

CARRIE PHILLIPS and HELEN P.	Į	
WALKER,	ĭ	IN THE CIRCUIT COURT OF
Complainants,	I	BALDWIN COUNTY, ALABAMA
VS.	I	IN EQUITY.
JOHN MALACHI PHILLIPS, DAVID D. PHILLIPS, THELMA HEATON, LOUISE	Ĭ	
BROCK, GERTRUDE HICKS, IRENE GENTRY, DOROTHY D. NORMAN, KITTY	Ĭ	
PHILLIPS, ANNA V. GENTON, JOHNNIE WESSLER, MONROE WESSLER, as Guardi	an	
of JOHNNIE WESSLER, a Minor, and WALTER BOONE,		
Respondents.	Į	

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

- l. 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.

FILED

5-4-53

LIGE 1. DECK, Register

CHASON AND STONE

BY:

Solicitors for Respondent and Cross-Complainant, Walter Boone.

CARRIE PHILLIPS and HELEN P. WALKER.	Q	
	Q	IN THE CIRCUIT COURT,
COMPLAINANTS,	Q	BALDWIN COUNTY, ALABAMA,
VS.	X	IN EQUITY.
JOHN MALACHI PHILLIPS, DAVID D. PHILLIPS, THEIMA HEATON, LOUISE	Q	CASE NO. 2982
BROCK, GERTRUDE HICKS, IRENE GENTRY, DOROTHY D. NORMAN, KITTY	Q	
PHILLIPS, ANNA V. GENTON, JOHNNIE WESSLER, MONROE WESSLER as Guardian	<u> </u>	
of JOHNNIE WESSLER, a Minor, and WALTER BOONE,	Q	
RESPONDENTS.	ď	and the state of t

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 twentyone 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;
Malter Boone, Little River, Alabama.
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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:

Wa of the NWa; SEA of the NWa; Na of NWA of SWA, 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
John Malachi Phillips
David D. Phillips
Thelma Heaton
Louise Brock
Gertrude Hicks
Irene Gentry
Dorothy D. Norman
Kitty Phillips
Anna V. Genton
Johnnie Wessler

an undivided l/llth interest an undivided l/llth 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 NW2 of NE2 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:

- l. 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

Sworn to and subscribed before me this the 26 day of

February, 1953.

Notary Publica

IMISSION EXPIRES AUGUST 22 TOFF

Helen P. Walker

Sworn to and subscribed before me this the <u>let</u> day of February, 1953.

Notary Public, Clarke Co. Alas.

J. Water Danett SOLICITOR FOR COMPLAINANTS.

FILED

3-23-54 MEL 10CA, Register

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 contain a full, true and complete copy of the _____Timber Deed from Mrs. J. H. Phillips to Walter Boone Deed Book No. 162 as the same appears of record in my office in — Page 166-7 13th Given under my hand and seal of office, this-

The State of Alabama, County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama-Gree	ting:		2.11	1
You are hereby commanded to summon	John Mal	uhi Phillips	, Thehnu	- Zyen
Linise Brock Gertrude	Icho 3 de	ine Bentry	Morethy Il.	Moran
" Kitty Phillips, & anna V. &	Intro	Walter B	oone	
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to appear and answer, plead, or demur, withi	in thirty days fr	om the service hereof	, to a Bill of C	om-
plaint filed in said Circuit Court, in equity, for	÷	ρ		
Carne Phillips et		A		
against Nand D. Phil	0 1/60	et al _	·	

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(Defendant is entitled to a copy of the bill o	n application to	the Register.)	Code 1923-6528	3-6529

No.2282 Page		
The State of Alabama	Received in office, this the	day of
COUNTY.		19_5
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John Maluchi Phillips	thereof with	

SUMMONS		
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, Register.		
	defendant named herein, on this the	

3-23-53 ALIGE J. DUCK, Register

FILED

, Sherif

By_____, Deput

T. WATROUS GARRETT

ATTORNEY-AT-LAW

POST OFFICE BUILDING

GROVE HILL, ALABAMA

August 14, 1953

2092

REGISTERED MAIL

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

Re: Carrie Phillips, et al, Complainants,

Vs.

Tohn Molachi Phillips, et al, Pagnanden

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

TWG:sms

Enclosures

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To any Sheriff of t	he State of Alabama	.=					-
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CARRIE PHILLIPS and HELEN P. WALKER,		
COMPLAINANTS,	IN THE CIRCUIT	count,
VS.	BALDWIN COUNTY,	ALABAMA,
JOHN MALACHI PHILLIPS, DAVID D.	IN BQUITY.	
BROCK, GERTRUDE HICKS, TRENK	CASE NO.	**************************************
PHILLIPS, ANNA V. GENTON TOTALLE		
of JOHNNIE WESSIER, a Minor and	a n	
WALTER BOONE,		
RESPONDENTS.		

TO THE HOW. MUBERT HALL, JUDGE OF SAID COURT:

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

- 1. That the complainants are both over the age of twentyone 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, Mhistler, 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.

D. Phillips, Thelma Heaton, Louise Brock, Gertrude Hicks, Trene 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:

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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
John Malachi Phillips
David D. Phillips
Thelma Heaton
Louise Brock
Gertrude Hicks
Irene Centry
Dorothy D. Norman
Kitty Phillips
Anna V. Genton
Johnnie Wessler

an undivided 1/11th interest 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 North 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.

PRATUR FOR RELIEF

THE PREMISES CONSIDERED, your complainants pray that John Malachi Phillips, David D. Phillips, Thelma Heaton, Louise Brock, Gertrude Micks, Irene Gentry, Dorothy D. Norman, Kittle 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 expunsed 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.

IS Carrie Philips

Sworm to and subscribed before me this the 26 day of

Pehruary, 1953.

SEAL MY COMMISSION EXPIRES AUGUST 22, 1953

Hotary Fublic, Rikerd

19 Helen P. Walker

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

SEAL

Notary Public, CLarke Co. AZa.

15 T. Watrous Garrett

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 Wallen Books, hereinafter referred to as the "Lessor", receipt whereof is hereby acknowledged, the lessor has and by these presents does hereby lease and let to the lessor has and by these presents does hereby lease and let to the lessor has and by these presents does hereby lease and let to the lessor has and by these presents does hereby lease and let to the lessor has and by these presents does hereby lease and let to the lessor has and by these presents does hereby lease and let to the lessor has and by these presents does hereby lease and let to the lessor has and by these presents does hereby lease and let to the lessor has and by these presents does hereby lease and let to the lessor has and by these presents does hereby lease and let to the lessor has and by these presents does hereby lease and let to the lessor has and by these presents does hereby lease and let to the lessor has and by these presents does hereby lease.

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 being 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 3100.00 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 leasur bereby grants to the leasee all necesscry rights of ingress and egress, to, over and coross said lands
for the purpose of vertice said timber for terpentiae purposes,
which rights chall cease upon the expiration of this contract. The
leasee, his heirs and assigns, shall have the right to remove all
cups placed by him on said land. The leasee hereby agrees that he
will work said timber in a workmallike manner.

IN WITHEST WEEDER, the parties hereto have here here of James, the law of James, the

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STATE OF ALABOMA

BALAWIN GOTAL

I LANGE IN A Notary Public, in and for seid County in Side State, here's conting that Mrs. I. I.

Phillips, a widow, and Welter Doome, mode names are signed to the foregoing instrument and who are known to be, convenience before me on this day that, being informed of the convents of the instrument they executed the same voluntarily on the for the same beautiful.

Given under my head and actorial seal hereto affixed by me, this 4th day of Jarmery, 1947.

STATE OF ALADAMA BRIDGIN COUNTY

Filed May 10, 1942.....9 a. a. Recorded South Page and I contify that the following Privilet For her been poid.

Doed for For Mortgage Tox Mortgage Tox

N. R. Stuert Judge of Probate Dy G.

THE STATE OF ALABAMA -BALDWIN COUNTY

I, W. R. Stuart, Judge of the Probate Court in and for said Physic and Courty, 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 Books as the same appears of record in my office in Feed Book No. 130, Page 239-40.

Given under my hand and seal of office, this I th day of March, 1973.

STALL

Des lain de Glover Chief Clerk BALDWIN COUNTY

ation 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 "Lesser", by Walter Boone, hereinafter feferred 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 (NW1 of NE1) lying West of the public road; West half of Northwest Quarter (W1 of NW1); Southeast Quarter of Northwest Quarter (SE1 of NW1), North half of Northwest Quarter of Southwest Quarter (N1 of NW1 of SW1), 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.

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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 Sa. m. Recorded Deed Book 153 page 434-5 and I certify that the following Privilege Tax has been paid Deed Tex Mortgage Tax

W. R. Stuart Judge of Probate By

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THE STATE OF ALABAMA BALDWIN COUNTY

PRODUCE COURT

J, 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 Welter 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.

ii. D. Stranzii Judge of Probate Iila S. Glover Chief Clerk By:

EXHIBIT "C"

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of Four Hundred Dollars (\$400.00) this day each 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 North-east Quarter (NW) of NE%) lying West of the public road; West half of Northwest Quarter (N% of NW%); Southeast Quarter of Northwest Quarter (SE% of NW%); North half of Northwest Quarter of Southwest Quarter (N% of NW%) of SW%; all lying in Section Thirty-one (31), Township Four (4) North, Range Four (4) Rast, 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 WITHESS WHEREOF, the Seller has hereunto set her hand and seal on this the 12th day of December, 1950.

Mrs. J. M. Phillips (SEAL)

STATE OF ALABAMA

BALDWIN COUNTY

I, Laura M. Woolf, a Motary Public, in and for said County in said State hereby cortify 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.

Notary Public, Baldwin County, Alabama.

STATE OF ALADAMA BARRWIN COUNTY

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

Deed ter Mortgage Ter 50

N. R. Strart

Judge of Probete By G

THE STATE OF ALABAMA BALDWIN COUNTY PROBLET COURT

I, W. R. Stwart, 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.

Judge of Probate

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Ay: Lile 6. Glover Chief Clerk



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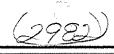
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to appear and plead, answas amended	ver, or demur, v	within this	days from th	e service hereof, to	a Bill of Co	mplaint
filed in said Circuit Court,	in Equity, for sa	id County, o	f said State,	against her		
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To any Sheriff of	the State of Alab	oama—Greeting:		-2 -2 -2 -3 -4		
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# 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

TWG:sms

Enclosures

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Carrie Phillips and Helen R Walker

John Mulachi Phielips.

3-23-53

ALICE J. DUCK, Register

2. Watrons Garrett

ST_MMONS		Dem	ocrat Pres	ss, Grove	Hill, Ala
THE STATE OF ALABA	BALDWI Na Kuyan	DEAL CU	VTVI		
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You are hereby commanded to summon John	Malachi Pi	nillins,	Uriah,	, Alab	ama
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iled in said Circuit Court, in Equity, for said County, him and others by Carrie Phillips, et al	of said State, a	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	of said State, a	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	of said State, a	against			
him and others by Carrie Phillips, et al (Copy of Bill of Complaint attached.)	of said State, a	against			

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SUMMONS	Democrat Press, Grove Hill, Ala.					
THE STATE OF ALA	BAMA, CEARKE COUNTY					
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IN CIRCUIT CO	DURT, IN EQUITY					
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To any Sheriff of the State of Alabama—Greeting:						
You are hereby commanded to summon Miss Kittie Phillips, 54 D West Drive,						
Prichard, Alabama						
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to appear and plead, answer, or demur, within th	nirty days from the service hereof, to a Bill of Complaint					
	y, of said State, against					
7-						
and others by Carrie Phillips, et al						
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(Copy of Bill of Complaint attached.)						
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A Comment of the Comm	Code 1923-6528-6529—Rev. May 1, 1940.					

No. Page	n / t
The State of Alabama	Received in office, this the 24 day of
IN CIRCUIT COURT, IN EQUITY	WHIHOlombe, Sheriff.
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	thereof with Dres Kullie
VS.	Phillips.
SUMMONS	
Returned by the Sheriff and filed in office, this	
theday of, Register.	
	defendant named herein, on this the
MEDELLARIA	day of march, 19_3
MAR 24 1953	W. H. Holsones, Sheriff.
MOBILE COUNTY, ALA:	By H. B. Solle Deputy.
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SUMMONS		Democrat Press, Grove Hill, Ala.
THE STATE OF ALA	BAMA, CLARKE	COUNTY
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IN CIRCUIT CO	URT, IN EQUITY	
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To any Sheriff of the State of Alabama—Greeting	s: 1 1 4 4	
You are hereby commanded to summon	rs. Louise Brock	, N Ryan Street,
Whistler, Alabama		,
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to appear and plead, answer, or demur, within th	irty days from the servic	ce hereof, to a Bill of Complaint
filed in said Circuit Court, in Equity, for said Count		•
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and others by Carrie Phillips, et	aI	
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Witness this 232 day of Ma	rch	1953
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The state of the s	Code	, Register. 1923-6528-6529—Rev. May 1, 1940.

MOBILE COUNTY, ALA.

SUMMONS	RAT.DVI	Democ	rat Press, Grove	Hill, Ala
	E OF ALABAMA, XE		NTY	
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To any Sheriff of the State of Alak	bama—Greeting:			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
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Prichard, Alabama				
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vs.	V. Herton
SUMMONS	
turned by the Sheriff and filed in office, this	
day of 19	
, Register.	
	defendant named herein, on this the
6 COUNCI	day of March, 195
MAR 24 1953	W. Halobale, Sheri
Miliana Marian V. TE-U	By R. M. Matthew & Deput
MOBILE COUNTY, ALA.	

SUMMONS	Democrat Press, Grove Hill, Ala.
THE STATE OF ALABAMA, CLAI	RKE COUNTY
c0o	
IN CIRCUIT COURT, IN EQUITY	
<b>——-000——</b>	<del>"</del>
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, a	rgainst
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SUMMONS	Democrat Press, Grove Hill, Ala.
THE STATE OF ALABA	AMA, CLARKE COUNTY
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IN CIRCUIT COU	RT, IN EQUITY
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to appear and plead, answer, or demur, within thirt	y days from the service hereof, to a Bill of Complaint
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and others by Carrie Phillips, et al.	
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(Copy of Bill of Complaint attached.)	
Herein fail not. Due return make of this writ as the	directs.
Witness this 23 and day of Marc	h , 19 53 . Register. Code 1923-6528-6529—Rev. May 1, 1940.

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The State of Ala			, 19
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CARRIE PHILLIPS and HELEW P. WALKER,

COMPLINANTS,

178

JOEN MALACHI PHILLIPS, DAVID D.
PHILLIPS, THELMA MEATON, LOUISE
BROCK, CÉRTRUDE HICKS, TREME
GENTRÍ, DOROMHY D. NORMAN, KITTY
PHILLIPS, ARMA V. GENTON, JOHNNIE
WESSLER, MONROE MESSLER às Guerdian (
of JOHNNIE MESSLER, & Minor, and
NALTER BOOKE,

RESPONDENCE.

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

CASE NO.

TO THE HON. NUBERT 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:

Ô

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 Paregraph Nos. 4 and 8 above and did out and remove therefrom large quantities of sawlogs and paperwood. That the said respondent, Walter Boone, has not paid complainant, Cerrie 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 reversionery 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 loome, as described above from said lands endunts to considerably more than the sums of momey which were paid to complainant, Carrie Phillips, by the respondent, walter loome, in the names alleged above.

that this Homorable Court will ascertain the value of the sandogs and timber cut by respondent, walter Beams, from the lands which are the subject of this suit and further that after this Homorable 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 For Walker, and respondents herewith with the exception of walter 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 Boome pay such sum to the owners of the reversionary interest therein.

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ALISE L. MUCK, Register

UMMONS		Democrat F	ress, Grove	ALLIE, ALE
THE STATE O	of Alabama, Clark	E COUNT	Y	
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IN CI	RCUIT COURT, IN EQUITY			
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o any Sheriff of the State of Alabama	a—Greeting:	.*		***
You are hereby commanded to sur	mmon Kitty Phillips, 5	4 D West I	rive.	
Prichard, Alabama,	4.8		•	
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Page	391		
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IN CIRCUIT COURT, IN I			Sheriff.
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SUMMONS  Returned by the Sheriff and filed in		WELNUMED WAS COMMA SHOW	Sherill Len's
the day of	19 <u>C.b.</u>	340 1. 100 NO.	
	C	defendant named herein, on	this the
		day of	, 19, Sheriff.
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SUMMONS					Democrat	Press, Grove	Hill, Ala.
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SUMMONS				Democrat Pr	ess, Gro	ve Hill, Ala.
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To any Sheriff of the State of Alabama	—Greetin	g:				
You are hereby commanded to sun	nmon	Mrs.	Dorothy	D. Norman, 1	018	
No. 51st Street, Birmingh	am, Alal	oama,				
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to appear and plead, answer, or demur, as amended filed in said Circuit Court, in Equity, for	, within 🗱				Bill of	Complaint
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				Code 1923-6528-652	9—Rev.	Register. May 1, 1940.

The State of Alabama COUNTY	Received in office, this the	
IN CIRCUIT COURT, IN EQUITY		
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SUMMONS	Mrs. Dorothy Di Mon	
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Mobel in	defendant named herein, on this the	, 19
	By	, Sheriff.
		Deputy.

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SUMMONS	Democ	crat Press, Grove Hill, Ala.
	THE STATE OF ALABAMA, CLARKE COU	INTY
	o0o	
	IN CIRCUIT COURT, IN EQUITY	
		ur A
To any Sheriff of	the State of Alabama—Greeting:	
You are herel	by commanded to summon Mrs. Dorothy D. Norway	n, 1018
No. 51st S	treet, Birmingham, Alabama,	· · · · · · · · · · · · · · · · · · ·
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as emenced	ad, answer, or demur, within thirty days from the service hereout Court, in Equity, for said County, of said State, against	f, to a Bill of Complaint
and others by	Carrie Phillips, et al	
(Copy of Bill of Co	omplaint attached.)	
Herein fail not. D	ue return make of this writ as the directs.	
Witness this/_	100 day of August , 19	9_53.
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CAPAID PHILLIPS and HELEN P.

CMTLAINS,

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IN THE CIRCUIT COURT,

DAIDWIN COURTS, AMBRICA,

IN EQUITS.

ELSPONDENIS.

TO THE MON. HUBBRY HALL, JUDGE OF SAID COURTS

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

9. Complainants allege that the said respondent, Whiter Boone, was avore of the fact that the explainant, Carele Pulling, also known as Mrs. J. H. Phillips, did not oun the fee simple title to the turnentine and timber on the lands described in Paregraph Hos. 4 and 5 above, but that seting under the authority of seld 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 out and remove therefrom large quantities of saviogs and papersood. That the said respondent. Walter Booms, has not paid complainant, Carrie Phillips, the full consideration shown in the two turportine leases and the timber deed executed by her shown as exhibits to the bill of complaint; but that he has only paid her small emergic from time to time as he cut and removed the savings and paperwood from the lands which are the subject of this suit. Compleinants 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 out and removed from said lands and complainants also alloge that the cutting and removal of said timber by the respondent, walter Boone, has anounted to

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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 complete above them the sums of money which were paid to complete the Phillips, by the respondent, Valter Boone, in the manner alleged above.

that this Honorable Court will ascertain the value of the Sawlogs and timber cut by respondent, Walter Besne, 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 Boons pay such sum to the owners of the reversionary interest in proportion to their respective interest therein.

IS TO WATROUS GARRETT

New Orleans 3824 Conal St

MICE J. DUCK, Registor

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SUMMONS	A MANAGEMENT AND A MANA	Democrat Press, G	rove Hill, Ala.
THE STA	TE OF ALABAMA, CLARK	E COUNTY	
	00		
	IN CIRCUIT COURT, IN EQUITY		
			•
To any Sheriff of the State of Al	labama—Greeting:		•
You are hereby commanded	to summon Mrs. Johnnie Wess	ler, 54 D West	Drive,
Prichard, Alabama,	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~		
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(Copy of Bill of Complaint attach	ed.)		
Herein fail not. Due return make	of this writ as the directs.		

Witness this 18th day of August

Code 1923-6528-6529—Rev. May 1, 1940.

_, 19<u>53</u>.

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SUMMONS				Democrat	Press, Grove	e Hill, Ala.
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				By R.	2- Ya	uhu	C: Deputy.

SUMMONS		Democrat Press, Grove	Hill, Ala.
THE STATE	OF ALABAMA, CLAF	RKE COUNTY	
ın Ç	CIRCUIT COURT, IN EQUITY	?	
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To any Sheriff of the State of Alabar	ma—Greeting:		
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	^.		
to appear and plead, answer, or demi	twenty	gowying have of to a Pill of Co	maloint
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filed in said Circuit Court, in Equity, fo	or said County, of said State, a	gainst <u>nim</u>	
and others by Carrie Phillip	os, et al		
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SUMMONS					Democrat 1		rove .	Hill, Al.
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To any Sheriff of the S	tate of Alabama C.		<del></del>	2 / 1				
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WALKER,	Q	IN THE CIRCUIT COURT,
COMPLAINANTS,	Q A	BALDWIN COUNTY, ALABAMA,
Vs.	IN EQUITY.	
JOHN MALACHI PHILLIPS, DAVID D. PHILLIPS, THELMA HEATON, LOUISE BROCK, GERTRUDE HICKS, TRENE	Ž	CASE NO
GENTRY, DOROTHY D. NORMAN, KITTY PHILLIPS, ANNA V. GENTON, JOHNNIE	Q	
WESSIER, MONROE WESSIER as Guardia of JOHNNIE WESSIER, a Minor, and	n ()	
WALTER BOONE,	Q	
RESPONDENTS.	Q	

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 quanities 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. Watron Jane SOLICITOR FOR COMPLAINANTS

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## THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2982 _____TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

		ps, David D. Phillips, Thelma Heaton
Louise Brock, Gertrude Bicks, 1	rrene Gentry. Derothy D.	Norman, Kitty Phillips, Anna V. Gent
Johnnie Wessler, Monroe Wessle	er as Guardianof Johnnie	Wessler, a minor and Walter Boone
	A Company of the Comp	
to appear and plead, answer or demur, vi		
the Circuit Court of Baldwin County, Sta	ate of Alabama, at Bay Minett	e, against
John Malachai Phillips et al	.s	, Defendant
by Carrie Phillips and Fel	en Walleen	, Delenance
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Witness my hand this 18th	day of August	Plaintiff
Witness my hand this		011 - 12

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CARRIE PHILLIPS and HELEN P. WALKER,	I	
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•	I	IN THE CIRCUIT COURT OF
vs.	I	BALDWIN COUNTY, ALABAMA
JOHN MALACHI PHILLIPS, DAVID D. PHILLIPS, THELMA HEATON, LOUISE BROCK, GERTRUDE HICKS, IRENE	, with	IN EQUITY.
GENTRY, DOROTHY D. NORMAN, KITTY PHILLIPS, ANNA V. GENTON, JOHNNIE	Ž	
WESSLER, MONROE WESSLER, as Guardian of JOHNNIE WESSLER, a Minor, and	Ĭ	
WALTER BOONE,	X.	
Respondents.	Ţ	

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

Solicitors for Respondent and Cross-Complainant, Walter Boone.

ANSWER TO AMENDED BILL OF COMPLAINT.

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 16 day of September, 1953.

Register.

Democrat Press. Grove Hill, Ala. SUMMONS THE STATE OF ALABAMA. CLARKE COUNTY ഹിറ--IN CIRCUIT COURT, IN EQUITY To any Sheriff of the State of Alabama—Greeting: You are hereby commanded to summon Mrs. Thelma Heaton, 315 Second Avenue. Chickasaw, Alabama twenty to appear and plead, answer, or demur, within MMMM 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 18 day of August ______ 19*.*53__.

Code 1923-6528-6529-Rev. May 1, 1940.

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SUMMONS	Democrat Press, Grove Hill, Ala.
THE STATE OF ALABAMA, CLAR	KE COUNTY
IN CIRCUIT COURT, IN EQUITY	·
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To any Sheriff of the State of Alabama—Greeting:	
You are hereby commanded to summon Mrs. Irene Gent	ry, Uriah, Alabama,
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twenty to appear and plead, answer, or demur, within thirty days from the se as amended filed in said Circuit Court, in Equity, for said County, of said State, ag and others by Mrs. Carrie Phillips, et al	ervice hereof, to a Bill of Complaint gainst her
(Copy of Bill of Complaint attached.)	
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THE STATE OF AL	ABAMA, CLARKE COUNTY
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To any Sheriff of the State of Alabama—Gree	ting:
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to appear and plead, answer, or demur, within	thirty days from the service hereof, to a Bill of Complaint
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STATE OF ALABAMA

KNOW ALL MEN BY THESE PRESENTS that for and in consider-BALDWIN COUNTY ation 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:-

3

All that part of the Northwest Quarter of the Northeast Quarter (NW1 of NE1) lying West of Northeast Quarter the public road; West half of Northwest Quarter (W1 of NW1); Southeast Quarter of Northwest (W2 of NW1); Southeast Quarter of Northwest Quarter (SE1 of NW1), North half of Northwest Quarter (SE1 of NW1), Quarter of Southwest Quarter (N1 of NW1 of SW1), Quarter of Southwest Quarter (N2 of NW1 of SW1), Township 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 sup 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

STATE OF ALABAMA BALDWIN COUNTY F104 1211 45 231, 8

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 ( $NW_4^1$  of  $NE_4^2$ ) lying west of the public road; West half of Northwest Quarter ( $W_2^1$  of  $NW_4^2$ ); Southeast quarter of Northwest quarter ( $SE_4^1$  of  $NW_4^1$ ), North half of Northwest quarter of Southwest quarter ( $N_2^1$  of  $NW_4^1$  of  $SW_4^1$ ), 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 Janua 1947.

until the earned part of such lease amounts to as much as the manual 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.

Mrs Syplicips SEAL My Color GEAL

STATE OF ALABAMA

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I, Que M. Motary 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 Phillips, a widow, and who are known to me, acknowledged before 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.

Sept., 1950.

Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 9-22-50
Recorded Deck book 183 page #34-5
and I ceruif, that the following Privilege Tax
has been paid.

Daed Tax
Mortgage Tax

Judge of Probate
By 4

# THE STATE OF ALABAMA, Baldwin County

### PROBATE COURT

I, W. R. STUART, Judge of the Probate Co	ourt in and fo	or said Stat	e and C	County,	here	by certify
that the within and foregoing					***************************************	— pages
contain a full, true and complete copy of the	rpentine	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 _	Wa	arch		_, 19_53
	By:	Mr. a. C.	9. Ste f. Glen	Judge sued	of Pr	obate,

STATE OF ALABAMA

BALDWIN COUNTY

for said County in said State, hereby fertify 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 was day of January, 1947.

STATE OF ALABAMA, BALDWIN COUNTY

Filed Man And Man

4

## THE STATE OF ALABAMA, Baldwin County

### PROBATE COURT

I, W. R. STUART, Judge of the Probate Co	ourt in and fo	or said Sta	ite and	County,	hereby	y certify
that the within and foregoing						_ pages
contain a full, true and complete copy of theTur	rpentine	Lease	from	Mrs.	J. H	0
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		Jarch		., 1953.
	Bg: X.	Eile S.	W. Delou	Judge Judge	of Pro	bate,

STATE OF ALABAMA BALDWIN COUNTY

TIMBER DEED

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 (NW1 of NE1) lying West of the public road; West half of Northwest Quarter (W2 of NW1); Southeast Quarter of Northwest Quarter (SE1 of NW1); North half of Northwest Quarter of Southwest Quarter (N2 of NW1 of SW1); 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 memoved 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 apon the parties hereto, their heirs and assigns. 300% 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 12 - day of December, 1950. and fliphillips STATE OF ALABAMA BALDWIN COUNTY I, Mura M. Mool, a Notary Public, in and for said County in said State hereby certify that Mrs. J. H. Phillips, a widew, 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 20 day of December, 1950. Notary Public, Baldwin County, Alabama. STATE OF ALABAMA, BALDWIN COUNTY Filed 1/20.751 Recorded and Carafy that the following Privilege Tax Deed Tax --Mortgage Tax. The state of the s

Amendment on Mile Aug 1953

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2.

CARRIE PHILLIPS and HELEN P. WALKER,	Ž	IN THE CIRCUIT COURT,
COMPLAINANTS,	Q	BALDWIN COUNTY, ALABAMA,
Vs.	* *	IN EQUITY.
JOHN MALACHI PHILLIPS, DAVID D. PHILLIPS, THEIMA HEATON, LOUISE BROCK, GERTRUDE HICKS, IRENE GENTRY, DOROTHY D. NORMAN, KITTY PHILLIPS, ANNA V. GENTON, JOHNNIE WESSLER, MONROE WESSLER as Guardi of JOHNNIE WESSLER, a Minor, and WALTER BOONE,	<b>Q</b>	CASE NO.
RESPONDENTS.	Q	

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 twentyone 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. Rorman, 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:

Wig of the NW1; SE1 of the NW1; No of NW1 of SW1, 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 an undivided 1/11th interest John Malachi Phillips David D. Phillips Thelma Heaton an undivided 1/11th interest an undivided 1/11th interest an undivided l/llth interest Louise Brock an undivided 1/11th interest Gertrude Hicks an undivided 1/11th interest an undivided 1/11th interest an undivided 1/11th interest an undivided 1/11th interest the undivided 1/11th interest than undi Irene Gentry Dorothy D. Norman Kitty Phillips Anna V. Genton Johnnie Wessler an undivided l/llth 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 of NE 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, Kittle 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:

- l. 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.
- 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
	Sworn to and	Carrie Phillips subscribed before me this the <u>26</u> day of
February,	1953•	
SEAL My Commis: August 22	sion Expires , 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 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 (NW1 of NE1) lying west of the public road; West half of Northwest Quarter (W2 of NW1); Southeast quarter of Northwest quarter (SE1 of NW1), North half of Northwest quarter of Southwest quarter (N2 of NW1 of SW1), 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  $(20\phi)$  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  $20\phi$  per cup being for the full four year lease, or  $5\phi$  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.

Mrs	3.	J.	Н.	Phillips	SEAL
					SEAL)

STATE OF ALABAMA

BALDWIN COUNTY

I, <u>Laura M. Wrolf</u>, 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.

Judge of Probate

By: Lila S. Glover Chief Clerk

SEAL

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 "Lesser", by Walter Boone, hereinafter feferred 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 (NW2 of NE2) lying West of the public road; West half of Northwest Quarter (W2 of NW2); Southeast Quarter of Northwest Quarter (SE2 of NW2), North half of Northwest Quarter of Southwest Quarter (N2 of NW2 of SW2), 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  $(5\phi)$  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  $(5\phi)$  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 seal	s on this	the	day of	.7
1950.				Mrs. J. H. Phillips	\$EAI
			-	Walter A. Boone	SEAT

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.

> <u>Laura M. Woolf</u> Public, Baldwin County, Alabama. Notary

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 Mortgage Tax

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

EXHIBIT "C"
TIMBER DEED

STATE OF ALABAMA BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of Four Hundred Dollars (\$\frac{4}{2}+00.00\$) 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 (NW1 of NE1) lying West of the public road; West half of Northwest Quarter (W2 of NW1); Southeast Quarter of Northwest Quarter (SE1 of NW1); North half of Northwest Quarter of Southwest Quarter (N2 of NW2 of SW1; 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, <u>Laura M. Woolf</u>, 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 Mortgage Tax 50

W. R. Stuart Judge of Probate By G

Q

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

#### THE STATE OF ALABAMA, CEARKE COUNTY

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IN C	IRCUIT COUR'	r, in equit	Y	F.,	
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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.

(Signature or name of addressee)

Deliver to Addressee Only

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

Dete of delineur 8/2. 7 1955

Date of delivery, 8/2. 1, 19 5

Post Office Department official business	STRIKE BACK A OFFICE OF RELIVERING
79530	AMERICAN CANCER SOCIE
Return to Michael of Street and Number, or Post Office Box,	Nuck SENDER)
DECISTEDED ADTICLE	Hice Bay Mmette
INSURED PARCEL  No	State Clas

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

Olice Delekello

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