would say about \$4,500.00.


Q. Would a sales price of \$4,750.00 be a reasonable value for the property?

A. Yes.



J. C. McDANIEL

Sworn and subscribed to before me this 31st day of October,
1958.



COMMISSIONER

TESTIMONY OF

JOHN S. HUFFMAN
J. C. McDANIEL

IN THE MATTER OF THE
ESTATE OF JOSEPHINE
SCHULLER, DECEASED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
NOV 6 1958
AUGIE J. DUCK, Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Helen Bailey

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 John S. Huffman and J. C. McDaniel

a witness in behalf of Petitioner in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein Mrs. David Pree is the Executrix
of the estate of Josephine Schuller, deceased

~~Complainant~~
and is petitioning to sell the property of the estate for distribution
among the heirs.

Respondent
on oath, to be by you administered, upon John S. Huffman and J. C. McDaniel
to take and certify the deposition of the witnesses and return the same to our Court, with all con-
venient speed, under your hand.

Witness 15th day of October, 1958
Alice J. Houch
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

PETITION FOR PRIVATE
SALE OF PROPERTY

VS.

Complainant

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Helen Bailey

WITNESSES:

John S. Huffman
J. C. McDaniel

[Faint, illegible text, likely bleed-through from the reverse side of the page]

STATE OF ALABAMA)
BALDWIN COUNTY)

We, the undersigned Fidelity and Casualty Company of New York, being the surety in that certain Bond No. S1156610 of Mrs. David Pree as Executrix of the estate of Josephine Schuller, deceased, do hereby accept service of notice of the petition for final settlement by said Executrix, and waive all other or further notices thereof, either by publication or otherwise, and hereby enter our appearance in Court upon the hearing of said petition. We do hereby request that said Executrix be discharged by this Court without a formal account of her executrixship and do hereby release the said Executrix from all other or further liabilities on account of her said executrixship of the said estate.

FIDELITY AND CASUALTY COMPANY OF
NEW YORK

BY:

John S. Huffman
JOHN S. HUFFMAN, Attorney in Fact

STATE OF ALABAMA)
BALDWIN COUNTY)

I, the undersigned notary public in and for said state and county, certify that John S. Huffman, whose name is signed to the foregoing instrument as attorney in fact for Fidelity and Casualty Company of New York and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 26th day of January, 1959.

My commission expires June 10, 1962.

filed
Mar. 2, 1959
Alicia J. Luck, reg.

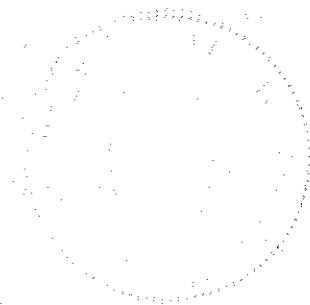
Helen Bailey
NOTARY PUBLIC

IN THE MATTER OF THE ESTATE OF
JOSEPHINE SCHULLER, DECEASED.

RELEASE AND CONSENT TO SETTLE
BY SURETY COMPANY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

FILED
MAR 2 1959
ALICE J. DUCK, CLERK
REGISTER



ERNEST M. BAILEY
ATTORNEY AT LAW
221 FAIRHOPE AVENUE
FAIRHOPE, ALABAMA
PHONE WA 8-9759

October
14th
1958

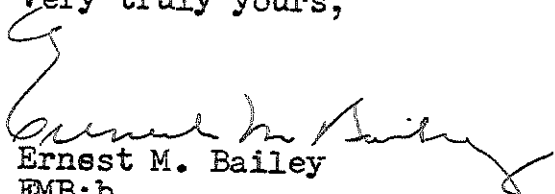
IN THE MATTER OF THE ESTATE OF JOSEPHINE SCHULLER, DECEASED

Mrs. Alice J. Duck
Clerk, Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

I am enclosing herewith petition to sell property in the above matter. I will appreciate your filing the same and placing the entire proceedings on Judge Hall's desk. I believe it is necessary for this matter to lay on his desk for a period of time.

Very truly yours,


Ernest M. Bailey

EMB:b

Enclosures

STATE OF ALABAMA
BALDWIN COUNTY

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN THE MATTER OF JOSEPHINE SCHULLER, DECEASED

ORDER SETTING DATE OF HEARING

This day came Mrs. David Pree, executrix of the estate of Josephine Schuller, deceased, and filed her accounts, vouchers, evidences and statements for a final settlement of the same.

It is ordered that the 7 day of March, 1959 be appointed the day for making such settlement, at which time all parties in interest can appear and contest the same as they think proper.

Robert M. Hill

JUDGE OF THE CIRCUIT COURT

12

IN THE MATTER OF THE ESTATE OF
JOSEPHINE SCHULLER, DECEASED,

ORDER SETTING DATE OF HEARING
FOR FINAL SETTLEMENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

FILED
MAR 12 1933
ALICE J. DUCK, CLERK
REGISTER

IN THE ESTATE OF JOSEPHINE
SCHULLER, DECEASED

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DECREE CONFIRMING EXECUTRIX'S REPORT OF
CONVEYANCE

Now this day comes Mrs. David Pree, Executrix of the Estate of Josephine Schuller, deceased, and within sixty days after making the conveyance authorized and directed by the decree of this Court made on the 6th day of November, 1958, and report on oath to the Court of the proceedings as taken on the matter of the said conveyance;

The Court has examined the said report, and being satisfied upon such examination that such proceedings authorized and directed by the decree herein before rendered were fairly conducted, and the interests of the estate of Josephine Schuller, deceased, are not unduly prejudiced thereby, is of the opinion that the execution of the said conveyance by the said Executrix should be confirmed and delivery made to the purchasers, it is, therefore

ORDERED, ADJUDGED AND DECREED by the Court that the conveyance made on the 20th day of December, 1958 by the said Mrs. David Pree, as Executrix of the estate of Josephine Schuller, deceased, to C. C. Gantt and Lillian M. Gantt, be and the same is hereby, in all respects, confirmed. *th*

Dated this the 29th day of January, 1958.

Robert M. Hall

JUDGE OF CIRCUIT COURT

IN THE ESTATE OF JOSEPHINE
SCHULLER, DECEASED

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

DECREE AUTHORIZING PRIVATE SALE

This being the day appointed for hearing the application of Mrs. David Pree, Executrix of the estate of Josephine Schuller, deceased, heretofore filed in this Court for the sale of land belonging to the said estate and described as follows, to-wit:

Lot 5, Block 6, Division 2, of the lands of the Fairhope Single Tax Corporation in the Town of Fairhope, Alabama as per its plat thereof filed for record Sept. 13, 1911 and lying in Fractional Section 18, T6S, R2E, Baldwin County, Alabama.

for the purpose of making division of said estate among the heirs or devisees; and it further appearing to the Court that the Petitioner and all of the heirs or devisees are over the age of twenty-one years and have consented to the sale of the same; and it further appearing to the Court that the said Petitioner has a bona fide offer of purchase of said premises, at private sale, to C. C. Gantt and Lillian M. Gantt for and in consideration of the sum of \$4,750.00, less the costs involved in consummating the sale and which amount the heirs or devisees have agreed to be a reasonable value for the described premises, and it being shown to the satisfaction of the Court, by testimony taken by deposition as in Equity proceedings, on file in this Court, that the property cannot be equitably divided or distributed to the said heirs and the Court being satisfied that the said property can best be sold at private sale for the purpose aforesaid, and it being further shown to the Court that the sum of \$4,750.00 is a reasonable value for the described premises;

It is ORDERED, ADJUDGED AND DECREED, that said petition be granted and the said Mrs. David Pree is hereby authorized to sell the real property described in the petition to C. C. Gantt and Lillian M. Gantt for the purpose of making an equal distribution or division among the said heirs at and for the purchase price of \$4,750.00.

It is further ORDERED, ADJUDGED AND DECREED that after making this distribution or sale of the above described real property, the said Executrix, Mrs. David Pree, shall report her actions in the

premises to this Court for confirmation.

Jurisdiction of this cause is reserved for the purpose of making such other and further orders or decrees as may be necessary and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 6 day of Nov, 1958.

Robert M. Hise

JUDGE

106-6-1-400105-6114876-1

106-6-1-400105-6114876-1

NO MORE COPIES TO BE

MADE OF THIS DOCUMENT

EXCEPT BY

ESTATE OF JOSEPHINE SCHULLER,
DECEASED

§
§

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ORDER SETTING HEARING

This cause coming on to be heard on this date on the verified petition of Mrs. David Pree, Executrix of the Estate of Josephine Schuller, deceased, to sell certain property belonging to the estate for partition among the heirs or devisees, and praying that a proper order be made or decree rendered setting this cause for hearing, and praying that she, as Executrix, be authorized to sell said land for the purpose of making the division of said estate, and that a Commissioner be appointed to take testimony in this cause; upon consideration of all of which, it is therefore,

ORDERED, ADJUDGED AND DECREED by this Court as follows:

1. This cause shall be and it is hereby set for hearing at 2:00 o'clock P M. on the 6th day of November, 1958.

2. Testimony of the witnesses for the Petitioner shall be taken by commissioner as prescribed by Equity Rules, as amended.

ORDERED, ADJUDGED AND DECREED on this the 15th day of October 1958.

J. Hubert M. J. J.
JUDGE

170

IN THE MATTER OF THE
ESTATE OF JOSEPHINE SCHULLER,
DECEASED

ORDER SETTING HEARING

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

[Handwritten signature]

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ESTATE OF JOSEPHINE SCHULLER,
DECEASED

0000 IN THE CIRCUIT COURT OF
0000 BALDWIN COUNTY, ALABAMA
IN EQUITY

PETITION TO MOVE ESTATE

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

Your Petitioner, Mrs. David Pree, who is over the age of twenty-one years and a resident of St. Claire Shores, Michigan, respectfully represents unto the Court and unto Your Honor as follows:

1.

She has been qualified, appointed and is now acting as Executrix of the said estate of Josephine Schuller, the administration of which is now pending in the Probate Court of Baldwin County, Alabama.

2.

Among the assets of the said estate is certain leasehold property lying in Fairhope, Alabama and which property should be sold for distribution among the heirs of the said estate and which property the heirs have had offers to sell at private sale; because of which the administration of said estate can be better handled in the Equity Court than in the Probate Court of Baldwin County, Alabama, wherein it is now pending.

Wherefore, your Petitioner prays that the Court will take jurisdiction of this petition and make and enter a proper order or decree moving the estate to the Circuit Court, Equity Side, from the Probate Court of Baldwin County, Alabama. Your Petitioner further prays that such other orders be made and decrees rendered as may be requisite and proper in the premises.

x Mrs. David Pree
PETITIONER

STATE OF MICHIGAN)
COUNTY OF Washtenaw)

Before me, the undersigned authority, personally appeared Mrs. David Pree, who, being by me first duly and legally sworn, deposes and says: That she has read over the foregoing petition and that the facts stated therein are true.

My Commission expires Feb, 19th, 1960

Fred W. McManis
NOTARY PUBLIC

filed Oct. 2, 1958
alice J. Sack, 207.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

IN THE MATTER OF THE ESTATE OF JOSEPHINE SCHULLER, DECEASED

JOSEPHINE SCHULLER, DECEASED, BY HER EXECUTOR, JAMES H. SCHULLER, PETITIONER,

vs. JAMES H. SCHULLER, EXECUTOR OF THE ESTATE OF JOSEPHINE SCHULLER, DECEASED, RESPONDENT.

1

That the Respondent, James H. Schuller, is the Executor of the Estate of Josephine Schuller, deceased, and that the Petitioner, James H. Schuller, is the Executor of the Estate of Josephine Schuller, deceased, and that the Respondent is the Respondent in the above captioned matter.

2

That the Respondent, James H. Schuller, is the Executor of the Estate of Josephine Schuller, deceased, and that the Petitioner, James H. Schuller, is the Executor of the Estate of Josephine Schuller, deceased, and that the Respondent is the Respondent in the above captioned matter.

That the Respondent, James H. Schuller, is the Executor of the Estate of Josephine Schuller, deceased, and that the Petitioner, James H. Schuller, is the Executor of the Estate of Josephine Schuller, deceased, and that the Respondent is the Respondent in the above captioned matter.

IN THE MATTER OF THE ESTATE OF JOSEPHINE SCHULLER, DECEASED

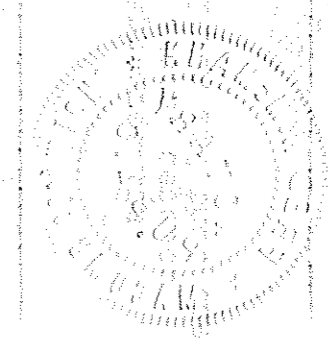
MOTION TO MOVE ESTATE TO THE CIRCUIT COURT

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

FILED

OCT 21 1950

CLERK



IN THE MATTER OF THE ESTATE OF JOSEPHINE SCHULLER, DECEASED

FILED

mony, as may be required, all in accordance with the statutes for such cases made.

x Mrs. David Pree
PETITIONER

STATE OF MICHIGAN)
COUNTY OF Macomb)

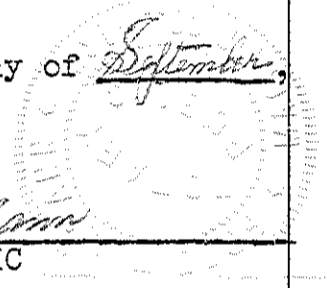
Before me, the undersigned authority, personally appeared Mrs. David Pree, who, being by me first duly and legally sworn, deposes and says: That she has read over the foregoing petition and that the facts stated therein are true.

x Mrs. David Pree
PETITIONER

Sworn and subscribed to before me this the 19 day of September, 1958.

My Commission expires Feb, 19th, 1960

Fred W. Mc Mann
NOTARY PUBLIC



STATE OF MICHIGAN
COUNTY OF MACOMB
NOTARY PUBLIC
FRED W. MCMANN
1958

IN THE MATTER OF THE ESTATE
OF JOSEPHINE SCHULLER, DECEASED

PETITION FOR SALE OF PROPERTY
AT PRIVATE SALE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY



STATE OF ALABAMA)
BALDWIN COUNTY)

We, the undersigned, being all of the heirs of Josephine Schuller, deceased, do hereby accept service of the filing of the Petition of Mrs. David Pree as Executrix of the estate of the said decedent, to sell certain property in the estate and which property is located at 28 Fels Avenue, Fairhope, Alabama, and we do hereby consent to the sale of the said property for the purpose of distribution of the said estate.

Be it understood and agreed that the undersigned do waive all other and further notices as to the sale of this property by the said Executrix, for the sum of \$ 4,750.00.

In Witness Whereof, we, the undersigned, have hereunto set our hands and seals on this the 19th day of September, 1958.

filed Oct. 15, 1958
Alice J. Clark, Reg.

Mrs. Frank Donley (SEAL)
Mrs. Frank Donley

Mrs. Josephine Lowell Young (SEAL)
Mrs. Josephine Lowell Young

Josephine Menteuffel (SEAL)
Josephine Menteuffel

Bill Schuller, Jr. (SEAL)
Bill Schuller, Jr.

EXHIBIT "A"

IN THE MATTER OF THE ESTATE
OF JOSEPHINE SCHULLER, DECEASED

CONSENT TO SALE OF PROPERTY
BY PRIVATE SALE OF HEIRS OF
SAID ESTATE

EXHIBIT "A"

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

OCT 15 1958

ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA
BALDWIN COUNTY

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IN THE ESTATE OF JOSEPHINE
SCHULLER, DECEASED

PETITION FOR FINAL SETTLEMENT

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

Now comes your Petitioner, Mrs. David Pree, Executrix of the estate of Josephine Schuller, deceased, and respectfully shows and states unto this Honorable Court the following facts:

That your Petitioner was named and designated as the Executrix of the estate of Josephine Schuller, deceased, and Letters Testamentary were issued to your Petitioner on the 21st day of April, 1958; that after such appointment your Petitioner gave notices as required by law and that more than six months have expired since that date and the publication of said notice, and that all the debts of the said decedent have been paid in full;

That under the terms of the Last Will and Testament of Josephine Schuller, deceased, your Petitioner, Mrs. David Pree, and Mrs. Josephine Lowell Young, Mrs. Frank Danley, Bill Schuller, Jr. and Josephine Manteuffel are named as beneficiaries of all the property of said decedent, and that in compliance with the terms of said Will, your Petitioner, as Executrix, has received, collected and turned over to herself, individually, and to all the above named beneficiaries strictly according to the terms of the said Will, all property of every kind and description bequeathed to each of them, and that the same is now in their possession as the beneficiaries under said Will, and shown by receipts and releases signed by the above named heirs and distributees and made a part of this petition.

That by the terms of the attached receipts and releases the above named heirs and distributees have accepted service of the notice of this petition and have waived all other and further notice thereof, and have entered their appearance in Court upon the hearing of this petition for final settlement and requested that your Petitioner, as Executrix, be discharged by this Court, by consent, without notice, publication or posting advertisement, and without a formal accounting of the administration of said Executrix.

Wherefore, the premises considered, your Petitioner prays that on the hearing of this petition the instruments and accompanying receipts and releases be taken and accepted by Your Honor as and for a formal report of final settlement of her said Executrixship, and that she be henceforth discharged as Executrix of the said estate.

Mrs. David Pree

MRS. DAVID PREE

Sworn and subscribed to before me this the 14th day of February, 1959.

Helen Bailey

NOTARY PUBLIC

PETITION FOR FINAL SETTLEMENT

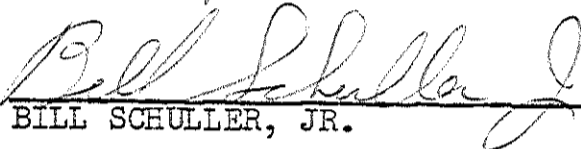
IN THE MATTER OF THE ESTATE OF
JOSEPHINE SCHULLER, DECEASED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF § IN THE CIRCUIT COURT OF
JOSEPHINE SCHULLER, DECEASED § BALDWIN COUNTY, ALABAMA

Received of Mrs. David Pree, Executrix of the Last Will and Testament of Josephine Schuller, the distributive share to which I am entitled under the estate of Josephine Schuller, deceased; and I hereby request and petition this Honorable Court of Baldwin County, Alabama to enter a decree discharging her as Executrix of the Last Will and Testament of Josephine Schuller, deceased.

Dated this the 20th day of January, 1959.


BILL SCHULLER, JR.

STATE OF ALABAMA)
)
COUNTY OF)

I, the undersigned notary public in and for said state and county, certify that Bill Schuller, Jr., 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, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 20th day of January, 1959.
My commission expires June 10, 1962.


NOTARY PUBLIC

IN THE MATTER OF THE ESTATE
OF JOSEPHINE SCHULLER, DECEASED

RELEASE AND CONSENT TO SETTLE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF) IN THE CIRCUIT COURT OF
JOSEPHINE SCHULLER, DECEASED) BALDWIN COUNTY, ALABAMA

Received of Mrs. David Pree, Executrix of the Last Will and Testament of Josephine Schuller, the distributive share to which I am entitled under the estate of Josephine Schuller, deceased; and I hereby request and petition this Honorable Court of Baldwin County, Alabama to enter a decree discharging her as Executrix of the Last Will and Testament of Josephine Schuller, deceased.

Dated this the 20th day of January, 1959.

Mrs. Josephine Lowell Young (SEAL)
MRS. JOSEPHINE LOWELL YOUNG

STATE OF ALABAMA)
)
BALDWIN COUNTY)

I, the undersigned notary public in and for said state and county, certify that Mrs. Josephine Lowell Young, 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 same bears date.

Given under my hand and seal this 20th day of January, 1959.

My commission expires June 10, 1962.

Helen Bailey
NOTARY PUBLIC

IN THE MATTER OF THE ESTATE OF
JOSEPHINE SCHULLER, DECEASED

RELEASE AND CONSENT TO SETTLE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF) IN THE CIRCUIT COURT OF
JOSEPHINE SCHULLER, DECEASED) BALDWIN COUNTY, ALABAMA

Received of Mrs. David Pree, Executrix of the Last Will and Testament of Josephine Schuller, the distributive share to which I am entitled under the estate of Josephine Schuller, deceased; and I hereby request and petition this Honorable Court of Baldwin County, Alabama to enter a decree discharging her as Executrix of the Last Will and Testament of Josephine Schuller, deceased.

Dated this the 20th day of January, 1959.

Josephine Manteuffel (SEAL)
JOSEPHINE MANTEUFFEL

STATE OF ALABAMA)
)
COUNTY OF)

I, the undersigned notary public in and for said state and county, certify that Josephine Manteuffel, 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 day same bears date.

Given under my hand and seal this 20th day of January, 1959.

My commission expires June 10, 1962.

Helen Bailey
NOTARY PUBLIC

IN THE MATTER OF THE ESTATE OF
JOSEPHINE SCHULLER, DECEASED

RELEASE AND CONSENT TO SETTLE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF | IN THE CIRCUIT COURT OF
JOSEPHINE SCHULLER, DECEASED | BALDWIN COUNTY, ALABAMA

Received of Mrs. David Pree, Executrix of the Last Will and Testament of Josephine Schuller, the distributive share to which I am entitled under the estate of Josephine Schuller, deceased; and I hereby request and petition this Honorable Court of Baldwin County, Alabama to enter a decree discharging her as Executrix of the Last Will and Testament of Josephine Schuller, deceased.

Dated this the 19 day of JANUARY, 1959.

Mrs. Frank Donley (SEAL)
MRS. FRANK DONLEY

STATE OF ALABAMA)
)
COUNTY OF)

I, the undersigned notary public in and for said state and county, certify that Mrs. Frank Donley, 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 seal this 19 day of JANUARY, 1959.

My commission expires 11-11-62

Filed Mar. 2, 1959
Alvin J. Clark, reg.

Frank Volziano
NOTARY PUBLIC

IN THE MATTER OF THE ESTATE
OF JOSEPHINE SCHULLER, DECEASED

RELEASE AND CONSENT TO SETTLE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

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FILED
MAR 21 1932
ALICE J. DICK, CLERK
REGISTER