

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY.

Come May Bell Dean, William E. Dean, Delia Dean and
Nellie Dean Heveran, and humbly complaining against Helen Dean and
Dorothy Dean, respectfully show unto your Honor as follows:

FIRST:

That your Complainants May Bell Dean, William E. Dean
and Delia Dean are each over the age of twenty-one years and residents
of Baldwin County, Alabama; that Nellie Dean Heveran is over the age
of nineteen years and is married and is a resident of Chicago, Illinois,
her address being 1891 Pleasant Avenue, Highland Park, Chicago, Illinois;
that the Defendants Helen Dean and Dorothy Dean are residents of Baldwin
County, Alabama, residing with and are in the custody of your Complainant
May Bell Dean, their mother, and that their ages are sixteen years and
thirteen years, respectively; that the next of kin of the said minors
is ^{S. a} George Dean, a resident of Stapleton, Baldwin County, Alabama.

SECOND:

That John S. Dean, who, at the time of his death, was
a resident of Baldwin County, Alabama, died intestate prior to February
19, 1919, leaving as his widow, your Complainant, May Bell Dean, and
his heirs the other of your Complainants, and the said Defendants, who
are the children of the said John S. Dean; that the said John S. Dean,
at the time of his death, was the owner of the following described
real property situated in the County of Baldwin, State of Alabama, to-wit:

All of Blocks one, two, three and four; all of
Block five, except lots four and five; all of Blocks
seven and eight; Lots one to ten, inclusive, and lots
twelve and thirteen, lots seventeen to twenty-six,
inclusive, Block nine; all of Block ten; Tracts E, H,
I, J, K, L, M, N, O, and Q, as per Plat thereof recorded
in the office of the Judge of Probate of Baldwin County,
Alabama, in Record Book No. 1 Misc., page 342.

THIRD:

That the said lands are owned by the said William E.
Dean, Delia Dean, Nellie Dean Heveran, Helen Dean and Dorothy Dean,
as the heirs of the said John S. Dean, deceased, each owning an un-

divided one-fifth interest in the said lands, subject to the dower of the said May Bell Dean, the widow of the said John S. Dean, deceased.

FOURTH:

That at the time of the death of the said John S. Dean all of the said children of the said John S. Dean were minors, the said William E. Dean being then thirteen years of age, the said Delia Dean being eleven years of age, the said Nellie Dean Heveran being eight years of age, the said Helen Dean being five years of age, and the said Dorothy Dean being two years of age; that the said May Bell Dean, at her own expense, maintained, supported and educated all of the said children from the time of the death of the said John S. Dean, down to and including the year 1926, and from the year 1926 down to the filing of this bill of complaint she has maintained, supported and educated the said Helen Dean and Dorothy Dean, at her own expense; that in and about the maintenance, support and education of the said children she has expended, of her own funds, more than four thousand dollars, and that the said William E. Dean, Delia Dean, Nellie Dean Heveran, Helen Dean and Dorothy Dean each are indebted to the said May Bell Dean in the sum of eight hundred dollars, making a total indebtedness due from them to her the sum of four thousand dollars which ought to be paid to the said May Bell Dean out of the Estate of the said children of John S. Dean, deceased; that the said May Bell Dean is also entitled to a dower of the Estate of the said John S. Dean, deceased, in such quantity and value as the law provides.

FIFTH:

Your Complainants further show to your Honor that the said properties above described are largely unimproved and do not produce an income to the said tenants in common; that William E. Dean, Delia Dean and Nellie Dean Heveran each being of lawful age are entitled to have their interest in the said property severed from the interest of the said minors in order that they may improve the same that the same might be productive and they obtain benefits therefrom,

and they are desirous of settling and adjusting the dower interest of the said May Bell Dean in the said property and of settling and adjusting the indebtedness owing to the said May Bell Dean from them and from the said Helen Dean and Dorothy Dean, the said May Bell Dean being in poor health and in need of funds expended by her on behalf of the said children of the said John S. Dean, deceased, and that the said May Bell Dean, acting for and on behalf of herself, and for and on behalf of the said Helen Dean and Dorothy Dean, as their guardian, heretofore appointed and qualified by order of the Probate Court of Baldwin County, Alabama, and the said William E. Dean, Delia Dean, Nellie Dean Heveran, each acting for and on behalf of themselves, have divided the aforesaid lands into six parcels and divisions, equal in value, and have agreed to a division of the said property among themselves as follows:

To William E. Dean the following described lands:

Blocks two, three; Tracts I, J, and K, Lot five, Block eight; Lots ten and eleven, Block ten; Lots twelve and thirteen, Block nine;

To Delia Dean the following described lands:

The North half of the Northwest quarter of Section thirty-three, Township three South, Range three East; Lots one, two, three, six, eight, nine, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen in Block five; lots one to ten, inclusive, and lots seventeen to twenty-six, inclusive, in Block nine; all Block seven; and Lot four in Block eight;

To Nellie Dean Heveran the following described lands:

The Southeast quarter of the Southeast quarter of the Southeast quarter of Section thirty-one, Township three South, Range three East; the Southwest quarter of the Southwest quarter of Section thirty-two, Township three South, Range three East; Lot three, Block eight; and Tract Q;

To Helen Dean the following described lands:

The Northwest quarter of the Northeast quarter of Section thirty-three, Township three South, Range three East; Tract E; Lots one to nine, inclusive, in Block ten; and Lot two in Block eight;

To Dorothy Dean the following described lands:

Blocks one and four; Lot one Block eight; and the Southwest quarter of the Northwest quarter of Section thirty-three, Township three South, Range three East;

To May Bell Dean, in full settlement of her dower interest in the said Estate, and in full settlement of her claim against the Estate of the other parties to this cause, the following described lands:

Tracts H, L, M, N, and O; and Lot six in Block eight;

That it is the desire and intent of the Complainants in this cause that each of the parties to this cause have and own, in fee simple, clear of any right, claim or demand of the others, the said tracts and parcels of land set out and allotted to each of them under the aforesaid agreement as hereinabove, and that the said May Bell Dean have and own, in fee simple, in lieu of dower, and in full settlement of her indebtedness against the Estate of the said other parties to this cause, the said land allotted to her as above alleged, and that she accept the same in lieu of such dower and in settlement of such indebtedness.

SIXTH:

Complainants further allege that the aforesaid parcels of land are approximately of equal value and that it is to the interest of the said minors that the said lands be allotted and divided as above and that the indebtedness due the said May Bell Dean be adjusted and settled, and the dower of the said May Bell Dean be adjusted and settled in the said manner; that the said tracts are unproductive and are depreciating in value and there is no one to look after the same to prevent further depreciation; that the properties allotted to the said May Bell Dean are in value approximately fifteen hundred dollars, considerably less than the indebtedness owing to her; that the object and purpose of this partition is that each of the said owners may improve the portion allotted to them that the same may not further depreciate and the same may be made productive.

Wherefore, your Complainants pray that the said Helen Dean and Dorothy Dean be made party Defendants to this bill of complaint

and by appropriate process be required to plead, answer or demur hereto within the time and under the penalties prescribed by law and the practice of this Honorable Court.

That upon the final hearing of this cause this Honorable Court will ratify and confirm the aforesaid division of the aforesaid lands to and among the said tenants in common, and that the dower interest of the said May Bell Dean, and her indebtedness against the interest of the other parties to this cause, be settled and adjusted by the allotment to her of the aforesaid lands alleged above to have been allotted in the aforesaid agreement, and that this Honorable Court will order, direct and require the Register of this Court to make and execute to William E. Dean a deed of conveyance conveying to him all of the right, title and interest of May Bell Dean, Delia Dean, Nellie Dean Heveran, Helen Dean and Dorothy Dean, in and to the following described lands, to-wit:

① Blocks two, three; Tracts I, J, and K; Lot five, Block eight; Lots ten and eleven, Block ten; Lots twelve and thirteen, Block nine;

and will make and execute a deed of conveyance conveying to Delia Dean all the right, title and interest of the said May Bell Dean, William E. Dean, Nellie Dean Heveran, Helen Dean and Dorothy Dean, in and to the following described lands, to-wit:

② The North half of the Northwest quarter of Section thirty-three, Township three South, Range three East; Lots one, two, three, six, eight, nine, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen in Block five; Lots one to ten, inclusive, and Lots seventeen to twenty-six, inclusive, in Block nine; All Block seven; and Lot four in Block eight;

and will make and execute a deed of conveyance conveying to Nellie Dean Heveran all the right, title and interest of the said May Bell Dean, William E. Dean, Delia Dean, Helen Dean and Dorothy Dean, in and to the following described lands, to-wit:

③ The Southeast quarter of the Southeast quarter of the Southeast quarter of Section thirty-one, Township three South, Range three East; the Southwest quarter of the Southwest quarter of Section thirty-two, Township three South, Range three East; Lot three, Block eight; and Tract Q;

and will make and execute a deed of conveyance conveying to Helen Dean all the right, title and interest of the said May Bell Dean, William E. Dean, Delia Dean, Nellie Dean Heveran and Dorothy Dean, in and to the following described lands, to-wit:

4 The Northwest quarter of the Northeast quarter of Section thirty-three, Township three South, Range three East; Tract E; Lots one to nine, inclusive, in Block ten; and Lot two in Block eight;

and will make and execute a deed of conveyance conveying to Dorothy Dean all the right, title and interest of the said May Bell Dean, William E. Dean, Delia Dean, Nellie Dean Heveran and Helen Dean, in and to the following described lands, to-wit:

5 Blocks one and four; Lot one Block eight; and the Southwest quarter of the Northwest quarter of Section thirty-three, Township three South, Range three East;

and will make and execute a deed of conveyance conveying to May Bell Dean all the right, title and interest of the said William E. Dean, Delia Dean, Nellie Dean Heveran, Helen Dean and Dorothy Dean, in and to the following described lands, to-wit:

Tracts H, L, M, N, and O; and Lot six in Block eight;

Complainants place themselves wholly within the jurisdiction of this Court and offer to do and perform whatsoever this Honorable Court shall require of them, and Complainants pray for such other, further or different relief as in equity they shall be entitled to receive.

Beebe & Hall
SOLICITORS FOR COMPLAINANTS.

FOOT NOTE:

The Defendants are required to answer every allegation of the foregoing bill of complaint in paragraphs first to sixth, both inclusive, but not under oath. Oath being hereby expressly waived.

Beebe & Hall
SOLICITORS FOR COMPLAINANTS.

MAY BELL DEAN, WILLIAM E.
DEAN, DELIA DEAN and NELLIE
DEAN HEVERAN,

Complainants,

vs.

HELEN DEAN and DOROTHY DEAN,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

This cause coming on to be heard in term time, and the same being submitted for final decree upon the pleadings and proof as noted by the Register, and the same being considered by the Court, the Court is of the Opinion that the complainants are entitled to the relief prayed for in the Bill of Complaint;

It is therefore ORDERED, ADJUDGED AND DECREED that William E. Dean, Delia Dean, Nellie Dean Heveran, complainants, and Helen Dean and Dorothy Dean, defendants, are the owners of the following described lands situated in the County of Baldwin, State of Alabama, to-wit:

All of Blocks one, two, three and four; all of Block five, except lots four and five; all of Blocks seven and eight; Lots one to ten, inclusive, and lots twelve and thirteen, lots seventeen to twenty-six, inclusive, Block nine; all of Block ten; Tracts E, H, I, J, K, L, M, N, O and Q, as per Plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Record Book No. 1 Misc., page 342;

that each of the said named persons owns an undivided one-fifth interest in the said lands, subject to the dower interest of complainant, May Bell Dean; that they own the said lands as the heirs of John S. Dean, deceased.

It is further ORDERED, ADJUDGED AND DECREED that the said complainants, William E. Dean, Delia Dean, Nellie Dean Heveran, and the said defendants, Helen Dean and Dorothy Dean, are each indebted to the complainant, May Bell Dean, for maintenance and support in the sum of Eight Hundred Dollars (\$800.00) a piece, and that the said May Bell Dean has agreed to accept in settlement of the said indebtedness to her and in settlement of her

dower interest in the said lands, a conveyance conveying to her in fee simple the following described lands situated in the County of Baldwin, State of Alabama, to-wit:

Tracts H, L, M, N and O, and Lot six in Block eight of the Town of Stapleton, as per that certain Plat recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Record Book No. 1 Misc., page 342.

And it further appearing that the value of said lands is not in excess of the indebtedness owing to her, it is therefore ORDERED, ADJUDGED AND DECREED that the Register of this Court make and execute to the said May Bell Dean a Deed of Conveyance conveying to her all the right, title and interest of the said William E. Dean, Delia Dean, Nellie Dean Heveran, Helen Dean and Dorothy Dean in and to the said lands described as follows, to-wit:

Tracts H, L, M, N and O, and Lot six in Block eight of the Town of Stapleton, as per plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Record Book No. 1 Misc., page 342.

It is further ORDERED, ADJUDGED AND DECREED that the said respective tracts set out in the said Bill of Complaint are of approximate equal values, and that it is to the interests of the said minors that the remaining lands owned by them jointly as aforesaid be partitioned among them in the ~~same~~ ^{manner} described in the said Bill of Complaint;

It is therefore further ORDERED, ADJUDGED AND DECREED that the Register in Chancery be and he is hereby ordered and directed to make and execute to William E. Dean a deed of conveyance conveying to him all the right, title and interest of May Bell Dean, Delia Dean, Nellie Dean Heveran, Helen Dean and Dorothy Dean in and to the following described lands situated in the County of Baldwin, State of Alabama, to-wit:

Blocks two, three; Tracts I, J and K; Lot five, Block eight; Lots ten and eleven, Block ten; Lots twelve and thirteen, Block nine, as per Plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Record Book No. 1 Misc., page 342;

and that the Register in Chancery make and execute a deed of con-

veyance to Delia Dean conveying to her all the right, title and interest of the said May Bell Dean, William E. Dean, Nellie Dean Heveran, Helen Dean and Dorothy Dean in and to the following described lands situated in the County of Baldwin, State of Alabama, to-wit:

The North half of the Northwest quarter of Section thirty-three, Township three South, Range three East; Lots one, two, three, six, eight, nine, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen in Block five; Lots one to ten, inclusive, and Lots seventeen to twenty-six, inclusive, in Block nine; all Block seven, and Lot four in Block eight, as per Plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Record Book No. 1 Misc., page 342;

and that the said Register make and execute to Nellie Dean Heveran a deed of conveyance conveying to her all the right, title and interest of the said May Bell Dean, William E. Dean, Delia Dean, Helen Dean and Dorothy Dean in and to the following described lands situated in the County of Baldwin, State of Alabama, to-wit:

The Southeast quarter of the Southeast quarter of the Southeast quarter of Section thirty-one, Township three South, Range three East; the Southwest quarter of the Southwest quarter of Section thirty-two, Township three South, Range three East; Lot three, Block eight; and Tract Q; as per Plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Record Book No. 1 Misc., page 342;

and that the said Register make and execute to Helen Dean a deed of conveyance conveying to her all the right, title and interest of the said May Bell Dean, William E. Dean, Delia Dean, Nellie Dean Heveran and Dorothy Dean in and to the following described lands situated in the County of Baldwin, State of Alabama, to-wit:

The Northwest quarter of the Northeast quarter of Section thirty-three, Township three South, Range three East; Tract E; Lots one to nine, inclusive, in Block ten, and Lot two in Block eight, as per Plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Record Book No. 1 Misc., page 342;

and that the said Register make and execute a deed of conveyance conveying to Dorothy Dean all the right, title and interest of

the said May Bell Dean, William E. Dean, Delia Dean, Nellie Dean
Heveran and Helen Dean in and to the following described lands
situated in the County of Baldwin, State of Alabama, to-wit:

Blocks one and four; Lot one Block eight; and the
Southwest quarter of the Northwest quarter of Sec-
tion thirty-three, Township three South, Range
three East, as per Plat thereof recorded in the of-
fice of the Judge of Probate of Baldwin County, Ala-
bama, in Record Book No. 1 Misc., page 342.

7 It is further ORDERED, ADJUDGED AND DECREED that the
complainants in this cause pay the costs of this proceeding, for
which let execution issue.

This September 30th 1931

J. W. Hare

Judge.

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Summons to Helen Dean and Dorothy Dean
issued Dec 27, 1930

Executed Jan 2, 1931 by serving a copy on
S.A. Dean and Helen Dean

E. Edwin Sheriff

After 5 days, return to
GRAY & POU,
P. O. Box 342,
MOBILE, ALA.



GRAY & POU, ATTYS
MOBILE, ALABAMA