SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

No. 4828

Circuit Court, Baldwin County

_____ TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Riley Johnson & Minnie Joiner - Bay Minette Lucille Callaway; Reatha Quinley; Mittie Campbell; Georgia Mae Emanuel; Mack Johnson; Mrs. Martha Johnson; Hestle Johnson; & Marie Johnson- Rt. 1- Bay Minette Medrick Johnson - Rt. 2 - Daphne & Howard Henderson -Rt. 1, Box 56, Lake Park, Ga.

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

Riley Johnson, et als, Defendant

by Manford Johnson

_____, Plaintiff

Witness my hand this 26 day of January 1960

Alice J. Clark, Clerk

76

No. 4828 Page

The State of Alabama
Baldwin County

CIRCUIT COURT

MANFORD JOHNSON

Plaintiffs

vs.

RILEY JOHNSON, et als

Defendants

Summons and Complaint

Filed January 25, 1960

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

1/26 19 60

, Sheriff

I have executed this summons

this 19

by leaving a copy with

Riley Johnson 1-27-60
Minnie Johnson 1-29-60
Lucille Calloway 1-29-60
Lucille Quinly 1-29-60
Nettie Campbell 1-29-60
Georgia Mae Comerie 1-29-60
Mack Johnson 1-29-60
Martha Johnson 1-29-60
Vestle Johnson 1-29-60
Marie Johnson 1-29-60
Mydrick Johnson 1-29-60

Taylor Wilkins Sheriff

W. A. Tolbert Deputy Sheriff

Sheriff claims 128 miles at 80

Ten Cents per mile Total $ 12.

TAYLOR WILKINS, Sheriff

BY Tolbert

DEPUTY SHERIFF

MANFORD JOHNSON,	X	
COMPLAINANT	X	
VS	X	
RILEY JOHNSON, MINNIE JOINER, LUCILLE CALLAWAY, MARIE JOHNSON, REATHA QUINLEY, MITTIE CAMPBELL, GEORGIA MAE EMANUEL, MACK JOHNSON, MRS. MARTHA JOHNSON, MEDRICK JOHNSON, HESTLE JOHNSON, HOWARD HENDERSON	X	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. 4828
RESPONDENTS	X	

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

Comes the Complainant, Manford Johnson, by his Solicitors, and respectfully represents and shows unto Your Honor and unto this Honorable Court as follows:

FIRST

That the Complainant is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama. The Respondents are each over the age of twenty-one years. The Respondents, Riley Johnson and Minnie Joiner reside in Bay Minette, Baldwin County, Alabama, and the Respondents, Lucille Callaway, Reatha Quinley, Mittie Campbell, Georgia Mae Emanuel, Mack Johnson, Mrs. Martha Johnson and Hestle Johnson and Marie Johnson all on Route 1, Bay Minette, Baldwin County, Alabama. Respondent, Medrick Johnson resides on Route 2, Daphne, Alabama. Howard Henderson is a non-resident of the State of Alabama, residing on Route 1, Box 56, Lake Park, Georgia.

SECOND

The Complainant and the Respondents are tenants in common of the said lands as heirs of T. E. Johnson, deceased, being the following described parcel of land situate in Baldwin County, Alabama, to-wit:

> Begin at a point 947 feet West of the Southeast Corner of the Northwest Quarter of the Northeast Quarter of Section 35, Township 2 South, Range 2 East for point of beginning; thence: West 615 feet, North 657 feet; East 667 feet, South 560 feet to North right-of-way road South 43 degrees 10 minutes West and along road 115 feet to beginning and in Section 35, Township 2 South, Range 2 East, being 10 acres, more or less.

The Complainant is an heir of Walker Johnson, deceased, who was an heir of T. E. Johnson, deceased, and is the owner of an undivided two sevenths and four ninths of one seventh (2/7ths and 4/9ths of 1/7th) interest; Mrs. Hattie Johnson, heir of Walker Johnson, deceased, who was an heir of T. E. Johnson, deceased, owned an undivided three ninths of one seventh (3/9ths of 1/7th) interest; Lillie Belle Johnson, heir of Walker Johnson, deceased, who was an heir of T. E. Johnson, deceased, owned an undivided two ninths of one seventh (2/9ths of 1/7th) interest; Ausie Johnson, heir of Henry Johnson, deceased, who was an heir of T. E. Johnson, deceased, owned an undivided three ninths of one seventh(3/9ths of 1/7th) interest; Rachael Johnson, heir of Henry Johnson, deceased, who was an heir of T. E. Johnson, deceased, owned an undivided three ninths of one seventh (3/9ths of 1/7th) interest; all having conveyed their interests to Manford Johnson, are not made parties to this suit.

The Respondents, Riley Johnson, heir of T. E. Johnson, deceased, and Minnie Joiner, heir of T. E. Johnson, deceased, each own an undivided one seventh (1/7th) interest; Lucille Callaway, Marie Johnson, Reatha Quinley, Mittie Campbell, Georgia Mae Emanuel, and Mack Johnson, all heirs of Josie Johnson, deceased, who was an heir of T. E. Johnson, deceased, each own an undivided one ninth of one seventh (1/9th of 1/7th) interest; Respondent, ~~Mrs.~~ widow Martha Johnson, an heir of Josie Johnson, deceased, who was an heir of T. E. Johnson, deceased, owns an undivided one-third of one seventh (1/3 of 1/7) interest; Medrick Johnson, heir of Walker Johnson, deceased, who was an heir of T. E. Johnson, deceased, owns an undivided two-ninths of one-seventh (2/9 of 1/7) interest; Respondent, Hestle Johnson, heir of Henry Johnson, deceased, who was an heir of T. E. Johnson deceased, owns an undivided three ninths of one-seventh (3/9 of 1/7) interest; Respondent Howard Henderson, heir of Annie Henderson, deceased, who was an heir of T. E. Johnson, deceased, owns an undivided one-seventh (1/7) interest.

THIRD

That said property cannot be equitably divided or partitioned without a sale of the same, and that it would be to the interest

of all of said parties to sell the said property for the purpose of division and distribution.

FOURTH

During the lifetime of Walker Johnson, deceased, and since his death, by his surviving heirs, the property was preserved and protected, which preservation and protection, required money and labor for such purpose and for which your Complainant desires reimbursement thereof for such labor and expenditures.

FIFTH

That it has been necessary that your Complainant employ an attorney for the purpose of bringing this action for a sale for the division of the proceeds among the tenants in common and they have employed the firm of Thompson & White, Bay Minette, Alabama, for that purpose.

PRAYER FOR PROCESS

The premises considered the Complainant respectfully prays that this Honorable Court will cause its usual Writ of Process to issue directed to each of the named Respondents and requiring them to plead, answer or demur to this Bill of Complaint within the time required by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

The premises further considered the Complainant respectfully prays that on a final hearing of this cause that this Honorable Court will enter an order or decree ascertaining and declaring that the land cannot be equitably divided without a sale of the same and a division of the proceeds among the tenants in common and will, in and by the terms of said decree, order said property to be sold by the Register of this Court at public sale under such terms and conditions as the Court thinks proper with instructions to said Register to report back to this Honorable Court for confirmation of such sale. And the Complainant further prays that on the confirmation of any sale so made, that this Honorable Court will order that a reference be held to fix and determine a reasonable attorney's fee to be paid out of the proceeds of such sale to Thompson & White, as attorneys for the Complainant and to

further determine the equities that exist in said cause, being any amounts which may have been spent by the Complainant or his Grantors, in and about the preservation and protection of said property for the benefit of all the tenants in common and determine any other equities which may exist in behalf of any of said tenants in common, either of them, be awarded a lien on the amount of the share of each of the Respondents from said sale to equitably apportion such expenses among the tenants in common. And the Complainant prays for such other, further and different relief as in the premises will be meet and proper, and that he will ever pray, etc.

FILED
JAN 25 1960
NANCE A. DUCK, Register

Respectfully Submitted,

THOMPSON & WHITE

By: _____
Solicitors for Complainant

MANFORD JOHNSON, COMPLAINANT, VS. RILEY JOHNSON, MINNIE JOINER, LUCILLE CALLAWAY, MARIE JOHNSON, REATHA QUINLEY, MITTIE CAMPBELL, GEORGIA MAE EMANUEL, MACK JOHNSON, MRS. MARTHA JOHNSON, MEDRICK JOHNSON, HESTLE JOHNSON, HOWARD HENDERSON, RESPONDENTS.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY NO._____.

DEMURRER TO THE BILL OF COMPLAINT

Now comes the Respondent, Riley Johnson, and demurs to the bill filed in this cause and as grounds for such demurrer assigns, separately and severally, the following:

ONE

There is no Equity in the bill.

TWO

The allegations of the bill are but conclusions of the pleader and no facts are alleged to show the Complainant's right to the relief which he is seeking.

THREE

The said bill does not set out all of the heirs of T.E. Johnson.

FOUR

Said bill does not set out what interest the Complainant has in the said lands of T.E. Johnson.

FIVE

The said complainant does not set out in the bill his relationship to the said T.E. Johnson.

SIX

The said bill does not allege that the widow of the said T.E. Johnson predeceased the said T.E. Johnson.

SEVEN

The said bill does not set out the children of the said T.E. Johnson who are alive.

EIGHT

The said bill does not set out the children of the said T.E. Johnson who are deceased.

NINE

The said bill does not set out the grand-children of those children of T.E. Johnson who are deceased, if any.

TEN

The said bill does not set out what money and labor was expended by the Complainant upon the property.

ELEVEN

Said bill does not set out the amount expended upon the property by the Complainant.

TWELVE

Said bill does not set out the nature nor the amount of the labor expended upon the property by the Complainant.

II.

Now comes the Respondent, Riley Johnson, and demurs to that aspect of the bill whereby the complainant seeks a sale of the said property and a division of the proceeds among the tenants in common, and said Respondent, as grounds for demurrer, assigns demurrers numbered One through Twelve, both inclusive, which are set out above herein, just as though the same had been specifically written herein.

III.

Now comes the Respondent, Riley Johnson, and demurs to that aspect of the bill whereby the Complainant seeks to recover expenditures for work and labor upon the said property, and as grounds for demurrer, assigns demurrers numbered One through Twelve, both inclusive, which are set out above herein just as though the same had been specifically written herein.

J. Connor Owens Jr.
Solicitor for Respondent, Riley Johnson

AMENDED COMPLAINT

MANFORD JOHNSON,	X	IN THE CIRCUIT COURT OF
COMPLAINANT	X	BALDWIN COUNTY, ALABAMA
VS	X	IN EQUITY.
RILEY JOHNSON, MINNIE JOINER, LUCILLE CALLAWAY, MARIE JOHNSON, REATHA QUINLEY, MITTIE CAMPBELL, GEORGIA MAE EMANUEL, MACK JOHNSON, MRS. MARTHA JOHNSON, MEDRICK JOHNSON, HESTLE JOHNSON, HOWARD HENDERSON	X	CASE NO. 4828
RESPONDENTS	X	

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

Comes the Complainant, Manford Johnson, by his Solicitors, and respectfully represents and shows unto Your Honor and unto this Honorable Court as follows:

FIRST

That the Complainant is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama. The Respondents are each over the age of twenty-one years. The Respondents, Riley Johnson and Minnie Joiner reside in Bay Minette, Baldwin County, Alabama, and the Respondents, Lucille Callaway, Reatha Quinley, Mittie Campbell, Georgia Mae Emanuel, Mack Johnson, Mrs. Martha Johnson, Hestle Johnson, and Marie Johnson all on route 1, Bay Minette, Baldwin County, Alabama. Respondent, Medrick Johnson resides on Route 2, Daphne, Alabama. Howard Henderson is a non-resident of the State of Alabama, residing on Route 1, Box 56, Lake Park, Georgia.

SECOND

The Complainant and the Respondents are tenants in common of the said lands as heirs of T. E. Johnson, deceased, being the following described parcel of land situate in Baldwin County, Alabama, to-wit:

> Begin at a point 947 feet West of the Southeast Corner of the Northwest Quarter of the Northeast Quarter of Section 35, Township 2 South, Range 2 East for point of beginning; thence: West 615 feet, North 657 feet; East 667 feet, South 560 feet to North right-of-way road South 43 degrees 10 minutes West and along road 115 feet to beginning and in Section 35, Township 2 South, Range 2 East, being 10 acres, more or less.

The Complainant is the owner of an undivided One Hundred Fifty-four Four Hundred Forty-first (154/441) interest in said property and the other joint owners are tenants in common with their interests are shown as follows:

Mrs. Hattie Johnson owned a life estate in an undivided Twenty-one Four Hundred Forty firsts (21/441) interest; Liddie Bell Johnson owned an undivided Fourteen Four Hundred Forty firsts (14/441) interest; Ausie Johnson owned an undivided Twenty-one Four Hundred Forty firsts (21/441) interest; Rachael Johnson owned an undivided Twenty-one Four Hundred Forty firsts (21/441) interest; Clyde Johnson owned an undivided Sixty-three Four Hundred Forty firsts (63/441) interest; all having conveyed their interests to Manford Johnson, are not made parties to this suit.

The Respondents, Riley Johnson and Minnie Joiner, each own an undivided Sixty-three Four Hundred Forty firsts (63/441) interest;

Mrs. Martha Johnson is the owner of a life estate in an undivided Nine Four Hundred Forty firsts (9/441) interest; Lucille Callaway, Marie Johnson, Reatha Quimley, Mittie Campbell, Georgia Mae Emanuel and Mack Johnson each own an undivided Nine Four Hundred Forty firsts (9/441) interest; Medrick Johnson owns an undivided Fourteen Four Hundred Forty firsts (14/441) interest; Hestle Johnson owns an undivided Twenty-one Four Hundred Forty firsts (21/441) interest; Howard Henderson owns an undivided Sixty-three Four Hundred Forty firsts (63/441) interest.

THIRD

That said property cannot be equitably divided or partitioned without a sale of the same, and that it would be to the interest of all of said parties to sell the said property for the purpose of division and distribution.

FOURTH

That it has been necessary that your Complainant employ an attorney for the purpose of bringing this action for a sale for the division of the proceeds among the tenants in common and they have employed the firm of Thompson & White, Bay Minette, Alabama, for that purpose.

PRAYER FOR PROCESS

The premises considered the Complainant respectfully prays that this Honorable Court will cause its usual writ of Process to issue directed to each of the named Respondents and requiring them to plead, answer or demur to this Bill of Complaint within the time required by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

The premises furtherconsidered the Complainant respectfully prays that on a final hearing of this cause that this Honorable Court will enter an order or decree ascertaining and declaring that the land cannot be equitably divided without a sale of the same and a division of the proceeds among the tenants in common and will, in and by the terms of said decree, order said property to be sold by the Register of this Court at public sale under such terms and conditions as the Court thinks proper with instructions to said Register to report back to this Honorable Court for confirmation of such sale. And the Complainant further prays that on the confirmation of any sale so made, that this Honorable Court will order that a reference be held to fix and determine a reasonable attorney's fee to be paid out of the proceeds of such sale to Thompson & White, as attorneys for the Complainant and to further determine the equities that exist in said cause, and determine any other equities which may exist in behalf of any of said tenants in common, either of them, be awarded a lien on the amount of the share of each of the REspondents from said sale to equitably apportion such expenses among the tenants in common. And the Complainant prays for such other, further and different relief as in the premises will be meet and proper, and that he will ever pray, etc.

Respectfully submitted,

THOMPSON & WHITE

BY: Mary Thompson White
Solicitors for Complainant

FILED
AUG 11 1960
ALICE L. DUCK, CLERK
REGISTER

MANFORD JOHNSON, Complainant, vs. RILEY JOHNSON, MINNIE JOINER, LUCILLE CALLAWAY, MARIE JOHNSON, REATHA QUINLEY, MITTIE CAMPBELL, GEORGIA MAE EMANUEL, MACK JOHNSON, MRS. MARTHA JOHNSON, MEDRICK JOHNSON, HESTLE JOHNSON, HOWARD HENDERSON, Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY NO. 4828

Now comes the Respondent, Riley Johnson, by his Solicitor, and for answer to the Bill filed in this cause, says as follows:

1. For answer to the first paragraph of the Bill of Complaint, the said Riley Johnson admits the allegations of said Bill insofar as they pertain to him.

2. For answer to Paragraphs Two through Four, both inclusive, the Respondent, Riley Johnson, denies the allegations contained therein and demands strict proof of the same.

3. For further answer to Paragraphs Two through Four, both inclusive, the Respondent, Riley Johnson, alleges that since 1943, the title to the property described in the Bill of Complaint has been in the name of the said Riley Johnson on the records of the Probate Office of Baldwin County, Alabama, and that he has for more than 10 years next preceeding the filing of the Bill of Complaint been in the actual or constructive possession of the said property, claiming to own the same and paying the taxes upon the said property, and that the Complainant, nor none of the Respondents other than the said Riley Johnson, has any right, title or interest in said property.

4. For further answer to the Paragraphs Two through Four, both inclusive, the said Riley Johnson alleges that on August 12, 1943, that he purchased the interests of Lillie Johnson, the widow of the said T.E. Johnson, who is presently alive, and that the said lands so described in the Bill of Complaint constituted all of the lands and the homestead of the said T.E. Johnson at time that he died and were valued at less than $2000.00

at the time that the said T.E. Johnson died.

Solicitor for Respondent

8600 Motion for Decree Pro Confesso on Personal Service. 3107 Code MPCO.

THE STATE OF ALABAMA,
Baldwin County } No. 4828 Circuit Court, In Equity.

Manford Johnson Complainant

Vs.

Minnie Joiner, Lucille Callaway, Marie Johnson, Reatha Quinley, Mittie Campbell, Georgia Mae Emanuel, Mack Johnson, Mrs. Martha Johnson, Medrick Johnson, Hestle Johnson, Defendants

Motion is hereby made for a Decree Pro Confesso against Minnie Joiner, Lucille Callaway, Marie Johnson, Reatha Quinley, Mittle Campbell, Georgia Mae Emanuel, Mack Johnson, Mrs. Martha Johnson, Medrick Johnson, Hestle Johnson, 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 according to law, and that said Defendant ha failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 20th day of January 1961.

Thompson & White
By Mary Thompson White
Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, In Equity

_____

_____

_____

Vs.

_____

_____

_____

Motion for Decree Pro Confesso on Personal Service

Filed FILED 19 _____

JAN 23 1961

_____ Register.

ALICE J. DUCK, CLERK REGISTER

Recorded in _____ Record

Vol. _____ Page _____

_____ Register.

CIRCUIT COURT COMPLAINT

Moore Printing Co., Bay Minette.

MANFORD JOHNSON
Complainant,
Vs.
MINNIE JOINER, LUCILLE CALLAWAY,
ET AL
Respondent.

In the Circuit Court.
In Equity No._____.

DECREE PRO CONFESSO ON PERSONAL SERVICE

In this cause, it appears to the Register, that service was had on the Respondent MINNIE JOINER, LUCILLE CALLAWAY, MARIE JOHNSON, REATHA QUINLEY, MITTLE CAMPBELL, GEORGIA MAE EMANUEL, MACK JOHNSON, MRS. MARTHA JOHNSON, MEDRICK JOHNSON, HESTLE JOHNSON

by the Sheriff of BALDWIN County, on the 2nd day of February 19 60.

And it futher appears to the Register, that the said Minnie Joiner, Lucille Callaway, Marie Johnson, Reatha Quinley, Mittle Campbell, Georgia Mae Emanuel, Mack Johnson, Mrs. Martha Johnson, Medrick Johnson, Hestle Johnson,

the Respondents, having to the date hereof, failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore, on motion of Thompson & White Solicitors for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be, and it hereby is, in all things taken as confessed against the said Minnie Joiner, Lucille Callaway Marie Johnson, Reatha Quinley, Mittle Campbell, Georgia Mae Ema nuel, Mack Johnson, Mrs. Martha Johnson, Medrick Johnson, Hestle Johnson

This 20th day of January, 19 61.

Alice J. Hancock
Register.

No. _____

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY

_____

_____

_____ Complainant,

Vs.

_____

_____ Respondent.

DECREE PRO CONFESSO ON PERSONAL SERVICE

Issued this_____day of _____

19____.

_____ Register.

MOORE PRINTING COMPANY • BAY MINETTE, ALA.

8600 - Motion for Decree Pro Confesso After Service by Registered Mail.

The State of Alabama,
Baldwin County.

No. 4828 CIRCUIT COURT, IN EQUITY.

Manford Johnson Complainant

Vs.

Howard Henderson Defendant

Motion is hereby made for a Decree Pro Confesso against Howard Henderson

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 20th day of January, 1961.

Thompson & White
By Mary Thompson White, 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 FILED, 19.....

JAN 23 1961

ALICE J. DUCK, CLERK REGISTER

Register.

Recorded in ..... Record,

Vol. ..... Page .....

.....

Register.

The Baldwin Times, Bay Minette, Alabama

MANFORD JOHNSON

Vs.

HOWARD HENDERSON

CIRCUIT COURT OF
Baldwin County.

IN EQUITY

In this cause it being made to appear to the Register that on the _____ day of _____, 19____, a copy of the Bill of Complaint filed in this cause was sent to HOWARD HENDERSON

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and returned receipt demanded addressed to the Register of this Court; and that on the _____ day of _____, 19____, such receipt was duly received and filed in this cause:

And it futher 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 HOWARD HENDERSON

_____ Defendant.

This the 20th day of January, 19 61

_____ 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 _____

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

MANFORD JOHNSON,
Complainant,

vs.

RILEY JOHNSON, ET AL.,
Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

CASE NO. 4828

Notice of sale

Pursuant to terms and provisions of a decree rendered by the Judge of the Circuit Court on the 23rd day of January, 1961, 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 20th day of February, 1961, the following described property:

> Begin at a point of 947 feet west of the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 35, Township 2 South, Range 2 East, for point of beginning; thence West 615 feet, north 657 feet; East 667 feet, south 560 feet to North right of way road south 43 degrees 10 minutes west and along road 115 feet to beginning, and in Section 35, Township 2 South, Range 2 East, being 10 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 23rd day of January, 1961.

Alice J. Neuck
Register in Equity.

Thompson & White
Solicitors for Complainant.

MANFORD JOHNSON,	X	
Complainant	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
RILEY JOHNSON, et al	X	IN EQUITY NO. 4828
Respondents	X	

REGISTER'S REPORT

Whereas on the 23rd day of January, 1961, 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 20th day of February, 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 J. G. Jordan being the highest best and last bidder therefor, did purchase said parcel of land at the sum of Three Thousand Four Hundred Twenty-five ($3425.00) Dollars for the said parcel of land described as follows:

> Begin at a point 947 feet West of the Southeast corner of the Northwest quarter of the Northeast quarter of Section 35, Township 2 South, Range 2 East for point of beginning; thence: West 615 feet, North 657 feet; East 667 feet, South 560 feet to North right-of-way road South 43 degrees 10 minutes West and along road 115 feet to beginning and in Section 35, Township 2 South, Range 2 East, being 10 acres more or less, in Baldwin County, Alabama.

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 20th day of February, 1961.

Alice J. Wheeler
Register in Equity.

MANFORD JOHNSON, Complainant, vs. RILEY JOHNSON, MINNIE JOINER, LUCILLE CALLAWAY, MARIE JOHNSON, REATHA QUINLEY, MITTIE CAMPBELL, GEORGIA MAE EMANUEL, MACK JOHNSON, MRS. MARTHA JOHNSON, MEDRICK JOHNSON, HESTLE JOHNSON, HOWARD HENDERSON, Respondents.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY NO. 4828.

MOTION

Now comes the Respondent, Riley Johnson, by his solicitor, and shows unto this Honorable Court as follows:

ONE

That by previous order of this Court, the property described in the Bill of Complaint has been sold, by the Register of said Court, and the report of said sale has laid over for a period of ten (10) days;

TWO

By answer, the said Riley Johnson, set forth a life estate in said property acquired by the said Riley Johnson and his heirs by virtue of deed from the widow of T.E. Johnson, heretofore introduced in this cause.

Now, therefore, the said Riley Johnson, by his solicitor, moves this Honorable Court to set down for hearing, and determine, as provided by Law, the value of the life estate of the said Riley Johnson in and to said property.

Solicitor for Respondent, Riley Johnson

FILED
MAR 3 1961
ALICE J. COOK, CLERK
REGISTER

MANFORD JOHNSON,	)	IN THE
COMPLAINANT,	)	CIRCUIT COURT OF BALDWIN COUNTY,
VS.	)	ALABAMA. IN EQUITY.
RILEY JOHNSON, ET AL.,	)	NO. 4828
RESPONDENTS.	)	

D E C R E E

This cause coming on to be heard is submitted upon the original complaint, the amendment thereto, and the answer and testimony of the witnesses taken ore tenus.

The Court, after considering all of the pleading and evidence, finds that the said property can not be divided without a sale thereof, and that it is to the best interest of all of the parties that the property be sold for partition and division among the owners thereof. It is, therefore,

ORDERED, ADJUDGED AND DECREED that the Register of this Court, sell the property described in the original bill and amended bill of complaint, situated in Baldwin County, Alabama, and described as follows, to-wit:

> Begin at a point 947 feet West of the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 35, Township 2 South, Range 2 East, for point of beginning; thence West 615 feet, north 657 feet; East 667 feet, south 560 feet to North right of way road south 43 degrees 10 minutes west and along road 115 feet to beginning, and in Section 35, Township 2 South, Range 2 East, being 10 acres, more or less,

on Monday, February 20, 1961, at 12:00 o'clock Noon, at public outcry, for cash, to the highest bidder, in front of the Court house door in Baldwin County, Alabama, after giving notice of such sale, in the Baldwin County Times, a Newspaper published in Bay Minette, Baldwin County, Alabama, for three successive weeks. It is further

ORDERED, ADJUDGED AND DECREED that the Register of

this Court report the sale of said property, for such other decrees and orders as may be necessary and proper in the premises.

Dated this 23rd day of January, 1961.

Hubert M. Stacy
Judge

FILED
JAN 23 1961
ALICE L. DUCK, CLERK & REGISTER

MANFORD JOHNSON,	)	IN THE
Complainant,	)	CIRCUIT COURT OF BALDWIN COUNTY
VS.	)	ALABAMA. IN EQUITY.
Riley Johnson, ET AL.,	)	NO. 4828
Respondents.	)	

FINAL DECREE:

This cause coming on to be heard is submitted upon the report of sale by the Commissioner, the motion of the Respondent, Riley Johnson, to ascertain the value of a life estate, and the testimony of the witnesses taken ore tenus.

The Court, after due consideration of the matters set out by said pleadings and the testimony taken ore tenus, is of the opinion that T. E. Johnson was, at one time, the owner of said property, which constituted his homestead; that said acreage was less in area and in value than the homestead exemptions; that the said T. E. Johnson left surviving him a widow, Lillie Johnson, and a minor child, Clyde Johnson; that said minor has since reached his majority; that the said Lillie Johnson, by conveyance executed on August 12, 1943, conveyed her life estate to R. C. Johnson (Who is one and the same person as Riley Johnson;) That the said T. E. Johnson died intestate; that the heirs of the said T. E. Johnson entitled to share in his estate, are as set out in the bill of complaint; that Riley Johnson owns an undivided 63/441 interest, plus the life estate; that Minnie Joiner and Howard Henderson each own an undivided 63/441 interest; that Lucille Calloway, Reatha Quinley, Mittie Campbell, Georgia Mae Emanuel, Mack Johnson, Mrs. Martha Johnson and Marie Johnson each own an undivided 9/441 interest;

that Medrick Johnson owns an undivided 14/441 interest; that Hestle Johnson owns an undivided 21/441 interest; that Manford Johnson owns an undivided 154/441 interest.

That the Register of this Court, acting as Commissioner, under and by virtue of the decree rendered on January 23, 1961, on February 20, 1961, sold said property to J. G. Jordan for $3425.00; that said sale was fairly conducted and in strict accordance with law and that said property sold for an amount not greatly less than its real value and that all of the terms of sale as prescribed by the Court have been complied with; that the costs attending the sale amounted to $194.35; that the Attorneys' fee as provided by law amount to $450.00; that the life estate of the said Riley Johnson amounts to $626.54; it is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the sale to J. G. Jordan be and the same is hereby confirmed;

2. That the Register of the Court, out of the funds in her hands, hold the sum of $194.35, the court costs;

3. That the Register of the Court, out of the funds in her hands, pay to Thompson & White, Attorneys for the Complainant, the sum of $450.00, as Attorneys' fee;

4. That the Register of the Court pay to Riley Johnson (R. C. Johnson) the sum of $626.54 , the value of the life estate held by him;

5. That the Register pay to Riley Johnson, as his distributive share the sum of $310.05;

6. That the Register pay to Minnie Johnson Joiner, as her distributive share, the sum of $310.05;

7. That the Register pay to Howard Henderson, as his distributive share, the sum of $310.05;

8. That the Register pay to Lucille Calloway, as her distributive share, the sum of $43.81;

9. That the Register pay to Reatha Quinley, as her distributive share, the sum of $43.81;

10. That the Register pay to Mittie Campbell, as her distributive share, the sum of $43.81;

11. That the Register pay to Georgia Mae Emanuel, as her distributive share, the sum of $43.81;

12. That the Register pay to Mack Johnson, as his distributive share, the sum of $43.81;

13. That the Register pay to Mrs. Martha Johnson, as her distributive share, the sum of $43.81;

14. That the Register pay to Marie Johnson, as her distributive share, the sum of $43.81;

15. That the Register pay to Medrick Johnson, as his distributive share, the sum of $67.69;

16. That the Register pay to Hestle Johnson as his distributive share, the sum of $101.08;

17. That the Register pay to Manford Johnson, as his distributive share, the sum of $748.52.

This 10th day of May, 1961.

Robert M. Stace
Judge of the 28th Judicial
Circuit of Alabama.

COST BILL CIRCUIT COURT, IN EQUITY — Form 1522-2 — McQuiddy, Nashville

The State of Alabama, County

CIRCUIT COURT, IN EQUITY

NO. 4525

To

DEAR SIR: At the ..... Term, 19..., by a decree of this Court ..... Marshall Foreman

recovered of Riley Foreman et al

the sum ..... Dollars,

and ..... Dollars, costs of suit.

Following is an itemized statement of costs in this cause, and I request you to remit the amount so as to save an additional expense of an execution.

Please enclose this Cost Bill with remittance to be receipted and returned to you.

Respectfully yours,

Code 1940, Tit. 11, Sec. 5 ..... Register.

REGISTER'S FEES		No.	Amount	
1. Filing Bills or other paper 20	$0.20		4	00
2. Copy of Bill or other paper, 100 words	.20			
3. Docketing cause	2.00		2	00
4. Issuing Subpoena on Bills	.95			95
5. Per Copy 11	.65		7	15
6. Entering return	.20			
7. Order of Publication	1.55		1	55
8. Abstract of Publication, 100 words	.20			
9. Issuing Attachment Writ	1.15			
10. Entering return	.20			
11. Issuing Injunction Writ or ne exeat	1.75			
12. Per Copy	.65			
13. Entering return	.20			
14. Entering appearance	.65		1	50
15. Decree pro confesso	1.55		1	55
16. Decree appointing Guardian ad litem	1.55			
17. Issuing Commission to take testimony	.95			
18. Receiving and filing each pkg. of testimony	.15			15
19. Endorsing each pkg. of depositions published	.15			
20. Entering order submitting cause for decree	.65			65
21. Any other order	.30			
22. Noting all testimony	.65			65
23. Entering decree 2	1.25			
24. Taking account, swearing witnesses, etc., per day	3.75		2	50
25. Taking testimony on reference, 100 words	.20			
26. Report of Register	3.75		3	75
27. Issuing Subpoena, each witness 6	.30		1	80
28. Witness certificate 5	.30		1	50
29. Issuing execution	.95			
30. Entering return	.20			
31. Taking and approving bond	1.25			
32. Final Record, 100 words	.25		8	00
33. Hearing application for appointment of Receiver or Trustee	3.75			
34. Settlement with Receiver, Trustee, Adm. or Ex.	5.00			
35. Examining Vouchers	.20			
36. Examining Answer or exception	3.75			
37. Taking questions and answers and recording same in proceedings to perpetuate testimony, per 100 words	.30			
38. For all other services related to such proceedings	1.25			
39. Relieve minors of the disabilities of non-age	8.00			
40. Commissions on Sales				
41. Deed to property sold	5.00		5	00
42. Notices sent by mail to creditors	.20			
43. Filing, receipting for and docketing each claim	.30			
44. Entries on Subpoena Docket	.65			
45. Entries on Commission Docket	.65			
46. Issuing certificate of Judgment to be recorded in Probate Court	.30			
47. Each certificate or affidavit with seal	.95			
48. Each Certificate or affidavit without seal	.65			
49. Each notice not otherwise provided for	.95			
50. Entering orders by the Register	.65			
51. Recording resignation, Removal or suggestion of death of trustee	.95			
Amount Forward				

REGISTER'S FEES—Continued		No.	Amount	
Amount Brought Forward				
52. Entering each certificate of Supreme Court	.65			
53. Transcript, per 100 words	.20			
54. State Certificate	.65			
55. Certificate copies of ~~Divorce~~ Decree 2	1.25		2	50
56. Answer and waiver divorce case, with 2 copies of Decree	12.00			
57. Decree pro confesso on personal service, Divorce case with one copy of decree	20.00			
58. Decree pro confesso on registered mail service, Divorce case with one copy of decree	20.00			
59. Decree pro confesso on publication, divorce case with one copy of decree	20.00			
Total Register's Fees			45	00
SHERIFF'S FEES				
1. Summoning on Bill, Each Defendant 11	1.50		16	50
2. Executing Writ of Injunction, or Ne Exeat, Each	1.50			
3. Executing Subpoena for Witnesses, Each 6	.65		4	50
4. Executing Writs of Possession, Each	5.00			
5. Executing Scire Facias or Notice, Each	1.50			
6. Taking and Approving Bonds, Each	1.00			
7. Impaneling Jury	.75			
8. Collecting Execution for Costs Only, Each	1.50			
9. Sheriff's Commissions				
1968 mi			12	5
Total Sheriff's Fees			33	80

SUMMARY OF FEES, COSTS AND JUDGMENT

Fees in Circuit Court:		
1. Register's Fees	45	00
2. Ex-Register's Fees		
3. Sheriff's Fees	33	80
4. Ex-Sheriff's Fees		
5. Witness Fees	17	10
6. Commissioner's Fees		
7. Guardian Ad Litem	2	25
8. Publisher's Fees ..... Sonnes	10	70
9. Solicitor's Fees		
10. Court Reporter's Fees, Per Day or Fraction Thereof 5.00	10	00
11. Trial Tax 5.00	4	50
12.		
13.		
14. Comm. on Sale	25	75
Fees and Cost in Inferior Court:		
15. Clerk of Inferior Court, Fees		
16. Sheriff's Fees		
17. Witness Fees		
18.		
19.		
20. Total Fees and Costs in Inferior Court		
21. Total Fees and Costs		
22. Judgment		
23.		
24.		
25. **Total Fees, Costs and Judgment**	194	35

I certify that the within is a true and correct Bill of Cost in the within styled cause.

ATTEST: Register Circuit Court in Equity

.....County, Ala.

Received payment, this.....day of.....19.....

ATTEST:.....
Register Circuit Court in Equity

.....County, Ala.

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

The State of Alabama

.....COUNTY

CIRCUIT COURT, IN EQUITY

.....

.....

.....vs. Complainant.

.....

.....Respondent.

Cost Bill, Circuit Court, In Equity

.....Complainant's Attorney.

.....Defendant's Attorney.

MANFORD JOHNSON,
Complainant,

vs.

RILEY JOHNSON, ET AL.,
Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

CASE NO. 4828

Pursuant to terms and provisions of a decree rendered by the Judge of the Circuit Court on the 23rd day of January, 1961, 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 20th day of February, 1961, the following described property:

> Begin at a point of 947 feet west of the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 35, Township 2 South, Range 2 East, for point of beginning; thence West 615 feet, north 657 feet; East 667 feet, south 560 feet to North right of way road south 43 degrees 10 minutes west and along road 115 feet to beginning, and in Section 35, Township 2 South, Range 2 East, being 10 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 23rd day of January, 1961.

Register in Equity.

Thompson & White
Solicitors for Complainant.

$2.50

MANFORD JOHNSON, COMPLAINANT, VS. RILEY JOHNSON, ET AL., RESPONDENT	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY ALABAMA. IN EQUITY

HON. NORBORNE C. STONE, JR., BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Thompson.

Q. You are Norborne Stone?

A. Yes sir.

How long have you practiced in this Court, Mr. Stone?

A. 14 years.

Q. You are a licensed Attorney?

A. Yes.

Q. And in the course of your practice have you had occasion to handle cases involving the sale of lands for division where a contest of title and full litigation is had?

A. Yes.

Q. In a case in which there are a number of people involved, and which has been litigated as to title, with particular litigation arising from a deed from a widow in whichno adjudication of a life estate had been had, what would you, in your opinion, say would be a reasonable Attorney's fee for Complainant's Solicitors, the property being 10 acres in area and bringing $3450.00 at public sale?

A. I would say a reasonable fee would be in the neighborhood of $500.00 --- I would say from $450.00 to $500.00. That is also based on my discussion with you all prior to taking the stand, and a casual look at the file.

Q. In the handling of the case it necessitated the appearance in another Court besides this, in which an unlawful detainer suit was brought--

MR. OWENS: -- I object to that.

THE COURT: I don't think that is proper.

MR. THOMPSON: I defended the heirs in that suit --

MR. STONE: Do you want me to answer that?

THE COURT: No, I am not going to way that; that was another case and in another court.

MR. THOMPSON: It involved the same property.

THE COURT: In another court.

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 as taken by me on this day in the above styled cause.

This 19th day of April, 1961

Laura Rosenbaum
Court Reporter

425.00

MANFORD JOHNSON, Complainant, VS. RILEY JOHNSON, ET AL., Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NO. 4828

MR. THOMPSON: We would like to introduce in evidence certified copy of deed from Bay Minette Land Company to T. E. Johnson, describing the property involved in this case, being dated 23rd day of October, 1929, executed by Hampton D. Ewing, as President of Bay Minette Land Company, and recorded in the Probate Office of Baldwin County, Alabama, in deed Book 48 N. S. a t pages 175-6, and ask that it be marked Complainant's Exhibit A.

THE COURT: Both of you are holding through T. E. Johnson, are you not?

MR. THOMPSON: Yes.

RACHAEL JOHNSON, BEING FIRST DULY SWORN, TESTIFIED FOR THE COMPLAINANT, AS FOLLOWS:

Examination by Mr. Thompson.

Q. State your name, please mam?

A. Rachael Johnson.

Q. Mrs. Johnson, what is your relationship to T. E. Johnson?

A. He was my grand-father.

Q. Who was your father?

A. Henry Johnson.

Q. Now are you familiar with the children of T. E. Johnson, who were born to the T. E. Johnson marriages during his life time?

A. Yes sir.

Q. Are you familiar with those children who have died?

A. Well --

Q. -- The T. E. Johnson children who died?

A. In recent years, but the ones that died many years ago I am not.

Q. Are you familiar with the surviving children of those who have died

A. That is right.

Q. Can you state for the record how many children T. E. Johnson had?

A. You mean living and dead?

Q. That's right.

Q. Well I know how many in my recollection -- you want me to name them?

Q. Yes?

A. Josie Johnson, Riley Johnson, my daddy was the oldest one - he is Henry - Henry and then comes Josie and they Riley and then Minnie Johnson who married Stewart, and Clyde Johnson and Walker Johnson --

Q. How many is that?

A. Six.

Q. Did you know of an Annie Johnson?

A. Well I know there was one named Annie, but that is before my recollection.

Q. According to your family records, there was one named Annie Johnson?

A. Yes sir, she married a Henderson/

Q. She is dead?

A. Yes sir.

Q. Did she leave any heirs?

A. A son, Howard Henderson.

Q. Was he known as Clyde Henderson also?

A. No sir, Howard Henderson --

Q. Now are the ones that you have named, Josie Johnson, is he living?

A. No.

Q. He is your father?

A. No, Henry was my father/

Q. Who was the oldest?

A. Henry.

Q. How many children did Henry leave?

A. Three.

Q. Will you name them?

A. Ossie Johnson, Rachael Johnson and Hestle Johnson.

Q. Heirs of Josie Johnson were who?

A. His wife, Martha Johnson, Lucille Calloway, Leuhemia Johnson (Same as Marie Johnson), Reatha Quinley, Georgia Mae Emanuel, Mittie Campbell, and Mack Johnson.

Q. Mr. Riley Johnson is living?

A. Yes sir.

Q. He is seated here at the table?

A. Yes sir.

Q. Was Margaret, Mr. Josie Johnson's wife, known as Martha?

A. That is all I ever knew.

Q. Now was there one in the family named Marie?

A. In the Josie Johnson family - Leuhemia Marie--

Q Then you named Minnie Stewart - was she known by any other name? -- Minnie Joiner?

A. Yes.

Q. Is she living?

A. Yes.

Q. Walker Johnson?

A. He's not living.

Q. Will you name the heirs of Walker Johnson?

A. Manford Johnson, Medrick Johnson, Lydia Bell Austin.

Q. Is Walker's wife living?

A. Yes sir, Hattie Johnson.

Q. And you named Annie Johnson, is she living or dead?

A. She is dead.

Q. How many children did she leave?

A. Just Howard Henderson.

Q. Are there any other heirs of T. E. Johnson, children or grandchildren that were not named whose father or mother is dead?

A. I don't know of any.

Q. Are you familiar with the 10 acres of land involved in this suit and where the Walker Johnson family resided?

A. Yes sir.

Q. Do you have a recollection as to how long they have lived there?

A. Well the best I can remember they moved there in 1927.

Q. Have they lived there continuously since that time?

A. Yes.

Q. Do you know Clyde Johnson?

A. Yes sir.

Q. Did Clyde Johnson ever live there?

A. Yes sir, he was raised there.

Q. About what age was he when he was taken there?

A. He was an infant, three, four or five years old.

Q. He was the youngest child of T. E. Johnson?

A. Yes sir -

Q. By his last marriage ?

A. Yes sir.

Q. During your knowledge of the place, did Mr. T. E. Johnson ever live there?

A. Yes sir.

Q. How long did he live there?

A. Off and on the last year or two of his life he lived there about all of the time.

Q. Did his wife live there with him?

A. I couldn't say about that.

Q. The infant child stayed there after Mr. T. E. Johnson died?

A. Yes sir.

Q. He was there before Mr. Johnson died?

A. Yes sir.

Q. Having stated or named the heirs of Mr. T. E. Johnson, and stating that you know the 10 acre parcel of land described in this suit, do you believe that it could be equitably divided by metes and bounds among the heirs of T. E. Johnson?

A. I don't believe so.

<u>ON CROSS EXAMINATION OF THIS WITNESS, SHE TESTIFIED</u>:

Examination by Mr. Owens.

Q. Is it Miss Johnson--

A. -- Mrs. Johnson.

Q. You are the daughter of Henry Johnson?

A. Yes sir.

Q. And he is dead?

A. Yes sir.

Q. Now do you know when Mr. T. E. Johnson died?

A. He died in November of 1942.

Q. When did he buy this place?

A. Well I don't know exactly.

Q. You don't remember when he bought it?

A. I don't remember just when he bought it; I would be afraid to say.

Q. Where do you live?

A. Atmore now.

Q. How long have you lived in Atmore?

A. Four or five years.

Q. Where did you live before that time?

A. Near Monroeville, in Monroe County, Alabama.

Q. How long did you live there?

A. Eight years.

Q. When was the last time you lived near this tract of land?

A. 1916 -- No, 1946.

Q. You lived down at Cross Roads up until that time?

A. That's right.

Q. Now you say Walker Johnson moved on this place when?

A. '27, the best of my knowledge.

Q. And the property was Mr. T. E. Johnson's was it not?

A. Yes sir.

Q. How many wives did Mr. T. E. Johnson have?

A. Three, I believe.

Q. Who were they?

A. Well his first wife was Emma Johnson.

Q. When did she die?

A. I just don't know; I imagine it was 1913 or 1914.

Q. Who was his second wife?

A. Josephine McD onald, I believe; they called her Joe and I imagine her name was Josephine.

Q. Who was the third wife?

A. Lillie.

Q. When did she die?

A. She's living.

Q. What is her name now?

A. I don't know.

Q. Do you have any idea what her name is now?

A. If she has ever remarried, I don't know it.

Q. About how old a person is she, do you know?

A. She would be about 40 now I guess.

Q. When was she and Mr. Johnson married?

A. I just don't know.

Q. Was it before this property was purchased?

A. It was before my uncle moved on this property, but I don't know how long.

Q. She and Mr. Johnson were married before Walker Johnson moved on the property?

A. Yes sir.

Q. You say Clyde Johnson is the son of the third marriage to Lillie?

A. Yes.

Q. Now is he over 21 years of age at this time?

A. Yes.

Q. When was he born, do you know?

A. No, I couldn't say exactly; it believe it was March of '28.

Q. He was born in '28?

A. March of '28 - that's the best I remember.

Q. Was he not subsequently adopted by Mr. Walker Johnson?

A. I don't know that he was adopted; they raised him, but I don't know about the adoption.

Q. You have no knowledge about whether he was ever adopted by Walker Johnson?

A. No.

Q. Mr. T. E. Johnson lived until November of 1942?

A. Yes sir.

Q. How old a man was he when he died?

A. in his nineties - I don't know just how old.

Q. Middle nineties?

A. I don't know.

Q. Do you still have an outstanding interest in this property?

A. Well, I am interested in it.

Q . Do you have a legal interest in the property?

A. Yes.

Q. Have you ever conveyed your interest in this property?

A. No.

Q. Have you ever made a deed to anybody to this property?

A. Oh no.

Q. You have not made a deed to anybody to the property?

A. No sir.

Q. You're not listed as a defendant in this case? Is your name on this list of defendants?

A. No.

Q. And you say that you have never conveyed your interest in this property?

A. Never made a deed to it, you mean? (page 8)

Q. Yes?

A. Just what do you mean about me making a deed to it?

Q. Under the bill of complaint you state that you were a daughter of Henry Johnson who was one of the children of T. E. Johnson - you say you are one of three children of Henry Johnson, who was a son of T. E. Johnson?

A. That's right.

Q. Have you signed a deed to this property to anybody?

A. I have not signed a deed, but I still don't understand what you mean.

Q. If it appears that you have signed a deed to this property, did you realize that you were conveying an interest in the property?

A. I still don't understand the question -- I gave my interest to Manford.

Q. When did you do that?

A. That was about a year or so ago; I don't remember the date.

Q. The deed recites a consideration of $1.00 and other good and valuable consideration -- How much did he pay you for that?

MR. THOMPSON: We submit that is a technical question and does not enter into the case.

A. How much did Manford pay me?

Q. Un huh?

A. Well he didn't pay me; I just signed it for him; he gave me a dollar.

Q. There was no other consideration that passed; he just asked you to make a deed to this property to him?

A. I just signed my interest to Manford.

Q. Do you remember when that was?

A. No, I don't exactly remember.

Q. Was it before this suit was filed?

A. I don't know, because I don't know the dates on there.

Q. Did you ever claim any interest in this property prior to the time you signed the deed?

A. I knew that I was one of the heirs and supposed to have an interest in it.

Q. Do you remember the occasion when Mr. T. E. Johnson died?

A. Yes sir.

Q. Did he leave a will?

A. I didn't know about a will.

Q. You didnt' know whether or not there was a will?

A. No.

Q. Did Mr. Johnson own any other land at that time?

A. I don't know.

q. You don't know whether he owned any other land or real estate?

A. No sir.

Q. Did he have any personal property?

A. I don't know; he had some cattle is all I know about.

Q. Have you ever paid any taxes or paid any taxes in the name of your father upon this tract of land?

A. No.

Q. Actually your father died many, many years ago, did he not?

A. That's right.

Q. When was that?

A. In 1907 or 1908; I'm not sure.

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

Examination by Mr. Thompson.

Q. All of the parties that you have named heretofore, as far as you know, are over the age of 21 years?

A. Yes sir.

Q. And with the exception of Howard Henderson, as far as you know, they are all residents of Alabama?

A. Well Lydia Bell Austin is a resident of Florida.

MRS. HATTIE JOHNSON, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Thompson.

Q. You're Mrs. Hattie E. Johnson?

A. Yes sir.

Q. You are the widow of Walker Johnson, deceased?

A. Yes sir.

Q. Mrs. Johnson, you have a recollection of Mr. T. E. Johnson during his life time?

A. Well a pretty good while.

Q. During his life time did he have occasion to come to you home - where you were living - on this 10 acre parcel of land?

A. Yes sir.

Q. Did his wife, Lillie, live there any?

A. No sir.

Q. She did not?

A. No, not in that house.

Q. She never lived there?

A. No.

MR. OWENS: I interpose an objection, as irrelevent, incompetent and immaterial; she is claiming under and through T. E. Johnson; she can not attempt to defeat the title to him or his wife's interest at that time.

Q. Was the minor child, Clyde Johnson, did he ever live on that 10 acres of land?

A. Where I am at?

Q. Yes?

A. Yes sir.

Q. Who looked after him?

A. I did.

Q. Now Mr. Owens asked a question a few minutes ago about an adoption. Did you and Mr. Walker Johnson ever adopt Clyde?

A. No.

Q. You did not?

A. No.

Q. Clyde was Mr. T. E. Johnson's son, so far as you know, and was recognized as such by the family?

A. Yes sir.

Q.

Q. About how old was Clyde when he came to your house?

A. Well we was around a month and a half or two months old.

Q. You looked after him until he got on up into the service?

A. Yes sir.

Q. Do you have a recollection as to when you and your husband moved on this property?

A. It was in February of '27, but I don't remember the date.

Q. And you lived there continuously since theb?

A. Yes sir.

Q. After Mr. T. E. Johnson died, do you know of any distribution of any money left?

MR. OWENS: I object to that as irrelevent, incompetent and immaterial testimony -- in what way--?

Q. From the sale of any cattle?

MR. OWENS: I object on the same grounds.

A. It was supposed to have been divided among the children; I don't remember how much.

ON CROSS EXAMINATION OF THIS WITNESS, SHE TESTIFIED:

Examination by Mr. Owens.

Q Now Mrs. Johnson, who owned the property when you moved on it?

A. Mr. T. E. Johnson.

Q. How long had he been living there when you moved on it?

A. He had just bought it.

Q. How did he buy it, do you remember? -- By contract or deed?

A. Deed, I guess; he bought it from Ed Crenshaw -- Now both of them are dead.

Q. He was living on the property when you all moved there?

A. Well he took our little house that we were living in and told us to move into his place, and so we moved there and he moved into the house we were living in.

Q. Where was that situated?

A. A bout a mile back from where we are at.

Q. You said this property was your's -- Have you ever disputed

the fact that this was Mr. T. E. Johnson's property?

A. Yes sir, it was his property.

Q. It was his property, was it not?

A Yes sir, it was his property.

Q. Do you remember the occasion when Mr. Johnson died?

A. Well it was in November of '42.

Q. Did he leave a will?

A. Not that I know anything about.

Q. Did he own any other piece of property other than this at that time?

A. Not that I know of.

Q. Now did you or Mr. Walker own or ever pay any taxes on this property?

A. We didn't, only the first year that his daddy died; he paid the tax the first year after he died.

Q. Do you know who has been paying the taxes since that time?

A. Riley, they say.

Q. You have no idea?

A. No, sir, I don't know it.

Q. Did Mr. Walker Johnson ever claim to own that property?

A. No sir.

Q. Who did he say it belonged to ?

A. To his daddy, T. E. Johnson.

Q. Did he ever enter into any agreement that you know of with Mr. Riley Johnson, concerning the property?

A. Not that I know of.

MANFORD JOHNSON, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Thompson.

Q. You are Manford Johnson?

A. Yes sir.

Q. The Complainant in this cause?

A. Yes sir.

Q. All right, Mr. Johnson, in setting out the interest of the parties to this cause, do you own any interest in your grand father's estate?

A. Yes sir --

MR. OWENS: I object to that question and move to exclude the answer of the witness.

Q. How did you acquire such interest?

A. Well I had a share.

Q. How did you get your share?

A. I was an heir of W. J. Johnson.

Q. Is that Walker Johnson?

A. Yes sir.

Q. You acquired what other shares?

MR. OWENS: We object to that questiob on the ground that it is irrelevent,incompetent and immaterial and not the best evidence of what interest he owns in this property.

MR. THOMPSON: I would like to offer in evidence, conveyance from Hattie B. Johnson and Lydia Bell Johnson to Manford Johnson --

MR. OWENS: ARE you offering that now?

MR. THOMPSON: Yes.

MR. OWENS: Let me put in my objection. I would like to ob-

ject to the introduction of this deed from Hattie B. Johnson and Lydia Belle Johnson, dated October 19, 1959 on the followings grounds: First, that this deed is not recorded as of the date of the filing of this suit, and second, it is irrelevent, incompetent and immaterial.

THE COURT: Do you have any authority for that?

MR. OWENS: No sir, except in the bill of complaint; he alleges that the title on the records of Baldwin County, Alabama stands as follows: --

THE COURT: -- Do you have any other objections to that?

MR. OWENS: No.

Q. Who is Hattie B. Johnson that executed this instrument?

A. My mother.

Q. Who is Lydia Bell Johnson?

A. My sister.

Q. If for any reason this didn't convey an interest, it would belong to your mother and sister--

MR. OWENS: We object to that.

THE COURT: Why are you objecting to that? What would be your objection other than the way the question is phrased?

MR. OWENS: I think that's enough.

THE COURT: I have a reaord ; they are the daughter and widow of Walker Johnson --

MR. OWENS: Yes.

MR. THOMPSON: We ask that this deed be marked Complainant's Exhibit B.

Q. Now I show you a deed from Clyde Johnson and wife, Barbara Johnson, to their interest in the said 10 acres --

THE COURT: That is the youngest son of old man T. E. Johnson?

MR. THOMPSON: Yes sir.

MR. OWENS: I would like to object to that deed on the same grounds.

MR. THOMPSON: We offer this deed in evidence and ask that it be marked Complainant's Exhibit C.

Q. I show you a deed feom Aussie Johnson and wife, Hazel Johnson. Is that the Aussie Johnson who was testified about this morning and an heir of T. E. Johnson?

A. Yes sir.

Q. Conveying this property to you?

A. Yes sir.

MR. OWENS: It appears that none of these deeds have been recorded and I would like to state for the record that I interpose an objection to their introduction

MR. THOMPSON: We introduce this deed in record and ask that it be marked as Complainant's Exhibit D.

Q. I show you a deed from Rachael Johnson to Manford Johnson?

A. That's right.

Q. That is the Rachael Johnson that was on the stand?

A. That's right.

Q. She gave you her part?

A. Yes sir.

MR. THOMPSON: We ask that this deed be introduced as Complainant's Exhibit E.

Q. Now Mr. Johnson, in addition to your inherited interest, you have acquired the interest of certain other heirs as represented by those deeds?

A. Yes sir--

MR. OWENS: We object to the question and move to exclude the answer of the witness on the ground that it is leading, and is also irrelevent, incompetent and immaterial.

Q. Do you have -- Do you, of your own knowledge and in your opinion, know whether or not this 10 acres of land involved in this suit could be divided equitably among the heirs and joint owners?

A. I don't think so, no sir.

Q. You don't believe that it could be?

A. No sir.

Q. In order to obtain your interest, you found it necessary to employ a firm of Attorneys to represent you?

A. Yes sir.

Q. Thompson & White are the Attorneys you employed to represent you?

A. Yes sir.

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

Examination by Mr. Owens.

Q. How old are you?

A. 44.

Q. You have lived in Cross Roads all of your life?

A. Yes sir.

Q. You have known this piece of property all of your life?

A. That's right.

Q. The petition says 10 acres are involved; is that correct?

A. Yes sir.

Q. About how much of that 10 acres fronts on the road?

A. Just one little corner.

Q. What kind of road frontage does it have?

A. Black-top highway going to the Ghost Fleet ; just one corner

on it.

Q. How much road frontage do you have there?

A I would say there wouldn't be over, right on the road there, there wouldn't be over 30 or 40 feet.

Q. Just 30 or 40 feet of this property lies on the road?

A. Yes sir.

Q. Is there a building situated on the property?

A. Yes sir, an old building.

Q. Where is that situated with respect to the road?

A. Right close to the road.

Q. Now how much of this land is open land?

A. By open - you mean cleared?

Q. Yes?

A. Must be approximately three or four acres.

Q. Three or four acres?

A. Yes sir.

Q. Where is that situated with respect to the house?

A. Right behind the house.

Q. Is that used for garden, spots, etc?

A. Yes sir.

Q. Who all have used this as a garden spot in your memory?

A. Nobody except my daddy and mother and myself.

Q. Just the three of you?

A. Yes sir.

Q. Now that leaves about six acres -- What is the character of this other six acres?

A. Just woodsland.

Q. Does it have any pine trees on it?

A. A few.

Q. How much pine timber or trees?

A. Well it ain't much - I would say if it was paper wooded maybe five or six loads. (page 19)

Q. That would be how much?

A. I imagine it would be five or six cords.

Q. For the record, do you know the current price for paper wood?

A. No I don't.

Q. Is this land under fence?

A. No sir, not the woodland.

Q. Has it been used as a pasture or anything like that?

A. Yes sir.

Q. Is it free range pasture and not fenced?

A. No the three or four acres that is cleared is under fence.

Q. Was that fenced there when Mr. T. E. Johnson died?

A. Yes sir.

Q. Now do you know Mr. T. E. Johnson's ~~xxxxxxxxxxx~~ third wife?

A. Yes sir.

Q. What was her name?

A. She was a Weaver before Grandpa married her.

Q. Do you know her name now?

A. I think she is a Cooper now, the best of my recollection.

Q. Do you know her age?

A. No I don't.

Q. She is not much older than you, is she?

A. I wouldn't think so, no sir.

Q. You are familiar with the house on this land, of course? -- you grew up in this house did you not?

A. Yes sir.

Q. Does it have inside bath?

A. No sir.

THE COMPLAINANT RESTS

GLENN PAGE, A WITNESS FOR THE RESPONDENT, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Owens.

Q. Will you state your name, please?

A. Glenn Page.

Q. Mr. Page, where do you live?

A. Bay Minette.

Q. What is your business?

A. Realtor.

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

A. Seven years.

Q. Where?

A. Bay Minette, Alabama.

Q. Are you familiar with the property where Clyde Johnson and Manford Johnson grew up at Cross Roads?

A. Yes sir.

Q. Are you familiar with the building on it?

A. Yes sir.

Q. Do you handle also accounts for rental of property here in Bay and in the surrounding area?

A. Yes sir.

Q. What, in your opinion, is a reasonable rental for the house situated on the property, which we identified as the Clyde Johnson property?

A. $15.00 a monty just for the house; the house and lot, say.

Q. Now have you had a chance to look over this entire tract of land down there?

A. No I have not.

Q. Are you familiar with the prices brought from the sale of lands in that general area?

A. Yes sir.

Q. About what is the value of land in that general area per acre?

A. Just the land?

Q. Not road front land, but off of the road?

A. May I ask whether it is farm of woodland?

A. Where six acres is in woodland with very little timber and four acres open and in cultivation - this would be a general average -- $250.00 per acre.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Thompson.

Q. Mr. Page, does the $15.00 per month that you testified to, that is today?

A. That would be today.

Q. You are not prepared to testify what a reasonable rental value of that house would be back in the years '30 or '34?

A. No sir.

Q. Or other years other than today?

A. Well I could tell you within the last five or six years.

Q. But not further back?

A. No.

RILEY JOHNSON, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Owens.

Q. Will you state your name, please sir?

A. Riley C. Johnson.

Q. Mr. Johnson, you are one of the defendants in this suit by Manford Johnson to partition certain lands at Cross Roads?

A. Yes.

Q. I will read you the description of a piece of land and ask you to identify it, please: Beginning at a point 947 feet west of the southeast corner of NW¼ of NE¼, Sec. 35, Township 2 South, Range 2 East, for a point of beginning, thence West 615 feet, north 657 feet, east 667 feet, south 560 feet to north right of way line, south 43 degrees 10' West along the road 110 feet to point of beginning, being 10 acres more or less, in Section 35, Township 2 South, Range 2 East. Are you familiar with that tract of land?

A. Yes sir.

Q. Is this the land which was owned by T. E. Johnson at the time of his death?

A. Yes sir.

Q. You are one of his sons?

A. Yes sir.

Q. When did your father die?

A. '42, as well as I remember

Q. What month, was that Mr. Riley?

A. Seems to me like it must have been along in February, I think -- Something like that; I don't remember just the month.

Q. What other pieces of land did your father own at that time?

A. Nothing else but that land at that time.

Q. Now that land at that time, was it worth less than $2,000.?

A. Well I imagine that would have been a mighty big price for it at that time; I imagine it would have brought that at that time.

Q. Do you know Lillie Johnson?

A. Yes sir.

Q. Who was she?

A. Papa's wife.

Q. Were they married at the time of his death?

A. Yes sir.

MR. OWENS: I would like to introduce as Respondent, Riley Johnson's, Exhibit 1, a ce rtified copy of deed from Lillie Johnson, widow of Ed Johnson to R. C. Johnson, dated August 12, 1943, and recorded in Deed Book 80 at page 240, Probate office of Baldwin County, Alabama, and ask that it be so marked.

MR. THOMPSON: May I suggest to the Court that the deed would be evidence of a waiver rather than a conveyance, unless it has been proven that there was a probation of the estate of Mr. Johnson.

THE COURT: As I construe it, that is only a deed to a life interest in the property.

MR. THOMPSON: I can read your Honor the law at this moment --

THE COURT: What is your contention?

MR. OWENS: That it is a conveyance of a life estate.

THE COURT: What do you say it is?

MR. THOMPSON: Under Section 2543, it went to the widow for her life, but if she abandoned it or attempted to convey her interest, her interest ceased -- (Reads)

THE COURT: She has no homestead interest in there now.

Q. How old is Lillie Johnson?

A. She is about 48 -- some where like that.

MR. OWENS: May it please the Court, I would like to introduce mortality table as approved in the Act No. 457 of the Alabama Acts at this time and read into the record the mortality table showing at the age of 48 the life expectancy is 22.88 years.

THE COURT: I don't know why you are introducing that. I thought you were asking for a sale for division.

MR. THOMPSON: We are --

THE COURT: You introduce that now rather than later?

MR. OWENS: Yes, I want it in the record now.

Q. Mr. Johnson, who has paid taxes on this property since the death of your father?

A. My brother, Walker paid the taxes on this land the first time after my father died and me and my brother Hosie gave him $5.00 between us and he put the rest with it, if it took any more, and since that first time, I have been paying the taxes on this land every year.

Q. Now what was your agrangement with Walker Johnson?

MR. THOMPSON: We object - Walker being dead, that comes under the restricted testimony.

MR. OWENS: Withdraw the question.

Q. You have heard the testimony as to the number of children and the number and names of the grand children; do you have any addition or correction to that list as made by Mrs. Rachael Johnson?

A. No, I think she came as near right by it as I could be.

Q. Howard Henderson is still living?

A. Yes sir.

Q. He is the sole heir of Annie Johnson?

A. Yes sir.

Q. Josie Johnson is dead?

A. Yes sir.

Q. His wife is still living?

A. Yes sir.

Q. And Lucille, Leuhemia, Reatha, Georgia Mae and Mack are all children of Josie?

A. Yes sir.

Q. Henry is dead, is he not?

A. Yes sir.

Q. He had how many children?

A. Three.

Q. His widow is dead?

A. Yes sir.

Q. Minnie Johnson Stewart is still alive?

A. Yes sir.

Q. Clyde Johnson?

A. As far as I know he is living.

Q. Walker?

A. Walker is dead.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Thompson.

Q. Mr. Riley, you knew Clyde as a baby, didn't you?

A. Yes I knew him.

Q. Was Clyde under 21 years of age at the time you got that deed in '43?

A. I guess he was. Judge Robertson said he was lawfully adopted to my brother and his wife; Judge Robertson said he was.

Q. He was a minor at the time you got the deed from Mr. T. E. Johnson's last widow?

A. Yes sir.

Q. He was residing on this property?

A. I guess he was; I think he spent a lot of time in College and places.

Q. Do you know Clyde's age at the time Mr. T. E. Johnson died?

A. Not exactly; he must have been eight or nine years old; I'm

not going to say positively. T

Q. That is approximately his age?

A. I don't live there now; I live 10 or 15 miles from there.

MRS. GEORGIA MAE EMANUEL, A WITNESS FOR THE RESPONDENTS, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Owens.

Q. Will you state your name, please?

A. Georgia Mae Emanuel.

Q. You are the granddaughter of T. E. Johnson?

A. Yes sir.

Q. Your father, for the record was Josie Johnson?

A. Yes sir.

Q. Is your mother still living?

A. Yes sir, she is.

Q. All of your brothers and sisters are alive at this time?

A. Yes sir.

Q. Are you familiar with this tract of land where Walker Johnson's widow lives at Cross Roads?

A. I just know it is there.

Q. You live not too far from it?

A. Yes sir.

Q. About how far?

A. I don't know; I would not know how many miles, but you can see it good from my house.

Q. You can see it?

A. Yes sir.

Q. Now when did your father die?

A. He died in December of 1951.

Q. In 1951?

A. Yes sir.

Q. Did he ever discuss with you this 10 acre tract of land?

A. No more than he told us that whatever Uncle Walker and Uncle Riley decided to do was all right as far as he was concerned; it belonged to Uncle Riley; he never left us with any impression that we owned any part of it.

Q. Did he ever pay any taxes on it to your knowledge?

A. As far as I know he never paid nothing.

Q. Did he ever discuss any agreement that he and Walker and Riley might have made after The death of their father?

A. No sir, he didn't.

Q. Did he state that it was up to Mr. Riley?

A. Yes sir, he did; he said whatever Uncle Riley and Uncle Walker decided on was all right with him, be cause he didn't have anything to do with it.

Q. Do you know who, if anybody has had any connection with this land, or done any farming on it since the death of T. E. Johnson?

A. Well I know Manford and them plowed in it and worked it.

Q. They did work it?

A. Yes sir.

Q. Did they ever pay any rent to any of them?

A. I wouldn't know; I didn't have any connection with it.

Q. Did you ever use a part of the land for a garden spot?

A. Me ?

Q. Yes?

A. No.

Q. Did any of your brothers and sisters to your knowledge?

A. No.

ON CROSS EXAMINATION OF THIS WITNESS SHE TESTIFIED AS FOLLOWS:

Examination by Mr. Thompson.

Q. Did you know of Clyde being raised by the Walker Johnson

family?

A. Yes he was.

Q. They took care of him and sent him to school?

A. I reckon they did.

Q. You don't know of any of the other members that contributed to that?

A. No sir.

Q. He was a minor while that was being done?

A. Yes sir.

MR. THOMPSON: I would like to withdraw the original deeds that I introduced and substitute copies.

THE COURT: You may do that.

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

I hereby certify that the foregoing, consisting of pages 1 to 29 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 25th day of January, 1961.

Louise Dennehum

Court Reporter

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WARRANTY DEED.

STATE OF ALABAMA.
BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS, That the Bay Minette Land Company, a corporation organized and existing under the laws of the State of Alabama, for and in consideration of the sum of ONE Dollar and other valuable considerations ($1.00) to it in hand paid the receipt whereof is hereby acknowledged, does grant, bargain, sell and convey unto T. E. Johnson of Cross Roads, Alabama hereinafter called the grantee, the following described lands situated in Baldwin County, Alabama, to wit:

All that certain parcel of land, lying and being in the North half of Section Thirty-five (35), Township Two (2) South, Range Two (2) East; beginning at a

Com Exp 4

point nine hundred and forty-seven (947) feet West of the Southeast corner of the Northwest Quarter of the Northeast Quarter of said section, thence West Six Hundred and Fifteen (615) feet to a point, thence North Six Hundred and Fifty-seven (657) feet to a point, thence East Six Hundred and sixty-seven and one half (667.5) feet to a point, thence South Five Hundred and Sixty-four (564) feet to the North right of way line of the Hurricane Road, thence South forty-three (43) degrees ten Minutes (10) West and along the right of way line of said road, one hundred and fifteen (115) feet to the point or place of beginning, containing in all ten (10) acres, be the same more or less.

TO HAVE AND TO HOLD to the said Grantee his heirs and assigns forever.

And the Bay Minette Land Company does covenant with the said Grantee, that it is seized in fee simple of the above described premises; that it has the right to sell and convey the same; that the said premises are free from all encumbrances, and that it will forever warrant and defend the title to the premises hereby granted to the said Grantee his heirs and assigns, against the lawful claims of all persons.

IN WITNESS WHEREOF, the Bay Minette Land Company has caused these presents to be subscribed and its corporate seal to be affixed by Hampton D. Ewing, its President, this 23rd day of October A. D. 1929.

Bay Minette Land Company,
By Hampton D. Ewing
President.

(CORP. SEAL)

STATE OF ALABAMA.
COUNTY OF BALDWIN.

I, Winnie G. Scarborough, a Notary Public in and for said County in said State, hereby certify that Hampton D. Ewing whose name as President of the Bay Minette Land Company, a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal this 28th day of October 1929.

Winnie G. Scarborough
Notary Public, Baldwin County, Alabama.

(SEAL)

THE STATE OF ALABAMA.
BALDWIN COUNTY. PROBATE COURT.
Filed in office this 15 day of Nov. 1929--3:15 P. M. and duly recorded in Deed No. 48 N. S. pages 175-6; and I certify that $ cts 50 license or privilege tax, paid as required by an Act of the Legislature, approved September 14, 1923;
G. W. Humphries, Judge of Probate, by J. L. Kessler, Clerk.

G. W. Humphries, Judge of Probate.

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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 BAY MINETTE LAND COMPANY TO T.E. JOHNSON.

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

By: Harry M. O'Neal
Chief Clerk

STATE OF ALABAMA
BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That we, HATTIE B. JOHNSON a widow of Walker Johnson, and heir of T. E. Johnson, and LIDDIE BELLE JOHNSON, unmarried, Grantors, for and in consideration of the sum of ONE ($1.00) DOLLAR AND other good and valuable considerations to us in hand paid by MANFORD R. JOHNSON, Grantee, the receipt of which is hereby acknowledged, do hereby REMISE, RELEASE QUIT CLAIM AND CONVEY unto the said Grantee all our rights, title and interest in and to the following described real property situated in Baldwin County, State of Alabama, to-wit::

> Beg. at pt. 947 ft. W of SE Cor. of NW¼ of Northeast quarter of Section 35 Township 2 South Range 2 East for point of beginning; thence: West 615 fteet. North 657 feet; East 667 feet, South 560 feet to North Right of Way Road south 43 degrees 10 min. west and along road 115 feet to beginning and in section 35 Township 2 south Range 2 east, being 10 acres, more or less.

TO HAVE AND TO HOLD WITH the appurtenances thereunto belonging unto the said Grantee, his heirs and assigns forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the 19 day of Oct, 1959.

Hattie B Johnson (SEAL)

Liddie Belle Johnson (SEAL)

STATE OF ALABAMA
BALDWIN COUNTY

I, [illegible] a Notary Public, in and for said County, in said State, hereby certify that Hattie B. Johnson, widow of Walker Johnson and heir of T. E. Johnson, and Liddie Belle Johnson unmarried, 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 on this the 19 day of Oct 1959.

[illegible]
Notary Public, Baldwin County, Alabama

QUIT CLAIM DEED

STATE OF ALABAMA)

BALDWIN COUNTY)

KNOWN ALL MEN BY THESE PRESENTS, That we, Clyde E. Johnson, heir of T. E. Johnson, and Barbara M. Johnson, his wife, Grantors, for and in consideration of the sum of ONE ($1.00) DOLLAR and other good and valuable consideration to us in hand paid by Manford R. Johnson, grantee, the receipt of which is hereby acknowledged, do hereby REMISE, RELEASE, QUIT CLAIM and CONVEY unto the said Grantee all our right, title and interest in and to the following described real property situated in Baldwin County, Alabama, to-wit:

> Beg. at pt. 947 ft W of SE Cor NW¼ of Northeast quarter of Section 35 Township 2 South Range 2 East for point of beginning; Thence: West 615 ft.; North 657 feet; East 667 feet, South 560 feet to North Right of Way Road South 43 degrees 10 minutes West & along road 115 feet to beginning and in Section 35 Township 2 South Range 2 East, being 10 acres more or less.

TO HAVE AND TO HOLD WITH the appurtenances thereunto belonging unto the said Grantee, his heirs and assigns forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the 20 day of August 1959.

Clyde E. Johnson (SEAL)

Barbara M. Johnson (SEAL)

STATE OF ALABAMA)
BALDWIN COUNTY)

I, [illegible] A Notary Public, in and for said County, in said State, hereby certify that Clyde E. Johnson and Barbara M. Johnson and 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.

And I do further certify that on the 20 day of August, 1959, came before me the within named, Barbara M. Johnson, known to me to be the wife of the within named Clyde E. Johnson, and who being examined separate and apart from her husband, touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constrains or threats on the part of her husband.

Given under my hand and seal on this the 20 day of Aug, 1959.

[illegible]
Notary Public, Baldwin County, Alabama

STATE OF ALABAMA
Mobile COUNTY

KNOW ALL MEN BY THESE PRESENTS, That we AUSIE JOHNSON, heir of T. E. Johnson, and wife HAZEL JOHNSON, Grantors for and in consideration of the sum of ONE ($1.00) DOLLAR and other good and valuable considerations to us in hand paid by MANFORD R. JOHNSON, Grantee, the receipt of which is hereby acknowledged, do hereby REMISE, RELEASE, QUIT CLAIM AND CONVEY unto the said Grantee all our rights, title and interest in and to the following described real property situated in Baldwin County State of Alabama, to-wit:

> Beg. at pt. 947 ft W of Se Cor. of NW¼ of Nottheast quarter of Section 35 Township 2 South Range 2 East for point of beginning; thence: West 615 feet, North 657 feet, East 667 feet, South 560 feet to North right of way road, South 43 degrees 10 min. West and along road 115 feet to beginning and in Section 35 Township 2 South Range 2 East being 10 acres, more or less.

TO HAVE AND TO HOLD WITH the appurtenances thereunto belonging unto the said Grantee, his heirs and assigns forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the 26th day of September, 1959.

Ausie Johnson (SEAL)

Hazel Johnson (SEAL)

STATE OF ALABAMA
Mobile COUNTY

I, John C McFerrin, a Notary Public, in and for said County, in said State, hereby certify that Ausie Johnson, heir of T. E. Johnson and his wife Hazel Johnson whose names are signed to the foregoing convey ance, 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.

And I do further certify that on the 26th day of September, 1959 came before me the within named Ausie Johnson and wife Hazel Johnson, and who being examined separate and apart from her husband touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraints or threats on the part of her husband.

Given under my hand and seal on this the 26th day of September, 1959.

John C McFerrin
NOTARY PUBLIC Mobile COUNTY, ALA.

STATE OF ALABAMA
BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That we RACHEL JOHNSON hedr of T. E. Johnson and husband JOHN JOHNSON, Grantors, for and in consideration of the sum of ONE($1.00) DOLLAR and other good and valauble consideration to us in hand paid by MANFORD R. JOHNSON, Grantee, the receipt of which is hereby acknowledged, do hereby REMISE, RELEASE, QUIT CLAIM AND CONVEY unto the said Grantee all our rights, title and interest in and to the following described real property situated in Baldwin County, State of Alabama, to-wit

Beg. at pt. 947 ft W of SE cor NW¼ of Northeast quarter of Section 35 Township 2 south Range 2 east for point of beginning; thence: west 615 ft. north 657 feet; east 667 feet, south 560 feet to north Right of Way road south 43 degrees 10 min. west and along road 115 feet to beginning and in Section35 township 2 south Range 2 east, being 10 acres, more or less.

TO HAVE AND TO HOLD WITH THE appurtenances thereunto belonging unto the said Grantee, his heirs and assigns forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seal on this the 12TH day of September, 1959.

Rachel Johnson (SEAL)

John Johnson (SEAL)

STATE OF ALABAMA
ESCAMBIA COUNTY

I, Otis E. Davis, a Notary Public in and for said County, in said State, hereby certify that Rachel johnson and husband John Johnson, whose names are signed to the foregoing conveyande, 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.

And I do further certify that on the 12th day of Sept 1959, came before me the within named, Rachel Johnson, known to me to be the wife of the within named John Johnson, and who being examined separate and apart from her husband, touching her signautre to the within conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constrains or threats on the part of her husband.

Given under my hand and seal on this the 12th day of Sept. 1959

Otis E. Davis
Notary Public, Escambia County

OTIS E. DAVIS
NOTARY
ESCAMBIA
COUNTY
ALABAMA
PUBLIC

Exd

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QUIT CLAIM DEED

THE STATE OF ALABAMA |
BALDWIN COUNTY |

THIS DEED made this 12th day of August, 1943, between Lillie Johnson, widow of Ed. Johnson party of the first part, and R. C. Johnson party of the second part, WITNESSETH, that the party of the first part, in consideration of One Hundred ($100.00) Dollars to her in hand paid by the party of the second part, the receipt of which is hereby acknowledged, has remised, released and quit claimed and by these presents does remise, release and forever quit-claim unto the said party of the second part his heirs and assigns forever, all the real property in Baldwin County, Alabama, described as follows, to-wit:

Beginning at a point 947 feet west of the southeast corner of the Northwest Quarter (NW¼) of Northeast quarter (NE¼) of Section 35 Township Two (2) South Range Two (2) East, run west 615 feet north 657 feet, east 667 feet, thence south 560 feet to north right of way of Hurricane Road, thence south 43 degrees 10 minutes and along right of way of said road 115 feet to the place of beginning in Section 35 Township Two south of Range Two east, in Baldwin County, Alabama.

Grantee by this deed conveys all her right title and interest in and to said property, as the widow of said Ed. Johnson, deceased.

TO HAVE AND TO HOLD the said released premises ~~unto the said released premises~~ unto the said R. C. Johnson his heirs and assigns forever; So that neither the party of the first part her heirs or assigns nor any other person in trust for her or in her name shall or will, can or may by any ways or means whatsoever, hereafter, have or claim any right or title thereto; BUT THAT the said party of the first part her heirs and assigns, each and every one of them from all estate, right, title, interest or claim, and demand whatsoever, in or to the said premises, or any part thereof, are, is, and shall be, by these presents, FOREVER EXCLUDED AND DEBARRED.

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of Lillie Johnson Seal
W. H. Hawkins

STATE OF ALABAMA |
BALDWIN COUNTY |
I, W. H. Hawkins, a Notary Public, in and for said County and State, hereby certify that Lillie Johnson, a widow whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 12 day of August A. D. 1943.

SEAL H. W. Hawkins
Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA |
BALDWIN COUNTY |
Filed in office this 13 day of Aug. 1943 at 9:08A.M. and recorded in Deed Book 80 at page 240, I certify that $.50 Deed Tax has been paid as required by law. G. W. Robertson, Judge of Probate.

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Recommendment Deed Discharged Exd

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 One Photostatic pages contain a full, true and complete copy of the Deed from Lillie Johnson to R. C. Johnson

as the same appears of record in my office.

Given under my hand and seal of office, this 5th day of Dec., 1960

W R Stuart
Judge of Probate

By: Nancy M Dolin
Chief Clerk