

892

The State of Alabama, }  
Baldwin County

Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama--GREETING:

WE COMMAND YOU, That you summon Willie T. Harrison

of \_\_\_\_\_ County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by American Bank & Trust Company, a Corporation

against said Willie T. Harrison, et al

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 17th day of April 1930

T. W. Richerson Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

Copy for Dennis A. Harrison  
Gardena, Cal.

SUMMONS— A Copy of the Bill in this Cause <sup>filed herewith to this Respondent.</sup> can be had on application to the Register.

THE STATE OF ALABAMA

CIRCUIT COURT IN EQUITY

Covington County  
COUNTY OF BALDWIN.

No. .... Term, 192..

American Bank & Trust Company, a Corporation, ..... Complainants

Vs.

D. L. Teel, as Administrator of the Estate of J. M. Harrison, et als, ..... Defendants  
TO ANY SHERIFF OF THE STATE OF ALABAMA: Respondents.

You are hereby commanded to summon .....

Dennis A. Harrison,

to appear before the Circuit Court, in Equity at Andalusia, Alabama, within thirty days after the service of this Summons, and then and there demur, plead to or answer the Bill of Complaint filed by ....

American Bank & Trust Company, a Corporation,

Against .....

D. L. Teel, as Administrator of the Estate of James M. Harrison,  
et als.

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

Witness my hand, this 11 day of April 192.

*[Signature]*

Register.

Copy to  
Dennis A. Harrison,  
Gardina, California

BILL OF COMPLAINT.

American Bank & Trust Company,  
a Corporation, Complainant,

vs.

D. L. Teel, as Administrator of the Estate  
of James M. Harrison, et als, Respondents.

In the Circuit Court for Baldwin County, Alabama, -In Equity.  
To the Honorable Judges of the Circuit Court, in Equity:

Comes the complainant, American Bank & Trust Company, a Corporation under the laws of Alabama, with its principal place of business at Opp, Covington County, Alabama, and exhibits this its bill of Complaints against D. L. Teel, as Administrator for the Estate of James M. Harrison, Deceased, George H. Harrison, Leonard V. Harrison, James Oscar Harrison, Willie T. Harrison, Dollie A. Teel, Beuna Harrison, and J. C. Harrison, each over the age of twenty-one years, residents of the State of Alabama, and Dennis A. Harrison, whose last known place of residence and Post Office address was, and is, Gardina, California, being a non-resident of the State of Alabama, each of whom are made respondents to this cause and bill of complaint.

1. That complainant as aforesaid is an Alabama corporation, engaged in the business of Banking, with its principal office and place of business at Opp, Covington County, State of Alabama; that the lands which is the subject matter of this suit is located in the County of Baldwin, State of Alabama; that the names and domicile of the respondents are as stated hereinabove, each respondent named, other than said D. L. Teel, being heirs or distributees of the Estate of said James M. Harrison, deceased, the said D. L. Teel, Dollie A. Teel, James Oscar Harrison, Beuna Harrison, and J. C. Harrison, residing in Baldwin County, Alabama, the said George H. Harrison, Leonard V. Harrison, and Willie T. Harrison, residing in Covington County, Alabama, or Coffee County, Alabama, their Post Office address being Opp, Alabama; and the said Dennis A. Harrison, whose last known Post Office address, and place of residence, was Gardina, California; and that said James M. Harrison, at the time of his death, left no last Will and Testament, residing at the time of his death in the County of Baldwin, State of Alabama, and whose Estate is in course of Administration in the Probate Court for said County, Letters having



been duly granted and issued, by order and decree of said Probate Court, on to-wit, December 14, 1928, to the respondent, D. L. Teel, who is the husband of respondent Dollie A. Teel, and that said D. L. Teel as such personal representative of said Estate is acting in such capacity of Administrator of said Estate of said Decedent, James M. Harrison, who signed his name J. M. Harrison.

2. That prior to, and that on, to-wit, September 15, 1927, the said James M. Harrison, deceased, was justly indebted to the Complainant in the sum of to-wit, Nine Hundred (\$900.00) Dollars, or other large sum, and that on to-wit, September 15, 1927, at Opp, in Covington County, Alabama, said decedent, under the name of J. M. Harrison, executed and delivered to Complainant a Mortgage Deed, copy of which is hereto attached and marked as Exhibit A, with leave of reference thereunto as often as is or may be convenient, for the purpose of securing the sum of to-wit, Five Hundred Fifty-five and 00/100 Dollars, together with all other indebtedness mentioned and/or referred to in such Mortgage Deed, and all other amounts owing to complainant at any time prior to the maturity of the Note mentioned and referred to in said Mortgage Deed, to-wit, Exhibit A, which matured on to-wit, June 1, 1928; that all said sums totalled the sum of to-wit, Nine Hundred Dollars, besides the fees, and the legal interests to accrue, and which had accrued, upon all and singular such indebtedness; that in and by said Mortgage Deed, the lands described therein was, upon the drafting of such instrument, inadvertently described as being in Section 7, whereas, said decedent, at that time, nor before or since that date, did not own, and was not in the possession of, lands in said Section 7, as recited in said Mortgage Deed. but did at that time, before that time, and since that time, own, and was in the possession of, and claimed, said lands in to-wit, Section 17, owning no other lands in the County of Baldwin, at the time of the execution of said Mortgage Deed other than the NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 17, Tp. 5, South, Range 4, East, and which last described forty of land said decedent, at the time of the execution and delivery of said Mortgage Deed, intended to embrace and convey in and by said instrument, and that at that time said Complainant intended to accept such Mortgage Deed upon said last named forty acres of land, and none other, and that the fact that there was, and is, a material misdescription of the lands



in said Mortgage Deed, in that it describes the lands as being in Section 7, whereas, the lands is in Section 17, was not known to complainant until since the death of said decedent, since the grant of Letters of Administration upon his said Estate as aforesaid, and since the filing<sup>of</sup> various and divers Claims and Accounts against such Estate by Creditors of the Estate of said decedent; that said forty of land that decedent intended to convey, and that Complainant intended to accept as security, being to-wit, said NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 17, Township 5, South, Range 4, East, situated in Baldwin County, Alabama, which said decedent purchased on to-wit, September 30, 1926, from the heirs of C. J. Hobbs, deceased, to-wit, W. J. Hobbs, Sadie Hobbs, Edith Hobbs, Della Phillipps, W. M. P. Phillipps, Maude Pate, H. B. Hobbs, Ella Mae Hobbs, Letha Carroll who signed also as Lethia Hobbs, and D. A. Carroll, who were all the heirs and distributees of said C. J. Hobbs, deceased, who, by their warranty deed, on said date, to-wit, September 30, 1926, conveyed, said lands to said James M. Harrison, deceased, which instrument is of record in the Probate Office for Baldwin County, Alabama, Deed record 41NS, pages 219, 220, having been filed in said Office December 2, 1926, and recorded in said record on to-wit, December 3, 1926. Complainant farther alleges that it is informed and believes, and from such information and belief alleges, that, the NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Sec. 7, Tp. 5, South, Range 4, East, Baldwin County, Alabama, at the time of the execution and delivery of the Mortgage Deed copy of which is Exhibit A, was owned by, and in the possession of, one C. A. H. Hobbs, who has no interests in the lands of like description but in Section 17, or some other person whose name is to Complainant unknown, but who has no interests in the lands of like description in Section 17, as referred to hereinabove; the said decedent, at the time of the making of said Mortgage Deed copy of which is Exhibit A, and at the time of his death, was in the possession of said lands to-wit, NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 17, Tp. 5, South, Range 4, East, in Baldwin County, Alabama, said decedent leaving no wife surviving him at the time of his death, and being a widower at the time of the execution and delivery of the Mortgage Deed to Complainant copy of which is Exhibit A, to the bill of complaint.

3. Complainant further alleges that the said Mortgage indebted-

edness is past due, and unpaid, together with the legal interests thereon, and also the recording fees for recording the Mortgage, and the Attorneys and Solicitors fees recited and secured in and by the terms of such instrument; that Complainant in this cause and court seeks to <sup>correct and</sup> reform said instrument, to-wit, said Mortgage Deed, as to make it speak the truth and the intention of the parties in this to-wit, by making the same in the description of the lands purporting to be conveyed and embraced therein, read Section "17" whereas it inadvertently or by mistake on the part of the scrivener preparing the same ~~as~~ by mistake or inadvertence made the same erroneously read Section "7" and as reformed and corrected, foreclosed in this cause and court; that the indebtedness evidenced and secured in and by the terms of said instrument be by this court ascertained, and that respondents, and each of them, be given a reasonable time within which to pay off the same with the costs, interests, and Attorneys and Solicitors fees, provided for, and incurred; or, failing so to pay off and discharge such sums as found and determined by the court, that said lands to-wit, NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 17, Tp. 5, South, Range 4, East, in Baldwin County, Alabama, and all the right, title, claim and interests of said J. M. Harrison, at the time of the execution and delivery of said Mortgage Deed, be sold by the Register of this court, and to the highest bidder, for cash, at the Court House in said County, after advertisement and notice as may be by the court required in the decree, and that out of the proceeds, the costs of this cause, fees of the Attorney for the Complainant, and the interest~~s~~ and principal of such mortgage indebtedness be paid, and if there be any surplus or residue, that the same be by the court directed to be paid over to the Administrator of the Estate of said decedent, and/or to those who from the facts may be entitled thereto; said Mortgage Deed of Complainant copy of which is Exhibit A, having been filed for record in the Probate Office for Baldwin County, Alabama, on September 23, 1927, and appearing of record in said Office in Mortgage Book No. 38, at page 475, et seq.

4. Complainant calls upon the respondents, and each of them, to disclose, and to propound any and all claims which they have or claim, in and to the lands involved in this suit, and bill, and as



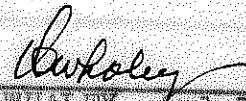
to the nature, extent, and source of such interests, and by what instrument, or under what circumstances the same was created, or derived; the interests, if any, other than such as is subject to the rights and claims of Complainant, if any, being unknown to Complainant, in the premises.

Wherefore, Complainant makes the said D. L. Teel as the Administrator of the Estate of the said James M. Harrison, Della A. Teel, Beana Harrison, Geo. H. Harrison, Leonard V. Harrison, Willie T. Harrison, J. C. Harrison, James Oscar Harrison, and the said non-resident respondent, Dennis A. Harrison, of Gardina, California, parties respondents to this bill of complainant, praying summons and due process to each, under the law and rules of this court, requiring them and each of them <sup>to</sup> appear in this cause and court within the manner and time required by law, and the rules of the court, to answer the bill of complaint, or failing that decree pro confesso be granted and entered in the cause against them respectively.

Complainant further prays that upon the final hearing that the Mortgage Deed copy of which is Exhibit A, be reformed and corrected so as to make the same cover, embrace and convey the lands to-wit, NE $\frac{1}{4}$  of SE $\frac{1}{4}$ . Section "17", Tp. 5, South, Range 4, East, in Baldwin County, Alabama, and, as reformed and corrected, that the same be foreclosed in and by this court; that the mortgage indebtedness, evidenced, and referred to, and secured, in and by the Mortgage Deed, be ascertained, fixed, and stated, with the principal, legal interests, and the Attorneys fees as is provided for and secured therein; that a time be fixed within which respondents, or either of them, or any one interested, may pay off and discharge the mortgage debt, interests, interest <sup>and</sup> fees, court costs, and proper charges, or failing that the said lands in the instrument as corrected and reformed, by by the Register of this court sold, for cash, before the Court House door of Baldwin County, Alabama, to the highest bidder, after such notice as is provided for or directed to be given; that out of the proceeds, the Register, after <sup>first paying the</sup> ~~paying the~~ mortgage debt, interests, <sup>Attorneys</sup> fees and costs and charges, and that the remainder, if any, be paid to




to those to whom under the law and by the decree shall be entitled to the same; that Complainant be awarded also all such other, further, and/or different relief, as from the facts and in equity it may be entitled, praying for all such references to the Register as may become necessary; praying, also, for general relief; and in duty bound Complainant will ever pray, etc.

  
A. WHALEY, Andalusia, Ala.,  
Solicitor for Complainant.

Foot note:


Respondents, and each of them, will answer the bill of complaint, and each of the paragraphs thereof, one to four, each inclusive, but oath to such answer is hereby specifically waived.

  
Solicitor for Complainant.

State of Alabama,  
Covington County.

Before me, \_\_\_\_\_ a Notary Public in and for said County, personally appeared A. Whaley, who is known to me, and who being by me first duly sworn, says:

That he is the Solicitor for the Complainant in the foregoing Bill of Complaint, and that the names, ages, places of residence, and Post Office address, given and alleged in the bill, are true, to the best of his knowledge, information, and belief.



Sworn to and subscribed before me April 10<sup>th</sup> 1930.

\_\_\_\_\_  
Notary Public, Covington  
County, Alabama.

THE STATE OF ALABAMA

Covington County

KNOW ALL MEN BY THESE PRESENTS: that whereas

J. M. Harrison

indebted to AMERICAN BANK AND TRUST COMPANY, hereinafter called Bank, in the sum of Fifty Five Dollars

as is evidenced by our promisory note, bearing even date herewith, and payable to the order of said Bank as follows, to wit:

For \$555.00, due on June 1st, 1928.

Now, therefore, in order to secure the payment of said indebtedness, and all other indebtedness, herein mentioned, or owing by me or us to said Bank, its successors or assigns, at any time prior to the maturity of said note last maturing, I or we said

in consideration of said indebtedness and of the sum of Five dollars to me or us in hand paid by said Bank, do grant, bargain, sell, convey, transfer, assign and deliver to said Bank, and its successors and assigns; all the crops of agricultural products raised or caused to be raised by or for me or us or in which I or we may have any interest, or that may accrue to me or us, on my or our lands, or any other lands I or we may cultivate, or aid or cause to be cultivated, in Baldwin County, or elsewhere in the State of Alabama, during the present year, and each succeeding year until all the indebtedness secured hereby is paid in full, and all rents belonging or accruing to me or us during said years, and also the following described real and personal property, situated in Baldwin County, in the State of Alabama, to-wit:

The N.E. 1/4 of the N.E. 1/4 Sec. 7, T. 5 south Range, 4 East

And I or we do covenant with said Bank, its successors and assigns, that I am or we are lawfully seized in fee-simple of the real property herein conveyed, and that all said personal property is my or our own, and that there is no lien or incumbrance on said crops, real or personal property, and that I or we will warrant and forever defend the same to said Bank, its successors and assigns, against the lawful claims of all persons.

And I or we covenant and agree, with said Bank, its successors and assigns, that I or we will pay the cost of probating and recording this Mortgage and all taxes, assessments and penalties which may be levied or assessed against the property herein conveyed, and keep all buildings on said real property insured in an Insurance Company, or Companies, to be approved by said Bank, its successors or assigns, in a sum or sums not less than their full insurable value, loss, if any, payable to said Bank, its successors or assigns, as its or their interest may appear, and if I or we fail so to do, said Bank, its successors or assigns, may pay said costs, taxes, assessments and penalties and may insure said buildings as aforesaid and pay the premiums therefor and all such payments shall be indebtedness secured by this mortgage and subject to its terms and conditions.

But this Mortgage is made upon the following conditions: If said J. M. Harrison

shall well and truly pay said notes, according to their tenor and effect when due, and all said other indebtedness as the same becomes due, and all accrued interest, and if I or we shall well and truly perform each and every covenant and agreement in this Mortgage contained, then this Mortgage shall be void; but if said notes, or other indebtedness, or interest, or any one or portion of either, shall not be paid, when due, or if I or we shall fail to perform any of my or our covenants or agreements herein contained, then all of said notes and other indebtedness shall at once become due and payable and said Bank, its successors or assigns, may sell said crops, and personal property, at public auction, to the highest bidder, for cash, in front of the Court House door of Baldwin County, after five days written notice of such sale posted at the front door, or in the lobby of said Court House, or at private sale without notice and may sell the real property herein conveyed, at public auction to the highest bidder for cash, at or near the front door of said Court House, after having given notice of such sale by publication, once a week for three successive weeks, in any newspaper published in said Baldwin County, and out of the proceeds of such sale or sales, shall pay all expenses incident to obtaining possession of and caring for said property, and sale, including an attorney's fee of not less than ten per cent. of all said indebtedness unpaid, and apply the balance to the payment of said notes and other indebtedness, and interest thereon, and if any balance still remains, pay the same to said

J. M. Harrison

In the event of such sale, or sales, said Bank, its successors or assigns, may purchase said crops, real and personal property, or any portion thereof, as though strangers to this Mortgage. The auctioneer, or person making the sale, or sales, or said Bank, its successors or assigns are hereby empowered to execute and deliver all deeds and other assurances necessary to convey title to any and all of said property, to the purchaser or purchasers, the auctioneer as my or our attorney, in fact, and said Bank, its successors and assigns, in its or their own proper name.

Witness hand and seal this 15 day of Sept. 1927

WITNESS: F. R. Jackson J. M. Harrison (L. S.)

(E. Robert A. to Bill H.) (L. S.)

American Bank & Trust Company,  
A Corporation, Complainant,

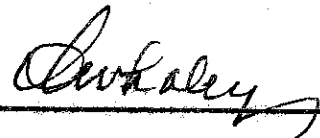
vs.

D. L. Teel, as Administrator, et als., Respondents.

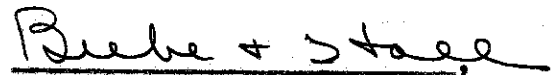
In the Baldwin County Circuit Court, -In EQUITY.

It is agreed that the demurrer of the Respondent Teel, as Administrator to the Bill of Complaint in this cause, and is hereby submitted for decree thereon by the Court, further or other notice or order to that effect being waived, and that the Register place the bill, demurrer and this agreement before the Court and the Judge of the Court forthwith for decree thereon.

This December 19, 1931.

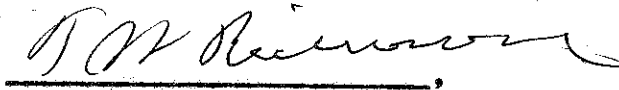
  
\_\_\_\_\_

Solicitor for Complainant.

  
\_\_\_\_\_

Solicitors for Respondent,  
D. L. Teel, as Administrator,  
etc.

Filed: December 19, 1931,

  
\_\_\_\_\_

Register.



The State of Alabama, }  
Baldwin County

Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama--GREETING:

WE COMMAND YOU, That you summon James Oscar Harrison

of \_\_\_\_\_ County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by American Bank & Trust Company, a Corporation

against said James Oscar Harrison, et al

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 17<sup>th</sup> day of April 1930

T. W. Richerson Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

The State of Alabama, }  
Baldwin County

Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama--GREETING:

WE COMMAND YOU, That you summon J. C. Harrison,

of \_\_\_\_\_ County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by American Bank & Trust Company, a Corporation

against said J. C. Harrison, et al

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 17th day of April 1930

T. W. Richerson Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

No. 943.

American Bank & Trust Co.,

A Corporation, Complainant.

Vs.

D. L. Teel, as Administrator, et alia, Respondents.

In the Baldwin County, Alabama, Circuit Court, -In Equity.

This cause having been submitted by agreement in writing on file for decree in vacation on the demurrer of the respondent, D. L. Teel, as administrator, of the estate of James M. Harrison, deceased, one of the respondents to the bill of complaint and the cause and submission and the demurrer and the bill of complaint having been considered by the court, it is the opinion and finding of the court that the bill of complaint contains equity and that the demurrer thereto being considered on this submission and the court being advised of its opinion:

It is, therefore, ordered and decreed by the court that the demurrer to the bill of complaint by the respondent be and is hereby overruled, and that said respondent, D. L. Teel, as administrator, is hereby allowed thirty days from this date to answer the bill of complaint.

It is the further order of the court that a copy of this decree be furnished the Solicitors of Record of the parties, affected by the submission and this decree.

Done this February     , 1932.

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

Filed and enrolled February     , 1932.

\_\_\_\_\_  
Register.

I hereby certify that copies of the foregoing decree was furnished by mail to the Solicitors of Record, A. Whaley, Andalusia, Alabama, for complainant, and Bebee and Hall, Bay Minette, Alabama, for said Respondents, this      *March* 5, 1932.

*T. W. Mc...*  
\_\_\_\_\_  
Register.



No. 942.

American Bank & Trust Co.,  
A Corporation, Complainant.

Vs.

D. L. Teel, as Administrator, et al., Respondents.

In the Baldwin County, Alabama, Circuit Court,--In Equity.

This cause having been submitted by agreement in writing on file for decree in vacation on the demurrer of the respondent, D. L. Teel, as Administrator, of the estate of James H. Harrison, deceased, one of the respondents to the bill of complaint and the cause and submission and the demurrer and the bill of complaint having been considered by the court, it is the opinion and finding of the court that the bill of complaint contains equity and that the demurrer thereto being considered on this submission and the court being advised of its opinion:

It is, therefore, ordered and decreed by the court that the demurrer to the bill of complaint by the respondent be and is hereby overruled, and that said respondent, D. L. Teel, as administrator, is hereby allowed thirty days from this date to answer the bill of complaint.

It is the further order of the court that a copy of this decree be furnished the Solicitors of Record of the parties, affected by the submission and this decree.

Done this February \_\_\_\_\_, 1932.

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

Filed and enrolled February \_\_\_\_\_, 1932.

\_\_\_\_\_  
Register.

I hereby certify that copies of the foregoing decree was furnished by mail to the Solicitors of Record, A. Whaley, Andalusia, Alabama, for complainant, and Bebee and Hall, Bay Minette, Alabama, for said Respondents, this February \_\_\_\_\_, 1932.

\_\_\_\_\_  
Register.

American Bank & Trust Company,  
a Corporation, Complainant,

vs.

D. L. Teel, As Administrator Estate J. M. Harrison,  
et als, Respondents.

In Circuit Court of Baldwin County,--In Equity.

To Hon. T. W. Richerson, as Register:

There being decree pro confesso against all respondents in the above styled cause, on file, and complainant desiring to take the depositions orally before the Register of this Court, of J. A. Whaley and J. P. Alabemma, hereby makes application for that purpose, praying an order to that effect.

This April 25, 1932.

J. A. Whaley,  
Solicitor for Complainant.

Filed April 25, 1932.

T. W. Richerson,  
Register.

ORDER:

In the above cause application being made by complainant to take the oral testimony of the witnesses named in the foregoing application, on this day, and there being on file and infree in this cause decrees pro confesso versus all respondents to the bill of complaint:

It is, therefore ordered by the Register that such application be, and is hereby granted, and that the testimony of such witnesses be taken orally before the Register of this court at his office on this date, commission not being required for that purpose.

Done in open Court: April 25, 1932.

T. W. Richerson,  
Register.

Filed: April 25, 1932.

T. W. Richerson,  
Register.

SUBMISSION:

To Hon. T. W. Richerson, Register:

The foregoing cause being at issue by decrees pro confesso against all respondents to the cause, and the testimony being taken and the cause ready for submission, the complainant does hereby request that you submit the cause, which is hereby submitted, and deliver the file, papers and proceedings in the cause to the Hon. F. M. Hare, as Judge of the Court for final decree upon pleadings, decrees pro confesso, and testimony as noted by the Register.

Filed April 25, 1932.

T. W. Richerson, Register.

J. A. Whaley,  
Solicitor for Complainant.

(Section 6601, Code 1923)

*Original*

SERVE ON \_\_\_\_\_  
Circuit Court of Baldwin County  
In Equity

No. \_\_\_\_\_  
SUMMONS

~~Beuna Harrison et al.~~  
American Bank & Trust Co

vs.  
~~American Bank & Trust Co~~  
~~et al.~~  
~~et al.~~

Beuna Harrison  
*A. Whaley*

A. Whaley  
Solicitor for Complainant

Recorded in Vol \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Received in office this \_\_\_\_\_  
day of \_\_\_\_\_ 19\_\_\_\_

\_\_\_\_\_  
Sheriff.

Executed this *April 22* day of

*April* 19*30*

by leaving a copy of the within Summons with  
*Beuna Harrison*

\_\_\_\_\_  
Defendant.

*P. Irwin*  
Sheriff.

By \_\_\_\_\_  
Deputy Sheriff.



STATE OF ALABAMA  
COVINGTON COUNTY

CIRCUIT COURT IN EQUITY

Vs.

SUMMONS

Issued ..... 192..

Register.

I hereby confess legal service of this  
Summons, and waive service and copy by  
the Sheriff.

..... 192..

Signed .....

Witness .....

Recorded in ..... Record

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

Register.

Complainant's Solicitor.

Defendant's Solicitor.

Defendant lives at

Received in Office

..... 192..

..... Sheriff.

I hereby Deputize

to act as special deputy Sheriff to execute  
this Summons.

Executed this ..... 192..

by serving a copy on

..... Sheriff.

..... Deputy Sheriff

of ..... County, Ala.

Register.

Filed April 11, 1930.

*T. P. McIsaac*

Register.

Given under my hand as Register, this April 11<sup>th</sup> 1930.

*T. P. McIsaac*

State of Alabama,  
Baldwin County.

First American Bank & Trust Co., vs. D. L. Noel,  
as Administrator of the Est. of James K.  
Richardson, et al.; Baldwin Circuit Court;  
I Equity.

CERTIFICATE OF SERVICE

I, H. W. Richardson, as Register of the Circuit Court, in Equity, for said County, do hereby certify that on this day, I mailed a copy of the Bill of Complaint with Exhibit thereto, together with a copy of this Chancery Summons, postage prepaid, properly addressed, to Dennis A. Harrison, address as above, together with postage prepaid, by registered mail, with return receipt requested, with the endorsement thereon "H. W. R. To be delivered to addressee only, and deposited said letter with its contents properly addressed, and mailed, in the Post Office at Bay Minette, Baldwin County, Alabama, with my return address upon the corner thereof, to me as Register of the Circuit Court, in Equity, Baldwin County, Alabama.

*Original*

SERVE ON \_\_\_\_\_

Circuit Court of Baldwin County  
In Equity

No. \_\_\_\_\_

SUMMONS

~~Willie T. Harrison, et al~~

American Bank & Trust Co.,

a Corporation.

vs.

~~American Bank & Trust Co.,~~

~~a Corporation~~

Willie T. Harrison, et al

*Mer. Exp. Office Co.*

A. Whaley

Solicitor for Complainant

Recorded in Vol \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Received in office this 24

day of April 1910

*O. Lightner*  
Sheriff.

Executed this 28 day of

April 1910

by leaving a copy of the within Summons with  
*Willie T. Harrison*

*O. Lightner*  
Defendant.  
Sheriff.

By \_\_\_\_\_  
Deputy Sheriff.

*Get this on your  
free bank & then  
hand it to the  
Register, Mr. R. H. ...*

Copy for Dennis A. Harrison  
son, Gardina, California

# MORTGAGE

FROM

*J. M. Harrison*

TO

## AMERICAN BANK & TRUST CO.

OPP, ALABAMA

THE STATE OF ALABAMA  
COVINGTON COUNTY  
*Baldwin*  
OFFICE OF THE JUDGE OF PROBATE

I hereby certify that the within Mortgage was filed in this office for record on the \_\_\_\_\_ day of \_\_\_\_\_ 192\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded in Book \_\_\_\_\_ of Mortgages, Page \_\_\_\_\_ and examined.

Judge of Probate

*Filed for Recd.  
2/21/1927, + Recorded  
2/21, 1927, 400g.  
Book 38, page 473-474,  
(copy)*

THE STATE OF ALABAMA  
COVINGTON COUNTY

1. *J. R. Jackson*  
*J. M. Harrison*

in and for said County and State, hereby certify that

whose name *is* signed to the foregoing Mortgage, and who *is* known

to me, acknowledged before me on this day, that being informed of the contents of the Mortgage executed the same voluntarily, on the day the same bears date.

Given under my hand, this *15* day of *April*, *J. R. Jackson* A. D. 192*7*

*(Seal)*

Notary Public.

THE STATE OF ALABAMA  
COVINGTON COUNTY

I,

2. \_\_\_\_\_ day of \_\_\_\_\_ 192\_\_\_\_, in and for said County and State, hereby certify that on \_\_\_\_\_ day of \_\_\_\_\_ 192\_\_\_\_, came before me the within named \_\_\_\_\_ known to me to be the wife of the within named \_\_\_\_\_ who, being examined separate and apart from

the husband touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord, and without fear, constraint or threats on the part of the husband.

In witness whereof, I herunto set my hand, this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 192\_\_\_\_

Notary Public.

*[Large handwritten signature and scribbles]*

RECORDED  
Dec 24 1932  
6-7440  
American Trust Co  
vs  
D L T

Agreed for  
Submission

Filed Feb 19th 1932  
J W Peterson  
Register



*Original*

SERVE ON \_\_\_\_\_  
Circuit Court of Baldwin County  
In Equity

No. \_\_\_\_\_

SUMMONS

~~James Oscar Harrison, et al.~~  
American Bank & Trust Company,  
a Corporation

vs.

~~American Bank & Trust Co.,~~  
~~EXCESSION~~  
James Oscar Harrison, et al.

A. Whaley

Solicitor for Complainant

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Received in office this \_\_\_\_\_

day of \_\_\_\_\_ 19\_\_\_\_

Sheriff

Executed this 22nd day of

April 1930

by leaving a copy of the within Summons with

James Oscar Harrison

Defendant

P. Irwin

Sheriff

By \_\_\_\_\_  
Deputy Sheriff

*Original*

SERVE ON \_\_\_\_\_

Circuit Court of Baldwin County  
In Equity

No. \_\_\_\_\_

SUMMONS

~~T. C. Harrison et al~~

~~American Bank & Trust Co~~

vs.

~~American Bank & Trust Co~~

~~a Corporation~~

~~J. C. Harrison et al~~

J. C. Harrison et al

*near Foley*

A. Whaley

Solicitor for Complainant

Recorded in Vol \_\_\_\_\_ Page \_\_\_\_\_

*out of state*

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Received in office this \_\_\_\_\_

day of \_\_\_\_\_ 19\_\_\_\_

Sheriff.

Executed this \_\_\_\_\_ day of \_\_\_\_\_

19\_\_\_\_

by leaving a copy of the within Summons with \_\_\_\_\_

Defendant

Sheriff

By \_\_\_\_\_

Deputy Sheriff

*Not found in  
State*

*E. J. J. J. J.  
Sheriff*

*[Faint vertical text on the right side of the page, possibly bleed-through or a stamp]*

The file by Trainmaster of the witness  
apparently to take testimony and name notes  
of the nature and place of taking testimony  
This April 25, 1932

By W.C. Beebe

Filed ap. 25, 1932.

Filed ap. 25/1932

T. Whittum

W.C. Beebe

892 RECORDED  
American Post Co  
D.L. Deal

Filed April 25/1932  
T. Whittum  
Signed

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Answers

Answers



The State of Alabama, }  
Baldwin County

Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama--GREETING:

WE COMMAND YOU, That you summon in Beuna Harrison

of \_\_\_\_\_ County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by American Bank & Trust Company, a Corporation

against said Beuna Harrison, et al

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 17th day of April 1930

T. W. Richerson Register

N. B.--Any party defendant is entitled to a copy of the bill upon application to the Register.

BAY MINETTE, ALA.

M. J. W. Richardson  
clerk.

# THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE  
ADVERTISING RATES GIVEN ON APPLICATION

July 30 - 1931 Legal notice - American Bank &  
Trust Co vs D. L. Teel

494 words @  $4\frac{1}{2}$

22 <sup>23</sup>

# THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE  
ADVERTISING RATES GIVEN ON APPLICATION

R. B. Vail  
Editor and Proprietor

BAY MINETTE, ALA.

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY

*R. B. Vail*

....., being duly sworn, deposes and says that he is  
the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay  
Minette, Baldwin County, Alabama; that the notice hereto attached of .....

*American Bank & Trust Co*

*J. L. Feal*

Was published in said Newspaper for 4 consecutive weeks in the following issues:

*July 30, 1931*

Vol. *42* No. *26*

*August 7, 1931*

Vol. *42* No. *27*

*August 13, 1931*

Vol. *42* No. *28*

*August 20, 1931*

Vol. *42* No. *29*

the undersigned this 20 day of

..... 1931

*R. B. Vail*

Publisher

*Jessie Circuit Court*

*Order of the Circuit Court for Baldwin County, Alabama, in and to the effect that the said respondents, Dennis A. Harrison and J. C. Harrison, are each over the age of twenty-one years, and that each are non-residents of the state of Alabama, that each have resided out of the state of Alabama for more than six months since the filing of this suit, and that their last known place of residence and post office address was, and is, Quincy, Florida; that the respondents Dennis A. Harrison and J. C. Harrison, are each over the age of twenty-one years, and that each are non-residents of the state of Alabama, that each have resided out of the state of Alabama for more than six months since the filing of this suit, and that their last known place of residence and post office address was, and is, Cardina, California and/or Los Angeles, California; and said affidavit being in substantial compliance with said rule and the statutes provided for in such cases.*

It is therefore ordered by the Register of the Circuit Court for Baldwin County, Alabama, in said cause, and as to such said respondents and each of them, that this order of publication be, and is hereby made in said cause and court, to them, and that each of said respondents are hereby ordered and directed to appear in said cause and court, and to make answer to said bill of complaint in said cause heretofore filed, to-wit, to plead, answer, demur or otherwise defend against the same, within the time herein specified, to-wit September 5, 1931, or failing within thirty

American Bank  
& Trust Co  
vs  
D L Ford et al

Filed Aug 13th 1931  
J. M. [unclear]  
Register

RECORDED IN 100-1000000

INDEXED IN 100-1000000

FILED IN 100-1000000

RECORDED IN 100-1000000

11



After five days return to  
**W. RICHESON**  
AND CLERK OF THE CIRCUIT COURT  
BALDWIN COUNTY  
BAY MINETTE, ALA.

4/27

Registered mail matter; Return receipt  
Requested.

N. B. For delivery to addressee only.

Return Receipt Requested,  
Fee Paid.

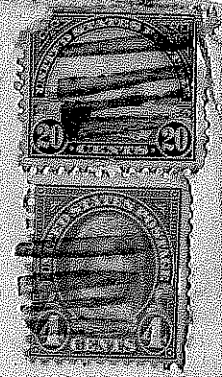
Deliver to addressee only.

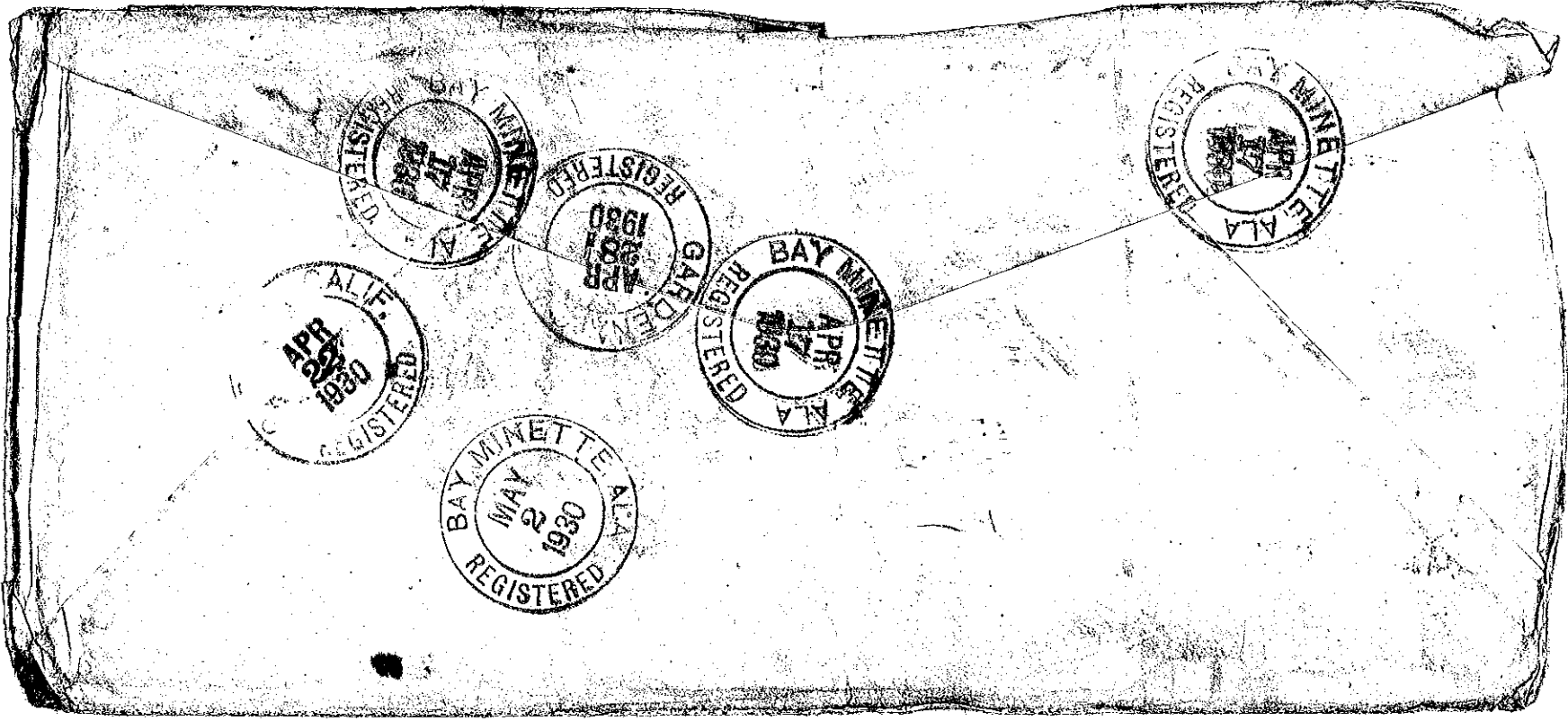
REGISTERED  
NO. 819

Mr. Dennis A. Harrison,  
Gardina, California.

117  
444

REASON FOR RETURN TO WRITER  
Unclaimed  
Deceased  
Moved, left no address  
No such post office in State named  
For return to sender  
For return to addressee  
For return to post office of origin





REGISTERED  
APR 27 1930  
BAY MINNETTE ALA.

REGISTERED  
APR 28 1930  
GARDEN GROVE ALA.

REGISTERED  
APR 29 1930  
ALA.

REGISTERED  
APR 29 1930  
BAY MINNETTE ALA.

REGISTERED  
MAY 2 1930  
BAY MINNETTE ALA.

REGISTERED  
APR 29 1930  
BAY MINNETTE ALA.

A. WHALEY  
Attorney and Counsellor  
ANDALUSIA NATIONAL BANK BLDG.  
ANDALUSIA, ALABAMA

April 19, 1932.

Hon. T. W. Richerson, Register,  
Baldwin Circuit Court,  
Bay Minette, Alabama.

My dear Mr. Richerson:

Re: American Bank & Trust Co. v. Teel, Admr et als.

I received copy of decree on demurrer about the 6th of March for which I thank you. Since that time I have not heard from any one, or whether an answer was filed, so I wired you on April 11th for decree pro confesso account failure of the defendant, Teel, to answer assuming that none had been filed as no copy was sent me under the rules of Judge Hare, if filed, by the Solicitor for Teel etc.

I will be very much obliged if you will advise me if answer was filed, or if not if decree pro confesso was entered on my motion, and the status of the case.

Thanking you in advance for this courtesy, and again thanking you for past courtesies and good service as you have given,

I am,

Very truly yours,



A. WHALEY.

P. S. The date of your certificate of service of the decree was Feb. 5, whereas it should be changed to show it as March where February appears.

February 20, 1932.

Mess. Bebee & Hall,  
Bay Minette, Alabama.

Gentlemen:

In Re: American Bank & Trust Co. VS:

D. L. Teel, as administrator, et als.

I have letter from the Register that the agreement to submit on demurrer has been filed with him, and I herewith inclose copy of draft of decree which I think appropriate on the submission which I am sending to him to go with the files to the Judge. Please send me one of the copies of the agreement on submission and oblige, as I mailed the original and two copies to you assuming that you would return one of the copies to me.

With best wishes to you, I am

Very truly yours,

AW:EP.

*W. H. Kelly*



A. WHALEY  
Attorney and Counsellor  
FIRST NATIONAL BANK BUILDING  
ANDALUSIA, ALABAMA

February 20, 1932.

Hon. T. W. Richerson,  
Register of Circuit Court,  
Bay Minette, Alabama.

My dear Sir:

In Re: American Bank & Trust Co. Vs:

D. L. Teel, et als.

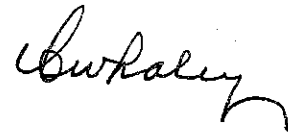
I have your letter stating that the agreement to submit on demurrer has been filed and that the Judge will be there on the 25th, and I will be glad if you will deliver him the original bill and demurrer with the inclosed form of decree which I am inclined to think will be the proper decree of the case on submission and deliver them to Judge Hare.

I thank you for your letter and trust that the matter will be handled at the call ~~of~~ the 25th without my having to be there.

With personal regards, I am

Very truly yours,

AW:EF.



A. WHALEY  
Attorney and Counsellor  
ANDALUSIA NATIONAL BANK BLDG.  
ANDALUSIA, ALABAMA

March 3, 1932.

Hon. T. W. Richerson,  
Clerk Circuit Court  
Bay Minette, Alabar

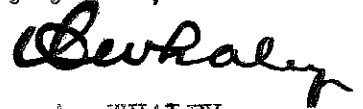
My dear sir:

Re: American Bank & Trust Co., vs. Teel, et als.-Equity.

I overlooked sending you postage to cover letters which you have written and may write relative this litigation and copy of decree when rendered on demurrer, hence I am enclosing you some with stamped envelopes also for that purpose. Being an old Register I know that accumulations as to postage and the like in many cases amounts to quite a bit, and besides when there is a stamped envelope at hand addressed it so much easier to send a message.

Trust that the papers were turned over to Judge Hare and that he took care of my case when he was there as to submission on demurrer, etc., and again thanking you for your uniform and material courtesies, I am,

Very truly yours,



A. WHALEY.

Enc.

**CIRCUIT COURT, BALDWIN COUNTY, ALA.,  
IN EQUITY.**

No. *892*

*American Bank & Trust Co -*

VS.

*D. G. Seal et al -*

PLAINTIFF

DEFENDANT

**Bill of Costs**

Fees of Register		Dollars	Cts.	Brought Forward	
Filing each bill and other papers	\$ 10		10	For receiving, keeping and paying out or distributing money, etc.; 1st \$1,000 1 per ct.; all over \$1,000, and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000, and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.	
Issuing each subpoena	50			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received,	
Issuing each copy thereof	40			Each Notice sent by mail to creditors	15
Entering each return thereof	15			Filing, Receipting for and docketing each claim, etc.	25
For each order of publication	1 00			For all entries on subpoena docket, etc.	50
Issuing writ of injunction	1 50			For all entries on commission docket, etc.	50
For each copy thereof	50			Making final record, per 100 words	15
Entering each return thereof	15			Certified copy of decree	1 00
Docketing each case	1 00			Report of divorce to State Health office	50
Entering each appearance	25			<i>Register Acts 1915</i>	
Issuing each decree pro confesso on persi ser	1 00			<i>whereof</i>	
Issuing each decree pro confesso on publication	1 00			<i>entering</i>	
Each order appointing guardian	1 00			<b>Total Fees of Register</b>	<i>1.00</i>
Any other order by Register	50				<i>2.50</i>
Issuing commission to take testimony	50				<i>.50</i>
Receiving and filing	10				<i>.20</i>
Endorsing each package	10			<b>Fees of Sheriff</b>	<i>5.05</i>
Entering order submitting cause	50			Serving and returning subpoena on deft.	\$ 1 50
Entering any other order of Court	25			Serving and returning subpoena for witness	65
Noting all testimony	50			Levying attachment	1 50
Abstract of cause, etc.	1 00			Entering and returning same	25
Entering each decree	75		75	Selling property attached	
For every 100 words over 500	15			Impanelling Jury	75
Taking account, etc.	3 00			Executing writ of possession	2 50
Taking testimony, etc.	15			Collecting execution for costs	1 50
Each report, 500 words or less	2 50			Serving and returning sci. fa., each	65
For every 100 words over 500	15			Serving and returning notice	65
Amount claimed less than \$500, etc	2 00			Serving and returning writ of injunction	1 50
Issuing each subpoena	25			Serving and returning writ of exeat	1 50
Witness certificate, each	25			Taking and approving bonds, each	75
Issuing execution, each	75			Collecting money on execution	
Entering each return	15			Making deed	2 50
Taking and approving bond, each	1 00			Serving and returning application, etc.	1 00
Making copy of bill, etc	15			Serving attachment, contempt of court	1 50
Each notice not otherwise provided for	50			<b>Total Fees of Sheriff</b>	
Each certificate or affidavit, with seal	50				
Each certificate or affidavit, no seal	25			<b>Recapitulation</b>	
Hearing and passing on application, etc.	3 00			Register's Fees	<i>5.05</i>
Each settlement with receiver, etc.	3 00			Sheriff's Fees	<i>2.50</i>
Examining each voucher of receiver, etc	10			Commissioner's Fees	
Examining each answer, etc.	3 00			Solicitor's Fees	
Recording resignation, etc.	75			Witness Fees	
Entering each certificate to Supreme Court	50			Guardian Ad Litem	
Taking questions and answers, etc.	25			Printer's Fees	
For all other service relating to such proceedings	1 00			Trial Tax	3 00
For services in proceeding to relieve minors, etc., same fees as in similar cases.				Recording Decree in Probate Court	
Commission on sales, etc.: 1st \$100, 2 per cent.; all over \$100, and not exceeding 1,000, 1 1-2 per ct.; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.				<b>TOTAL</b>	<i>10.53</i>
Sub Total Carried Forward			<i>85</i>		

*153*

Received payment this \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_\_

Register.

# Circuit Court, Baldwin County, Ala., IN EQUITY.

*American Bank & Trust Co., a Corp*

PLAINTIFF

#897

vs.  
*D. P. Zuel, as Adm of Est of M. Harrison,*

DEFENDANT

## BILL OF COST

	Dollars	Cts.			
<b>Fees of Register</b>			<b>AMOUNT BROUGHT FORWARD</b>		
Filing each bill and other papers	2	30	For receiving, keeping and paying out or distributing money, etc. 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.		38 05
Issuing each Subpoena	3	50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received.		2 50
Issuing each copy thereof	7	30	Each Notice Sent by Mail to Creditors	15	
Entering each return thereof	7	15	Filing, Receipting for and Docketing each Claim, etc.	25	
For each Order of Publication	2	00	For all entries on Subpoena Docket, etc.	50	3 50
Issuing Writ of Injunction		1 50	For all entries on Commission Docket, etc.	50	17 40
For each Copy thereof		50	Making Final Record, per hundred words	15	
Entering each return thereof		15	Certified Copy of Decree	1 00	
Issuing Writ of Attachment		1 00	Report of Divorce to State Health Office	50	1 60
Entering each return thereof		15	<i>Recording decree 1913, Probate office</i>		63 15
Docketing each case	1	00	Total Fees of Register		7 50
Entering each Appearance		25			
Issuing each Decree Pro Confesso on personal service	1	00	<b>FEEES OF SHERIFF</b>		
Issuing each Decree Pro Confesso on publication	1	00	Serving and Returning Subpoena on Deft.	5	\$1 50
Each Order Appointing Guardian	1	00	Serving and Returning Subpoena for Witness		65
Any other order by Register		50	Levyng Attachment		3 00
Issuing Commission to Take Testimony		50	Entering and Returing same		25
Receiving and Filing		10	Entering and Returning Execution		25
Endorsing each package		10	Selling Property Attached		25
Entering Order Submitting Cause		50	Impaneling Jury		75
Entering any other Order of Court		25	Executing Writ of Possession		2 50
Noting all Testimony		50	Collecting Execution for Costs		1 50
Abstract of Cause, etc.		1 00	Serving and Returning Sci. Fa., each		65
Entering each Decree	2	75	Serving and Returning Notice		65
For Every Hundred Words Over Five Hundred		15	Serving and Returning Writ of Injunction		1 50
Taking Account on Reference		3 00	Serving and Returning Writ of Exeat		1 50
Taking Testimony, etc.		15	Taking and Approving Bonds, each		1 00
Each Report, Five Hundred Words or less		2 50	Collecting Money on Execution		
For every Hundred Words Over Five Hundred		15	Making Deed		2 50
Amount Claimed, Less than Five Hundred Dollars, etc.		2 00	Serving and Returning Application		1 00
Issuing each Subpoena		25	Serving Attachment, Contempt of Court		1 50
Witness Certificate, each		25			7 50
Issuing Execution, each		75	<b>TOTAL FEES OF SHERIFF</b>		
Entering each Return		15			
Taking and Approving Bond, each		1 00	<b>Recapitulation</b>		
Making Copy of Bill, etc.		15	Register's Fees		63 15
Each notice not otherwise provided for		50	Sheriff's Fees		7 50
Each Certificate or Affidavit, with Seal		50	Commissioner's Fees		
Each Certificate or Affidavit, no Seal		25	Solicitor's Fees		
Hearing and passing on application for Receiver or Trustee	3	00	Witness Fees		
Each Settlement with Receiver or Trustee	3	00	Guardian Ad Litem		
Examining each Voucher of Receiver or Trustee	10		Printer's Fees		28 71
Examining each Answer on Exception	3	00	Trial Tax	3 00	3 00
Recording Resignation or Suggestion of Death of Trustee	75		Recording Decree in Probate Court		
Entering each Certificate to Supreme Court	50				
Taking Questions and Answers, etc.	25				
For all other service relating to such proceedings	1 00				
For service in proceeding to relieve minors, etc. same fee as in similar cases.					
Commission on sales, etc.: 1st \$100, 2 percent; all over \$100, and not exceeding \$1000, 1 1/2 per cent; all over \$1,000 and not exceeding \$20,000, 1 per cent; all over \$20,000, 1-4 of 1 per cent.		12 50			
Sub Total Carried Forward		39 15			102 36

*Costs last paid to date June 19 1933*  
*Land sold to P.H.P. but not conveyed to date June 19 1933*

Received payment this 15 day of June 1933

NOTE: Unless the above costs in this cause are paid within ten days of the present date, execution will be issued and placed in the hands of Sheriff for collection, creating more costs.

Page 142  
Final Book 3

Circuit Court, Baldwin County, Ala.  
In Equity.

No. 892

American Bank & Trust Co

vs.

J. L. Tell, as admr. estate of J. W. Harrison

**Cost Bill**

Paid \_\_\_\_\_, 193

Register.



---

Circuit Court, Baldwin County, Ala.  
In Equity.

---

No. 892

---

*American Bank  
& Trust Co*  
vs.

*D. J. Lee*

---

**Cost Bill**

---

Paid \_\_\_\_\_ 193 \_\_\_\_\_

Register.

---

BAY MINIFITE, ALA.

May 27 - 33

M

American Bank & Trust Co

**THE BALDWIN TIMES**

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE  
ADVERTISING RATES GIVEN ON APPLICATION

Legal advs D L Peel Adm

J M Harrison Est -  
4 times

648

# THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE  
ADVERTISING RATES GIVEN ON APPLICATION

R. B. Vail  
Editor and Proprietor

BAY MINETTE, ALA.

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY

*R. B. Vail*, being duly sworn, deposes and says that he is

the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay  
Minette, Baldwin County, Alabama; that the notice hereto attached of

*American Bank & Trust Co*

*vs*

*D. L. Teel Adm. Est of I. M. Harrison*

### SALE OF LANDS

Pursuant to provisions of decree rendered to-wit, April 25, 1932, in Equity, Baldwin County, Alabama, Circuit court, in favor of the complainant, American Bank and Trust Co., vs. D. L. Teel, as Administrator Estate of I. M. Harrison, et als., respondents, default in payment made, the undersigned will, on May 27, 1933 within the legal hours of sale, sell at the front door of the Courthouse in Bay Minette, Baldwin County, Alabama, to the highest bidder for cash, the following land, situated in Baldwin County, Alabama, as follows:

NE 1/4 of SE 1-4, of Section 17, Twp. 5, South, Range 4, East, as directed by such decree and the Solicitor for said complainant.

This April 24, 1933.

T. W. RICHEYSON, As Registrar.

A. WHALEY, Solicitor for Complainant. 13-4t.

Was published in said Newspaper for 4 consecutive weeks in the following issues:

Date of first publication	<i>April 27 - 1933</i>	Vol. ....	No. <i>13</i>
Date of second publication	<i>May 4 1933</i>	Vol. ....	No. <i>14</i>
Date of third publication	<i>May 11 1933</i>	Vol. ....	No. <i>15</i>
Date of fourth publication	<i>May 18 1933</i>	Vol. ....	No. <i>16</i>

Subscribed and sworn before the undersigned this 27 day of

*May* 1933

*T. W. Richeyson*  
Clerk Circuit Court

*R. B. Vail*  
Publisher

No. \_\_\_\_\_.

American Bank & Trust Company,  
a Corporation, Complainant,

vs. In Equity.

D. L. Teel, as Administrator, et als, Respondents.

In the Circuit Court of Baldwin County, Alabama.

Now comes the complainant in this cause by its Solicitor of record and moves the court for decree pro confesso against all respondents to the bill of complaint, other than D. L. Teel, as Administrator who has appeared by demurrer, and for grounds of motion alleges that due process has been had on each of such respondents severally either by personal service and/or by publication and notice by mail, all as provided for by statute and/or the rules of the court, noting all and singular the returns and certificates and file and record in the cause.

DeVhaley  
Solicitor for Complainant.

Filed November 3, 1931,

J. W. Riccison, Register.

Note of Testimony:

The complainant, in the foregoing cause, in support of the motion this day filed for decree pro confesso, notes in evidence, and in support of such motion, all returns of service by the Sheriffs respectively, all certificates and notices on file, the bill and verification thereof, and affidavit of non-residence, and the other testimony taken in support of the motion, and newspapers and certificates of service by publisher and Register, and process in the cause.

All of which is hereby certified to this: November 3, 1931,

J. W. Riccison, Register.

Filed and enrolled upon minutes of the Court: November 3, 1931,

J. W. Riccison, Register.

SUMMONS— A Copy of the Bill in this Cause ~~mailed herewith to this Respondent.~~

THE STATE OF ALABAMA

CIRCUIT COURT IN EQUITY

~~Covington County~~  
COUNTY OF BALDWIN.

No..... Term, 192..

American Bank & Trust Company, a Corporation, ..... Complaints  
Vs.

D. L. Teel, as Administrator of the Estate of J. M. Harrison, et als, .....  
TO ANY SHERIFF OF THE STATE OF ALABAMA: Respondents.

You are hereby commanded to summon.....

Debnis A. Harrison,

to appear before the Circuit Court, in Equity at Andalusia, Alabama, within thirty days after the service of this Summons, and then and there demur, plead to or answer the Bill of Complaint filed by....

American Bank & Trust Company, a Corporation,

Against

D, L. Teel, as Administrator of the Estate of James M. Harrison,  
et als.

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

Witness my hand, this ..... day of ..... April ..... 1920.

*D. W. [Signature]*

Register.

No. 942.

American Bank & Trust Company,  
a Corporation, Complainant,

vs. In Equity.

D. L. Pool, as Administrator of the Estate of J. M.  
Harrison, deceased, et als., Respondents.

In the Baldwin County, Alabama, Circuit Court.

This cause having been submitted for final decree upon the pleadings, decrees pro confesso, and testimony upon written request by the Solicitor for Complainant on to-wit, April 25, 1932, and final decree rendered in the cause on such date by the court, and certain lands involved in the suit described and referred to in such decree, to-wit: NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 17, Tp. 5, South, Range 4, East, in Baldwin County, Alabama, correcting the description in a mortgage described in the original bill of complaint by so describing the lands therein as stated hereinabove and in such final decree; and in such final decree it being determined that there was the total sum of \$1,724.60, balance due upon such mortgage debt, and it being provided therein that respondents, or some one for them might pay off such indebtedness, with the costs of this cause, on or by July 1, 1932, with interest thereon as stated in such decree, otherwise the Register of this court proceed as in such decree to advertise and sell such lands; that the debt and costs with interests not being paid within the time so fixed by such decree, the Register of this court having advertised and sold such lands, on the 27th day of May, 1933, in the manner and upon substantial compliance with such final decree, as shown by his report of such sale, and that such report was filed in this cause and court on May 27, 1933, and no objections or exceptions having been filed in the cause by any of the parties to the suit, or those interested therein, and the report having lain over for the time required by such final decree for such purpose; and the complainant having bid at such sale the sum of ~~\$800.00~~ Eight Hundred and 00/100 (\$800.00) Dollars, under the provisions of such final decree, and electing to not pay such sum in but filing statement to that effect as provided for in such decree of sale; that such complainant



being the highest, best and last bidder for such lands at such sale, and the same having been then and there sold to it as such purchaser by the Register of this court, and the report of the Register showing the substantial performance of the sale, the decree therefor, the bid of the complainant, and the notice and provisions for such sale, in substantial compliance with such former decree, and the report being in writing filed and now before the court, and such former decree of sale providing that all things not determined therein were retained until the coming in of the report of the Register, and it appearing from such report that the cost of the costs including such sale is the sum of \$105.61, and that the such sum deducted from the bid at such sale leaving the sum of \$694.59, which operates as a credit pro tanto upon such mortgage indebtedness fixed in the former decree, and thus leaving a balance, with interest at the rate of eight per centum per annum from the date of such decree upon the sum of \$1,170.21, balance due upon such decree after deducting such bid (less the court costs of \$105.61) stated above; and such former decree and the original submission being still before the court, and the report of sale being now before the court for its determination, and for completing the cause upon such original submission: The court finds the facts as stated and referred to above, and is of the opinion that the complainant is entitled to have the report of sale confirmed, for such other relief as under the facts and pleadings it may be entitled:

It is, therefore, ordered and decreed by the court, as follows:

(a) That the report of the Register of the sale of the lands involved in the suit and described in the former decree and in this decree, be, and such report is hereby confirmed, that the said sum of \$694.59, of such bid, be, and is hereby applied to and credited upon such former decree as to the mortgage debt ascertained and fixed therein, that the court costs up to and including the sale of such lands is the sum of \$105.61, which is taxed against the complainant, and that the sum of \$1,170.21, with interest at eight per centum per annum from May 27, 1933, thereon, the complainant is entitled to as the balance due on its mortgage debt, and that complainant does recover the same from

the respondent, D. L. Tool, as Administrator of the Estate of J. M. Harrison, deceased, for which execution may issue.

(b) That the Register of this court issue instanter a writ of possession and assistance directed to Any Sheriff of the State of Alabama, to restore to, and deliver unto the complainant, the possession of the property described in this report, shown as sold by the Register to the complainant, and that any and all parties to the cause, respondents, and/or their agents, servants, tenants, and employees, be dispossessed of such lands, and that return be made to this court on Monday, the 5th day of March, 1934, as to how and when the same was executed.

(c) That the Register of this court execute and deliver to the complainant a Register's Deed, conveying unto it the lands described in this decree, and the report of sale by the Register, in substantial compliance with law, and conveying all the right, title, interest, and claims of all parties respondent to this cause, which and of the said J. M. Harrison, deceased, as possessed by him at the time of his death, and at the time of the execution of the mortgage involved in the suit copy of which is an exhibit to the bill of complaint.

(d) That the complainant be, and is taxed with the costs of the cause, for which execution may issue; provided, that, if complainant is in liquidation, & the costs are not filed as a claim with the liquidation agent, that if he so files & paid, Done this January 31, 1934.  
*January 31, 1934.*

*J. W. Ware*  
\_\_\_\_\_  
Judge.

Filed and enrolled: January 31, 1934.

*M. A. Stone* Register.

*I hereby certify that the above is a true copy of the decree appearing, as the same appears of record; this January 31, 1934.*  
*M. A. Stone*  
Register

No. 942.

American Bank & Trust Company,  
A Corporation, Complainant,

Vs.

D. L. Teel, As Administrator, et als, Respondents.

In the Baldwin County, Alabama, Circuit Court, -In Equity.

In the foregoing stated cause, affidavit is made therein,  
on behalf of Complainant therein, as follows:

Before the undersigned a Notary Public in and for the  
County of Covington, State of Alabama, personally appeared A.  
Whaley, who being being known to me and who being by me first  
duly sworn, doth on oath depose and say: That affiant is the  
Solicitor of record for the complainant in the foregoing stated  
bill in equity pending in equity in the Baldwin County, Alabama,  
Circuit Court, styled and numbered as stated hereinbefore, and  
that those certain respondents to said cause and bill aforesaid,  
to-wit, J. C. Harrison, George Harrison, Leonard Harrison, and  
Dennis A Harrison, are non-residents of the state of Alabama,  
have resided out of the State of Alabama for more than six months  
since the filing of said bill of complaint, and are out of the  
state of Alabama and have been for to-wit, six months since the  
filing of said bill of complaint, that each of said respondents  
are over the age of twenty-one years, and that their last known  
places of residence and post office address, so far as complain-  
ant knows, and can ascertain from due diligence, was, and is, as  
follows: Dennis A. Harrison, Cardina, California, and/or Los Ange-  
les, California; J. C. Harrison, Cardina, California, and/or Los  
Angeles, California; and George H. Harrison and Leonard Harrison,  
each at Quincy, Florida; the more exact or specific address of  
each being unknown to complainant and affiant; and that an order  
of publication in said cause to each of said non-resident re-  
spondents by the Register of this court is hereby requested, and  
that same be published and copy posted, and copy mailed to each  
said respondent as provided for by statute and rule 22 chancery  
practice, said facts stated being to the best of the knowledge,  
and belief, of said affiant as said Solicitor for said Complainant.  
Sworn to and subscribed before me,  
July 30, 1931. Ruby Cottle, Notary Public. A. Whaley

No. 942.

American Bank & Trust Company,  
A Corporation, Complainant,

Vs.

D. L. Teel, As Administrator, et als, Respondents.

In the Baldwin County, Alabama, Circuit Court,--In Equity.

In the foregoing stated cause, affidavit is made therein,  
on behalf of Complainant therein, as follows:

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County of Covington, State of Alabama, personally appeared A.  
Whaley, who being being known to me and who being by me first  
duly sworn, doth on oath depose and say: That affiant is the  
Solicitor of record for the complainant in the foregoing stated  
bill in equity pending in equity in the Baldwin County, Alabama,  
Circuit Court, styled and numbered as stated hereinbefore, and  
that these certain respondents to said cause and bill aforesaid,  
to-wit, J. C. Harrison, George Harrison, Leonard Harrison, and  
Dennis A Harrison, are non-residents of the state of Alabama,  
have resided out of the State of Alabama for more than six months  
since the filing of said bill of complaint, and are out of the  
state of Alabama and have been for to-wit, six months since the  
filing of said bill of complaint, that each of said respondents  
are over the age of twenty-one years, and that their last known  
places of residence and post office address, so far as complain-  
ant knows, and can ascertain from due diligence, was, and is, as  
follows: Dennis A. Harrison, Cardina, California, and/or Los Ange-  
les, California; J. C. Harrison, Cardina, California, and/or Los  
Angeles, California; and George H. Harrison and Leonard Harrison,  
each at Quincy, Florida; the more exact or specific address of  
each being unknown to complainant and affiant; and that an order  
of publication in said cause to each of said non-resident re-  
spondents by the Register of this court is hereby requested, and  
that same be published and copy posted, and copy mailed to each  
said respondent as provided for by statute and rule 22 chancery  
practice, said facts stated being to the best of the knowledge,  
and belief, of said affiant as said Solicitor for said Complainant  
July 20, 1921. Hubert Cottle, Notary Public, Whaley



No. 942.

American Bank & Trust Company,  
A Corporation, Complainant,

Vs.

D. L. Teel, As Administrator, et als, Respondents.

In the Baldwin County, Alabama, Circuit Court, -In Equity.

In the foregoing stated cause, affidavit is made therein,  
on behalf of Complainant therein, as follows:

Before the undersigned a Notary Public in and for the  
County of Covington, State of Alabama, personally appeared A.  
Whaley, who being known to me and who being by me first  
duly sworn, doth on oath depose and say: That affiant is the  
Solicitor of record for the complainant in the foregoing stated  
bill in equity pending in equity in the Baldwin County, Alabama,  
Circuit Court, styled and numbered as stated hereinbefore, and  
that those certain respondents to said cause and bill aforesaid,  
to-wit, J. C. Harrison, George Harrison, Leonard Harrison, and  
Dennis A. Harrison, are non-residents of the state of Alabama,  
have resided out of the State of Alabama for more than six months  
since the filing of said bill of complaint, and are out of the  
state of Alabama and have been for to-wit, six months since the  
filing of said bill of complaint, that each of said respondents  
are over the age of twenty-one years, and that their last known  
places of residence and post office address, so far as complain-  
ant knows, and can ascertain from due diligence, was, and is, as  
follows: Dennis A. Harrison, Cardina, California, and/or Los Ange-  
les, California; J. C. Harrison, Cardina, California, and/or Los  
Angeles, California; and George H. Harrison and Leonard Harrison,  
each at Quincy, Florida; the more exact or specific address of  
each being unknown to complainant and affiant; and that an order  
of publication in said cause to each of said non-resident re-  
spondents by the Register of this court is hereby requested, and  
that same be published and copy posted, and copy mailed to each  
said respondent as provided for by statute and rule 22 chancery  
practice, said facts stated being to the best of the knowledge,  
and belief of said affiant as said Solicitor for said Complainant  
sworn to and subscribed before me,  
July 30, 1931. Kubly Little, Notary Public. Whaley





ORIGINAL.

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

STATE OF ALABAMA

Baldwin COUNTY

Baldwin

CIRCUIT COURT IN EQUITY

American Bank & Trust Co.,

Vs.

D. L. Teel, as Admr., Est. James  
M. Harrison, et als.

SUMMONS

Issued April 11, 1930, #192

*T. M. Harrison*  
Register.

I hereby confess legal service of this  
Summons, and waive service and copy by  
the Sheriff.

..... 192..

Signed .....

Witness .....

Recorded in ..... Record

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

Register.

A. WHALEY, Andalusia, Ala.,

Complainant's Solicitor.

Defendant's Solicitor.

14  
96  
3

Defendant lives at .....

Received in Office .....

192..

Sheriff.

I hereby Deputize

James

to act as special deputy Sheriff to execute  
this Summons.

Executed this ..... 192..

by serving a copy on .....

Sheriff.

Deputy Sheriff

of ..... County, Ala.

Certificate of Service:

State of Alabama,  
Baldwin County.

Re: American Bank & Trust Co., vs. D. L. Teel,  
as Administrator of the Est. of James M.  
Richardson, et als. Baldwin Circuit Court;  
I Equity.

I, T. W. Richardson, as Register of the Circuit Court,  
in Equity, for said County, do hereby certify that on this day, I  
mailed a copy of the Bill of Complaint with Exhibit thereto, together  
with a copy of this Chancery Summons, postage prepaid, properly ad-  
dressed, to Dennis A. Harrison, addressed to him at Gardina, Califor-  
nia, postage prepaid, by registered thereon "M. B. To be delivered to  
addressee only, and deposited said letter with its contents properly  
so addressed, and sealed, in the Post Office at Bayminette, Baldwin  
County, Alabama, with my return address upon the cover thereof, to  
me as Register of the Circuit Court, in Equity, Bayminette, Alabama.

Given under my hand as Register, this April 17, 1930.

*T. W. Richardson*  
Register.

Filed April 11, 1930,

*T. M. Harrison*  
Register.

No. RECORDED  
American Bank  
& Trust Co.  
vs.

W. L. Peel, as Adm'r,  
et al.

Motion for  
Order to com-  
pels & notes  
of testimony.

Filed Nov 3rd 1931,  
T. M. Williams  
Register

RECORDED

ORDER OF PUBLICATION.

In re: American Bank & Trust Co., Complainant,

Cause No. 94274 vs.

D. L. Teel, as Administrator, et als, Respondents.

In this cause the complainant by its Solicitor of record having made affidavit as provided for by statute and chancery rule 22, that the respondents, George H. Harrison and Leonard Harrison, are each over the age of twenty-one years, that each of them are non-residents of the state of Alabama, that they have resided out of the state of Alabama for more than six months since the filing of this suit, and that each of them are out of the state of Alabama for six months next heretofore since the filing of said suit; and that their last known place of residence and post office address was, and is, Quincy, Florida; that the respondents Dennis A. Harrison and J. C. Harrison, are each over the age of twenty-one years, and that each are non-residents of the state of Alabama, that each have resided out of the state of Alabama for more than six months since the filing of this suit, and that each have resided out of the state of Alabama for six months next heretofore and since the filing of this suit; and that their last known place of residence and post office address was, and is, Cardina, California, and/or Los Angeles, California; and said affidavit being in substantial compliance with said rule and the statutes provided for in such cases:

It is, therefore, ordered by the Register of the Circuit Court for Baldwin County, Alabama, in said cause, and as to such said respondents and each of them, that this order of publication be, and is hereby made in said cause and court, to them, and that each of said respondents be hereby ordered and directed to appear in said cause and court, and to make answer to said bill of complaint in said cause heretofore filed, to-wit, to plead, answer, demur or otherwise defend against the same, within the time herein specified, to-wit, September 5, 1931, or failing within thirty days from said date to so defend, a decree pro confesso will be entered against them respectively, as provided for by statute and the rule of the court in said cause; and it is the further order of the Register of said court that a copy of this order be posted at the court house door for Baldwin County, a copy be published in The Baldwin Times, a newspaper published in Bay Minette, Alabama, for four weeks, and that a copy of the same be mailed to each such respondent at each said address given aforesaid, and that certificate of such compliance be filed in the cause, respectively as required by law and the rules of the court.

Done this July 30, 1931.

4 wks.

J. W. Keenan  
Register.

Filed July 31, 1931,

J. W. Keenan  
Register.

ORDER OF PUBLICATION.

In re: American Bank & Trust Co., Complainant,

Cause No. 94274. vs.

D. L. Teel, as Administrator, et als, Respondents.

In this cause the complainant by its Solicitor of record having made affidavit as provided for by statute and chancery rule 22, that the respondents, George H. Harrison and Leonard Harrison, are each over the age of twenty-one years, that each of them are non-residents of the state of Alabama, that they have resided out of the state of Alabama for more than six months since the filing of this suit, and that each of them are out of the state of Alabama for six months next heretofore since the filing of said suit; and that their last known place of residence and post office address was, and is, Quincy, Florida; that the respondents Dennis A. Harrison and J. C. Harrison, are each over the age of twenty-one years, and that each are non-residents of the state of Alabama, that each have resided out of the state of Alabama for more than six months since the filing of this suit, and that each have resided out of the state of Alabama for six months next heretofore and since the filing of this suit; and that their last known place of residence and post office address was, and is, Cardina, California, and/or Los Angeles, California; and said affidavit being in substantial compliance with said rule and the statutes provided for in such cases:

It is, therefore, ordered by the Register of the Circuit Court for Baldwin County, Alabama, in said cause, and as to such said respondents and each of them, that this order of publication be, and is hereby made in said cause and court, to them, and that each of said respondents are hereby ordered and directed to appear in said cause and court, and to make answer to said bill of complaint in said cause heretofore filed, to-wit, to plead, answer, demur or otherwise defend against the same, within the time herein specifically filed, to-wit, September 5, 1931, or failing within thirty days from said date to so defend, a decree pro confesso will be entered against them respectively, as provided for by statute and the rule of the court in said cause; and it is the further order of the Register of said court that a copy of this order be posted at the court house door for Baldwin County, a copy be published in The Baldwin Times, a newspaper published in Bay Minette, Alabama, for four weeks, and that a copy of the same be mailed to each such respondent at each said address given aforesaid, and that certificate of such compliance be filed in the cause, respectively as required by law and the rules of the court.

Done this July 31, 1931.

4 wks.

J. M. Harrison  
Register.

Filed July 31, 1931.

J. M. Harrison  
Register.

A. H. Haley  
Atty for Complainant

A. WHALEY  
Attorney and Counsellor  
FIRST NATIONAL BANK BUILDING  
ANDALUSIA, ALABAMA

August 17, 1931.  
Re: American Bank & Trust Co. vs. Teel et als.

My dear Mr. Richerson:

Please get the enclosed proofs of notice and publication fixed separately and filed in the case mentioned therein and oblige, attaching copy of the affidavit of the printer, and have bill made to Bank and send to me just as soon as it is in proof and filed so that I can have remittance made to you for same, and oblige.

Please advise me of what orders are made at this term in this case and oblige.

Thanking you for your prompt and courteous attention, I am,

Very truly yours,



Enc.

A. WHALEY

Attorney and Counsellor

FIRST NATIONAL BANK BUILDING

ANDALUSIA, ALABAMA

Attach Exhibit. Copy of Notice here:

State of Alabama,  
Baldwin County.

The undersigned \_\_\_\_\_,  
Editor and Publisher of The  
Baldwin Times, a newspaper regularly pub-  
lished in Bay Minette, Baldwin County,  
Alabama, does hereby certify that the fore-  
going attached order and notice, copy of  
which is attached hereto and made part  
hereof, was regularly published in the regu-  
lar issues of said paper for four regular  
issues, once each week for four consecutive weeks,  
beginning in the issue of July 30, 1931,  
as shown by such clipping attached from said  
newspaper, in cause of American Bank & Trust  
Company, versus D. L. Teel as Admr., et als,  
pending in equity in Circuit Court for said  
County; and that the publishers fees for  
said publication is the sum of \$ \_\_\_\_\_.

\_\_\_\_\_  
Editor and Publisher, etc.

Sworn to and subscribed before me this August  
20, 1931.

\_\_\_\_\_  
Register Circuit Court.

Filed August 20, 1931,

\_\_\_\_\_  
Register.



**CIRCUIT COURT, BALDWIN COUNTY, ALA.,  
IN EQUITY.**

No. 842 *Amson Bart Trust Co* vs. *R I Lul admr of J M H Amson* PLAINTIFF  
DEFENDANT

**BILL OF COSTS**

Fees of Register		Dollars	Cts.	Brought Forward	
Filing each bill and other papers	\$ 10	2	25	For receiving, keeping and paying out or distributing money, etc.; 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.	37 85
Issuing each Subpoena	50	3	50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per cent of amount received.	2 50
Issuing each copy thereof	40	3	50	Each Notice Sent by Mail to creditors	15
Entering each return thereof	15	2	15	Filing, Receipting for and Docketing each Claim, etc.	25
For each Order of Publication	1 00	2	00	For all entries on Subpoena Docket, etc.	50
Issuing Writ of Injunction	1 50			For all entries on Commission Docket, etc.	50
For each copy thereof	50			Making final Record, per hundred words	15
Entering each return thereof	15			Certified Copy of Decree	1 00
Issuing Writ of Attachment	1 00			Report of Divorce to State Health Office.	50
Entering each return thereof	15			<i>Record Acts 1915</i>	
Docketing each case	1 00	100		<i>Debit Over</i> Total Fees of Register	68 30
Entering each Appearance	25	25			
Issuing each Decree Pro Confesso on personal service	1 00	100		<b>Fees of Sheriff</b>	
Issuing each Decree Pro Confesso on publication	1 00			Serving and Returning Subpoena on Deft	\$1 50
Each order Appointing Guardian	1 00			Serving and Returning Subpoena for Witness	65
Any other order by Register	50			Levying Attachment	1 50
Issuing Commission to Take Testimony	50			Entering and Returning same	25
Receiving and Filing	10			Selling Property Attached	
Endorsing each package	10			Impaneling Jury	75
Entering order Submitting Cause	50			Executing Writ of Possession	2 50
Entering any other Order of Court	25			Collecting Execution for Costs	1 50
Noting all Testimony	50			Serving and Returning Sci. Fa., each	65
Abstract of Cause, etc.	1 00			Serving and Returning Notice	65
Entering each Decree	75	300		Serving and Returning Writ of Injunction	1 50
For every 100 words over 500	15	200		Serving and Returning Writ of Exeat	1 50
Taking account, etc.	3 00	200		Taking and Approving Bonds, Each	75
Taking Testimony, etc.	15	250		Collecting Money on Execution	
Each Report, 500 words or less	2 50	250		Making Deed	2 50
For every 100 words over 500	15			Serving and Returning Application,	1 00
Amount claimed less than \$500, etc.	2 00			Serving Attachment, Contempt of Court.	1 50
Issuing each Subpoena	25			<b>Total Fees of Sheriff</b>	10 00
Witness Certificate, each	25				
Issuing Execution, each	75			<b>Recapitulation</b>	
Entering each return	15			Register's Fees	68 30
Taking and Approving Bond, each	1 00			Sheriff's Fees	10 00
Making copy of bill, etc.	15	4 25		Commissioner's Fees	
Each notice not otherwise provided for	50			Solicitor's Fees	
Each certificate or affidavit, with seal	50			Witness Fees	
Each certificate or affidavit, no seal	25			Guardian Ad Litem	2 50
Hearing and passing on application, etc.	3 00			Printer's Fees	3 00
Each settlement with receiver, etc.	3 00			Trial Tax	3 00
Examining each voucher of receiver, etc.	10			Recording Decree in Probate Court	
Examining each answer, etc.	3 00			<b>Total</b>	107 91
Recording resignation, etc.	75				
Entering each certificate to Supreme Court	50				
Taking questions and answers, etc.	25				
For all other service relating to such proceedings.	1 00				
For service in proceeding to relieve minors, etc same fee as in similar cases.					
Commission on sales, etc.: 1st \$100 2 per cent, all over \$100, and not exceeding \$1,000, 1 1-2 per ct.; all over \$1,000 and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.		10 00			
<b>Sub Total Carried Forward</b>		37	85		

Received payment this 2 day of July 1936 *Robert S. Duck*, Register.

68.70

Circuit Court, Baldwin County, Ala.  
In Equity.

No. \_\_\_\_\_

vs.

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92.26

**Cost Bill**

Paid \_\_\_\_\_, 193\_\_\_\_\_

Register

Moore Ptg. Co.

State of Alabama,  
Circuit Court: In Equity.  
Baldwin County.

In re: No. 942, -American Bank & Trust Company, a Corporation,  
Complainant, versus D. L. Teel, as Administrator, et als, Respond-  
ents.

The undersigned, T. W. Richerson, as Register of the Circuit Court, in Equity, for Baldwin County, Alabama, does hereby certify that the foregoing notice and order of publication in the above stated cause in said court, was posted at the courthouse door of said County on, to-wit, July 30, 1931, by posting a true copy of the same at the door of said Courthouse for said County; that one copy each of said order and notice was on, to-wit, July 30, 1931, mailed by ~~we~~ postage prepaid properly addressed, and delivered in the Post Office at Bay Minette, Alabama, addressed separately to each of the respondents, to-wit, George Harrison and Leonard Harrison, addressed to them at Quincy, Florida; and that copies each and severally were on, to-wit, July 30, 1931, likewise mailed postage prepaid and delivered in the Post Office at Bay Minette, Alabama, to respondents J. C. Harrison and Dennis A. Harrison, at their said post office addresses respectively as stated in said order; and that each such had the return address of affiant thereon; and that copies of said order were respectively mailed to each said respondent in the manner and time and as directed in said order by the undersigned as the Register of said court, copy of which order as filed and as published in The Baldwin Times, a newspaper regularly published in Bay Minette, Baldwin County, Alabama, each week on Thursdays, and which order begun its publication in said newspaper in its issue of July 30, 1931, is hereto attached as Exhibit "A" and made a part of this affidavit of service with leave of reference thereto as often as is or may become necessary, in compliance with said order, the statutes and rules of the court, etc.

Given under my hand and seal, as Register of said Court,  
in Equity, this August 18, 1931.

(SEAL)

  
Register.

Filed August 18, 1931,


  
Register.

EXHIBIT "A" to CERTIFICATE:

ORDER OF PUBLICATION

In re: AMERICAN BANK & TRUST CO., Complainant, Cause No. 942. vs. D. L. TEEL, as Administrator, et als. Respondents.

In this cause the complainant by its solicitor of record having made affidavit as provided for by statute and chancery rule 22, that the respondents, George H. Harrison and Leonard Harrison, are each over the age of twenty-one years, that each of them are non-residents of the state of Alabama, that they have resided out of the state of Alabama for more than six months since the filing of this suit, and that each of them are out of the state of Alabama for six months next heretofore since the filing of said suit, and that their last known place of residence and post office address was, and is Quincy, Florida; that the respondents, Dennis A. Harrison and J. C. Harrison, are each over the age of twenty-one years, and that each are non-residents of the state of Alabama, that each have resided out of the state of Alabama for more than six months since the filing of this suit, and that each have resided out of the state of Alabama for six months next heretofore and since the filing of this suit, and that their last known place of residence and post office address was, and is, Cardina, California, and-or Los Angeles, California; and said affidavit being in substantial compliance with said rule and the statutes provided for in such cases:

It is, therefore, ordered by the Register of the Circuit Court for Baldwin County, Alabama, in said cause, and as to such said respondents and each of them, that this order of publication be, and is hereby made in said cause and court, to them, and that each of said respondents are hereby ordered and directed to appear in said cause and court, and to make answer to said bill of complaint in said cause heretofore filed, to-wit, to plead, answer, demur, or otherwise defend against the same, within the time herein specified, to-wit, September 3, 1931, or failing within thirty days from said date to so defend, a decree pro confesso will be entered against them respectively, as provided for by statute and the rule of the court in said cause; and it is the further order of the Register of said court that a copy of this order be posted at the court house door for Baldwin County, a copy be published in the Baldwin Times, a newspaper published in Bay Minette, Alabama for four weeks, and that a copy of the same be mailed to each such respondent at each said address given aforesaid and that certificate of such compliance be filed in the cause, respectively as required by law and the order of the court.

Done this July 30, 1931.

T. W. RICHERSON, Register.

Filed July 30, 1931, T. W. Richerson, Register.

A. WHALEY, Atty. for Complainant.

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The State of Alabama } Circuit Court of Baldwin County, Alabama,  
 Baldwin County } (In Equity)

American Bank and Trust Company a corporation,  
 COMPLAINANT

VS.

D.L.Teal as Administrator of the estate of James M.  
 Harrison, deceased, et al, RESPONDENT

I, T.W.Richerson,

as Register and Commissioner

have called and caused to come before me J.A.Whaley

witness named in the requirement for Oral Examination, on the 25th day of April  
 1932, at the office of Register,

in Bay Minette, Alabama, and having first sworn said witness to speak the  
 truth, the whole truth, and nothing but the truth, the said witness,

doth depose and say as follows:

J. A. Whaley, of Opp, Alabama, being duly sworn, says:

I know the complainant in a business way; and knew J. M. Harrison, deceased, in his life time. I knew the matter of the execution of the notes and mortgage involved by J. M. Harrison, to the American Bank & Trust Company; the forty mentioned in the mortgage was inadvertently made to read as being in section 7, whereas it was in section 17; the description in the mortgage should have read NE 1/4 of SE 1/4 Section 17, Tp. 5, Range 4, east as described in the deed from Hobs et als to J. M. Harrison, for the forty of land involved, which deed was there at the time the mortgage was made out, but the draftsman who prepared the mortgage inadvertently made it read as being in section 7, whereas it was in, and should have read, section "17". This mistake was not discovered until later, and there has not been any contention by any of the parties to the suit that the mistake was as alleged nor as to the indebtedness. I have had several talks with the defendant administrator relative to the matters, and he admits the mistake, that Harrison owned no other lands in Baldwin County, Alabama, than the forty in question, and that the indebtedness, with the interests are long past due, unpaid, and states that he has no defense to this suit. The total debt, interests and charges as claimed totals the sum of \$1,724.60, to this date, after all credits, payments, and credits are deducted.

Harrison was in the possession of the lands in section 17, at the time the mortgage was made, and that is the lands which he was to give the Bank the mortgage on, and the lands which the Bank lends its money on, and the mortgage copy of which is exhibit A to the bill is attached, and secures the amounts involved, and all the amounts which Harrison owed with interest and proper charges totals the sum stated above.

The administrator has never paid any thing to the Bank or to any one for it on the mortgage debts.

The lands involved was in the possession of the Administrator until recently, and I find today that Will Harrison, one of the respondents is now living on the lands cultivating the same tho I know of no agreement or arrangements for such.

*J.A. Whaley*

ORAL EXAMINATION

I, T. W. RICHMOND, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness and read over to him and he signed the same in the presence of myself and A. Whaley Atty for Complainant, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness ... or had proof made before me of the identity of said witness....; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 25th day of April 19 32.

T. W. Richmond (L. S.)

No. 892 Page \_\_\_\_\_

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

American Bank and Trust Co,

COMPLAINANT

vs.

D. L. Teel as Administrator

of the estate of James M. Harrison  
et al RESPONDENT

ORAL DEPOSITION

Filed April 25th, 1932

T. W. Richmond, Register.

RECORDED IN

Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

\_\_\_\_\_, Register



American Bank and Trust Company,  
a corporation

THE STATE OF ALABAMA,  
BALDWIN COUNTY

vs.

D.L. Teal as Administrator of the  
Estate of James M. Harrisob, deceased, et al,

IN EQUITY,

CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, *& the following*

*Bill of Complaint & all Exhibits thereto.  
Decees for confess against all re-  
spondents on file.*

*Testimony of J. A. Whaley on file & Exhibits  
Mortgage dated Sep. 10, 1927, & Cer. of Probate  
his funders notice & Cer. on the same by  
Probate Judge. waiving notice by Sol.*

and in behalf of Defendant upon

*for kept as to taking testimony.*

*Request to submit by complaint on file  
under statute. - Decees for confess heirs  
against all respondents J. W. Riccison*

Register.

~~RECORDED~~

*Book*  
*6-440*

No. 892

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

American Bank and Trust Company,  
a corporation,

vs

D.L. Teal as Administrator of the  
Estate of James M. Harrison, deceased et al,

NOTE OF TESTIMONY

Filed in Open Court this 25th

day of April 1932

*J. W. Reel*

Register

The State of Alabama, }  
Baldwin County

Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama--GREETING:

WE COMMAND YOU, That you summon Dollie A. Teel

of \_\_\_\_\_ County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by American Bank & Trust Company

against said Dollie A. Teel, et al

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 17<sup>th</sup> day of April 193<sup>0</sup>

T. W. Richerson Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

The State of Alabama, }  
Baldwin County } Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon D. L. Teel, Administrator  
Estate of James H. Harrison, et als.

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by American Bank & Trust Company, a Corporation.

against said D. L. Teel Administrator of the Estate of James M. Harrison, et als.

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 17th day of April 1930

T. W. Richerson Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

AMERICAN BANK AND TRUST COMPANY,  
a corporation,  
Complainant,

vs

D. L. TEEL, ADMINISTRATOR OF THE  
ESTATE OF JAMES M. HARRISON,  
DECEASED, ET AL,  
Defendants.

IN THE CIRCUIT COURT OF  
  
BALDWIN COUNTY, ALABAMA.

Comes the Defendant, D. L. Teel, as Administrator of the  
Estate of James M. Harrison, deceased, and demurs to Complainant's  
bill of complaint and as grounds of demurrer says:

There is no equity in the bill.

  
ATTORNEYS FOR DEFENDANT.

*Original*

SERVE ON \_\_\_\_\_  
Circuit Court of Baldwin County  
In Equity

No. \_\_\_\_\_

SUMMONS

~~xxxxxxTeelxxxxxx~~

American Bank & Trust Co.,  
a Corporation,

vs.

~~AMERICAN Bank & Trust Company.~~

D. L. Teel, et al

*Dear Lottery*

A. Whaley

Solicitor for Complainant

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Received in office this \_\_\_\_\_

day of \_\_\_\_\_ 19 \_\_\_\_\_

Sheriff.

Executed this 22 day of

April 1931

by leaving a copy of the within Summons with

*D. L. Teel, Plaintiff*  
*of Estate of Jas. N. Harris*  
Defendant.

*C. Irwin*

Sheriff.

By \_\_\_\_\_ Deputy Sheriff.

Recorded in Vol \_\_\_\_\_ Page \_\_\_\_\_

*Original*

SERVE ON \_\_\_\_\_  
Circuit Court of Baldwin County  
In Equity

No. \_\_\_\_\_

SUMMONS

~~Dollie A. Reel et al~~  
American Bank & Trust Co

vs.

~~American Bank & Trust Co~~  
~~Association~~  
~~Dollie A. Reel et al~~  
Dollie A. Reel et al

A. Whaley

Solicitor for Complainant

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Received in office this \_\_\_\_\_

day of \_\_\_\_\_ 19\_\_\_\_

Sheriff.

Executed this 22 day of

April 1920  
by leaving a copy of the within Summons with

Dollie A. Reel et al

Defendant.

A. Duwin

Sheriff.

By \_\_\_\_\_  
Deputy Sheriff.

Recorded in Vol \_\_\_\_\_ Page \_\_\_\_\_



W R I T   O F   P O S S E S S I O N

STATE OF ALABAMA,  
BALDWIN COUNTY

IN THE CIRCUIT COURT  
IN EQUITY.

TO ANY SHERIFF OF THE STATE OF ALABAMA.....GREETING:

YOU ARE HEREBY COMMANDED to restore to and deliver unto the company, The American Bank and Trust Company, a Corporation, possession of the property and tenements described in this writ, and that any and all parties to the cause, respondents, and/or their agents, servants, tenants, and employees, be dispossessed of such lands, which the said American Bank and Trust Company, a Corporation, recovered of D. L. Teel, as Administrator of the Estate of J.M. Harrison, deceased, et als., by the judgment of our Circuit court in Equity, held for the County of Baldwin on the 31st day of January, 1934, viz:

Northeast Quarter of Southeast Quarter,  
Section Seventeen, Township 5, South,  
Range Four, East, in Baldwin County,  
Alabama,

and that return be made to this court on Monday, the 5th day of March, 1934, as to how and when the same was executed.

WITNESS my hand this 3rd day of February, 1934.

M. A. Stone  
Register in Chancery,  
Circuit Court of Baldwin County,  
Alabama.

*[Faint handwritten notes and signatures are visible at the bottom of the page.]*

Booked and pag 73

RECORDED

EQUITY NO. 892

Executed February  
7th 1934 by Sewing  
copy of within  
on J L Teel

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AMERICAN BANK & TRUST  
COMPANY, a CORPORATION ---

VS.

D. L. TEEL. As Administrator of  
the Estate of James M. Harrison,  
Deceased, et al.

RECORDED

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WRIT OF POSSESSION

Filed on this the 5th day of  
February, 1934.

M. A. Stone  
Register.,

A. WHALEY, Andalusia  
Solicitor for Complainant,

American Bank & Trust Company, a Corporation,

vs.

D. L. Teel, as Administrator Estate  
of J. M. Harrison, et als, Respondents.

In the Baldwin County, Alabama, Circuit Court, -In Equity.

This cause being submitted for final decree upon pleadings, decree pro confesso respectively against all parties respondent, and the testimony as noted by the Register for hearing at this time, and it appearing to the court and the Judge of the court, that, the complainant is entitled to the relief prayed, both as to correction of the misdescription of the lands involved as alleged and prayed, and for the foreclosure of the mortgage as corrected and reformed, it is the opinion, finding, and the judgment and decree of this court, as follows:

1. That the complainant be, and is hereby awarded the relief as prayed, on the facts as alleged and referred to in the bill, that the mortgage involved is corrected and reformed in that the same where it appears therein that the lands involved are in section seven (7), is made to read and so treated, to read and describe and convey the following lands: "NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 17, Tp. 5, South, Range 4, East, in Baldwin County, Alabama," thus so correcting said mortgage involved in that respect, and that the Register of this Court make and enter upon mortgage record No. 38, at page 473-474, on the margin of the record of the mortgage involved in said record in the Probate office of Baldwin County, Alabama, the following memoranda: "By order and decree of the Circuit Court, in Equity, for Baldwin County, Alabama, made heretofore in case American Bank & Trust Company, Complainant, versus D. L. Teel, as Administrator of Estate of J. M. Harrison, Deceased, et als, the description of the lands involved in the mortgage shown at this page was corrected to as to make the land therein described read as NE $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 17, Tp/ 5, South, Range 4, East, in Baldwin County, Alabama," and that such notation be dated by the Register as the date when made, and that he sign his name thereto as such Register.

2. That the mortgage involved in this cause shown by Exhibit to the bill and pleadings in the cause, as corrected and reformed as prayed and mentioned in this decree, be foreclosed, failure to pay the same after its due date being made; that the principal, interests and the recording fees, and the reasonable and secured Attorneys fees provided for in the mortgages and notes involved and noted, totals the sum of \$1724.60 to this date, and that complainant have and recover such sum upon its said mortgage indebtedness involved and/or secured in the suit, and that said mortgage is a charge and lien on the real estate involved in said mortgage as corrected and reformed, to-wit, NE $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 17, Tp. 5 South, Range 4 East, in Baldwin County, Alabama; that either party to this suit may, on or before July 1, 1932, next, pay off said indebtedness fixed and stated above, with interest at eight per cent per annum from this decree to date of payment, with all the court costs of this cause, in which event said funds being paid to the Register of this court, or to the solicitor of record for complainant, the Register upon evidence of such fact will note the same on the margin of said record of mortgages mentioned in the first paragraph of this decree, and upon the records of this court.

3. That in the event said indebtedness, with interests, costs, and all fees of the court and Register and the solicitor for complainant be not paid within the time fixed in the second paragraphs of this decree, the Register of this court shall, at the request of the complainant or its assigns, proceed to advertise the lands involved for four weeks in some newspaper then published in Bay Minette, Alabama, and sell said lands at public auction, to the highest bidder, for cash, within the legal hours of sale before the Courthouse door in Bay Minette, Alabama, and the proceeds he will retain until the further order of the court, reporting such sale forthwith to the court, any party involved or affected being entitled to object to the sale and report within five days next after the filing of such report; provided, that if the complainant bids and the lands are sold to it, it may by written statement filed in the cause not be required to pay the money into the court, if the bid is not in excess of the debt and costs of the cause involved.

4. That if the bid of the complainant for the lands as made, if so bid and made, by complainant at any sale, the bid upon the confirmation of the report of sale, shall ipso facto discharge so much of the debt, interest, costs and fees, as the same covers, the costs of the suit first to be deducted, and the complainant being in such event subject to the further orders and decree of the court as to any costs involved, it to make provisions for the payment of the court costs to the officials of the court in such event of its successful bid for the property.

5. It is further ordered by the court that all matters not decided in this decree, and all future matters, also the question of writ of possession and/or assistance to the purchaser of the lands, are retained until the coming in of the report of sale and until the further orders and decree of the court on this submission.

This April 25<sup>th</sup>, 1932.

F. W. Hare  
Judge.

Filed and enrolled: April 25<sup>th</sup>, 1932.

T. W. Rice  
Register.

OK. Rice shall deal for admn,  
" Whately soil for complaint.

No. 942.

American Bank & Trust Co.,  
A Corporation, Complainant.

Vs.

D. L. Teel, as Administrator, et als, Respondents.

In the Baldwin County, Alabama, Circuit Court, -In Equity.

This cause having been submitted by agreement in writing on file for decree in vacation on the demurrer of the respondent, D. L. Teel, as administrator, of the estate of James M. Harrison, deceased, one of the respondents to the bill of complaint and the cause and submission and the demurrer and the bill of complaint having been considered by the court, it is the opinion and finding of the court that the bill of complaint contains equity and that the demurrer thereto being considered on this submission and the court being advised of its opinion:

It is, therefore, ordered and decreed by the court that the demurrer to the bill of complaint by the respondent be and is hereby overruled, and that said respondent, D. L. Teel, as administrator, is hereby allowed thirty days from this date to answer the bill of complaint.

It is the further order of the court that a copy of this decree be furnished the Solicitors of Record of the parties, affected by the submission and this decree.

Done this ~~February 25~~ <sup>March 5th</sup>, 1932.

Filed and enrolled ~~February 25~~ <sup>March 5th</sup> 1932.

Don R. [Signature]  
Register.

J. W. Hare  
Judge.

I hereby certify that copies of the foregoing decree was furnished by mail to the Solicitors of Record, A. Whaley, Andalusia, Alabama, for complainant, and Bebee and Hall, Bay Minette, Alabama, for said Respondents, this ~~February 25~~ <sup>March 5</sup>, 1932.

Don R. [Signature]  
Register.

Equity 892

RECORDED

1932

American Bank  
& Trust Co.

vs

D L Peel, as  
Administrator.

Decree on December

Filed March 5<sup>th</sup> 1932  
W R Richmond  
Register



No. 942.

American Bank & Trust Company,  
a Corporation, Complainant,

vs. In Equity.

D. L. Teel, as Administrator of the Estate of J. M.  
Harrison, deceased, et als., Respondents.

In the Baldwin County, Alabama, Circuit Court.

This cause having been submitted for final decree upon the pleadings, decrees pro confesso, and testimony upon written request by the Solicitor for Complainant on to-wit, April 25, 1932, and final decree rendered in the cause on such date by the court, and certain lands involved in the suit described and referred to in such decree, to-wit: NE $\frac{1}{2}$  of SE $\frac{1}{4}$ , Section 17, Tp. 5, South, Range 4, East, in Baldwin County, Alabama, correcting the description in a mortgage described in the original bill of complaint by so describing the lands therein as stated hereinabove and in such final decree; and in such final decree it being determined that there was the total sum of \$1,724.60, balance due upon such mortgage debt, and it being provided therein that respondents, or some one for them might pay off such indebtedness, with the costs of this cause, on or by July 1, 1932, with interest thereon as stated in such decree, otherwise the Register of this court proceed as in such decree to advertise and sell such lands; that the debt and costs with interests not being paid within the time so fixed by such decree, the Register of this court having advertised and sold such lands, on the 27th day of May, 1933, in the manner and upon substantial compliance with such final decree, as shown by his report of such sale, and that such report was filed in this cause and court on May 27, 1933, and no objections or exceptions having been filed in the cause by any of the parties to the suit, or those interested therein, and the report having lain over for the time required by such final decree for such purpose; and the complainant having bid at such sale the sum of ~~\$\$\$\$\$\$~~ Eight Hundred and 00/100 (\$800.00) Dollars, under the provisions of such final decree, and electing to not pay such sum in but filing statement to that effect as provided for in such decree of sale; that such complainant

being the highest, best and last bidder for such lands at such sale, and the same having been then and there sold to it as such purchaser by the Register of this court, and the report of the Register showing the substantial performance of the sale, the decree therefor, the bid of the complainant, and the notice and provisions for such sale, in substantial compliance with such former decree, and the report being in writing filed and now before the court, and such former decree of sale providing that all things not determined therein were retained until the coming in of the report of the Register, and it appearing from such report that the costs of the costs including such sale is the sum of \$105.61, and that the such sum deducted from the bid at such sale leaving the sum of \$694.39, which operates as a credit pro tanto upon such mortgage indebtedness fixed in the former decree, and thus leaving a balance, with interest at the rate of eight per centum per annum from the date of such decree upon the same of \$1.170.21, balance due upon such decree after deducting such bid (less the court costs of \$105.61) stated above; and such former decree and the original submission being still before the court, and the report of sale being now before the court for its determination, and for completing the cause upon such original submission: The court finds the facts as stated and referred to above, and is of the opinion that the complainant is entitled to have the report of sale confirmed, for such other relief as under the facts and pleadings it may be entitled:

It is, therefore, ordered and decreed by the court, as follows:

(a) That the report of the Register of the sale of the lands involved in the suit and described in the former decree and in this decree, be, and such report is hereby confirmed, that the said sum of \$694.39, of such bid, be, and is hereby applied to and credited upon such former decree as to the mortgage debt ascertained and fixed therein, that the court costs up to and including the sale of such lands is the sum of \$105.61, which is taxed against the complainant, and that the sum of \$1.170.21, with interest at eight per centum per annum from May 27, 1933, thereon, the complainant is entitled to as the balance due on its mortgage debt, and that complainant does recover the same from

the respondent, D. L. Teel, as Administrator of the Estate of J. M. Harrison, deceased, for which execution may issue.

(b) That the Register of this court issue instanter a writ of possession and assistance directed to Any Sheriff of the State of Alabama, to restore to, and deliver unto the complainant, the possession of the property described in this report, shown as sold by the Register to the complainant, and that any and all parties to the cause, respondents, and/or their agents, servants, tenants, and employees, be dispossessed of such lands, and that return be made to this court on Monday, the 5th day of March, 1934, as to how and when the same was executed.

(c) That the Register of this court execute and deliver to the complainant a Register's Deed, conveying unto it the lands described in this decree, and the report of sale by the Register, in substantial compliance with law, and conveying all the right, title, interest, and claims of all parties respondent to this cause, ~~and~~ and of the said J. M. Harrison, deceased, as possessed by him at the time of his death, and at the time of the execution of the mortgage involved in the suit copy of which is an exhibit to the bill of complaint.

(d) That the complainant be, and is taxed with the costs of the cause, for which execution may issue: *provided, that, if complainant is in liquidation, the costs are not filed as a claim with the liquidation agent, but it be so filed & paid.*  
*Done this January 31, 1934.*  
*W. H. Hare*  
Judge.

Filed and enrolled: January 31, 1934.

*W. C. Stone* Register.

American Bank & Trust Company,  
a Corporation, Complainant,

vs.

D. L. Teel, as Administrator, et als, Respondents.

In the Circuit Court for Baldwin County, Alabama, -In Equity.  
To Hon. F. W. Hare, as Judge of said Court:

The undersigned as Register of said court respectfully reports to your Honor in said cause, the following:

That on to-wit, April 20, 1932, a decree was rendered which among other things directed the Register to advertise and sell to the highest bidder before the Courthouse door in Baldwin County, Alabama, the following lands, situated in said County, to-wit:

Northeast Quarter of Southeast Quarter (NE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) Section Seventeen (17) Township Five (5) South, Range Four (4) East, containing forty acres, more or less, in Baldwin County, Alabama; providing that a certain sum of money was not paid within a stipulated time fixed by the court in such decree; that said monies were not paid within the manner and time fixed by the court in such decree, and that said complainant directed the sale of said lands under such decree heretofore, which sale was advertised for May 27, 1933, before the Courthouse door for Baldwin County, Alabama, for a period of more than thirty days next before said date by posting notice thereof at the Courthouse door for said County, with the style of the cause, the description of the lands, the reference to the cause, and that such notice was also published for four consecutive weeks in a newspaper regularly published in Bay Minette, Baldwin County, Alabama, subsequent to April 21, 1933, and May 27, 1933; that on to-wit, May 27, 1933, during the legal hours of sale, the undersigned as Register of said court did, at public outcry, before the Courthouse door in Bay Minette, Baldwin County, Alabama, under and pursuant to the decree in said cause, expose said lands aforesaid to public judicial sale, under the terms and provisions of such decree, and that at such sale said complainant, American Bank & Trust Company, became and was the highest, best and last bidder for said lands at such sale, it then and there bidding therefor under the provisions of such decree the sum of to-wit,

Eight Hundred (\$800.00) Dollars, being the ~~last~~, highest and best and last bidder therefor, and at and for which bid said lands were then and there knocked off and sold to said complainant at and for such bid; that to this date there is accrued in said cause including the advertisements in the cause and of the sale the sum of One Hundred Five and 61/100 (\$105.61) Dollars, <sup>costs,</sup> as per bill of costs hereto attached and made a part of this report; that said bid of complainant for said lands, as and when confirmed by the court, becomes and is a credit upon the decree and indebtedness fixed and stated therein pro tanto, such bid being made under the provisions of such decree in that aspect and as therein provided.

Wherefore, the foregoing is hereby reported to the court, for its judgment of affirmation or rejection under the rules of the court and as provided for by law in such cases, and provisions as to costs and deed by the Register and writ of assistance, execution, and/or other appropriate decrees, orders, and process in the premises, and writ of possession for the property involved to the purchaser, as and when sale is confirmed, etc.

Respectfully submitted;

J. M. Williams

As Register Circuit Court in Equity.

Filed May 27, 1933,

J. M. Williams

Register.

# Circuit Court, Baldwin County, Ala., IN EQUITY.

#897

*American Bank & Trust Co., a Corp*  
vs.  
*D. L. Zell, as Adm of Est of J. M. Harrison,*

PLAINTIFF

DEFENDANT

BILL OF COST

	Dollars	Cts.		\$	Cts.
<b>Fees of Register</b>			<b>AMOUNT BROUGHT FORWARD</b>		
Filing each bill and other papers	23	30	For receiving, keeping and paying out or distributing money, etc. 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.	41	40
Issuing each Subpoena	7	50	<i>Making Decree</i> Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received.	2	50
Issuing each copy thereof	7	40	Each Notice Sent by Mail to Creditors		15
Entering each return thereof	7	15	Filing, Receipting for and Docketing each Claim, etc.		25
For each Order of Publication	2	00	For all entries on Subpoena Docket, etc.	7	50
Issuing Writ of Injunction		1 50	For all entries on Commission Docket, etc.		50
For each Copy thereof		50	Making Final Record, per hundred words		15
Entering each return thereof		15	Certified Copy of Decree	1	00
Issuing Writ of Attachment		1 00	Report of Divorce to State Health Office		50
Entering each return thereof		15	<i>Recording Decree</i> Total Fees of Register	66	40
Docketing each case	1	00			
Entering each Appearance		25	<b>FEEES OF SHERIFF</b>		
Issuing each Decree Pro Confesso on personal service	1	00	Serving and Returning Subpoena on Deft.	5	\$1 50
Issuing each Decree Pro Confesso on publication	1	00	Serving and Returning Subpoena for Witness		65
Each Order Appointing Guardian		1 00	Levying Attachment		3 00
Any other order by Register		50	Entering and Returning same		25
Issuing Commission to Take Testimony		50	Entering and Returning Execution		25
Receiving and Filing		10	Selling Property Attached		25
Endorsing each package		10	Impaneling Jury		75
Entering Order Submitting Cause		50	Executing Writ of Possession		2 50
Entering any other Order of Court		25	Collecting Execution for Costs		1 50
Noting all Testimony		50	Serving and Returning Sci. Fa., each		65
Abstract of Cause, etc.	1	00	Serving and Returning Notice		65
Entering each Decree	3	75	Serving and Returning Writ of Injunction		1 50
For Every Hundred Words Over Five Hundred		15	Serving and Returning Writ of Exeat		1 50
Taking Account on Reference	3	00	Taking and Approving Bonds, each		1 00
Taking Testimony, etc.		15	Collecting Money on Execution		
Each Report, Five Hundred Words or less		2 50	Making Deed		2 50
For every Hundred Words Over Five Hundred		15	Serving and Returning Application		1 00
Amount Claimed, Less than Five Hundred Dollars, etc.		2 00	Serving Attachment, Contempt of Court		1 50
Issuing each Subpoena		25	<b>TOTAL FEES OF SHERIFF</b>		7 50
Witness Certificate, each		25	<b>Recapitulation</b>		
Issuing Execution, each		75	Register's Fees		66 40
Entering each Return		15	Sheriff's Fees		7 50
Taking and Approving Bond, each	1	00	Commissioner's Fees		
Making Copy of Bill, etc.		15	Solicitor's Fees		
Each notice not otherwise provided for		50	Witness Fees		
Each Certificate or Affidavit, with Seal		50	Guardian Ad Litem		
Each Certificate or Affidavit, no Seal		25	Printer's Fees		
Hearing and passing on application for Receiver or Trustee	3	00	Trial Tax	3	00
Each Settlement with Receiver or Trustee	3	00	Recording Decree in Probate Court		
Examining each Voucher of Receiver or Trustee		10	<b>Total</b>		105 61
Examining each Answer on Exception		3 00			
Recording Resignation or Suggestion of Death of Trustee		75			
Entering each Certificate to Supreme Court		50			
Taking Questions and Answers, etc.		25			
For all other service relating to such proceedings		1 00			
For service in proceeding to relieve minors, etc. same fee as in similar cases.					
Commission on sales, etc.: 1st \$100, 2 percent; all over \$100, and not exceeding \$1000, 1 1/2 per cent; all over \$1,000 and not exceeding \$20,000, 1 per cent; all over \$20,000, 1/4 of 1 per cent.		12 50			
<b>Sub Total Carried Forward</b>		<b>41 40</b>			

Received payment this \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_\_

NOTE: Unless the above costs in this cause are paid within ten days of the present date, execution will be issued and placed in the hands of Sheriff for collection, creating more costs.

Register.



No. —

American Bank  
& Trust Co.

15,

W. L. Teel, as  
Admin. et. al.

---

Report of Sale  
of ~~Jawors~~  
Register.

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Filed May 27, 1933,

W. L. Teel  
Register.

BAY MINETTE, ALA.,

May 18 1932

Wm S. Richardson  
City

IN ACCOUNT WITH

G. W. HUMPHRIES

JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Privilege Tax

Rec. Fee

Total

To *Wm S. Richardson*  
Deed Rec. Mort. from *American Bank & Trust Co. in D.L. Seal on*  
*Adm'r Est. J. M. Williamson, Deed.*

\$ 1.60

*Recd*  
*5/18/32*  
*G. W. Humphries*  
*Judge of Probate*

NOTICE OF PENDING SUIT.

To whom it may concern:

American Bank & Trust Company, a Corporation, has filed its bill of complaint in the Circuit Court, in Equity, for Baldwin County, State of Alabama, against D. L. Teel, as Administrator of the Estate of James M. Harrison, deceased, Dollie A. Teel, George M. Harrison, Leonard V. Harrison, James Oscar Harrison, Willie T. Harrison, Beuna Harrison, J. C. Harrison, and Dennis A. Harrison, for the purpose of correcting and reforming a Mortgage Deed made by said James M. Harrison, deceased, to said complainant on to-wit, September 15, 1927, recorded in Mortgage Record 38, pages 473,474, in the Probate Office for Baldwin County, Alabama, and for the foreclosure in said cause and court, of said mortgage as corrected and reformed, by the correcting of the description of the lands embraced in said instrument to-wit, NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 17, Township 5, South, Range 4, East, containing forty acres, more or less, the said instrument reciting that said lands is in Section 7, whereas, it should read Section 17, and as thus corrected, the same is sought to be foreclosed for the sums mentioned and/or referred to in said bill of complaint, and as secured in and by the terms of said mortgage aforesaid, praying also for general relief, and such other and/or different relief as in equity and under the facts it may be entitled.

AMERICAN BANK & TRUST COMPANY,  
By A. WHALEY, As Its Solicitor.

BILL OF COMPLAINT.

American Bank & Trust Company,  
a Corporation, Complainant,

vs.

D. L. Teel, as Administrator of the Estate  
of James M. Harrison, et als, Respondents.

In the Circuit Court for Baldwin County, Alabama, -In Equity.  
To the Honorable Judges of the Circuit Court, in Equity:

Comes the complainant, (American Bank & Trust Company, a Corporation under the laws of Alabama,) with its principal place of business at Opp, Covington County, Alabama, and exhibits this its bill of Complaints against (D. L. Teel, as Administrator for the Estate of James M. Harrison, Deceased, George H. Harrison, Leonard V. Harrison, James Oscar Harrison, Willie T. Harrison, Dollie A. Teel, Beuna Harrison, and J. C. Harrison, each over the age of twenty-one years,) residents of the State of Alabama, and Dennis A. Harrison, whose last known place of residence and Post Office address was, and is, Gardina, California, being a non-resident of the State of Alabama, each of whom are made respondents to this cause and bill of complaint.

1. That complainant as aforesaid is an Alabama corporation, engaged in the business of Banking, with its principal office and place of business at Opp, Covington County, State of Alabama; that the lands which is the subject matter of this suit is located in the County of Baldwin, State of Alabama; that the names and domicile of the respondents are as stated hereinabove, each respondent named, other than said D. L. Teel, being heirs or distributees of the Estate of said James M. Harrison, deceased, the said D. L. Teel, Dollie A. Teel, James Oscar Harrison, Beuna Harrison, and J. C. Harrison, residing in Baldwin County, Alabama, the said George H. Harrison, Leonard V. Harrison, and Willie T. Harrison, residing in Covington County, Alabama, or Coffee County, Alabama, their Post Office address being Opp, Alabama; and the said Dennis A. Harrison, whose last known Post Office address, and place of residence, was Gardina, California; and that said James M. Harrison, at the time of his death, left no last Will and Testament, residing at the time of his death in the County of Baldwin, State of Alabama, and whose Estate is in course of Administration in the Probate Court for said County, Letters having

been duly granted and issued, by order and decree of said Probate Court, on to-wit, December 14, 1928, to the respondent, D. L. Teel, who is the husband of respondent Dollie A. Teel, and that said D. L. Teel as such personal representative of said Estate is acting in such capacity of Administrator of said Estate of said Decedent, James M. Harrison, who signed his name J. M. Harrison.

2. That prior to, and that on, to-wit, September 15, 1927, the said James M. Harrison, deceased, was justly indebted to the Complainant in the sum of to-wit, Nine Hundred (\$900.00) Dollars, or other large sum, and that on to-wit, September 15, 1927, at Opp, in Covington County, Alabama, said decedent, under the name of J. M. Harrison, executed and delivered to Complainant a Mortgage Deed, copy of which is hereto attached and marked as Exhibit A, with leave of reference thereunto as often as is or may be convenient, for the purpose of securing the sum of to-wit, Five Hundred Fifty-five and 00/100 Dollars, together with all other indebtedness mentioned and/or referred to in such Mortgage Deed, and all other amounts owing to complainant at any time prior to the maturity of the Note mentioned and referred to in said Mortgage Deed, to-wit, Exhibit A, which matured on to-wit, June 1, 1928; that all said sums totalled the sum of to-wit, Nine Hundred Dollars, besides the fees, and the legal interests to accrue, and which had accrued, upon all and singular such indebtedness; that in and by said Mortgage Deed, the lands described therein was, upon the drafting of such instrument, inadvertently described as being in Section 7, whereas, said decedent, at that time, nor before or since that date, did not own, and was not in the possession of, lands in said Section 7, as recited in said Mortgage Deed. but did at that time, before that time, and since that time, own, and was in the possession of, and claimed, said lands in to-wit, Section 17, owning no other lands in the County of Baldwin, at the time of the execution of said Mortgage Deed other than the NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 17, Tp. 5, South, Range 4, East, and which last described forty of land said decedent, at the time of the execution and delivery of said Mortgage Deed, intended to embrace and convey in and by said instrument, and that at that time said Complainant intended to accept such Mortgage Deed upon said last named forty acres of land, and none other, and that the fact that there was, and is, a material misdescription of the lands

in said Mortgage Deed, in that it describes the lands as being in Section 7, whereas, the lands is in Section 17, was not known to complainant until since the death of said decedent, since the grant of Letters of Administration upon his said Estate as aforesaid, and since the filing <sup>of</sup> various and divers Claims and Accounts against such Estate by Creditors of the Estate of said decedent; that said forty of land that decedent intended to convey, and that Complainant intended to accept as security, being to-wit, said NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 17, Township 5, South, Range 4, East, situated in Baldwin County, Alabama, which said decedent purchased on to-wit, September 30, 1926, from the heirs of C. J. Hobbs, deceased, to-wit, W. J. Hobbs, Sadie Hobbs, Edith Hobbs, Della Phillipps, W. M. P. Phillipps, Maude Pate, H. B. Hobbs, Ella Mae Hobbs, Letha Carroll who signed also as Lethia Hobbs, and D. A. Carroll, who were all the heirs and distributees of said C. J. Hobbs, deceased, who, by their warranty deed, on said date, to-wit, September 30, 1926, conveyed, said lands to said James M. Harrison, deceased, which instrument is of record in the Probate Office for Baldwin County, Alabama, Deed record 41NS, pages 219, 220, having been filed in said Office December 2, 1926, and recorded in said record on to-wit, December 3, 1926. Complainant further alleges that it is informed and believes, and from such information and belief alleges, that, the NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Sec. 7, Tp. 5, South, Range 4, East, Baldwin County, Alabama, at the time of the execution and delivery of the Mortgage Deed copy of which is Exhibit A, was owned by, and in the possession of, one G. A. E. Hobbs, who has no interests in the lands of like description but in Section 17, or some other person whose name is to Complainant unknown, but who has no interests in the lands of like description in Section 17, as referred to hereinabove; the said decedent, at the time of the making of said Mortgage Deed copy of which is Exhibit A, and at the time of his death, was in the possession of said lands to-wit, NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 17, Tp. 5, South, Range 4, East, in Baldwin County, Alabama, said decedent leaving no wife surviving him at the time of his death, and being a widower at the time of the execution and delivery of the Mortgage Deed to Complainant copy of which is Exhibit A, to the bill of complaint.

3. Complainant further alleges that the said Mortgage indebted-

edness is past due, and unpaid, together with the legal interests thereon, and also the recording fees for recording the Mortgage, and the Attorneys and Solicitors fees recited and secured in and by the terms of such instrument; that Complainant in this cause and court seeks to <sup>Correct and</sup> reform said instrument, to-wit, said Mortgage Deed, as to make it speak the truth and the intention of the parties in this to-wit, by making the same in the description of the lands purporting to be conveyed and embraced therein, read Section "17" whereas it inadvertently or by mistake on the part of the scrivener preparing the same ~~so~~ by mistake or inadvertence made the same erroneously read Section "7", and as reformed and corrected, foreclosed in this cause and court; that the indebtedness evidenced and secured in and by the terms of said instrument be by this court ascertained, and that respondents, and each of them, be given a reasonable time within which to pay off the same with the costs, interests, and Attorneys and Solicitors fees, provided for, and incurred; or, failing so to pay off and discharge such sums as found and determined by the court, that said lands to-wit, NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 17, Tp. 5, South, Range 4, East, in Baldwin County, Alabama, and all the right, title, claim and interests of said J. M. Harrison, <sup>deceased,</sup> at the time of the execution and delivery of said Mortgage Deed, be sold by the Register of this court, and to the highest bidder, for cash, at the Court House in said County, after advertisement and notice as may be by the court required in the decree, and that out of the proceeds, the costs of this cause, fees of the Attorney for the Complainant, and the interest~~s~~ and principal of such mortgage indebtedness be paid, and if there be any surplus or residue, that the same be by the court directed to be paid over to the Administrator of the Estate of said decedent, and/or to those who from the facts may be entitled thereto; said Mortgage Deed of Complainant copy of which is Exhibit A, having been filed for record in the Probate Office for Baldwin County, Alabama, on September 23, 1927, and appearing of record in said Office in Mortgage Book No. 38, at page 473, et seq.

4. Complainant calls upon the respondents, and each of them, to disclose, and to propound any and all claims which they have or claim, in and to the lands involved in this suit, and bill, and as



to the nature, extent, and source of such interests, and by what instrument, or under what circumstances the same was created, or derived; the interests, if any, other than such as is subject to the rights and claims of Complainant, if any, being unknown to Complainant, in the premises.

Wherefore, Complainant makes the said D. L. Teel as the Administrator of the Estate of the said James M. Harrison, Dollie A. Teel, Benna Harrison, Geo. H. Harrison, Leonard V. Harrison, Willie T. Harrison, J. C. Harrison, James Oscar Harrison, and the said non-resident respondent, Dennis A. Harrison, of Gardina, California, parties respondents to this bill of complainant, praying summons and due process to each, under the law and rules of this court, requiring them and each of them <sup>to</sup> appear in this cause and court within the manner and time required by law, and the rules of the court, to answer the bill of complaint, or failing that decree pro confesso be granted and entered in the cause against them respectively.

Complainant further prays that upon the final hearing that the Mortgage Deed copy of which is Exhibit A, be reformed and corrected so as to make the same cover, embrace and convey the lands to-wit, NE $\frac{1}{4}$  of SE $\frac{1}{4}$ . Section "17", Tp. 5, South, Range 4, East, in Baldwin County, Alabama, and, as reformed and corrected, that the same be foreclosed in and by this court; that the mortgage indebtedness, evidenced, and referred to, and secured, in and by the Mortgage Deed, be ascertained, fixed, and stated, with the principal, legal interests, and the Attorneys fees as is provided for and secured therein; that a time be fixed within which respondents, or either of them, or any one interested, may pay off and discharge the mortgage debt, interests, interest <sup>and</sup> fees, court costs, and proper charges, or failing that the said lands in the instrument as corrected and reformed, by the Register of this court sold, for cash, before the Court House door of Baldwin County, Alabama, to the highest bidder, after such notice as is provided for or directed to be given; that out of the proceeds, the Register, after first paying the mortgage debt, interests, <sup>Attorneys</sup> fees and costs and charges, and that the remainder, if any, be paid to

to those to whom under the law and by the decree shall be entitled to the same; that Complainant be awarded also all such other, further, and/or different relief, as from the facts and in equity it may be entitled, praying for all such references to the Register as may become necessary; praying, also, for general relief; and in duty bound Complainant will ever pray, etc.

A. Whaley  
A. WHALEY, Andalusia, Ala.,  
Solicitor for Complainant.

Foot note:

Respondents, and each of them, will answer the bill of complaint, and each of the paragraphs thereof, one to four, each inclusive, but oath to such answer is hereby specifically waived.

A. Whaley  
Solicitor for Complainant.

State of Alabama,  
Covington County.

Before me, a Notary Public in and for said County, personally appeared A. Whaley, who is known to me, and who being by me first duly sworn, says:

That he is the Solicitor for the Complainant in the foregoing Bill of Complaint, and that the names, ages, places of residence, and Post Office address, given and alleged in the bill, are true, to the best of his knowledge, information, and belief.

A. Whaley

Sworn to and subscribed before me April 10<sup>th</sup> 1930.

\_\_\_\_\_  
Notary Public, Covington  
County, Alabama.

THE STATE OF ALABAMA

Covington County

KNOW ALL MEN BY THESE PRESENTS: that whereas

J. M. Harrison is justly

indebted to AMERICAN BANK AND TRUST COMPANY, hereinafter called Bank, in the sum of

Five Hundred Fifty Five ~~##~~

DOLLARS

as is evidenced by One promisory note, bearing even date herewith, and payable to the order of said Bank as follows, to wit:

For \$555.00 due June 1, 1928;

Now, therefore, in order to secure the payment of said indebtedness, and all other indebtedness, herein mentioned, or owing by me or us to said Bank, its successors or assigns, at any time prior to the maturity of said note last

maturing, I or we said J. M. Harrison

in consideration of said indebtedness and of the sum of Five dollars to me or us in hand paid by said Bank, do grant, bargain, sell, convey, transfer, assign and deliver to said Bank, and its successors and assigns, all the crops of agricultural products raised or caused to be raised by or for me or us or in which I or we may have any interest, or that may accrue to me or us, on my or our lands, or any other lands I or we may cultivate, or aid or cause to be cultivated, in

Baldwin County, or elsewhere in the State of Alabama, during the present year, and each succeeding year until all the indebtedness secured hereby is paid in full, and all rents belonging or accruing to me or us during said years, and also the following described real and personal property, situated in

Baldwin County, in the State of Alabama, to-wit:

The NE 1/4 of the SE 1/4, of Sec. 7, T. P. 5, South, Range 4, East.

And I or we do covenant with said Bank, its successors and assigns, that I am or we are lawfully seized in fee-simple of the real property herein conveyed, and that all said personal property is my or our own, and that there is no lien or incumbrance on said crops, real or personal property, and that I or we will warrant and forever defend the same to said Bank, its successors and assigns, against the lawful claims of all persons.

And I or we covenant and agree, with said Bank, its successors and assigns, that I or we will pay the cost of probating and recording this Mortgage and all taxes, assessments and penalties which may be levied or assessed against the property herein conveyed, and keep all buildings on said real property insured in an Insurance Company, or Companies, to be approved by said Bank, its successors or assigns, in a sum or sums not less than their full insurable value, loss, if any, payable to said Bank, its successors or assigns, as its or their interest may appear, and if I or we fail so to do, said Bank, its successors or assigns, may pay said costs, taxes, assessments and penalties and may insure said buildings as aforesaid and pay the premiums therefor and all such payments shall be indebtedness secured by this mortgage and subject to its terms and conditions.

But this Mortgage is made upon the following conditions: If said J. M. Harrison

shall well and truly pay said notes, according to their tenor and effect when due, and all said other indebtedness as the same becomes due, and all accrued interest, and if I or we shall well and truly perform each and every covenant and agreement in this Mortgage contained, then this Mortgage shall be void; but if said notes, or other indebtedness, or interest, or any one or portion of either, shall not be paid, when due, or if I or we shall fail to perform any of my or our covenants or agreements herein contained, then all of said notes and other indebtedness shall at once become due and payable and said Bank, its successors or assigns, may sell said crops, and personal property, at public auction, to the highest bidder,

for cash, in front of the Court House door of Baldwin County, after five days written notice of such sale posted at the front door, or in the lobby of said Court House, or at private sale without notice and may sell the real property herein conveyed, at public auction to the highest bidder for cash, at or near the front door of said Court House, after having given notice of such sale by publication, once a week for three successive weeks, in any newspaper

published in said Baldwin County, and out of the proceeds of such sale or sales, shall pay all expenses incident to obtaining possession of and caring for said property, and sale, including an attorney's fee of not less than ten per cent. of all said indebtedness unpaid, and apply the balance to the payment of said notes and other indebtedness, and interest thereon, and if any balance still remains, pay the same to said

J. M. Harrison In the event of such sale, or sales, said Bank, its successors or assigns, may purchase said crops, real and personal property, or any portion thereof, as though strangers to this Mortgage.

The auctioneer, or person making the sale, or sales, or said Bank, its successors or assigns are hereby empowered to execute and deliver all deeds and other assurances necessary to convey title to any and all of said property, to the purchaser or purchasers, the auctioneer as my or our attorney, in fact, and said Bank, its successors and assigns, in its or their own proper name.

Witness my hand and seal this 15 day of Sept. 1927.

WITNESS: J. M. Harrison (L. S.)

F. R. Jackson. (L. S.)

(EXHIBIT A. TO BILL) (L. S.)

American Bank & Trust Company, a Corporation,

vs.

D. L. Teel, as Administrator Estate  
of J. M. Harrison, et als, Respondents.

In the Baldwin County, Alabama, Circuit Court,--In Equity.

This cause being submitted for final decree upon pleadings, decree pro confesso respectively against all parties respondent, and the testimony as noted by the Register for hearing at this time, and it appearing to the court and the Judge of the court, that, the complainant is entitled to the relief prayed, both as to correction of the misdescription of the lands involved as alleged and prayed, and for the foreclosure of the mortgage as corrected and reformed, it is the opinion, finding, and the judgment and decree of this court, as follows:

1. That the complainant be, and is hereby awarded the relief as prayed, on the facts as alleged and referred to in the bill, that the mortgage involved is corrected and reformed in that the same where it appears therein that the lands involved are in section seven (7), is made to read and so treated, to read and describe and convey the following lands: "NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 17, Tp. 5, South, Range 4, East, in Baldwin County, Alabama," thus so correcting said mortgage involved in that respect, and that the Register of this Court make and enter upon mortgage record No. 33, at page 473-474, on the margin of the record of the mortgage involved in said record in the Probate office of Baldwin County, Alabama, the following memoranda: "By order and decree of the Circuit Court, in Equity, for Baldwin County, Alabama, made heretofore in case American Bank & Trust Company, Complainant, versus D. L. Teel, as Administrator of Estate of J. M. Harrison, Deceased, et als, the description of the lands involved in the mortgage shown at this page was corrected to as to make the land therein described read as NE $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 17, Tp/ 5, South, Range 4, East, in Baldwin County, Alabama, and that such notation be dated by the Register as the date when made, and that he sign his name thereto as such Register.

2. That the mortgage involved in this cause shown by Exhibit to the bill and pleadings in the cause, as corrected and reformed as prayed and mentioned in this decree, be foreclosed, failure to pay the same after its due date being made; that the principal, interests and the recording fees, and the reasonable and secured Attorneys fees provided for in the mortgages and notes involved and noted, totals the sum of \$1728.00 to this date, and that complainant have and recover such sum upon its said mortgage indebtedness involved and/or secured in the suit, and that said mortgage is a charge and lien on the real estate involved in said mortgage as corrected and reformed, to-wit, NE $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 17, Tp. 5 South, Range 4 East, in Baldwin County, Alabama; that either party to this suit may, on or before July 1, 1932, next, pay off said indebtedness fixed and stated above, with interest at eight per cent per annum from this decree to date of payment, with all the court costs of this cause, in which event said funds being paid to the Register of this court, or to the solicitor of record for complainant, the Register upon evidence of such fact will note the same on the margin of said record of mortgages mentioned in the first paragraph of this decree, and upon the records of this court.

3. That in the event said indebtedness, with interests, costs, and all fees of the court and Register and the solicitor for complainant be not paid within the time fixed in the second paragraphs of this decree, the Register of this court shall, at the request of the complainant or its assigns, proceed to advertise the lands involved for four weeks in some newspaper then published in Bay Minette, Alabama, and sell said lands at public auction, to the highest bidder, for cash, within the last hours of sale before the Courthouse door in Bay Minette, Alabama, and the proceeds he will retain until the further order of the court, reporting such sale forthwith to the court, any party involved or affected being entitled to object to the sale and report within five days next after the filing of such report; provided, that if the complainant bids and the lands are sold to it, it may by written statement filed in the cause not be required to pay the money into the court, if the bid is not in excess of the debt and costs of the cause involved.

4. That if the bid of the complainant for the lands as made, if no bid and made, by complainant at any sale, the bid upon the confirmation of the report of sale, shall ipso facto discharge so much of the debt, interest, costs and fees, as the same covers, the costs of the suit first to be deducted, and the complainant being in such event subject to the further orders and decree of the court as to any costs involved, it to make provisions for the payment of the court costs to the officials of the court in such event of its successful bid for the property.

5. It is further ordered by the court that all matters not decided in this decree, and all future matters, also the question of writ of possession and/or assistance to the purchaser of the lands, are retained until the coming in of the report of sale and until the further orders and decree of the court on this submission.

This April 25th 1932.

F. W. Hare  
Judge.

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 foregoing is a full, true and correct copy of the decree rendered by said Court on the 25th day of April 1932, in the cause of American Bank and Trust Company, a corporation, Complainant, vs. D.L. Teal, as Administrator Estate of J.M. Harrison, et als Respondents, as appears of record in said Court, Witness my hand and the seal of said Court this April 25, 1932.

Filed and enrolled: April 25, 1932.)

I.T.W. Richerson Register

I.T.W. Richerson

Register.

No. \_\_\_\_\_.

American Bank & Trust Company,  
A Corporation, Complainant,

vs. In Equity.

D. L. Teel, as Administrator, et als, Respondents.

In Circuit Court, Baldwin County, Alabama.

In this cause complainant files its motion for decree pro confesso against all respondents to the original bill as named and referred to therein other than D. L. Teel, as Administrator, and notes its testimony in support of such motion, and it appearing to the Register that all respondents to the original bill of complaint other than D. L. Teel, as Administrator, have been duly served by due process of law, either by the personal service by the Sheriff as shown by the record and return and/or by publication and mail as provided for statute and/or the rules of the court, and having failed for more than thirty days next after such service to appear and plead, answer, or demur to the bill of complaint, or otherwise defend the cause, it is, therefore, the finding, judgment and decree of the court and of the Register of the court, that, such respondents, and each of them, to the original bill of complaint other than said Administrator, are in default, and that the original bill of complaint as to each such respondent, shown by the pleadings, bill, and process and notices other than such Administrator, is hereby taken against them severally as confessed, as provided for by law and the rules of the court.

Done this November 3, 1931,

D. W. Richardson,  
Register.

*Final Record*  
Filed and enrolled on ~~minutes~~: November 3, 1931,

D. W. Richardson,  
Register.



The State of Alabama, }  
Baldwin County.

No. \_\_\_\_\_ CIRCUIT COURT, IN EQUITY

AMERICAN BANK & TRUST COMPANY,

Complainant

vs.

D. L. TEEL, ET AL.,

Defendant

In this cause it appears to the REGISTER  
that a Summons requiring the Defendant D. L. Teel, as administrator of the estate  
of James H. Harrison, et als.,

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the  
service of said Summons upon D. L. Teel, Administrator  
was served upon him by the Sheriff \_\_\_\_\_ County, Alabama, on the  
22nd day of April 1930.

And the said Defendant having failed to demur, plead to or answer the said Bill of Complaint  
to this date, it is now, therefore, on motion of A. Whaley, attorney for complainant

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as  
confessed against the said D. L. Teel, as Administrator

Defendant aforesaid.

This 24th day of April 1932

*[Signature]*  
Register.



# MORTGAGE

FROM

TO  
**AMERICAN BANK & TRUST CO.**

OPP, ALABAMA

THE STATE OF ALABAMA  
COVINGTON COUNTY

OFFICE OF THE JUDGE OF PROBATE

I hereby certify that the within Mortgage  
was filed in this office for record on the  
..... day of ..... 192.....  
at ..... o'clock ..... M., and dt  
recorded in Book..... of Mortgage  
Page..... and examined.

Judge of Probate

THE STATE OF ALABAMA  
COVINGTON COUNTY

I, F. R. Jackson, in and for said County and State, hereby certify that  
Notary Public, J. M. Harrison

whose name is signed to the foregoing Mortgage, and who is known  
to me, acknowledged before me on this day, that being informed of the contents of the Mortgage

executed the same voluntarily, on the day the same bears date.  
Given under my hand, this 15 day of Sept 1927,  
F. R. Jackson, A. D., 1927,  
Notary Public.  
(Seal)

THE STATE OF ALABAMA  
COVINGTON COUNTY

I, \_\_\_\_\_, in and for said County and State, hereby certify that on  
the \_\_\_\_\_ day of \_\_\_\_\_, 192\_\_\_\_, came before me the within named  
\_\_\_\_\_ known to me to be the wife of the within named  
\_\_\_\_\_, who, being examined separate and apart from  
the husband touching her signature to the within conveyance, acknowledged that she signed the same of her own free  
will and accord, and without fear, constraint or threats on the part of the husband.  
In witness whereof, I herunto set my hand, this \_\_\_\_\_ day of \_\_\_\_\_, A. D., 192\_\_\_\_.

Notary Public.

RECORD

*Duck*  
*6-440*

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

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**The State of Alabama,**  
**Baldwin County**

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**Circuit Court In Equity**

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**American Bank and Trust**

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**Company, a corp.,**

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vs.

**D.L. Teel, ET AL.,**

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**Decree Pro Confesso On**  
**Personal Service.**

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Issued *April 18<sup>th</sup>* 19 **32**

*W. M. ...*

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Register.

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No. Recorded

American Bank  
& Trust Co.

<sup>75</sup>  
W. L. Teel, as  
Admin. et als.

~~Dee~~  
Dee for con-  
jesso.

~~Dee~~  
Filed Nov 3rd 1931.

T. W. Rice  
Registrar

RECORDED

copy

4-25-32

Deener

THE STATE OF ALABAMA PROBATE COURT  
IN MAHAN COUNTY

Filed in office this 18<sup>th</sup> day of May, 1932  
and recorded in Book No. 5275  
Page 293

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*E. D. Humphries*  
*J. B. ...*

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*...*  
5/19/32  
*...*

