

2982

CARRIE PHILLIPS and HELEN P. WALKER, |

Complainants, |

vs. |

JOHN MALACHI PHILLIPS, DAVID D. PHILLIPS, THELMA HEATON, LOUISE BROCK, GERTRUDE HICKS, IRENE GENTRY, DOROTHY D. NORMAN, KITTY PHILLIPS, ANNA V. GENTON, JOHNNIE WESSLER, MONROE WESSLER, as Guardian of JOHNNIE WESSLER, a Minor, and WALTER BOONE, |

Respondents. |

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

BOOK 015 PAGE 14

Comes the Respondent, Walter Boone, in the above styled cause and for answer to the Bill of Complaint filed in said cause, says:

1. Said Respondent admits the allegations of the first paragraph of the Bill of Complaint.
2. Said Respondent is not informed as to the allegations of paragraph two of the Bill of Complaint and neither admits nor denies the same but demands strict proof thereof.
3. Said Respondent is not informed as to the allegations of paragraph three of the Bill of Complaint and neither admits nor denies the same but demands strict proof thereof.
4. Said Respondent denies the allegations of paragraph four of the Bill of Complaint and demands strict proof thereof.
5. Said Respondent denies the allegations of paragraph five of the Bill of Complaint and demands strict proof thereof.
6. Said Respondent denies the allegations of paragraph six of the Bill of Complaint and demands strict proof thereof.
7. Said Respondent denies the allegations of paragraph seven of the Bill of Complaint and demands strict proof thereof.
8. Said Respondent admits the allegations of paragraph eight of the Bill of Complaint insofar as such paragraph states that he is the owner of two turpentine leases and a timber deed from Mrs. J. H. Phillips covering the lands therein described but denies the other allegations of paragraph eight of the Bill of Complaint and demands strict proof thereof.

For further answer to the Bill of Complaint and as a Cross-Bill, the Respondent, Walter Boone, says that Mrs. J. H. Phillips did execute the two turpentine leases shown as Exhibit "A" and Exhibit "B" to the Bill of Complaint and the Timber Deed shown as Exhibit "C", to such Respondent and that he paid her the consideration set out in each of the se instruments upon her representation to him that she was the owner of the property she leased and the timber she sold to him. That under such lease he did operate the timber for turpentine purposes during the term of the first lease and a part of the time for the term of the second lease, but before completing the second lease and before cutting timber which had been conveyed to him by Mrs. J. H. Phillips, he was ordered by some of the heirs, who are named as Respondents in this cause, to cease the turpentine operations and not to cut the timber and he did cease his operations under such turpentine lease and did not cut timber conveyed to him by such Timber Deed. That the Complainant, Mrs. J. H. Phillips has, by proper instrument, granted unto this Respondent all of her interest in the timber of the sizes mentioned in such instrument and if such timber and the lands on which the same is located is to be sold, the said Mrs. J. H. Phillips would be entitled to a part of the purchase price had she not conveyed such timber to him and since she has sold him such timber said Respondent would be entitled to any money derived from such sale which would have been paid to the said Mrs. J. H. Phillips for her interest in such timber. That the said Mrs. J. H. Phillips has joined in such Bill of Complaint as a Complainant, knowing that she has previously conveyed an interest in the timber not only located upon the lands sought to be sold but also she has sold her interest to him in the timber located upon a ten acre tract known as the Home Place and described in paragraph eight of the Bill of Complaint. That said Respondent paid Mrs. J. H. Phillips the sum of \$400.00 for such timber deed and paid her a substantial amount for the turpentine lease which has not expired, none of which has been returned to him by Mrs. J. H. Phillips.

WHEREFORE, the said Walter Boone, as Respondent and Cross-Complainant, prays that all of the other parties to this proceeding be made Cross-Respondents and that this Court will order and decree that the pine trees measuring 8 inches and up in diameter at a point two feet from the ground and all pine trees which have been worked for turpentine purposes located on the West one-third of the Northwest Quarter of the Northeast Quarter, less four acres in the Northwest corner thereof, belonging to Charles Phillips, in Section 31, Township 4 North, Range 4 East, be sold for partition and division along with a sale of the lands and timber as described in the Bill of Complaint and that this court will order a reference to be held to ascertain the reasonable market value of such timber located upon the lands described in the Timber Deed which is attached to the original Bill of Complaint, and the value of the interest of your Respondent and Cross-Complainant, Walter Boone, who holds such title to the same as could be conveyed by Mrs. J. H. Phillips under such Timber Deed and out of the proceeds derived from such sale that the said Walter Boone be paid the price that he should receive out of such sale for such timber.

That your Respondent and Cross-Complainant, Walter Boone, be granted such other, further, different and general relief to which he may be entitled, and in the premises will be meet and proper.

CHASON AND STONE

FILED

5-6-53

ALICE J. BOCK, Register

BY:

[Signature]
Solicitors for Respondent and Cross-Complainant, Walter Boone.

CARRIE PHILLIPS and HELEN P. WALKER,

COMPLAINANTS,

VS.

JOHN MALACHI PHILLIPS, DAVID D. PHILLIPS, THELMA HEATON, LOUISE BROCK, GERTRUDE HICKS, IRENE GENTRY, DOROTHY D. NORMAN, KITTY PHILLIPS, ANNA V. GENTON, JOHNNIE WESSLER, MONROE WESSLER as Guardian of JOHNNIE WESSLER, a Minor, and WALTER BOONE,

RESPONDENTS.

IN THE CIRCUIT COURT,
BALDWIN COUNTY, ALABAMA,
IN EQUITY.

CASE NO. 2982

TO THE HON. HUBERT HALL, JUDGE OF SAID COURT:

Come your complainants, Carrie Phillips and Helen P. Walker, and respectfully represent and show unto your Honor as follows:

1. That the complainants are both over the age of twenty-one years and that complainant, Carrie Phillips, is a resident of Baldwin County, Alabama. Your complainant, Helen P. Walker, is a resident of Clarke County, Alabama.

2. That the following named persons, hereinafter made respondents to this bill of complaint, are each of sound mind and over the age of twenty-one years and their respective places of residence and addresses are set forth after each name so far as they are known by your complainants, to-wit:

- 1. John Malachi Phillips, Uriah, Alabama;
- 2. David D. Phillips, 3303 Terrace Drive, Washington 20, D. C.;
- 3. Thelma Heaton, 315 Second Avenue, Chickasaw, Alabama;
- 4. Louise Brock, N Ryan Street, Whistler, Alabama;
- 5. Gertrude Hicks, Scyrene, Alabama;
- 6. Irene Gentry, Uriah, Alabama;
- 7. Dorothy D. Norman, 1018 No. 51st Street, Birmingham, Alabama;
- 8. Kitty Phillips, 54 D West Drive, Prichard, Alabama;
- 9. Anna V. Genton, 54 D West Drive, Prichard, Alabama;
- 10. Walter Boone, Little River, Alabama.

3. That Johnnie Wessler who is hereinafter made a respondent to this bill of complaint is under the age of twenty-one years and is married to Monroe Wessler. That the said Monroe Wessler was appointed as her said guardian by the Probate Court of Baldwin County, Alabama, on March 10, 1952; that said Johnnie Wessler is now residing with her husband at 54 D West Drive, Prichard, Alabama.

4. Complainants allege that John Malachi Phillips, David D. Phillips, Thelma Heaton, Louise Brock, Gertrude Hicks, Irene Gentry, Dorothy D. Norman, Kitty Phillips, Anna V. Genton and Johnnie Wessler, together with complainant, Helen P. Walker, are tenants in common of the following described property situated in Baldwin County, Alabama, to-wit:

W $\frac{1}{2}$ of the NW $\frac{1}{4}$; SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, all in Section 31, Township 4 North, Range 4 East, containing 140 acres, more or less, Baldwin County, Alabama.

5. That the interest of each of said joint owners and tenants in common in said property is as follows, to-wit:

Helen P. Walker	an undivided 1/11th interest
John Malachi Phillips	an undivided 1/11th interest
David D. Phillips	an undivided 1/11th interest
Thelma Heaton	an undivided 1/11th interest
Louise Brock	an undivided 1/11th interest
Gertrude Hicks	an undivided 1/11th interest
Irene Gentry	an undivided 1/11th interest
Dorothy D. Norman	an undivided 1/11th interest
Kitty Phillips	an undivided 1/11th interest
Anna V. Genton	an undivided 1/11th interest
Johnnie Wessler	an undivided 1/11th interest

Complainants allege that the interest above set forth is subject to the dower interest of complainant, Carrie Phillips, in and to the above described land.

6. Your complainant, Carrie Phillips, alleges that the above described lands were owned in fee simple by her husband, J. H. Phillips, during his lifetime; that the said J. H. Phillips died intestate and that the said lands descended to the above mentioned tenants in common subject to her life estate or dower interest in same as the widow of the said J. H. Phillips. Complainant, Carrie Phillips, alleges that she is willing for the above described lands to be sold for division of the proceeds derived from the sale thereof among the tenants in common set forth above and that she does make herself a party to this suit so that said lands can be sold for division among the joint owners and tenants in common.

7. Your complainants further allege that the lands described in Paragraph 4 above cannot be equitably partitioned in kind among the several owners thereof, and that your complainants desire that said property be sold for partition.

BOOK 015 PAGE 03

8. Your complainants allege that during the period between January 4, 1947, and December 12, 1950, complainant, Carrie Phillips, also known as Mrs. J. H. Phillips, executed two turpentine leases and a timber deed to Walter Boone covering the lands described in Paragraph 4 of this bill of complaint which are sought to be sold for division among the joint owners thereof; that said instruments in addition thereto covered a 10 acre tract known as the "home place" and which is more particularly described as follows:

The West 1/3 of the NW 1/4 of NE 1/4 less 4 acres in the NW corner thereof belonging to Charles Phillips, Section 31, Township 4 North, Range 4 East.

Certified copies of which said instruments are attached hereto as Exhibits "A", "B" and "C". Your complainants allege that said conveyances purport to convey the reversionary interest of the parties hereto with the exception of complainant, Carrie Phillips, in the timber standing, lying or being on said lands which are the subject of this suit and that evidence aliunde is necessary to show that the reversionary interest of the parties hereto shown as joint owners did not pass thereby. Your complainants further show unto this Honorable Court that these instruments mentioned above constitute a cloud upon the title to the lands which are the subject of this suit and do materially affect the title thereto and that said instruments would materially affect the sale price of same if ordered to be sold for division among joint owners by decree of this Honorable Court.

PRAYER FOR RELIEF

THE PREMISES CONSIDERED, your complainants pray that John Malachi Phillips, David D. Phillips, Thelma Heaton, Louise Brock, Gertrude Hicks, Irene Gentry, Dorothy D. Norman, Kittie Phillips, Anna V. Genton, Johnnie Wessler, Monroe Wessler and Walter Boone be made parties respondent to this bill and that process issue and be served upon them in conformity with the rules of this Court, requiring them to plead, answer or demur hereto within the time allowed by law.

Your complainants further pray that your Honor will assume jurisdiction of this cause and upon a hearing thereof will grant relief to your complainants as follows:

1. That a decree be entered directing that the lands described in Paragraph 4 of this bill of complaint be sold for partition according to the practices of this Court.

2. That this Court ascertain and declare the rights, title and interest of all of the parties hereto and direct the distribution of the proceeds of such sale.

3. That suitable and appropriate provisions be made in said distribution for the dower interest of Carrie Phillips in said lands described in Paragraph 4.

4. That the Court decree that the turpentine lease executed by Mrs. J. H. Phillips, a widow, to Walter Boone, under date of January 4, 1947, which said instrument was filed for record on May 18, 1948, and recorded in Book 130, Page 239 of the Records in the Probate Office of Baldwin County, Alabama; that the turpentine lease executed by Mrs. J. H. Phillips, a widow, to Walter Boone, on September 20, 1950, and which was filed for record on September 22, 1950, and recorded in Book 153 NS, Page 435; and the timber deed executed by Mrs. J. H. Phillips, a widow, to Walter Boone, on December 12, 1950, which said timber deed was filed for record on January 20, 1951 and recorded in Book 162 NS, at Pages 166-167, of the Probate Records of Baldwin County, Alabama, constitute clouds upon the title to the lands sought to be sold for division described in Paragraph 4 of this bill of complaint and also that said instruments constitute clouds upon the title to the 10 acre tract of land described in Paragraph 8 of this bill of complaint known as the J. H. Phillips home place, and that this Honorable Court decree that the respondent, Walter Boone, has no interest in the timber standing, lying or being upon the lands which are the subject of this suit and that the Court decree that said instruments constituting a cloud upon the title to the reversionary interest of parties to this suit with the exception of Carrie Phillips, be removed and that the Court decree that said instruments be expunged from the Probate Records of Baldwin County, Alabama.

5. That the Court determine and declare a reasonable attorney's fee to be paid out of the proceeds of such sale to the solicitor of your complainants, and that same be taxed as a part of the Court costs as a common charge against all interest in said property.

6. That all such references and other proceedings may be had and done as may be necessary to accomplish the relief herein sought.

7. And if your complainants have in anywise mistaken the relief to which they are entitled hereunder, they pray for such other, further or different relief as may be in Equity due them, the premises considered.

Carrie Phillips
Carrie Phillips

Sworn to and subscribed before me this the 26 day of February, 1953.

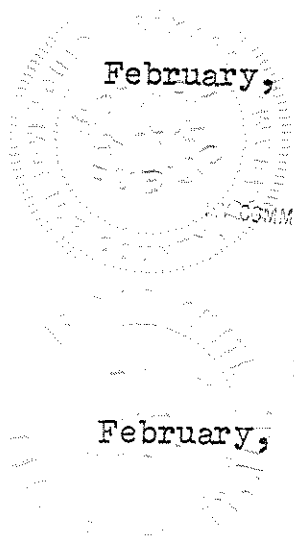
Opada Rhoads
Notary Public,

Helen P. Walker
Helen P. Walker

Sworn to and subscribed before me this the 21st day of February, 1953.

Ludie Mae Smith
Notary Public, Clarke Co., Ala.

J. Watson Danett
SOLICITOR FOR COMPLAINANTS.



FILED
3-23-54
ANNE L. DICK, Register

THE STATE OF ALABAMA,
Baldwin County

PROBATE COURT

I, W. R. STUART, Judge of the Probate Court in and for said State and County, hereby certify

that the within and foregoing _____ pages

contain a full, true and complete copy of the Timber Deed from Mrs. J. H. Phillips

to Walter Boone

as the same appears of record in my office in Deed Book No. 162

Page 166-7

Given under my hand and seal of office, this 13th day of March, 1953

W. R. Stuart

Judge of Probate.

By: Lela S. Glover
Chief Clerk

BOOK 015 PAGE 13

The State of Alabama, _____ County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon ¹John Malachi Phillips, ²Thelma Denton
³Louise Brock, ⁴Gertrude Vicks, ⁵June Denton, ⁶Elizabeth Norman,
⁷Kitty Phillips, ⁸Anna V. Denton, ⁹Walter Boone

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Com-
 plaint filed in said Circuit Court, in equity, for said County of said State. ^{by}

Carnie Phillips et al

against

David A. Phillips et al

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

Witness this

23rd

day of

March

1953

Wesley Duck

Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

The State of Alabama

..... COUNTY.

IN CIRCUIT COURT, IN EQUITY

Carnie Phillips and Helen Walker

vs.

John Maluchi Phillips

SUMMONS

Returned by the Sheriff and filed in office, this the..... day of....., 19.....

....., Register.

FILED

3, 23, 53

Alice J. Duck, Register

Received in office, this the 23 day of

March, 1953
Taylor Wilkins, Sheriff.

I have executed the within by leaving a copy thereof with.....

defendant named herein, on this the..... day of....., 19.....

....., Sheriff.

By....., Deputy.

T. WATROUS GARRETT

ATTORNEY-AT-LAW
POST OFFICE BUILDING
GROVE HILL, ALABAMA

August 14, 1953

REGISTERED MAIL

2092

Mrs. Alice J. Duck
Register in Equity
Bay Minette, Alabama

Re: Carrie Phillips, et al, Complainants,
Vs.
John Malachi Phillips, et al, Respondents.

Dear Mrs. Duck:

I am enclosing herewith original of amendment to bill of complaint in the above styled case which I would like to get you to mark filed.

I am also enclosing original and copy of summons and copy of amendment to bill of complaint to be served on each of the respondents in the above styled cause. After service has been had on all of the respondents I would appreciate it if you would notify me accordingly. I am mailing a copy of this amendment to John Chason, solicitor of record for the respondent, Walter Boone.

Very truly yours,

J. Watrous Garrett
T. Watrous Garrett

TWG:sms

Enclosures

*done
8-18-53*

*only 10 copies tosher
1 Reg mail*

SUMMONS

BALDWIN

Democrat Press, Grove Hill, Ala.

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

NP

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Mrs. Thelma Heaton, 315 Second Avenue, Chickasaw, Alabama

to appear and plead, answer, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in Equity, for said County, of said State, against

her

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 23rd day of March, 1953.

Becky J. Newcomb

Register.

Code 1923-6528-6529—Rev. May 1, 1940.

The State of Alabama

_____ COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

S U M M O N S

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____.
_____, Register.

RECEIVED
MAR 24 1953
RECEIVED

MOBILE COUNTY, ALA.

Received in office, this the _____ day of

_____, 19____

_____, Sheriff.

I have executed the within by leaving a copy
thereof with _____

RECEIVED..... 3-24-53.....

RETURNED..... 7-6-53.....

Not found in my County after diligent search
and inquiry.

W. H. HOLCOMBE, Sheriff

By H. B. Sanders D. S.

defendant named herein, on this the _____

day of _____, 19____

_____, Sheriff.

By _____, Deputy.

SUMMONS

BALDWIN

Democrat Press, Grove Hill, Ala.

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Mrs. Thelma Heaton, 315 Second Avenue, Chickasaw, Alabama.

Port St. Joe, Fla.

to appear and plead, answer, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in Equity, for said County, of said State, against

her

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 23rd day of March, 1953.

Director, Register. Code 1923-6528-6529—Rev. May 1, 1940.

COPY

CARRIE PHILLIPS and HELEN P. WALKER,

COMPLAINANTS,

VS.

JOHN MALACHI PHILLIPS, DAVID D. PHILLIPS, THELMA HEATON, LOUISE BROCK, GERTRUDE HICKS, IRENE GENTRY, DOROTHY D. NORMAN, KITTY PHILLIPS, ANNA V. GENTON, JOHNNIE WESSLER, MONROE WESSLER as Guardian of JOHNNIE WESSLER, a Minor, and WALTER BOONE,

RESPONDENTS.

IN THE CIRCUIT COURT,
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

CASE NO. _____

TO THE HON. HUBERT HALL, JUDGE OF SAID COURT:

Come your complainants, Carrie Phillips and Helen P. Walker, and respectfully represent and show unto your Honor as follows:

1. That the complainants are both over the age of twenty-one years and that complainant, Carrie Phillips, is a resident of Baldwin County, Alabama. Your complainant, Helen P. Walker, is a resident of Clarke County, Alabama.

2. That the following named persons, hereinafter made respondents to this bill of complaint, are each of sound mind and over the age of twenty-one years and their respective places of residence and addresses are set forth after each name so far as they are known by your complainants, to-wit:

- John Malachi Phillips, Uriah, Alabama;
- David D. Phillips, 3303 Terrace Drive, Washington 20, D. C.;
- Thelma Heaton, 315 Second Avenue, Chickasaw, Alabama;
- Louise Brock, N Ryan Street, Whistler, Alabama;
- Gertrude Hicks, Scyrene, Alabama;
- Irene Gentry, Uriah, Alabama;
- Dorothy D. Norman, 1018 No. 51st Street, Birmingham, Alabama;
- Kitty Phillips, 54 D West Drive, Prichard, Alabama;
- Anna V. Genton, 54 D West Drive, Prichard, Alabama;
- Walter Boone, Little River, Alabama.

3. That Johnnie Wessler who is hereinafter made a respondent to this bill of complaint is under the age of twenty-one years and is married to Monroe Wessler. That the said Monroe Wessler was appointed as her said guardian by the Probate Court of Baldwin County, Alabama, on March 10, 1952; that said Johnnie Wessler is now residing with her husband at 54 D West Drive, Prichard, Alabama.

4. Complainants allege that John Malachi Phillips, David D. Phillips, Thelma Heaton, Louise Brock, Gertrude Hicks, Irene Gentry, Dorothy D. Norman, Kitty Phillips, Anna V. Genton and Johnnie Wessler, together with complainant, Helen P. Walker, are tenants in common of the following described property situated in Baldwin County, Alabama, to-wit:

W $\frac{1}{2}$ of the NW $\frac{1}{4}$; SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; E $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, all in Section 31, Township 4 North, Range 4 East, containing 140 acres, more or less, Baldwin County, Alabama.

5. That the interest of each of said joint owners and tenants in common in said property is as follows, to-wit:

Helen P. Walker	an undivided 1/11th interest
John Malachi Phillips	an undivided 1/11th interest
David D. Phillips	an undivided 1/11th interest
Thelma Heaton	an undivided 1/11th interest
Louise Brock	an undivided 1/11th interest
Gertrude Hicks	an undivided 1/11th interest
Irene Gentry	an undivided 1/11th interest
Dorothy D. Norman	an undivided 1/11th interest
Kitty Phillips	an undivided 1/11th interest
Anna V. Genton	an undivided 1/11th interest
Johnnie Wessler	an undivided 1/11th interest

Complainants allege that the interest above set forth is subject to the dower interest of complainant, Carrie Phillips, in and to the above described land.

6. Your complainant, Carrie Phillips, alleges that the above described lands were owned in fee simple by her husband, J. H. Phillips, during his lifetime; that the said J. H. Phillips died intestate and that the said lands descended to the above mentioned tenants in common subject to her life estate or dower interest in same as the widow of the said J. H. Phillips. Complainant, Carrie Phillips, alleges that she is willing for the above described lands to be sold for division of the proceeds derived from the sale thereof among the tenants in common set forth above and that she does make herself a party to this suit so that said lands can be sold for division among the joint owners and tenants in common.

7. Your complainants further allege that the lands described in Paragraph 4 above cannot be equitably partitioned in kind among the several owners thereof, and that your complainants desire that said property be sold for partition.

8. Your complainants allege that during the period between January 4, 1947, and December 12, 1950, complainant, Carrie Phillips, also known as Mrs. J. H. Phillips, executed two turpentine leases and a timber deed to Walter Boone covering the lands described in Paragraph 4 of this bill of complaint which are sought to be sold for division among the joint owners thereof; that said instruments in addition thereto covered a 10 acre tract known as the "home place" and which is more particularly described as follows:

The West 1/3 of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ less 4 acres in the NW corner thereof belonging to Charles Phillips,
Section 31, Township 4 North, Range 4 East.

Certified copies of which said instruments are attached hereto as Exhibits "A", "B" and "C". Your complainants allege that said conveyances purport to convey the reversionary interest of the parties hereto with the exception of complainant, Carrie Phillips, in the timber standing, lying or being on said lands which are the subject of this suit and that evidence aliunde is necessary to show that the reversionary interest of the parties hereto shown as joint owners did not pass thereby. Your complainants further show unto this Honorable Court that these instruments mentioned above constitute a cloud upon the title to the lands which are the subject of this suit and do materially affect the title thereto and that said instruments would materially affect the sale price of same if ordered to be sold for division among joint owners by decree of this Honorable Court.

PRAYER FOR RELIEF

THE PREMISES CONSIDERED, your complainants pray that John Malachi Phillips, David D. Phillips, Thelma Heaton, Louise Brock, Gertrude Hicks, Irene Gentry, Dorothy D. Norman, Kittie Phillips, Anna V. Genton, Johnnie Wessler, Monroe Wessler and Walter Boone be made parties respondent to this bill and that process issue and be served upon them in conformity with the rules of this Court, requiring them to plead, answer or demur hereto within the time allowed by law.

Your complainants further pray that your Honor will assume jurisdiction of this cause and upon a hearing thereof will grant relief to your complainants as follows:

1. That a decree be entered directing that the lands described in Paragraph 4 of this bill of complaint be sold for partition according to the practices of this Court.

2. That this Court ascertain and declare the rights, title and interest of all of the parties hereto and direct the distribution of the proceeds of such sale.

3. That suitable and appropriate provisions be made in said distribution for the dower interest of Carrie Phillips in said lands described in Paragraph 4.

4. That the Court decree that the turpentine lease executed by Mrs. J. H. Phillips, a widow, to Walter Boone, under date of January 4, 1947, which said instrument was filed for record on May 18, 1948, and recorded in Book 130, Page 239 of the Records in the Probate Office of Baldwin County, Alabama; that the turpentine lease executed by Mrs. J. H. Phillips, a widow, to Walter Boone, on September 20, 1950, and which was filed for record on September 22, 1950, and recorded in Book 153 NS, Page 435; and the timber deed executed by Mrs. J. H. Phillips, a widow, to Walter Boone, on December 12, 1950, which said timber deed was filed for record on January 20, 1951 and recorded in Book 162 NS, at Pages 166-167, of the Probate Records of Baldwin County, Alabama, constitute clouds upon the title to the lands sought to be sold for division described in Paragraph 4 of this bill of complaint and also that said instruments constitute clouds upon the title to the 10 acre tract of land described in Paragraph 8 of this bill of complaint known as the J. H. Phillips home place, and that this Honorable Court decree that the respondent, Walter Boone, has no interest in the timber standing, lying or being upon the lands which are the subject of this suit and that the Court decree that said instruments constituting a cloud upon the title to the reversionary interest of parties to this suit with the exception of Carrie Phillips, be removed and that the Court decree that said instruments be expunged from the Probate Records of Baldwin County, Alabama.

5. That the Court determine and declare a reasonable attorney's fee to be paid out of the proceeds of such sale to the solicitor of your complainants, and that same be taxed as a part of the Court costs as a common charge against all interest in said property.

6. That all such references and other proceedings may be had and done as may be necessary to accomplish the relief herein sought.

7. And if your complainants have in anywise mistaken the relief to which they are entitled hereunder, they pray for such other, further or different relief as may be in Equity due them, the premises considered.

19 Carrie Phillips
Carrie Phillips

Sworn to and subscribed before me this the 26 day of February, 1953.

SEAL
MY COMMISSION EXPIRES
AUGUST 22, 1953

19 Ouida Rikard
Notary Public,

19 Helen P. Walker
Helen P. Walker

Sworn to and subscribed before me this the 21st day of February, 1953.

SEAL

19 Sudie Mae Smith
Notary Public, CLARKE Co., Ala.

19 T. Watrous Garrett
SOLICITOR FOR COMPLAINANTS.

EXHIBIT "A"

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of \$1.00 and other good and valuable considerations as hereinafter set out, this day cash in hand paid to Mrs. J. H. Phillips, a widow, hereinafter referred to as the "Lessor", by WALTER BOONE, hereinafter referred to as the "Lessee", receipt whereof is hereby acknowledged, the lessor has and by these presents does hereby lease and let to the lessee all pine trees, measuring eight (8) inches and up in diameter, at a point two (2) feet from the ground, standing upon the following described lands situated in Baldwin County, Alabama, to-wit:-

All that part of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) lying west of the public road; West half of Northwest Quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$); Southeast quarter of Northwest quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$), North half of Northwest quarter of Southwest quarter (N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$), all lying in section thirty one (31), township four north (4n), Range four east and containing 177 acres more or less.

The lessee shall have the right to work the above described trees for turpentine purposes for a period of four (4) years from the date hereof. The lessee hereby agrees to hang cups on all trees suitable for turpentine purposes and of the dimensions above set out as soon as possible and he shall pay the said lessor the sum of twenty cents (20¢) for each turpentine cup so hung. The lessee has this day paid the lessor the sum of \$100.00 to apply on such consideration and the remaining consideration shall be paid as soon as such cups are hung and counted, the said sum of 20¢ per cup being for the full four year lease, or 5¢ a year for each cup.

The lessor hereby grants to the lessee all necessary rights of ingress and egress, to, over and across said lands for the purpose of working said timber for turpentine purposes, which rights shall cease upon the expiration of this contract. The lessee, his heirs and assigns, shall have the right to remove all cups placed by him on said land. The lessee hereby agrees that he will work said timber in a workmanlike manner.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this the th day of January, 1947.

Mrs. J. H. Phillips SEAL

SEAL

STATE OF ALABAMA

BALDWIN COUNTY

I, Laura M. WOLF, a Notary Public, in and for said County in said State, hereby certify that Mrs. J. H. Phillips, a widow, and Walter Doane, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal hereto affixed by me, this 4th day of January, 1947.

Laura M. Wolf
Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

Filed May 18, 1948.....9 a. m.
Recorded Book page
and I certify that the following
Privilege Tax has been paid.
Deed Tax 50
Mortgage Tax

W. R. Stuart
Judge of Probate
By C.

THE STATE OF ALABAMA
BALDWIN COUNTY

PROBATE COURT

I, W. R. Stuart, Judge of the Probate Court in and for said State and County, hereby certify that the within and foregoing pages contain a full and complete copy of the Turpentine Lease from Mrs. J. H. Phillips to Walter Doane as the same appears of record in my office in Deed Book No. 130, Page 239-40.

Given under my hand and seal of office, this 13th day of March, 1953.

W. R. Stuart
Judge of Probate

SEAL

By: Mila S. Glover
Chief Clerk

STATE OF ALABAMA

EXHIBIT "B"

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of One Dollar (\$1.00) this day cash in hand paid to Mrs. J. H. Phillips, a widow, hereinafter referred to as the "Lessor", by Walter Boone, hereinafter referred to as the "Lessee", receipt whereof is hereby acknowledged, and of the other good and valuable consideration to be paid as hereinafter set out, the Lessor has and by these presents does hereby LEASE AND LET to the Lessee, all pine trees measuring eight (8) inches and up in diameter, at a point two (2) feet from the ground, standing upon the following described lands situated in Baldwin County, Alabama, to-wit:-

All that part of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) lying West of the public road; West half of Northwest Quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$); Southeast Quarter of Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$), North half of Northwest Quarter of Southwest Quarter (N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$), all lying in Section Thirty one (31), Township Four (4) North, Range Four (4) East and containing 177 acres, more or less.

The Lessee is now working certain timber for turpentine purposes standing upon the above described lands under a lease agreement which will expire January 4, 1951. This lease shall begin immediately upon the expiration of the present lease and the Lessee shall have the right to work all timber, suitable for turpentine purposes of the dimensions above set out, upon said land, for a period of four (4) years from January 4, 1951. The Lessee hereby agrees to hang cups on all trees suitable for turpentine purposes and of the dimensions above set out as soon as possible after this lease begins and he shall pay the Lessor the sum of five cents (5¢) for each turpentine face or cup so hung and worked for each year during the term of this lease and while he remains in possession of said property. The Lessee upon the execution and delivery of this instrument, agrees to pay the Lessor the sum of Two Hundred Dollars (\$200.00) to be applied upon the amount due or to become due under this lease and the remaining consideration at the rate of five cents (5¢) per cup per year shall not be paid

until the earned part of such lease amounts to as much as the amount this day advanced and shall then be paid yearly, as hereinabove set out.

The Lessor hereby grants to the Lessee all necessary rights of ingress and egress to, over and across said lands for the purpose of working said timber for turpentine purposes, which rights shall cease upon the expiration of this lease.

The Lessee, his heirs and assigns shall have the right to remove all cups placed by him on such trees. Lessee hereby agrees that he will work said timber in a proper manner.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this the _____ day of _____, 1950.

Mrs. J. H. Phillips SEAL

Walter A. Boone SEAL

STATE OF ALABAMA

BALDWIN COUNTY

I, Laura M. Woolf, a Notary Public, in and for said County in said State, hereby certify that Mrs. J. H. Phillips, a widow, and Walter Boone, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 20th day of Sept., 1950.

Laura M. Woolf
Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA
BALDWIN COUNTY

Filed 9-22-50 8 a. m.
Recorded Deed Book 153 page 434-5
and I certify that the following
Privilege Tax has been paid
Deed Tax 50
Mortgage Tax

W. R. Stuart
Judge of Probate
By G

THE STATE OF ALABAMA § PROBATE COURT
BALDWIN COUNTY §

I, W. R. Stuart, Judge of the Probate Court in and for said State and County, hereby certify that the within and foregoing pages contain a full, true and complete copy of the Turpentine Lease from Mrs. J. H. Phillips to Walter Boone as the same appears of record in my office in Deed Book No. 153, Page 434-5.

Given under my hand and seal of office, this 13th day of March, 1953.

W. R. Stuart
Judge of Probate
By: Lila S. Glover
Chief Clerk

STATE OF ALABAMA

EXHIBIT "C"

TIMBER DEED

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of Four Hundred Dollars (\$400.00) this day cash in hand paid to Mrs. J. H. Phillips, a widow, hereinafter referred to as the "Seller", by Walter Boone, hereinafter referred to as the "Purchaser", receipt whereof is hereby acknowledged, the Seller has and by these presents does hereby GRANT, BARGAIN, SELL AND CONVEY to the Purchaser all pine trees measuring eight (8) inches and up in diameter, at a point two (2) feet from the ground, and all pine trees which have, before the expiration of this contract, been worked for turpentine purposes, standing, lying and being upon the following described land situated in Baldwin County, Alabama, to-wit:

All that part of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) lying West of the public road; West half of Northwest Quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$); Southeast Quarter of Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$); North half of Northwest Quarter of Southwest Quarter (N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$); all lying in Section Thirty-one (31), Township Four (4) North, Range Four (4) East, and containing 177 acres, more or less.

The Seller executed a turpentine lease to the Purchaser which will expire January 4, 1955, and the Purchaser shall have, and he is hereby granted, the right to cut the trees and timber hereby conveyed any time during the term of said turpentine lease or within one year thereafter. Any timber not cut and removed by the Purchaser on or before January 4, 1956, shall revert to and become the property of the then owner of said land.

For the consideration above recited, the Seller hereby grants unto the Purchaser all rights of ingress and egress to, over and across said lands for the purpose of cutting and removing the trees and timber hereby conveyed. The said Purchaser shall have the right to build all necessary roads, bridges and causeways for the purpose of removing such trees and timber and shall have the right to use a skidder in his operation if necessary. The Purchaser hereby agrees that he will not unnecessarily damage the trees and timber not hereby conveyed and that he will be liable for any such unnecessary damage. All of the rights hereby granted shall cease upon the termination of this contract.

This agreement shall inure to the benefit of and be binding upon the parties hereto, their heirs and assigns.

Time is of the essence of this agreement.

IN WITNESS WHEREOF, the Seller has hereunto set her hand and seal on this the 12th day of December, 1950.

Mrs. J. H. Phillips (SEAL)

STATE OF ALABAMA §

BALDWIN COUNTY §

I, Laura M. Woolf, a Notary Public, in and for said County in said State hereby certify that Mrs. J. H. Phillips, a widow, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal hereto affixed by me this 12th day of December, 1950.

Laura M. Woolf
Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA
BALDWIN COUNTY

Filed 1/20/51 10:15 A. M.
Recorded Book page
and I certify that the following
Privilege Tax has been paid.

Deed tax 50
Mortgage Tax

W. R. Stuart
Judge of Probate
By G

THE STATE OF ALABAMA §
BALDWIN COUNTY §

PROBATE COURT

I, W. R. Stuart, Judge of the Probate Court in and for said State and County, hereby certify that the within and foregoing pages contain a full and complete copy of the Timber Deed from Mrs. J. H. Phillips to Walter Boone as the same appears of record in my office in Deed Book No. 162, Page 166-7.

Given under my hand and seal of office, this 13th day of March, 1953.

W. R. Stuart
Judge of Probate

SEAL

By: Lila S. Glover
Chief Clerk

FILED
MAY 2 1953
MAY 1 1953

FILED
 3-23-53
 ALICE J. DUCK, Registrar

BY
 ORDER OF
 THE
 CLERK

March 1953.
 Given under my hand and seal of office, this 23rd day of

Office in Book Book No. 193, Page 194.
 I, H. H. Griffin, do hereby certify that the above is a correct copy of the original as filed in my office and that I have compared the same with the original and find them to be correct and true. In testimony whereof, I have hereunto set my hand and seal of office this 23rd day of March 1953.

DEPARTMENT OF THE CLERK
 THE STATE OF VIRGINIA
 HONORABLE CLERK

BY
 H. H. Griffin
 H. H. Griffin
 Clerk of the Court

Exhibits for the case being
 and I certify that the following
 are the exhibits for the case
 being in case No. 193, p. 194.

DEPARTMENT OF THE CLERK
 THE STATE OF VIRGINIA

REPORT MADE BY
 HONORABLE CLERK

March 23rd day of December, 1953.
 Given under my hand and seal of office, this 23rd day of

certification on the day the same were made.
 returned of the contents of the instrument and entered the same
 in book to me; and I certify that the same were made and
 returned to me as aforesaid before me on this day and that I
 have compared the same with the original and find them to be
 correct and true. In testimony whereof, I have hereunto set my
 hand and seal of office this 23rd day of March 1953.

DEPARTMENT OF THE CLERK
 THE STATE OF VIRGINIA

(NAME)

March 23rd day of December, 1953.

IN WITNESS WHEREOF, the Clerk has hereunto set her hand and
 seal on this day of December, 1953.

above the parties and witnesses.
 This document shall stand as the receipt of and be subject

18868

(2982)

SUMMONS

Democrat Press, Grove Hill, Ala.

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Mrs. Gertrude Hicks, Scyrene, Alabama,

twenty

to appear and plead, answer, or demur, within ~~ten~~ days from the service hereof, to a Bill of Complaint as amended filed in said Circuit Court, in Equity, for said County, of said State, against her

and others by Mrs. Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 15th day of August, 1953.

Deirdre L. ... Register.
Code 1923-6528-6529—Rev. May 1, 1940.

The State of Alabama

COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

S U M M O N S

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____
_____, Register.

Received in office, this the _____ day of _____, 19____, Sheriff.

I have executed the within by leaving a copy thereof with Mrs. Gustafson

defendant named herein, on this the 21 day of July, 1900
J. A. Hill, Sheriff.
By _____, Deputy.

SUMMONS

BALDWIN

Democrat Press, Grove Hill, Ala.

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Mrs. Irene Gentry, Uriah, Alabama

to appear and plead, answer, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in Equity, for said County, of said State, against

her

and others by Carrie Phillips, et al.

(Copy of Bill of Complaint attached.)

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

Witness this 23rd day of March, 19 53.

W. J. Johnson, Register.

Code 1923-6528-6529—Rev. May 1, 1940.

The State of Alabama

_____ COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

S U M M O N S

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____
_____, Register.

Received in office, this the _____ day of _____, 19____, Sheriff.

I have executed the within by leaving a copy thereof with Mrs. Irene Gentry

defendant named herein, on this the 24 day of March, 1953
E. E. Nicholas, Sheriff.
By Charlie Sizmore, Deputy.

T. WATROUS GARRETT

ATTORNEY-AT-LAW
POST OFFICE BUILDING
GROVE HILL, ALABAMA

March 19, 1953

Mrs. Alice J. Duck
Register in Equity
Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

I am enclosing herewith the following papers, to-wit:

1. Original of Bill of Complaint - Carrie Phillips and Helen P. Walker, Complainants, Vs. John Malachi Phillips, et al, Respondent.
2. Original and copy of Summons and copy of Bill of Complaint to be served on all of the respondents in this matter.

I would appreciate it if you would enter this case on the Docket and send out the Summons to the various respondents. I would like for you to please serve the Summons and copy of the Bill of Complaint on David D. Phillips by registered mail at the address given in the Bill of Complaint. You will notice that this is a Bill of Complaint to sell certain lands for division and also to have a cloud on the title to said lands removed. Please acknowledge receipt of this file. Also, please advise me when service is had on all of the respondents so that we can later take Decree Pro Confessos against those who do not file answers. Also, please advise me as to any answers that might be filed in this matter.

Very truly yours,

T. Watrous Garrett
T. Watrous Garrett

TWG:sms

Enclosures

no 2982

Carric Phillips and
Melvin R. Walker

vs

John Malachi Phillips
et al.

FILED

3-23-53

ALICE J. DUCK, Register

J. Watson Garrett

SUMMONS

Democrat Press, Grove Hill, Ala.

BALDWIN

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon John Malachi Phillips, Uriah, Alabama

to appear and plead, answer, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in Equity, for said County, of said State, against

him

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 23rd day of March, 19 53

[Signature] Register.

3-24-53

No. _____ Page _____

The State of Alabama

_____ COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

S U M M O N S

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____.
_____, Register.

Received in office, this the _____ day of

_____, 19____

_____, Sheriff.

I have executed the within by leaving a copy
thereof with *John Malachi*
Phillips

defendant named herein, on this the *24*

day of *March*, 19*53*

E. E. Nicholas, Sheriff.

By *Charlie Sizemore*, Deputy.

SUMMONS

BALDWIN

Democrat Press, Grove Hill, Ala.

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

15/5

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Miss Kittie Phillips, 54 D West Drive, Prichard, Alabama

to appear and plead, answer, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in Equity, for said County, of said State, against

her

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 23rd day of March, 19 53.

W. J. ... Register. Code 1923-6528-6529—Rev. May 1, 1940.

The State of Alabama

COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

SUMMONS

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____.
_____, Register.

RECEIVED
MAR 24 1953
REGISTER

MOBILE COUNTY, ALA.

Received in office, this the 24th day of

March, 1953

W. H. Holcombe, Sheriff.

I have executed the within by leaving a copy
thereof with Miss Kattie

Phillips.

defendant named herein, on this the 25th

day of March, 1953

W. H. Holcombe, Sheriff.

By H. B. Sander, Deputy.

SUMMONS

BALDWIN

Democrat Press, Grove Hill, Ala.

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

257/5

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Mrs. Louise Brock, N Ryan Street, Whistler, Alabama

to appear and plead, answer, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in Equity, for said County, of said State, against

her

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 23rd day of March, 19 53

Archie J. ...

Register.

Code 1923-6528-6529—Rev. May 1, 1940.

CD
551

462

No. _____ Page _____

The State of Alabama

_____ COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

S U M M O N S

Returned by the Sheriff and filed in office, this

the _____ day of _____, 19 _____

_____, Register.

RECEIVED
MAR 24 1953
MOBILE COUNTY, ALA.

Received in office, this the _____ day of

24th
March, 19*50*

W. H. Holcombe, Sheriff.

I have executed the within by leaving a copy

thereof with *Mrs. Louise*

Brock

defendant named herein, on this the *25th*

day of *March*, 19*50*

W. H. Holcombe, Sheriff.

By *H. B. Sanders*, Deputy.

SUMMONS

BALDWIN

Democrat Press, Grove Hill, Ala.

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

3/17/53

You are hereby commanded to summon Mrs. Anna V. Genton, 54 D West Drive, Prichard, Alabama

to appear and plead, answer, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in Equity, for said County, of said State, against

her

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 23rd day of March, 1953.

Res. J. French

Register.

Code 1923-6528-6529—Rev. May 1, 1940.

The State of Alabama

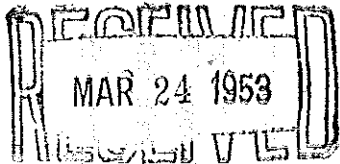
_____ COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

S U M M O N S

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____.
_____, Register.



MOBILE COUNTY, ALA.

Received in office, this the 24th day of

March, 1953

W. H. Halcombe, Sheriff.

I have executed the within by leaving a copy

thereof with Mrs. Anna

V. Genton

defendant named herein, on this the 31st

day of March, 1953

W. H. Halcombe, Sheriff.

By R. H. Matthews, Deputy.

SUMMONS

Democrat Press, Grove Hill, Ala.

BALDWIN

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Mrs. Gertrude Hicks, Scyrene, Alabama

to appear and plead, answer, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in Equity, for said County, of said State, against

her

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 23rd day of March, 19 53.

David J. ...

Register.

Code 1923-6528-6529—Rev. May 1, 1940.

The State of Alabama

_____ COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

SUMMONS

Returned by the Sheriff and filed in office, this

the _____ day of _____, 19____

_____, Register.

Received in office, this the 25 day of

March, 1953

J. A. Kee, Sheriff.

I have executed the within by leaving a copy thereof with Mrs. Gertrude Hicks

defendant named herein, on this the 26

day of March, 1953

J. A. Kee, Sheriff.

By W. H. Hines, Deputy.

SUMMONS

Democrat Press, Grove Hill, Ala.

BALDWIN

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Mrs. Dorothy D. Norman, 1018 No. 51st Street, Birmingham, Alabama,

to appear and plead, answer, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in Equity, for said County, of said State, against

her

and others by Carrie Phillips, et al.

(Copy of Bill of Complaint attached.)

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

Witness this 23rd day of March, 1953.

Archie J. ...

Register.

Code 1923-6528-6529—Rev. May 1, 1940.

The State of Alabama

Baldwin COUNTY

IN CIRCUIT COURT, IN EQUITY

1953 MAR 24 PM 1:47

SUMMONS

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____
_____, Register.

1018-N-51 et

[Signature]

Received in office, this the _____ day of _____, 19____, Sheriff.

I have executed the within by leaving a copy thereof with _____

EXECUTED this the *24* day of *March* 1953 by leaving a copy of this within with *Mrs. Dorothy D. Norman*

BOYD A. McDOWELL, Sheriff
Jefferson County, Alabama

By *W. L. Davis* D.S.

defendant named herein, on this the _____ day of _____, 19____, Sheriff.
By _____, Deputy.

Copy

CARRIE PHILLIPS and HELEN P. WALKER,

COMPLAINANTS,

VS.

JOHN MALACHI PHILLIPS, DAVID D. PHILLIPS, THELMA HEATON, LOUISE BROCK, GERTRUDE HICKS, IRENE GENTRY, DOROTHY D. NORMAN, KITTY PHILLIPS, ANNA V. GENTON, JOHNNIE WESSLER, MONROE WESSLER as Guardian of JOHNNIE WESSLER, a Minor, and WALTER BOONE,

RESPONDENTS.

IN THE CIRCUIT COURT,
BALDWIN COUNTY, ALABAMA,
IN EQUITY.

CASE NO. _____

TO THE HON. HUBERT HALL, JUDGE OF SAID COURT:

Now come the complainants and with leave of the Court first had and obtained, amend their bill of complaint heretofore filed by adding the following:

9. Complainants allege that the said respondent, Walter Boone, was aware of the fact that the complainant, Carrie Phillips, also known as Mrs. J. E. Phillips, did not own the fee simple title to the turpentine and timber on the lands described in Paragraph Nos. 4 and 8 above, but that acting under the authority of said instruments executed by her as related above he did enter upon the lands which are the subject of this suit and described in Paragraph Nos. 4 and 8 above and did cut and remove therefrom large quantities of sawlogs and paperwood. That the said respondent, Walter Boone, has not paid complainant, Carrie Phillips, the full consideration shown in the two turpentine leases and the timber deed executed by her shown as exhibits to the bill of complaint, but that he has only paid her small amounts from time to time as he cut and removed the sawlogs and paperwood from the lands which are the subject of this suit. Complainants further allege that respondent, Walter Boone, has not paid any amounts at all to the owners of the reversionary interest in said lands above described for the timber which he has cut and removed from said lands and complainants also allege that the cutting and removal of said timber by the respondent, Walter Boone, has amounted to

considerable damage and waste to said reversionary interest. That the total value of the timber cut and removed by the respondent, Walter Boone, as described above from said lands amounts to considerably more than the sums of money which were paid to complainant, Carrie Phillips, by the respondent, Walter Boone, in the manner alleged above.

WHEREFORE, your complainants pray among other things that this Honorable Court will ascertain the value of the sawlogs and timber cut by respondent, Walter Boone, from the lands which are the subject of this suit and further that after this Honorable Court has ascertained the value of said timber cut and removed as set forth above, this Court will ascertain and determine the damages to the reversionary interest of complainant, Helen R. Walker, and respondents herewith with the exception of Walter Boone. Your complainants further pray that after the Court has ascertained and determined the value of the timber cut and removed from said lands and the damage done to the reversionary interest of above mentioned parties that this Court will order, adjudge and decree that Walter Boone pay such sum to the owners of the reversionary interest in proportion to their respective interest therein.

151 T. WATROUS GARRETT
SOLICITOR FOR COMPLAINANTS

NOV 18 1893

FILED IN CASE NO. 1000

...the
... ..
... ..
... ..
... ..

... ..

... ..

... ..

FILED
AUG 18 1953

ALICE I. DUCK, Register

... ..

... ..

THE STATE OF ALABAMA, CLARKE COUNTY

—o0c—

IN CIRCUIT COURT, IN EQUITY

—o0c—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Kitty Phillips, 54 D West Drive,
Prichard, Alabama,

to appear and plead, answer, or demur, within ~~thirty~~ ^{twenty} days from the service hereof, to a Bill of Complaint
as amended
filed in said Circuit Court, in Equity, for said County, of said State, against her

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 13th day of August, 19 53.

Alvin L. Lench, Register.

No. 669

Page

391

The State of Alabama

COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

[Handwritten signature]

SUMMONS

Returned by the Sheriff and filed in office, this the _____ day of _____, 19____, Register.

Received in office, this the _____ day of _____, 19____, Sheriff.

I have executed the within by leaving a copy thereof with _____

RETURNED 9/2/53
Not found in my County after diligent search and inquiry.
W. J. HOLCOMBE, Sheriff
By *[Signature]*

defendant named herein, on this the _____ day of _____, 19____, Sheriff.
By _____, Deputy.

391

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Kitty Phillips, 54 D West Drive,
Prichard, Alabama,

to appear and plead, answer, or demur, within ~~thirty~~ ^{twenty} days from the service hereof, to a Bill of Complaint
~~as amended~~ filed in said Circuit Court, in Equity, for said County, of said State, against her

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 18th day of August, 19 53.

Alvin L. Hensley, Register.
Code 1923-6528-6529—Rev. May 1, 1940.

The State of Alabama

_____ COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

S U M M O N S

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____
_____, Register.

Received in office, this the _____ day of
_____, 19____
_____, Sheriff.

I have executed the within by leaving a copy
thereof with _____

defendant named herein, on this the _____
day of _____, 19____

_____, Sheriff.

By _____, Deputy.

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Mrs. Dorothy D. Norman, 1018

No. 51st Street, Birmingham, Alabama,

to appear and plead, answer, or demur, within ~~thirty~~ twenty days from the service hereof, to a Bill of Complaint as amended filed in said Circuit Court, in Equity, for said County, of said State, against her

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 18th day of August, 19 53.

Wesley J. ... Register.

The State of Alabama

Baldwin COUNTY

IN CIRCUIT COURT, IN EQUITY

2

vs.

SUMMONS

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____
_____, Register.

~~7018-NO-51-2~~

No longer here
Moved

2:21

[Signature]

Received in office, this the _____ day of _____, 19____

_____, Sheriff.

I have executed the within by leaving a copy thereof with _____

Mrs. Dorothy D. Norman

NOT FOUND in Jefferson County Ala
the 24 day of Aug 1931
HOLT A. McDOWELL, Sheriff
Jefferson County, Alabama,
W. L. Davis D.S.

Moved

defendant named herein, on this the _____

day of _____, 19____

_____, Sheriff.

By _____, Deputy.

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Mrs. Dorothy D. Norman, 1018
No. 51st Street, Birmingham, Alabama,

to appear and plead, answer, or demur, within ~~thirty~~ ^{twenty} days from the service hereof, to a Bill of Complaint
~~as amended~~ filed in said Circuit Court, in Equity, for said County, of said State, against her

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 18th day of August, 19 53.

Asie J. Smith, Register.
 Code 1923-6528-6529—Rev. May 1, 1940.

The State of Alabama

Baldwin COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

S U M M O N S

Returned by the Sheriff and filed in office, this
the day of 19.....
....., Register.

Received in office, this the day of
....., 19.....
....., Sheriff.

I have executed the within by leaving a copy
thereof with

defendant named herein, on this the
day of 19.....
....., Sheriff.
By Deputy.

Copy

CARRIE PHILLIPS and HELEN P. WALKER,

COMPLAINANTS,

VS.

IN THE CIRCUIT COURT,
BALDWIN COUNTY, ALABAMA,
IN EQUITY.

CASE NO. _____

1 JOHN MALACHI PHILLIPS, ~~DAVID L. PHILLIPS~~
PHILLIPS,) THELMA BEATON,) LOUISE
ERICK,) ~~CHARLES HICKS~~,) IRENE
CENTRY,) DOROTHY D. NORMAN,) KITTIE
PHILLIPS,) ANNA V. CENTON,) JOHNNIE
WESSLER,) MONROE WESSLER as Guardian
of JOHNNIE WESSLER, a Minor, and
12 WALTER BOONE,

RESPONDENTS.

TO THE HON. HUBERT HALL, JUDGE OF SAID COURT:

Now come the complainants and with leave of the Court first had and obtained, amend their bill of complaint heretofore filed by adding the following:

9. Complainants allege that the said respondent, Walter Boone, was aware of the fact that the complainant, Carrie Phillips, also known as Mrs. J. H. Phillips, did not own the fee simple title to the turpentine and timber on the lands described in Paragraph Nos. 4 and 8 above, but that acting under the authority of said instruments executed by her as related above he did enter upon the lands which are the subject of this suit and described in Paragraph Nos. 4 and 8 above and did cut and remove therefrom large quantities of sawlogs and paperwood. That the said respondent, Walter Boone, has not paid complainant, Carrie Phillips, the full consideration shown in the two turpentine leases and the timber deed executed by her shown as exhibits to the bill of complaint, but that he has only paid her small amounts from time to time as he cut and removed the sawlogs and paperwood from the lands which are the subject of this suit. Complainants further allege that respondent, Walter Boone, has not paid any amounts at all to the owners of the reversionary interest in said lands above described for the timber which he has cut and removed from said lands and complainants also allege that the cutting and removal of said timber by the respondent, Walter Boone, has amounted to

considerable damage and waste to said reversionary interest. That the total value of the timber cut and removed by the respondent, Walter Boone, as described above from said lands amounts to considerably more than the sums of money which were paid to complainant, Carrie Phillips, by the respondent, Walter Boone, in the manner alleged above.

WHEREFORE, your complainants pray among other things that this Honorable Court will ascertain the value of the sawlogs and timber cut by respondent, Walter Boone, from the lands which are the subject of this suit and further that after this Honorable Court has ascertained the value of said timber cut and removed as set forth above, this Court will ascertain and determine the damages to the reversionary interest of complainant, Helen F. Walker, and respondents herewith with the exception of Walter Boone. Your complainants further pray that after the Court has ascertained and determined the value of the timber cut and removed from said lands and the damage done to the reversionary interest of above mentioned parties that this Court will order, adjudge and decree that Walter Boone pay such sum to the owners of the reversionary interest in proportion to their respective interest therein.

W. T. WATROUS GARRETT
SOLICITOR FOR COMPLAINANTS

Handwritten notes:
Walter Boone
Carrie Phillips
Helen F. Walker

Vertical stamp:
RECEIVED
JUN 18 1929
COURT HOUSE
WILSON, N.C.

New Orleans

3824 Canal St

W

F

STATE RECORDS

FILED
AUG 18 1853

ALICE J. DUCK, Register

FILED
AUG 18 1853
CASE 11

391

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Mrs. Johnnie Wessler, 54 D West Drive, Prichard, Alabama,

[Handwritten initials]

to appear and plead, answer, or demur, within ~~thirty~~ ^{twenty} days from the service hereof, to a Bill of Complaint as amended filed in said Circuit Court, in Equity, for said County, of said State, against her

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 18th day of August, 19 53.

[Signature], Register.

CP
670
No. 70

Page _____

The State of Alabama

_____ COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

S U M M O N S

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____
_____, Register.

Received in office, this the _____ day of _____, 19____, Sheriff.

I have executed the within by leaving a copy thereof with _____

Mr. J. W. Wessler

defendant named herein, on this the 28 day of August, 1953

C. H. Halecomb, Sheriff.

By *W. E. Howell*, Deputy.

391

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

Handwritten initials

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Anna V. Genton, 54 D West Drive,
Prichard, Alabama,

twenty

to appear and plead, answer, or demur, within ~~thirty~~ *twenty* days from the service hereof, to a Bill of Complaint
as amended
/filed in said Circuit Court, in Equity, for said County, of said State, against her

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 18th day of August, 19 53

Walter J. ... Register.
Code 1923-6528-6529—Rev. May 1, 1940.

C The State of Alabama

no COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

S U M M O N S

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____
_____, Register.

Received in office, this the _____ day of _____, 19____, Sheriff.

I have executed the within by leaving a copy thereof with _____

Anna V. Gentry

defendant named herein, on this the *24* day of *Aug*, 19*13*

W. H. Holcomb, Sheriff.

By *R. J. Matthews*, Deputy.

SUMMONS

Democrat Press, Grove Hill, Ala.

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon John Malachi Phillips, Uriah, Alabama,

to appear and plead, answer, or demur, within ~~thirty~~ ^{twenty} days from the service hereof, to a Bill of Complaint
as amended
filed in said Circuit Court, in Equity, for said County, of said State, against him

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 18 day of August, 19 53.

Arice J. ..., Register.
Code 1923-6528-6529—Rev. May 1, 1940.

The State of Alabama

_____ COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

SUMMONS

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____
_____, Register.

Received in office, this the _____ day of

_____, 19____

_____, Sheriff.

I have executed the within by leaving a copy
thereof with John Malachi

Phillips

defendant named herein, on this the 25

day of August, 1953

E. E. Webster, Sheriff.

By _____, Deputy.

SUMMONS

Democrat Press, Grove Hill, Ala.

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Mrs. Louise Brock, 9 E. Anderson Street, Whistler, Alabama,

to appear and plead, answer, or demur, within ~~ten~~ twenty days from the service hereof, to a Bill of Complaint as amended filed in said Circuit Court, in Equity, for said County, of said State, against her

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 18th day of August, 1953.

Deirdre J. ... Register.

Code 1923-6528-6529—Rev. May 1, 1940.

391

No. 11

Page

Equity

The State of Alabama

2982

COUNTY ✓

IN CIRCUIT COURT, IN EQUITY

vs.

S U M M O N S

Returned by the Sheriff and filed in office, this
the.....day of..... 19.....
....., Register.

Received in office, this the..... day of
....., 19.....
....., Sheriff.

I have executed the within by leaving a copy
thereof with.....

Mrs Louise
Brack

defendant named herein, on this the 21
day of August, 1955

W. H. Jenkins, Sheriff.
By *W. B. Anderson*, Deputy.

CARRIE PHILLIPS and HELEN P.
WALKER,

COMPLAINANTS,

VS.

JOHN MALACHI PHILLIPS, DAVID D.
PHILLIPS, THELMA HEATON, LOUISE
BROCK, GERTRUDE HICKS, IRENE
GENTRY, DOROTHY D. NORMAN, KITTY
PHILLIPS, ANNA V. GENTON, JOHNNIE
WESSLER, MONROE WESSLER as Guardian
of JOHNNIE WESSLER, a Minor, and
WALTER BOONE,

RESPONDENTS.

IN THE CIRCUIT COURT,
BALDWIN COUNTY, ALABAMA,
IN EQUITY.

CASE NO. _____.

TO THE HON. HUBERT HALL, JUDGE OF SAID COURT:

Now come the complainants and with leave of the Court first had and obtained, amend their bill of complaint heretofore filed by adding the following:

9. Complainants allege that the said respondent, Walter Boone, was aware of the fact that the complainant, Carrie Phillips, also known as Mrs. J. H. Phillips, did not own the fee simple title to the turpentine and timber on the lands described in Paragraph Nos. 4 and 8 above, but that acting under the authority of said instruments executed by her as related above he did enter upon the lands which are the subject of this suit and described in Paragraph Nos. 4 and 8 above and did cut and remove therefrom large quantities of sawlogs and paperwood. That the said respondent, Walter Boone, has not paid complainant, Carrie Phillips, the full consideration shown in the two turpentine leases and the timber deed executed by her shown as exhibits to the bill of complaint, but that he has only paid her small amounts from time to time as he cut and removed the sawlogs and paperwood from the lands which are the subject of this suit. Complainants further allege that respondent, Walter Boone, has not paid any amounts at all to the owners of the reversionary interest in said lands above described for the timber which he has cut and removed from said lands and complainants also allege that the cutting and removal of said timber by the respondent, Walter Boone, has amounted to

considerable damage and waste to said reversionary interest. That the total value of the timber cut and removed by the respondent, Walter Boone, as described above from said lands amounts to considerably more than the sums of money which were paid to complainant, Carrie Phillips, by the respondent, Walter Boone, in the manner alleged above.

WHEREFORE, your complainants pray among other things that this Honorable Court will ascertain the value of the sawlogs and timber cut by respondent, Walter Boone, from the lands which are the subject of this suit and further that after this Honorable Court has ascertained the value of said timber cut and removed as set forth above, this Court will ascertain and determine the damages to the reversionary interest of complainant, Helen P. Walker, and respondents herewith with the exception of Walter Boone. Your complainants further pray that after the Court has ascertained and determined the value of the timber cut and removed from said lands and the damage done to the reversionary interest of above mentioned parties that this Court will order, adjudge and decree that Walter Boone pay such sum to the owners of the reversionary interest in proportion to their respective interest therein.

J. Watson Barrett

SOLICITOR FOR COMPLAINANTS

STATEMENTS FOR COMPLAINT

• Plaintiff

CARRIE PHILLIPS, ET AL,
 COMPLAINANTS,
 VS.
 JOHN MALACHI PHILLIPS,
 ET AL,
 RESPONDENTS.

AMENDMENT TO ORIGINAL
 BILL OF COMPLAINT

Filed August, 18, 1953

Richard H. Welch
 Register

The undersigned, being a duly qualified and sworn member of the Bar of the Superior Court of the State of New Jersey, do hereby certify that the foregoing is a true and correct copy of the original Bill of Complaint filed in and docketed in the above entitled cause in the County of Essex, New Jersey, on the 18th day of August, 1953, and that the same is a true and correct copy of the original Bill of Complaint as amended.

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2982

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon John Malachai Phillips, David D. Phillips, Thelma Heaton
Louise Brock, Gertrude Hicks, Irene Gentry, Dorothy D. Norman, Kitty Phillips, Anna V. Gent
Johnnie Wessler, Monroe Wessler as Guardian of Johnnie Wessler, a minor and Walter Boone

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

John Malachai Phillips et als, Defendant

by Carrie Phillips and Helen Walker

Plaintiff

Witness my hand this 18th day of August 1953

W. J. [Signature], Clerk

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

CARRIE PHILLIPS ET AL

Plaintiffs

vs.

JOHN MALACHAI PHILLIPS ET ALS

Defendants

SUMMONS and COMPLAINT

Filed 8-18-53, 1953

W. J. ..., Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

Aug 19, 1953

Taylor Wilkins, Sheriff

I have executed this summons

this 26 Aug, 1953
by leaving a copy with

Walter Boone

Taylor Wilkins, Sheriff

Peter Keller, Deputy Sheriff

CARRIE PHILLIPS and HELEN P.
WALKER,

Complainants,

vs.

JOHN MALACHI PHILLIPS, DAVID D.
PHILLIPS, THELMA HEATON, LOUISE
BROCK, GERTRUDE HICKS, IRENE
GENTRY, DOROTHY D. NORMAN, KITTY
PHILLIPS, ANNA V. GENTON, JOHNNIE
WESSLER, MONROE WESSLER, as Guardian
of JOHNNIE WESSLER, a Minor, and
WALTER BOONE,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

Comes Walter Boone as one of the Respondents in the above styled cause and for answer to Paragraph 9 of the Amended Bill of Complaint and as a Cross-bill and says:

That he denies the allegations of Paragraph 9 of the Amended Bill of Complaint and demands strict proof thereof.

For further answer to Paragraph 9 of the Amended Bill of Complaint and as a Cross-bill, the Respondent, Walter Boone, says that the Complainant, Carrie Phillips, lead him to believe that she owned the entire land and the timber thereon, which is the basis of this suit, in fee simple and that she had the right to lease him the timber for turpentine purposes and to sell him such timber located on such land. That he paid her in full for the first lease prior to the taking of the second lease. That he paid her One Hundred Seventy Dollars (\$170.00) on September 20, 1950 to apply on the second lease and finished paying her at a later date and that he has her receipts showing payment in full for such lease. That he paid Carrie Phillips the sum of Four Hundred Fifty Dollars (\$450.00) on May 11, 1951, for the timber which she conveyed to him. The said Walter Boone says further that he received very little as stumpage for the timber cut from said land as the total sales price for the logs, including cutting and hauling of such logs, was only Two Hundred Thirty-six and 50/100 Dollars (\$236.50), and the only paper wood which he removed from said land was a small amount taken from the tops of the above mentioned logs.

CHASON & STONE

By John Chason
Solicitors for Respondent and Cross-
Complainant, Walter Boone.

2982

ANSWER TO AMENDED BILL OF COM-
PLAINT.

CARRIE PHILLIPS and HELEN P.
WALKER,

Complainants,

vs.

JOHN MALACHI PHILLIPS, et al.,

Respondents.

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

Filed this 16th day of September,
1953.

Alice J. Wicks
Register.

391

SUMMONS

Democrat Press, Grove Hill, Ala.

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

TH

You are hereby commanded to summon Mrs. Theima Heaton, 315 Second Avenue,
Chickasaw, Alabama

to appear and plead, answer, or demur, within ~~thirty~~ ^{twenty} days from the service hereof, to a Bill of Complaint
~~as amended~~
filed in said Circuit Court, in Equity, for said County, of said State, against her

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 15th day of August, 1953.

Deirdre French, Register.
Code 1923-6528-6529—Rev. May 1, 1940.

The State of Alabama

COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

SUMMONS

Returned by the Sheriff and filed in office, this the _____ day of _____, 19____, Register.

Received in office, this the _____ day of _____, 19____, Sheriff.

I have executed the within by leaving a copy thereof with _____

Mrs. Helma Nester

defendant named herein, on this the 31 day of August, 1922

C. W. Galasinski, Sheriff.

By *W. B. Sisk*, Deputy.

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Mrs. Irene Gentry, Uriah, Alabama,

to appear and plead, answer, or demur, within ~~thirty~~ ^{twenty} days from the service hereof, to a Bill of Complaint ~~as amended~~ filed in said Circuit Court, in Equity, for said County, of said State, against her

and others by Mrs. Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 18th day of August, 19 53.

Richard [Signature], Register.

The State of Alabama

_____ COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

S U M M O N S

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____
_____, Register.

Received in office, this the _____ day of _____, 19____, Sheriff.

I have executed the within by leaving a copy thereof with Mrs Irene Bentley

defendant named herein, on this the 25 day of August, 1953

E. S. Nicholas, Sheriff.

By _____, Deputy.

SUMMONS

BALDWIN

Democrat Press, Grove Hill, Ala.

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Mrs. Johnnie Wessler, 54 D West Drive, Prichard, Alabama

to appear and plead, answer, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in Equity, for said County, of said State, against

her

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this day of March, 1953.

The State of Alabama

_____ COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

S U M M O N S

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____
_____, Register.

Received in office, this the _____ day of
_____, 19____
_____, Sheriff.

I have executed the within by leaving a copy
thereof with _____

defendant named herein, on this the _____
day of _____, 19____
_____, Sheriff.
By _____, Deputy.

SUMMONS

BAIRDWIN

Democrat Press, Grove Hill, Ala.

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Mrs. Johnnie Wessler, 54 D West Drive, Prichard, Alabama

to appear and plead, answer, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in Equity, for said County, of said State, against

her

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this day of March, 19 53

No. _____

Page _____

The State of Alabama

_____ COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

S U M M O N S

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____
_____, Register.

Received in office, this the _____ day of
_____, 19____
_____, Sheriff.

I have executed the within by leaving a copy
thereof with _____

defendant named herein, on this the _____
day of _____, 19____
_____, Sheriff.

By _____, Deputy.

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of One Dollar (\$1.00) this day cash in hand paid to Mrs. J. H. Phillips, a widow, hereinafter referred to as the "Lessor", by Walter Boone, hereinafter referred to as the "Lessee", receipt whereof is hereby acknowledged, and of the other good and valuable consideration to be paid as hereinafter set out, the Lessor has and by these presents does hereby LEASE AND LET to the Lessee, all pine trees measuring eight (8) inches and up in diameter, at a point two (2) feet from the ground, standing upon the following described lands situated in Baldwin County, Alabama, to-wit:-

All that part of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) lying West of the public road; West half of Northwest Quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$); Southeast Quarter of Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$), North half of Northwest Quarter of Southwest Quarter (N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$), all lying in Section Thirty one (31), Township Four (4) North, Range Four (4) East and containing 177 acres, more or less.

The Lessee is now working certain timber for turpentine purposes standing upon the above described lands under a lease agreement which will expire January 4, 1951. This lease shall begin immediately upon the expiration of the present lease and the Lessee shall have the right to work all timber, suitable for turpentine purposes of the dimensions above set out, upon said land, for a period of four (4) years from January 4, 1951. The Lessee hereby agrees to hang cups on all trees suitable for turpentine purposes and of the dimensions above set out as soon as possible after this lease begins and he shall pay the Lessor the sum of five cents (5¢) for each turpentine face or cup so hung and worked for each year during the term of this lease and while he remains in possession of said property. The Lessee upon the execution and delivery of this instrument, agrees to pay the Lessor the sum of Two Hundred Dollars (\$200.00) to be applied upon the amount due or to become due under this lease and the remaining consideration at the rate of five cents (5¢) per cup per year shall not be paid

BOOK 153 PAGE 434

BOOK 153 PAGE 06

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of \$1.00 and other good and valuable consideration as hereinafter set out, this day cash in hand paid to Mrs. J. H. PHILLIPS, a widow, hereinafter referred to as the "Lessor", by WALTER BOONE, hereinafter referred to as the "Lessee" receipt whereof is hereby acknowledged, the lessor has and by these presents does hereby lease and let to the lessee all pine trees, measuring eight (8) inches and up in diameter, at a point two (2) feet from the ground, standing upon the following described lands situated in Baldwin County, Alabama, to-wit:-

All that part of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) lying west of the public road; West half of Northwest Quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$); Southeast quarter of Northwest quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$), North half of Northwest quarter of Southwest quarter (N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$), all lying in section thirty one (31), township four north (4n), Range four east and containing 177 acres more or less.

The lessee shall have the right to work the above described trees for turpentine purposes for a period of four (4) years from the date hereof. The lessee hereby agrees to hang cups on all trees suitable for turpentine purposes and of the dimension above set out as soon as possible and he shall pay the said lessor the sum of twenty cents (20¢) for each turpentine cup so hung. The lessee has this day paid the lessor the sum of \$100.00 to apply on such consideration and the remaining consideration shall be paid as soon as such cups are hung and counted, the said sum of 20¢ per cup being for the full four year lease, or 5¢ a year for each cup.

The lessor hereby grants to the lessee all necessary rights of ingress and egress, to, over and across said lands for the purpose of working said timber for turpentine purposes, which rights shall cease upon the expiration of this contract. The lessee, his heirs and assigns, shall have the right to remove all cups placed by him on said land. The lessee hereby agrees that he will work said timber in a workmanlike manner.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this the 4th day of January 1947.

until the earned part of such lease amounts to as much as the amount this day advanced and shall then be paid yearly, as hereinabove set out.

The Lessor hereby grants to the Lessee all necessary rights of ingress and egress to, over and across said lands for the purpose of working said timber for turpentine purposes, which rights shall cease upon the expiration of this lease.

The Lessee, his heirs and assigns shall have the right to remove all cups placed by him on such trees. Lessee hereby agrees that he will work said timber in a proper manner.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this the _____ day of _____, 1950.

Mrs J. H. Phillips SEAL
Walter A. Boone SEAL

STATE OF ALABAMA
BALDWIN COUNTY

I, Rauva M. Woolf, a Notary Public, in and for said County in said State, hereby certify that Mrs. J. H. Phillips, a widow, and Walter Boone, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 20th day of Sept., 1950.

Rauva M. Woolf
Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 9-22-50 8AM
Recorded Deed book 153 page 434-5
and I certify that the following Privilege Tax
has been paid.
Deed Tax _____ | 50
Mortgage Tax _____
W.C. Stuart
Judge of Probate
By [Signature]

THE STATE OF ALABAMA, }
Baldwin County

PROBATE COURT

I, W. R. STUART, Judge of the Probate Court in and for said State and County, hereby certify

that the within and foregoing _____ pages

contain a full, true and complete copy of the Turpentine Lease from Mrs. J. H.

Phillips to Walter Boone

as the same appears of record in my office in Deed Book No. 153

Page 434-5

Given under my hand and seal of office, this 13th day of March, 1953

W. R. Stuart

Judge of Probate.

By: Lila J. Glaves
Chief Clerk

BOOK 015 PAGE 09

Mrs J. H. Phillips

130 240

SEAL

STATE OF ALABAMA

BALDWIN COUNTY

I *Saura M. Neal*, a Notary Public, in and for said County in said State, hereby certify that Mrs. J. H. Phillips, a widow, and Walter Boone, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal hereto affixed by me, this 4th day of January, 1947.

Saura M. Neal
Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA, BALDWIN COUNTY

Filed *Mar 18, 1948* *9 AM*

Recorded _____ book _____ page _____
and certif. that the following Franchise Tax
has been paid.

Deed Tax _____ *50*

Mortgage Tax _____

W. P. West
Judge of Probate

By *S*

THE STATE OF ALABAMA, }
Baldwin County

PROBATE COURT

BOOK 1015 PAGE 10

I, W. R. STUART, Judge of the Probate Court in and for said State and County, hereby certify that the within and foregoing _____ pages

contain a full, true and complete copy of the Turpentine Lease from Mrs. J. H.

Phillips to Walter Boone

as the same appears of record in my office in Deed Book No. 130

Page 239-40

Given under my hand and seal of office, this 13th day of March, 1953.

W. R. Stuart
Judge of Probate.

By: Lila S. Glouin
Chief Clerk

STATE OF ALABAMA

TIMBER DEED

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of Four Hundred Dollars (\$400.00) this day cash in hand paid to Mrs. J. H. Phillips, a widow, hereinafter referred to as the "Seller", by Walter Boone, hereinafter referred to as the "Purchaser", receipt whereof is hereby acknowledged, the Seller has and by these presents does hereby GRANT, BARGAIN, SELL AND CONVEY to the Purchaser all pine trees measuring eight (8) inches and up in diameter, at a point two (2) feet from the ground, and all pine trees which have, before the expiration of this contract, been worked for turpentine purposes, standing, lying and being upon the following described land situated in Baldwin County, Alabama, to-wit:

All that part of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) lying West of the public road; West half of Northwest Quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$); Southeast Quarter of Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$); North half of Northwest Quarter of Southwest Quarter (N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$); all lying in Section Thirty-one (31), Township Four (4) North, Range Four (4) East, and containing 177 acres, more or less.

The Seller executed a turpentine lease to the Purchaser which will expire January 4, 1955, and the Purchaser shall have, and he is hereby granted, the right to cut the trees and timber hereby conveyed any time during the term of said turpentine lease or within one year thereafter. Any timber not cut and removed by the Purchaser on or before January 4, 1956, shall revert to and become the property of the then owner of said land.

For the consideration above recited, the Seller hereby grants unto the Purchaser all rights of ingress and egress to, over and across said lands for the purpose of cutting and removing the trees and timber hereby conveyed. The said Purchaser shall have the right to build all necessary roads, bridges and causeways for the purpose of removing such trees and timber and shall have the right to use a skidder in his operation if necessary. The Purchaser hereby agrees that he will not unnecessarily damage the trees and timber not hereby conveyed and that he will be liable for any such unnecessary damage. All of the rights hereby granted shall cease upon the termination of this contract.

BOOK 162 PAGE 166

BOOK 162 PAGE 166

This agreement shall inure to the benefit of and be binding upon the parties hereto, their heirs and assigns.

3330K 015 PAGE 12

Time is of the essence of this agreement.

IN WITNESS WHEREOF, the Seller has hereunto set her hand and seal on this the 12th day of December, 1950.

Mrs. J. H. Phillips SEAL

STATE OF ALABAMA

BALDWIN COUNTY

I, Beuca M. Woolf, a Notary Public, in and for said County in said State hereby certify that Mrs. J. H. Phillips, a widow, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal hereto affixed by me this 12th day of December, 1950.

Beuca M. Woolf
Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 12-20-51
Recorded 10:15AM
and I certify that the following Privilege Tax
has been paid.
Deed Tax
Mortgage Tax
W. S. ...
Judge of Probate
By ...

Amendment on
Bill Aug 1953

4. Complainants allege that John Malachi Phillips, David D. Phillips, Thelma Heaton, Louise Brock, Gertrude Hicks, Irene Gentry, Dorothy D. Norman, Kitty Phillips, Anna V. Genton and Johnnie Wessler, together with complainant, Helen P. Walker, are tenants in common of the following described property situated in Baldwin County, Alabama, to-wit:

W $\frac{1}{2}$ of the NW $\frac{1}{4}$; SE $\frac{1}{2}$ of the NW $\frac{1}{4}$; N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, all in Section 31, Township 4 North, Range 4 East, containing 140 acres, more or less, Baldwin County, Alabama.

5. That the interest of each of said joint owners and tenants in common in said property is as follows, to-wit:

Helen P. Walker	an undivided 1/11th interest
John Malachi Phillips	an undivided 1/11th interest
David D. Phillips	an undivided 1/11th interest
Thelma Heaton	an undivided 1/11th interest
Louise Brock	an undivided 1/11th interest
Gertrude Hicks	an undivided 1/11th interest
Irene Gentry	an undivided 1/11th interest
Dorothy D. Norman	an undivided 1/11th interest
Kitty Phillips	an undivided 1/11th interest
Anna V. Genton	an undivided 1/11th interest
Johnnie Wessler	an undivided 1/11th interest

Complainants allege that the interest above set forth is subject to the dower interest of complainant, Carrie Phillips, in and to the above described land.

6. Your complainant, Carrie Phillips, alleges that the above described lands were owned in fee simple by her husband, J. H. Phillips, during his lifetime; that the said J. H. Phillips died intestate and that the said lands descended to the above mentioned tenants in common subject to her life estate or dower interest in same as the widow of the said J. H. Phillips. Complainant, Carrie Phillips, alleges that she is willing for the above described lands to be sold for division of the proceeds derived from the sale thereof among the tenants in common set forth above and that she does make herself a party to this suit so that said lands can be sold for division among the joint owners and tenants in common.

7. Your complainants further allege that the lands described in Paragraph 4 above cannot be equitably partitioned in kind among the several owners thereof, and that your complainants desire that said property be sold for partition.

8. Your complainants allege that during the period between January 4, 1947, and December 12, 1950, complainant, Carrie Phillips, also known as Mrs. J. H. Phillips, executed two turpentine leases and a timber deed to Walter Boone covering the lands described in Paragraph 4 of this bill of complaint which are sought to be sold for division among the joint owners thereof; that said instruments in addition thereto covered a 10 acre tract known as the "home place" and which is more particularly described as follows:

The West 1/3 of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ less 4 acres in the NW corner thereof belonging to Charles Phillips, Section 31, Township 4 North, Range 4 East.

Certified copies of which said instruments are attached hereto as Exhibits "A", "B", and "C". Your complainants allege that said conveyances purport to convey the reversionary interest of the parties hereto with the exception of complainant, Carrie Phillips, in the timber standing, lying or being on said lands which are the subject of this suit and that evidence aliunde is necessary to show that the reversionary interest of the parties hereto shown as joint owners did not pass thereby. Your complainants further show unto this Honorable Court that these instruments mentioned above constitute a cloud upon the title to the lands which are the subject of this suit and do materially affect the title thereto and that said instruments would materially affect the sale price of same if ordered to be sold for division among joint owners by decree of this Honorable Court.

PRAYER FOR RELIEF

THE PREMISES CONSIDERED, your complainants pray that John Malachi Phillips, David D. Phillips, Thelma Heaton, Louise Brock, Gertrude Hicks, Irene Gentry, Dorothy D. Norman, Kittie Phillips, Anna V. Genton, Johnnie Wessler, Monroe Wessler and Walter Boone be made parties respondent to this bill and that process issue and be served upon them in conformity with the rules of this Court, requiring them to plead, answer or demur hereto within the time allowed by law.

Your complainants further pray that your Honor will assume jurisdiction of this cause and upon a hearing thereof will grant relief to your complainants as follows:

1. That a decree be entered directing that the lands described in Paragraph 4 of this bill of complaint be sold for partition according to the practices of this Court.

2. That this Court ascertain and declare the rights, title and interest of all of the parties hereto and direct the distribution of the proceeds of such sale.

3. That suitable and appropriate provisions be made in said distribution for the dower interest of Carrie Phillips in said lands described in Paragraph 4.

4. That the Court decree that the turpentine lease executed by Mrs. J. H. Phillips, a widow, to Walter Boone, under date of January 4, 1947, which said instrument was filed for record on May 18, 1948, and recorded in Book 130, Page 239 of the Records in the Probate Office of Baldwin County, Alabama; that the turpentine lease executed by Mrs. J. H. Phillips, a widow, to Walter Boone, on September 20, 1950, and which was filed for record on September 22, 1950, and recorded in Book 153 NS, Page 435; and the timber deed executed by Mrs. J. H. Phillips, a widow, to Walter Boone, on December 12, 1950, which said timber deed was filed for record on January 20, 1951 and recorded in Book 162 NS, at Pages 166-167, of the Probate Records of Baldwin County, Alabama, constitute clouds upon the title to the lands sought to be sold for division described in Paragraph 4 of this bill of complaint and also that said instruments constitute clouds upon the title to the 10 acre tract of land described in Paragraph 8 of this bill of complaint known as the J. H. Phillips home place, and that this Honorable Court decree that the respondent, Walter Boone, has no interest in the timber standing, lying or being upon the lands which are the subject of this suit and that the Court decree that said instruments constituting a cloud upon the title to the reversionary interest of parties to this suit with the exception of Carrie Phillips, be removed and that the Court decree that said instruments be expunged from the Probate Records of Baldwin County, Alabama.

5. That the Court determine and declare a reasonable attorney's fee to be paid out of the proceeds of such sale to the solicitor of your complainants, and that same be taxed as a part of the Court costs as a common charge against all interest in said property.

6. That all such references and other proceedings may be had and done as may be necessary to accomplish the relief herein sought.

7. And if your complainants have in anywise mistaken the relief to which they are entitled hereunder, they pray for such other, further or different relief as may be in Equity due them, the premises considered.

/s/ Carrie Phillips

Carrie Phillips

Sworn to and subscribed before me this the 26 day of February, 1953.

SEAL
My Commission Expires
August 22, 1955

/s/ Ouida Rikard

Notary Public,

/s/ Helen P. Walker

Helen P. Walker

Sworn to and subscribed before me this the 21st day of February, 1953.

SEAL

/s/ Sudie Mae Smith

Notary Public, Clarke Co., Ala.

/s/ T. Watrous Garrett
SOLICITOR FOR COMPLAINANTS.

STATE OF ALABAMA

Exhibit "A"

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of \$1.00 and other good and valuable considerations as hereinafter set out, this day cash in hand paid to Mrs. J. H. PHILLIPS, a widow, hereinafter referred to as the "Lessor", by WALTER BOONE, hereinafter referred to as the "Lessee", receipt whereof is hereby acknowledged, the lessor has and by these presents does hereby lease and let to the lessee all pine trees, measuring eight (8) inches and up in diameter, at a point two (2) feet from the ground, standing upon the following described lands situated in Baldwin County, Alabama, to-wit:-

All that part of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) lying west of the public road; West half of Northwest Quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$); Southeast quarter of Northwest quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$), North half of Northwest quarter of Southwest quarter (N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$), all lying in section thirty one (31), township four north (4n), Range four east and containing 177 acres more or less.

The lessee shall have the right to work the above described trees for turpentine purposes for a period of four (4) years from the date hereof. The lessee hereby agrees to hang cups on all trees suitable for turpentine purposes and of the dimensions above set out as soon as possible and he shall pay the said lessor the sum of twenty cents (20¢) for each turpentine cup so hung. The lessee has this day paid the lessor the sum of \$100.00 to apply on such consideration and the remaining consideration shall be paid as soon as such cups are hung and counted, the said sum of 20¢ per cup being for the full four year lease, or 5¢ a year for each cup.

The lessor hereby grants to the lessee all necessary rights of ingress and egress, to, over and across said lands for the purpose of working said timber for turpentine purposes, which rights shall cease upon the expiration of this contract. The lessee, his heirs and assigns, shall have the right to remove all cups placed by him on said land. The lessee hereby agrees that he will work said timber in a workmanlike manner.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this the 4th day of January, 1947.

Mrs. J. H. Phillips SEAL

SEAL)

STATE OF ALABAMA

BALDWIN COUNTY

I, Laura M. Wrolf, a Notary Public, in and for said County in said State, hereby certify that Mrs. J. H. Phillips, a widow, and Walter Boone, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal hereto affixed by me, this 4th day of January, 1947.

Laura M. Wrolf
Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA
BALDWIN COUNTY

Filed May 18, 1948.....9 a. m.
Recorded Book page
and I certify that the following
Privilege Tax has been paid.
Deed Tax 50
Mortgage Tax

W. R. Stuart
Judge of Probate
By G.

THE STATE OF ALABAMA §
BALDWIN COUNTY § PROBATE COURT

I, W. R. Stuart, Judge of the Probate Court in and for said State and County, hereby certify that the within and foregoing pages contain a full and complete copy of the Turpentine Lease from Mrs. J. H. Phillips to Walter Boone as the same appears of record in my office in Deed Book No. 130, Page 239-40.

Given under my hand and seal of office, this 13th day of March, 1953.

W. R. Stuart
Judge of Probate

SEAL

By: Lila S. Glover
Chief Clerk

STATE OF ALABAMA 0

EXHIBIT "B"

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of One Dollar (\$1.00) this day cash in hand paid to Mrs. J. H. Phillips, a widow, hereinafter referred to as the "Lessor", by Walter Boone, hereinafter referred to as the "Lessee", receipt whereof is hereby acknowledged, and of the other good and valuable consideration to be paid as hereinafter set out, the Lessor has and by these presents does hereby LEASE AND LET to the Lessee, all pine trees measuring eight (8) inches and up in diameter, at a point two (2) feet from the ground, standing upon the following described lands situated in Baldwin County, Alabama, to-wit:-

All that part of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) lying West of the public road; West half of Northwest Quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$); Southeast Quarter of Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$), North half of Northwest Quarter of Southwest Quarter (N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$), all lying in Section Thirty one (31), Township Four (4) North, Range Four (4) East and containing 177 acres, more or less.

The Lessee is now working certain timber for turpentine purposes standing upon the above described lands under a lease agreement which will expire January 4, 1951. This lease shall begin immediately upon the expiration of the present lease and the Lessee shall have the right to work all timber, suitable for turpentine purposes of the dimensions above set out, upon said land, for a period of four (4) years from January 4, 1951. The Lessee hereby agrees to hang cups on all trees suitable for turpentine purposes and of the dimensions above set out as soon as possible after this lease begins and he shall pay the Lessor the sum of five cents (5¢) for each turpentine face or cup so hung and worked for each year during the term of this lease and while he remains in possession of said property. The Lessee upon the execution and delivery of this instrument, agrees to pay the Lessor the sum of Two Hundred Dollars (\$200.00) to be applied upon the amount due or to become due under this lease and the remaining consideration at the rate of five cents (5¢) per cup per year shall not be paid

until the earned part of such lease amounts to as much as the amount this day advanced and shall then be paid yearly, as hereinabove set out.

The Lessor hereby grants to the Lessee all necessary rights of ingress and egress to, over and across said lands for the purpose of working said timber for turpentine purposes, which rights shall cease upon the expiration of this lease.

The Lessee, his heirs and assigns shall have the right to remove all cups placed by him on such trees. Lessee hereby agrees that he will work said timber in a proper manner.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this the _____ day of _____, 1950.

Mrs. J. H. Phillips SEAL

Walter A. Boone SEAL

STATE OF ALABAMA

BALDWIN COUNTY

I, Laura M. Woolf, a Notary Public, in and for said County in said State, hereby certify that Mrs. J. H. Phillips, a widow, and Walter Boone, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 20th day of Sept., 1950.

Laura M. Woolf
Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA
BALDWIN COUNTY

Filed 9-22-50 8 a. m.
Recorded Deed Book 153 page 434-5
and I certify that the following
Privilege Tax has been paid
Deed Tax 50
Mortgage Tax

W. R. Stuart
Judge of Probate
By G

THE STATE OF ALABAMA Ø PROBATE COURT
BALDWIN COUNTY Ø

I, W. R. Stuart, Judge of the Probate Court in and for said State and County, hereby certify that the within and foregoing pages contain a full, true and complete copy of the Turpentine Lease from Mrs. J. H. Phillips to Walter Boone as the same appears of record in my office in Deed Book No. 153, Page 434-5.

Given under my hand and seal of office, this 13th day of March, 1953.

W. R. Stuart
Judge of Probate
By: Lila S. Glover
Chief Clerk

EXHIBIT "C"

STATE OF ALABAMA

TIMBER DEED

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of Four Hundred Dollars (\$400.00) this day cash in hand paid to Mrs. J. H. Phillips, a widow, hereinafter referred to as the "Seller", by Walker Boone, hereinafter referred to as the "Purchaser", receipt whereof is hereby acknowledged, the Seller has and by these presents does hereby GRANT, BARGAIN, SELL AND CONVEY to the Purchaser all pine trees measuring eight (8) inches and up in diameter, at a point two (2) feet from the ground, and all pine trees which have, before the expiration of this contract, been worked for turpentine purposes, standing, lying and being upon the following described land situated in Baldwin County, Alabama, to-wit:

All that part of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) lying West of the public road; West half of Northwest Quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$); Southeast Quarter of Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$); North half of Northwest Quarter of Southwest Quarter (N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$; all lying in Section Thirty-one (31), Township Four (4) North, Range Four (4) East, and containing 177 acres, more or less.

The Seller executed a turpentine lease to the Purchaser which will expire January 4, 1955, and the Purchaser shall have, and he is hereby granted, the right to cut the trees and timber hereby conveyed any time during the term of said turpentine lease or within one year thereafter. Any timber not cut and removed by the Purchaser on or before January 4, 1956, shall revert to and become the property of the then owner of said land.

For the consideration above recited, the Seller hereby grants unto the Purchaser all rights of ingress and egress to, over and across said lands for the purpose of cutting and removing the trees and timber hereby conveyed. The said Purchaser shall have the right to build all necessary roads, bridges and causeways for the purpose of removing such trees and timber and shall have the right to use a skidder in his operation if necessary. The Purchaser hereby agrees that he will not unnecessarily damage the trees and timber not hereby conveyed and that he will be liable for any such unnecessary damage. All of the rights hereby granted shall cease upon the termination of this contract.

This agreement shall inure to the benefit of and be binding upon the parties hereto, their heirs and assigns.

Time is of the essence of this agreement.

IN WITNESS WHEREOF, the Seller has hereunto set her hand and seal on this the 12th day of December, 1950.

Mrs. J. H. Phillips SEAL

STATE OF ALABAMA

BALDWIN COUNTY

I, Laura M. Woolf, a Notary Public, in and for said County in said State hereby certify that Mrs. J. H. Phillips, a widow, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal hereto affixed by me this 12th day of December, 1950.

Laura M. Woolf
Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA
BALDWIN COUNTY

Filed 1/20/51 10:15 A. M.
Recorded Book page
and I certify that the following
Privilege Tax has been paid.

Deed Tax 50
Mortgage Tax
W. R. Stuart
Judge of Probate
By G

THE STATE OF ALABAMA 0 PROBATE COURT
BALDWIN COUNTY 0

I, W. R. Stuart, Judge of the Probate Court in and for said State and County, hereby certify that the within and foregoing pages contain a full and complete copy of the Timber Deed from Mrs. J. H. Phillips to Walter Boone as the same appears of record in my office in Deed Book No. 162, Page 166-7.

Given under my hand and seal of office, this 13th day of March, 1953.

W. R. Stuart
Judge of Probate

SEAL

By: Lila S. Glover
Chief Clerk

SUMMONS

BALDWIN

Democrat Press, Grove Hill, Ala.

THE STATE OF ALABAMA, CLARKE COUNTY

—o0o—

IN CIRCUIT COURT, IN EQUITY

—o0o—

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Walter Boone, Little River, Alabama

to appear and plead, answer, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in Equity, for said County, of said State, against

him

and others by Carrie Phillips, et al

(Copy of Bill of Complaint attached.)

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

Witness this 23rd day of March, 1953.

Arice J. Jensen, Register.
Code 1923-6528-6529—Rev. May 1, 1940.

The State of Alabama

_____ COUNTY

IN CIRCUIT COURT, IN EQUITY

vs.

S U M M O N S

Returned by the Sheriff and filed in office, this
the _____ day of _____, 19____.
_____, Register.

Received in office, this the _____ day of

_____, 19____

_____, Sheriff.

I have executed the within by leaving a copy

thereof with _____

Walter Boone

defendant named herein, on this the *14*

day of *April*, 19*13*

Lyle Wilkins, Sheriff.

By *W. B. Keller*, Deputy.

2982

RECEIPT FOR REGISTERED ARTICLE No. 129

Fee paid 30

(Date) 8-20, 1952

Class postage paid 1

Return receipt fee _____
Special delivery fee _____

Declared value, \$ none

Surcharge paid, \$ _____

Restricted delivery (Accepting employee will place initials in proper space)
in person 20
or order _____
Fee paid _____

From Alice J. Duck (Sender) Wash. D.C. (Post office and State)

Addressed to David D. Phillips (Addressee) 3303 Surrae Drive (Street and number) Wash. D.C. (Post office and State)

Postmaster, per Am



Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300



(GPO) BUILD YOUR FUTURE
POSTMARK OF DELIVERING OFFICE
WISELY, SAFELY
U.S. SAVINGS BONDS

Return to Walter J. Burke Register
(NAME OF SENDER)

Street and Number,
or Post Office Box,

REGISTERED ARTICLE

No. 129

INSURED PARCEL

Post Office Bay Minette

State Ala.

No. _____

16-12421

2982

Form 3811
Rev. 1-52

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the number of which appears on the face of this Card.

FILED
AUG 26 1953
CHECK REGISTER
DELIVER TO ADDRESSEE ONLY
AUG 26 1953

W. David D. Steilley
(Signature or name of addressee)

2
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery *8/27*, 19*53*

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300



(GPO)
STRIKE BACK AT CANCER
— G I V E —
AMERICAN CANCER SOCIETY
POSTMARK OF DELIVERING OFFICE

Return to Eric J. Luck
(NAME OF SENDER)

Street and Number,
or Post Office Box,

REGISTERED ARTICLE

No. 805

INSURED PARCEL

No. _____

Post Office Bayonne
State Cal.

16-12421

POST OFFICE DEPARTMENT
POST OFFICE, Bay Minette, Ala.
OFFICIAL BUSINESS
(No. 4)

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300
(PMGS)
BAY MINETTE
AUG 20 PM
1953
ALA.

*Chie I Duck clk
City*

1984