

1072

GORDON, EDINGTON & LEIGH
ATTORNEYS AT LAW
1011-15 MERCHANTS NATIONAL BANK BUILDING
MOBILE, ALABAMA

ROBT. E. GORDON
DAVID H. EDINGTON
NORVELLE R. LEIGH, JR.

February 17, 1934

Judge F. W. Hare,
Monroeville, Alabama.

Dear Judge:

Pursuant to agreement; we are herewith handing you our brief and request to file additional grounds of demurrer in re: Earle vs. Hall. We have forwarded to the Clerk of the Circuit Court the original of said motion to be allowed to amend demurrer and new grounds of demurrer and are also sending to Mr. Hybart a copy of same, together with our brief.

Trusting these papers will reach you safely and that your decree will be that we can add the additional grounds of demurrer, and assuming that same has been granted, we submit same for your final ruling.

Very truly yours,

GORDON, EDINGTON & LEIGH

By *R. E. Gordon*

REG/L

Encls. 3

FRANK F. EARLE,

Complainant

vs.

CLARA J. HALL, et al,

Respondents

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

Now comes each of the respondents in the above said cause, excepting Origen C. Hall, who is now dead and has died since the filing of the former demurrer in this cause, and begs leave of the Court to file additional grounds of demurrer to the bill of complaint in this cause, which grounds of demurrer are hereto attached.

Respectfully submitted,

Morton Winston Thigp

SOLICITORS FOR RESPONDENTS CLARA J. HALL, CORNELIA HALL, as an Individual, and as Executrix of the Estates of Charles Hall and Mattie Hall, deceased, and MATTIE LOUISE HALL and YOUNG CHARLES HALL, Individually and as Executor of the Estate of Charles Hall, deceased.

FRANK F. EARLE,

Complainant

vs.

CLARA J. HALL, et al,

Respondents

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

Now come Clara J. Hall, Cornelia Hall, Cornelia Hall as Executrix of the Estate of Charles Hall, deceased, Cornelia Hall as Executrix of the Estate of Mattie Hall, deceased, Mattie Louise Hall, and Young Charles Hall, as Executor of the Estate of Charles Hall deceased, and Young Charles Hall, as respondents in the above said cause, each separately and severally, the consent of the Court first being had therefor and file the additional grounds of demurrer to the bill of complaint as originally filed and as amended by the supplemental bill therein filed, and as such grounds of demurrer, assign the following:

1. That there is a misjoinder of party respondent in this cause in that the said Origen C. Hall and Origen C. Hall, as Executor of the Estate of Charles Hall, deceased, is not alleged or shown to have any interest or concern in the matters alleged in said bill of complaint.

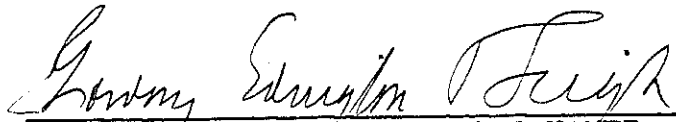
2. Because it is not averred by any facts in said bill of complaint that there is any joint interest as between the said Origen C. Hall or Young Charles Hall in any of the matters involved in this litigation.

3. Upon the further ground that the said bill is multifarious.

4. On the further ground that the said bill is multifarious in that it is uniting in one bill several distinct and unconnected matters against one respondent, Origen C. Hall, and in which the other respondents have no interest whatever, together with a separate and distinct matter as to these respondents.

5. Because said bill is multifarious in that it sets up facts showing an effort on the part of the complainant

to have an accounting with his partner Origen C. Hall and with which the other respondents have no interest in or connection with whatever, and at the same time to enjoin these respondents from the foreclosure of a certain mortgage which is averred to be their property and executed by the complainant and the said O. C. Hall, there being no connection as to or between the rights of these respondents under the terms of the said mortgage and as holders of said mortgage and the indebtedness existing between the said complainant and O. C. Hall.


SOLICITORS FOR THE ABOVE NAMED
RESPONDENTS

CHANCERY EXECUTION
BILL OF COSTS

No. 1072

Frank F. Earle
Vs.

Plaintiff

Clara J. Hall et al - Defendant

FEES OF REGISTER		Dollars	Cents	Brought Forward		
Filing each bill and other papers	11	\$	10	For Receiving, keeping and paying out or distributing money, etc.; 1st \$1,000, 1% all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	15	\$14 95
Issuing each subpoena	12		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	25	
Issuing each copy thereof	12		40	Each notice sent by mail to creditor ..	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. D-2.00 (S-1.50) (R-1.00)	50	13 50
For each copy thereof			50	Making final record, per 100 words	15	
Entering each return thereof	1	00		Certified copy of decree	1 00	
Issuing Writ of Attachment	1	00		Report of divorce to State Health Office (Acts 1915)	50	
Entering each return thereof	1	50		Total Fees of Register	28 45	
Docketing each case	1	00		FEES OF SHERIFF		
Entering each appearance	R	25		Serving and returning subpoena on deft \$1	50	24 00
Issuing each decree pro confesso on per. ser.	1	00		Serving and returning subpoena for witness	65	
Issuing each decree pro confesso on publica.	1	00		Levy on attachment	3 00	25
Each order appointing guardian	1	00	50	Entering and returning same	25	
Any other order by Register	S	50		Selling property attached	75	
Issuing commission to take testimony		50		Impanelling Jury	75	
Receiving and filing		10		Executing writ of possession	2 50	
Endorsing each package		10		Collecting execution for costs	1 50	1 50
Entering order submitting cause	D	50	50	Serving and returning sci. fa., each	65	
Entering any other order of court		25		Serving and returning notice	65	1 90
Noting all testimony		50		Serving and returning writ of injunction	1 50	
Abstract of cause, etc.	1	00		Serving and returning writ of exeat	1 50	
Entering each decree		75		Taking and approving bonds, each	75	
For every 100 words over 500		15		Collecting money on execution		
Taking account, etc.	3	00		Making deed	2 50	
Taking testimony, etc.		15		Serving and returning application, etc.	1 00	
Each report, 500 words or less		2 50		Serving attachment, contempt of court	1 50	
For every 100 words over 500		15		Total Fees of Sheriff	27 70	
Amount claimed less than \$500, etc.		2 00		RECAPITULATION		
Issuing each subpoena		25		Register's Fees	28 45	
Witness certificate, each		25		Sheriff's Fees	27 70	
Issuing execution, each	D	75	75	Commissioner's Fees		
Entering each return		15	15	Solicitor's Fees		
Taking and approving bond, each	S	1 00	1 00	Witness Fees		
Making copy of bill, etc.		15		Guardian Ad Litem		
Each notice not otherwise provided for	S	50	50	Printer's Fees		
Each certificate or affidavit, with seal	3	50	1 50	Trial Tax	3 00	3 00
Each certificate or affidavit, no seal		25		Recording Decree in Probate Court		
Hearing and passing on application, etc.	3	00		Total	59 15	
Each settlement with receiver, etc.	3	00				
Examining each voucher of Receiver, etc.	10					
Examining each answer, etc.	3	00				
Recording resignation, etc.	75					
Entering each certificate to Supreme Court	50					
Taking questions and answers, etc.	25					
For all other ser relating to such proceedings	1 00					
For services in proceeding to relieve minors, etc., same fee as in similar cases.						
Commission on sales, etc: 1st \$100, 2 per ct.; 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.						
Sub Total Carried Forward		14	95			

The State of Alabama, {

No. 1072

Baldwin County.

Circuit Court, In Equity

Term, 1935

To Any Sheriff of the State of Alabama—GREETING:

You are hereby commanded, That of the goods and chattels, lands and tenements of

Frank F. Earle Defendant

you cause to be made the sum of Settled Return Parties & Dismissed Dollars,

which Clara J. Hall et al Plaintiff

recovered of him on the 21 day of Aug 1935

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of

\$59.15 Dollars,

costs of suit, and have the same to render to the said Robert S. Hark

and make return of this Writ and the execution thereof, according to law.

Interest from 193 to date of collection.

Witness my hand, this 22 day of August 1935

Robert S. Hark, Register.

FRANK F. EARLE,

Complainant

vs.

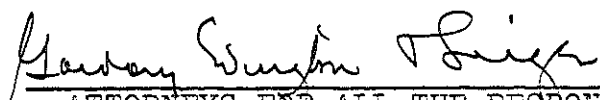
CLARA J. HALL, ET AL,

Respondents

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

Now come the respondents, each separately and severally, and demur to the bill of complaint as filed in this cause, and each, separately and severally, assigns the following grounds for such demurrer:

1. That there is no equity in the said bill of complaint.
2. Because there are no facts averred to show that the said Origen C. Hall, whom the bill alleges to be indebted to the complainant and against whom it seeks to have an accounting, has any interest, right or title in or to the mortgage specified in said bill of complaint, except as a maker of said mortgage.
3. Because the said bill of complaint seeks to adjust or have an accounting with one Origen C. Hall, and there are no averments in said bill to show that the other parties to this bill of complaint have any interest in and to the matters therein alleged.
4. Because there is a misjoinder of parties in that there is no averment to show that the other parties named as respondents have any interest in or connection with the matters alleged as against Origen C. Hall, and they are not parties necessary to adjust the matters therein specified so far as the said Origen C. Hall is concerned.



ATTORNEYS FOR ALL THE RESPONDENTS

RECORDED

Frank Earle
VS

Clara J Hall

DemurrerFiled Oct 26th 1932
D W Recumson
Register

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

To any Sheriff of the State of Alabama—GREETING:

Cornelia Hall,

WE COMMAND YOU, That you summon Clara J. Hall, Cornelia Hall,
as Executrix of the estate of Charles Hall, deceased,
Cornelia Hall, as Executrix of the estate of Mattie Hall, deceased,
Mattie Louise Hall, Origen C. Hall, as Executor of the estate of
Charles Hall, deceased, Young Charles Hall, executor of the
estate of Charles Hall, deceased,

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 Sum-
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Frank F. Earle,

against said Clara J. Hall, Cornelia Hall, Cornelia Hall as Executrix of the
estate of Charles Hall, deceased, Cornelia Hall, as executrix of the estate
of Mattie Hall, deceased, Mattie Louise Hall, Origen C. Hall,
Origen C. Hall, as executor of the estate of Charles Hall, deceased,
Young Charles Hall, executor of the estate of Charles Hall, deceased,

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 10th day of

September, 1932

T. W. Richerson Register

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

Original

RECORDED

SERVE ON

Circuit Court of Baldwin County
In Equity.

No.

SUMMONS

Frank F. Earle.

Cornelia Hall,
Clara J. Hall, vs. Cornelia Hall,
as Executrix of the estate of
Charles Hall, deceased,
Cornelia Hall as executrix
of the estate of Mattie Hall,
deceased, Mattie Louise Hall,
Origen C. Hall, Origen C. Hall
as executor of the estate of
Charles Hall, deceased,
Young Charles Hall, executor of
the estate of Charles Hall,
Deceased.

Hybart, Heard & Chason.

Solicitor for Complainant

Recorded in Vol. Page

Copy on Cornelia Hall
Clara J. Hall, Origen C. Hall,
Mattie Louise Hall, &
Young Charles Hall.

THE STATE OF ALABAMA.
BALDWIN COUNTY

Received in office this

day of 192

Sheriff.

Executed this 12 day of

September 1922

by leaving a copy of the within Summons with

Defendant,

Sheriff.

By

Deputy Sheriff.

Executed Sept 12 1922

by serving copy of within Summons and

complaint on Cornelia Hall

Clara J. Hall

Mattie Louise Hall

Origen C. Hall

Young Charles Hall

W. R. Stuart

Sheriff

By M. H. Wilkins

Deputy Sheriff

Original

RECORDED

SERVE ON.....

Circuit Court of Baldwin County
In Equity.

No.

SUMMONS

Frank F. Earle.

~~Cornelia Hall,~~

Clara J. Hall ^{vs.} Cornelia Hall,
as Executrix of the estate of
Charles Hall, deceased,
Cornelia Hall as executrix
of the estate of Mattie Hall,
deceased, Mattie Louise Hall,
Origen C. Hall, Origen C. Hall
as executor of the estate of
Charles Hall, deceased,
Young Charles Hall, executor
of the estate of Charles Hall,
Deceased.

HYbart, Heard & Chason.

Solicitor for Complainant

Recorded in Vol. Page

*and copy on Cornelia Hall
Clara J. Hall, Origen C. Hall
Mattie Louise Hall, ✓
Young Charles Hall.*

THE STATE OF ALABAMA.
BALDWIN COUNTY

Received in office this

day of 192

Sheriff.

Executed this 12 day of

September

1922

by leaving a copy of the within Summons with

Defendant.

Sheriff.

By

Deputy Sheriff.

Executed Sept 12th 1922

by serving copy of within Summons and

complaint on Cornelia Hall

Clara J. Hall

Mattie Louise Hall

Origen C. Hall

Young Charles Hall

W. R. Stuart Sheriff

By M. H. Wilkins Deputy Sheriff

FRANK F. EARLE, Complainant

vs.

Cornelia Hall
CLARA J. HALL, CORNELIA HALL,
as Executrix of the Estate of
CHARLES HALL, deceased, COR-
NELIA HALL, as Executrix of the
Estate of MATTIE HALL, deceased;
MATTIE LOUISE HALL, ORIGEN C.
HALL, ORIGEN C. HALL, as Execu-
tor of the Estate of CHARLES
HALL, deceased; YOUNG CHARLES
HALL, Executor of the estate of
CHARLES HALL, deceased,
Defendants.

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

TO THE HON. F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT
OF ALABAMA, SITTING IN EQUITY:

Your Orator, Frank F. Earle, humbly complaining of the defendants
in a matter as will hereinafter appear, shows unto your Honor as fol-
lows:-

FIRST: That both he and the defendants are residents of Baldwin
County, Alabama, and are over the age of twenty-one years;

SECOND: Your Orator further shows unto Your Honor that he and
the said Orrie Hall are the joint owners of the following described
real estate situated in Baldwin County, Alabama, to-wit:-

Lot No. Five (5) in Block Twenty-seven (27) of Hand Land Company's
Addition to the Town of Bay Minette, Alabama;

That each own a one-half interest in the aforesaid lot; and your
orator further shows unto Your Honor that during the lifetime of Judge
Charles Hall that he and the said Orrie Hall executed to the said
Judge Charles Hall a mortgage in the sum of Fifty-five Hundred Dol-
lars (\$5500.00) a copy of which said mortgage is hereto attached,
marked Exhibit "A" and prayed to be taken as a part of this Bill of
Complaint. Your Orator further shows unto Your Honor that when the
proper credits are allowed on and against said mortgage and the usual
interest is deducted therefrom that the same will have been practi-
cally paid.

THIRD: Your Orator further shows unto Your Honor that the said
Judge Charles Hall died testate, a copy of the said will which has been
duly probated by the Probate Court of Baldwin County, Alabama, being
heretofore attached, marked Exhibit "B" and made a part of this com-
plaint. Your Orator further shows unto Your Honor that by said Will
the said Judge Charles Hall bequeathed to Clara J. Hall, Corn-----

elia Hall, Mattie Louise Hall and Mrs. Mattie Hall, the aforesaid mortgage, and that Clara J., Cornelia, and Mattie Louise Hall and the Estate of Mrs. Mattie Hall are the present owners of the same. Your Orator further shows unto your Honor that Cornelia Hall, as Executrix of the Estate of Charles Hall, is now attempting to foreclose said Mortgage by advertising the property aforementioned for sale under its terms. Your Orator further shows unto Your Honor that he and the said Orrie Hall have been engaged in several enterprises, in which he has furnished the said Orrie Hall several Thousand Dollars, for all of which the said Orrie Hall is now indebted to him. Your Orator further shows unto your Honor that the said Orrie Hall, who is a brother of the said Clara J. Hall, Cornelia Hall and Mattie Louise Hall, and a son of Mrs. Mattie Hall, deceased, and also is one of the Executors of the estate of the late Charles Hall, deceased, and that the said Orrie Hall has been acting as the agent and representative of the said Clara J. Hall, Cornelia Hall and Mattie Louise Hall in looking after their financial affairs growing out of the Estate of the said Charles Hall, Deceased, and Mattie Hall, Deceased. Your Orator further shows unto Your Honor that some time within the last three years your Orator had ample money in hand to settle the aforesaid Mortgage indebtedness; that is, the amount due on said Mortgage, and proposed to the said Orrie Hall that they pay off said Mortgage out of said moneys, but that the said Orrie Hall informed that he had made arrangements with the other defendants and that it would be satisfactory with the defendants for the aforesaid Mortgage to be carried on and held against said property for some time yet to come, and insisted upon your Orator paying the debts owed by both he and Orrie Hall, of which amount the said Orrie Hall was unable to pay his part, and which money was in the sum of Five Thousand Dollars (\$5000.00), which he did, and which money, together with other moneys that he has advanced to the said Orrie Hall, is now due Your Orator, and that the said Orrie Hall is indebted to Your Orator in the sum of Seventy-five Hundred Dollars (\$7500.00). Your Orator further shows unto Your Honor that the said Mattie Hall departed this life about the 1st day of January, 1931, testate, a copy of her said will is hereto attached, marked Exhibit "C" and is made a part of this bill of complaint.

FOURTH: Your orator further shows unto Your Honor that the only property out of which he can recover the money advanced by him to the said Orrie Hall as a partner in the several enterprises in which they have been engaged, is the property described in Paragraph Two of this Bill of Complaint; that is, if the said Orrie Hall's one-half interest in said property exceeds the mortgage indebtedness heretofore mentioned. Your Orator further shows unto Your Honor that in equity and good conscience he should be protected if possible against said Mortgage indebtedness against his interest in said property in this, that the said Defendants other than Orrie Hall, by way of marshalling the assets, should be required to foreclose their said Mortgage on said Orrie Hall's one-half interest in said property before foreclosing their said Mortgage against your Orator's one-half interest in said property; or, in the event that it is ascertained to be necessary to foreclose the said Mortgage on the whole property that Your Honor then should decree out of the proceeds of the moneys flowing to the said Orrie Hall from his one-half interest of said property, a sufficient amount of money to pay off said mortgage indebtedness and decree a judgement against the said Orrie Hall for the balance that may be found to be due your Orator by said Orrie Hall in favor of Your Orator. Your Orator hereby submits himself to the jurisdiction of this Court and herein expressly offers to do equity, and to pay such sums of money as Your Honor may decree that he should pay to the said defendants or either of them by virtue of the mortgage indebtedness that they claim they hold against said property.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises, your Orator prays that the usual writ of process will issue to the said Clara J. Hall, Cornelia Hall, Cornelia Hall, as Executrix of the Estate of Charles Hall, deceased; Cornelia Hall, as Executrix of the estate of Mattie Hall, deceased; Mattie Louise Hall, Origen C. Hall, Origen C. Hall, as Executor of the Estate of Charles Hall, deceased; Young Charles Hall, Executor of the Estate of Charles Hall, deceased, making them parties defendant to this Bill of Complaint, and requiring them to plead, answer or demur to the same within the time as re-

quired by law.

PRAYER FOR RELIEF.

The premises considered, Your Orator prays that on a final hearing of this cause, first, that Your Honor will order a reference to ascertain the balance due, if any, by Your Orator upon said Mortgage indebtedness; second, that Your Honor will enter a decree requiring the owners of said Mortgage to foreclose their Mortgage first as against the one-half interest in the said property owned by the said Orrie Hall; third; that in the event Your Orator is mistaken as to the relief he is entitled to, your Orator prays that Your Honor will require the holders of said Mortgage to foreclose their said Mortgage and then out of the proceeds of the interest of the said Orrie Hall in and to the moneys flowing from said foreclosure sale that Your Honor will decree that said Mortgage indebtedness be paid, and that Your Orator have a decree against the said Orrie Hall for such amount as may be found to be due him; fourth, in the event that Your Honor decree that the foregoing prayers as set forth in paragraphs two and three of this Prayer for relief are not appropriate for Your Orator's relief, then your Orator prays that he be permitted to pay said Mortgage under his right of equity of redemption within such reasonable time as your Honor may see fit to allow him to do. Your Orator prays for such other, further, different and general relief as in equity may seem just and meet, and your Orator will ever pray.

Frank F. Earle,

Hybart, Heard & Chason, Attorneys for
Complainant.

Defendants are required to answer paragraphs "First" to "Fourth" inclusive, of the foregoing Bill of Complaint, but answer under oath is hereby expressly waived.

Hybart, Heard & Chason.

STATE OF ALABAMA,
BALDWIN COUNTY.

Before me, Mary F. Green, a Notary Public in and for said State and County, personally appeared Frank F. Earle, who being duly sworn says:- That the allegations contained in the foregoing Bill of Complaint are true and correct.

FRANK F. EARLE.

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 8th day of September, 1932.

(SEAL)

Mary F. Green, Notary Public,
Baldwin County, State of
Alabama.

EXHIBIT "A".

FRANK F. EARLE and FANNIE MAE
EARLE, his wife, ORIGEN C. HALL
and ORPHE M. HALL, his wife,

to

CHARLES HALL.

MORTGAGE DEED.

Dated August 25th, 1923.
Sep. & Gen. Acknowledgements
same day before Notary Public,
Baldwin County, Alabama, Seal.
Filed September 3, 1923.
Recorded Mortgage Book 20,
Page 339.
Consideration \$5500.00.
Witnesses: One.

CONVEYS:

The following described land in Baldwin County, Alabama, to-wit:-
Lot No. Five (5) in Block No. Twenty-seven (27), in Hand Land Company's
Addition to the Town of Bay Minette, Alabama, and all improvements
thereon.

RECITES:-

Whereas, Frank F. Earle, and Fannie Mae Earle, his wife, Origen C. Hall and Orpah M. Hall, his wife, are justly indebted to Charles Hall in the sum of Fifty-five Hundred Dollars (\$5500.00), evidenced by one promissory note dated August 25th, 1923, and payable on July 1st, 1924, with interest from date at the rate of 8% per annum until paid..... Should default be made in the payment of any sum expended by the said Charles Hall, or should said note or any part thereof or the interest thereon remain unpaid at maturity or should the interest of said Charles Hall or his heirs and assigns in said property become endangered by reason of the enforcement of any prior lien or encumbrance thereon so as to endanger the indebtedness hereby secured then in any one of said events the whole of said indebtedness shall at once become due and payable and this mortgage be subject to foreclosure as now provided by law in case of past due mortgages, and the said Charles Hall, his heirs, agents or assigns, shall be authorized to take possession of the lands hereby conveyed, and after giving twenty days notice by publication once a week for three consecutive weeks of the time, place and terms of sale by publication in some newspaper published in Baldwin County, to sell the same in front of the Courthouse door of said county at public outcry to the highest bidder for cash, and apply the proceeds of saleand further agree that the said Charles Hall, his heirs, or assigns, may bid at said sale and purchase said property if the highest bidder therefor, and they further agree to pay a reasonable attorney's fee to the said Charles Hall, or his heirs, agents or assigns for the foreclosure of this mortgage in chancery should same be foreclosed, said fee to be part of the debt hereby secured.....

EXHIBIT "B".

STATE OF ALABAMA,
BALDWIN COUNTY.

I, Charles Hall, being of sound mind, do make and publish this instrument as my last will and testament, hereby revoking any other will heretofore made by me.

FIRST: It is my will that all of my just debts be paid by my executors hereinafter named as soon after my death as may be by them found convenient.

SECOND: I will, give, devise and bequeath to my wife, Mattie Hall, and to my daughters, Clara J. Hall, Cornelia Hall and Mattie Louise Hall, all lands and real property that I may own or be possessed of at the time of my death, and I hereby authorize and empower my said wife and ~~any~~ daughter, Cornelia, to sell any portion of or all of my said lands and real property whenever they may see fit to do so, and to make deed or deeds to the purchaser. Should my daughter, Cornelia, die before the death of my wife then in that event my daughter Clara J. Hall or my daughter Mattie Louise Hall, or either one of my said daughters are hereby authorized and empowered to sign and execute with my said wife any conveyance that may be necessary to convey title to any portion of or all of the lands and real property that I may own or be possessed at the time of my death.

THIRD: Should there be any of said lands or real property remaining unsold at the time of the death of my wife, Mattie, then in that event I will devise and bequeath such portion of the lands and real property hereinabove referred to my daughters, Clara J. Hall, Cornelia Hall and Mattie Louise Hall, share and share alike.

FOURTH: As to the personal property that I may own or be possessed of at the time of my death I will, give and bequeath that in the following manner: To my daughter, Annie Hall Robinson I will, give and bequeath the sum of One Thousand Dollars (\$1000.00); to my daughter, Bessie Hall Byrne, I will, give and bequeath the sum of One Thousand Dollars (\$1000.00). After paying to my daughters Annie \$1000.00, and Bessie \$1000.00, then I want the balance of the personal property, should there be any, divided equally between my wife, Mattie, and my daughters, Clara J. Hall, Cornelia Hall and Mattie Louise Hall, and it is my will that it be so divided.

FIFTH: I hereby nominate and appoint my daughter, Cornelia Hall, as Executrix, and my sons, Young Charles Hall and Origen Hall, as Executors, of this my Last Will and Testament, and provide that they be not required to give bond, to make inventory or report in any manner to any court their proceedings hereunder.

In witness whereof, I hereunto set my hand this 9th day of February, 1921.

Charles Hall.

Signed and declared to be his last Will and Testament by Charles Hall, in our presence, and we in his presence and in the presence of each other, and at his request. Signed the same as witness.

D.H. Edington,
Inez Kramer.

Filed in office of the Judge of Probate Court of Baldwin County, Alabama, September 7th, 1927.

G.W. Humphries, Judge of Probate,
by J.L. Kessler, Clerk.

EXHIBIT "C".

THE STATE OF ALABAMA,

BALDWIN COUNTY.

I, Mattie Hall, being of sound mind, do make and publish this instrument as my last will and testament, hereby revoking any other will heretofore made by me.

FIRST: It is my will that all of my just debts be paid by my Executors hereinafter named as soon after my death as may be by them found convenient.

SECOND: I will, give, devise and bequeath to my sons, Young Charles Hall and Origen C. Hall my Baldwin County Bank Stock, share and share alike.

THIRD: I will, give, devise and bequeath to my daughter Annie Hall Robinson the sum of Two Hundred and Fifty Dollars and to my daughter Bessie Hall Byrne the sum of Two Hundred and Fifty Dollars.

FOURTH: I will, give, devise and bequeath to my grand-children, namely: Leslie Hall, Edward G. Hall, W. Gasque Hall, Lorraine Hall, Origen C. Hall, Jr., Carolyn Hall, Genyth Hall, Miriam L. Robinson, Donald D. Robinson, Maizie Jean Byrne and Cornelia Byrne, the sum of One Hundred Dollars each, and to my little namesake and grand-child Martha Robinson I give and bequeath the sum of One Hundred Fifty Dollars and to my little Grandson, Charles Hall Byrne, I give and bequeath the sum of One Hundred and Fifty Dollars.

FIFTH: All the rest of my real and personal estate of which I shall die seized and possessed, or to which I shall be entitled to at the time of my decease, I will, give, devise and bequeath to my daughters Clara J. Hall, Cornelia Hall and Mattie Louise Hall, share and share alike.

SIXTH: I hereby nominate and appoint my daughter, Cornelia Hall, as Executrix, and my son Young Charles Hall, as Executor, of this my last Will and Testament, and provide that they be not required to give bond, to make inventory or report in any manner to any Court their proceedings hereunder.

IN WITNESS WHEREOF, I have herunto set my hand this 3rd day of October, 1927.

MATTIE HALL.

Executed in the presence of
C. L. WHITE,
J. T. BRADLEY.

STATE OF ALABAMA,
BALDWIN COUNTY.

I, G. W. Humphries, Judge of the Court of Probate, in and for said County and State, do hereby certify, that the within instrument of writing has this day, in said court, and before me, as the Judge thereof, been duly proven, by the proper testimony, to be the genuine last will and testament of Mattie Hall, deceased; and that said will together with the proof thereof, have been recorded in my office in Book of Wills "C" at page 539.

In witness of all which, I have hereto set my hand, and the seal of the said Court, this 12th day of February, A.D., 1931.

(SEAL)

G. W. HUMPHRIES, JUDGE OF PROBATE COURT

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 Clara J. Hall, Cornelia Hall, Cornelia Hall,
Hall, as executrix of the estate of Charles Hall, deceased,
Cornelia Hall as executrix of the estate of Mattie Hall, deceased,
Mattie Louise Hall, Origen C. Hall, Origen C. Hall, as executor of
the estate of Charles Hall, deceased, Young Charles Hall, executor of
the estate of Charles Hall, deceased, and Young Charles Hall,

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 Sum-
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by
Frank F. Earle,

against said Clara J. Hall, Cornelia Hall, Cornelia Hall as executrix
of the estate of Charles Hall deceased, Cornelia Hall, as executrix
of the estate of Mattie Hall, deceased, Mattie Louise Hall,
Origen C. Hall, Origen C. Hall as executor of the estate of
Charles Hall, deceased, Young Charles Hall as executor of the
estate of Charles Hall, deceased and Young Charles Hall,

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 10th day of

October, 1932.

T. W. Richerson Register.

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

Original

Serve on _____

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

Frank F. Earle,

vs.

Clara J. Hall, et al.

1 Copy on Clara J. Hall
2 Copies on Defendant
1 Copy on Mattie Laine Hall
2 Copies on O. B. Hall
2 Copies on J. C. Hall

Hybart, Heard & Chason.

Solicitor for Complainant.

Recorded in Vol. _____ Page _____

Delet Page 24

The State of Alabama,
BALDWIN COUNTY.

Received in office this *10th*

day of *Oct* 193*2*

W R Stuart

Sheriff.

Executed this *12th* day of
October 193*2*

by leaving a copy of the within Summons with

Clara J. Hall 2 Copies with
Council Hall 1 Copy with
Mattie Laine Hall

Defendant.

1 Copy with O. B. Hall
2 Copies with J. C. Hall

Sheriff.

By *W R Stuart*

J. B. W. S.
Deputy Sheriff.

FRANK F. EARLE'

Complainant'

-vs-

CLARA J. HALL' CORNELIA
HALL' CORNELIA HALL' as
Executrix of the Estate
of Charles Hall' Deceased;
CORNELIA HALL' as Execu-
trix of the Estate of Mat-
tie Hall' Deceased; MAT-
TIE LOUISE HALL' ORIGIN
C. HALL' ORIGIN C. HALL'
as Executor of the Estate
of Charles Hall' Deceased;
YOUNG CHARLES HALL' Execu-
tor of the Estate of Charles
Hall' Deceased'

Defendants.

IN THE CIRCUIT COURT-IN EQUITY
STATE OF ALABAMA
BALDWIN COUNTY.

TO THE HON. F. W. HARE' JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT
OF ALABAMA' SITTING IN EQUITY:-

Your Orator' Frank F. Earle' humbly complaining of the
Defendants in a matter as will hereinafter appear' shows unto your
Honor as follows:-

FIRST:

That both he and the Defendants are residents of Baldwin
County' Alabama' and are over the age of twenty-one years.

SECOND:

Your Orator further shows unto your Honor that he and the
said Orrie Hall are the joint owners of the following described real
estate situated in Baldwin County' Alabama' to-wit:-

Lot No. Five (5) in Block Twenty-seven (27) of
Hend Land Company's Addition to the Town of Bay
Minette' Alabama;

That each own a one-half interest in the aforesaid lot; and your
Orator further shows unto your Honor that during the lifetime of
Judge Charles Hall that he and the said Orrie Hall executed to the
said Judge Charles Hall a Mortgage in the sum of Fifty-five Hundred
Dollars (\$5500.00)' a copy of which said Mortgage is hereto attach-
ed' marked Exhibit "A" and prayed to be taken as a part of this
Bill of Complaint. Your Orator further shows unto your Honor that
when the proper credits are allowed on and against said Mortgage
and the usual interest is deducted therefrom that the same will
have been practically paid.

(page two)

THIRD:

Your Orator further shows unto your Honor that the said Judge Charles Hall died testate' a copy of the said Will which has been duly probated by the Probate Court of Baldwin County' Alabama' being hereto attached' marked Exhibit "B" and made a part of this Complaint. Your Orator further shows unto your Honor that by said Will the said Judge Charles Hall bequeathed to Clara J. Hall' Cornelia Hall' Mattie Louise Hall and Mrs. Mattie Hall' the aforesaid Mortgage' and that Clara J.' Cornelia' and Mattie Louise Hall and the Estate of Mrs. Mattie Hall are the present owners of the same. Your Orator further shows unto your Honor that Cornelia Hall' as Executrix of the Estate of Charles Hall' is now attempting to foreclose said Mortgage by advertising the property aforementioned for sale under its terms. Your Orator further shows unto your Honor that he and the said Orrie Hall have been engaged in several enterprises' in which he has furnished the said Orrie Hall several thousand dollars' for all of which the said Orrie Hall is now indebted to him. Your Orator further shows unto your Honor that the said Orrie Hall' who is a brother of the said Clara J. Hall' Cornelia Hall and Mattie Louise Hall' and a son of Mrs. Mattie Hall' Deceased' and also is one of the Executors of the Estate of the late Charles Hall' Deceased' and that the said Orrie Hall has been acting as the agent and representative of the said Clara J. Hall' Cornelia Hall and Mattie Louise Hall in looking after their financial affairs growing out of the Estate of the said Charles Hall' Deceased' and Mattie Hall' Deceased. Your Orator further shows unto your Honor that some time within the last three years your Orator had ample money in hand to settle the aforesaid Mortgage indebtedness; that is' the amount due on said Mortgage' and proposed to the said Orrie Hall that they pay off said Mortgage out of said moneys' but that the said Orrie Hall informed him that he had made arrangements with the other Defendants and that it would be satisfactory with the Defendants for the aforesaid Mortgage to be carried on and held against said property for some time yet to come' and insisted upon your Orator pay-

(page two)

(page three)

ing the debts owed by both he and Orrie Hall' of which amount the said Orrie Hall was unable to pay his part' and which money was in the sum of Five Thousand Dollars (\$5000.00)' which he did' and which money' together with other moneys that he has advanced to the said Orrie Hall' is now due your Orator' and that the said Orrie Hall is indebted to your Orator in the sum of Seventy-five Hundred Dollars (\$7500.00). Your Orator further shows unto your Honor that the said Mattie Hall departed this life about the 1st of January' 1931' testate' a copy of her said Will is hereto attached' marked Exhibit "C" and is made a part of this Bill of Complaint.

FOURTH:

Your Orator further shows unto your Honor that the only property out of which he can recover the money advanced by him to the said Orrie Hall as a partner in the several enterprises in which they have been engaged' is the property described in Paragraph Two of this Bill of Complaint; that is' if the said Orrie Hall's one-half interest in said property exceeds the Mortgage indebtedness heretofore mentioned. Your Orator further shows unto your Honor that in equity and good conscience he should be protected if possible against said Mortgage indebtedness against his interest in said property in this' that the said Defendants other than Orrie Hall' by way of marshalling the assets' should be required to foreclose their said Mortgage on said Orrie Hall's one-half interest in said property before foreclosing their said Mortgage against your Orator's one-half interest in said property; or' in the event that it is ascertained to be necessary to foreclose the said Mortgage on the whole property that your Honor then should decree out of the proceeds of the moneys flowing to the said Orrie Hall from his one-half interest of said property' a sufficient amount of money to pay off said mortgage indebtedness and decree a judgment against the said Orrie Hall for the balance that may be found to be due your Orator by said Orrie Hall in favor of your Orator. Your Orator hereby submits himself to the jurisdiction of this Court and herein expressly offers to do equity' and to pay such sums of money as your Honor may decree that he should pay to the said Defendants or either of them by virtue of the Mortgage

(page three)

(page four)

indebtedness that they claim they hold against said property.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises' your Orator prays that the usual writ of process will issue to the said Clara J. Hall' Cornelia Hall' Cornelia Hall' as Executrix of the Estate of Charles Hall' Deceased' Cornelia Hall' as Executrix of the Estate of Mattie Hall' Deceased; Mattie Louise Hall' Origen C. Hall' Origen C. Hall' as Executor of the Estate of Charles Hall' Deceased; Young Charles Hall' Executor of the Estate of Charles Hall' Deceased' making them parties defendant to this Bill of Complaint' and requiring them to plead' answer or demur to the same within the time as required by law.

PRAYER FOR RELIEF.

The premises considered' your Orator prays that on a final hearing of this cause' first' that your Honor will order a reference to ascertain the balance due' if any' by your Orator upon said Mortgage indebtedness; second' that your Honor will enter a decree requiring the owners of said Mortgage to foreclose their Mortgage first as against the one-half interest in the said property owned by the said Orrie Hall; third' that in the event your Orator is mistaken as to the relief he is entitled to' your Orator prays that your Honor will require the holders of said Mortgage to foreclose their said Mortgage and then out of the proceeds of the interest of the said Orrie Hall in and to the moneys flowing from said foreclosure sale that your Honor will decree that said Mortgage indebtedness be paid' and that your Orator have a decree against the said Orrie Hall for such amount as may be found to be due him; fourth' in the event that your Honor decree that the foregoing prayers as set forth in paragraphs two and three of this Prayer for Relief are not appropriate for your Orator's relief' then your Orator prays that he be permitted to pay said Mortgage under his right of the equity of redemption within such reasonable time as your Honor may see fit to allow him to do. Your Orator prays for such other' further' different and general relief as in

(page four)

(page five)

equity may seem just and meet' and your Orator will ever pray.

Frank J. Earle

Hyatt, Head & Shason
Attys for Complaint

Defendants are required to answer paragraphs "First" to "Fourth" inclusive of the foregoing Bill of Complaint' but answer under oath is hereby expressly waived.

Hyatt, Head & Shason

STATE OF ALABAMA

BALDWIN COUNTY.

Before me' Mary J. Green a Notary Public in and for said State and County' personally appeared Frank J. Earle' who being duly sworn says:- That the allegations contained in the foregoing Bill of Complaint are true and correct.

Frank J. Earle

Sworn to and subscribed before me' a Notary Public whose seal is hereto affixed' this 8th day of September' 1932.

Mary J. Green
Notary Public' Baldwin County'
State of Alabama.

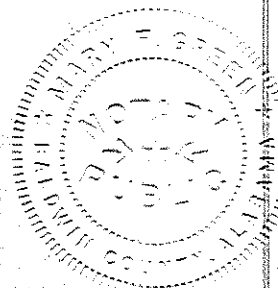


EXHIBIT "A".

FRANK F. MARLE and FANNIE
MAE MARLE' his wife' ORIGEN
C. HALL and ORPAH M. HALL'
his wife'

-to-

CHARLES HALL.

MORTGAGE DEED.

Dated August 25th' 1925.
Sep. & Gen. Acknowledgments same
day before Notary Public' Bald-
win County' Alabama. Seal.
Filed September 3rd' 1925.
Recorded Mortgage Book 20'
Page 339.
Consideration \$5500.00.
Witnesses: One.

CONVEYS:-

The following described land in Baldwin County' Alabama'
to-wit:- Lot No. Five (5) in Block No. Twenty-seven (27) in Hand
Land Company's Addition to the Town of Bay Minette' Alabama' and
all improvements thereon.

RECITES:-

Whereas' Frank F. Marle and Fannie Mae Marle' his wife'
Origen C. Hall and Orpah M. Hall' his wife' are justly indebted to
Charles Hall in the sum of Fifty-five Hundred Dollars (\$5500.00)'
evidenced by one promissory note dated August 25th' 1925' and
payable on July 1st' 1924' with interest from date at the rate of
8% per annum until paid..... Should default be made in the
payment of any sum expended by the said Charles Hall' or should
said note or any part thereof or the interest thereon remain un-
paid at maturity' or should the interest of said Charles Hall' or
his heirs and assigns in said property become endangered by reason
of the enforcement of any prior lien or encumbrance thereon so as
to endanger the indebtedness hereby secured then in any one of
said events the whole of said indebtedness shall at once become due
and payable and this mortgage be subject to foreclosure as now
provided by law in case of past due Mortgages' and the said Charles
Hall' his heirs' agents or assigns' shall be authorized to take
possession of the lands hereby conveyed' and after giving twenty
days notice by publication once a week for three consecutive weeks
of the time' place and terms of sale by publication in some news-
paper published in Baldwin County' to sell the same in front of the
Courthouse Door of said county at public outcry to the highest bid-
der for cash' and apply the proceeds of sale..... and further
agree that the said Charles Hall' his heirs' or assigns' may bid
at said sale and purchase said property if the highest bidder there-
for' and they further agree to pay a reasonable attorneys' fee to
the said Charles Hall' or his heirs' agents or assigns' for the
foreclosure of this mortgage in chancery should same be foreclosed.
said fee to be part of the debt hereby secured....

EXHIBIT "B".

STATE OF ALABAMA'

BALDWIN COUNTY.

I' Charles Hall' being of sound mind' do make and publish this instrument as my Last Will and Testament' hereby revoking any other Will heretofore made by me.

First: It is my will that all of my just debts be paid by my Executors hereinafter named as soon after my death as may be by them found convenient.

Second: I will' give' devise and bequeath to my wife' Mattie Hall' and to my daughters' Clara J. Hall' Cornelia Hall and Mattie Louise Hall' all lands and real property that I may own or be possessed of at the time of my death' and I hereby authorize and empower my said wife and my daughter' Cornelia' to sell any portion of or all of my said lands and real property whenever they may see fit to do so' and to make deed or deeds to the purchaser. Should my daughter' Cornelia' die before the death of my wife then in that event my daughter Clara J. Hall or my daughter Mattie Louise Hall' or either one of my said daughters are hereby authorized and empowered to sign and execute with my said wife any conveyance that may be necessary to convey title to any portion of or all of the lands and real property that I may own or be possessed at the time of my death.

Third: Should there be any of said lands or real property remaining unsold at the time of the death of my wife' Mattie' then in that event I will devise and bequeath such portion of the lands and real property hereinabove referred to to my daughters' Clara J. Hall' Cornelia Hall and Mattie Louise Hall' share and share alike.

Fourth: As to the personal property that I may own or be possessed of at the time of my death I will' give and bequeath that in the following manner:- To my daughter' Annie Hall Robinson I will' give and bequeath the sum of One Thousand Dollars (\$1000.00); To my daughter' Bessie Hall Byrne' I will' give and bequeath the sum of One Thousand Dollars (\$1000.00). After paying to my daughters Annie \$1000.00' and Bessie \$1000.00' then I want all the balance of the personal property' should there be any' divided equally between my wife' Mattie' and my daughters' Clara J. Hall' Cornelia Hall and Mattie Louise Hall' and it is my will that it be so divided.

Fifth: I hereby nominate and appoint my daughter' Cornelia Hall' as Executrix' and my sons' Young Charles Hall and Origen C. Hall' as Executors' of this my Last Will and Testament' and provide that they be not required to give Bond' to make inventory or report in any manner to any Court their proceedings hereunder.

In Witness Whereof' I hereunto set my hand this 9th day of February' 1921.

Charles Hall.

Signed and declared to be his last Will and Testament by Charles Hall' in our presence' and we in his presence and in the presence of each other' and at his request. Signed the same as a witness.

D. H. Eddington
Inez Kramer.

Filed in office of Judge of Probate Court of Baldwin County' Alabama' September 7th' 1927.

G. W. Humphries' Judge of Probate'
By J. L. Kessler' Clerk.

EXHIBIT "C".

THE STATE OF ALABAMA:

BALDWIN COUNTY.

I' Mattie Hall' being of sound mind' do make and publish this instrument as my last will and testament' hereby revoking any other will heretofore made by me.

FIRST: It is my will that all of my just debts be paid by my Executors hereinafter named as soon after my death as may be by them found convenient.

SECOND: I will' give' devise and bequeath to my sons' Young Charles Hall and Origen C. Hall my Baldwin County Bank Stock' share and share alike.

THIRD: I will' give' devise and bequeath to my daughter Annie Hall Robinson the sum of Two hundred and fifty Dollars and to my daughter Bessie Hall Byrne the sum of Two hundred and fifty Dollars.

FOURTH: I will' devise' give and bequeath to my grandchildren' namely: Leslie Hall' Edward G. Hall' W. Casque Hall' Loraine Hall' Origen C. Hall' Jr.' Carolyn Hall' Genyth Hall' Miraim L. Robinson' Donald D. Robinson' Mazie Jean Byrne and Cornelia Byrne' the sum of One hundred Dollars each' and to my little namesake and grandchild Martha Robinson I give and bequeath the sum of One Hundred and fifty Dollars and to my little grandson' Charles Hall Byrne I give and bequeath the sum of One hundred and fifty Dollars.

FIFTH: All the rest of my real and personal estate of which I shall die seized and possessed' or to which I shall be entitled to at the time of my decease' I will' give' devise and bequeath to my daughters Clara J. Hall' Cornelia Hall and Mattie Louise Hall' share and share alike.

SIXTH: I hereby nominate and appoint my daughter' Cornelia Hall' as Executrix' and my son Young Charles Hall' as Executor' of this my last will and testament' and provide that they be not required to give bond' to make inventory or report in any manner to any Court their proceedings hereunder.

IN WITNESS WHEREOF' I have hereunto set my hand this 3rd day of October' 1927.

Mattie Hall

Executed in the presence of'

C. L. White

J. T. Bradley

STATE OF ALABAMA'

BALDWIN COUNTY.

I' G. W. Humphries' Judge of the Court of Probate' in and for said county and State' do hereby certify' that the within instrument of writing has this day' in said Court' and before me' as the Judge thereof' been duly proven' by the proper testimony' to be the genuine last will and testament of Mattie Hall' deceased; and that said will together with the proof thereof' have been recorded in my office in Book of Wills "C" at page 559.

In witness of all which' I have hereto set my hand' and the seal of the said Court' this 12th day of February' A. D.' 1931.

(SEAL)

G. W. Humphries'
Judge of Probate Court."

STATE OF ALABAMA,
BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS: That we, FRANK EARLE,
as Principal, and the Undersigned, as Sureties, are held and firm-
ly bound unto the Register of the Circuit Court, in Equity, for
said County, in the sum of Three Hundred Dollars (\$300.00), for
the payment of which to the said Register, or to his successors,
we bind ourselves, our executors and administrators, jointly and
severally.

Sealed with our seals and dated this 21st day of
August, 1935.

WHEREAS, the said Frank Earle has filed his Supplemental Bill of Complaint in the said Circuit Court, in Equity, and has obtained thereon an Order for the issuance of an Injunction from the Hon. F. W. Hare, Judge, to restrain and enjoin the prosecution of that certain Ejectment Suit now pending in the Circuit Court of Baldwin County, Alabama, wherein Clara, Louise and Cornelia Hall are Plaintiffs, and Frank Earle is Defendant, until a final hearing of said Bill of Complaint.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH:- That if the said Frank Earle, his heirs, executors, administrators or any of them, shall well and truly pay or cause to be paid all damages which any person may sustain by the suing out of said Injunction if the same is dissolved by the Circuit Court, in Equity, on the Bill filed by the said Frank Earle as aforesaid, then the above obligation to be void, otherwise to remain in full force and effect.

Witness our hands and seals on the day and year first
above written.

Oran Parker SEAL
E. E. Hale SEAL
SEAL

Taken and approved this
16. day of August, 1953.

21,
Mary A. Shaw
Register.

FRANK EARLE,

Complainant,

-vs-

CLARA HALL, LOUISE HALL
and CORNELIA HALL,

Respondents.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

STATE OF ALABAMA,

BALDWIN COUNTY.

TO ANY SHERIFF OF SAID STATE - GREETINGS:-

We command you that without delay you execute this Writ and due return thereof to make to us instantter, at a term of our Circuit Court-in Equity, to be held at Bay Minette, Alabama, on the 22 day of August, 1933.

TO CLARA HALL, LOUISE HALL AND CORNELIA HALL, GREETINGS:-

WHEREAS, Frank Earle has exhibited his Supplemental Bill of Complaint in the Circuit Court of Baldwin County-In Equity, and has obtained from the Hon. F. W. Hare, Judge of said Court, an order for the issuance of an Injunction to restrain and enjoin you as hereinafter mentioned;

AND WHEREAS, the said Frank Earle, in accordance with said order, entered into Bond with security in the sum of Three Hundred Dollars, payable to and approved by the Register of said Circuit Court and conditioned according to law.

NOW, THEREFORE, you, the said Clara Hall, Louise Hall and Cornelia Hall, are hereby commanded and strictly enjoined from prosecuting that certain Ejectment Suit now pending in the Circuit Court of Baldwin County, Alabama, wherein Clara Hall, Louise Hall and Cornelia Hall are Plaintiffs, and Frank Earle is Defendant, until a final hearing of said Bill of Complaint.

Witness the hand of the Register and the seal of said Circuit Court-In Equity, this 21 day of August, 1933.

Mary A. Stone
Register.

was,

FRANK F. EARLE,

Complainant

vs.

CLARA J. HALL, et al,

Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Now comes each of the respondents in the above said cause, excepting Origen C. Hall, who is now dead and has died since the filing of the former demurrer in this cause, and begs leave of the Court to file additional grounds of demurrer to the bill of complaint in this cause, which grounds of demurrer are hereto attached.

Respectfully submitted,

Gordon E. Smith

SOLICITORS FOR RESPONDENTS CLARA J. HALL, CORNELIA HALL, as an Individual, and as Executrix of the Estates of Charles Hall and Mattie Hall, deceased, and MATTIE LOUISE HALL and YOUNG CHARLES HALL, Individually and as Executor of the Estate of Charles Hall, deceased.

FRANK F. EARLE,

Complainant

vs.

CLARA J. HALL, et al,

Respondents

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

Now come Clara J. Hall, Cornelia Hall, Cornelia Hall as Executrix of the Estate of Charles Hall, deceased, Cornelia Hall as Executrix of the Estate of Mattie Hall, deceased, Mattie Louise Hall, and Young Charles Hall, as Executor of the Estate of Charles Hall deceased, and Young Charles Hall, as respondents in the above said cause, each separately and severally, the consent of the Court first being had therefor and file the additional grounds of demurrer to the bill of complaint as originally filed and as amended by the supplemental bill therein filed, and as such grounds of demurrer, assign the following:

1. That there is a misjoinder of party respondent in this cause in that the said Origen C. Hall and Origen C. Hall, as Executor of the Estate of Charles Hall, deceased, is not alleged or shown to have any interest or concern in the matters alleged in said bill of complaint.

2. Because it is not averred by any facts in said bill of complaint that there is any joint interest as between the said Origen C. Hall or Young Charles Hall in any of the matters involved in this litigation.

3. Upon the further ground that the said bill is multifarious.

4. On the further ground that said bill is multifarious in that it is uniting in one bill several distinct and unconnected matters against one respondent, Origen C. Hall, and in which the other respondents have no interest whatever, together with a separate and distinct matter as to these respondents.

5. Because said bill is multifarious in that it sets up facts showing an effort on the part of the complainant

to have an accounting with his partner Origen C. Hall and with which the other respondents have no interest in or connection with whatever, and at the same time to enjoin these respondents from the foreclosure of a certain mortgage which is averred to be their property and executed by the complainant and the said O. C. Hall, there being no connection ^{as to or between} ~~but~~ the rights of these respondents under the terms of the said mortgage and as holders of said mortgage and the indebtedness existing between the said complainant and O. C. Hall.

Gordon Campbell Smith
SOLICITORS FOR THE ABOVE NAMED
RESPONDENTS

RECORDED

EQUITY NO. 1072

equity no. 1072

FRANK FL. EARLE

VS

CLA RA J. HALL ET AL

Filed Feb. 19th 1939
By C. Stone
Clark

FRANK F. EARLE,

Complainant

vs.

CLARA HALL, ET AL,

Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

~~Now come the respondents, each separately and several-~~
ly, and demur to the bill of complaint as filed in this cause,
each separately and severally, all of said respondents here-
with filing said demurrer, and as grounds for such demurrer
assign the following:

1. There is no equity in the said bill of complaint.
2. Because said bill of complaint seeks an adjust-
ment of some outstanding claim on the part of the complainant
against Orrie Hall as a partner, while Orrie Hall is not made
a party to this particular bill of complaint.
3. Because said bill of complaint seeks to adjust,
or have an accounting, with a third party and which third
party is not made a party respondent to this cause or a party
herewith individually in any manner whatsoever.
4. Because there are no facts averred to show that
the said Orrie Hall, whom the bill alleges to be indebted to
the complainant, has any interest, right or title in and to
the mortgage which is sought to be foreclosed, except as a
maker of said mortgage, and he is not made a party respondent
to said bill.

Henry Singleton & Son

ATTORNEYS FOR ALL OF THE
RESPONDENTS

RECORDED

EQUITY NO. 1072
equity no.

FRANK FL. EARLE

VS

CLARA J. HALL ET AL

*Filed Feb. 19th 1934
W. C. Stone
Clerk*

1072

RECORDED
Duck

Frank Earl
vs
Clara Hall et al

Filed Sept 29-1932
D. W. Dickinson
Register

FRANK EARLE,

Complainant,

-VS-

CLARA HALL ET AL,

Respondents.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

TO THE HON. F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT OF ALABAMA:-

Your Orator, Frank Earle, files this his Supplemental Bill of Complaint to the aforesaid cause, and shows unto your Honor as follows:-

That since he filed the foregoing Bill of Complaint asking that this Court take jurisdiction of the matters therein involved and permit him the right of the equity of redemption and an accounting between the parties, and the other things therein prayed for, the said Defendants, Clara, Louise and Cornelia Hall proceeded to foreclose said Mortgage mentioned in the Original Bill of Complaint in this cause, and have commenced an action of ejectment to recover said property, which is now pending in the Circuit Court of Baldwin County, Alabama, the said action of ejectment is based upon the Mortgage mentioned in these proceedings. Your Orator amends his Prayer for Process so as to add by way of a supplement to the same the following:-

Your Orator prays that your Honor will issue a temporary Writ of Injunction to the said Defendants in the aforestated cause, enjoining them from prosecuting said action of ejectment for the recovery of the lands and premises mentioned in the original Bill of Complaint.

And that your Orator amends his Bill of Complaint by way of supplementing the same by adding thereto the following:-

That on a final hearing of this cause, that your Honor will decree that said Injunction be made perpetual.

Frank Earle

Sworn to and subscribed before me, this 21st day of August, 1933.

Mary J. Green

Notary Public, Baldwin County, Alabama.

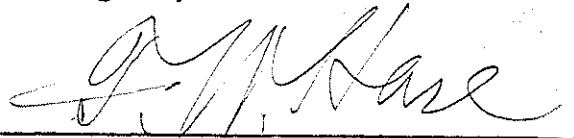
Hybart, Herd & Chesser
Solicitors for Complainant.

(page two)

TO THE REGISTER:-

Upon the Complainant entering into Bond in the sum of Three Hundred Dollars (\$300.00), let the temporary Writ of Injunction be issued as prayed for.

Dated this 21st day of August, 1933.



Judge.

FRANK F. EARLE,

Complainant

vs.

CLARA J. HALL, et al,

Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

BRIEF IN SUPPORT OF DEMURRER AS FILED BY
RESPONDENTS

In discussing the demurrer to the bill of complaint as originally filed, and as amended by a supplemental petition, the respondents have filed a motion for leave to add additional grounds of demurrer and in this brief will assume that the Court will allow the filing of such additional demurrer, and same shall be argued upon that theory.

In the first place, the general demurrer will be discussed. It will be remembered that the demurrer is filed by each of the respondents, separately and severally, and this brief shall be in support of the demurrer as having been filed by each respondent, separately and severally. Now taking the averments of the bill, it will be seen that it is admitted that a mortgage was executed by the complainant, together with O. C. Hall, in favor of Charles Hall, deceased, and that by will of the decedent it passed to his wife, and by her will, which has been duly probated, passed to Clara J.

Hall, Cornelia Hall and Mattie Louise Hall, three of the respondents², it is shown and admitted by said bill of complaint that the mortgage was past due and that the owners of said mortgage were proceeding to foreclose said mortgage by foreclosure and sale or, in other words, under the powers of the mortgage itself. There is nothing averred in the bill of complaint to show that the parties respondent were exercising any right which was not expressly given them under the terms of the mortgage, and it fails to aver any set of facts which would show any equity vested in the complainant which would justify him in having the parties who owned the mortgage enjoined from foreclosing same. It does, however, aver that at the time that the partnership existed between the complainant and the said O. C. Hall, neither of the respondents, who are the owners of said mortgage, had any connection whatever with the said partnership or were in anywise bound by any acts of the partnership, and the same is true as to Charles Hall, deceased, and Mattie Hall, deceased, through whom these respondents acquired the mortgage. Therefore, there can be no dispute but that the owners of the mortgage had a perfect right to proceed to foreclose said mortgage according to the powers which the mortgage itself contained. Complainant admits that he had not paid the mortgage debt and does not allege that it was not due, and, in fact, past due at the time of the filing of the bill of complaint

in this cause. But he alleges that he and O. C. Hall were partners, engaged in many business enterprises and that he had furnished to the said Hall several thousand dollars and that the said Hall is still indebted to him for these advancements in the carrying on of partnership business, and that because his partner, with whom he was dealing and to whom he was making the advances and who seemed to be transacting the partnership business for him, was the brother of the owners of the said mortgage and was also one of the executors of the estate of Judge Charles Hall and had been acting as agent and representative of the present owners of said mortgage in the estates of Judge Charles Hall and Mattie Hall, that this would give the complainant an equitable right for the present procedure. Answering this theory, we will say that the fact that the complainant and O. C. Hall were partners, and in all of the dealings of O. C. Hall touching the debts of the partnership, Hall would necessarily be held as a principal, or the agent of the partnership of which the complainant is a member, and would be binding ^{on the partnership.} It is an anomaly in law for a debtor in regard to his obligations to a third party to be the agent of a third party in such transaction, and even if he did represent the owners of the mortgage in their father's estate, by what process of reasoning can it be said that this had any connection with the mortgage

or give to the party complainant any equitable right which he would not have had otherwise. If O. C. Hall persuaded or induced the complainant not to pay the mortgage debt but to use the money for the purpose of paying other obligations of the partnership, this would be no concern of the owners of this mortgage nor have any bearing or connection with the mortgage, neither would it give the complainant any basis for the action in this cause. And if the said Hall did tell the complainant that he had made satisfactory arrangements for the mortgage to be carried on and held against such property for sometime yet to come, this would not be binding upon the respondents for the reason he was acting for himself and not as an agent for the respondents in the matter and this was complainant's partner. Suppose Hall did make the statement and the statement was untrue, would the respondents who own the mortgage be bound thereby? Then if Hall had no authority to bind them, whether the statement be true or untrue, the situation is exactly as it was before, the mortgage spoke for itself. More than this, we are unable to find any law which says that a promise to extend a debt without any consideration therefor, without any right therefor and without any estoppel arising, could be of any avail either in a Court of Law or Equity. The complainant listened to Hall, followed Hall's advice and he himself knows nothing of any statement on the part of the respondents, and when he listened to his

partner and followed his partner's advice, it was his partner who created the condition, and he certainly was bound by his partner.

Then put it on another plane. It is very apparent that O. C. Hall owed the complainant money and these respondents had nothing to do with the transaction in the remotest degree, and that the complainant is seeking to have an adjustment or accounting of this money as if it had some connection with the mortgage. Why should these respondents be held up in a court of equity in order that a partnership affair might be adjusted, simply because they held a mortgage on some of the partnership assets, there being no dispute of the mortgage, no dispute of the indebtedness and no dispute that it is due and unpaid. The Court is familiar with the fundamental principle of agency, that a party cannot represent both sides at one and the same time and claim a benefit therefrom. If this is true, then how much truer would it be that O. C. Hall, who was a member of a partnership with the complainant and who owed the mortgage indebtedness, together with the complainant, could not represent his own partnership and at the same time be agent of the third party so far as to bind such third party as by agency.

Upon what theory can the complainant hope to impart equity to this bill by asking that this Court require the owners of the mortgage to foreclose only as to O. C. Hall's

interest? Where is there anything to show that the owners of the mortgage are under any obligations, legal, equitable or moral to do such a thing? Where is there any reason for foreclosing as to one-half interest, thereby taking a chance as to whether that will bring sufficient funds and thus make a second attempt to foreclose, if such were legally possible, on the complainant's one-half interest in order to satisfy the mortgage indebtedness. This is a new proposition and an unusually new basis for relief, and unless there is some averment, more than is contained in this bill, we respectfully submit that it has not the slightest semblance of equity in this aspect.

The next proposition is that because the complainant was unwise in making advancements to his partner, because he was persuaded by his partner to use his finances to pay other debts owed by complainant and O. C. Hall rather than this mortgage debt, of what concern is that, as a matter of equity or law, to these respondents? They asked no such conduct on his part, they ratified no such proposition nor is there any averment showing that they even knew that such was being done. And if this be true, even as averred "that the said Origen C. Hall informed him that he had made arrangements with the other defendants and that it would be satisfactory with the defendants for the aforesaid mortgage to be carried on and held against said property for sometime yet to come," this would not of itself give the complainant any equitable right in this matter. It will be noted that the

averment is not that the owners of the mortgage did not make such statement but simply that the partner made such statement, and there being no averment that it was true or that the partner had any authority to make it, it cannot possibly lend equity to this bill. Besides this, the law clearly provides that this complainant could have paid off the mortgage debt and held O. C. Hall liable for his portion thereof. The law clearly provides that even if foreclosure proceedings were had, the complainant could have retained the property and still held his claim against O. C. Hall. The law is further clear that if the facts as averred existed, the said complainant had a clear, legal right in a court of law to establish his rights or else he could file a bill in chancery for an accounting as between himself and the said Hall as partners.

We, therefore, say that there is no equity in this bill, that the complainant has no right for an injunction to prevent the foreclosure of this mortgage, either in part or in whole, and he has no right to make the liability of the partnership on the said mortgage the basis of any action as between him and these respondents.

This brings us to the ground of demurrer that the bill is multifarious. And in discussing this it might be well to start out with the definition of multifariousness as will be found in the case of Ford v. Borders, 200 Ala. page 72, which is as follows:

"Multifariousness is generally understood to infect those cases where a party is brought in as a defendant as to matters with a large portion of which, or with the case made by which, he had no connection whatever. It may be described as a joinder of different and distinct independent matters thereby confounding them, or uniting in one bill of several matters perfectly distinct and unconnected against one defendant, or the demands of several matters of a distinct and independent nature against several defendants in the same bill."

Now take the different phrases of this definition, and we respectfully submit that these defendants, and especially Young Charles Hall, are brought in as to "matters with a large portion of which" they had no connection whatever, and, in fact, Young Charles Hall had no connection in any way. The main part of the bill is based upon an outstanding partnership relation and accounting as between the complainant and O. C. Hall, and these respondents have nothing whatsoever to do with them in any way, shape or form. They have a distinct legal right under the terms of the mortgage, which they have a distinct legal right to exercise and this, independent of any partnership relations as between the complainant and O. C. Hall. It will be remembered that the property has not yet been sold, so far as the averments of the bill are concerned, they are not asking that these respondents be required to pay over to the said complainant any excess which might be received at said sale over the indebtedness due to the com-

plainant, but they are trying to force a change in the legal rights of these respondents under a written instrument for the benefit of one of the mortgagors as against his partner, the other mortgagor.

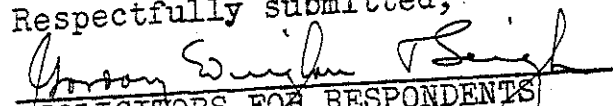
The second clause "It may be described as a joinder of different and distinct independent matters, thereby confounding them, or a uniting in one bill of several matters perfectly distinct and unconnected against one defendant," and it will be seen that this phase of multifariousness is applicable. The effort to join these respondents' rights to foreclose the mortgage for the purpose of collecting their mortgage debt with an accounting as between the complainant and O. C. Hall, his partner, of partnership matters in general, two separate and distinct issues, and the latter being of no concern whatsoever to these respondents, they having no connection with it whatsoever, and their rights under the mortgage are not affected with this phase of the case at all.

Then take the other clause of the above definition as constituting multifariousness and we will find "the demand of several matters of a distinct and independent nature against several defendants in the same bill." For an accounting as between the members of the firm would embrace, judging from the averments in the bill, quite a scope of matters against O. C. Hall and one of which would pertain to these respondents. For instance, the complainant's right under the mortgage is one

matter, his right to have an accounting with his partner is another matter, and his relation or right as to Young Charles Hall has never been averred or manifested, so we find several matters as between several defendants and which are of a separate and distinct nature and which can be and ought to be separate and distinct actions and not in an action in an effort to enjoin these respondents from the exercise of their legal rights under a mortgage which is admitted to be genuine, which is admitted to be due and unpaid, and which is admitted as an outstanding binding obligation upon this complainant. If this complainant has been injured by his partner, and yet this mortgage was not the outcome of such conduct nor tainted with any deception in its execution and delivery, then what equitable right has this complainant to have it joined into a bill for an accounting of partnership affairs, many of which, shown by the averments of the bill itself, cannot possibly have any bearing on or connection with the mortgage or the debt for which it was given as security.

We, therefore, respectfully submit that the bill is without equity, that there is a misjoinder of parties in that the said Young Charles Hall is shown to have no connection with the matters averred whatsoever, and upon the further ground that the bill is multifarious under the authority above set out.

Respectfully submitted,


SOLICITORS FOR RESPONDENTS

FRANK F. EARLE,

Complainant,

VS.

CLARA J. HALL, CORNELIA HALL, CORNELIA HALL, as Executrix of the Estate of Charles Hall, deceased, CORNELIA HALL, as Executrix of the Estate of Mattie Hall, Deceased; MATTIE LOUISE HALL, ORIGEN C. HALL, ORIGEN C. HALL, as Executor of the Estate of Charles Hall, Deceased; YOUNG CHARLES HALL, Executor of the Estate of Charles Hall, Deceased, and YOUNG CHARLES HALL,

Defendants.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA.

BALDWIN COUNTY.

TO THE HONORABLE F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT OF ALABAMA. SITTING IN EQUITY.

Your Orator, Frank F. Earle, humbly complaining of the Defendants in a matter as will hereinafter appear, shows unto your Honor as follows:-

F I R S T.

That both he and the Defendants are residents of Baldwin County, Alabama, and are over the age of twenty-one years.

S E C O N D.

Your Orator further shows unto your Honor that he and the said Origen C. Hall are the joint owners of the following described real estate situated in Baldwin County, Alabama, to-wit:-

Lot No. Five (5) in Block Twenty-seven
(27) of Hand Land Company's Addition
to the Town of Bay Minette, Alabama.

That each own a one-half interest in the aforesaid lot; and your Orator further shows unto your Honor that during the lifetime of Judge Charles Hall that he and the said Origen C. Hall executed to the said Judge Charles Hall a mortgage in the sum of FIFTY-FIVE HUNDRED

DOLLARS (\$5500.00), a copy of which said mortgage is hereto attached, marked Exhibit "A", and prayed to be taken as a part of this Bill of Complaint. Your Orator further shows unto your Honor that when the proper credits are allowed on and against said mortgage and the usual interest deducted therefrom that the same will have been practically paid.

T H I R D.

Your Orator further shows unto your Honor that the said Judge Charles Hall died testate, a copy of his said will, which has been duly probated by the Probate Court of Baldwin County, Alabama, being hereto attached and marked Exhibit "B" and made a part of this Bill of Complaint. Your Orator further shows unto your Honor that by said will the said Judge Charles Hall bequeathed to Clara J. Hall, Cornelia Hall, Mattie Louise Hall and Mrs. Mattie Hall the aforesaid mortgage, and your Orator is further advised that the said Clara J. Hall, Cornelia Hall and Mattie Louise Hall are claiming to own the aforesaid mortgage by virtue of a transfer and assignment to them by the duly appointed Executrix and Executors of the estate of Judge Charles Hall, deceased, and are now attempting to foreclose said mortgage under the powers therein, having given notice by publication in a news paper published in Baldwin County that they will, as transferees of said mortgage, sell the aforesaid described property on, to-wit, October 12, 1932, Your Orator further shows unto your Honor that he and the said Origen C. Hall have been engaged in several business enterprises, in which he has furnished the said Origen C. Hall several thousand dollars, for all of which the said Origen C. Hall is now indebted to him. Your Orator further shows unto your Honor that the said Origen C. Hall, who is a brother of the said Clara J. Hall, Cornelia Hall and Mattie Louise Hall and a son of Mrs. Mattie Hall, deceased, and also, is one of the Executors of the estate of Judge Charles Hall, deceased, and that the said Origen C. Hall has been

acting as the agent and representative of the said Clara J. Hall, Cornelia Hall and Mattie Louise Hall in looking after their financial affairs growing out of the estates of the said Judge Charles Hall, deceased, and Mattie Hall, deceased. Your Orator further shows unto your Honor that sometime within the last twelve months' your Orator had ample money in hand to settle the aforesaid mortgage indebtedness; that is, the amount due on said mortgage, and proposed to the said Origen C. Hall that they pay off said mortgage out of said moneys, but that the said Origen C. Hall informed him that he had made arrangements with the other defendants and that it would be satisfactory with the defendants for the aforesaid mortgage to be carried on and held against said property for sometime yet to come, and insisted upon your Orator paying the debts owed by both he and Origen C. Hall, of which amount the said Origen Hall was unable to pay his part, and which money was in the sum of FIVE THOUSAND DOLLARS (\$5,000.00), which he did, and which money, together with other moneys that he has advanced to the said Origen C. Hall in their several business enterprises is now due your Orator and that the said Origen C. Hall is indebted to your Orator in the sum of Seventy-Five Hundred (\$7500.00) Dollars. Your Orator further shows unto your Honor that the said Mattie Hall departed this life about the 1st. of January, 1931, testate, a copy of her said will is hereto attached, marked Exhibit "C", and is made a part of this Bill of Complaint.

F O U R T H.

Your Orator further shows unto your Honor that the only property out of which he can recover the money advanced by him to the said Origen C. Hall as a partner in the several business enterprises in which they have been engaged, is the property described in Paragraph Two of this Bill of Complaint; that is, if the said Origen C. Hall's one-half interest in said property exceeds the mortgage indebtedness heretofore mentioned. Your Orator further shows unto your Honor that in equity and good conscience he should be protected if possible against said mortgage indebtedness against his in-

terest in said property in this, that the said Defendants other than Origen Hall, by way of marshalling the assets, should be required to foreclose their said mortgage on said Origen C. Hall's one-half interest in said property before foreclosing their said mortgage against your Orator's one-half interest in said property; or, in the event that it is ascertained to be necessary to foreclose the said mortgage on the whole property that your Honor then should decree out of the proceeds of the money flowing to the said Origen C. Hall from his one-half interest of said property, a sufficient amount of money to pay off said mortgage indebtedness and decree a judgment against the said Origen C. Hall for the balance that may be found to be due your Orator by said Origen C. Hall in favor of your Orator. Your Orator hereby submits himself to the jurisdiction of this Court and herein expressly offers to do equity, and to pay such sums of money as your Honor may decree that he should pay to the said Defendants, or either of them by virtue of the mortgage indebtedness that they claim they hold against said property.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises, your Orator prays that the usual writ of process will issue to the said Clara J. Hall, Cornelia Hall, Cornelia Hall, as Executrix of the Estate of Charles Hall, Deceased, Cornelia Hall, as Executrix of the Estate of Mattie Hall, Deceased; Mattie Louise Hall, Origen C. Hall, Origen C. Hall, as Executor of the Estate of Charles Hall, Deceased; Young Charles Hall, Executor of the Estate of Charles Hall, Deceased, and Young Charles Hall, making them parties defendant to this Bill of Complaint, and requiring them to plead, answer or demur to the same within the time as required by law.

PRAYER FOR RELIEF.

The premises considered, your Orator prays that on a final hearing of this cause, first, that your Honor will order a reference to ascertain the balance due, if any, by your Orator

upon said mortgage indebtedness; second that your Honor will enter a decree requiring the owners of said mortgage to foreclose their mortgage first as against the one-half interest in the said property owned by the said Origen C. Hall; third, that in the event your Orator is mistaken as to the relief he is entitled to, your Orator prays that your Honor will require the holders of said mortgage to foreclose their said mortgage and then out of the proceeds of the interest of the said Origen C. Hall in and to the moneys flowing from said foreclosure sale that your Honor will decree that said mortgage indebtedness be paid, and that your Orator have a decree against the said Origen C. Hall for such amount as may be found to be due him; fourth, in the event that your Honor decree that the foregoing prayers as set forth in paragraphs Two and Three of this Prayer for Relief are not appropriate for your Orator's relief, then your Orator prays that he be permitted to pay said mortgage under his right of the equity of redemption with such reasonable time as your Honor may see fit to allow him to do. Your Orator prays for such other, further, different and general relief as in equity may seem just and meet, and your Orator will ever pray.

Hyatt, Head & Pason
Solicitors for Complainant.

Defendants are required to answer paragraphs First to Fourth, inclusive, of the foregoing bill of complaint, but answer under oath is hereby expressly waived.

Hyatt, Head & Pason
Solicitors for Complainant.

EXHIBIT "A".

KNOW ALL MEN BY THESE PRESENTS: That, Whereas, the undersigned Frank F. Earle and Fannie Mae Earle, his wife, Origen C. Hall and Orpah M. Hall, his wife, are justly indebted to Charles Hall in the sum of Fifty-five Hundred & No/100 Dollars evidenced by one promissory note dated August 25th, 1923 1923 and payable on July 1st, 1924, with interest from date at the rate of eight per cent per annum until paid;

And, Whereas, the said Frank F. Earle and Fannie Mae Earle, his wife, Origen C. Hall and Orpah M. Hall, his wife, are desirous of securing the prompt payment of said Note when the same falls due. Now, therefore, in consideration of said indebtedness and to secure the prompt payment of the same at maturity, the said Frank F. Earle, and Fannie Mae Earle, his wife, and Origen C. Hall, ---- his wife, have bargained and sold and they do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Charles Hall, the following described real estate situated in Baldwin County and State of Alabama, to-wit:-

Lot Number Five (5) in Block Number Twenty-seven (27) in Hand Land Company's Addition to the Town of Bay Minette, Alabama, and all improvements thereon,

warranted free from all incumbrances and against any adverse claims.

TO HAVE AND TO HOLD the above granted premises unto the said Charles Hall, his heirs and assigns, FOREVER. And for the purpose of further securing the payment of said Note we do hereby agree to pay all the taxes and assessments when imposed regularly upon said premises, and should we make default in the payment of same said Charles Hall may at his option pay off the same; and to further secure the said indebtedness first above named we agree to keep said property insured for at least Four Thousand Dollars, loss, if any, payable to said Charles Hall as his interest may appear, and if we fail to keep said property insured as above specified, then the said Charles Hall may at his option insure said property for said sum for his own benefit, the Policy if collected to be credited on said indebtedness, less cost of collecting same; all amounts so expended by said Charles Hall shall become a debt to Charles Hall additional to the indebtedness hereby specially secured, and shall be covered by this Mortgage and bear interest from date of payment by said Charles Hall and be due and payable at the maturity of said indebtedness.

Upon condition, however, that if the said Frank F. Earle and Fannie Mae Earle, his wife, and Origen C. Hall and Orpah M. Hall, his wife, pay said note and reimburse said Charles Hall for any amount he may have expended as taxes and insurance and interest thereon, then this conveyance to be null and void; but should default be made in the payment of any sum expended by the said Charles Hall, or should said Note or any part thereof, or the interest thereon, remain unpaid at maturity, or should the interest of said Charles Hall or his heirs and assigns in said property become endangered by reason of the enforcement of any prior lien or encumbrance thereon, so as to endanger the debt hereby secured, then in any one of said events the whole of said indebtedness shall at once become due and payable and this mortgage be subject to foreclosure as now provided by law in case of past due Mortgages, and the said Charles Hall, his heirs, agents or assigns, shall be authorized to take possession of the lands hereby conveyed, and after giving twenty days notice by publication once a week for three consecutive weeks of the time, place and terms of sale by publication in some newspaper published in Baldwin County, to sell the same in front of the Courthouse Door of said county at public outcry to the highest bidder for cash, and apply the proceeds of said sale; first, to the expense of advertising,

(page two)

selling and conveying, including a reasonable attorneys' fee; second, to the payment of any amounts that may have been expended or that may then be necessary to expend in paying insurance, taxes and other incumbrances, with interest thereon; third, to the payment of said Note and interest, whether the same shall or shall not have fully matured at the date of said sale; but no interest shall be collected beyond the day of sale; and fourth, the balance, if any, to be turned over to the said Frank F. Earle and Fannie Mae Earle, Origen C. Hall and Orpah M. Hall. And they further agree that the said Charles Hall, his heirs, agent or assigns, may bid at said sale and purchase said property if the highest bidder therefor, and they further agree to pay a reasonable attorneys' fee to said Charles Hall, or his heirs, agents or assigns, for the foreclosure of this mortgage in chancery. Should same be foreclosed said fee to be part of the debt hereby secured.

Witness our hands and seal this the 25th day of August
A. D., 1923.

WITNESS:
Cornelia Hall.

Frank F. Earle (SEAL)
Fannie Mae Earle (SEAL)
Origen C. Hall (SEAL)
Orpah M. Hall (SEAL)

THE STATE OF ALABAMA,

BALDWIN COUNTY.

I, Cornelia Hall, a Notary Public in and for said County, in said State, hereby certify that Frank F. Earle and Fannie Mae Earle, his wife, and Origen C. Hall and Orpah M. Hall, his wife, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that being informed of the contents of this conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and seal of office this 25th day of August A. D., 1923.

(SEAL) Cornelia Hall
Notary Public, Baldwin County,
Alabama.

THE STATE OF ALABAMA,

BALDWIN COUNTY.

I, Cornelia Hall, a Notary Public in and for said County in said State, hereby certify that on the 25th day of August, 1923, came before me the within named Fannie Mae Earle and Orpah M. Hall, known to me (or made known to me) to be the wives of the within named Frank F. Earle and Origen C. Hall, who being examined separate and apart from their husband, touching their signature to the within conveyance, acknowledged that they signed the same of their own free will and accord and without fear, constraints or threats on the part of their husbands.

In Witness Whereof, I hereunto set my hand and seal of office this 25th day of August, A. D., 1923.

(SEAL) Cornelia Hall
Notary Public, Baldwin County,
Alabama.

(page two)

(page three)

THE STATE OF ALABAMA,

BALDWIN

COUNTY.

Office of the Judge of Probate Court.

I, G. L. Lambert, Judge of said Court and for said County, do hereby certify that the within instrument was filed in this office for record on the 3rd day of September, 1923, at 11:50 o'clock, and I further certify that the same is duly recorded in Record Book No. 20, page 339, and duly examined.

Witness my hand this 3rd day of September, 1923.

G. L. Lambert,
Judge of Probate Court,
By J. L. Kessler, Clerk.

EXHIBIT "B".

STATE OF ALABAMA,

BALDWIN COUNTY.

I, Charles Hall, being of sound mind, do make and publish this instrument as my Last Will and Testament, hereby revoking any other Will heretofore made by me.

First: It is my will that all of my just debts be paid by my Executors hereinafter named as soon after my death as may be by them found convenient.

Second: I will, give, devise and bequeath to my wife, Mattie Hall, and to my daughters, Clara J. Hall, Cornelia Hall and Mattie Louise Hall, all lands and real property that I may own or be possessed of at the time of my death, and I hereby authorize and empower my said wife and my daughter, Cornelia, to sell any portion of, or all of my said lands and real property whenever they may see fit to do so, and to make deed or deeds to the purchaser. Should, my daughter, Cornelia, die before the death of my wife then in that event my daughter Clara J. Hall or my daughter Mattie Louise Hall, or either one of my said daughters are hereby authorized and empowered to sign and execute with my said wife any conveyance that may be necessary to convey title to any portion of or all of the lands and real property that I may own or be possessed at the time of my death.

Third: Should there be any of said lands or real property remaining unsold at the time of the death of my wife, Mattie then in that event I will, devise and bequeath such portion of the lands and real property hereinabove referred to to my ~~daughter~~ daughters, Clara J. Hall, Cornelia Hall and Mattie Louise Hall, share and share alike.

Fourth: As to the personal property that I may own or be possessed of at the time of my death I will, give and bequeath that in the following manner:- To my daughter, Annie Hall Robinson, I will, give and bequeath the sum of One Thousand Dollars (\$1,000.00); To my daughter Bessie Hall Byrne, I will, give and bequeath the sum of One Thousand Dollars, (\$1,000.00). After paying to my daughters Annie \$1,000.00 and Bessie \$1,000.00, then I want all the balance of the personal property should there be any, divided equally between my wife, Mattie, my daughters, Clara J. Hall, Cornelia Hall and Mattie Louise Hall, and it is my will that it be so divided.

Fifth: I hereby nominate and appoint my daughter, Cornelia Hall, as Executrix, and my sons, Young Charles Hall and Origen C. Hall as Executors of this my Last Will and Testament, and provide that they be not required to give Bond, to make inventory or report in any manner to any Court their proceedings hereunder.

In Witness whereof, I hereunto set my hand this 9th day of February, 1921.

Charles Hall.

Signed and declared to be his last Will and Testament by Charles Hall, in our presence, and we in his presence and in the presence of each other, and at his request. Signed

the same as a witness.

D. H. Eddington
Inez Kramer.

Filed in office of Judge of Probate Court of Baldwin
County, Alabama, September 7th, 1927.

G. W. Humphries, Judge of
Probate, by J. L. Kessler,
Clerk.

EXHIBIT "C".

THE STATE OF ALABAMA,
BALDWIN COUNTY.

I, Mattie Hall, being of sound mind, do make and publish this instrument as my last will and testament, hereby revoking any other will heretofore made by me.

FIRST: It is my will that all of my just debts be paid by my Executors hereinafter named as soon after my death as may be by them found convenient.

SECOND: I will, give, devise and bequeath to my sons, Young Charles Hall and Origen C. Hall my Baldwin County Bank Stock, share and share alike.

THIRD: I will, give, devise and bequeath to my daughter Annie Hall Robinson the sum of Two Hundred and Fifty Dollars and to my daughter Bessie Hall Byrne the sum of Two hundred and fifty Dollars.

FOURTH: I will, devise, give and bequeath to my grand children, namely: Leslie Hall, Edward G. Hall, W. Gasque Hall, Loraine Hall, Origen C. Hall, Jr., Carolyn Hall, Genyth Hall, Miraim L. Robinson, Donald D. Robinson, Mazie Jean Byrne and Cornelia Byrne, the sum of One hundred Dollars each, and to my little namesake and grandchild Martha Robinson I give and bequeath the sum of One Hundred and Fifty Dollars, and to my little grandson Charles Hall Byrne I give and bequeath the sum of One hundred and Fifty Dollars.

FIFTH: All the rest of my real and personal estate of which I shall die seized and possessed, or to which I shall be entitled to at the time of my decease, I will, give, devise and bequeath to my daughters Clara J. Hall, Cornelia Hall and Mattie Louise Hall, share and share alike.

SIXTH: I hereby nominate and appoint my daughter, Cornelia Hall, as Executrix, and my son Young Charles Hall as Executor of this my last will and testament, and provide that they be not required to give bond, to make inventory or report in any manner to any Court their proceedings hereunder.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of October, 1927.

Mattie Hall.

Executed in the presence of
C. L. White
J. T. Bradley.

STATE OF ALABAMA.
BALDWIN COUNTY.

I, G. W. Humphries, Judge of the Court of Probate, in and for said County and State, do hereby certify that the within instrument of writing has this day in said Court, and before me, as the Judge thereof, been duly proven by the proper testimony, to be the genuine last will and testament of Mattie Hall, deceased; and that said will, together with the proof thereof, have been recorded in my office in Book of Wills "C" at page 539.

In witness of all which, I have hereto set my hand and the seal of the said Court, this 12th day of February, A.D. 1931.

SEAL

G. W. Humphries,
Judge of Probate Court.

CLARA J. HALL, MATTIE LOUISE
HALL and CORNELIA HALL,

Plaintiff.

-vs-

FRANK F. EARLE,

Defendant.

IN THE CIRCUIT COURT--AT LAW

STATE OF ALABAMA

BALDWIN COUNTY.

Now comes the Defendant in the aforesaid cause, and moves the Court to transfer this cause to the Equity Side of the Court, and shows unto your Honor in support thereof:-

That heretofore and prior to the filing of this suit the said Frank F. Earle filed his Bill of Complaint in said Equity Court, making the aforesaid Plaintiffs parties defendant thereto; that said Equity Suit involves the title and the right to the possession of the lands set forth in the Complaint in this cause, and said Bill of Complaint in said Equity Suit is hereby made a part and parcel of this Motion.

And the said Frank F. Earle further moves that this cause be consolidated with said Equity Case and be disposed of in said Equity Court.

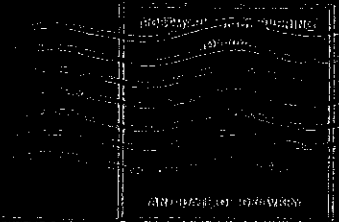
Hyatt, Heard & Chason
Attorneys for Frank F. Earle.

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