

4723

LENA DAY)	
)	
Complainant,)	IN THE
)	
VS.)	CIRCUIT COURT OF BALDWIN COUNTY,
)	
BURNS SNYDER AND DELBERT)	ALABAMA. IN EQUITY.
D. SNYDER,)	
)	NO. 4723
Respondents.)	
)	

This cause coming on to be heard is submitted upon the petition of the Complainant, asking for a sale for division of certain lands therein described, the answer and cross bill of the Respondent, Burns Snyder, decree pro confesso taken against Delbert D. Snyder, and the testimony of witnesses taken ore tenus.

The Court, after hearing the evidence and studying all of the pleadings therein, finds as follows:

1. That the Complainant, Lena Day, is over 21 years of age and a resident of Baldwin County, Alabama; that the Respondent, Burns Snyder, is over 21 years of age and a resident of Baldwin County, Alabama, and the Respondent, Delbert D. Snyder, is over the age of 21 years and is a non-resident of the State of Alabama, and that all of the said parties are of sound mind.

2. That the Complainant and Respondents own the lands described in the complaint, situated in Baldwin County, Alabama, to-wit:

Beginning at the Southwest corner of Section 34, Township 1 North, Range 3 East, thence run North 1457 feet for a starting point; thence East 502 feet, thence North 249 feet, thence in a westerly direction along the line of the road 354 feet, thence South 284 feet, thence West 133 feet, thence south 132 feet to point of beginning, containing 4 acres, more or less.

That the Complainant owns an undivided three-fifths (3/5)

interest therein and the Respondents each own an undivided one-fifth interest therein.

3. That the said land cannot be fairly and equitably divided or partitioned among the joint owner thereof without a sale. It is, therefore,

ORDERED, ADJUDGED AND DECREED that the Complainant is entitled to the relief prayed for. It is further

ORDERED, ADJUDGED AND DECREED that the said property
to-wit:

Beginning at the Southwest corner of Section 34, Township 1 North, Range 3 East, thence run North 1457 feet for a starting point, thence East 502 feet, thence North 249 feet, thence in a westerly direction along the line of the road 354 feet, thence south 284 feet, thence West 133 feet, thence south 132 feet to point of beginning, containing 4 acres, more or less,

be sold for partition and division among the owners thereof, and that Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, be appointed Commissioner to make said sale and to sell said property. It is further

ORDERED, ADJUDGED AND DECREED by the Court that the said Commissioner, sell said property on Monday, the 30th day of January, 1961, at 12:00 o'clock Noon, at public auction, to the highest bidder, for cash, after having first given notice of the time, place and terms of sale and a description of the property to be sold, for three successive weeks in the Baldwin Times, a newspaper published at Bay Minette, Baldwin County, Alabama. It is further

ORDERED, ADJUDGED AND DECREED that the said Commissioner make a report of said sale to this Court within 30 days after the same is made. It is further

ORDERED, ADJUDGED AND DECREED by the Court that this Court retains jurisdiction of said matter for such other, further or different orders and decrees as may be made as to a confirmation,

of said sale and a division of the proceeds thereof.

Dated this 14th day of December, 1960.

JUDGE

Law Offices of
Horne, Webb & Tucker
Attorneys at Law
Atmore, Ala.

FRANK G. HORNE
DOUGLAS S. WEBB
J. R. TUCKER

TELEPHONE 49

April 13, 1960

Mrs. Alice Duck
Circuit Clerk
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed you will find original and two
copies of an Answer and Cross Bill we are filing in
the case of Lena Day v. Burns Snyder and Delbert D.
Snyder also Summons in Equity and copy.

Very truly yours

HORNE, WEBB & TUCKER

BY: FRANK G. HORNE



FGH/iw
Encl.

STATE OF ALABAMA X
BALDWIN COUNTY X

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama----GREETING:

You are hereby commanded to summon LENA DAY and
DELBERT D. SNYDER, to appear and answer, plead, or demur,
within thirty days from the service hereof, to a cross bill of
complaint filed in said Circuit Court, in equity, for said
County of said State by BURNS SNYDER, against LENA DAY and
DELBERT D. SNYDER.

Herein fail not. Due return make of this writ as the law
directs.

Witness this 14 day of April, 1960.

Alice J. Wack Register.

LENA DAY

COMPLAINANT

VS:

BURNS SNYDER and
DELBERT D. SNYDER

RESPONDENTS

Y
Y
Y
Y
Y
Y
Y
Y
Y
Y

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. _____

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

Now comes the Respondents, Burns Snyder, and for answer to the Bill of Complaint heretofore exhibited in this cause says as follows:

(1) He admits the allegations contained in the first paragraph of said Bill relative to the residences and ages of the various parties.

(2) He admits that the Complainant and the Respondents own the property described in the second paragraph of the Bill of Complaint and that so far as he knows the ownership of each as set out therein is correct.

(3) The Respondents neither admits or denies the allegations set out in the third paragraph of the said Bill.

Now having fully answered the said Bill of Complaint of the Complainant the Respondent Burns Snyder, files this his cross bill and thereon alleges as follows:

(1) That the Cross Complainant is over the age of twenty one years and is a resident of Baldwin County, Alabama.

(2) That the Complainant Lena Day is over the age of twenty one years and is a resident of Baldwin County, Alabama.

(3) That Delbert D. Snyder, Respondent is over the age of twenty one years is of sound mind and is a non resident of the State of Alabama, and resides at 1799 East Grand River, Okmos, Mich.

(4) That the following described property, to-wit;
Beginning at the Southwest Corner of Section 34,
Township 1 North, Range 3 East, thence run North

1457 feet for a starting point; thence East 502 feet; thence North 249 feet; thence in a Westerly direction along the line of the road 354 feet; thence South 284 feet; thence West 133 feet; thence South 132 feet to point of beginning, containing 4 acres, more or less.

is jointly owned as tenants in common by the Complainant and the Respondents in the original Bill of Complaint, but that the Cross Complainant Burns Snyder placed upon the said property improvements in the amount of \$1200.00 and besides this has paid taxes for eleven years upon the said premises and in equity and good conscience should be repaid for the common funds for the improvement placed by him upon the premises and for the taxes paid upon the premises during the past eleven years.

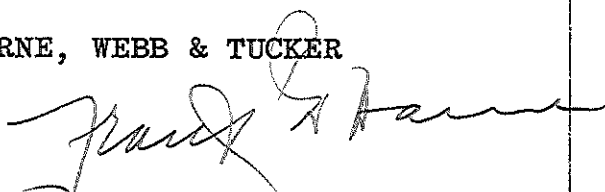
PRAYER FOR PROCESS

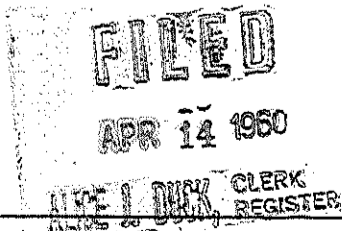
The premises considered the Complainant prays that Your Honor will cause the usual writ of process to issue to the Complainant and Cross Respondent Lena Day, and to the Respondent Delbert D. Snyder, making them parties respondents to this Cross Bill and requiring them to plead, answer or demur to the same within 30 days from the service hereof, and in default thereof the said Bill of Complaint be taken and forever confessed against them.

PRAYER FOR RELIEF

The premises considered the Cross Complainant prays that Your Honor will up will upon a hearing of this cause, decree that from any amount realized out of the sale of the property before any division of the same be made that the Cross Complainant Burns Snyder be paid for his improvements and taxes upon said property. The Cross Complainant prays for such other, further and different relief as in equity and good conscience he may be entitled to receive.

HORNE, WEBB & TUCKER

BY: 
Solicitor for Burns Snyder, Respondent and Cross Complainant



Office of Horne, Webb & Tucker

14 day of April 1960
15 day of April 1960
d a copy of the within Return
J. Connor Owen

4723

Lena Day

vs.

Burne Snyder &
Walbert D. Snyder

TAYLOR WILKINS, Sheriff
By W. A. Tolbert, D.S.
o.m.

To be served
J. Connor Owen

test record: when witness was asked to testify, he testified that he saw the defendant on the night of the murder. He testified that he saw the defendant with the victim in the room at the time of the murder. He testified that he saw the defendant with the victim in the room at the time of the murder. He testified that he saw the defendant with the victim in the room at the time of the murder.

RECORDS AND PAPERS

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RECORDS AND PAPERS

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

}

Circuit Court, Baldwin County

No. 4723

October TERM, 19 59

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Burns Snyder

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

Burns Snyder and Delbert D. Snyder, DefendantS

by Lena Day, Plaintiff

Witness my hand this 8 day of October 19 59.

Beice J. Newick, Clerk

No. _____ Page _____

The State of Alabama
Baldwin County

CIRCUIT COURT

Lena Day

Plaintiff

vs.

Burns Snyder and

Delbert D. Snyder

Defendants

Summons and Complaint

Filed _____ 19____

Clerk

J. Connor Owens, Jr.

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

LENA DAY,
Complainant,

vs.

BURNS SNYDER and
DELBERT D. SNYDER,

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 comes your complainant, Lena Day, by her solicitor,
and shows unto this Court and unto your Honor, the following:

1. That your complainant is over the age of twenty-one
years, and is a resident of Baldwin County, Alabama; that the
respondent, Burns Snyder, is over the age of twenty-one, is of
sound mind and is a resident of Baldwin County, Alabama; that
the respondent, Delbert D. Snyder, is over the age of twenty-one,
is of sound mind, and is a non-resident of the State of Alabama;
that the respondent, Delbert D. Snyder, resides at 1799 East Grand
River, Okemos, Michigan.

2. That the complainant and the respondents own the following
described land in Baldwin County, Alabama, in fee simple to-wit:

Beginning at the Southwest Corner of Section 34, Town-
ship 1 North, Range 3 East, thence run North 1457 feet
for a starting point: thence East 502 feet, thence
North 249 feet, thence in a westerly direction along
the line of the road 354 feet, thence South 284 feet,
thence West 133 feet, thence South 132 feet to point
of beginning, containing 4 acres, more or less.

that said land so described is owned by the complainant and the
respondents in the following proportions; your complainant owns a
three-fifths ($3/5$) undivided interest in said land, and that the
respondent, Burns Snyder, owns an one-fifth ($1/5$) undivided interest
in said land, and that the respondent, Delbert D. Snyder owns an
one-fifth ($1/5$) undivided interest in said land. Your complainant
further alleges that said land cannot be fairly and equitably
divided or partitioned among the joint owners thereof without a
sale.

3. Your complainant further alleges that it has become
necessary to employ solicitors to institute this suit for partition
and division; that she has 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 complainant prays that your Honor will cause the usual writ of process to issue to the said respondents, Burns Snyder and Delbert D. Snyder, making them parties respondent to the Bill of Complaint, and requiring them to plead, answer or demur to the same within thirty days from the service hereof, and that in default thereof, the said Bill of Complaint be taken as forever confessed against them.

PRAYER FOR RELIEF

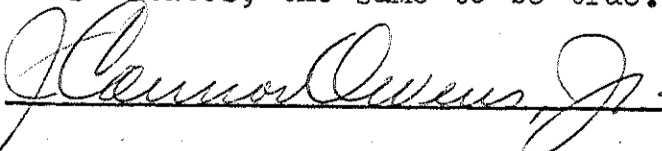
The premises considered, the complainant prays tha your Honor will, upon a hearing of this cause, decree a sale of the lands hereinabove described by the Register of this Court for partition and division of the proceeds thereof. Your complainant further prays that this Court will ascertain and fix a 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 this said sale. The complainant prays for such other, further and different relief as in equity and good conscios, she may be entitled to receive.


Solicitor for Complainant

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 complainant 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.


Notary Public

Sworn to and subscribed before me, this the 8 day of October, 1959.


Notary Public

FILED

oct 8-59

The State of Alabama, }
Baldwin County

No. _____

CIRCUIT COURT, IN EQUITY

LENA DEY

_____, Complainant

Vs.

BURNS SNYDER AND DELBERT D. SNYDER

_____, Defendant

Motion is hereby made for a Decree Pro Confesso against DELBERT D. SNYDER

_____, Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant_____, and that said summons was duly served by Registered Mail, according to law, and that said Defendant_____~~has~~ failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 13 day of December, 1960

J. C. Owens, Jr.

_____, Solicitor.

No. _____

Page _____

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, In Equity

vs.

Motion For Decree Pro Confesso
After Notice By Registered Mail

Filed Dec. 13, 1940

Miss J. Duck
Register.

Recorded in _____ Record,

Vol. _____ Page _____

Register.

LENA DAY

Vs.

BURNS SNYDER AND DELBERT D. SNYDER

CIRCUIT COURT OF
Baldwin County.

IN EQUITY

In this cause it being made to appear to the Register that on the 14th day of October, 1959, a copy of the Bill of Complaint filed in this cause was sent to DELBERT D. SNYDER

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the 14 day of October, 1959, such receipt was duly received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered, adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things taken as confessed against the said DELBERT D. SNYDER

Defendant

This the 13 ~~1st~~ day of DECEMBER, 1960.

Alice J. Duck Register

No. _____

**CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA**

In Equity.

Vs.

**DECREE PRO CONFESSO AFTER
NOTICE BY REGISTERED MAIL**

Filed in office this _____ day of

_____, 19____

_____, Register

Entered in O. B. _____ Page _____

NO. 535 - 811 (1914)

41500

FILED

1960

ALICE J. DUCK, CLERK
REGISTER

IN THE

LENA DAY,

Complainant,

VS.

BURNS SNYDER AND DELBERT D. SNYDER,

Respondents.

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA.

IN EQUITY

December 14, 1960

MR. OWENS: May it please the Court, I would like to offer, as Complainant's Exhibit 1, deed from Henry W. Cooper and Sue Cooper, his wife, to Charles W. Snyder, -certified copy of deed - which is dated January 21, 1947, and recorded in Deed Book 116 pages 82-83.

MRS. LENA DAY, THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Owens.

Q. Will you state your name, please?

A. Lena Day.

Q. Mrs. Day, you are the Complainant in this suit against Burns Snyder and Delbert D. Snyder?

A. Yes sir.

W. now are you over the age of 21 years?

A. Yes sir.

Q. A resident of Baldwin County, Alabama?

A. Yes sir.

Q. Is Mr. Burns Snyder over the age of 21 years?

A. Yes sir.

Q. And a resident of Baldwin County, Alabama?

A. Yes sir.

Q. Delbert D. Snyder, is he over the age of 21 years?

A. Yes sir.

Q. Where does he live?

A. Okemos, Michigan. (page 1)

Q. O K E M O S, Michigan?

A. Yes sir.

Q. Now who was Charles W. Snyder?

A. My father.

Q. Do you have any brothers and sisters?

A. Yes sir.

Q. Would you name your brothers and sisters?

A. Burns Snyder, Delbert D. Snyder, Herbert Snyder and Irvin Snyder.

Q. Now is Herbert Snyder the same person as J. H. Snyder?

A. Yes sir.

MR. OWEN: May it please the Court I would like to offer as Complainant's Exhibit 2, certified copy of deed from J. H. Snyder and wife ~~xx~~ and Irvin Snyder and wife to Lena Day, said deed being dated June 5, 1959 and recorded in deed Book 27 at pages 173-74.

Q. You are familiar with the property involved in this controversy?

A. Yes sir.

Q. About how many acres is contained in this property?

A. Four acres, more or less.

Q. Is there a house situated upon this property?

A. Yes sir.

Q. Can this property be divided into equal parts? -- In other words, can you divide this property equally between you and Delbert D. Snyder and Burns Snyder?

A. Well, I guess it could be.

Q. How could it?

A. I just don't know; the house sets on one side of it and the little field part is there --

Q. The house is situated on the 4 acres, is that correct?

A. Yes sir.

Q. Now what about your mother, is she living?

A. No sir.

Q. When did she die?

A. 19th day of April, 1959.

Q. When did your father die?

A. First day of October, 49.

Q. What was your mother's name?

A. Sarah Elizabeth Snyder.

Q. Your father was Charles W. Snyder?

A. Yes sir.

Q. Did you hire an Attorney to institute this action?

A. Yes sir.

Q. Who was that?

A. You.

ON CROSS EXAMINATION OF THIS WITNESS, SHE TESTIFIED:

Examination by Mr. Horne.

Q. Mrs. Day you say your father died on October 1, 1949?

A. Yes sir.

Q. When did your mother die?

A. 19th day of April, '59.

Q. 19th day of April, '59?

A. Yes sir.

Q. Now I believe you have conveyance from two of your brothers?

A. Yes sir.

Q. Conveying their interest in the premises to you?

A. Yes sir.

Q. You bought that from them?

A. No sir, they gave it to me.

Q. And where do they live?

A. Michigan.

Q. Your father was living there when he died?

A. Yes sir.

Q. Your mother was living there when she died?

A. Yes sir.

Q. After they died you went in and took the furniture all out of the house?

MR. OWEN: I object to that; that's irrelevant, incompetent and immaterial.

THE COURT: Do you have any claim for it?

MR. HORNE: No.

THE COURT: Go ahead, I'm not ruling.

MR. OWENS: But I have to put in my objections for the record.

Q. Did you answer?

A. I went there and moved what I was told to move after the others got some.

Q. Who told you to move it?

MR. OWENS: I would like to note an objection, and I would like to make an objection to all questions concerning the furniture.

Q. Who told you to move it?

A. I have a letter.

Q. From whom?

A. I got a letter to move it.

Q. Who was the letter from?

A. From Judge Ramsey Stuart.

Q. To move the things out of the house?

A. Several days after she died --

Q. Did you execute any bond to the Judge?

A. No.

Q. This property was as much the other heirs as your's?

A. Oh yes.

Q. Now your brother built two rooms on that house, didn't he?

A. No.

Q. Who did that?

A. My father built the kitchen before he died.

Q. Wasn't there two rooms built by the defendant here, Mr. Burns Snyder and screened in and put in with glass after the death of your father?

A. No sir, there wasn't.

Q. Did he re-roof the house after the storm hit it?

A. No.

Q. He didn't do that?

A. No.

Q. In otherwords, he never did anything to the house at all?

A. Not that I know of. Now there was a little front screen porch put there - just set on bricks - made of scrap material. - covered with a little bit of tar-paper.

Q. Was the whole house covered with tar paper?

A. The kitchen and it was.

Q. What?

A. The kitchen part and this little porch joining the front porch was covered with tar paper.

Q. Is that the condition it is in today?

A. Yes sir.

COMPLAINANT RESTS.

BURNS SNYDER, THE RESPONDENT, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Horne.

Q. Is this Mr. Snyder, one of the Respondents?

A. Yes sir.

Q. Mr. Snyder, I believe you heard Mrs. Day testify to the effect that the property involved in this proceeding was originally owned by your father?

A. Yes sir.

Q. And that he died and it was not sold or disposed of during the life time of your mother?

A. That's right.

Q. This proceeding was commenced a short time after your mother's death?

A. That is right.

Q. Can that property be equitably divided in kind by running lines through it?

A. I don 't know how.

Q. It would have to be sold and the money divided?

A. Yes sir.

Q. Now Mr. Snyder, during the years the property was owned, did you make repairs there on the place?

A. I did.

MR. OWENS: I object to that, may it please the Court, unless he gives the dates.

A. All right, if it please the Court, the day my daddy died that night at 10 o'clock I was working on the house - the part that she says I had nothing to do with - I was working on it then and he insisted on getting up to help me and I' told him, "no, you stay in bed and I'll be back tomorrow and maybe you can help me then" that was the day he died that night.

- Q. Now did you roof the house?
- A. I did after the storm tore it up.
- Q. When was the date of that?
- A. That I can't remember, but I hired a man from Bay Minette to go out and help me.
- Q. Do you know the approximate date of it?
- A. No, I don't but it was when one of those storms went through and was tearing up things.
- Q. How long ago?
- A. Oh that has been three or four years ago, or something like that.
- Q. What was the cost of the roof that you put on there?
- A. I would say approximately that it cost me, with the labor and everything \$150.00.
- Q. Did Mrs. Day or any of the others pay anything towards that?
- A. Not that I ever seen or heard.
- Q. You were the one that put out the money - did they ever pay you anything?
- A. I was the one that put out the money when anything was done.
- Q. Nobody offered to pay you?
- A. No sir.
- Q. Your mother was living on the premises at that time?
- A. Yes sir.
- Q. Did you put in any ceiling in the house?
- A. I did.
- Q. When?
- A. Mostly right after my daddy died; I put sheet-rock.
- Q. That was more than six years ago?
- A. Right.

Q. Now what was the cost of that ceiling?

A. I would say approximately \$75.00.

Q. Did you put in flooring in the house?

A. I did.

Q. When did you do that?

S. Some of it was done while my daddy was living and the other part was built after my daddy died.

Q. What was the cost of that?

A. Well I would say the flooring all together and labor ran approximately \$400.00.

Q. You paid all of that?

A. I paid the bills.

Q. Did you build two rooms onto the house?

A. I did.

Q. When did you do that?

A. Part of it was while my daddy was living and he tried to help me and he was down so he couldn't work and I did the biggest part - Mr. Jackbson - I had him to help me on some of it.

Q. When was that?

A. In 1949 when my daddy tried to help me and he couldn't do it; he was mostly beyond working; he could climb up there and would have to sit down.

Q. Without these improvements, would the house have gone to nothing?

A. It would not have been but three rooms to the house.

Q. Without the roofing and things of that nature, would the house have been tentable or be in existence?

A. It helped - that's right --

- Q. Now what was the cost of the two rooms that you put on there?
- A. Well let's see - I would say some where around \$600.00 for the two rooms - I would say that, or a little better; I don't know the exact figures; I could probably look it all up and find out.
- Q. The value to the building was approximately \$600.00?
- A. Just the rooms; that isn't figuring my labor and the time I lost.
- Q. Well now did you pay the taxes on these premises?
- A. I have paid the taxes on the premises since my daddy was sick; I paid in his name until his death and after he died I paid them in my mother's name and after that I paid them in my name.
- MR. OWENS: I would like to interpose an objection to taxes paid in his father's name and move to exclude that from the record.
- Q. After the father died you paid the taxes all of the years-- How many years?
- A. Since October of 1949.
- Q. Did you pay the tax that year?
- A. Yes sir.
- Q. 1949 after he died?
- A. Yes sir.
- Q. You paid them each time up to now?
- A. Up to this year.
- Q. What was the amount of the taxes?
- MR. OWEN: I object to the amount of the taxes, on the ground that it is not the best evidence.
- A. The tax was \$3.78 or \$3.76--
- Q. How many years did you pay the tax?

A. From 1949 to this year; somebody on October 11th. paid them in my name.

Q. That was approximately \$40.00 in taxes that you have paid?

A. Yes sir.

Q. You have never been recompensed for any of that?

A. No.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Owens.

Q. Mr. Snyder, you took a deed from your mother, did you not?

A. My mother gave me a deed not knowing her name wasn't on it--

Q. When was that deed made?

A. 1957.

Q. Now do you have any record of how much these repairs came to?

A. I have got a pretty good record.

Q. Did you bring the records with you?

A. Nothing but a copy of estimates made.

Q. You signed an affidavit and answer in which you claim \$1200.00?

A. Yes sir.

Q. Do you claim that your repairs improved the property \$1200.

A. It would have.

Q. How much is the property worth now, in your opinion?

A. That's not for me to say, because I'm not an appraiser.

Q. How much, in your best judgment?

A. If my Lawyer wants me to answer that--

MR. HORNE: Yes, answer him.

A. I don't know the real value of it but all I can say, I had, approximately with my labor \$1200.00 in it.

Q. You say that you improved it ~~\$1200~~ \$1200.00 by this work - I would like to know the basis?

A. If you had a house that didn't have but three rooms and two more rooms added, wouldn't it improve it?

- Q. How much, in your opinion, is the value of the property now?
- A. The place to start with cost \$800.00 - now you can base it from that. Like I say, I am still not an appraiser.
- Q. You feel that the value is around \$3,000.00?
- A. I imagine it could be if you can get that.
- Q. Now some of these repairs were made before your father died?
- A. Just before my daddy died; him and me were working on the house; it wasn't repaired - we were building.
- Q. Were these repairs made at the request of the father?
- A. That wasn't repairs, it was building the kitchen--
- Q. I have a note here -- you say you were working on something when your father died?
- A. Yes sir.
- Q. That was the roof?
- A. No, door casings that I was working on when he died.
- Q. Did you make these repairs at his request?
- A. Sure, he couldn't do it himself.
- Q. You put the sheet rock inside at his request?
- A. The sheet rock was put there after he died at my mother's request.
- Q. What other repairs did you make at your mother's or father's request?
- A. Built the extra room after my daddy died.
- Q. What did that room consist of?
- A. What?
- Q. Of what did it consist of?
- A. Well it consisted of around about--
- Q. About how many square feet?
- A. I would have to go measure it; it is about 17 x 14 --
- Q. This is the one that you built on the back?
- A. That isn't sound judgment; I'm giving an estimate of what it

it is.

Q. What materials were used, sir?

A. Sleepers, striners, flooring, joists, rafters and roof and covering.

Q. You said that you paid for this - about how much lumber was involved in this additional room after your father died?

A. I never measured it.

Q. How much in sums did it amount to?

A. I think I gave around \$190.00 for it all together.

Q. What kind of siding?

A. Waite a minute -- if you want to get technical about it, I will tell you. On the kitchen - which are you asking for?

Q. The room you built after your father died?

A. This is for the siding, roof, etc - about \$190.00 and then about \$65.00 for labor.

Q. Who was the labor paid to?

A. Mr. Jacobson standing right outside there.

Q. Now that included what all?

A. That was for labor - about \$65.00 as near as I could figure it -

Q. Now the materials?

A. That wasn't labor for me--

Q. Materials--

A. Around \$190.00.

Q. What was that?

A. Siding, roofing and flooring.

Q. Do you have a bill for that? Is that a bill that you are reading from?

A. Well that isn't really a bill; that is where I wrote it down where I could remember it.

- Q. When did you write it down?
- A. At different t mes.
- Q. Was that made on or about the time?
- A. Some where close to it.
- Q. Wasn't made since you -- since the suit came up?
- A. Some of it was; I'll admit some of it was, but some wasn't.
That was for the kitchen, you will see--
- Q. You say this room that you built is approximately 17 x 14
and the total cost was \$190.00 for material and \$60.00 for
labor?
- A. That is right; it wasn't sealed inside; it was just open.
- Q. This additional room was the only room or addition that has
been made since your father's death?
- A. That is right.
- Q. Was this made at the request of your mother?
- A. Yes sir.
- Q. Was it made on or about the time you received a deed from her?
- A. Before that.
- Q. Made before you received a deed from her?
- A. Yes sir.
- Q. Later on you did receive a deed from her?
- A. That's right.
- Q. Now when your father died there was another tract of land that
he owned, was there not, not too far from this?
- A. Yes sir.
- Q. You received a deed to that piece of property too?
- A. Yes sir.

Q. What consideration did you pay, if any, for that?

A. Okay, let me come back -- That was in consideration of my father's care and funeral expenses and taking care of him and taking him to the hospitals and back and forth to Pensacola and Mobile.

Q. When your father died Mrs. Day had an interest in that piece of property, did she not?

A. Yes sir.

Q. Your other brothers had an interest in that property?

A. That is right.

Q. Have you ever paid anything to them for that?

A. No sir, they all signed it to me.

ON RE-DIRECT EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Horne.

Q. Have you ever been paid anything for the work and labor you performed on the place that you testified about here?

A. No.

Q. Or the Taxes?

A. The taxes have been paid and nothing ever said about it.

MR. ANDREW C. JACOBSON, A WITNESS FOR THE RESPONDENT, BEING

FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Horne.

Q. What is your name, please?

A. Jacobson.

Q. Your first name?

A. Andrew C.

Q. Where do you live?

A. In Bay Minette.

Q. What is your pursuit of life, or what do you do for a living?

A. I am a carpenter.

Q. How long have you been doing this?

- Q. How long have you been doing this?
- A. Off and on for about 50 years.
- Q. Did you know the Snyder home?
- A. I have been there a few times.
- Q. Have you ever been called on to work there?
- A. Yes sir.
- Q. I am going to ask you if Mr. Burns Snyder placed roofing on that place after a storm some years back?
- A. Yes sir.
- Q. Did you do that for him?
- A. I sure did.
- Q. About what was the value of the roofing placed on this house, including your labor?
- MR. OWENS: I object to that question in it's form.
- Q. Do you know the value of the roofing done thereabouts?
- A. Value of the roofing--
- Q. Yes and the labor and material?
- A. Yes, I believe around \$150.00 is what I figure.
- Q. \$150.00?
- A. I believe that roughly.
- Q. You have engaged as a carpenter and done work and contracting during this period of time?
- A. Yes sir.
- Q. And are acquainted with the value of carpentry work?
- A. I ought to be; I have had enough experience.
- Q. You say the roofing that was placed upon that house should be valued at approximately \$150.00?
- A. Lumber and all.
- Q. Do you know of any ceiling that was put in there?
- A. Yes sir.
- Q. What would you say the value of the ceiling was - labor and

material?

A. Well I would say \$75.00 or \$80.00 -- something like that.

Q. Do you know of any flooring that he put in this house?

A. Yes sir, he used some flooring.

Q. Do you remember about the value of that?

A. I don't remember just how many rooms were floored, but I carried lumber out there at different times; I don't know just how many times and I could not say just how much the footage was.

Q. Do you have any estimate about the value of what you did?

A. I don't remember exactly about the flooring.

Q. Do you know of a screen porch that he put on the place?

A. Well there is a screen porch there; I ^{don't} believe I put that there

Q. You had nothing to do with putting the screen porch on there?

A. No sir.

Q. What is the value of it?

A. I don't remember just how it looks or how much it was; I don't remember about that.

Q. Now when was the work that you did done on this house - Was it after the death of his father and while his mother was living there?

A. Yes sir, his father was dead.

Q. You had to do with the roofing and ceiling and flooring but you don't know what the value of the flooring was?

A. I don't remember about that; I don't remember any of it exactly; it is just an estimate, but I believe I have the figures on it some where at the house if I can pick them up.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Owens.

Q. Mr. Jacobson, do you remember what the first job that you did

out there was?

A. I believe the first was a roof job - I believe.

Q. Was that at the time of the storm?

A. That was after a storm.

Q. Was that two or three years ago?

A. It must have been four or five years ago.

Q. Was Mr. Snyder's mother living at that time?

A. Yes sir, she was living during all of the time I worked there.

Q. You put on a roof at that time?

A. Yes sir.

Q. Tin roof?

A. No, rool roofing - tar paper.

Q. Rool roofing - tar paper?

A. The best I remember that is what we put on.

Q. Did you put that on the roof?

A. Yes sir.

Q. You say that you worked on a room out there, is that correct?

A. Yes sir.

Q. When was that room put on there?

A. Well I believe -- No, I didn't put the room on there; I ceiled two rooms with sheet rock.

Q. You didn't put a room on there approximately 17 x 14?

A. I believe he had the room built there - him or somebody; I don't remember these things exact; I am testifying the best I remember.

Q. Do you remember about putting on about \$190.00 worth of flooring, ceiling and top on a 17 x 14 foot room?

A. Well, I have done work there at different times and I couldn't say what the labor or material would be.

Q. About \$65.00, would that sound about right for the labor?

A. I wouldn't know.

Q. When was the last time you were there, Mr. Jacobson?

A. I imagine three years ago

Q. How big a house is that?

A. Five rooms and two porches.

Q. During your years as a Carpenter you have bought quite a few lots around town?A

A. Yes sir.

Q. And built quite a few houses?

A. Yes sir.'

Q. And sold quite a few houses?

A. Yes sir.

Q. What is the value of that p lace there?

A. I would say about \$1200.00.

Q. \$1200.00 would be about the value of the property?

A. I wouldn't want to give any more than that for it.

Q. I show you that picture, sir. Can you identify that?

A. I think that is that old house , ain't it?

Q. Yes--

A. Yes, that's it.

Q. I show you another picture. Please mark this
Complainant's Exhibit 3 and 4 and 5 and 6 and 7--

Q. What about this one?

A. Isn't that the first one I looked at?

Q. Yes, Look at this one?

A/ That's the same house.

Q. Is that the same house?

A. That's not too plant -- I believe that's the end we done the work on mostly; this is a different view of thehouse.

Q. Mr. Jacobson, all of these pictures that I showed you here, are they of the property involved in this suit here?

A. Looks like it to me.

(page 18)

MR. OWEN: May it please the Court, I would like to introduce these pictures as Complainant's Exhibits 3 through 7, inclusive.

Q. Now Mr. Jacobson, do you know Mrs. Day here?

A. No sir - I have saw her before.

Q. Did she ever instruct you to make any repairs to the house?

A. No sir.

Q. Do you know Delbert Snyder?

A. No.

Q. This one - do you know any of his brothers?

A. No sir.

Q. You don't know if he had any brothers?

A. Never knowed he had a brother; I never knew his name--

Q. Have you ~~xxxxx~~ done any work on the house since the mother of Burns Snyder passed away?

A. No.

ON RE-DIRECT EXAMINATION OF THIS WITNESS, HE TESTUFIED:

Examination by Mr. Horne.

Q. Mr. Jacobson, you say the work that you did on the roof was approximately of the value of \$150.00 and the ceiling approximately \$80.00 - Do you have any approximate value of the flooring that you did?

A. I don't remember exactly.

Q. Do you have any figure that you could tell us?

A. No, I don't remember exactly the grade of the flooring put there.

THE COURT: Is that on the old house or the new part?

A. I don't remember - I tell you I just don't remember; I believe it was in the new rooms, but I don't remember for certain.

Q. The new rooms put on there?

A. Yes sir.

- Q. Do you know how many feet you had or anything?
- A. No sir, I don't.
- Q. You have no estimate of any kind?
- A. No sir, anybody can tell you how many feet it will take if you get the size of the room.
- Q. Do you know about the size of the room?
- A. Well it was not a very large room - 10 X 12 or 12 X 12 - I don't remember, but that is a rough estimate.
- Q. About 150 or 160 square feet would you say?
- A. Better do a little figuring --
- MR. OWENS: 120 feet if it is 10 X 12 --
- A. You have to add a little to that for waste, which would maybe be 30 foot more.
- Q. Be 150 or 160 square feet?
- A. Yes sir.
- Q. You don't remember the grade of lumber that you bought?
- A. No I don't and the floor joist and all of that to put it on--
- Q. About what ought that to be worth?
- A. You mean just the flooring - timber for the flooring?
- Q. Yes and joist?
- A. The two new rooms entirely--
- Q. The two new rooms entirely, what would you value those at?
- A. Ordinarily if a room is built and finished complete it will cost you any where from \$300.00 up, according to how much you want to put in it - you can put a lot in the room -
- Q. You assisted in the building of the rooms?
- A. I ceiled them and I believe I put down the flooring and put on the roof after the storm; I didn't put the first roof on there.

Q. You helped put the flooring down.

A. Yes sir.

Q. What was the value of those two rooms at the time you were there?

A. I tell you, it would be hard for me to say about that.

Q. Would it be from \$200.00 to \$500.00?

A. I wouldn't say -- probably \$200.00 each. I worked so many different places and for different ones, I can't remember things that far back right off.

Q. Now your valuation of the property was given as a valuation of the house itself and not the four acres of land?

A. No, all of it; I would figure all of it.

Q. Four acres of land that is within the corporate limits of Bay Minette, isn't it?

A. No sir, between Rabon and Stockton, out in the woods, I would call it.

ON RE-CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Owens

Q. As far as you know the only thing you did was repair the roof?

A. I put a new roof on it.

Q. Put up the ceiling and flooring in one new room?

A. Two.

Q. Two rooms?

A. Yes sir.

Q. Your work is less than the figures that you gave here of \$200 dollars a room, is that correct?

A. Well all of this is guess work; I don't know the exact figures on it; it could vary either way; this is just guess work - just an estimate.

Q. Of how much you spent on each room -- give us that figure?

A. Well Now I couldn't say -- just a rough estimate; I would

say they cost about \$200.00 a room - something like that - b
the sheet rock wasn't finished out, the best I remember; it
was just put up there; it costs more to finish sheet rock a
out than it does to put it there, but I don't believe I
finished it.

THE RESPONDENT REST

MRS. ANNA STEWART, A WITNESS FOR THE COMPLAINANT, BEING FIRST
DULY SWORN, TESTIFIED:

Examination by Mr. Owens.

Q. Will you state your name, please?

A. Anna Stewart.

Q. Where do you live?

A. Rabon.

Q. Are you familiar with the property - the old Charles Snyder
place?

A. Yes sir, I have been living there 13 years - will be the 7b -

Q. You were living there when Mr. Snyder was there?

A. Right above this place; I live in the Old Snyder place, we
bought it from him in '45.

Q. Then you are familiar with this four acres?

A. Yes sir, he bought this place after he sold us our place.

Q. Do you know what improvements, if any, have been added
since the death of Mr. Charles W. Snyder?

A. Been a screen porch built and plastic put on the outside of
the screen.

Q. Have there been any other improvements made?

A. Not as I know of.

Q. Has there been a room added of some type?

A. Not since Mr. Snyder died.

Q. Were there repairs being made about the time he died?

A. Yes, they were working on the place then.

Q. What all was being done at that time?

A. Well I went there one day and he told me he was ceiling the main part of the house with sheet rock.

Q. Who was that?

A. Mr. Snyder.

Q. This Mr. Snyder?

A. Mr Charlie Snyder was ceiling the room of the main part of the house and he told me that Herbert Snyder, Burns' brother give him the money to buy the sheet rock to ceil it with, but I don't think it was ever all put up.

Q. How many rooms did the house have at that time?

A. It had two; I have lived there two different times - it's a long building and a partition in the middle and people used to call it a shed room ; there was a room all across the back for the kitchen and Mr. Snyder started where the chimney is a put a room there and made a kitchen out of that.

Q. Which Snyder?

A. Charles Snyder. And this porch that starts in front of the kitchen and comes out here, Burns put that there and -- he had it built there, I guess.

Q. How large is that?

A. It must be about eight, 10 or 12 feet wide; I don't know

Q. Is it as large as 17 X 14?

A. I don't think so; 17 fooy is a good big place.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Horne.

Q. Do you know whether this place was roofed after tge death of Mr. Charles Snyder?

A. The whole place?

Q. Any part of it?

A. That porch was, sure.

Q. Was the other part roofed?

A. Not as I know of.

Q. Do you remember the storm that you had several years back?

A. Most any wind will loosen up tar paper - a March wind will.

Q. Do you know of any when Mr. Charles Snyder was living --
You say they sealed the main part of the house?

A. Yes sir.

Q. Do you know whether at that time they ceiled the other
rooms, besides the main part of the house?

A. Not ceiled all of it is not.

Q. Not ceiled at the present time?

A. No.

Q. When was the last time you were there?

A. When Mr. Snyder died I was the first one there.

Q. Do you remember when Mr. Jacobson worked on the place?

A. I remember him going there and putting tar paper on that place
but I didn't know that he put any on the kitchen.

Q. Did you know that he did some ceiling and flooring inside?

A. No sir, I didn't know that.

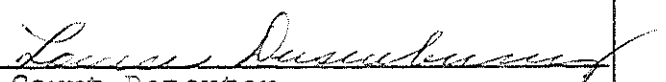
THE COMPLAINANT REST:

THE RESPONDENT REST

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

I hereby certify that the foregoing, consisting of pages
1 to 24, both inclusive correctly sets forth a true and correct
transcript of the testimony as taken by me in open Court in the
above styled cause.

This 21st day of December, 1960.


Court Reporter

com 1

STATE OF ALABAMA, BALDWIN COUNTY

Filed Jan 29 1947 sa

Recorded

W. H. Stewart
Judge of Probate

WARRANTY DEED

Moore Printing Co., Bay Minette, Ala.

THE STATE OF ALABAMA }
BALDWIN COUNTY }

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of

Two Hundred and Fifty Dollars

to us in hand paid by Charles W. Snyder

the receipt whereof is hereby acknowledged L. Henry W. Cooper and wife, Sue Cooper

do grant, bargain, sell and convey unto the said

Charles W. Snyder

the following described lands situated in Baldwin County, Alabama, to-wit:

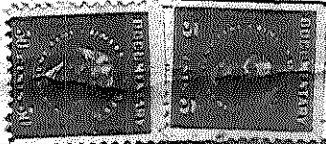
Beginning at the Southwest ~~Quarter~~ Corner of Section 34-t1N-r3e, thence N.

1457 ft. for a starting point, thence E. 502 ft. thence N. 249 ft. thence

direction in a westerly along the line of the road 354 ft. thence S. 284 ft. thence W.

333 ft. thence S. 132 ft. to point of beginning, containing 4 acres, more or

less.



TO HAVE AND TO HOLD to the said Charles W. Snyder 116 83

his heirs and assigns forever.

And we do covenant with the said Charles W. Snyder

that we seized in fee of the above

described premises; that we have the right to sell and convey the same; that the said

premises are free from all incumbrances; and that we will, and our heirs

executors and administrators shall forever WARRANT AND DEFEND the same to the said

Charles W. Snyder

heirs and assigns against the lawful claims of all persons whomsoever.

Witness my hand and seal this 21st day of January, 1947.

WITNESS:

Henry W. Cooper L.S.
Sue Cooper L.S.

State of Alabama, BALDWIN County.

I, C. W. Hamilton, a Justice of the Peace

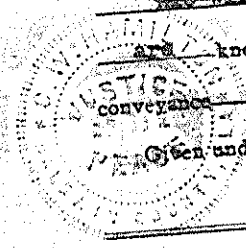
in and for said County and State, hereby certify that Henry W. Cooper and ~~Sue Cooper~~

his wife 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 did executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 21st day of January, A. D., 1947



C. W. Hamilton

State of Alabama, BALDWIN County.

I, C. W. Hamilton, a Justice of the Peace

in and for said County and State, do hereby certify that on the 21st day of January, 1947

came before me the within-named Sue Cooper

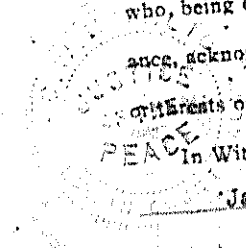
known to me to be the wife of the within-named Henry W. Cooper

who, being examined separate and apart from her husband, touching her signature to the within convey-

ance, acknowledged that she signed the same of her own free will and accord, and without fear, constraint

or threats on the part of the husband.

In Witness Whereof, I hereunto set my hand and official seal this 21st day of January, 1947



C. W. Hamilton

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

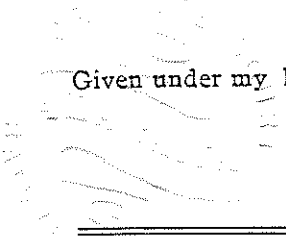
that the within and foregoing TWO PHOTOSTATIC pages

contain a full, true and complete copy of the DEED FROM HENRY W. COOPER AND WIFE, SUE

COOPER TO CHARLES W. SNYDER

as the same appears of record in my office.

Given under my hand and seal of office, this 13th day of DECEMBER, 1960



W R Stuart

Judge of Probate

Harry M. [Signature] Chief Clerk

Remedy

STATE OF ALABAMA
BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS:

That we, J.H. SNYDER and BURNEDA SNYDER, his wife,
and ERVIN SNYDER and RUTH SNYDER, his wife, GRANTORS, for
and in consideration of the sum of \$10.00 and other good
and valuable consideration to us in hand paid by LENA DAY,
GRANTEE, the receipt of which is hereby acknowledged, do
hereby REMISE, RELEASE, QUITCLAIM and CONVEY unto the said
grantee, all our right, title, interest and claim in and to
the following described real estate in Baldwin County, Alabama,
to-wit:

Beginning at the Southwest corner of Section 34,
Township 1 North, Range 3 East, run thence North
1457 feet for a starting point, thence East 502
feet, thence North 249 feet, thence in a westerly
direction along the line of the road 354 feet,
thence South 284 feet, thence West 133 feet, thence
South 132 feet to point of beginning, containing
4 acres, more or less.

TO HAVE AND TO HOLD the same unto the said grantee, her
heirs and assigns, forever.

IN WITNESS WHEREOF, we have hereunto set our hands
and seals, this the 5th day of June, 1959.

STATE OF ALABAMA, BALDWIN COUNTY.
Filed 6-15-59 9A M
Recorded _____ page _____
and I certify that the following Mortgage Tax
has been paid _____
Deed Tax 50
Mortgage Tax _____
By MR. Stuart
Judge of Probate

J. H. Snyder (LS)
J. H. Snyder
Burneda Snyder (LS)
Burneda Snyder
Ervin Snyder (LS)
Ervin Snyder
Ruth Snyder (LS)
Ruth Snyder

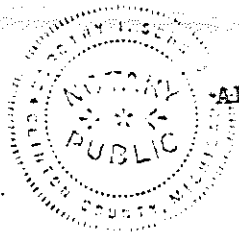
STATE OF MICHIGAN
SHIAWASSEE COUNTY

I, Dorothy I. Schoals, a Notary Public
in and for said County and State, do hereby certify that

J.H. Snyder and Burneda Snyder, his wife, 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 said conveyance, they executed the same voluntarily on the day the same bears date.

BOOK 279 PAGE 174

Given under my hand and seal, this the 5th day of June, 1959.



AFFIX SEAL

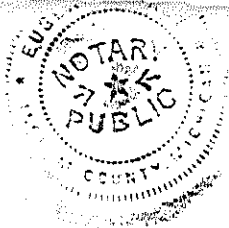
Dorothy L. Schoals
Notary Public - Shiawassee County, Mich.
My Commission expires 7-6-62
Clinton County acting in Shiawassee County, Michigan

DOROTHY L. SCHOALS
Notary Public - Shiawassee County, Mich.
My Commission Expires July 6, 1962

STATE OF MICHIGAN
INGHAM COUNTY

I, Eugenia Sandy, a Notary Public in and for said County and State, do hereby certify that Ervin Snyder and Ruth Snyder, his wife, 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 said conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this the 9th day of June, 1959.



AFFIX SEAL

Eugenia Sandy
Notary Public - Ingham County, Mich.
My commission expires _____

EUGENIA SANDY
Notary Public, Ingham County, Mich.
My Commission Expires Dec. 13, 1960

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 Two Photostatic pages

contain a full, true and complete copy of the DEED FROM J. H. SNYDER, ETOR
+ RATH + ERVIN SNYDER TO LENA DAY.

as the same appears of record in my office.

Given under my hand and seal of office, this 13th day of DECEMBER, 1960

W. R. Stuart
Judge of Probate

Harry M. O'Brien Chief Clerk

LENA DAY,

Complainant,

vs

BURNS SNYDER and DELBERT
D. SNYDER,

Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

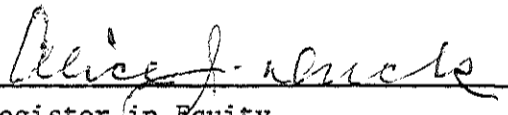
IN EQUITY, CASE NO. 4723

Pursuant to terms and provisions of a decree rendered by the Judge of the Circuit Court on the 14th day of December, 1960, the undersigned as Commissioner will sell at public outcry, to the highest bidder for cash, at the front door of the Court House in Bay Minette, Baldwin County, Alabama, at 12:00 o'clock noon on the 30th day of January, 1961, the following described property:

Beginning at the Southwest corner of Section 34, Township 1 North, Range 3 East, thence run North 1457 feet for a starting point; thence East 502 feet, thence North 249 feet, thence in a westerly direction along the line of the road 354 feet, thence South 284 feet, thence West 133 feet, thence south 132 feet to a point of beginning, containing 4 acres, more or less.

The said sale will be made for the purpose of making a division among the joint owners of said property.

Dated this 19th day of December, 1960.


Register in Equity.

J. Connor Owens
Solicitor for Complainant.

LENA DAY,

Complainant,

vs

BURNS SNYDER and DELBERT D. SNYDER,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

CASE NO. 4723

REGISTER'S REPORT

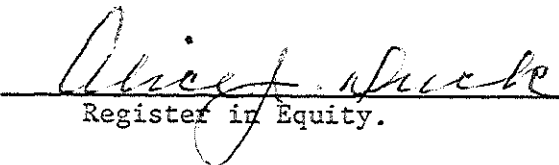
Whereas on the 14 day of December, 1960, your honor entered a decree in the above styled cause directing the Register to sell the lands described in said decree.

The Undersigned as Register of this Court did give notice by advertisement in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, three consecutive weeks prior to the sale; that on the 30th day of January, 1961, during the legal hours of sale, I as such Register would offer for sale at public outcry, in front of the Courthouse, the lands described in said order directing the sale, and at such place and time, I did offer the said parcel of land for sale in said manner, and did offer and receive bids for said parcel of land. At such sale O.W. Day being the highest best and last bidder therefor, did purchase said parcel of land at the sum of One Thousand Two Hundred Fifty Dollars (\$1250.00) for the said parcel of land described as follows:

Beginning at the Southwest corner of Section 34, Township 1 North, Range 3 East, thence run North 1457 feet for a starting point; thence East 502 feet, thence North 249 feet, thence in a westerly direction along the line of the road 354 feet, thence South 284 feet, thence West 133 feet, thence south 132 feet to point of beginning, containing 4 acres, more or less.

and the said bidder paid into this Court the amount of said bid 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 direction of this Court.

This 30th day of January, 1961.


Register in Equity.

The Baldwin Times

"Baldwin's Only All County Newspaper"

BAY MINETTE, ALABAMA

J. H. FAULKNER, Publisher
E. R. MORRISSETTE, Jr., Editor-Manager

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

Jimmy Faulkner, 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

Day vs. Snyder

COST STATEMENT

208 WORDS @ 5 cents 10 ⁴⁰ = \$ 10

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

J. Faulkner Jr.
Editor.

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

Date of 1st publication January 12, 1961 Vol. 73 No. 1

Date of 2nd publication January 19, 1961 Vol. 73 No. 2

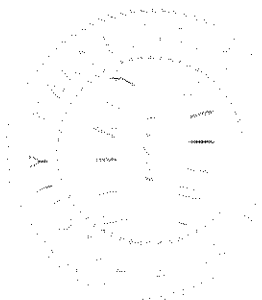
Date of 3rd publication January 26, 1961 Vol. 73 No. 3

Date of 4th publication _____, 19____ Vol. _____ No. _____

Subscribed and sworn before the undersigned this 26 day of Jan, 1961

Notary Martin
Notary Public, Baldwin County.

J. Faulkner Jr.
Editor.



LENA DAY)	
)	
Complainant,)	IN THE
)	
VS.)	CIRCUIT COURT OF BALDWIN COUNTY,
)	
BURNS SNYDER AND DELBERT)	ALABAMA. IN EQUITY.
D. SNYDER,)	
)	NO. 4723
Respondents.)	
)	

This cause coming on to be heard is submitted upon the petition of the Complainant, asking for a sale for division of certain lands therein described, the answer and cross bill of the Respondent, Burns Snyder, decree pro confesso taken against Delbert D. Snyder, and the testimony of witnesses taken ore tenus.

The Court, after hearing the evidence and studying all of the pleadings therein, finds as follows:

1. That the Complainant, Lena Day, is over 21 years of age and a resident of Baldwin County, Alabama; that the Respondent, Burns Snyder, is over 21 years of age and a resident of Baldwin County, Alabama, and the Respondent, Delbert D. Snyder, is over the age of 21 years and is a non-resident of the State of Alabama, and that all of the said parties are of sound mind.

2. That the Complainant and Respondents own the lands described in the complaint, situated in Baldwin County, Alabama, to-wit:

Beginning at the Southwest corner of Section 34, Township 1 North, Range 3 East, thence run North 1457 feet for a starting point; thence East 502 feet, thence North 249 feet, thence in a westerly direction along the line of the road 354 feet, thence South 284 feet, thence West 133 feet, thence south 132 feet to point of beginning, containing 4 acres, more or less.

That the Complainant owns an undivided three-fifths (3/5)

of said sale and a division of the proceeds thereof.

Dated this 14th day of December, 1960.

Hubert W. Hall

JUDGE

FILED
DEC 16 1960
ALICE J. DUCK, CLERK
REGISTER

LENA DAY,
COMPLAINANT,
VS.
BURNS SNYDER and DELBERT
D. SNYDER,

RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY NO. 4723

ORDER SETTING DATE FOR CONFIRMING SALE

This cause coming on to be heard upon the report of the Register dated January 30th, 1961, in which the Register of this Court did report that the property described in the previous decree of this Court was sold on the 30th day of January, 1961, for the sum of One Thousand Two Hundred Fifty and No/100 (\$1,250.00) Dollars, and that the said bidder was O.W. Day, and that the said bidder paid into this Court the amount of said bid; and

It appearing that more than ten days has elapsed since the report of said Register,

It is, therefore, ORDERED, ADJUDGED and DECREED that this cause be set for further hearing on February 21st, 1961, at 10:00 A.M. for the purpose of hearing testimony for confirming said sale, and for such other testimony and orders as may be necessary in the premises.

Done at Bay Minette, Alabama this the 13 day of February, 1961.

Hubert M. Hoke

Judge

FILED
FEB 13 1961
ALICE J. DUCK, CLERK
REGISTER

LENA DAY,
Complainant,

vs.

BURNS SNYDER and
DELBERT D. SNYDER,
Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY NO. 4723

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 14th day of December, 1960, Mrs. Alice J. Duck, the Commissioner appointed herein, did set a sale of the property hereinafter described for 12:00 Noon on the 30th day of January, 1961, 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:

Beginning at the Southwest Corner of Section 34, Township 1 North, Range 3 East, thence run North 1457 feet for a starting point: Thence East 502 feet, thence North 249 feet, thence in a Westerly direction along the line of the road 354 feet, thence South 284 feet, thence West 133 feet, thence South 132 feet to point of beginning, containing 4 acres, more or less.

At the time and place set out in said notice, the said property was offered for sale at public auction to the highest bidder for cash, and the highest and best bidder for cash were O.W. Day and Lena Day, his wife, at the sum of TWELVE HUNDRED FIFTY and NO/100 (\$1,250.00) DOLLARS, and that said bid was fair and reasonable and should be confirmed; that the said commissioner on the 30th day of January, 1961, reported said sale to this Honorable Court, and notice thereof was given to the parties in the cause; 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 O.W. Day and Lena Day, his wife, for said property.

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 \$100.00.

It further appearing to the Court that Respondent, Burns Snyder, expended certain sums of money for repairs and taxes on said property for the benefit of the co-tenants, and that he shall be allowed a credit from the proceeds of the sale in the sum of \$250.00.

It further appearing to the Court that Mrs. Alice J. Duck, as Commissioner, sold said property and is entitled to a fee of \$ 20²⁵/₁₀₀. It further appearing to the Court that court costs incurred in this proceeding amount to \$ 72⁰⁴/₁₀₀.

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 to O.W. Day and Lena Day, his wife.

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 Burns Snyder, the sum of \$250.00; the said J. Connor Owens, Jr., Attorney at Law, the sum of \$100.00; Mrs. Alice J. Duck, as Commissioner, the sum of \$ 20²⁵/₁₀₀; and Mrs. Alice J. Duck, Register, the sum of \$ 72⁰⁴/₁₀₀ as court costs in this proceeding and the balance of the said proceeds will be distributed as follows:

LENA DAY	\$ <u>484.⁶³/₁₀₀</u>
BURNS SNYDER	\$ <u>161.⁵⁴/₁₀₀</u>
DELBERT D. SNYDER	\$ <u>161.⁵⁴/₁₀₀</u>

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

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DONE this the 21 day of February, 1961.

Robert M. Salee, Judge