

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, SITTING IN EQUITY:

Comes JOHN C. HARRUB, BARBARA A. HARRUB, adults, and MARIE LOUISE HARRUB, CHARLES JOSEPH HARRUB and HENRY MASTIN HARRUB, minors who appear by Barbara A. Harrub, their next friend, and by this bill of complaint presented against S. P. PORMLEY, S. R. PERRY and against the unknown heirs of COLBERT L. GRAY and DAVID P. PERRY, deceased, and show:

FIRST: That John C. Harrub is over the age of twenty-one years and a resident of Baldwin County, Alabama; that Barbara A. Harrub is over the age of twenty-one years and a resident of the City of Mobile, Alabama; that Marie Louise Harrub and Charles Joseph Harrub are minors over the age of fourteen years, and Henry Mastin Harrub is a minor under the age of fourteen years of age, all of said minors residing with their mother and next friend, Barbara A. Harrub, in the City of Mobile.

SECOND: That S. P. Pormley, who is over the age of twenty-one years and whose last known address is 3811 Grand Boulevard in the City of Chicago, Illinois, is the only surviving heir of Samuel P. Pormley, deceased; that S. R. Perry, whose last known address was Macatawa, Michigan, is an heir of David P. Perry; that said David P. Perry and Colbert L. Gray, former residents of the City of New Orleans, are dead, and Complainants, after diligent search and inquiry, have been unable to ascertain anything of the names and addresses of the other legal heirs of said David P. Perry and Colbert L. Gray other than that they are over the age of twenty-one years and non-residents of the State of Alabama.

THIRD: Complainants allege that they are now and have been for more than thirty-five years next prior to this

date in peaceable possession of certain land in Baldwin County, Alabama, claiming to own same, said land being described as follows:

Commencing at the Northeast corner of Section Eighteen Township Five South, Range Two East, which point is also the corner of Sections Seven, Eight and Seventeen, running thence South along the Section line 662 feet, thence West 2110 feet to a point, thence North 282 feet to a point, thence West 900 feet, more or less, to the margin of Mobile Bay, thence Northwestwardly along the margin of Mobile Bay to the North line of Section Eighteen, thence East along Section Eighteen to the point of beginning.

Commencing at the Southeast corner of Section Seven, Township Five South of Range Two East, running thence North along the Section line 578 feet to a point, thence West and parallel to the South line of Section Seven to the margin of Mobile Bay, thence Southeastwardly along Mobile Bay to the line dividing Sections seven and eighteen, thence East along said Section line to the point of beginning.

FOURTH: Complainants further allege that the defendants above named are reputed to have some claim, interest or right in and to the land above described, that no suit is pending to enforce or test the validity of such title, claim or encumbrance as defendants, or any of them, may have, and complainants therefore call upon each defendant separately to set forth and specify his or her title, claim, interest or encumbrance, and to show how and by what instrument the same is derived or created.

THE PREMISES CONSIDERED, Complainants pray that S. P. Pormley, S. R. Perry and the other unknown heirs of David P. Perry and Colbert L. Gray be made parties defendant to this bill; that said defendants being non-residents of this State due notice be given them by publication and that they be required to answer this bill within the time prescribed by law and abide by such orders and decrees as may be made in the premises.

Complainants further pray that upon the hearing of this cause this Court establish the title of Complainants in and to the

above described land, and further find and decree that each and all of the defendants have no claim, interest or title therein, or encumbrance upon the same, and grant complainants such other, further or different relief as to equity may seem meet.

Rickaby Butler Stealy
Solicitors for Complainants.

NOTE: The defendants are required to answer each paragraph of the foregoing bill, but not under oath.

Rickaby Butler Stealy
Solicitors for Complainants.

STATE OF ALABAMA)
COUNTY OF BALDWIN)

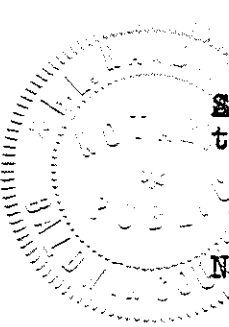
Before me, the undersigned Notary, personally appeared this day John C. Harrub, who being sworn says that he is one of the complainants in the foregoing bill, that he has made and caused to be made diligent search and inquiry as to the residence and addresses of Samuel P. Pormley, Colbert L. Gray and David P. Perry, and by such inquiry learns that all three parties named are dead. Affiant is informed and believes and on such information and belief states that S. P. Pormley is the only living heir of Samuel P. Pormley, is over the age of twenty-one years, and when last heard of resided at 3811 Grand Boulevard, Chicago; that S. R. Perry, who is over the age of twenty-one years and whose last known address is Macatawa, Michigan, is the only known heir and next of kin of David P. Perry; that affiant after diligent effort and inquiry has been unable to ascertain the names and addresses of the heirs of David P. Perry or of Colbert L. Gray, except as above named, but is reliably informed by residents of the City of New Orleans, of which city the said Perry and Gray were former residents, and on such information states that the heirs and next of kin of said Perry and Gray are over the age of twenty-one years and non-residents of the State of Alabama, wherefore he prays order of publication against said non-resident defendants.

x *John C. Harrub*

Subscribed and sworn to before me
this the 9th day of September, 1926.

R. L. Randall

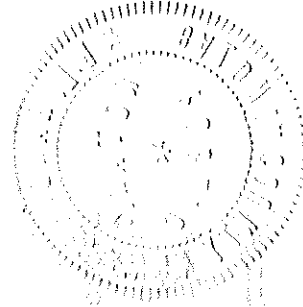
Notary Public, Baldwin County, Alabama.



1st
Original Bill

John C. Harrell et al
vs
S. O. Pomeroy et al

Filed Sept 9th 1926
T. W. Pomeroy
Register



Eq. fil # 621

3 3
LAW OFFICES
RICKARBY, BEEBE & COLEY
903-4-5 VAN ANTWERP BUILDING
MOBILE, ALA.

E.G. RICKARBY
W.C. BEEBE
D.R. COLEY, JR.
H.M. HALL

July 30, 1927.

T. W. Richerson, Esq.,
Bay Minette, Alabama.

Dear Tom:

HARRUB vs. HARRUB: The plat in this case which has now been properly certified, will be sent you by hand this afternoon if possible and when received please record it together with the decree. I presume that the cost of this will be the same as is charged down here for recording plats, namely, 5¢ per lot plus the cost of the certificate. With 221 lots this should make the expense about \$11.50 in addition to the cost of recording the decree. Please find out about this and let us know the entire amount of costs, exclusive of our fee but including Judge Anderson's \$25.00. I would like to get this cost bill as soon as possible as I have made arrangements to have it paid.

Also, if you have not already done so, send me the cost bill in the case of Harrub vs. Pormley and Perry.

I am also sending you, and it should be filed as of date prior to the date of the decree, the report of the reference as to the amount of counsel fees. You can probably get Henry Moorner to sign this. Tell him it is uncontested and the basis is taken from another case of the same kind recently signed in that same Court.

Please also send me the cost bill in the case of Hutchison vs. Sibley, and a copy of the decree.

R:S

Sincerely,

Elliot G. Rickaby

Later - am sending you the plat by mail. Let me know that it reaches you.

JOHN C. HARRUB, et al,
Complainants,

-vs-

HENRY MASTIN HARRUB,
Respondent.

IN EQUITY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

This cause coming on to be heard was submitted on pleadings and proof as noted.

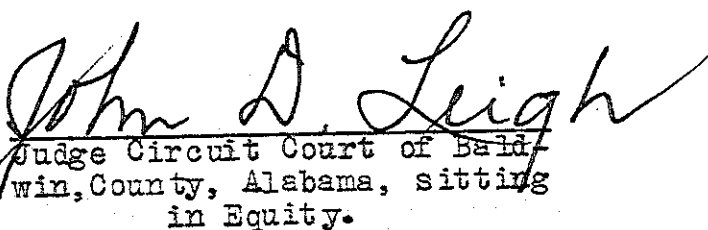
On consideration of same it is ORDERED, ADJUDGED and DECREED that the complainants, JOHN C. HARRUB, BARBARA A. HARRUB, MARIE LOUISE HARRUB and CHARLES JOSEPH HARRUB, together with the respondent, HENRY MASTIN HARRUB, are tenants in common and joint owners of the land described in the bill. That John C. Harrub owns an undivided one-half interest in said land, and Barbara A. Harrub, Marie Louise Harrub, Charles Joseph Harrub and Henry Mastin Harrub own each an undivided one-eighth interest. It further appearing that said land may be equitably divided by metes and bounds it is further ORDERED, ADJUDGED and DECREED that a partition of said land be made by allotting to each the interest owned by her or him as above set forth, namely four-eighths to John C. Harrub and one-eightheach to the other complainants and respondent.

It is further ORDERED, ADJUDGED and DECREED that Thomas W. Richerson, William Yuille and Randolph McGowin, three suitable freeholders of Baldwin County, Alabama, familiar with said land, be and they are hereby appointed commissioners to partition the lands described in the bill in accordance with this decree, and the Register of this Court will issue to them a commission for such purpose correctly describing the land and the interest owned by each of the parties therein. Said commissioners before proceeding with the execution of their duty shall be sworn faithfully to execute the trust imposed in them and make the partition fairly and impartially. They are authorized to enter upon said land, if

necessary to have a survey made, and proceed without delay to make division into eight equal shares having regard to the quality of the soil, the location of the several parcels and other advantages so as to make the different shares as nearly equal in value as practicable, making a map or plat thereof showing the subdivisions and boundaries of the parcels allotted. Said commissioners will make allotment to the parties to this cause in the proportions as set out above, making report to this Court as speedily as possible of their action hereunder.

It is further ORDERED that the Register of the Court shall hold a reference to ascertain and report a reasonable fee to be allowed complainants for the services of solicitors in this cause, of which due report shall be made.

DONE at Brewton, Alabama, this the thirteenth day of July, Nineteen Hundred and Twenty-seven.


Judge Circuit Court of Baldwin County, Alabama, sitting
in Equity.

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

JOHN C. HARRUB, et al,
Complainants,

-vs-

HENRY MASTIN HARRUB,
Defendant.

DECREE ORDERING PARTITION
AND REFERENCE:

Filed July 13/1927
T. W. Rimmer
Register

John C. Harrub,
Barbara A. Harrub,
Marie L. Harrub and
Charles J. Harrub,
Complainants.

vs.

Henry M. Harrub, a minor,
Defendant.

IN THE CIRCUIT COURT, BALDWIN COUNTY,
ALABAMA.

In Equity.

Now comes Wm. S. Anderson, duly appointed by the Register
of this Court as the Guardian ad Litem for said Henry M. Harrub,
and accepts the appointment as such Guardian ad litem.

And for Answer to the Bill of Complaint says,

To the First Paragraph of said Bill;

That he is not informed of the matters and things therein
he denies the same
alleged, and requires strict proof of the same.

To the Second Paragraph;

denies the same
Respondent requires strict proof of the matters alleged in
this paragraph.

To the Third Paragraph;

denies the same
Respondent requires strict proof of the matters alleged in
this paragraph.

To the Fourth Paragraph:

denies the same
Respondent requires strict proof of the matters alleged in
this paragraph.

And having fully answered Respondent prays that his interests
may be fully protected by the orders and decrees of the Court,

Wm S Anderson

Guardian ad litem for Henry M. Harrub, a minor.

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~~Harab~~

John C. Harab et al

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Henry M. Harab,
a minor -

Power of Guardian
at test

Filed June 23/927

T. W. McNamee
Register

RECORDED

THE STATE OF ALABAMA,
Baldwin

County.

No.

CIRCUIT COURT, IN EQUITY.

John C. Harrub et al.

Complainant

vs.

Henry M. Harrub

Defendant

Bill of complaint

In this cause it is made to appear to the Register by the

that the Defendant Henry M. Harrub

in the belief of affiant, infant under the age of 14 years; and that a summons on the Bill of Complaint in this cause was served upon Miss Lizzie Harrub, with whom said minor resided,

said infant on the 21 day of June, 1927, and that as no one has been nominated by the said the minor

to act as Guardian ad Litem for said infant; and it further appearing that Hon. W. S. Anderson is in all respects a suitable person to act as Guardian ad Litem for said infant; and having filed his consent in writing to act as such, it is now ordered by the Register that he is hereby appointed Guardian ad Litem in this cause for the said infant Defendant

Witness my hand, this 23rd day of June 1927

G. W. Rice

Register.

ACCEPTANCE.

I, W. S. Anderson hereby accept the above appointment as Guardian ad Litem, and consent to act as such in the above cause.

Witness my hand, this 23rd day of June 1927

W. S. Anderson

Guardian ad Litem.

No. 2 Page.....

THE STATE OF ALABAMA,
Baldwin.....County.

CIRCUIT COURT, IN EQUITY.

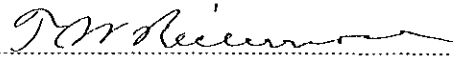
John C. Harrub et al

vs.

Henry Harrub

APPOINTMENT AND ACCEPTANCE
OF GUARDIAN AD LITEM.

Filed June 23rd 1927


Register.

RECORDED

Recorded in.....Record,

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

Register.

JOHN C. HARRUB, et al,
Complainants,

-vs-

HENRY M. HARRUB,
Respondent.

IN EQUITY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

The undersigned respectfully reports that pursuant to the order of reference heretofore made in this cause to ascertain a suitable amount to be allowed to complainants for solicitor fees in this cause, on the day of July, 1927, notice being given to all parties, he held a reference at the Court House at Bay Minette at which time Henry D. Moorer, a practicing lawyer of the Baldwin County Bar was present and testified as hereinafter set forth.

That upon consideration of the testimony adduced at said reference the Register finds that the sum of Two Hundred Fifty Dollars would be a reasonable and proper allowance to be made complainants as fee for the services of their solicitors in this cause. A copy of the evidence adduced is attached hereto.

T. W. Rice
Register.

W. H. Naufreis

W. H. Naufreis, Esq., being duly sworn, testified as follows:

I am a resident of Bay Minette, Alabama, and have been for more than ten years engaged in the practice of law at Bay Minette. As such I am reasonably familiar with the charges made by lawyers for services in equity. In my opinion a fee of \$250.00 to be allowed to solicitors in this cause in which a bill for partition was filed, the property subdivided into lots and the lots partitioned equitably among the several owners thereof under the direction of the complainants' solicitors and of the guardian ad litem, would be a reasonable and proper charge to be allowed in the cause. This is work involving no little clerical labor and accuracy as well as legal knowledge, and includes preparation of all necessary orders and decrees and the necessity of two trips to Brewton, hence, in my opinion, the charge is reasonable.

W. H. Naufreis

Subscribed and sworn to before me
this the ~~15~~ day of July, 1927.

T. W. Rice
Notary Public, Baldwin County, Ala.
Clerk Circuit Court.

JOHN C. HARRUB, et al,
Complainants,

-vs-

HENRY M. HARRUB,
Respondent.

REGISTER'S REPORT OF REFER*
ENCE AS TO SOLICITORS FEES

Filed July 18th, 1927.

T. W. McNamee
Register

RECORDED

JOHN C. HARRUB, et al,
Complainant,

-vs-

HENRY MASTIN HARRUB,
Defendant.

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IN EQUITY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

TO WILLIAM YUILLE, THOMAS W. RICHESON and RANDOLPH McGOWIN,
ESQUIRES, GREETING:

WHEREAS, by decree rendered in the above styled cause by the Honorable the Judge of the Circuit Court of Baldwin County, Alabama, sitting in equity, on the thirteenth day of July, 1927, you were appointed by said Judge as commissioners to partition certain real estate in Baldwin County hereinafter set forth, of which property the following named persons are the joint owners of said lands in the proportions as follows:

John C. Harrub owning a one-half interest in said property,
Barbara A. Harrub, owning a one-eighth interest in said property,
Marie Louise Harrub, owning a one-eighth interest in said property,
Charles Joseph Harrub, owning a one-eighth interest in said property, and
Henry Mastin Harrub, owning a one-eighth interest in said property.

NOW THEREFORE, you are hereby directed in pursuance of said decree, and the statute in said cases made and provided, to divide the property hereinafter described into eight equal parts or shares, having due regard in the partition thereof to the quality of the soil and other advantages so as to make the different shares as nearly equal in value as practicable. You are further commanded to allot to each of said joint tenants the shares or parts of said property pertaining to them as hereinbefore set out, said property being at Daphne, Alabama, and more particularly described as follows:

Beginning at the Northeast corner of Section Eighteen, Township Five South of Range Two East, running thence South Six Hundred Sixty-two feet, thence West 2101 feet to a stake, thence North 282 feet to an iron pin, thence West more or less to Mobile Bay, thence Northerly along said Bay with its meanders to the North line of Section Eighteen, thence East along Section Eighteen to a point

which is the Northwest corner of a tract formerly owned by one Smallwood, thence South along Smallwood's West line Two Hundred Nine feet to a point, thence East Four Hundred Eighteen feet to a point, thence North Two Hundred Nine feet to the North line of Section Eighteen, thence East 1692 feet to the point of beginning;

Also beginning at a point on the South line of Section Seven, Township Five South of Range Two east, that is 2110 feet West of the Southeast corner of said Section, running thence North five degrees West Three Hundred Sixty-four feet to a point that is the South line of the property now occupied by John C. Harrub as a homestead, thence West Eight Hundred Fifty feet more or less along the Harrub homestead to the margin of Mobile Bay, thence Southwardly along Mobile Bay to the South line of Section Seven, thence East along said South line to the point of beginning.

You are hereby further directed to make return to this Court in writing and under oath of your proceedings in this behalf on or before the twenty-third day of July, 1927.

WITNESS my hand as Register of said Court this the day of July, 1927.

T. W. Reemerson
Register.

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Filed July 13/1927
T. W. Keenan
Register.

RECORDED

July 13/1927
I hereby accept notice
of foregoing notice
Randolph M. Gorman

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Come JOHN C. HARRUB, BARBARA A. HARRUB, MARIE L. HARRUB, and CHARLES J. HARRUB, and by this their bill of complaint presented against HENRY M. HARRUB, a minor, respectfully show:

FIRST: That Complainant John C. Harrub is a resident of Baldwin County, Alabama, and Barbara A. Harrub, Marie L. Harrub and Charles J. Harrub are residents of Mobile County, Alabama, and all are either over the age of twenty-one years or have had their disabilities of non-age properly removed by a decree of the Circuit Court of Mobile County, in equity. That Defendant Henry M. Harrub is a minor thirteen years of age residing with his mother, Barbara A. Harrub, in the City of Mobile.

SECOND: That the parties to this cause are the owners in common of a tract of approximately forty acres of land at Daphne, Baldwin County, Alabama, in the following proportions:

John C. Harrub, one-half interest,
Barbara A. Harrub, one-eighth interest,
Marie L. Harrub, one-eighth interest,
Charles J. Harrub, one-eighth interest,
Henry M. Harrub, one-eighth interest.

THIRD: Complainants further show that said land fronts upon Mobile Bay and lies in a position so that it can be readily subdivided into lots of the size customarily sold for residence purposes. That said tract is now being surveyed and laid off in such lots and when said survey is completed same can be equitably and fairly divided among the several owners in the proportions of their respective shares.

FOURTH: That the description of said land thus owned is as follows:

Beginning at the Northeast corner of Section Eighteen, Township Five South of Range Two East, running thence South six hundred sixty-two feet, thence West 2101 feet to a stake, thence North 282 feet to an iron pin, thence West more or less to Mobile Bay, thence Northerly along said Bay with its meanders to the North line of Section Eighteen, thence East along Section 18 to a point which

is the Northwest corner of a tract formerly owned by one Smallwood, thence South along Smallwood's West line 209 feet to a point, thence East 418 feet to a point, thence North 209 feet to the North line of Section Eighteen, thence East 1692 feet to the point of beginning;

Also beginning at a point on the South line of Section Seven, Township Five South of Range Two East, that is 2110 feet West of the Southeast corner of said Section, running thence North five degrees West 364 feet to a point that is the South line of the property now occupied by John C. Harrub as a homestead, thence West 850 feet more or less along the Harrub homestead to the margin of Mobile Bay, thence Southwardly along Mobile Bay to the South line of Section Seven, thence East along said South line to the point of beginning.

THE PREMISES CONSIDERED, Complainants pray that the said Henry M. Harrub be named party defendant to this bill; that a guardian ad litem be appointed for him and that he and said guardian ad litem by proper process be required to plead, answer or demur to this bill within the time prescribed by law.

Complainants further pray that upon the hearing of said cause an order be made requiring said land to be partitioned and divided among the several owners in the proportions owned by each; that all necessary orders be made to carry this decree into effect; that upon said partition being properly made that a decree be rendered setting aside to Complainants and to the Defendant the shares allotted to them; that such other orders and decrees may be made as are necessary to carry out any or all of the purposes of this bill and as to which Complainants may be entitled, and such other orders and decrees made as to equity may seem meet.

Rislandy B. & Cooley
Solicitors for Complainants.

NOTE: Defendant is required to answer each paragraph of the foregoing bill but not under oath.

Risaly Beeley
Solicitors for Complainants.

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned Notary, personally appeared this day Elliott G. Rickerby, who, being sworn, says that he is of counsel for Complainants and that Henry M. Harrub, the Defendant above named, is a minor of the age of thirteen years residing at 110 North Hallett Street in the City of Mobile, Alabama; that the father of said minor is dead and his mother interested adversely in this suit, and that Miss Lizzie Harrub, aunt of said minor, with whom he lives, is the nearest of kin to him not interested adversely in this cause.

Elliott G. Rickerby

Subscribed and sworn to before me
this the 17th day of June, 1927.

Francis E. Stevens
Notary Public, Mobile County, Alabama.

JOHN C. HARRUB, et al,
Complainants,

-vs-

HENRY MASTIN HARRUB,
Respondent.

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

This cause coming on to be heard was submitted for final decree upon the report of William Yuille, Thomas W. Richerson and Randolph McGowin, the commissioners heretofore appointed by decree of this Court to divide the land described in the bill of complaint among the several parties to said bill, the joint owners thereof, and said report having been duly filed in this cause on the 18th day of July, 1927, and having lain over for three days and no exceptions or objections having been made thereto, and the Court having fully and carefully examined same and being satisfied that the division-made by said commissioners was fairly and legally conducted in accordance with law and the former decree of this Court and the allotments made to each of the several owners are substantially of equal value except that made to John C. Harrub, which is substantially one-half of the entire property, and the Court being satisfied that the report should be confirmed and the division of land made as set out therein;

It is therefore ORDERED, ADJUDGED and DECREED that the report of said commissioners be and the same is hereby confirmed, that the plat made by Lucien I. Hill as surveyor, copy of which is attached to the report of the commissioners, be duly recorded in the Probate Court of Baldwin County, Alabama, and that lots as shown by said plat and apportioned by the commissioners be hereby set aside and allotted as follows:

To HENRY M. HARRUB:
Lots 5, 6, 29 and 26 in Block B; Lots 9, 14, 13 and 19 in Block C; Lots 5, 6, 12 and 13 in Block D; Lots 6, 7, 21 and 22 in Block E; Lot 7 in Block F; Lots 14 and 15 in Block G; Lot 5 in Block H; Lots 1 and 2 in Block I; Lot 4 in Block J; Lot 7 in Block K; Lots 7 and 8 in Block L; and Lot 5 in Block M.

JOHN C. HARRUB, et al,
Complainants,

-vs-

HENRY MASTIN HARRUB,
Respondent.

IN EQUITY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

This cause coming on to be heard was submitted for final decree upon the report of William Yuille, Thomas W. Richerson and Randolph McGowin, the commissioners heretofore appointed by decree of this Court to divide the land described in the bill of complaint among the several parties to said bill, the joint owners thereof, and said report having been duly filed in this cause on the 18th day of July, 1927, and having lain over for three days and no exceptions or objections having been made thereto, and the Court having fully and carefully examined same and being satisfied that the division made by said commissioners was fairly and legally conducted in accordance with law and the former decree of this Court and the allotments made to each of the several owners are substantially of equal value except that made to John C. Harrub, which is substantially one-half of the entire property, and the Court being satisfied that the report should be confirmed and the division of land made as set out therein;

It is therefore ORDERED, ADJUDGED and DECREED that the report of said commissioners be and the same is hereby confirmed, that the plat made by Lucien I. Hill as surveyor, copy of which is attached to the report of the commissioners, be duly recorded in the Probate Court of Baldwin County, Alabama, and that lots as shown by said plat and apportioned by the commissioners be hereby set aside and allotted as follows:

To HENRY M. HARRUB:

Lots 5, 6, 29 and 26 in Block B; Lots 9, 14, 13 and 19 in Block C; Lots 5, 6, 12 and 13 in Block D; Lots 6, 7, 21 and 22 in Block E; Lot 7 in Block F; Lots 14 and 15 in Block G; Lot 5 in Block H; Lots 1 and 2 in Block I; Lot 4 in Block J; Lot 7 in Block K; Lots 7 and 8 in Block L; and Lot 5 in Block M.

To CHARLES JOSEPH HARRUB:

Lots 7, 8, 9, and 30 in Block B; Lots 1 and 2 in Block C; Lots 1, 2, 3, and 4 in Block D; Lots 9, 10 and 11 in Block E; Lots 1 and 3 in Block F; Lots 16 and 17 in Block G; Lots 6 in Block H; Lots 3 and 7 in Block I; Lots 1, 2, and 3 in Block J; Lots 6 and 11 in Block K; Lots 1 and 6 in Block L; and Lot 4 in Block M.

To BARBARA A. HARRUB:

Lots 11, 31 and 23 in Block B; Lots 8, 10, 11 and 18 in Block C; Lots 14, 15 and 16 in Block D; Lots 19 and 20 in Block E; Lots 2 and 4 in Block F; Lots 5, 6, 7, and 8 in Block G; Lot 1 in Block H; Lots 4 and 8 in Block I; Lots 6 and 7 in Block J; Lot 3 in Block K; Lot 11 in Block L; Lot 6 in Block M; and Lot 4 in Block N, also Lot 10 in Block B.

To MARIE LOUISE HARRUB:

Lots 1, 2, ~~12~~ and 12 in Block B; Lots 3 and 12 in Block C; Lots 7, 8, 17, 18 and 19 in Block D; Lots 12, 13 and 14 in Block E; Lot 11 in Block F; Lots 1, 2, 3, and 4 in Block G; Lot 2 in Block H; Lots 5 and 9 in Block I; Lots 5 and 13 in Block J; Lots 1 and 2 in Block K; Lot 10 in Block L; Lot 7 in Block M; and Lot 3 in Block N.

To JOHN C. HARRUB:

Lots 1, 2, 3, 4, 5 and 6 in Block A; Lots 3, 4, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42 of Block B; Lots 4, 5, 6, 7, 15, 16, 17, 20 and 21 in Block C; Lots 9, 10, and 11, 20, 21 and 22 in Block D; Lots 1, 2, 3, 4, 5, 8, 15, 16, 17, 18 in Block E; Lots 5, 6, 8, 9, and 10 in Block F; Lots 9, 10, 11, 12, 13, ~~18~~, 19, 20, 21 and 22 in Block G; Lots 3, 4, and 7 in Block H; Lots 6, 10, 11, 12, 13, 14 and 15 in Block I; Lots 8, 10, 9, 11 and 12 in Block J; Lots 4, 5, 8, 9, 10, 12, 13, 14, 15 and 16 in Block K; Lots 2, 3, 4, 5, and 9 in Block L; Lots 1, 2, 3 and 8 in Block M; Lots 1 and 2 in Block N; Lot 1 in Block Z.

It is further ORDERED, ADJUDGED and DECREED that the Register of this Court file for record in the Probate Court of Baldwin County, Alabama, a certified copy of this decree at the same time as filing the plat of Lucien I. Hill aforesaid, and that the costs of such record be taxed as part of the costs in said cause.

It is further ORDERED, ADJUDGED and DECREED that the report of the Register upon the reference to ascertain a reasonable fee for the solicitors of complainants in this cause and fixing said fee at Two Hundred Fifty Dollars be and the same is hereby confirmed. It is further ORDERED that the sum of Twenty-five Dollars be allowed as a reasonable fee for the guardian ad litem

and that said fees be taxed as a part of the costs in this cause.

It is further ORDERED and DECREED that the costs of this cause be paid pro rata by the parties to whom the lots have been allotted and be a lien upon each portion to the extent of such proportionate amount.

DONE at Brewton, Alabama, this the 21st day of July, 1927.

John D. Leigh
Judge.

TO HENRY M. HARRUB:
Lots 5, 6, 29 and 26 in Block B; Lots 9, 14, 13 and 19
in Block C; Lots 5, 6, 12 and 13 in Block D; Lots 6, 7,
21 and 22 in Block E; Lot 7 in Block F; Lots 14 and 15
in Block G; Lot 5 in Block H; Lots 1 and 2 in Block I;
Lot 4 in Block J; Lot 7 in Block K; Lots 7 and 8 in
Block L; and Lot 5 in Block M.

This cause coming on to be heard was submitted for
final decree upon the report of William Yulie, Thomas W. Richer-
son and Randolph McGowan, the commissioners heretofore appointed
by decree of this Court to divide the land described in the bill
of complaint among the several parties to said bill, the joint
owners thereof, and said report having been duly filed in this
cause on the 18th day of July, 1927, and having lain over for three
days and no exceptions or objections having been made thereto, and
the Court having fully and carefully examined same and being satis-
fied that the division made by said commissioners was fairly and
legally conducted in accordance with law and the former decree of
this Court and the allotments made to each of the several owners
are substantially of equal value except that made to John C. Har-
rubb, which is substantially one-half of the entire property, and
the Court being satisfied that the report should be confirmed and
the division of land made as set out therein;
It is therefore ORDERED, ADJUDGED and DECREED that the
report of said commissioners be and the same is hereby confirmed,
that the plat made by Lucien I. Hill as surveyor, copy of which
is attached to the report of the commissioners, be duly recorded
in the Probate Court of Baldwin County, Alabama, and that lots
as shown by said plat and apportioned by the commissioners be here-
by set aside and allotted as follows:

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

JOHN C. HARRUB, et al,
Complainants,
-vs-
HENRY MARTIN HARRUB,
Respondent.

cause.
It is further ORDERED, ADJUDGED and DECREED that the re-
port of the Register upon the reference to ascertain a reasonable
fee for the solicitors of complainants in this cause and fixing
said fee at two Hundred Fifty Dollars be and the same is hereby
confirmed. It is further ORDERED that the sum of twenty-five
Dollars be allowed as a reasonable fee for the guardian ad litem

It is further ORDERED, ADJUDGED and DECREED that the
Register of this Court file for record in the Probate Court of
Baldwin County, Alabama, a certified copy of this decree at the
same time as filing the plat of Linder I. Hill aforesaid, and that
the costs of such record be taxed as part of the costs in said

To CHARLES JOSEPH HARRUB:
Lots 7, 8, 9, and 30 in Block B; Lots 1 and 2 in Block
C; Lots 1, 2, 3, and 4 in Block D; Lots 9, 10 and 11 in
Block E; Lots 1 and 3 in Block F; Lots 16 and 17 in
Block G; Lots 6 in Block H; Lots 3 and 7 in Block I;
Lots 1, 2, and 3 in Block J; Lots 6 and 11 in Block K;
Lots 1, 2, and 3 in Block L; and Lot 4 in Block M.
To BARBARA A. HARRUB:
Lots 11, 31 and 32 in Block B; Lots 8, 10, 11 and 18
in Block C; Lots 14, 15 and 16 in Block D; Lots 19 and
20 in Block E; Lots 2 and 4 in Block F; Lots 5, 6, 7, and
8 in Block G; Lot 1 in Block H; Lots 4 and 8 in Block I;
Lots 6 and 7 in Block J; Lot 3 in Block K; Lot 11 in
Block L; Lot 6 in Block M; and Lot 4 in Block N; also Lot 10
in Block B.
To MARIE LOUISE HARRUB:
Lots 1, 2, 3, and 12 in Block B; Lots 3 and 12 in Block C;
Lots 7, 8, 18, 19 and 19 in Block D; Lots 12, 13 and 14
in Block E; Lot 11 in Block F; Lots 1, 2, 3, and 4 in
Block G; Lot 2 in Block H; Lots 5 and 9 in Block I;
Lots 5 and 13 in Block J; Lots 1 and 2 in Block K; Lot
10 in Block L; Lot 7 in Block M; and Lot 3 in Block N.
To JOHN C. HARRUB:
Lots 12, 2, 3, 4, 5 and 6 in Block A; Lots 3, 4, 13, 14,
15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 32, 33,
34, 35, 36, 37, 38, 39, 40, 41 and 42 of Block B; Lots
4, 5, 6, 7, 15, 16, 17, 20 and 21 in Block C; Lots 9, 10,
and 11, 20, 21 and 22 in Block D; Lots 1, 2, 3, 4, 5, 8,
15, 16, 17, 18 in Block E; Lots 5, 6, 8, 9, and 10 in
Block F; Lots 9, 10, 11, 12, 13, 18, 19, 20, 21 and 22 in
Block G; Lots 3, 4, and 7 in Block H; Lots 6, 10, 11, 12,
13, 14 and 15 in Block I; Lots 8, 10, 9, 11 and 12 in
Block J; Lots 4, 5, 6, 9, 10, 12, 13, 14, 15 and 16 in
Block K; Lots 2, 3, 4, 5, and 9 in Block L; Lots 1, 2,
3 and 8 in Block M; Lots 1 and 2 in Block N; Lot 1 in
Block O.

and that said fees be taxed as a part of the costs in this cause.

It is further ORDERED and DECREED that the costs of this cause be paid pro rata by the parties to whom the lots have been allotted and be a lien upon each portion to the extent of such proportionate amount.

DONE at Brewton, Alabama, this the 21st day of July,

1927.

John D. Leigh
Judge.

Copy

Harrub
vs
Harrub.

Decees

Filed July 25th/927.
T. W. Peckham
Register.

1.40

The State of Alabama
Baldwin County.

Circuit Court in Equity.

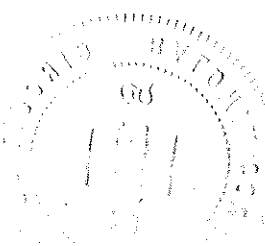
I.T.W. Richerson, Register of said Circuit Court of
said County, Alabama, do hereby certify that the above is
a full, true and correct copy of the decree rendered by
said Court on the 21st day of July, 1927, in the cause
of John C. Harrub et al Complainants vs Henry Mastin
Harrub, Respondent, as appears of record in said Court.

Witness my hand and the seal of said Court, this the
29th day of July, 1927.

I.T.W. Richerson - - - Register.



Certified Copy
Of Decree



Harrib
Qs
Harrib

THE STATE OF ALABAMA } Office of the Judge of
BALDWIN COUNTY } the Probate Court
G. W. HUMPHRIES, Judge of said Court in and for
said County, do hereby certify that the within instrument
was filed in this office for record on the 9
day of August 1927 at 10:25-
o'clock A.M., and I further certify that the
same is duly recorded in Record Book No. 4371 S.
Page 160-1, and duly examined.

Witness my hand this 10 day of
August 1927.
G. W. Humphries, Judge of Probate Court
By [Signature]

J. W. Richardson
Atty

6/14/27 140 P
1012520m

JOHN C. HARRUB, et al,
Complainants,

-vs-

HENRY MASTIN HARRUB,
Respondent.

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

The depositions of John C. Harrub, Lucien I. Hill and William Yuille, witnesses examined on behalf of the complainant in the above entitled cause which is pending in the Honorable the Circuit Court of Baldwin County.

The said witnesses appeared before me at the time and place hereinafter named, and after having been first duly sworn by me to speak the truth, the whole truth, and nothing but the truth, did testify and say as follows: That is to say, John C. Harrub, Lucien I. Hill and William Yuille, being duly sworn, testified as follows:

JOHN C. HARRUB

Direct examination by E. G. Rickarby, Esq.

I am one of the complainants in this case and am a half owner in the land described in the bill. The other owners are the other complainants, the widow of my late brother, Charles F. Harrub, and his three children, Marie Louise Harrub and Charles Joseph Harrub -- the respondent in this case, Henry Mastin Harrub, is the third child who is a minor born April 21st, 1914. My brother and I bought this property many years ago and owned it together up to the time of his death. The undivided half interest of my late brother was recently set aside as a homestead to the widow and the three children, all of whom were minors at the time of my brother's death. In fact, Marie Louise and Charles Joseph have only recently had their disabilities of non-age removed in the equity Court of Mobile County. This land that we own together we desire to divide up so that the adult owners can sell their seven-eighths interest. It has a front on Mobile Bay of approximately eight hundred feet and runs back to the Section line thirty-two hundred feet. We have recently had this land cleared, surveyed and plotted and in its present condition it can, in my opinion, be easily divided by apportioning the lots among the several owners. By clearing it up and platting it it is in much more desirable shape and worth more than it was as wild woods, which it was up to a few weeks ago. In my opinion it would be to the interest of us all to divide this as while the minor, if his share is set aside to him, cannot sell it now without an express order of Court, if the remaining property is sold his lots will be much more valuable by reason of improvements that will necessarily have to be put on those sold.

CROSS-EXAMINATION

By W. S. Anderson, Esq.

This land is North of Daphne, I judge about a mile and a quarter from the Normal School. The Section line is right there

at the old Yuille place. The undivided half interest in this property belongs to my brother's widow and the three children who are named in the bill of complaint. In my opinion it would be to the best interest of the minor that this land should be divided so that each owner can get his share separate from the others. I think it will enhance the value of this property. The two pieces of land described in the bill adjoin each other and they constitute the land that is sought to be divided.

RE-DIRECT EXAMINATION
By E. G. Rickarby, Esq.

Since the Bridge has been completed there is a good demand for land over there now -- better than has been before.

John L. Harrub

* * * * *

LUCIEN I. HILL
Direct examination by E. G.
Rickarby, Esq.

I am a surveyor and some weeks ago was engaged by Capt. Harrub and others to survey the land described in this bill and to lay it off in the most advantageous manner for a subdivision, but primarily for a division. This land has approximately 800 feet on Mobile Bay and runs back some 3200 feet to the East line of Section Eighteen -- the front part is in both sections seven and eighteen of Township Five South, Range Two East, but the rear is entirely in Section Eighteen. I worked on this land for quite a while, ran out all the corners and have now plotted it in the form of a subdivision with streets and topographical data properly shown and the lots di-

vided into blocks. My findings as to the corners were checked by Mr. P. A. Parker, a surveyor of long experience in that territory living close by, and his locations verified my own. I have made a plat of this which I attach to my testimony as Exhibit "A". This plat shows approximately 225 lots as well as streets and a space on the beach left, which in my opinion as a surveyor would enhance the value of the other property by being held for the benefit of all in the community. In my opinion the way that this property has been surveyed and laid off is to its best interest in view of a future sale of the lots. Since Cochrane Bridge has been completed the interest of the public has been turned to the Eastern Shore as never before, and with this property cleared off from the wild growth of underbrush that was on it and put in attractive shape, it should soon be ready for sale. Of the 225 lots necessarily these would vary in value according to their distance from the seashore and on account of trees and other natural advantages. In my opinion, however, it should not be a very difficult matter to make an equitable division in specie of these lots among the five owners as each lot can have an approximate value fixed on it and these be divided into parcels which in turn can be drawn by lot if necessary. I have had quite an extended experience in dealings in real estate and in my opinion as a surveyor, and from my experience in real estate deals, I am clear that an equitable division can be made of the lots as laid out in this plat.

CROSS-EXAMINATION.
By W. S. Anderson,
Esq.

As a man who has some knowledge of real estate it is my opinion that it is to the best interest of this minor that this land should be partitioned and his interest in it set apart.

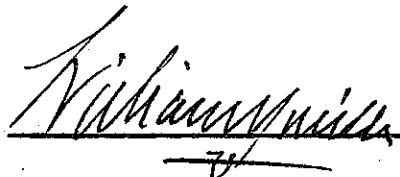
Lucien J. Hill

WILLIAM YUILLE
Direct-examination by E. G. Rick-
arby, Esq.

I have been in the business of handling real estate since 1889 and am quite familiar with the methods of making sales. I have also handled subdivisions from laying off the wild land to selling the lots. I have looked at the map offered in evidence by Mr. Hill and am thoroughly familiar with the land as I live close by. In my opinion the plat as made by him lays off the land in the manner most adapted to make it valuable and also in a way so that the lots can be divided among the several owners fairly and equitably. This property is on Mobile Bay and properly cleared up and handled should be quite valuable. In my opinion it is to the interest of all the owners to have it divided and particularly so of the minor who will get the benefit of the improvements put on by the adult owners when the time comes when he wants to sell the lots apportioned to him.

CROSS-EXAMINATION
By W. S. Anderson, Esq.

I am familiar with this land and in my opinion it is to the best interest of the minor that this partition that is proposed by this should be made.



C E R T I F I C A T E

I, Frances E. Stevens, the commissioner named in the attached commission which issued out of the Honorable the Circuit Court of Baldwin County, Alabama, do hereby certify that in a certain cause pending in said court wherein John C. Harrub, et al, are Complainants and Henry Mastin Harrub, is defendant, under and by virtue of the power conferred upon me by said commission, I caused the said John C. Harrub, Lucien I. Hill and William Yuille who are known to me and who are known to me to be the identical witnesses named in the commission, to come before me at Bay Minette, Alabama, on July 8th, 1927; that said witnesses were first duly sworn by me as stated, that they were then examined by E. G. Rickarby, Esq., Solicitor for Complainants, and W. S. Anderson, Esq., Guardian ad litem for the minor Respondent, and testified in response thereto as it is hereinbefore written; that their testimony was by me reduced to writing as given by them and as near as might be in the language of the said witnesses, and that after their testimony had been so reduced to writing it was read over by said witnesses who assented to and signed the same in my presence and in the presence of the solicitors for the parties.

I further certify that I am not of counsel or of kin to any of the parties to the cause and am not in anywise interested in the result thereof.

WITNESS my hand this the 12th day of July, 1927.

Frances E. Stevens

The State of Alabama, }
Baldwin County

CIRCUIT COURT.

To Mrs. Frances E. Stevens,

KNOW YE, That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Lucien I. Hill and John C. Harrub, William Yuille

as witnesses in behalf of Complainant, in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

John C. Harrub et al,

Complainant's

and Henry M. Harrub

Defendant,

on oath to be by you administered, upon ~~interrogatories~~ Oral examination, to take and certify the deposition of the witness ~~es~~ and return the same to our Court, with all convenient speed, under your hand.

Witness 8th day of July, 1927

[Signature]
Register.

Commissioners Fee \$ 7.50

Witness Fee's \$

No.

THE STATE OF ALABAMA,

IN

Baldwin County.

CIRCUIT COURT.

vs. John C. Harrub et al

Complainant.

vs.

Henry M. Harrub

Defendant.

COMMISSION TO TAKE DEPOSITION
ON INTERROGATORIES. Oral
Examination.

COMMISSIONER:

Mrs. Frances E. Stevens,

WITNESSES:

Lucien I Hill

John C. Harrub.

William Yuille

*Deposition filed
July 12th 1927
or opened by order
Court J. W. Keenan
Regester*

JOHN C. HARRUB, et al,
Complainants,

-vs-

HENRY M. HARRUB,
Respondent.

IN EQUITY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

The undersigned who were heretofore appointed commissioners by a decree of this Honorable Court rendered July 13th, 1927, and as such instructed to make partition of the property described in the bill of complaint among the respective owners thereof, respectfully report that pursuant to the instructions contained in said commission and in strict conformity with the laws made and provided in such cases, after having been duly sworn, personally surveyed the land described in the bill and having verified the plat heretofore made of said land by Lucien I. Hill, a competent surveyor, which said plat divided said tract into residence lots with proper allowance for streets, alleys and parks, and said plat being in the opinion of your commissioners the most advantageous plan for the benefit of all concerned, your commissioners thereupon taking into consideration the location of the lots with regard to the soil, the trees growing thereon and other advantages, divided said lots, 221 in number, into eight several parcels as nearly equal in value as practicable, and after doing so numbered each parcel from one to eight inclusive and placed slips of paper bearing the numbers one to eight in a hat, and after shaking up same thoroughly, drew out said numbers in the names of the respective parties so that the parcels were allotted by lot and according to said drawing have made allotments of the respective parcels as follows:

To HENRY M. HARRUB we allotted the following:

LOT NUMBER:

5
7
8
7
4
1
2
14
15
5
7

BLOCK:

M
K
L
L
J
I
I
G
G
H
F

LOT NUMBER:

BLOCK:

12
13
5
6
21
22
7
6
14
13
9
19
5
6
29
26

D
D
D
D
E
E
E
E
E
E
C
C
C
C
B
B
B
B

To CHARLES JOSEPH HARRUB we allotted the following:

LOT NUMBER:

BLOCK:

4
6
11
1
6
1
2
3
3
7
16
17
6
1
3
1
2
3
4
9
10
11
1
2
7
8
9
30

M
K
K
L
L
J
J
J
H
H
G
G
H
H
D
D
D
D
D
E
E
E
C
C
B
B
B
B

To BARBARA A. HARRUB, we allotted the following:

LOT NUMBER:

BLOCK:

6
4
3
11
7
6
4
8
1
2
4
5
6

M
N
K
L
J
J
I
I
H
E
E
G
G

LOT NUMBER:

BLOCK:

7
8
14
15
16
19
20
11
10
18
8
10
11
31
23

G
G
D
D
D
E
E
E
C
C
C
C
B
B
B
B

To MARIE LOUISE HARRUB we allotted the following:

7
1
2
10
5
13
5
9
2
11
1
2
3
4
17
18
19
7
8
12
13
14
3
12
1
2
12
3

M
K
K
L
J
J
I
I
H
H
G
G
G
G
J
J
J
J
J
E
E
E
E
C
C
B
B
B
M

To JOHN C. HARRUB we allotted the following:

2
8
9
10
9
5
12
6
10
1
8
22
21
20
9
18
5
8

N
M
K
K
L
L
J
I
I
I
N
F
G
G
J
J
D
E
E
E

LOT NUMBER:

BLOCK:

9
14
15
4
10
9
10
11
22
15
16
17
20
21
22
32
24
25
27
28
41
42

I
H
H
H
H
G
G
G
J
H
H
H
C
C
C
B
B
B
B
B
B
B

Your commissioners state that the eight parcels thus allotted were in their opinion as nearly equal in value and desirability as is practicable to estimate and according to the plat made by Lucien I. Hill, copy of which is attached hereto and which plat we recommend be duly recorded in the Probate Records of Baldwin County.

Commissioners further report that that part of the land shown by the plat made by surveyor Hill as laid off as streets, alleys, parks and beach, they have not divided or allotted, it being in the opinion of commissioners to the interest of all parties concerned that same be dedicated to the public use as thereby adding greater value to the lots thus apportioned.

Commissioners further certify that said drawing and allotment took place in the office of the Register of this Court on Saturday, July 16th, 1927, and that all three commissioners were present and that all parties had notice of the time and place of said allotment.

Respectfully submitted,

T. W. Richardson
William Smith
Randolph McLean