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ALICE J. DUCK, CLERK  
REGISTER

CLARA BAKER,	)	
	)	IN THE
COMPLAINANT,	)	CIRCUIT COURT OF BALDWIN COUNTY,
	)	
VS.	)	ALABAMA. IN EQUITY.
	)	
MARY ANNA WILLIAMS AND	)	NO 4782
JOHN EDWARD JAMES,	)	
	)	
RESPONDENTS.	)	
	)	
	)	
	)	

MR. C. H. BRYARS, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Owen.

- Q. Is this Mr. C. H. Bryars?
- A. Yes sir.
- Q. Where do you live, Mr. Bryars?
- A. Stockton.
- Q. Do you know Clara Baker, the Complainant in this case?
- A. Yes sir.
- Q. Did you know Reuben Baker during his life time? - Her husband?
- A. All of his life.
- Q. Do you know where he lived say during the last 30 years of his life?
- A. Yes.
- Q. Where was that?
- A. He lived on a little piece of land -- Ned Baker, I believe had 40 acres of land and Reuben built a house on that particular acres of land - his father's land.
- Q. Do you know when he built that house? -- About when?
- A. Not exactly; I think they built that house about the time -- just about the time of his marriage.
- Q. In your best judgment, how long ago was that?

- A. Oh it was, I believe he married before I did and I have been married 36 years.
- Q. Did Reuben and his wife, Clara Baker, continue to live on that parcel of land until he died?
- A. Yes sir.
- Q. Did Clara Baker continue to live there for sometime after Reuben died?
- A. I remember she lived there for a while; somebody told me that she had moved; I don't know whether she lives there now or not.
- Q. Does this property join property you own?
- A. Yes sir.
- Q. You have known it for many years?
- A. Yes sir.
- Q. Is there a house situated on the property now?
- A. I don't suppose they have torn the house down; there were pecan trees and a house there, but I have not been there for some time.
- Q. If this property belonged to joint owners, could it be equitably divided among them? -- Could you give one one-fourth of the land and another one-half?
- A. I think it would be pretty hard to do, because several of the heirs have built homes there.
- Q. On this particular 20 acres of land are there any other houses there besides Clara Baker's house?
- A. I don't think so.
- Q. Do you know of anybody claiming any title to this particular 20 acres parcel of land -- Now 19 acres, or any part of it other than Clara Baker and Reuben Baker in the last 20 years?
- A. Well Johnnie Baker's wife called me up - I don't know - nearly 10 years ago wanting to sell me her interest in the estate
- (page 2)

land.

Q. In the 19 acre parcel?

A. The estate land, and I told him that I didn't know whether I would be interested or not and I saw Reuben and he said that he had a tax title to the land and had also bought some of the heirs out.

THE COURT: When was that?

WITNESS: Around 10 years ago.

Q. Is Johnnie Baker's widow dead now?

A. Yes sir.

ON CROSS EXAMINATION OF THIS WITNESS, SHE TESTIFIED:

Examination by Mr. Stone, Guardian ad Litem for John Edward James.

Q. Mr. Bryars, you spoke of Reuben owning 40 acres --

A. -- No, Ned Baker; Reuben was one of four children.

Q. Ned Baker had 40 acres?

A. Yes sir.

Q. And Reuben was one of 4 children?

A. Yes sir.

Q. Do you know whether the heirs of Ned Baker ever divided this property or agreed to divide it into 10 acre parcels?

A. I heard they did and I have a vague recollection of a survey, but to say they did, I don't know.

Q. From whom did you get your information?

A. Might have been some of them that worked for me that lived on the place - I think that is the information.

Q. There were four children and a 40 acre tract of land and each would have 10 acres?

A. Yes sir. It joined my land and I had cause to see about a corner and that's when I heard about the division.

Q.

Q. There were several houses built there?

A. Yes sir, several.

Q. How many?

A. I don't know; several torn down and rotted down.

Q. Were there four houses built?

A. As many as four.

Q. Each on separate 10 acres parcels?

A. I could not say whether Johnnie's was on 10 acres.

Q. You referred to it as Reuben's piece, and Johnnie's piece and the other children's piece?

A. I never referred to it as that; I referred to it as Ned Baker's land.

Q. Did you ever hear them refer to it as Reuben's piece, Johnnie's piece, etc?

A. Reuben told me he bought it in at tax title and said he owned a half interest.

Q. That was Reuben that told you that?

A. Yes sir.

Q. When was that?

A. Way back; he told me about it when I asked him about Johnnie's wife having an interest in it.

Q. Do you know who the children of Ned Baker were?

A. Yes sir.

Q. Who were they?

A. He had one daughter named Jennie V --

Q. What was her last name?

A. She married a Williamss - Martin Williams.

Q. Who else?

A. Johnnie Baker.

Q. Who else?

A. Jim Baker and Reuben Baker.

Q. Now is Ned Baker's wife still living?

A. She has been dead many years.

Q. Do you know whether Ned had a will?

A. No, I do not know.

Q. When did Ned die?

A. I don't know; I expect he has been dead close to 30 years.

Q. Now is Jennie still living?

A. No.

Q. Do you know her children?

A. Yes sir.

Q. Who are they?

A. She married Martin Williams and I believe one was named Little Martin -- they moved off - I would know them if I heard their names called, but they have been away so long that I just don't remember.

Q. Is Junior Williams a son of Jennie?

A. Yes sir, he was the oldest one.

Q. Elouise Stevens - is she a daughter of Jennie?

A. Yes, I know she is.

Q. Elouise, Martin and Junior - that's three - What about Closelle Smith?

a. She was one; she wasn't Martin's daughter, but Jennie's daughter - I could be mistaken.

Q. How about Johnnie, is he living? -- Johnnie Baker, Ned's son?

A. No he has been dead.

Q. Did he die around 1930 or 1933?

A. I don't know; Jim was working for me when he died; he died about '27, I think.

Q. Do you think Johnnie died after Jim?

A. I think Johnnie died first.

Q. Tell me this: Is Jennie's husband still living? Martin?

A. Yes, Martin Williams is still living.

Q. But Jennie is dead?

A. Yes sir.

Q. All right, Johnnie Baker, do you know who his children were?

A. I would not say all of them, no.

Q. How about James Baker, was he a son?

A. No he was Jim's son.

Q. Was Mary Anna Williams a daughter of Johnnie?

A. I am not sure; I wouldn't say positively; there were two or three girls --

Q. Do you know Jim's children?

A. I know most of them--

Q. Jim is dead?

A. Yes sir.

Q. Is his wife living?

A. No.

Q. James R. Baker is a son and living in Stockton?

A. Yes sir, he lives on the old place.

Q. Do you remember a daughter named Menerva York?

A. I believe that is her name.

Q. Flora Lee?

A. I know her.

Q. Flora Lee and Menerva were daughters of Jim Baker?

A. Yes sir, I know they were his daughters.

Q. That is Flora Lee Earle -- Do you know her married name?

A. No sir -- one of them married a York.

Q. Menerva York?

A. Yes sir.

Q. Do you know Ocie Fields?

A. That is one of Jim Baker's daughters.

Q. So he had three daughters and one son?

A. I know Flora and Ocie Lee are his daughter, but Menerva, I don't know.

Q. If her name was Menerva York you would say that was also a daughter?

A. Yes sir.

Q. You don't know Mary Anna Williams, do you?

A. I would not recognize her today; I used to know them all.

Q. Do you know John Edward James?

A. No, I don't know whether I ever knew him or not.

Q. Did you know Lucille James?

A. I believe that was Johnnie's wife, wasn't it? I believe her name was Lucille.

Q. Wasn't Lucille a daughter of Johnnie Baker?

A. She could be; I am not sure; I used to see them and know them; I knew his wife when married; she was Charlie White-man's daughter.

Q. Did Reuben have any children?

A. None.

Q. His widow is Clara Baker, who is here this morning?

A. Yes sir.

Q. Now what type land is this 40 acres, Mr. Bryars?

A. The old <sup>1/2</sup>Ed Baker Tract?

Q. Yes.

A. Sandy land - I guess a part of it is suitable for cultivation; there is a pond and a field and on the back side it is rough land.

Q. Cleared?

A. The back side couldn't be cleared.

Q. How many acres are cleared?

A. Must have been in time around 20 acres.

Q. That was in and around -- You say there is a bottom or hollow there and rough land on the other side?

A. I believe that is right; there was an old field there before Ned Baker ever moved there.

MR. OWENS: I want to introduce as Complainants' Exhibit 1 the Deed from Jennie V. Williams, Martin Williams, her husband, James R. Baker, and Annie M. Baker, his wife; Manervia York and Walter York, her husband, Flora Lee Powell and Harry Powell, her husband, Ocie Fields and John M. Fields, her husband, to Reuben Baker, which deed is dated the 24th day of July, 1947 and recorded in Deed Book 135 N. S. pages 303-305, Baldwin County, Alabama Records, as Complainant's exhibit 1.

CLARA BAKER, THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED

Examination by Mr. Owen.

Q. Is this Clara Baker?

A. Yes sir.

Q. Are you the widow of Reuben Baker?

A. I am.

Q. When did he die?

A. May 29, 1958.

MR. OWEN: We introduce, as Complainant's Exhibit 2, amended Report of the Commissioners in the estate of Reuben Baker, deceased, and decree confirming report of commissioners, which is Dated February 17, 1959, setting aside this property as a homestead --



THE COURT: This particular property -- 19 acres?

MR. OWEN: Yes.

MR. STONE: We object, because it has not been proven that Reuben Baker owned the fee simple title to that land; he only owned an undivided 3/4 interest at the time of his death and that the decree is void and of no force and effect.

Q. Clara, how long have you known this property that is described in this complaint here?

A. I married in 1918 - since then.

Q. Where did you live right after you got married?

A. I lived with his mother.

Q. Was that on this property?

A. Yes sir.

Q. Did you and Reuben Baker build a dwelling house on this particular property?

A. Yes sir, we did.

Q. When did you do that?

A. Lawyer Owen, I could not tell you the date.

Q. In your best judgment about how long ago?

A. I guess 39 or 40 years ago.

Q. Did you live on that property until Reuben Baker died?

A. Yes sir.

Q. Did Reuben Baker claim to own this property during his lifetime?

A. Yes sir.

Q. Did he assess it and pay taxes on it?

A. Yes sir; he paid taxes on it as long as he lived and after his mother died.

Q. When did his mother die?

A. March 17, 1934.

Q. And after that time did the children of Ned Baker partition or divide this 40 acres parcel among themselves?

A. After ~~Myxxxxxxx~~ Miss Lou Baker died, well Reuben paid on the place - this 20 acres, well after Johnnie died - he didn't pay taxes and his wife didn't and Reuben, he kept up the taxes until he died and after he died I have been keeping them up myself.

Q. When did Johnnie Baker die?

A. December 3, 1934.

Q. Johnnie Baker?

A. Yes sir.

Q. And Did Reuben Baker then claim the property that is described in this complaint until he died?

A. Yes sir.

Q. Did he later get a deed from some of the heirs to this property in 1947?

A. He went to Mr. Crosby; it was a tax sale and Mr. Dougal Crosby bought it in and he got it from Mr. Crosby.

Q. Did he get a deed from him?

A. Mr. Dougal Crosby?

Q. Yes?

A. It seems like he did.

Q. After Reuben Baker died, did you continue in possession of this property?

A. Yes sir.

Q. For the last 20 years did you and Reuben Baker claim to own this property, and were you in the actual possession of it, claiming to own it, and paying taxes on it for the last 20 years?

A. Yes sir.

Q. Has any other person made any claim to this property or any part of it other than you and Reuben Baker in the last 20 years?

A. Not that I know of.

Q. Has anybody had any possession of the property other than you and Reuben Baker in the last 20 years?

A. No sir.

Q. Anybody lived on it?

A. No sir.

Q. Anybody cultivated or lived on it other than you and Reuben Baker for over 20 years?

A. No sir.

Q. You all claimed to own this property as your own property?

A. Yes sir.

Q. Do you know John Edward James, do you not?

A. Yes sir.

Q. When was the last time you saw him?

A. Directly after Reuben died; they wrote for him and he came home.

Q. Did he come home at that time?

A. Yes sir.

Q. Was he making any claim to any of that property at that time?

A. Yes sir, he came and asked me about it.

Q. What did you tell him?

A. "I don't see how you could claim anything; you had not paid no taxes on it; his mother paid and I been paying"

Q. Before that how long had it been since you saw him?

A. I don't know.

Q. Was he here any time during the 1940's?

A. I don't remember.

Q. Was he here any time during the 1930's, if you remember?

A. I don't remember.

Q. How old is he?

A. My recollection, John Edward ought to be 30, 35 or 40 years old.

Q. How old is Mary Annie Williams?

A. 40 or 42.

ON CROSS EXAMINATION OF THIS WITNESS, SHE TESTIFIED AS FOLLOWS

Examination by Mr. Stone, Guardian Ad Litem.

Q. Clara, in 1947 Reuben knew that he didn't own this land, didn't he?

A. '47?

Q. Yes, when you got the deed from the other folks?

A. I don't know; I asked him and he said they ain't paid no taxes and he bought it in so I didn't know.

Q. Reuben did go get a deed from the other heirs of Ned Baker, except Mary Annie and John Edward?

A. They had the land run off after his sister's health began to get bad; she wanted her part.

Q. Who is his sister?

A. Jennie V Williams; she wanted her land run off, so the children would know their homestead and he did and all of them got a deed.

Q. Did Reuben give Jennie V. a deed to her 10 acres?

A. Yes sir.

Q. Did Reuben give Jim Baker a deed?

A. Yes sir.

Q. And they gave a deed back to Reuben for his 10 acres?

A. Yes sir.

Q. Did Reuben give Johnnie Baker's children a deed?

- A. No sir, Reuben had a deed for the whole thing; he had sold one acre.
- Q. Did Johnnie Baker's heirs give Reuben a deed?
- A. No sir.
- Q. There was 40 acres?
- A. Yes sir.
- Q. And 4 children?
- A. Yes sir.
- Q. Is the house on the Johnnie Baker or the Reuben Baker 20?
- A. Reuben Baker's.
- Q. Who lives on the Johnnie Baker's 20?
- A. Nobody.
- Q. This place where you and Reuben lived is the 20 acres he was supposed to get?
- A. 10 acres he was supposed to get from his daddy--
- Q. The 10 acres that he got from his Daddy's estate?
- A. Yes sir.
- Q. He got his 10 acres and he gave a deed to Jim Baker's children for their 10 acres?
- A. Yes sir.
- Q. And he gave a deed to Jennie V. Williams and Martin for their 10 acres?
- A. Yes sir.
- Q. He didn't give one to Johnnie Baker?
- A. No sir, they was never here.
- Q. Did Johnnie Baker's children ever give Reuben Baker a deed?
- A. No sir.

Q. To your knowledge, Reuben never gave them a deed?

A. No sir.

Q. In 1949, some 14 years ago is when they gave the deeds?

A. Yes sir.

Q. In 1958 John Edward was here and told you that he still claimed an interest in Ned Baker's land?

A. He wanted to know did he, and I said: "How could you when you ain't paid no taxes"

Q. He indicated to you that he owned an interest in the lands?

A. Yes sir.

Q That was in 1958?

A I don't know.

Q. You said he came here right after Reuben died?

A. Yes sir, we -- when they wrote him.

Q That was right along in that time?

A. When they set the trial the first time.

Q. Now to your knowledge, Clara, did Reuben ever notify John Edward James that he was claiming this 10 acres as his own?

A. No, she his mother was living.

Q. Did he ever tell John Edward James' mother, or did he ever tell Johnnie Baker, that he was claiming this 10 acres and he didn't have any interest?

A. He couldn't tell him --

Q. Did Johnnie die before Reuben?

A Yes sir.

Q. Did he ever tell the children?

A. Yes sir.

Q Wheh?

- A. I don't know, but they knowed it; they knowed they had some land, but made no effort to do anything about it.
- Q. They knew they had some land?
- A. Yes sir.
- Q. Johnnie Baker died before Reuben?
- A. Yes sir.
- Q. You testified that he died in 1937, didn't you?
- A. Johnnie died December 3, 1934.
- Q. Was his wife living when he died?
- A. Sure.
- Q. What was her name?
- A. Bessie Baker.
- Q. Is she living or dead now?
- A. She is dead; she married again after Johnnie died.
- Q. She is dead now?
- A. Yes sir.
- Q. Now how many children did Johnnie have?
- A. Two .
- Q. Who were they?
- A. Mary Anna Williams and Lucille James.
- Q. Mary Anna Williams and Lucille James?
- A. Yes sir.
- Q. Is Mary Anna Williams living?
- A. Yes sir, the last time I heard from her she was living.
- Q. Is Lucille James Living?
- A. No sir.
- Q. When did she die?
- A. She died before Reuben.
- Q. She died before her uncle died?
- A. Yes sir.
- Q. She died before 1958?

A. Yes sir.

Q Is her husband still living?

A. No sir.

Q. When did he die?

A. A long time before my husband died.

Q. Died before Lucille?

A. Yes sir.

Q Now how many children did Lucille have?

A. One.

Q. Who was that?

A John Edward James.

Q. One child, John Edward James?

A. Yes sir.

Q. That is the one in military service that we have been talking about?

A. That is him.

EXAMINATION BY THE COURT:

Q. Clara, when did you first move on this land?

A. 1918. I married Reuben on November 18, 1918.

Q. During the war?

A. Yes sir.

Q. Did you move on this land?

A. Yes sir.

Q. You have lived there ever since?

A Yes sir, until he died.

Q. You are not living there now?

A. No sir.

Q You were living there at the time this land was set aside as a homestead?

A. Yes sir.

Q When was that?



A. February 17, 1959.

Q. Who is living there now?

A. No one.

Q. Who is in possession of the land?

A. I am.

Q. What are you doing with it?

A. Nothing but paying the taxes.

EXAMINATION BY MR. STONE:

Q. Do you farm it?

A. Jennie V's son, he had some children and he asked did ~~him~~  
I mind him farming it and I told him I didn't if they kept  
it up.

Q. Who is that?

A. Martin Williams.

ON RE-DIRECT EXAMINATION BY MR. OWEN:

Q. There are no other suits pending to test the title to this  
property, is there?

A. That is all.

LESLIE SMITH, BEING FIRST DULY SWORN, TESTIFIED FOR THE COMPLAINANT  
AS FOLLOWS:

Examination by Mr. Owen.

Q. Is this Leslie Smith?

A. Yes sir.

Q. You're a brother of Clara Baker?

A. Yes sir.

Q. Do you know where the property is that is described in this  
complaint?

A. Yes sir.

Q. How long have you know this property?

A. I have been knowing that since my sister married.

Q. And do you know whether or not your sister, Clara, and Reuben Baker, ever lived on this property?

A. Yes sir.

Q. Do you know when they moved on it?

A. Yes sir.

Q. About when was that, in your best knowledge?

A. Fer as I know about 15 or 18 years ago.

Q. Was it right after she got married?

A. Yes sir, I remember when he came out of service, they married.

Q. How long did they live there?

A. All of their days.

Q. Does Clara still live there?

A. No sir.

Q. When did she move away?

A. I don't know exactly when.

Q. Two or three years ago?

A. I don't know whether it has been that long or not.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED AS FOLLOWS:

Examination by Mr. Stone.

Q. Leslie, was the house torn down that she lived in?

A. What house?

Q. The house Reuben and Clara lived in?

A. When she moved from there she tore the house down.

Q. No house on the property now?

A. No sir.

Q. Did Jennie have a house there?

A. Yes sir.

Q. It was on this same piece that Ned Baker used to own?

A. Yes sir, it is there.

- Q. Did Jim Baker or his children have a house there?
- A. I remember when Jim Baker had a house on the property, but it burnt down.
- Q. Whose house burned down?
- A. Johnnie's house burnt down.
- Q. Was Johnnie living in it at the time?
- A. No sir.
- Q. His house was on another 10 acres out there, wasn't it?
- A. That same tract -- the same 40 acres.
- Q. Did Jim Baker have a house there?
- A. Yes sir.
- Q. Is his house still there?
- A. It is still there
- Q. Who is living in that house?
- A. James Austin.
- Q. It is on this 40 acres that Ned Baker owned?
- A. Yes sir.
- Q. This house that Reuben and your sister, Clara, lived in was on the 40 acres that Ned Baker owned?
- A. Yes sir.
-

C E R T I F I C A T E

I hereby certify that the foregoing is a true and correct transcript of the testimony taken by me in open Court, in the above styled cause.

This 12th day of December, 1961.

Louise D. [Signature]  
Court Reporter

STATE OF ALABAMA )  
COUNTY OF BALDWIN)

*Com Exp*

THIS INSTRUMENT executed this 24 day of August  
1947, by the heirs of Ned Baker, deceased, WITNESSETH:

That at the time of his death said Ned Baker owned the following described property: From the Southeast corner of the Joseph Stiggins Grant, Section 45, T 1 N-R 2 E, run South 8 1/2 deg. 10' West, 2196 ft. for a point of beginning; thence North 1230 ft; thence West 1337.4 ft; thence South 1366.8 ft; thence North 8 1/2 deg. 10' East 1344 ft. to the point of beginning, containing 40 acres more or less and lying in Joseph Stiggins Grant, Section 45, T 1 N-R 2 E, Baldwin County, Alabama, and left surviving him one son, Reuben Baker, one daughter, Jennie V. Williams, four grandchildren, James R. Baker, Manervia L. York, Flora Lee Powell, and Ocie Fields, heirs of James Baker, deceased, who then were and still are all of his heirs; and

WHEREAS, such heirs desire to vest a portion of the property to Reuben Baker.

NOW, THEREFORE, in consideration of the premises and One Dollar (\$1.00) in hand paid by the grantee to the grantors and other and sufficient valuable considerations, the receipt whereof is hereby acknowledged, the said grantors Jennie V. Williams and Martin Williams, her husband, James R. Baker and Annie M. Baker, his wife, Manervia L. York and Walter York, her husband, Flora Lee Powell and Harry Powell, her husband, Ocie Fields and John M. Fields, her husband, hereby remise, release, and forever quit claim unto Reuben Baker, the following described property:

From the Southeast corner of the Joseph Stiggins Grant, Section 45, T 1 N-R 2 E, run S 8 1/2 deg. 10' W, 2196 ft. and North 250 ft. for a point of beginning; thence North 653.2 ft; thence West 1337.4 ft; thence South 653.2 ft; thence East 1337.4 ft. to the point of beginning, containing 20 acres more or less and lying in Joseph Stiggins Grant, Section 45, T 1 N-R 2 E, Baldwin County, Alabama.

TO HAVE AND TO HOLD unto the said Reuben Baker,  
his heirs and assigns forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals  
on the day and year first above mentioned.

Jennie V. Williams (SEAL)  
JENNIE V. WILLIAMS

Martin Williams (SEAL)  
MARTIN WILLIAMS

James R. Baker (SEAL)  
JAMES R. BAKER

Annie M. Baker (SEAL)  
ANNIE M. BAKER

Manervia L. York (SEAL)  
MANERVIA L. YORK

Walter York (SEAL)  
WALTER YORK

Flora Lee Powell (SEAL)  
FLORA LEE POWELL

HARRY POWELL (SEAL)  
HARRY POWELL

Ocie Fields (SEAL)  
OCIE FIELDS

John K. Fields (SEAL)  
JOHN K. FIELDS

STATE OF ALABAMA )

COUNTY OF BALDWIN)

I, Bessie McMillan, a Notary Public in and for said State and County, hereby certify, that Jennie V. Williams, Martin Williams, James R. Baker, Annie M. Baker, Manervia L. York, Walter York, Flora Lee Powell, Harry Powell, Cecil Fields, and John M. Fields, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 21 day of

July, 1917.

Bessie McMillan  
Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA, BALDWIN COUNTY  
Filed Oct. 14 1917 9:30 AM

Recorded \_\_\_\_\_ book \_\_\_\_\_  
and I certify that the following Deed Tax  
has been paid.

Deed Tax \_\_\_\_\_

Mortgage Tax \_\_\_\_\_

W. H. H. H. H.  
Judge of Probate  
By L. L. L.

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 Three photostatic pages  
contain a full, true and complete copy of the Deed from heirs of Ned Baker to  
Reuben Baker,

as the same appears of record in my office.

Given under my hand and seal of office, this 13th day of November, 1961.

W R Stuart  
Judge of Probate  
By: Nancy M. Dole Chief Clerk



*Amended*

ESTATE OF ) IN THE PROBATE COURT OF  
REUBEN BAKER, )  
Deceased, ) BALDWIN COUNTY, ALABAMA  
)

AMENDED REPORT OF COMMISSIONERS:

Now comes the commissioners heretofore appointed in this cause and amend their report heretofore filed in this cause on the 16<sup>th</sup> day of October, 1958, so that as amended the said report will read as follows:

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

The undersigned, who were heretofore appointed commissioners by your Honor to make a full and complete inventory and appraisal of the real and personal property owned by the said Reuben Baker, Deceased, at the time of his death, after having been duly sworn as directed by law, beg to report the following is a full and complete inventory and appraisal of all of the real and personal property owned by said decedent at the time of his death, to-wit:

The following described real property situated in Baldwin County, Alabama, to-wit:

From the Southeast corner of the Joseph Stiggins Grant, Section 45, Township 1 North, Range 2 East, run South 84 degrees 10 minutes West 2198 feet and North 250 feet for a point of beginning; thence North 653.2 feet; thence West 1337.4 feet; thence South 653.2 feet; thence East 1337.4 feet to the point of beginning, containing 20 acres, more or less, and lying in Joseph Stiggins Grant, Section 45, Township 1 North, Range 2 East, EXCEPTING THEREFROM, a parcel of land 205 feet square in the Northeast corner thereof.

We further report that said real and personal property does not exceed in value \$6,000.00, nor in area 160 acres, and finding that said property owned by said decedent does not exceed in value or area the exemptions allowed by law, we, as directed by your Honor, have set apart as exempt to Clara Baker, the widow, all of the property above set out and described, absolutely and in fee simple.

*H. C. McLean*

*C. M. Coghlan*

Sworn to and subscribed before me

on this the 30<sup>th</sup> day of December  
1958.

*Harry M. D. Oliver*

Notary Public, Baldwin County, Ala.

*[Faint handwritten text]*

*C. S. Coghlan*

10  
not  
71

Sworn to and subscribed before  
me on this the 30<sup>th</sup> day of  
December, 1958.

*Harry M. Delue*  
Notary Public, Baldwin County, Alabama.

ESTATE OF  
REUBEN BAKER,  
Deceased.

IN THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA

DECREE CONFIRMING REPORT

This being the day set for hearing the report of E. C. McGowan and Maynard Coghlan, commissioners heretofore appointed by the court to set apart the exemptions of personal property and a homestead to Clara Smith Baker, the widow of said decedent, and it appearing that more than thirty days have elapsed since the filing of the report of the commissioners in this matter in this court and it further appearing to the satisfaction of the court that the said commissioners acted with fairness, and that the exemptions of personal property and homestead are not excessive, and it appearing to the court from the answer heretofore filed in this cause by Mary Anna Williams, and the evidence before the court that the said report of the commissioners should be confirmed; it is therefore ORDERED, ADJUDGED AND DECREED by the Court that said report be, and the same is hereby, confirmed.

It further appearing to the court that the property set apart by the commissioners aforesaid is all of the property owned by said decedent at the time of his death, and is less than is allowed her as exempt under the laws of Alabama, it is further ORDERED, ADJUDGED AND DECREED by the Court that the title to said property, real and personal, shall vest in said widow in fee simple absolutely.

ORDERED, ADJUDGED AND DECREED on this the 17th day of February, 1959.

  
\_\_\_\_\_  
Probate Judge.

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 Three photostatic pages

contain a full, true and complete copy of the Amended Report of Commissioners and

Decree confirming report, all in the matter of the

Estate of Reuben Baker, Deceased,

as the same appears of record in my office.

Given under my hand and seal of office, this 13th day of November, 19 61.

W R Stuart  
Judge of Probate  
By: Harry M. D. D. D. D. Chief Clerk

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,  
Baldwin County.

}

Circuit Court, Baldwin County

No. 4782

----- TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon Mary Ann Williams and John Edward Jones

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 -----

Mary Ann Williams and John Edward Jones -----, Defendant-----

by Clara Baker -----

-----, Plaintiff-----

Witness my hand this 30 ----- day of Nov ----- 1959

Alvin Duck -----, Clerk

**STATE of ALABAMA**  
Baldwin County

**CIRCUIT COURT**

Plaintiffs

vs.

Defendants

**Summons and Complaint**

Filed \_\_\_\_\_ 19\_\_\_\_

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

\_\_\_\_\_, 19\_\_\_\_

Sheriff,

I have executed this summons

this \_\_\_\_\_ 19\_\_\_\_

by leaving a copy with

Sheriff,

Deputy Sheriff.

CLARA BAKER,		
		IN THE CIRCUIT COURT OF
Complainant,		
		BALDWIN COUNTY, ALABAMA
vs.		
MARY ANNA WILLIAMS and		
JOHN EDWARD JONES,		IN EQUITY.
Respondents.		

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

Your Complainant, Clara Baker, files this, her Bill of Complaint, against Mary Anna Williams and John Edward Jones, and respectfully shows unto the Court and your Honor as follows:

1. Your Complainant is over the age of twenty-one years and a bona fide resident citizen of Baldwin County, Alabama.

The Respondent Mary Anna Williams is over the age of twenty-one years, a non-resident of the State of Alabama, and her place of residence is Detroit, Michigan.

The Respondent, John Edward Jones, is over the age of twenty-one years, a non-resident of the State of Alabama, and his address and place of residence is unknown.

Complainant avers that she has made reasonable efforts to ascertain the post office addresses of each of the two Respondents and has been unable to obtain these addresses but that she will furnish them after they are obtained.

2. Your Complainant is the owner of the following tract of land which is situated in Baldwin County, Alabama, to--wit:

From the Southeast corner of the Joseph Stiggins Grant, Section 45, Township 1 North, Range 2 East, run South 84 degrees 10 minutes West 2196 feet and North 250 feet for a point or place of beginning; run thence North 653.2 feet to a point; run thence West 1337.4 feet to a point; run thence South 653.2 feet to a point; run thence East 1337.4 feet to the point or place of beginning, containing 20 acres, more or less, and lying in Joseph Stiggins Grant Section 45, Township 1 North, Range 2 East, EXCEPTING THEREFROM, a parcel of land 205 feet square in the Northeast corner thereof.

3. That the said Respondents claim or are reputed to claim some right, title, interest in or encumbrance upon the above described property.

4. No suit is pending to enforce or test the validity of such title, claim or encumbrance.

5. That if the Respondents do own any title or have any right to any of the above described property, it is impossible to equitably divide the said property among the various owners thereof.

WHEREFORE, Complainant prays that the process of this court will issue to Mary Anna Williams and John Edward Jones, as required by law, requiring each of said respondents to appear and plead, answer or demur to this Bill of Complaint within the time required by law, or in default thereof, a decree pro confesso be rendered against them.

Complainant further prays that on a hearing of this cause, that the said Respondents be required to set forth and specify their title, claim, interest in or encumbrance upon said lands and how and by what instrument the same is derived and created; that your Honor will by decree determine such title, claim, interest in or encumbrance and will, by said decree, vest the title to the above described lands in your Complainant; that if this Honorable Court should determine that the Respondents own an interest in the above described property, then that the court determine the interest of each of the said parties, and that an order be entered showing that said property cannot be divided among the several owners and ordering said property to be sold by the Register of this court and that following said sale, a confirmation be made by this court, if proper, and conveyance issued to the purchaser, and the proceeds of said sale be applied to the payment of a reasonable solicitor's fee for Complainant's solicitor as a proper charge against the proceeds of said sale, derived from the work on behalf of all owners, that a reasonable charge be allowed as a part of the costs of the court and after the payment of the proper costs of court and other charges, the proceeds be divided among the several owners in accordance with the shares and interest established by the pleading and evidence. Complainant further prays for such other or further relief be granted to the Complainant as may be just and proper, the premises considered.



STATE OF ALABAMA    )  
                          \*  
BALDWIN COUNTY        )

Before me, the undersigned authority, personally appeared Clara Baker, who is known to me, and who by me being first duly and legally sworn, deposes and says: That she is the Complainant in the above styled cause, that she has read over the above Bill of Complaint, knows the contents thereof, and that the statement of facts contained therein are true.

Clara Baker  
Complainant.

Sworn to and subscribed before  
me on this the 30th day of  
November, 1959.

Alice L. Miller  
Notary Public, Baldwin County, Ala.

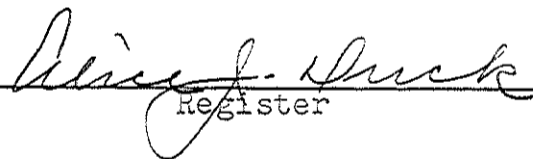
CLARA BAKER,	)	
	)	
Complainant,	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
VS.	)	
	)	IN EQUITY NO. 4782
MARY ANNA WILLIAMS and JOHN	)	
EDWARD JONES,	)	
	)	
Respondents.	)	

ORDER OF PUBLICATION

In this cause, it appearing to the Register from the affidavit of Clara Baker, the Complainant, that the residence and post office address of the Respondent, John Edward Jones, are unknown and further that in the belief of said affidavit, said Respondent, John Edward Jones, is over the age of twenty-one years:

It is, therefore, ordered by the Register that publication be made once a week for four consecutive weeks, in the Baldwin Times, a newspaper published in Baldwin County, Alabama, requiring the said John Edward Jones to plead, answer or demur to the Bill of Complaint in this cause by the 10th day of April, 1961, or, in default thereof, thirty days thereafter a decree pro confesso may be taken against said Respondent.

ORDERED this 7 day of March, 1961.

  
 \_\_\_\_\_  
 Register

James R. Owen,  
 Solicitor For Complainant

CLARA BAKER,

Complainant,

VS.

MARY ANNA WILLIAMS and JOHN  
EDWARD JONES,

Respondents.

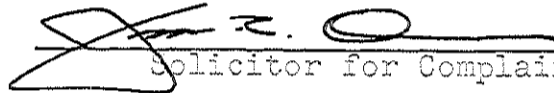
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4782

AMENDMENT TO BILL OF COMPLAINT

Now comes the Complainant, by her Solicitor, and shows unto the Court that since the commencement of this suit she has ascertained that the address of the Respondent, John E. James is Building 2340, Apartment E, Fort Eustis, Virginia.

  
Solicitor for Complainant

FILED

MAR 30 1961

ALICE J. DUCK, Register

*mailed 3-30-61*



CLARA BAKER,

Complainant,

vs.

MARY ANNA WILLIAMS and JOHN EDWARD JAMES,

Respondents.

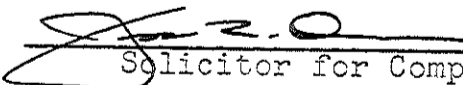
)  
) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA  
) IN EQUITY NO. 4782  
)

MOTION FOR DECREE PRO CONFESSO

Now comes the Complainant in the above styled cause and shows unto the Register that a summons directed to the Respondents, Mary Anna Williams and John Edward James, together with a copy of the bill of complaint in this cause was issued and forwarded by registered mail to said Respondents at their place of residence, as shown by the bill of complaint and the amendment thereto. The postage on said letters was prepaid and the same marked "For delivery only to the person to whom addressed", and return receipt demanded. Said demanded return receipt bearing the signature, Mary Williams, was duly received and filed for record in this cause on the 18th day of February, 1960, and another said demanded return receipt bearing the signature, John E. James, was duly received and filed for record in this cause on the 6th day of April, 1961, and the said Respondents have to the date hereof failed to plead, answer or demur to the bill of complaint, all of which appears of record in this cause.

WHEREFORE, Complainant moves that a decree pro confesso be entered against each of the said Respondents.

DATED this 28<sup>th</sup> day of June, 1961.

  
Solicitor for Complainant

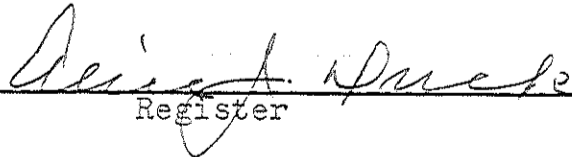
FILED  
JUN 28 1961  
ALICE J. DUCK, CLERK REGISTER

CLARA BAKER,	)	
	)	
Complainant,	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
VS.	)	
	)	IN EQUITY
MARY ANNA WILLIAMS and JOHN	)	NO. 4782
EDWARD JAMES,	)	
	)	
Respondents.	)	

DECREE PRO CONFESSO

In this cause, it being made to appear to the Court by the allegations of the bill of complaint and the amendments thereto, that the Respondents are nonresidents of the State of Alabama and that a copy of the original bill of complaint in this cause, together with a summons to answer said bill within thirty days from the service thereof, was issued and forwarded by registered mail to the said Respondents at their places of residence as shown by the bill of complaint and the amendment thereto and that the said Respondent, Mary Ann Williams, received the same in person on the 15th day of February, 1960, as shown by the return receipt received and filed in this cause on the 18th day of February, 1960, and that the Respondent, John Edward James, received the same in person on the 3rd day of April, 1961, as shown by the return receipt received and filed in this cause on the 6th day of April, 1961, and the Respondents having failed to plead, answer or demur to the bill of complaint to the date hereof; it is now, therefore, on motion of Complainant's solicitor, ordered and decreed that the said bill of complaint in this cause be, and it hereby is, in all things taken as confessed against the said Respondents and each of them.

WITNESS my hand this 28 day of June, 1961.

  
 Register

CLARA BAKER,  
 Complainant,  
 VS.  
 MARY ANNA WILLIAMS and JOHN  
 EDWARD JAMES,  
 Respondents.

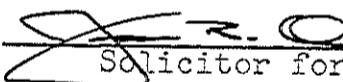
)  
 )  
 ) IN THE CIRCUIT COURT OF  
 ) BALDWIN COUNTY, ALABAMA  
 )  
 ) IN EQUITY NO. 4782  
 )  
 )

MOTION

Now comes the Complainant, by her Solicitor, and shows unto the Court that each of the Respondents named in the bill of complaint filed in this cause have suffered a decree pro confesso to be taken against them.

WHEREFORE, Complainant prays that the Court will make and enter a proper order or decree setting this cause for hearing, appointing a guardian ad litem to represent the Respondent, John Edward James, who is in the Military Service of the United States, and prescribing the method of taking the testimony in this cause.

DATED this 28<sup>th</sup> day of June, 1961.

  
 Solicitor for Complainant

*Filed  
 6-28-61  
 Circuit Clerk  
 Regular*

CLARA BAKER,	)	
	)	
Complainant,	)	IN THE
	)	
VS.	)	CIRCUIT COURT OF BALDWIN COUNTY
	)	
MARY ANNA WILLIAMS AND	)	ALABAMA. IN EQUITY
JOHN EDWARD JAMES,	)	
	)	NO. 4782
Respondents.	)	
	)	
	)	

A N S W E R

Comes now Norborne C. Stone, Jr., a Guardian ad Litem for John Edward James, one of the Respondents in the above styled cause, and without waiving any rights to which said Respondent might be entitled under the Soldier's and Sailor's Civil Relief Act, for answer to the bill of complaint heretofore filed against said Respondent says, separately and severally as follows:

1. That he denies all of the allegations of said bill of complaint as amended, and demands strict proof thereof.
2. For further answer to said amended bill of complaint Norborne C. Stone, Jr. as Guardian ad Litem aforesaid, alleges that at the time of his death Reuben Baker was the owner of an undivided three-fourths interest in and to the property described in paragraph two of the amended bill of complaint, having acquired an undivided one-fourth interest therein under the laws of descent and distribution from his father, Ned Baker, deceased, and an undivided one-half interest therein under and by virtue of that certain deed dated July 14, 1947, from Jennie Williams, et al, which deed is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 135 N. S. page 303; that Mary Anna Williams is now the owner of an undivided one-eighth interest in said property, having acquired said interest under the laws of descent

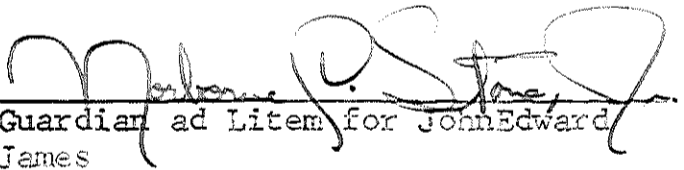
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and distribution from her father, Ned Baker; that John Edward James is now the owner of an undivided one-eighth interest in said property as the only child of Lucille James, deceased, who was a sister of the said Mary Anna Williams, and a daughter of the said Johnnie Baker; that the said Reuben Baker, Mary Anna Williams and John Edward James, were, at the time of the death of Reuben Baker, on May 29, 1958, joint owners and tenants in common of the property described in the amended bill of complaint.

WHEREFORE, Norborne C. Stone, Jr., as Guardian ad Litem for John Edward James, prays that this answer be taken as a cross bill and that the title to said property be decreed to be in John Edward James and Mary Anna Williams and the heirs at law and next of kin of Reuben Baker, deceased as tenants in common.

Respectfully submitted,

  
Guardian ad Litem for John Edward  
James

FILED  
DEC 14 1961  
ALICE J. DUCK, CLERK  
REGISTER

139-B