

4598

STATE OF ALABAMA
BALDWIN COUNTY

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IN THE PROBATE COURT OF SAID
COUNTY AND STATE.

IN THE MATTER OF GLONZO K. LEGGETT, SR., DECEASED.

Comes now your petitioner, Emma Elizabeth Leggett, who respectfully represents and shows unto your Honor as follows:

-1-

That your petitioner is a bona fide resident of Baldwin County, Alabama, living in the Town of Robertsdale and is over the age of twenty years and of sound mind.

-2-

That Glonzo K. Leggett, Sr., who was a bona fide resident of Baldwin County, Alabama, died intestate on the 1st day of August, 1957, that the deceased left no last will and testament so far as your petitioner knows or believes, and that his death was known more than five days before this day, that at the time of his death he was seized and possessed of real property in Baldwin County, Alabama, the annual rental value of which will not exceed \$600.00, the reasonable value of said property being approximately \$7500.00, and personal property which in value will not exceed more than \$1500.00.

-3-

That the heirs and next of kin of said decedent together with their ages and addresses and each of whom is of sound mind are as follows:

1. Emma Elizabeth Leggett, his widow, over the age of twenty-one years, and lives in Robertsdale, Alabama.
2. Lonnie Fay Leggett, a girl, age 17, and lives in Robertsdale, Alabama, a daughter.
3. Carole Joyce Leggett, a girl, age 15, and lives in Robertsdale, Alabama, a daughter.
4. Glonzo K. Leggett, Jr., a boy, age 12, and lives in Robertsdale, Alabama, a son.
5. David Keith Leggett, a boy, age 10, and lives in Robertsdale, Alabama, a son.
6. Timothy Alan Leggett, a boy, age 8, and lives in Robertsdale, Alabama, a son.

Where your petitioner being the wife of said deceased, an inhabitant of this State, over the age of twenty-one years, and in no respect disqualified from serving as administratrix, believing that the said estate should be immediately administered to the end, that said property may be collected and preserved for those who shall appear to have a legal right or interest therein,

STATE OF ALABAMA, BALDWIN COUNTY
Filed Oct 3, 1957 M
Recorded Pro. & M. - book 13 - page 01
W. R. Stewart
Judge of Probate No. 142

does, therefore, by virtue of her right under the statute, pray that your Honor will grant Letters of Administration on said estate to her upon her entering into bond in such sum as is required by law, and with such security as shall be approved by your Honor. That your Honor will make and enter all necessary orders and decrees which are necessary in the premises.

Emma Elizabeth Leggett

STATE OF ALABAMA)

BALDWIN COUNTY)

Emma Elizabeth Leggett, being duly sworn, deposes and says that the facts alleged in the above petition are true according to the best of her knowledge, information and belief.

James G. Hendrix
Notary Public, Baldwin County, Alabama.

IN THE MATTER OF THE ESTATE OF
GLONZO K. LEGGETT, DECEASED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

CERTIFICATE

I, Helen Bailey, hereby certify that as duly appointed Commissioner in this cause, I have called Mrs. Emma Elizabeth Legget, Mr. Ellis Spivey and Mr. Walter P. Brill as witnesses in this matter, to come before me at the office of Ernest M. Bailey, Attorney at Law, Fairhope, Alabama at 9:30 o'clock A. M. on the 24th day of July, 1959, and after their having been made known to me and duly sworn, and in answer to direct examination propounded by Ernest M. Bailey, as the Solicitor for the estate, and Cross Examination by E. G. Rickarby, as guardian ad litem, they testified as is hereby set forth, and their testimony was reduced in writing in as nearly as might be identical language of the said witnesses, and, having been read over to them, they, in my presence, subscribed their names to the said testimony as correct as testified to by them. I further certify that said testimony of the witnesses is true and correct as given by the said witnesses.

I further certify that I am not of counsel nor of kin to any of the parties in this cause, and I am not in anywise interested in the outcome or result thereof.

FILED

JUL 28 1959

ALICE J. DUCK, Register

Helen Bailey
COMMISSIONER

IN THE ESTATE OF GIONZO K.
LEGGITT, SR., DECEASED

CERTIFICATE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

IN THE MATTER OF THE ESTATE OF
GLONZO K. LEGGETT, DECEASED

Mr. Walter P. Brill, being a witness in this matter, and on questions by Ernest M. Bailey, Solicitor for the estate, after being first duly sworn to speak the truth, the whole truth, deposes and says:

DIRECT EXAMINATION BY ERNEST M. BAILEY, SOLICITOR FOR ESTATE

- Q. What is your name, address and occupation?
- A. My name is Walter P. Brill, I reside near Robertsdale, Alabama and I am a farmer.
- Q. Are you over the age of twenty-one years?
- A. Yes.
- Q. Mr. Brill, are you familiar with the following property?
(The following description was read to the witness)
- The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; the North half of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$; and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, all in Section 12, T6S, R2E, Baldwin County, Alabama, being 70 acres, more or less.
- A. Yes.
- Q. Would you describe the condition of the property?
- A. It is unimproved and contains no dwelling. The lands have been cut over for timber.
- Q. In your opinion, what is a reasonable value for the property?
- A. I would say about \$5,000.00.
- Q. Would you say the property could be improved so that a better sales price could be obtained for it?
- A. Not at the present time. Of course, I assume that the value would be increased over a period of time. It would all have to be replanted with timber to improve the value.
- Q. Are you familiar with similar property in this vicinity?
- A. Yes.

CROSS EXAMINATION BY E. G. RICKARBY, GUARDIAN AD LITEM

- Q. Mr. Brill, have you bought and sold much property in this area?
- A. Yes, but it was many years ago, however.
- Q. Are you a farmer?
- A. Yes.
- Q. Are you familiar with this property?
- A. Yes. I have known the property for 64 years.
- Q. Do you think the price offered for this property is a reasonable value?
- A. Yes.

NO FURTHER QUESTIONS

Walter P. Brill
WITNESS

Sworn and subscribed to before me this the 24th day of July,
1959.

FILED

JUL 28 1959

ALICE J. DUCK, Registrar

Helen Bailey
COMMISSIONER

IN THE ESTATE OF GIONZO K.
LEGGETT, SR., DECEASED

TESTIMONY OF WALTER P. BRILL

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Mrs. Emma Elizabeth Leggett, the petitioner in this matter, and on questions by Ernest M. Bailey, Solicitor for the estate, after being first duly sworn to speak the truth, the whole truth, doth depose and say:

DIRECT EXAMINATION BY ERNEST M. BAILEY, SOLICITOR FOR ESTATE

- Q. State your name, age, address and occupation?
- A. My name is Emma Elizabeth Leggett and I am over the age of twenty-one years. I reside in Robertsdale, Alabama and am a housewife.
- Q. Are you the mother of Lonnia Fay, Glonzo Klell, Jr., David Keith and Timothy Allen Leggett?
- A. Yes.
- Q. Mrs. Leggett, are you a part owner of the following described property? (The following description was read to Mrs. Leggett)
- The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; The North half of SE $\frac{1}{4}$ of NE $\frac{1}{4}$; and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, all in section 12, T6S, R4E, Baldwin County, Alabama, being 70 acres, more or less.
- A. Yes, I owned the property jointly with my deceased husband.
- Q. You are the widow of Glonzo K. Leggett, the joint owner of the property?
- A. Yes.
- Q. You are also the mother of Carole Joyce Leggett Badners?
- A. Yes.
- Q. Is this the same Mrs. Badners who has joined with you in the petition to sell the above described property?
- A. Yes.
- Q. Did Mr. Leggett leave a Last Will and Testament on his death?
- A. No.
- Q. Will you state your reasons for filing your petition to sell this property?
- A. I have been appointed as Administratrix of my husband's estate. In my opinion, the sales price for the property is a good price, and the only way to dispose of it in order to distribute the interest of my minor children in the property is to sell the property and distribute the proceeds.
- Q. Are you interested in having your interest in the property liquidated?
- A. Yes. I need the money for the purpose of supporting my minor children. Mr. Leggett left very little cash and it is necessary that I have money for their support and education. They will continue to live with me as they now do.
- Q. In your opinion, could the property be equitably divided among the children and yourself?
- A. It could be divided but the sale value would not be as much as selling the whole tract of land.
- Q. Are you the sole support of your minor children?
- A. Yes, I am.

Continuation of Testimony of Mrs. Leggett:

Q. You own a homesite adjacent to the property to be sold?

A. Yes.

Q. Are the minor children living with you at that homesite?

A. Yes.

Q. Do you plan to use your proceeds from the sale for the improvement of the homesite?

MR. RICKARBY OBJECTED TO THIS QUESTION IN THAT IT WAS IRREVELENT.

A. Yes.

CROSS EXAMINATION BY E. G. RICKARBY, GUARDIAN AD LITEM

Q. What is growing on the land?

A. It is mostly marshland and cut over timber, with very little timber on it.

Q. How long ago was the timber cut over?

A. Last summer.

Q. Was everything cut off or were trees of a certain diameter left?

A. It was cut to four inches.

Q. How much timber was sold off this land last year?

A. About 80 or 90 cord or \$600.00 worth.

Q. Is timber growing all over the land or is part of it marsh?

A. Some small timber, but mostly marsh.

Q. Have you had much experience in buying and selling real estate?

A. No.

Q. Have you received any other offers for this property?

A. No.

Q. Who is Mr. Brill, who has made this offer to you?

A. He is a neighbor but he is not related to me.

REDIRECT EXAMINATION BY MR. BAILEY, SOLICITOR FOR ESTATE

Q. Mrs. Leggett, are the five children named by you all of the children of Glonzo K. Leggett?

A. Yes.

Q. Are you now receiving any royalties for mineral rights to the property?

A. No.

Q. Have any of the mineral rights been reserved to the property?

A. Yes. One half interest in the mineral rights.

Q. Mrs. Leggett, I hand you this instrument. Would you identify it?

A. It is the contract I have entered into with Mr. Brill to purchase the property for the sum of \$5,250.00.

Continuation of Testimony of Mrs. Leggett:

Q. The balance of \$3,200.00 due and payable in one year is with what security?

A. It will be secured by purchase money mortgage with the usual provisions and interest at the rate of six per cent.

Q. How old are you?

A. 43 years old.

Q. What other property did Mr. Leggett die seized of?

A. Twenty acres with the house or homesite in which we are living.

Q. When did you and Mr. Leggett acquire this property?

A. In September of 1946.

Q. Were you married to Mr. Leggett at that time?

A. Yes.

Q. Do you have any income?

A. Nothing except Social Security.

RE-CROSS EXAMINATION BY MR. RICKARBY, GUARDIAN AD LITEM

Q. Do you have any other property than the one-half interest in this property?

A. No.

Q. Did Mr. Leggett have any property other than the 20 acres on which the homesite is located and the one half interest in this?

A. No.

Q. When did Mr. Glonzo K. Leggett die?

A. August 1, 1957.

NO FURTHER QUESTIONS

Emma Elizabeth Leggett
WITNESS

Sworn and subscribed to before me this the 24th day of July,
1959.

FILED

JUL 28 1959

ALICE J. DUCK, Register

Helen Bailey
COMMISSIONER

Ellis Spivey, being a witness in this matter, and on questions by Ernest M. Bailey, Solicitor for the estate, after being first duly sworn, to speak the truth, the whole truth, deposes and says:

DIRECT EXAMINATION BY ERNEST M. BAILEY, SOLICITOR FOR ESTATE

- Q. State your name and address and your occupation?
- A. My name is Ellis Spivey and I live near Robertsdale, Alabama. I am a farmer.
- Q. Are you over the age of twenty-one years?
- A. Yes.
- Q. Mr. Spivey, are you familiar with the following described property? (The following description was read to Mr. Spivey)
- The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; The North half of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$; and SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, all in Section 12, T6S, R4E, Baldwin County, Alabama, being 70 acres, more or less.
- A. Yes, I know the property.
- Q. Would you describe the condition of this property?
- A. It is unimproved property without any dwelling on it. The timber lands have been cut over.
- Q. In your opinion, what is a reasonable value for this property?
- A. I would say approximately \$5,000.00.
- Q. Would you say the property could be placed in a condition whereby a better sales price could be obtained for it?
- A. Not at the present time. Of course, It would be assumed that the value would increase over a period of years. The property would have to be replanted with timber to improve the value.
- Q. Are you familiar with similar property in this area?
- A. Yes.
- Q. Have you bought or sold property in this vicinity?
- A. I have bought property.
- Q. Do you know Mrs. Emma Leggett?
- A. Yes.
- Q. Do you know her minor children?
- A. Yes.
- Q. Do you know where the minor children live? Where?
- A. Yes. They live with Mrs. Leggett.

CROSS EXAMINATION BY MR. E. G. RICKARBY, GUARDIAN AD LITEM

- Q. Mr. Spivey, how do you get to this property?
- A. There is no good hard surface road leading to this property. There is an unimproved county road going to within one half mile of the property and a trail to the Leggett home.
- Q. How much property do you own on the north of this property?

Continuation of Testimony of Mr. Spivy:

- A. 99 acres.
- Q. Is it similar property to this?
- A. Yes, except it doesn't have as much swamp land as the other.
- Q. How much did you pay for your land?
- A. \$75.00 an acre.
- Q. When did you buy it?
- A. About a year ago. However, the land that I bought had a house and electric pump.
- Q. What is the condition of your land?
- A. About 50 acres or more in timber and 30 acres in cultivation. My land had a new fence around it which was cross fenced.

NO FURTHER QUESTIONS

W. L. Spivy

WITNESS

Sworn and subscribed to before me this the 24th day of July,
1959.

Helen Bailey

COMMISSIONER

IN THE ESTATE OF GLENZO K.
LEGGETT, SR., DECEASED

TESTIMONY OF ELLIS SPIVEY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

JUL 28 1959

ALICE J. DUCK, Registrar

ESTATE OF GLONZO K. LEGGETT, SR.
DECEASED

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER OF GUARDIAN AD LITEM

Now comes Elliott G. Rickarby as guardian ad litem for the minors in the above estate, and for answer to the petition filed by Emma Elizabeth Leggett, denies the allegations of said petition, separately and severally, and demands strict proof thereof.


GUARDIAN AD LITEM

filed
July 23, 1959
Alice J. Duck,
Register

ESTATE OF GIONZO K. LEGGETT,
DECEASED

ANSWER OF GUARDIAN AD LITEM

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

In The Estate of Glonzo K.
Leggett, Sr., Deceased

! !

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

RECEIPT FOR DISTRIBUTIVE SHARE

I, the undersigned, being one of the heirs, legatees and distributees of the estate of Glonzo K. Leggett, Sr., deceased, and being a married woman over sixteen years of age, do hereby acknowledge receipt in full of my distributive share of said estate and hereby accept service of notice of the petition for final settlement by said Administratrix, and waive all other or further notice thereof, either by publication or otherwise and hereby enter my appearance in Court upon the hearing of said petition. I do hereby request that said Administratrix may be discharged by this Court without a formal accounting of her said administration and do hereby release the said Administratrix from all other or further liability on account of her administration of the said estate.

Carole Joyce Leggett Badners
CAROLE JOYCE LEGGETT BADNERS

STATE OF ALABAMA)
COUNTY OF)

I, the undersigned notary public in and for said state and county, certify that Carole Joyce Leggett Badners, 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 5th day of October, 1959.

My commission expires June 10, 1962.

Helen Bailey
NOTARY PUBLIC

EXHIBIT "A"

Filed
10-29-59

