

The State of Alabama,
Baldwin County.

No. 254 CIRCUIT COURT IN EQUITY.

H. H. MOORER

Complainant

vs.

S. S. NETTLES and RUBY NETTLES

Defendant

In this cause it appears to the Register, Robert S. Duck,
that a summons requiring the Defendant s S. S. Nettles and Ruby Nettles

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days
after the service of said Summons upon them Defendants
was served upon them by the Sheriff of Montgomery County, Alabama, on the
11th day of September 19 36

And the said Defendants having failed to demur, plead to or answer the said Bill of Complaint
to this date, it is now, therefore, on motion of BEEBE, HALL & BEEBE, Solicitors
for Complainant,

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things
taken as confessed against the said S. S. Nettles and Ruby Nettles

Defendants aforesaid.

This 29th day of October 19 36

R. S. Duck Register.

H. H. MOORER,)	IN THE CIRCUIT COURT OF
Complainant,		BALDWIN COUNTY, ALABAMA.
vs.		IN EQUITY.
S. S. NETTLES and)	
RUBY NETTLES, his		
wife,		
Respondents.)	

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

WHEREAS, a decree was rendered on the 3rd day of November, 1936, by your Honor ordering the Register of said Court to sell the hereinafter described property in front of the Court House door of said County at public outcry, to the highest bidder, for cash, after giving notice of the time, place and terms of sale by publication once a week for three successive weeks in a newspaper published in the Town of Bay Minette, Baldwin County, Alabama; that the said Register report the sale made pursuant to said decree for confirmation and that the proceeds from said sale be received and held by him for the further orders of your honorable court;

NOW THEREFORE, I, R. S. DUCK, as Register, do hereby certify and report I did on Monday, the 14th day of December, 1936, after advertising the time, place and terms of sale, together with a description of the lands, in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, thirty days, sell at public outcry to the highest bidder, for cash, in front of the door of the Court House of Baldwin County, Alabama, the following described lands, to-wit:

Beginning at a point on the west Right of Way line of Hand Avenue 174 feet North and 204 feet West of Southeast corner of Northeast quarter of Northeast quarter Section Five, Township Two South, Range Three East, thence West 1017.5 feet, thence South 22 degrees and 30 minutes East 463 feet, thence East 1017.5 feet to West line of Hand Avenue 463.2 feet to place of beginning;

at which sale C. W. Northcutt became the purchaser of said lands

for and at the sum of Three Hundred Dollars (\$300.00), which was the best bid for the same at said sale, which said sum has been deposited with the Register for further orders of said Court.

The Register prays that your Honor will confirm said sale and will order a reference to be held to ascertain what is a reasonable fee in this cause to be paid to the solicitors of record, and to further ascertain the amount to be allowed H. H. Moorer, complainant in said cause, for taxes and other expenses incurred for the common good of all parties and paid by H. H. Moorer in connection with said property.

All of which is respectfully submitted on this the 20
day of January, 1937.



Register.

H. H. MOORER,
Complainant,

vs.

S. S. NETTLES and
RUBY NETTLES, his
wife,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

WHEREAS, by decree of this Court made and entered in the above styled cause on the 21st day of January, 1937, a reference was ordered directing the Register to execute to C. W. Northcutt a deed properly drawn and executed, conveying to him all the interest in the property heretofore held by any and all parties to this cause, and was further ordered that the Register hold a reference to ascertain what was a reasonable attorney's fee to be allowed to the solicitors of record in this cause, and to further determine what amount of money should be paid over to H. H. Moorer, the complainant in this cause, for taxes and other expenses incurred for the common benefit of all parties;

NOW THEREFORE, I, R. S. DUCK, as Register, beg leave to report that I have held said reference in strict pursuance to said decree, and that I did on the 23rd day of January, 1937, execute a deed properly drawn and executed, conveying to the said C. W. Northcutt all the interest in the hereinafter described property heretofore held by any and all parties to this cause, said property being located in Baldwin County, Alabama, and described as follows, to-wit:

Beginning at a point on the west Right of Way line of Hand Avenue 174 feet North and 204 feet West of Southeast corner of Northeast quarter of Northeast quarter Section Five, Township Two South, Range Three East, thence West 1017.5 feet, thence South 22 degrees and 30 minutes East 463 feet, thence East 1017.5 feet to West line of Hand Avenue 463.2 feet to place of beginning, in Baldwin County, Alabama.

That the said Register did hold a reference on the 23rd day of January, 1937, to determine what was a reasonable solicitor's

fee to be paid the solicitors of record, and to ascertain the amount which should be paid over to the said H. H. Moorer, the complainant in this cause, and at said reference the said R. S. Duck, as Register, did determine that the sum of Fifty Dollars (\$50.00) was a reasonable solicitor's fee in the said cause, and that the sum of Two Hundred Four & 83/100----- Dollars should be paid over to the said H. H. Moorer, being the balance of the said sale after deducting all costs in said cause.

All of which is respectfully submitted on this the 23rd day of February, 1937.

R. S. Duck
Register.

the Register report the sale made pursuant to this decree for confirmation, and that the proceeds from said sale be received and held by him for the further orders of this court.

Done at Monroeville, Alabama, this the 3rd day of November, 1936.

F. W. Hare

Judge.

H. H. MOORER,	}	IN THE CIRCUIT COURT OF
Complainant,		BALDWIN COUNTY, ALABAMA.
vs.		IN EQUITY.
S. S. NETTLES and	}	
RUBY NETTLES, his		
wife,		
Respondents.)	

This cause coming on to be heard on the report of the Register filed in this cause on the 19th day of January, 1937, pursuant to a decree made in this cause on the 3rd day of November, 1936, ordering a sale of the property described in the bill of complaint, in which he reports that on the 14th day of December, 1936, he did within the legal hours of sale offer for sale and sell in front of the Court House door in said County the said property at public outcry to C. W. Northcutt for Three Hundred Dollars (\$300.00) cash, which was the highest and best bid therefor, and that he had received the purchase money in compliance with the terms of the decree of sale; that by an order of this court said report has lain over for more than one day for exceptions and that no exceptions having been filed thereto; that it appears to the court that said sale was fairly conducted and that the price received therefor is not disproportionate to the value thereof, and that the court is of the opinion that said report should be ratified and that sale should be confirmed;

Whereupon, it is ORDERED and DECREED that said sale as aforesaid be and is hereby confirmed and that the report thereof be ratified, and that the Register of this Court is hereby ordered and directed to execute to the said C. W. Northcutt a deed properly drawn and executed, conveying to him all the interest in said property heretofore held by any and all the parties to this cause.

It is further ORDERED that the Register hold a reference to ascertain what is a reasonable fee to be paid to the solicitors in this cause, and to further ascertain what amount should be paid

over to H. H. Moorer, the complainant in said cause, for taxes and other expenses incurred for the common benefit of all parties, which taxes were paid by him in connection with said property.

Done at Monroeville, this the 21 day of January, 1937.

F. W. Hare

Judge.

H. H. MOORER,
Complainant,
vs.
S. S. NETTLES and
RUBY NETTLES, his
wife,
Defendants.

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

This cause coming on to be heard on the report of the Register made and filed in this cause on the 23rd day of February, 1937, pursuant to the decree of reference made by this Court on the 21st day of January, 1937, and no exceptions having been filed thereto, it appears to the Court that proper deed has been executed to the purchaser and that reference was held for the purpose of ascertaining a reasonable solicitor's fee in said cause, and to further determine the amount that should be paid over to the complainant in said cause; and it further appears to the said Court that the said fee allowed the solicitors of record is reasonable and that the complainant is entitled to the sum of Two Hundred Four & 83/100--- Dollars, as set out in the said Register's report, and that the Court is of the opinion that said report should be ratified and confirmed;

It is therefore ORDERED and DECREED by this Court that the said report of the Register be and the same is hereby confirmed.

Done this the 25th day of February, 1937.



Judge.

STATE OF ALABAMA,

COUNTY OF BALDWIN.

KNOW ALL MEN BY THESE PRESENTS, That Henry D. Moorer, and Ruth Y. Moorer, his wife, for and in consideration of the sum of One Dollar and other good and valuable considerations to them in hand paid by H. H. ~~Nettles~~^{Moorer} and S. S. Nettles, the receipt whereof is hereby acknowledged, have granted, bargained, and sold and by these presents do hereby GRANT, BARGAIN, SELL and CONVEY unto the said H. H. Moorer and S. S. Nettles, and assigns, our entire interest in and to the following described real estate, situated in the County of Baldwin and State of Alabama, to-wit:

Beginning at a point on the west Right of Way line of Hand Avenue 174 feet North and 204 feet West of Southeast corner of Northeast quarter of Northeast quarter Section Five, Township Two South, Range Three East, thence West 1017.5 feet thence South 22 degrees and 30 minutes East 463 feet, thence East 1017.5 feet to West line of Hand Avenue 463.2 feet to place of beginning. This conveyance is intended to describe and convey the parcel of land purchased by us from the Bay Minette Land Co. and bordering on the West side of Hand Avenue, Baldwin County, Alabama. It being the intention of the grantors herein to convey the same property as described in and conveyed by that certain deed from The Bay Minette Land Co. to George W. Petty, dated January 24, 1914 and Recorded in Office of Judge of Probate, Baldwin County, Alabama in Deed Book 22 NS, Page 19./

Also,

The Southeast quarter of Southwest quarter of Northeast quarter, containing ten acres; also Northwest quarter of Southeast quarter, containing forty acres, more or less, in Section Thirty-four, Township One South, Range Three East, Baldwin County, Alabama.

TO HAVE AND TO HOLD the aforesaid premises to the said H. H. Moorer and S. S. Nettles, their heirs and assigns, FOREVER, and we do covenant with the said H. H. Moorer and S. S. Nettles, their heirs and assigns that we are lawfully seized in fee of the afore-granted premises; and that they are free from all encumbrances;

that we have a good right to sell and convey the same to the said H. H. Moorer and S. S. Nettles, their heirs and assigns, and that we will WARRANT AND DEFEND the premises to the said H. H. Moorer and S. S. Nettles, their heirs and assigns, forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this January 8th, 1931.

Henry D. Moorer (SEAL)
Ruth Y. Moorer (SEAL)

STATE OF ALABAMA,
BALDWIN COUNTY.

I, Margaret Huggins, a Notary Public, in and for said County in said State, hereby certify that Henry D. Moorer and Ruth Y. Moorer, 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 the said conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 8th day of January, 1931.

Margaret Huggins
Notary Public.

STATE OF ALABAMA,
BALDWIN COUNTY.

I, Margaret Huggins, a Notary Public, in and for said County, in said State, do hereby certify that on the came before me the within named Ruth Y. Moorer, known to me to be the wife of the within named Henry D. Moorer, who being examined separate and apart from her husband, touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord, and without fear, constraining or threats on the part of her husband.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 8th, day of January, 1931

Record with Deed
↓

Margaret Huggins
Notary Public.

ABOVE PROPERTY was heretofore ^{equally} owned by H D MOORER, H. H. MOORER and S S Nettles. H D MOORER is deeding his interest to H H Moorer + S. S. Nettles -

Signed H. H. Moorer
S. S. Nettles

RECORDED
Aueh
2-268

Filed February 25, 1937
E. S. Sweet, Register.

RECORDED
Duck
2-267

Filed Jan. 22, 1937.
R. S. Duck
Register.

Register's Report

MISSOURI

Archives

7-95-

Filed February 23, 1937

R. S. Duckworth Register

RECORDED
Book
7-94

No. 1 Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

VS.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE**

Issued *Oct. 29,* 19*36*

G. J. Auer
Register.

Moore Printing Company, Bay Minette, Ala.



NOTICE OF REGISTER'S SALE.

In pursuance and in accordance with the decree issued to the undersigned by the Hon. F. W. Hare, Judge of the Circuit Court of Baldwin County, Alabama, on the 5rd day of November, 1936, I, as such Register, will proceed to sell to the highest bidder, for cash, at public auction, in front of the court house of Baldwin County, Alabama, on the 14th day of December, 1936, at 12 o'clock noon, all that certain property situated in Baldwin County, Alabama, described as follows, to-wit:

Beginning at a point on the west Right of Way line of Hand Avenue 174 feet North and 204 feet West of Southeast corner of Northeast quarter of Northeast quarter Section Five, Township Two South, Range Three East, thence West 1017.5 feet, thence South 22 degrees and 30 minutes East 463 feet, thence East 1017.5 feet to West line of Hand Avenue 463.2 feet to place of beginning.

The said land is being sold under a decree of the Circuit Court of Baldwin County, Alabama, for the purpose of division between and among the joint owners thereof, who are: H. H. Moorer and S. S. Nettles.

R. S. DUCK,

Register.

Publish three times beginning with issue of November 12th, 1936.

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

Comes your complainant, H. H. MOORER, and files this his
bill of complaint against S. S. NETTLES and RUBY NETTLES, his wife:

FIRST:

That your complainant is over the age of twenty-one years,
and a resident of the City of Montgomery, Montgomery County, Alabama;
that the defendants are both over the age of twenty-one years and are
also residents of the City of Montgomery, Montgomery County, Alabama.

SECOND:

That your complainant, H. H. Moorer, and the defendant,
S. S. Nettles, each own an undivided one-half interest in and to the
following described property situated in Baldwin County, Alabama, to-
wit:

Beginning at a point on the west Right of Way line of
Hend Avenue 174 feet North and 204 feet West of South-
east corner of Northeast quarter of Northeast quarter
Section Five, Township Two South, Range Three East,
thence West 1017.5 feet, thence South 22 degrees and
30 minutes East 463 feet, thence East 1017.5 feet to
West line of Hend Avenue 463.2 feet to place of beginning.

THIRD:

That your complainant shows that the said land is partly
cleared and partly not cleared; that the said property can not be
equitably divided or partitioned between the parties hereto.

FOURTH:

Your complainant further says and shows unto your Honor
that the services of his solicitor herein are for the common benefit
of all the parties to this suit, and therefore prays that a solicit-
or's fee be taxed as a common charge on each of the interests herein
to be paid out of the proceeds of the sale of said property.

FIFTH:

That your complainant has incurred expenses in connection
with said property in that said property was sold for taxes for the
year 1931 and was bought in by the State and was redeemed by your
complainant in the names of your complainant and the said S. S.
Nettles for the common benefit of all parties, said redemption being

made on March 8th, 1934; that your complainant paid in said redemption taxes for the years 1931, 1932 and 1933, and that your complainant has since paid the taxes for the common benefit of all parties for the year 1934; that the interest of the defendant, S.S. Nettles, is chargeable with one-half of the amount so expended by your complainant, together with all lawful charges, penalties and interest.

Complainant further prays that a writ of summons be directed to the defendants herein, commanding them to appear before your Honor within thirty days from the service thereof, and then and there to answer all and singular the premises, and abide by such orders and decrees as to your Honorable Court shall seem meet.

WHEREFORE, the premises considered, complainant prays that your Honorable Court will order said real property sold and that the net proceeds of said sale, after the payment of such charges and costs as the court shall order paid therefrom, be divided among the parties to this suit in proportion to their respective interests; that a reasonable solicitor's fee be taxed as a common charge on each of the interests herein, to be paid out of the proceeds of the sale hereinabove prayed for.

Complainant further prays that before entering a final decree herein a reference be ordered and held to ascertain what would be a reasonable allowance for such solicitor's fee, and the amount be charged against the interests of defendants, and that all credits be allowed to your complainant for taxes and other expenses incurred for the common good of all parties in connection with said property.

Beebe Hall + Beebe
Solicitors for Complainant.

Defendants are required to answer each and every allegation of the foregoing bill, paragraphs FIRST to FIFTH inclusive, but not under oath, oath being hereby expressly waived.

Beebe Hall + Beebe
Solicitors for Complainant.

R. S. DUCK

Register and Clerk of the
Circuit Court, Baldwin County
BAY MINETTE, ALA.

OCTOBER 29, 1936.

Judge F. W. Hare,
Monroeville, Alabama

Dear Judge Hare:

I am enclosing herewith the file
in the case of H. H. Moorer vs. S. S. Nettles
and Ruby Nettles, in which Beebe, Hall & Beebe,
Solicitors for the Complainant, wish you to ap-
point a Commissioner for the sale of the lands.

Very truly yours,

R. S. Duck

R. S. Duck, (7)
Register in Chancery.

RSD:MLF
Encl.

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 S. S. NETTLES and RUBY NETTLES,
of Montgomery, Alabama

of Montgomery 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

H. H. MOORER

against said S. S. NETTLES and RUBY NETTLES

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, Robert S. Duck, Register of said Circuit Court, this 1st day
of September 1936

Robert S. Duck Register

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

The State of Alabama }
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

H. H. Moorer

COMPLAINANT

VS.

S. S. Nettles and Rudy Nettles, his wife,

RESPONDENT

I, R. S. Duck

as Register and Commissioner Circuit Court Baldwin County, Alabama

have called and caused to come before me H. H. Moorer and Orvis M. Brown

witness named in the requirement for Oral Examination, on the 27th day of October

1936, at the office of Register in Chancery

in Bay Minette, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said H. H. Moorer and Orvis

M. Brown doth depose and say as follows:

That he is the complainant in the above entitled cause is over the age of twenty one years and is a resident of the City of Montgomery, Montgomery County, Alabama; that S. S. Nettles is over the age of 21 years and is a resident of City of Montgomery, Montgomery County, Alabama, that Ruby Nettles is the wife of the said S. S. Nettles; that S. S. Nettles and myself each own a one-half interest in a tract of land situated in Baldwin County, Alabama, in the vicinity of Bay Minette; that a particular described of the said property is set out in said bill of complaint wherein I am named as complainant and S. S. Nettles is named as defendant; that the said property cannot be equitably divided between the said parties without a sale thereof; that there are no improvements on said property; that the front part of said property is adjacent to the highway leading from Bay Minette to Stockton; that the back part of said property is of less value than that part adjacent to said highway; that your affiant has paid taxes on said property for ~~more than~~ about ten years for the common benefit of both parties; that the said S. S. Nettles has not reimbursed me for his pro rata share of said taxes that on March 8th, 1934 I redeemed said property from tax sale and paid in the redemption of said property taxes for the years 1932-1932-1933, and have paid taxes for the year 1934 on October 25th, 1934; that the redemption from tax sale paid on March 8th, 1934 was \$136.85; that the taxes for 1934 were \$39.77; that the taxes for 1935 and 1936 paid on October 28th, 1936 were \$ 90.99, paid by me; both for the benefit of myself and the said S. S. Nettles; that the said S. S. Nettles has never reimbursed me for any of the said taxes, fees and cost; that I consider a reasonable fair market value of the said property as of this date \$300.00.


H. H. Moorer

(LOOK ON INSIDE PAGE IN THE MIDDLE)

ORAL EXAMINATION

I, R. S. DUCK as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness and read over to them and they signed the same in the presence of myself and J. P. Beebe at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witness es; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

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

Given under my hand and seal, this 28th day of October 19 36

R. S. Duck (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

ORAL DEPOSITION

Filed Oct. 28, 1936

R. S. Duck, Register.

RECORDED IN

Record

Vol. _____ Page _____

_____, Register

Original

Book 702
6-489
Capital

J. S. Patton - Antitoxin
Ruby Miller,
Sery on Warrant

Circuit Court of Baldwin County
IN EQUITY

No. 254

SUMMONS

J. W. Moore

VS.

J. S. Miller

Ruby Miller

1008 Keller Ave

W. H. Moore & Beebe
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 123 15

day of Sept 1936
W. H. Moore
SHERIFF

Executed this 11 day of

Sept 1936

by leaving a copy of the within Summons with

Joe Ford

Defendant

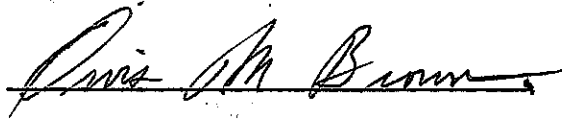
Haygood Paterson
Sheriff

By Stearns Young
Deputy Sheriff

RECEIVED IN OFFICE
SEP 4 - 1936
Haygood Paterson, Sheriff

TESTIMONY OF ORVIS M. BROWN.

My name is Orvis M. Brown and I am a practicing attorney in Baldwin County, Alabama. I consider \$50.00 as a reasonable attorney's fee in the matter of a Bill in Chancery for sale of lands for division in the case of H. H. Moorer, Complainant, vs. S. S. Nettles and Ruby Nettles, his wife, Respondents.

A handwritten signature in cursive script, reading "Orvis M. Brown", written over a horizontal line.

BAY MINETTE, ALA

Dec. 4, 1936

Mr. A. S. Duck, Register

THE BALDWIN TIMES

"Alabama's Best County's Best Newspaper"

Notice of Register's Sale for H. H.
Moore and S. S. Nettles, owners -

202 words @ $3\frac{1}{2}$ ¢ ——— \$7.07

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

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

R. S. DUCK
EDITOR AND PROPRIETOR

BAY MINETTE, ALA.

ALFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

Gas H. Faulkner, being duly sworn, deposes and says that he is the ~~Proprietor~~ ^{Editor} of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of _____

Notice of Register's Sale for
H. H. Moorer and S. S. Nettles, Owners

Was published in said Newspaper for 3 consecutive weeks in the following

Date of first publication	<u>November 12, 1936</u>	Vol.	<u>47</u>	No.	<u>41</u>
Date of second publication	<u>" 19, 1936</u>	Vol.	<u>47</u>	No.	<u>42</u>
Date of third publication	<u>" 26, 1936</u>	Vol.	<u>47</u>	No.	<u>43</u>
Date of fourth publication	_____	Vol.	_____	No.	_____

Subscribed and sworn to before the undersigned this 5th day of

December 1936

Mary Lou Fortenberry,
Notary Public.

Gas H. Faulkner
Editor ~~Publisher~~

11

NOTICE OF REGISTER'S SALE

In pursuance and in accordance with the decree issued to the undersigned by the Hon. F. W. Hare, Judge of the Circuit Court of Baldwin County, Alabama, on the 3rd day of November, 1936, I, as such Register, will proceed to sell to the highest bidder, for cash, at public auction, in front of the court house of Baldwin County, Alabama, on the 14th day of December, 1936, at 12 o'clock noon, all that certain property situated in Baldwin County, Alabama, described as follows, to-wit:

Beginning at a point on the west Right of Way line of Hand Avenue 174 feet North and 204 feet West of Southeast corner of Northeast quarter of Northeast quarter Section Five, Township Two South, Range Three East, thence West 1017.5 feet, thence South 22 degrees and 30 minutes East 463 feet, thence East 1017.5 feet to West line of Hand Avenue 463.2 feet to place of beginning.

The said land is being sold under a decree of the Circuit Court of Baldwin County, Alabama, for the purpose of division between and among the joint owners thereof, who are: H. H. Moorer and S. S. Nettles.
R. S. DUCK, Register 41-3t

Filed Dec. 21, 1936
R. L. Davis,
Register

H. H. Moorer,

Complainant,

vs.

S. S. Nettles and Ruby

Nettles.

Respondents.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, _____
Service being had on the defendants September 11, 1936; Deposi-
tions of H. H. Moorer and Orvis M. Brown; Deed executed by Henry
D. Moorer and Ruth Y. Moorer, his wife, to H. H. Moorer and S. S.
Nettles, dated January 8, 1931, acknowledged same date before
Notary Public Baldwin County, Ala., and filed for record in the
office of the Judge of Probate of Baldwin County, Ala., on March
8, 1934, and recorded in Deed Book 55 N.S., pages 321-2. AND
Decree Pro Confesso on Personal Service.
and in behalf of Defendant upon _____

R. S. Duck

Register.

RECORDED
Duck
7-94

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

H. H. Moorer,

Complainant,

vs.

S. S. Nettles and Ruby

Nettles,

Respondents.

NOTE OF TESTIMONY

Filed in Open Court this 29th

day of October 1936

R. S. Duck

REGISTER

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

Comes your complainant, H. H. MOORER, and files this his
bill of complaint against S. S. NETTLES and RUBY NETTLES, his wife:

FIRST:

That your complainant is over the age of twenty-one years,
and a resident of the City of Montgomery, Montgomery County, Alabama;
that the defendants are both over the age of twenty-one years and are
also residents of the City of Montgomery, Montgomery County, Alabama.

SECOND:

That your complainant, H. H. Moorer, and the defendant,
S. S. Nettles, each own an undivided one-half interest in and to the
following described property situated in Baldwin County, Alabama, to-
wit:

Beginning at a point on the west Right of Way line of
Hand Avenue 174 feet North and 204 feet West of South-
east corner of Northeast quarter of Northeast quarter
Section Five, Township Two South, Range Three East,
thence West 1017.5 feet, thence South 22 degrees and
30 minutes East 463 feet, thence East 1017.5 feet to
West line of Hand Avenue 463.2 feet to place of beginning.

THIRD:

That your complainant shows that the said land is partly
cleared and partly not cleared; that the said property can not be
equitably divided or partitioned between the parties hereto.

FOURTH:

Your complainant further says and shows unto your Honor
that the services of his solicitor herein are for the common benefit
of all the parties to this suit, and therefore prays that a solicit-
or's fee be taxed as a common charge on each of the interests herein
to be paid out of the proceeds of the sale of said property.

FIFTH:

That your complainant has incurred expenses in connection
with said property in that said property was sold for taxes for the
year 1931 and was bought in by the State and was redeemed by your
complainant in the names of your complainant and the said S. S.
Nettles for the common benefit of all parties, said redemption being

made on March 8th, 1934; that your complainant paid in said redemption taxes for the years 1931, 1932 and 1933, and that your complainant has since paid the taxes for the common benefit of all parties for the year 1934; that the interest of the defendant, S.S. Nettles, is chargeable with one-half of the amount so expended by your complainant, together with all lawful charges, penalties and interest.

Complainant further prays that a writ of summons be directed to the defendants herein, commanding them to appear before your Honor within thirty days from the service thereof, and then and there to answer all and singular the premises, and abide by such orders and decrees as to your Honorable Court shall seem meet.

WHEREFORE, the premises considered, complainant prays that your Honorable Court will order said real property sold and that the net proceeds of said sale, after the payment of such charges and costs as the court shall order paid therefrom, be divided among the parties to this suit in proportion to their respective interests; that a reasonable solicitor's fee be taxed as a common charge on each of the interests herein, to be paid out of the proceeds of the sale hereinabove prayed for.

Complainant further prays that before entering a final decree herein a reference be ordered and held to ascertain what would be a reasonable allowance for such solicitor's fee, and the amount be charged against the interests of defendants, and that all credits be allowed to your complainant for taxes and other expenses incurred for the common good of all parties in connection with said property.

Beebe Hall & Beebe
Solicitors for Complainant.

Defendants are required to answer each and every allegation of the foregoing bill, paragraphs FIRST to FIFTH inclusive, but not under oath, oath being hereby expressly waived.

Beebe Hall & Beebe
Solicitors for Complainant.