

PAUL J. BRYARS,
Complainant,
VS
J. E. HEUBACH, ET AL.,
Respondents.

1797
EQUITY NO. 1797
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

REPORT OF COMMISSIONER.

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, SITTING IN EQUITY:

I, the undersigned ALICE J. DUCK, as Register and Commissioner,
do hereby report as follows:

1. That under and by virtue of the authority conferred upon
me by a decree of the Circuit Court of Baldwin County, Alabama,
Equity Side, in the above styled cause, rendered on the 1st day of
October, 1947, I did, on the 1st day of December, 1947, sell at
public outcry to the highest bidder for cash at 1:00 o'clock P. M.
at the front door of the Court House in Baldwin County, Alabama, at
Bay Minette, Alabama, the following described real property situated
in Baldwin County, Alabama, to-wit:

The Fractional Northeast Quarter (NE $\frac{1}{4}$) and the North-
east Fractional Quarter (NE $\frac{1}{4}$) of the Southeast Quarter
(SE $\frac{1}{4}$) of Section 11, Township 1 North, Range 2 East,
in Baldwin County, Alabama.

2. That at the said sale so held, PAUL J. BRYARS became the
purchaser of the said property at and for the sum of FOUR THOUSAND
(\$4,000.00) DOLLARS cash, that being the highest, best and last bid
for the above described property.

3. In further obedience to the said decree, I had a complete
abstract of title to the said property prepared by a competent ab-
stractor, which has been delivered to the purchaser as aforesaid.

4. In further obedience to the said decree, I gave notice of
the time, place and terms of said sale, together with a description
of the property to be sold, by advertisement once a week for three
consecutive weeks in the ONLOOKER, a newspaper published in Foley,
Baldwin County, Alabama, the said notice appearing in the issues of
said paper of November 13, 1947, November 20, 1947 and November 27, 1947.

5. The said sale was held and made in strict accordance with all of the terms of the said decree; was in all respects fairly conducted; and the said property sold for an amount not greatly less than its real value, and the purchaser has fully complied with the terms of the said sale and has paid to me as Commissioner in the said cause the full amount of the purchase money, to-wit: FOUR THOUSAND (\$4,000.00) DOLLARS, all of which is reported to this Court as required by the said decree.

Respectfully submitted on this the 10th day of December, 1947.

Alice J. Smith
As Register and Commissioner.

PAUL J. BRYARS,
Complainant,

VS.

J. E. HEUBACH, ET AL.,
Respondents.

EQUITY NO. 1797.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NOTICE OF FILING OF COMMISSIONER'S REPORT.

TO: PAUL J. BRYARS, or to H. M. HALL, ESQ., HIS SOLICITOR OF RECORD;
J. E. HEUBACH, OR TELFAIR J. MASHBURN, JR., HIS SOLICITOR OF
RECORD.

You are hereby notified that the attached Report
of Sale was filed on this date and that it will lie over until
December 15, 1947, until which said date exceptions or objections
may be filed thereto.

DATED this 10th day of December, 1947.

Alice J. Smith
REGISTER.

Service accepted and notice
waived this 10th day of December, 1947.

J. E. Heubach
by Telfair J. Mashburn, Jr.
Missal.
Att. for Paul Bryars

PAUL J. BRYARS,
Complainant,
VS.
J. E. HEUBACH, ET AL.,
Respondents.

EQUITY NO. 1797
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

REPORT OF COMMISSIONER.

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, SITTING IN EQUITY:

I, the undersigned ALICE J. DUCK, as Register and
Commissioner, do hereby report as follows:

1. That under and by virtue of the authority conferred upon me by a decree of the Circuit Court of Baldwin County, Alabama, Equity Side, in the above styled cause, rendered on the 1st day of October, 1947, I did, on the 1st day of December, 1947, sell at public outcry to the highest bidder for cash at 1:00 O'clock P. M. at the front door of the Court House in Baldwin County, Alabama, at Bay Minette, Alabama, the following described real property situated in Baldwin County, Alabama, to-wit:

The Fractional Northeast Quarter (NE $\frac{1}{4}$) and the Northeast Fractional Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 11, Township 1 North, Range 2 East, in Baldwin County, Alabama.

2. That at the said sale so held, PAUL J. BRYARS became the purchaser of the said property at and for the sum of FOUR THOUSAND (\$4,000.00) DOLLARS cash, that being the highest, best and last bid for the above described property.

3. In further obedience to the said decree, I had a complete abstract of title to the said property prepared by a competent abstractor, which has been delivered to the purchaser as aforesaid.

4. In further obedience to the said decree, I gave notice of the time, place and terms of said sale, together with a description of the property to be sold, by advertisement once a week for three consecutive weeks in the ~~BALDWIN TIMES~~ ^{ONLOOKER}, a newspaper published in Foley, Baldwin County, Alabama, the said notice appearing in the issues of said paper of November 13, 1947, November 20, 1947, and November 27, 1947.

5. The said sale was held and made in strict accordance with all of the terms of the said decree; was in all respects fairly conducted; and the said property sold for an amount not greatly less than its real value, and the purchaser has fully complied with the terms of the said sale and has paid to me as Commissioner in the said cause the full amount of the purchase money, to-wit: FOUR THOUSAND (\$4,000.00) DOLLARS, all of which is reported to this Court as required by the said decree.

Respectfully submitted on this the 10th day of December, 1947.

Alice J. Smith
As Register and Commissioner.

PAUL J. BRYARS,
Complainant,
VS.
J. E. HEUBACH, ET AL.,
Respondents.

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EQUITY NO. 1797
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

TO THE HONORABLE, THE JUDGE OF THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, IN EQUITY SITTING:

Your Petitioner, J. E. HEUBACH, the Respondent and
Cross-Complainant in the above styled cause, respectfully repre-
sents and shows unto your Honor as follows:

1.

That on January 3, 1947, PAUL J. BRYARS, the Complain-
ant and Cross-Respondent filed a Bill to Quiet Title against your
Petitioner and the following described lands in Baldwin County,
Alabama, to-wit:

Fractional Northeast quarter and North-
east Fractional quarter of the South-
east quarter of Section 11, Township 1
North, Range 2 East;

2.

That on March 4, 1947, your Petitioner filed an Answer
and Cross-bill, which was amended on October 1, 1947, setting up
that he was the owner of an undivided one-half interest in and to
the above described lands, and praying that this Honorable Court
render a decree setting up his ownership of said undivided one-
interest
half/in and to said lands, and ordering a sale of said lands for
division of the proceeds between the joint owners.

3.

That on October 1, 1947, this Honorable Court made and
entered a decree setting up and confirming your Petitioner's owner-
ship of an undivided one-half interest in and to said property, and
ordering the Register of this Court to sell said lands on December
1, 1947, for a division of the proceeds among the joint owners;
that said Register did sell said lands for a sale price of \$4000.00,
which has been paid into the hands of the Register.

4.

That your Petitioner has been compelled to employ counsel

for the purpose of prosecuting this suit to effect a partition, or division, of the said property among the joint owners thereof and has employed for this purpose Telfair J. Mashburn, Jr., of Bay Minette, Alabama; that the efforts of said counsel in securing a sale of said property for a division of the proceeds among the joint owners was for the common benefit of all the joint owners.

WHEREFORE, THE PREMISES CONSIDERED, Your Petitioner prays that this Honorable Court will make and enter a decree ordering the Register to hold a reference to determine and fix a reasonable Solicitor's fee to be paid to your Petitioner's Solicitor of record for services rendered and to be rendered by him in this suit.

Telfair J. Mashburn, Jr.
Solicitor for the Petitioner.

Service accepted on this the 9th day of January, 1948.

John M. Lee
Solicitor for Complainant and Cross-Respondent.

EQUITY NO. 1797

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

PAUL J. BRYARS,

Complainant,

VS.

J. E. HEUBACH, ET AL.,

Respondents.

PETITION.

Filed 1-9-48

Alice J. Duck
Register

PAUL J. BRYARS	}	
COMPLAINANT	}	IN THE CIRCUIT COURT OF
VS	}	BALDWIN COUNTY, ALABAMA,
J. E. HEUBACK	}	IN EQUITY
RESPONDENT	}	NO. 1797

TO THE HONORABLE, THE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Your Petitioner, PAUL J. BRYARS, the Complainant in the above styled cause respectfully represents and shows unto this Honorable Court as follows:

1.

That he is now and has since the year 1933 been in the actual possession of the following described land in Baldwin County, Alabama, to-wit:

Fractional Northeast quarter and Northeast Fractional quarter of the Southeast quarter of Section 11, Township 1 North, Range 2 East.

2.

That the Respondent J. E. Heuback, has refused, repeatedly, to pay any taxes on or to assist in maintaining the improvements located upon said property.

3.

That the said property was in accordance with a decree of this court, some time ago, sold and your Petitioner became the purchaser thereof.

4.

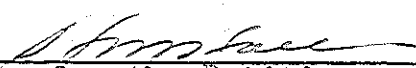
That your Petitioner has paid in the court the purchase money, as required by law.

5.

That your Petitioner during the years that he has been in possession of the property has been called upon, and as expended the amounts hereinafter set out in order to preserve and protect said property.

Permanent improvements made on said property (during the year 1943)	\$400.00
Labon and material in wiring hñuse	75.00
Permanent repairs to house	107.80
Taxes 14 years at \$20.37	285.18
Necessary trips from and to Louisville to Stockton in supervising the repair and preservation of said property at \$30.00	\$330.00
Making a total of	\$1197.98

WHEREFORE your Petitioner prays that said amount may be allowed to him as against the amount of the purchase price in the hands of the Register of this Court, and that a decree be made and entered authorizing, empowering and directing the Register of this Court to pay said amount to him.


Solicitor for the Petitioner

PAUL J. BRYARS

COMPLAINANT

VS

J. E. HEUBACH, ET AL,

RESPONDENTS,

PETITION

FILED

DEC 31 1947

ALICE J. DUCK, Register.

PAUL J. BRYARS,
Complainant,
VS.
J. E. HEUBACH, ET AL.,
Respondents.

EQUITY NO. 1797.
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

AMENDED ANSWER AND CROSS BILL.

Comes J. E. HEUBACH, as owner of an undivided one-half interest in and to the lands described in the bill of complaint in the above styled cause, and amends his answer and cross bill heretofore filed in said cause to read as follows:

1. That he is not advised as to the age or residence of the Complainant.
2. He admits that he is over the age of twenty-one years and is a resident of Mobile, Mobile County, Alabama, residing at 909 Cottrell Street.
3. He denies the allegations contained in paragraph 3 of the bill of complaint, and demands strict proof of the same.
4. He admits the allegations contained in paragraph 4 of the bill of complaint.
5. He denies the allegations contained in paragraph 5 of the bill of complaint, and demands strict proof of the same.
6. That he denies the allegations contained in paragraph 6 of the bill of complaint, and demands strict proof of the same.
7. That he admits that the Complainant has paid the taxes on said land for the past ten years, but he denies the other allegations contained in paragraph 7 of the bill of complaint, and demands strict proof of the same.
8. He admits the allegations contained in paragraph 8 of the bill of complaint.

The aforesaid J. E. HEUBACH for further answer to the Complainant's bill of complaint, and praying that this be taken as his amended cross bill, says:

(a) That he adopts all of the allegations contained in his/amended answer to the Complainant's bill of complaint, and further says that he is the owner of an undivided one-half interest in and to the

described in the bill of complaint, to-wit:

Fractional Northeast Quarter (NE $\frac{1}{4}$) and Northeast Fractional Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 11, Township 1 North, Range 2 East, in Baldwin County, Alabama;

that he acquired title to the same by foreclosure deed, against Bessie Searcy and M. C. Searcy, her husband, dated July 17, 1933, and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 55 N. S., at page 451, a copy of which is hereto attached marked Exhibit "A", and by reference made a part hereof as though fully incorporated herein; that said foreclosure deed was made under the powers contained in that certain mortgage from Bessie Searcy and M. C. Searcy, her husband, to the Respondent and Cross Complainant, J. E. HEUBACH, dated November 21, 1931, and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 54, at pages 22 and 23, a copy of which is hereto attached marked Exhibit "B", and by reference made a part hereof as though fully incorporated herein; that in said mortgage the said Bessie Searcy mortgaged to your Respondent and Cross Complainant an undivided one-half interest in and to the above described lands.

(b) That the said Bessie Searcy was a sister of the Complainant and cross Respondent, PAUL J. BRYARS, and that they owned the lands described in paragraph (a), supra, as tenants in common.

(c) That, as late as February 18, 1937, the Complainant and Cross-Respondent, PAUL J. BRYARS, recognized that your Respondent and Cross-Complainant was a tenant in common in said lands; that on that date he filed a Bill of Complaint in the Circuit Court of Baldwin County, Alabama, in Equity, Equity Number 300, styled as follows: "Paul Bryars, Complainant", Vs. "Bessie Searcy and John E. Heuback, Respondents", a copy of which bill of complaint is hereto attached marked Exhibit "C", and by reference made a part hereof as though fully incorporated herein; that in said bill the Complainant and Cross-Respondent claimed to own only an undivided one-half interest in and to said lands; that said cause stayed on the Dockets of this Court until sometime during the year 1940.

(d) That the said Complainant and Cross-Respondent, PAUL J. BRYARS, has enjoyed the use and benefit of the aforesaid lands since

July 17, 1933; that your Respondent and Cross-Complainant has never enjoyed any benefit, or remuneration, from said lands.

WHEREFORE, the premises considered, the Respondent prays ^{amended} that this be taken as his/answer and cross bill and that, by proper process, the Complainant be made cross-respondent hereto; that he be required to plead, answer or demur to this cross-bill within the time and under the penalties prescribed by law and the practice of this Honorable Court.

The Respondent and Cross-Complainant further prays that your Honor will order the Complainant and Cross-Respondent to render an accounting of the rents and profits on said lands since July 17, 1933.

Your Respondent and Cross-Complainant further prays that, upon a final hearing hereof, your Honor will make and enter a decree declaring that your Respondent and Cross-Complainant is the owner of an undivided one-half interest in and to the following described lands in Baldwin County, Alabama, to-wit:

Fractional Northeast quarter and Northeast
Fractional quarter of the Southeast quarter
of Section 11, Township 1, North, Range 2
East.

Your Respondent and Cross-Complainant further prays that, upon a final hearing hereof, your Honor will make and enter a decree ordering a sale of the above described lands for distribution of the proceeds between the Complainant and Cross-Respondent and your Respondent and Cross-Complainant.

Your Respondent and Cross-Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive, and as in duty bound he will ever pray.

Telfair J. Mathis, Jr.
Solicitor for Respondent and Cross-
Complainant.

MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA
BALDWIN COUNTY.

This Indenture, made and entered into this the 17th day of July, 1933, by and between Bessie Searcy and M. C. Searcy, her husband, by J. B. Blackburn, as the Auctioneer conducting the sale and as Attorney in Fact of and for the said Bessie Searcy and M. C. Searcy, each of them, hereinafter referred to as the parties of the first part, and J. E. Heubach, hereinafter referred to as the party of the second part, Witnesseth:

THAT WHEREAS, the said Bessie Searcy and M. C. Searcy, her husband, as Mortgagors did on the 21st day of November, 1931, make, execute and deliver to J. E. Heubach, as Mortgagee, that certain Mortgage deed dated November 21, 1931, and recorded in book # 54 of mortgages at page 22-23 in Probate Records of Baldwin County, Alabama, which conveys the property hereinafter described; and,

WHEREAS, it was provided for, by, in and as a part of the said mortgage that in the event of default in the payment at maturity of mortgage debt described in and secured thereby or any amount secured thereby, the Mortgagee was and is thereby authorized to sell the said property at Auction, for cash after giving notice by advertisement once a week for three consecutive weeks in any newspaper then published in Baldwin County, Alabama, and make proper conveyance to the purchaser and further that the mortgagee named therein may purchase the said property, in which event the Auctioneer conducting the sale is authorized in the name of the Mortgagors and as their Attorney in Fact, to make a deed to the Mortgagor: and,

WHEREAS, default was made in the payment at maturity of the mortgage debt described in and secured by the said mortgage and the said default continuing the said J. E. Heubach, as such Mortgagee, proceeded to and did sell the said property at Auction for cash at the front door of the Court House in Baldwin County, Alabama, the County where the land is situated at 12:00 o'clock noon on the 17th day of July, 1933, after having given notice of the time, place, terms and purpose of the said sale by advertisement once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Baldwin County, Alabama, said notice appearing in the issues of said paper of June 8, 1933; June 15, 1933; June 23, 1933 and June 29, 1933; and,

WHEREAS, At the said sale so held the property was first offered for sale in parcels and there being no bidder or bidders for any part or parcel of it it was then offered for sale en masse and when thus offered J. E. Heubach, the Mortgagee, became the purchaser of the said property at and for the sum of One Hundred and Fifty Dollars (\$150.00) cash, that being the highest, best and last bid for same;

WHEREAS, J. B. Blackburn, the Agent and Attorney of and for the Mortgagee, was the Auctioneer to conduct the said sale and the said sale was by him conducted as such auctioneer, he being duly authorized in the premises by J. E. Heubach, the Mortgagee; and,

WHEREAS, ALL of the above being in strict conformity and compliance with the terms, conditions and powers contained in the said mortgage:

NOW THEREFORE, in consideration of the premises and the sum of One Hundred and Fifty Dollars (\$150.00), this day cash in hand paid to J. B. Blackburn, as the Auctioneer conducting the sale, receipt whereof is hereby acknowledged, the parties of the first part have and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part the following described real property situated in Baldwin County, Alabama, to-wit:

One-half interest in the Northeast fractional quarter of Section 11, in Township 1 North of Range 2 East of St. Stephens Meridian in Alabama, containing sixty (60) acres: also that piece, parcel on lot of land in Baldwin County, Alabama, described as follows to-wit: The Northeast Fractional Quarter of the Southeast Quarter of Section 11, Township 1 North of Range 2 East, containing 32 acres. Intending to describe and there is hereby conveyed the same property described in the mortgage hereinabove described.

TO HAVE AND TO HOLD unto the said parties of the second part, his heirs and assigns, as fully and completely as the said parties of the first part could or ought to convey the same under the terms and power of said mortgage and the statutes in such cases made and provided, but without recourse on the Auctioneer.

IN WITNESS WHEREOF, the said Bessie Searcy and M. C. Searcy, her husband, as Mortgagors cause these presents to be executed by J. B. Blackburn, as the Auctioneer conducting the sale and as Attorney in Fact of and for each of them as parties of the first part, on this the day and year first above mentioned.

Bessie Searcy (SEAL)
By: J. B. Blackburn
As the Auctioneer conducting the sale
and as Her Attorney in Fact.

M. C. Searcy (SEAL)
By: J. B. Blackburn
As the Auctioneer conducting the sale
and as her Attorney in Fact.

WITNESSES
ORA SIRMON
CHAS. C. HAND, JR.

50¢ N. S. I. R. Stamp attached. Cancelled B. S. 7-17-33

STATE OF ALABAMA
BALDWIN COUNTY

I, Ora Sirmon, a Notary Public, in and for said County and said State, hereby certify that J. B. Blackburn, whose name as Auctioneer conducting the sale and as Attorney in Fact of and for Bessie Searcy and M. C. Searcy, her husband, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, in his capacity as such auctioneer conducting the sale and as Attorney in Fact of and for Bessie Searcy and M. C. Searcy, her husband, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 17th day of July, 1933.

Ora Sirmon, Notary Public
Baldwin County, Alabama

SEAL

Filed for record June 4, A. D. 1934 at 8: A.M. and recorded June 4, 1934.

G. W. Humphries, Judge of Probate.

"EXHIBIT B"

STATE OF ALABAMA
MOBILE COUNTY

KNOW ALL MEN BY THESE PRESENTS: That Mrs. Bessie Searcy hereinafter called Mortgagor M. C. Searcy, her husband in consideration of the sum of three Hundred Dollars, \$300.00 to me in hand paid by J. E. Heubach hereinafter called Mortgagee, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey unto said Mortgagee, J. E. Heubach his heirs and assigns forever, all my half interest in

The Northeast fractional quarter of section eleven in Township One North of Range two East of St. Stephens Meridian in Alabama containing sixty acres. Also all that piece parcel on lot of land in Baldwin County, Alabama, described as follows, to-wit: The Northeast Frac. quarter ($\frac{1}{4}$) of the Southeast quarter ($\frac{1}{4}$) of Section 11, T. 1 N. or R. 2 E. containing 32 acres.

Together with all and singular the tenements, rights, privileges and appurtenances, to said described premises in anywise belonging, TO HAVE AND TO HOLD the same forever, PROVIDED ALWAYS, and these presents are upon the express condition that if the said Mortgagor shall well and truly pay to the Mortgagee the sum of three Hundred Dollars (\$300.00) on or before November (21) twenty-first, 1932. This mortgage reduced Dec. 10, 1931 to \$274.00 by J. E. Heubach, and shall also discharge all the duties imposed upon said mortgage, by this mortgage, then these presents shall become void, otherwise to remain in full force.

In event of default in the payment at maturity of said mortgage debt, or any amount secured hereby, mortgagee is hereby authorized to sell said property, at auction for cash, after giving notice by advertisement, once a week for three consecutive weeks, in any newspaper then published in the County of Baldwin County, Alabama, to make proper conveyance to purchaser, and the proceeds of sale to apply first, to the payment of the costs of said sale, including a reasonable attorney's fee; second, to the payment of said mortgage debt and any sums herein provided for, the balance, if any, to be paid over to the said mortgagor. Mortgagee may purchase said property at such sale, and, in that event, the auctioneer conducting the sale is authorized in the name of the mortgagor, and as her Attorney in Fact, to make deed to Mortgagee. Mortgagor agrees to pay such reasonable attorney's fees as may be incurred by the mortgagee, in collection of said mortgage debt, or otherwise by reason of any default on the part of the mortgagor. Mortgagor covenants that I am seized in fee simple of said property, that it is free from all encumbrances. That I will warrant the same to Mortgagee, and to the purchaser thereof, against the lawful claims of all persons.

IN WITNESS WHEREOF the said Mortgagor ha_ hereunto set our hand and seal this day November 21st A. D. 1931.

Mrs. Bessie Searcy (SEAL)
M. C. Searcy Husband (SEAL)

WITNESS: M. L. Buckner

STATE OF ALABAMA
MOBILE COUNTY

I, Harry Seale, a Notary Public, in and for said County and State, hereby certify that Mrs. Bessie Searcy and M. C. Searcy, her husband 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 10th day of Dec. 1931.

Harry Seale, Notary Public
Mobile County, Alabama

(SEAL)

THE STATE OF ALABAMA
MOBILE COUNTY

I, Harry Seale, a Notary Public in and for said County and State, do hereby certify that on the 10th day of Dec. 1931, came before me the within named M. C. Searcy, who being examined separate and apart from the husband touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord, and without fear, constraints, or threats on the part of the husband.

IN WITNESS WHEREOF, I hereunto set my hand and official seal,
this 10th day of Dec. 1931.

Harry Seale, Notary Public
Mobile County

SEAL

PROBATE COURT

THE STATE OF ALABAMA
BALDWIN COUNTY

Filed in office the 12th day of January, 1932, 2:00 P. M. and duly recorded in Mortgage Book No. 54, pages 22 & 23; and I certify that \$_____cents 45 license for privilege tax, paid as required by an Act of Legislature, approved Aug. 22, 1923.

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

G. W. Humphries, Judge of Probate.

EXHIBIT "C"

COPY

PAUL BRYARS,	0	IN THE CIRCUIT COURT OF
	0	
Complainant,	0	BALDWIN COUNTY, ALABAMA.
	0	
-vs-	0	IN EQUITY.
	0	
BESSIE SEARCY AND JOHN E.	0	
HEUBACK,	0	
	0	
Respondents.	0	

TO THE HONORABLE FRANCIS W. HARE JUDGE:

Humbly complaining, your orator, Paul Bryars, as complainant brings this bill of complaint against Bessie Searcy and John E. Heuback, as respondents, and respectfully shows:

FIRST

Complainant is a resident citizen of Mobile County, Alabama, and is over the age of twenty-one years; Each of the respondents is over the age of twenty-one years; The respondent John E. Heuback is a resident citizen of Mobile County, Alabama, and the respondent Bessie Searcy resides in Jefferson County, Alabama, and when last heard from her address was No. 2130 Sixth Avenue, Birmingham, Alabama and that is believed to be her present address.

SECOND

Complainant and respondents own and are tenants in common in that certain land in Baldwin County, Alabama, described as:

That fractional Northeast Quarter, and the
fractional Northeast of Southeast Quarter
of Section 11, Township 1 North of Range 2 East.

Complainant owns an undivided one-half interest in said land and the respondents own an undivided one-half interest in said land and it can not be equitably divided.

THE PREMISES CONSIDERED complainant prays that your Honor will take jurisdiction of the cause made by this bill of complaint and that by proper process issuing to them from this Court the said Bessie Searcy and John E. Heuback be made parties defendant hereto and be required by the rules and practice of this Court.

Complainant further prays that your Honor will upon hearing said cause, order, adjudge and decree that the said land can not be equitably divided but it be sold for division of the proceeds and that you will make all necessary and proper orders to affect said sale.

Complainant prays for such other, further and different relief as in equity and good conscience may be entitled to him in the premises.

"B. F. MCMILLAN, JR."
SOLICITOR FOR COMPLAINANT.

NOTE: Respondents are required to answer each allegation in the paragraphs of the foregoing bill of complaint but oath thereto is hereby expressly waived.

"B. F. MCMILLAN, JR."
SOLICITOR FOR COMPLAINANT

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

WE COMMAND YOU that you summons J. E. HEUBACH (909 Cottrell Street, Mobile, Alabama), the unknown heirs, devisees, Grantees, personal representatives and assigns of J. E. HEUBACH, RUFUS BRYARS, MOLLIE BRYARS, and any and all other firms, persons, or corporations claiming any right, title to, interest in, or encumbrance upon the following described land in Baldwin County, Alabama, to-wit: Fractional Northeast quarter and Northeast Fractional quarter of Southeast quarter of Section 11, Township 1 North, Range 2 East, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising chancery jurisdiction, within thirty days after the service of summons and there to plead, answer or demur, without oath, to a bill of complaint lately exhibited by PAUL J. BRYARS, against them and each of them, and further to do and perform what the said Judge shall order and direct in their behalf and this the Respondents shall in no wise omit under penalty by law. And we command that you return this writ with your execution thereof, to our said court immediately upon the execution thereof.

WITNESS, ALICE J. DUCK, Register of said court this the 3 day of January, 1947.

Alice J. Duck
Register

PAUL J. BRYARS

COMPLAINANT

VS

J. E. HEUBACH, ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

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

Your Complainant, Paul J. Bryars, presents this his bill of complaint against the following described land situated in Baldwin County, Alabama, to-wit:

Fractional Northeast quarter and Northeast Fractional quarter
of the Southeast quarter of Section 11, Township 1 North,
Range 2 East,

and also against J. E. Heubach, and the unknown heirs, devisees, grantees, personal representatives and assigns of J. E. Heubach, Rufus Bryars, Mollie Bryars and any and all persons, firms or corporations claiming any right, title to, interest in, or encumbrance upon the said land, or any part or parcel thereof, and respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant is over 21 years of age, and a non-resident of the State of Alabama, his address being 3387 De Arcy Street, Louisville, Kentucky.

2.

That J. E. Heubach is over 21 years of age and a resident of Mobile, Mobile County, Alabama, his address being 909 Cottrell Street.

3.

That your Complainant is the owner of and in the actual possession of the following described land in Baldwin County, Alabama, to-wit:

Fractional Northeast quarter and Northeast Fractional quarter of the Southeast quarter of Section 11, Township 1 North, Range 2 East.

4.

That there is no suit pending to test the Complainant's title to, or interest in or rights of possession to said land.

5.

That your Complainant obtained title to said lands by deed from C. W. Robertson, Judge of Probate, dated February 23, 1941, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 73 NS, page 529.

6.

That the title to said lands claimed by your Complainant stands upon the record of the Probate Court of Baldwin County, Alabama, in the name of Paul J. Bryars.

7.

That no one has at any time within ten years next preceding the filing of this bill of complaint paid any taxes upon or had any possession of said land or any part thereof except your Complainant, Paul J. Bryars, and Mrs. Mazie Richerson Bryars.

8.

That the only person known by your Complainant to claim said land or any part thereof, or any interest therein, are your Complainant, Paul J. Bryars, and J. E. Heubach.

WHEREFORE your Complainant prays that your Honor will by proper process make the said J. E. Heubach, the unknown heirs, devisees, grantees, personal representatives and assigns of J. E. Heubach, Rufus Bryars, Mollie Bryars, and any and all persons, firms or corporations, claiming any right, title to, interest in, or encumbrance upon the said land in Baldwin County, Alabama,

to-wit:

Fractional Northeast quarter and Northeast Fractional quarter of the Southeast quarter of Section 11, Township 1 North, Range 2 East,

or any part thereof parties Respondents to this bill of complaint and by proper process required them and each of them separately and severally to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a final hearing hereof this Honorable Court will make and enter a decree that the Complainant, Paul J. Bryars, is the owner in fee simple, and in the actual possession of the land herein above described in Baldwin County, Alabama, to-wit:

Fractional Northeast quarter and Northeast Fractional quarter of the Southeast quarter of Section 11, Township 1 North, Range 2 East,

and that neither the said J. E. Heubach, the unknown heirs, devisees, grantees, personal representatives and assigns of J. E. Heubach, Rufus Bryars, Mollie Bryars, nor any other person, firm or corporation has any right, title to, interest in, or encumbrance upon any part or parcel thereof; that this Honorable Court will give and grant to your Complainant such other, further and different relief as he may be in equity and good conscience entitled to receive.

H. M. Hall
Solicitor for the Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, personally appeared H. M. Hall, who is known to me, and who having been by me, first duly sworn, deposes and says; that he is solicitor of record for the Complainant in the foregoing cause; that he is authorized to make this affidavit; that the facts stated in the said bill of complaint are true and correct.

Sworn to and subscribed before me on this the 3 day of January, 1947.

Alice J. Duck
Register, Circuit Court, Baldwin County, Alabama

Received 6th Day of Jan 1947
and on 7th Day of Jan 1947
I served a Copy of the within
on J. E. Heubach, et al
by service of J. E. Heubach

I, W. H. HOECONER, Clerk of the Court,
do hereby certify that the within copy of the within
has been duly filed for the record and that the same
is now a part of the record in the within case.

PAUL J. BRYARS
COMPLAINANT
VS
J. E. HEBBACH, ET AL
RESPONDENTS
SUMMONS AND COMPLAINT
7 filed
1-3-47
Chief Clerk
Register

31407
1997
1/2

Wherefore, the Court doth hereby order that the
within copy of the within summons and complaint
be filed for the record and that the same
be a part of the record in the within case.

And the Court doth hereby order that the
within copy of the within summons and complaint
be filed for the record and that the same
be a part of the record in the within case.

And the Court doth hereby order that the
within copy of the within summons and complaint
be filed for the record and that the same
be a part of the record in the within case.

PAUL J. BRYARS,
Complainant,

VS.

J. E. HEUBACH, ET AL,
Respondents.

EQUITY NO. 1797
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

ANSWER AND CROSS BILL.

And now comes J. E. HEUBACH, as owner of an undivided one-half interest in and to the lands described in the bill of complaint in the above styled cause, and, for answer to the Complainant's bill of complaint, says:

1. That he is not advised as to the age or residence of the Complainant.

~~2. That he admits that he is over the age of twenty-~~
one years and is a resident of Mobile, Mobile County, Alabama, residing at 909 Cottrell Street.

3. That he denies the allegations contained in paragraph 3 of the bill of complaint, and demands strict proof of the same.

4. That he admits the allegations contained in paragraph 4 of the bill of complaint.

5. That he denies the allegations contained in paragraph 5 of the bill of complaint, and demands strict proof of the same.

6. That he denies the allegations contained in paragraph 6 of the bill of complaint, and demands strict proof of the same.

7. That he admits that the Complainant has paid the taxes on said land for the past ten years, but that he denies the other allegations contained in paragraph 7 of the bill of complaint, and demands strict proof of the same.

8. That he admits the allegations contained in paragraph 8 of the bill of complaint.

The aforesaid J. E. HEUBACH for further answer to the Complainant's bill of complaint, and praying that this be taken as his cross bill, says:

(a) That he adopts all of the allegations contained in his answer to the complainant's bill of complaint, and further says that he is the owner of an undivided one-half interest in and to the lands described in the bill of complaint, to-wit:

Fractional Northeast Quarter (NE $\frac{1}{4}$) and Northeast Fractional Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 11, Township 1 North, Range 2 East, in Baldwin County, Alabama;

that he acquired title to the same by foreclosure deed, against Bessie Searcy and M. C. Searcy, her husband, dated July 17, 1933, and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 55 NS, at page 451, a copy of which is hereto attached marked Exhibit "A", and by reference made a part hereof as though fully incorporated herein; that said foreclosure deed was made under the powers contained in that certain mortgage from Bessie Searcy and M. C. Searcy, her husband, to the Respondent and and cross complainant, J. E. Heubach, dated November 21, 1931, and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 54, at pages 22 and 23, a copy of which is hereto attached marked Exhibit "B", and by reference made a part hereof as though fully incorporated herein.

(b) That the said Bessie Searcy was a sister of the Complainant and cross Respondent and that they owned the lands described in paragraph (a), supra, as tenants in common.

(c) That the said Complainant and cross Respondent, Paul J. Bryers has enjoyed the use and benefit of the aforesaid lands since July 17, 1933; that your Respondent and cross Complainant has never enjoyed any benefit, or remuneration, from said lands.

WHEREFORE, the premises considered, the Respondent prays that this be taken as his answer and cross bill and that, by proper process, the Complainant be made cross Respondent hereto; that he be required to plead, answer or demur to this cross bill within the time and under the penalties prescribed by law and the

The Respondent and cross Complainant further prays that, pending a final hearing of this cause, your Honor will order the Complainant and cross Respondent to render an accounting of the rents and profits on said lands since July 17, 1933.

Your Respondent and cross Complainant further prays that, upon a final hearing hereof, your Honor will make and enter a decree that the Respondent and cross Complainant is the owner of an undivided one-half interest in and to the following described lands in Baldwin County, Alabama, to-wit:

Fractional Northeast quarter and Northeast fractional quarter of the Southeast quarter of Section 11, Township 1 North, Range 2 East.

Your Respondent and cross Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive, and as in duty bound, he will ever pray.

Jeffrey A. Mathis, Jr.
Solicitor for Respondent and cross
Complainant.

"Exhibit A"

MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA
BALDWIN COUNTY.

This Indenture, made and entered into this the 17th day of July, 1933, by and between Bessie Searcy and M. C. Searcy, her husband, by J. B. Blackburn, as the Auctioneer conducting the sale and as Attorney in Fact of and for the said Bessie Searcy and M. C. Searcy, each of them, hereinafter referred to as the parties of the first part, and J. E. Heubach, hereinafter referred to as the party of the second part, Witnesseth:

THAT WHEREAS, the said Bessie Searcy and M. C. Searcy, her husband, as Mortgagors did on the 21st day of November, 1931, make, execute and deliver to J. E. Heubach, as Mortgagee, that certain Mortgage deed dated November 21, 1931, and recorded in book # 54 of mortgages at page 22-23 in Probate Records of Baldwin County, Alabama, which conveys the property hereinafter described; and,

WHEREAS, it was provided for, by, in and as a part of the said mortgage that in the event of default in the payment at maturity of mortgage debt described in and secured thereby or any amount secured thereby, the Mortgagee was and is thereby authorized to sell the said property at Auction, for cash after giving notice by advertisement once a week for three consecutive weeks in any newspaper then published in Baldwin County, Alabama, and make proper conveyance to the purchaser and further that the mortgagee named therein may purchase the said property, in which event the Auctioneer conducting the sale is authorized in the name of the Mortgagors and as their Attorney in Fact, to make a deed to the Mortgagor: and,

WHEREAS, default was made in the payment at maturity of the mortgage debt described in and secured by the said mortgage and the said default continuing the said J. E. Heubach, as such Mortgagee, proceeded to and did sell the said property at Auction for cash at the front door of the Court House in Baldwin County, Alabama, the County where the land is situated at 12:00 o'clock noon on the 17th day of July, 1933, after having given notice of the time, place, terms and purpose of the said sale by advertisement once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Baldwin County, Alabama, said notice appearing in the issues of of said paper of June 8, 1933, June 15, 1933; June 33, 1933 and June 29, 1933; and,

WHEREAS, At the said sale so held the property was first offered for sale in parcels and there being no bidder or bidders for any part or parcel of it it was then offered for sale en masse and when thus offered J. E. Heubach, the Mortgagee, became the purchaser of the said property at and for the sum of One Hundred and Fifty Dollars (\$150.00) cash, that being the highest, best and last bid for same; and,

WHEREAS, J. B. Blackburn, the Agent and Attorney of and for the Mortgagee, was the Auctioneer to conduct the said sale and the said sale was by him conducted as such auctioneer, he being duly authorized in the premises by J. E. Heubach, the Mortgagee; and

WHEREAS, All of the above being in strict conformity and compliance with the terms, conditions and powers contained in the said mortgage:

NOW THEREFORE, in consideration of the premises and the sum of One Hundred and Fifty Dollars (\$150.00), this day cash in hand paid to J. B. Blackburn, as the Auctioneer conducting the sale, receipt whereof is hereby acknowledged, the parties of the first part have and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part the following described real property situated in Baldwin County, Alabama, to-wit:

One-half interest in the Northeast fractional quarter of Section 11, in Township 1 North of Range 2 East of St. Stephens Meridian in Alabama, containing sixty (60) acres: also that piece, parcel on lot of land in Baldwin County, Alabama, described as follows to-wit: The Northeast Fractional Quarter of the Southeast Quarter of Section 11, Township 1 North of Range 2 East, containing 32 acres. Intending to describe and there is hereby conveyed the same property described in the mortgage hereinabove described.

TO HAVE AND TO HOLD unto the said parties of the second part, his heirs and assigns, as fully and completely as the said parties of the first part could or ought to convey the same under the terms and power of said mortgage and the statutes in such cases made and provided, but without recourse on the Auctioneer.

IN WITNESS WHEREOF, the said Bessie Searcy and M. C. Searcy, her husband, as Mortgagors cause these presents to be executed by J. B. Blackburn, as the Auctioneer conducting the sale and as Attorney in Fact of and for each of them as parties of the first part, on this the day and year first above mentioned.

Bessie Searcy (SEAL)
By: J. B. Blackburn
As the Auctioneer conducting the sale
and as Her Attorney in Fact.

M. C. Searcy (SEAL)
By: J. B. Blackburn
As the Auctioneer conducting the sale
and as her Attorney ~~in~~ Fact.

WITNESSES
ORA SIRMON
CHAS. C. HAND, JR.

50¢ N. S. I. R. Stamp attached. Cancelled B. S. 7-17-33

STATE OF ALABAMA
BALDWIN COUNTY

I, Ora Sirmon, a Notary Public, in and for said County and said State, hereby certify that J. B. Blackburn, whose name as Auctioneer conducting the sale and as Attorney in Fact of and for Bessie Searcy and M. C. Searcy, her husband, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, in his capacity as such auctioneer conducting the sale and as Attorney in Fact of and for Bessie Searcy and M. C. Searcy, her husband, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 17th day of July, 1933.

SEAL

Ora Sirmon, Notary Public
Baldwin County, Alabama

Filed for record June 4, A. D. 1934 at 8: A. M. and recorded June 4, 1934.

G. W. Humphries, Judge of Probate

"Exhibit B"

STATE OF ALABAMA
MOBILE COUNTY

KNOW ALL MEN BY THESE PRESENTS: That Mrs. Bessie Searcy hereinafter called Mortgagor M. C. Searcy, her husband in consideration of the sum of three Hundred dollars, \$300.00 to me in hand paid by J. E. Heubach hereinafter called Mortgagee, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey unto said Mortgagee, J. E. Heubach his heirs and assigns forever, all my half interest in

The Northeast fractional quarter of Section eleven in Township One North of Range two East of St. Stephens Meridian in Alabama containing sixty acres. Also all that piece parcel on lot of land in Baldwin County, Alabama, described as follows, to-wit: The Northeast Frac. quarter ($\frac{1}{4}$) of the Southeast quarter ($\frac{1}{4}$) of Section 11, T. 1 N. of R. 2 E. containing 32 acres

Together with all and singular the tenements, rights, privileges and appurtenances, to said described premises in anywise belonging, TO HAVE AND TO HOLD the same forever, PROVIDED ALWAYS, and these presents are upon the express condition that if the said Mortgagor shall well and truly pay to the Mortgagee the sum of three Hundred Dollars (300.00) on or before November (21) twenty first, 1932. This mortgage reduced Dec. 10, 1931 to \$274.00 by J. E. Hubach. and shall also discharge all the duties imposed upon said mortgage, by this mortgage, then these presents shall become void, otherwise to remain in full force.

In event of default in the payment at maturity of said mortgage debt, or any amount secured hereby, mortgagee is hereby authorized to sell said property, at auction for cash, after giving notice by advertisement, once a week for three consecutive weeks, in any newspaper then published in the County of Baldwin County, Alabama, to make proper conveyance to purchaser, and the proceeds of sale to apply first, to the payment of the costs of said sale, including a reasonable attorney's fee; second, to the payment of said mortgage debt and any sums herein provided for, the balance, if any, to be paid over to the said mortgagor. Mortgagee may purchase said property at such sale and, in that event, the auctioneer conducting the sale is authorized in the name of the mortgagor, and as her Attorney in Fact, to make deed to Mortgagee. Mortgagor agrees to pay such reasonable attorney's fees as may be incurred by the mortgagee, in collection of said mortgage debt, or otherwise by reason of any default on the part of the mortgagor. Mortgagor covenants that I am seized in fee simple of said property, that it is free from all encumbrances. That I will warrant the same to Mortgagee, and to the purchaser thereof, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Mortgagor ha hereunto set our hand and seal this day November 21st A. D. 1931.

Mrs. Bessie Searcy (SEAL)
M. C. Searcy Husband (SEAL)

WTINESS: M. L. Buckner

STATE OF ALABAMA
MOBILE COUNTY

I, Harry Seale, a Notary Public, in and for said County and

State, hereby certify that Mr. Bessie Searcy and M. C. Searcy, her husband 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 10th day of Dec. 1931.

Harry Seale, Notary Public
Mobile County, Alabama

(SEAL)

THE STATE OF ALABAMA
MOBILE COUNTY

I, Harry Seale, a Notary Public in and for said County and State, do hereby certify that on the 10th day of Dec. 1931, came before me the within named Mrs. Bessie Searcy, known to me to be the wife of the within named M. C. Searcy, who being examined separate and apart from the husband touching her signature to the within conveyance acknowledged that she signed the same of her own free will and accord, and without fear, constraints, or threats on the part of the husband.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this 10th day of Dec. 1931.

Harry Seale, Notary Public
Mobile County

SEAL

PROBATE COURT

THE STATE OF ALABAMA
BALDWIN COUNTY

Filed in office the 12 day of January, 1932, 2:00 P. M. and duly recorded in Mortgage Book No. 54, pages 22 & 23; and I certify that \$_____cents 45 license for privilege tax, paid as required by an Act of Legislature, approved Aug. 22, 1923.

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

G. W. Humphries, Judge of Probate

PAUL J. BRYARS,
Complainant,

VS.

J. E. HEUBACH, ET AL,
Respondent.

EQUITY NO. _____
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

I, IDA BELLE T. MASHBURN, as Special Commissioner, have called and caused to come before me J. E. HEUBACH, Witness for the and Cross-Complainant Respondent, on the 15 day of July, 1947, at the office of Telfair J. Mashburn, Jr., in Bay Minette, Alabama, and having first sworn said witness to speak the truth, the whole truth, and nothing but the truth, the said J. E. HEUBACH doth depose and say as follows:

My name is J. E. HEUBACH. I am the Respondent in the above styled cause, and I am over the age of twenty-one years. I am a resident of the State of Alabama, residing at 909 Cottrell Street, Mobile, Alabama.

I am the owner of an undivided one-half interest in and to the property involved in this cause, being the Fractional Northeast Quarter (NE $\frac{1}{4}$) and the Northeast Fractional Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 11, Township 1 North, Range 2 East, in Baldwin County, Alabama.

My title to the above described lands was acquired in the following manner: In the Fall of 1931, Mrs. Bessie Searcy, who had been trading at my store in Mobile, Alabama, and who owed me some money, came to me and told me that she owned an undivided one-half interest in some land in Baldwin County, Alabama, with her brother, Paul J. Bryars; that she needed some money to pay the taxes; and that, if I would lend her the money to pay the taxes, she would give me a mortgage on her interest in the land to cover her entire indebtedness to me. I loaned Mrs. Searcy the money and she gave me the mortgage, dated November 21, 1931, for \$300.00. I do not recall what part of the debt represented actual cash and what part represented the debt she owed me for groceries. I know that Mrs. Searcy never made any attempt to pay any part of the debt, and, finally, on July 17, 1933, after advertising the sale as provided in the Mortgage, I was forced to foreclose the mortgage and at the sale I became the purchaser for \$150.00.

Never, since I purchased this property at the foreclosure sale, or before that time, have I had a conversation with Mr. Bryars, or with any one representing him, in which I was told that unless I paid a part of the taxes on the land it would be sold. Mr. Bryars never told me that if the property was sold and it became necessary for him to purchase it he was going to deny my right to any claim thereto or the possession thereof. In fact, I have never had a conversation with Mr. Bryars in regard to taxes on this land, and he has never told me that I owned no interest in the land.

In fact, as late as February 18, 1937, Mr. Bryars recognized and admitted that I was a tenant in common in this land. On that date, Mr. Bryars filed a Bill of Complaint in the Circuit Court of Baldwin County, Alabama, in Equity, Equity No. 300, styled as follows: Paul Bryars, Complainant, Vs. Bessie Searcy and John E. Heuback, Respondents, a certified copy of which Bill of Complaint is attached hereto, marked Respondent's Exhibit "1". In that Bill of Complaint Mr. Bryars set up the fact that he and I and Mrs. Searcy were tenants in common in this land; that he owned and

undivided one-half interest in said land, and that Mrs. Searcy and I owned an undivided one-half interest in the said land.

Mr. W. C. Beebe ~~of the firm of Beebe, Hall & Beebe, Attorneys at Law, Mobile, Alabama~~ represented me, and I was under the impression all along that the case would be settled and I would get my money.

I understand that the above case was never finally adjudicated, but was dismissed without prejudice about 1940.

My first knowledge that Mr. Bryars was claiming to own this property alone, and was denying that I owned a one-half interest in it was when I was served with notice of the present suit on the 9th day of January, 1947.

Mr. Bryars has always received the rents from this land, and it was my impression that he could take care of the taxes out of the rent.

W. C. Beebe

Cross-Examination by the Honorable Hubert M. Hall,
Solicitor for the Complainant:

I have not assessed the property or paid taxes thereon at any time.

I have never had any actual possession of this property. I have collected no rent therefrom. I have seen the property only one time. That was about 1933. I have not seen or been near the property since the foreclosure of the Searcy Mortgage. Someone, whose name I do not know, came to my place in Mobile about the time of the foreclosure and offered me \$150.00 for my interest. It is my best recollection that my one trip to this property took place just after the foreclosure.

W. C. Beebe

I, Ida Belle T. Mashburn, as Special Commissioner, hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness and read over to him and he signed the same in the presence of myself, Telfair J. Mashburn, Jr., and the Honorable Hubert M. Hall at the time and place herein mentioned; that I have personal knowledge of the personal identity of said witness; that I am not of counsel or kin to any of the parties to said cause, or any manner interested in the result thereof.

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

Given under my hand and seal this 15th day of July, 1947.

Ida Belle T. Mashburn (L. S.)

C O P Y

PAUL BRYARS,

Complainant,

-vs-

BESSIE SEARCY AND JOHN E.
HEUBACK,

Respondents.

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

TO THE HONORABLE FRANCIS W. HARE JUDGE:

Humbly complaining, your orator, Paul Bryars, as complainant brings this bill of complaint against Bessie Searcy and John E. Heuback, as respondents, and respectfully shows:

FIRST.

Complainant is a resident citizen of Mobile County, Alabama, and is over the age of twenty-one years; Each of the respondents is over the age of twenty-one years; The respondent John E. Heuback is a resident citizen of Mobile County, Alabama, and the respondent Bessie Searcy resides in Jefferson County, Alabama, and when last heard from her address was No. 2130 Sixth Avenue, Birmingham, Alabama and that is believed to be her present address.

SECOND.

Complainant and respondents own and are tenants in common in that certain land in Baldwin County, Alabama, described as:

The fractional Northeast Quarter, and the fractional Northeast Quarter of Southeast Quarter of Section 11, Township 1 North of Range 2 East.

Complainant owns an undivided one-half interest in said land and the respondents own an undivided one-half interest in said land and it can not be equitably divided.

THE PREMISES CONSIDERED complainant prays that your Honor will take jurisdiction of the cause made by this bill of complaint and that by proper process issuing to them from this Court the said Bessie Searcy and John E. Heuback be made parties defendant hereto and be required to answer the charges herein made in all things required by the rules and practice of this Court.

Complainant further prays that your Honor will upon hearing said cause, order, adjudge and decree that the said land can not be equitably divided but it be sold for division of the proceeds and that you will make all necessary and proper orders to affect said sale.

Complainant prays for such other, further and different relief as in equity and good conscience may be entitled to him in the premises.

"B. F. McMILLAN, JR."
SOLICITOR FOR COMPLAINANT.

NOTE: Respondents are required to answer each allegation in the paragraphs of the foregoing bill of complaint but oath thereto is hereby expressly waived.

"B. F. McMILLAN, JR."
SOLICITOR FOR COMPLAINANT.

STATE OF ALABAMA, 0
 0 s. s.
COUNTY OF BALDWIN. 0

I, Alice J. Duck, Register of the Circuit Court of and for the County of Baldwin, in the State of Alabama, do hereby certify that the attached page in the case of Paul Bryars vs. Bessie Searcy and John E. Heuback, Equity No. 300, contains a true and correct copy of the bill of complaint filed in the above styled cause on February 18, 1937; and I certify that as such Register I am the custodian and keeper of the records of the files of said court for said County and State and of the seal of said court, and that the seal hereunto affixed is the seal of said Court.

IN WITNESS WHEREOF I have hereunto set my hand and the seal of said court in the city of Bay Minette, County of Baldwin, and State of Alabama.

This the 15 day of July, 1947.

Alice J. Duck
Register of the Circuit Court in Equity.

EQUITY NO. 1797.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

PAUL J. BRYARS,

Complainant,

vs.

J. E. HEUBACH, ET AL.,

Respondents.

ORAL DEPOSITION.

Filed 10-1-49
Deputy Clerk
Reg -

NOTICE OF REGISTER'S SALE.

STATE OF ALABAMA, 0
COUNTY OF BALDWIN. 0

PAUL J. BRYARS VS. J. E. HEUBACH, ET AL.

By virtue of a decree rendered at the Fall term, 1947, of the Circuit Court in Equity at Bay Minette, of said State, in the above entitled cause, I shall proceed to sell at public outcry, in front of the courthouse door in Bay Minette, Baldwin County, Alabama, on Monday, the 1st day of December, 1947, at 1:00 O'clock P. M., for cash, the following described real estate, situated in Baldwin County, Alabama, to-wit:

The Fractional Northeast Quarter (NE $\frac{1}{4}$) and the Northeast Fractional Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Eleven (11), Township One (1) North, Range Two (2) East.

Under and by the terms of said decree an Abstract of Title will be furnished with said land, and this Abstract may be examined at my office in the Courthouse in Bay Minette, Alabama, at any time after November 15, 1947.

Alice J. Leach
REGISTER.

C O P Y.

EQUITY NO. 1797.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

PAUL J. BRYARS,
Complainant,
VS.
HEUBACH, ET AL.,
Respondents.

NOTICE OF REGISTER'S SALE

TO THE CREDITORS OF THE ESTATE OF PAUL J. BRYARS, DECEASED, AND TO ALL PERSONS WHO MAY BE AFFECTED BY THE SALE OF THE REAL ESTATE OF SAID ESTATE, NOTICE IS HEREBY GIVEN THAT THE REGISTER OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, HAS BEEN DULY SEIZED WITH THE RECORDS OF SAID ESTATE, AND THAT HE WILL, ON THE 11th DAY OF NOVEMBER, 1947, AT 10 O'CLOCK A.M., IN THE COURT HOUSE AT BALDWIN, ALABAMA, PROCEED TO THE SALE OF THE REAL ESTATE OF SAID ESTATE, AND THAT HE WILL, ON THE 11th DAY OF NOVEMBER, 1947, AT 10 O'CLOCK A.M., IN THE COURT HOUSE AT BALDWIN, ALABAMA, PROCEED TO THE SALE OF THE REAL ESTATE OF SAID ESTATE, AND THAT HE WILL, ON THE 11th DAY OF NOVEMBER, 1947, AT 10 O'CLOCK A.M., IN THE COURT HOUSE AT BALDWIN, ALABAMA, PROCEED TO THE SALE OF THE REAL ESTATE OF SAID ESTATE.

AMANDA TO ERAS
MIRIAM TO YERUOC
COCKIN TO BULWIN.

NOTICE OF REGISTER'S SALE.

PAUL J. BRYARS, DECEASED, VS. HEUBACH, ET AL.

11-4-47
Annie J. Luck
Reg

REGISTER
[Signature]

TO THE CREDITORS OF THE ESTATE OF PAUL J. BRYARS, DECEASED, AND TO ALL PERSONS WHO MAY BE AFFECTED BY THE SALE OF THE REAL ESTATE OF SAID ESTATE, NOTICE IS HEREBY GIVEN THAT THE REGISTER OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, HAS BEEN DULY SEIZED WITH THE RECORDS OF SAID ESTATE, AND THAT HE WILL, ON THE 11th DAY OF NOVEMBER, 1947, AT 10 O'CLOCK A.M., IN THE COURT HOUSE AT BALDWIN, ALABAMA, PROCEED TO THE SALE OF THE REAL ESTATE OF SAID ESTATE, AND THAT HE WILL, ON THE 11th DAY OF NOVEMBER, 1947, AT 10 O'CLOCK A.M., IN THE COURT HOUSE AT BALDWIN, ALABAMA, PROCEED TO THE SALE OF THE REAL ESTATE OF SAID ESTATE.

PAUL J. BRYARS,
Complainant,

VS.

J. E. HEUBACK, ET AL.,
Respondents.

EQUITY NO. 1797

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

DEMURRER

Comes now, J. E. Heuback, by his Solicitor, Telfair J. Mashburn, Jr., and demurs to the Petition heretofore filed by Paul J. Bryars on December 31, 1947, and for grounds for said demurrer sets forth the following separate and several reasons, to-wit:

1. That there is no Equity in said Petition.
2. That Petitioner does not offer to do equity.
3. That Petitioner does not offer to account for the rents and profits upon said property during the years he was in possession of said property.
4. That Petitioner does not show that your Respondent had notice of the expenditures of the amounts claimed in said petition.

Telfair J. Mashburn, Jr.
Solicitor for Respondent and Cross-Complainant.

EQUITY NO. 1797

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

PAUL J. BRYARS,

Complainant,

VS.

J. E. HEUBACH, ET AL.,

Respondents.

DEMURRER TO PETITION.

FILED

JAN 20 1948

ALICE J. DUCK, REGISTER

PAUL J. BRYARS,
Complainant,
VS.
J. E. HEUBACH, ET AL.,
Respondents.

EQUITY NO. 1797.
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

NOTE OF SUBMISSION AND TESTIMONY.

Comes the Respondent and Cross--Complainant in the above entitled cause, by his Solicitor, and submits this cause for final decree on the following noted evidence and testimony, to-wit:

1. Respondent's and Cross-Complainant's Answer and Cross-Bill as amended, together with Exhibits "A", "B" and "C" attached thereto and by reference made a part thereof.

2. Admission's contained in the Original Bill of Complaint and in the testimony of PAUL J. BRYARS, the Complainant and Cross-Respondent.

3. Testimony of J. E. HEUBACH taken before Ida Belle T. Mashburn, as special commissioner, together with the Exhibits attached thereto.

4. Agreement.

Ida Belle T. Mashburn, Jr.
Solicitor for Respondent and Cross-
Complainant.

I, Alice J. Duck, Register of said Court, do hereby certify that the foregoing is a true and correct note of submission and testimony of the Respondent and Cross-Complainant.

Witness this 1 day of October, 1947.

Alice J. Duck
REGISTER.

EQUITY NO. 1797

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

PAUL J. BRYARS,

Complainant,

VS.

J. E. HEUBACH, ET AL.,

Respondents.

NOTE OF SUBMISSION AND
TESTIMONY.

PAUL J. BRYARS

COMPLAINANT

VS

J. E. HEUBACH ET AL

RESPONDENTS

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

Notice is hereby given that the Complainant in the above styled cause, Paul J. Bryars, has filed his bill of complaint duly verified, in the Circuit Court of Baldwin County, Alabama, in Equity, against the following described land in Baldwin County, Alabama, to-wit:

Fractional Northeast quarter and Northeast Fractional quarter of the Southeast quarter of Section 11, Township 1 North, Range 2 East,

and also against J. E. Heubach, the unknown heirs, devisees, grantees, personal representatives and assigns of J. E. Heubach, Rufus Bryars, Mollie Bryars, and any other persons, firms or corporations claiming any right, title to, interest in, or encumbrance upon said land or any part thereof and alleging that he is a non-resident of the State of Alabama, and over 21 years of age, his address being 3387 De Arcy Street, Louisville, Kentucky; that he is the owner, in fee simple, and in the actual possession of said land and each part thereof; that he acquired title to said lands by deed from G. W. Robertson, Judge of Probate, dated February 23, 1941, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 73 NS, page 529; that no person is known to have paid any taxes upon said land, or to have been in possession thereof within ten years next preceding the filing of this bill of complaint except, Paul J. Bryars, and Mazie Richerson Bryars.

IT IS THEREFORE ORDERED and notice is hereby given that J. E. Heubach, the unknown heirs, devisees, grantees, personal representatives and assigns of J. E. Heubach, Rufus Bryars, Mollie Bryars, and any other person, firm or corporation claiming any right, title to, interest in or encumbrance upon said land, or any part thereof, to appear in this court and plead, answer or demur to this bill of complaint on or before the 9th day of February, 1947, or upon their having failed to do so, upon the expiration of thirty days from said date this cause shall be at issue.

STATE OF ALABAMA, BALDWIN COUNTY
Filed *Young* 3.19.47.....11:30 a.m.
Recorded *W. P. Stuart*.....book 2.....page 135
W. P. Stuart
Judge of Probate

007-136

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, a newspaper published in Bay Minette, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 3 day of January, 1947.

Alice J. Duck
Register of the Circuit Court of
Baldwin County, Alabama

H. M. Hall
Solicitor for the Complainant

STATE OF ALABAMA
BALDWIN COUNTY

I, ALICE J. DUCK, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the foregoing is a full, true, correct and complete copy of notice given by publication in the Baldwin Times, a newspaper published at Bay Minette, Alabama, in the cause of Paul J. Bryars Complainant, vs J. E. Heubach, et al, Respondents have filed for record in the office of the Judge of Probate of Baldwin County, Alabama, the county in which the said land lies, in accordance with the provisions of the State of Alabama.

IN WITNESS WHEREOF, I have hereto set my hand and seal of office on this the 3 day of January, 1947.

Alice J. Duck
Register, Circuit Court, Baldwin
County, Alabama.

1797

PAUL J. BRYARS

COMPLAINANT

VS

J. E. IDEUBACH ET AL

RESPONDENTS

2- 135-6

LIS PENDENS

R 125 Mrs Alice Pick

NOTICE OF REGISTER'S SALE.

STATE OF ALABAMA, 0
 0
COUNTY OF BALDWIN. 0

PAUL J. BRYARS VS. J. E. HEUBACH, ET AL.

By virtue of a decree rendered at the Fall term, 1947, of the Circuit Court in Equity at Bay Minette, of said State, in the above entitled cause, I shall proceed to sell at public outcry, in front of the courthouse door in Bay Minette, Baldwin County, Alabama, on Monday, the 1st day of December, 1947, at 1:00 O'clock P. M., for cash, the following described real estate, situated in Baldwin County, Alabama, to-wit:

The Fractional Northeast Quarter (NE $\frac{1}{4}$) and the Northeast Fractional Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Eleven (11), Township One (1) North, Range Two (2) East.

Under and by the terms of said decree an Abstract of Title will be furnished with said land, and this Abstract may be examined at my office in the Courthouse in Bay Minette, Alabama, at any time after November 15, 1947.

Alice J. Heubach
REGISTER.

RECEIVED
W. J. Bryars

...and the ...
...the ...
...the ...
...the ...
...the ...

C O P Y.
EQUITY NO. 1797

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

PAUL J. BRYARS,
Complainant,
VS.
E. HEUBACH, ET AL.,
Respondents.

NOTICE OF REGISTER'S SALE.

IN RE: ESTATE OF ...

...
...

...

JIMMY FAULKNER
EDITOR AND PUBLISHER

THE BALDWIN

COUNTY'S-

Times

BEST NEWSPAPER

BAY MINETTE, ALABAMA

51 S. Commerce St. — Mobile

LESTER E. CARROLL

SUGAR & COFFEE

And Crystals

Crystal Cup Coffee

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

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

Paul J. Bregans vs.

J. E. Hershbach

COST STATEMENT

442 WORDS @ 4 1/2 cents — — — \$ 19.89

I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner
Publisher.

Notice is hereby given of the pendency of a bill of complaint in the above styled Court against those certain lands described below and those certain persons named below, together with any and all other persons claiming any title or interest in, lien or encumbrance on said lands, described below, or any part thereof, to establish in the complaintants filing said bill and hereinafter named the right or title to said lands in fee simple and to clear up all doubts or disputes concerning the same. The complaintants named in said bill and of complaint are Belle Price and

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

Date of 1st publication Jan. 9, 1947 Vol. 57 No. 50

Date of 2nd publication Jan. 16, 1947 Vol. 57 No. 51

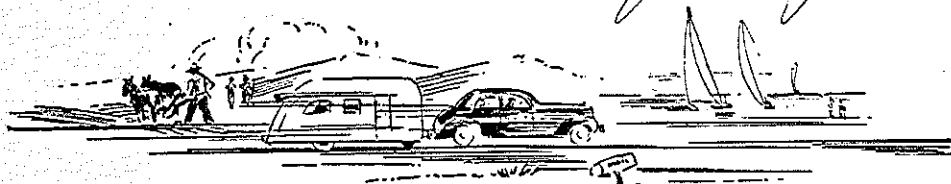
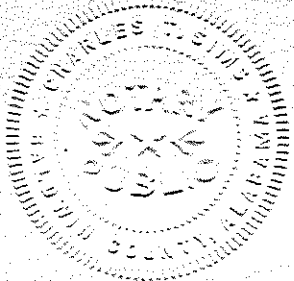
Date of 3rd publication Jan. 23, 1947 Vol. 57 No. 52

Date of 4th publication Jan. 30, 1947 Vol. 58 No. 1

Subscribed and sworn before the undersigned this 31 day of Jan, 1947

Charles T. Sims
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.



BAY MINETTE, ALABAMA

LEGAL NOTICE

In the Circuit Court of Baldwin County,
Alabama, in Equity.

PAUL J. BRYARS, Complainant, Vs.
J. E. HEUBACH ET AL Respondents

Notice is hereby given that the Complainant in the above styled cause, Paul J. Bryars, has filed his bill of complaint duly verified, in the Circuit Court of Baldwin County, Alabama, in Equity, against the following described land in Baldwin County, Alabama, to-wit:

Fractional Northeast quarter and
Northeast Fractional quarter of the
Southeast quarter of Section 11, Town-
ship 1 North, Range 2 East.

and also against J. E. Heubach, the unknown heirs, devisees, grantees, personal representatives and assigns of J. E. Heubach, Rufus Bryars, Mollie Bryars, and any other persons, firms or corporations claiming any right, title to, interest in, or encumbrance upon said land or any part thereof; and alleging that he is a non-resident of the State of Alabama, and over 21 years of age, his address being 3387 De Arcey Street, Louisville, Kentucky; that he is the owner, in fee simple, and in the actual possession of said land and each part thereof; that he acquired title to said lands by deed from C. W. Robertson, Judge of Probate, dated February 23, 1941, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 73, NS, page 529; that no person is known to have paid any taxes upon said land, or to have been in possession thereof within ten years next preceding the filing of this bill of complaint except, Paul J. Bryars, and Mazie Richerson Bryars.

IT IS THEREFORE ORDERED and notice is hereby given that J. E. Heubach, the unknown heirs, devisees, grantees, personal representatives and assigns of J. E. Heubach, Rufus Bryars, Mollie Bryars, and any other person, firm or corporation claiming any right,

Notice is hereby given of the pendency of a bill of complaint in the above styled Court against those certain lands described below and those certain persons named below, together with any and all other persons claiming any title or interest in, lien or encumbrance on said lands, described below, or any

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

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

Paul J. Bryare vs

J. E. Heschach

COST STATEMENT

442 WORDS @ 4 1/2 cents --- \$ 19.89

I hereby certify this is correct, due and unpaid (~~paid~~).

Jimmy Faulkner
Publisher.

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

Date of 1st publication Jan. 9, 1947 Vol. 57 No. 50

Date of 2nd publication Jan. 16, 1947 Vol. 57 No. 51

Date of 3rd publication Jan. 23, 1947 Vol. 57 No. 52

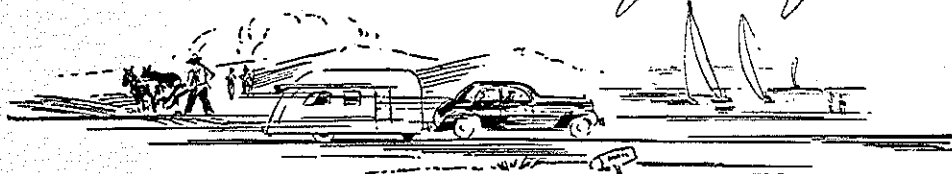
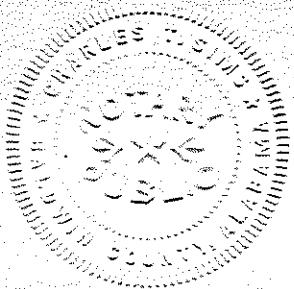
Date of 4th publication Jan. 30, 1947 Vo. 58 No. 1

Subscribed and sworn before the undersigned this 31 day of Jan., 1947.

Charles T. Sisis
Notary Public, Baldwin County.

Notary Public, Baldwin County.

Kenneth Faulkner
Publisher.



NOTICE OF REGISTER'S SALE

STATE OF ALABAMA }
COUNTY OF BALDWIN }

PAUL J. BRYARS

vs.

J. E. HEUBACH, ET AL.

By virtue of a decree rendered at the Fall term, 1947, of the Circuit Court in Equity at Bay Minette, of said State, in the above entitled cause, I shall proceed to sell at public outcry, in front of the courthouse door in Bay Minette, Baldwin County, Alabama, on Monday, the 1st day of December, 1947, at 1:00 o'clock P. M., for cash, the following described real estate, situated in Baldwin County, Alabama, to-wit:

The Fractional Northeast Quarter (NE $\frac{1}{4}$) and the Northeast Fractional Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Eleven (11), Township One (1) North, Range Two (2), East.

Under and by the terms of said decree an Abstract of Title will be furnished with said land, and this Abstract may be examined at my office in the Courthouse in Bay Minette, Alabama, at any time after November 15, 1947.

T. J. MASHBURN, JR.,

Attorney.

ALICE J. DUCK,
Register.

AFFIDAVIT OF PUBLICATION

I, Oliver Hender Rich

acting editor

of The Onlooker, published at Foley, Ala., do solemnly swear that a copy of the above notice, as per clipping attached, was published once each week in the regular and entire edition of said newspaper, and not in any supplement thereof, for THREE consecutive weeks, commencing with the issue dated Nov. 13, 1947, and ending with the issue dated Nov. 27, 1947.

Oliver Hender Rich

Subscribed and sworn to before me this 25 day of Dec.

Dec.

1947

[Signature]

Notary Public.

NOTARY PUBLIC - BALDWIN COUNTY, ALA.

THE FOLEY ONLOOKER

BALDWIN NEWS-HERALD

FOLEY, ALA. Dec. 5, 1947

HOWELL PUBLISHING CO.

Alice J. Duck

Bayminette, Ala.

HIGH QUALITY JOB PRINTING

BROUGHT FORWARD

Nov.	13	Legal notices
"	20	T. J. Mashburn
"	27	Paul F. BRYARS

581

PAUL J. BRYARS,
COMPLAINANT,
VS.
J. E. HEUBACH, ET AL.,
Respondents.

EQUITY NO. 1797
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

REPORT OF REGISTER ON REFERENCE.

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

WHEREAS, by decree of this Court filed and enrolled in this cause on the 2nd day of FEBRUARY, 1948, there was ordered and decreed, among other things, as follows:

"2. That the services rendered by Telfair J. Mashburn, Jr., Solicitor for the Respondent and Cross-Complainant, in this cause are for the common benefit of all of the joint owners of the said property, and the Register of this Court is ordered to hold a reference to ascertain and report what is a reasonable Solicitor's fee for the services rendered by the said Solicitor in this connection."

NOW, THEREFORE, having held a reference for the purpose of ascertaining the matters called for in the said decree, I report as follows:

1. I did, on February 17, 1948, issue a notice of a reference to be held in this cause at my office in Bay Minette, Alabama, at 10:00 o'clock A. M. on Tuesday, February 24, 1948, service of which was accepted and notice waived by H. M. HALL, Solicitor for Complainant and Cross-Respondent, and by Telfair J. Mashburn, Jr., Solicitor for J. E. Heubach, Respondent and Cross-Complainant, on February 17, 1948.

2. Testimony of John Chason and J. B. Blackburn was taken at the said reference as to the amount of Attorney's fee to be allowed Telfair J. Mashburn, Jr., Solicitor for the Respondent and Cross-Complainant in this cause, which testimony has been reduced to writing and which is hereto attached. I find and report that the sum

of \$400.00 is a reasonable Solicitor's fee to be paid to Telfair J. Mashburn, Jr., Solicitor for the Respondent and Cross-Complainant, for services rendered by him in this suit.

3. I further report that the amount realized from the sale of the property involved in this proceeding was \$4000.00; that the court costs incurred in this proceeding amount to \$116.00, not including the said amount of \$400.00 which has been herein fixed as the Solicitor's fee to be paid to Respondent and Cross-Complainant's Solicitor of Record in this cause.

All of which is respectfully submitted on this the 24th day of February, 1948.

Alice J. Duck
REGISTER.

TESTIMONY OF JOHN CHASON, TAKEN BEFORE
ALICE J. DUCK, REGISTER, ON REFERENCE
IN CASE OF PAUL J. BRYARS, COMPLAINANT,
VS. J. E. HEUBACH, ET AL., IN THE CIR-
CUIT COURT OF BALDWIN COUNTY, ALABAMA,
IN EQUITY, NUMBER 1797.

My name is John Chason, I am an Attorney-at-Law
and Solicitor in Chancery, practicing at Bay Minette in
Baldwin County, Alabama. I am familiar with fees charged
by Attorneys in Baldwin County, Alabama.

I have examined the court file in this case,
have considered the work done by the Respondent and Cross-
Complainant's Solicitor of Record and the amount for which
the property sold which was \$4000.00.

It is my opinion that \$ 400⁰⁰ is a reasonable
fee to be allowed Telfair J. Mashburn, Jr., Solicitor for
the Respondent and Cross-Complainant for services rendered
by him in this case.



TESTIMONY OF J. B. BLACKBURN, TAKEN
BEFORE ALICE J. DUCK, REGISTER, ON
REFERENCE IN CASE OF PAUL J. BRYARS,
COMPLAINANT, VS. J. E. HEUBACH, ET AL.,
IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, IN EQUITY, NUMBER 1797.

My name is J. B. Blackburn, I am an Attorney-
at-Law and Solicitor in Chancery, practicing at Bay
Minette in Baldwin County, Alabama. I am familiar with
fees charged by Attorneys in Baldwin County, Alabama.

I have examined the court file in this case,
have considered the work done by the Respondent and Cross-
Complainant's Solicitor of Record and the amount for which
the property sold which was \$4000.00.

It is my opinion that \$400.00 is a reasonable
fee to be allowed Telfair J. Mashburn, Jr., Solicitor for
the Respondent and Cross-Complainant for services rendered
by him in this case.

J. B. Blackburn

PAUL J. BRYARS,
Complainant,

VS.

J. E. HEUBACH, ET AL.,
Respondents.

EQUITY NO. 1797
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

RECEIPT.

I, the undersigned PAUL J. BRYARS, hereby
acknowledge receipt of the sum of SIXTEEN HUNDRED (\$1600.00)
DOLLARS from ALICE J. DUCK, as Register and Commissioner, as
an advance on my distributive share of the proceeds from the
sale of lands under a decree of the Court in the above styled
cause.

Dated this the 1st day of December, 1947.

Paul J. Bryars

EQUITY NO. 1797.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

PAUL J. BRYARS,
Complainant,

VS.

J. E. HEUBACH, ET AL.,
Respondents.

RECEIPT FOR ADVANCE ON
DISTRIBUTIVE SHARE.

*Filed 12-1-48
Alice J. Luck
Register*

PAUL J. BRYARS,

Complainant

VS

J. E. HEUBACH, et al

Respondents.

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

DECREE

This cause coming on to be heard on this date, which is the date heretofore set by this Court for calling the Equity Docket hereof, is submitted on the Pleadings and Testimony as noted by the Register, and the same having been considered by the Court, the Court is of the opinion that the Complainant and Cross Respondent, Paul J. Bryars, is not entitled to the relief prayed for in his Bill of Complaint, and the Court is of the further opinion that the Respondent and Cross Complainant, J. E. Heubach, is entitled to the relief prayed for in his Amended Cross Bill, WHEREUPON, IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The Bill of Complaint of the Complainant and Cross Respondent, Paul J. Bryars, is hereby dismissed.

2. The Respondent and Cross Complainant, J. E. Heubach, is the owner of an undivided one-half interest in and to the property described in his Amended Cross Bill, namely:

The Fractional Northeast Quarter ($NE\frac{1}{4}$)
and the Northeast Fractional Quarter
($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$)
of Section 11, Township 1 North, Range
2 East, in Baldwin County, Alabama.

3. The Complainant and Cross Respondent, Paul J. Bryars, is the owner of the other undivided one-half interest in and to said property described above.

4. The said property can not be equitably divided between the joint owners thereof without a sale of the said property and a division of the proceeds, and the sale of the said property and a division of the proceeds being, in the opinion of the Court, to the best

interest of both of said parties, the said property is ordered sold for division between the said parties by the commissioner hereinafter named.

5. Alice J. Duck, Register of this Court, being a fit and proper person to be appointed Commissioner to make the said sale, is hereby appointed as such Commissioner and is hereby ordered to proceed and sell the property at public outcry to the highest bidder for cash at the front door of the Courthouse in Bay Minette, Baldwin County, Alabama at 1:00 o'clock P. M., on Monday, the first day of December, 1947, after first giving notice of the time, place and terms of the said sale together with a description of the property by publication in the Foley Onlooker, a newspaper published in Baldwin County, Alabama once a week for three consecutive weeks and that said Commissioner to make due report as to how she has executed this decree.

6. Alice J. Duck, as Commissioner, is ordered to have a complete abstract of title to the said property prepared and ready for delivery to any prospective purchaser for examination not less than ten days prior to the date set for the said sale and to tax the cost thereof as a part of the cost of the proceedings.

7. The Register of this Court shall file a certified copy of this decree for record in the Office of the Judge of Probate of Baldwin County, Alabama, and tax the costs of such recording as a part of the costs of this proceeding.

8. Jurisdiction of this cause is reserved for such orders and decrees as may be requisite and proper in the premises.

ORDERED, ADJUDGED AND DECREED this 1st day of October, 1947.


JUDGE

PAUL J. BRYARS,

Complainant,

VS.

J. E. HEUBACH, ET AL.,

Respondents.

EQUITY NO. 1797.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

FINAL DECREE.

This cause coming on to be heard on this date is submitted for Final Decree on the Pleadings and Testimony as noted by the Register, Decree dated October 1, 1947, Report of Commissioner, Notice of Filing Commissioner's Report, Acceptance of Service and Waiver of Notice thereof, Petition of the Respondent and Cross-Complainant, Decree dated February 2, 1948, Confirming Sale, Ordering execution of a conveyance, and Ordering the Register to hold a reference to Ascertain and Report what is a reasonable Attorney's fee for Telfair J. Mashburn, Jr., Solicitor of Record for the Respondent and Cross-Complainant, for services rendered in the cause, Notice of Reference, Acceptance of Service and Waiver of Notice thereof, and Register's Report dated February 24, 1948, from all of which it appears that the property involved in this proceeding has been sold in strict compliance with the former orders and decrees of this Court; that the purchase money therefor has been paid in full; and that the only further action needed in this cause is to distribute the proceeds received from the sale of the said property among the joint owners thereof, upon consideration of which, it is, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the Report of the Register filed in this cause on February 24, 1948, be and it is hereby confirmed and the sum of Four Hundred Dollars (\$400.00) be and it is hereby fixed as the amount of compensation to be paid to Telfair J. Mashburn, Jr., Solicitor for the Respondent and Cross-Complainant, for the services rendered by him in this cause.

2. The Register of this Court is empowered, instructed and directed to pay to Telfair J. Mashburn, Jr., the said sum of \$400.00, which has been fixed as the compensation due him in this cause, and take his receipt therefor.

3. The Register of this Court is authorized to pay to herself the sum of \$116.00 in payment of the court costs incurred in this proceeding.

4. That after payment of the said Solicitor's fees of \$400.00 and the said court costs amounting to \$116.00, there will remain in the hands of Alice J. Duck, as Register and Commissioner, the sum of Three Thousand Four Hundred and Eighty-four (\$3484.00) Dollars to be divided equally between the Complainant and Cross-Respondent and the Respondent and Cross-Complainant as follows:

PAUL J. BRYARS	one-half	which is	\$1742.00
J. E. HEUBACH	One-half	which is	1742.00

The Register of this Court is hereby authorized, empowered, instructed and directed to pay the said sums to each of the said parties and to take their receipts therefor.

Upon payment of the said sums, Alice J. Duck, as Register and Commissioner in this cause, shall be and she is hereby relieved of and discharged from all other and further liability to the said parties.

ORDERED, ADJUDGED AND DECREED this 26 day of

Feb., 1948.

J. M. Stahl
JUDGE.

PAUL J. BRYARS,	0	EQUITY NO. 1797
	0	
Complainant,	0	IN THE CIRCUIT COURT OF
	0	
VS.	0	BALDWIN COUNTY, ALABAMA.
	0	
J. E. HEUBACH, ET AL.,	0	IN EQUITY.
	0	
Respondents.	0	

DECREE CONFIRMING SALE.

This cause coming on to be heard on this date is submitted on the Petition of the Complainant and Cross-Respondent for an allowance for moneys expended in and about the upkeep of the property hereinafter described; the Petition of the Respondent and Cross-Complainant, asking for a reference to determine a reasonable Solicitor's fee to be paid to his Solicitor, Telfair J. Mashburn, Jr., for his services in securing a sale of the property hereinafter described for a division of the proceeds among the joint owners, setting forth that said services were for the common benefit of all the joint owners; and on the Report of the Register and Commissioner filed in this cause on the 10th day of December, 1947, reporting that in pursuance of the decree made in this cause on the 1st day of October, 1947, ordering a sale of the property described in the Bill of Complaint and the Cross-bill, being the following described property situated in Baldwin County, Alabama, to-wit:

The Fractional Northeast Quarter (NE $\frac{1}{4}$) and the Northeast Fractional Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 11, Township 1 North, Range 2 East.

She did, on Monday, the 1st day of December, 1947, at 1:00 o'clock P. M. at the front door of the Court House in Bay Minette, Baldwin County, Alabama, offer for sale and sell the said property at public outcry to Paul J. Bryars for the sum of Four Thousand (\$4000.00) Dollars cash, which was the highest and best bid therefor, and has received the purchase money therefor in cash in full compliance with the terms of the said decree of sale; that notice of the filing of the said report was accepted by the Solicitors for all of the parties to the said cause on December 10, 1947, in which they were notified that the said report would lie over for exceptions until December 15, 1947, and no exceptions having been filed thereto, and it appearing to

the Court that the sale was fairly conducted; that Four Thousand (\$4000.00) Dollars, the price for which the said property was sold, was not disproportionate to the value thereof and that the sale ought to be confirmed to the purchaser. All of which being considered by the Court, WHEREUPON, it is THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the Petition of the Complainant and Cross-Respondent, PAUL J. BRYARS, for an allowance for moneys expended in and about the upkeep of said property, be and the same is hereby refused and dismissed;

2. That the services rendered by Telfair J. Mashburn, Jr., Solicitor for the Respondent and Cross-Complainant, in this cause are for the common benefit of all of the joint owners of the said property, and the Register of this Court is ordered to hold a reference to ascertain and report what is a reasonable Solicitor's fee for the services rendered by the said Solicitor in this connection.

3. That the said sale of the aforementioned property to PAUL J. BRYARS be, and it is hereby, in all respects, fully ratified and confirmed, and Alice J. Duck, as Register and Commissioner, is hereby ordered and directed to execute and deliver to the said PAUL J. BRYARS, a full and proper deed conveying to him all the interest in the said property both legal and equitable heretofore held by any of the parties to this cause.

4. Jurisdiction of this cause is reserved for the purpose of making and entering such other orders and decrees as may be requisite and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 2nd day of February, 1948.

F. W. Hare
Judge

PAUL J. BRYARS,
Complainant,
VS.
J. E. HEUBACH, ET AL.,
Respondents.

EQUITY NO. 1797.
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

NOTICE OF REFERENCE.

TO J. E. HEUBACH, OR TELFAIR J. MASHBURN, JR., HIS SOLICITOR OF
RECORD;

RUFUS BRYARS AND MOLLIE BRYARS.

PAUL J. BRYARS, OR H. M. HALL, HIS SOLICITOR OF RECORD.

You are each hereby notified that under and by virtue of
a decree rendered in this cause on the 2nd day of February, 1948,
I was ordered to hold a reference in this cause to ascertain and
report the following;

1. What is a reasonable solicitor's fee for the services
rendered and to be rendered by Telfair J. Mashburn, Jr., as
Solicitor for the Respondent and Cross-Complainant in this cause.

You are further notified that the said reference will be
held in my office at the Court House in Bay Minette, Alabama, at
10:00 O'clock A. M. on Tuesday, February 24, 1948, at which time
you can appear if you think proper to do so.

Dated this 17th day of February, 1948.

Alice J. Smith
REGISTER.

Service accepted and notice waived this 17th day of
February, 1948.

Telfair J. Mashburn, Jr.
SOLICITOR FOR RESPONDENT AND CROSS-
COMPLAINANT.

Service accepted and notice waived this 17th day of
February, 1948.

H. M. Hall
SOLICITOR FOR COMPLAINANT AND CROSS-
RESPONDENT.

EQUITY NO. 1797

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

PAUL J. BRYARS,

Complainant,

Vs.

J. E. HEUBACH, ET AL.,

Respondent.

NOTICE OF REFERENCE.

Filed

2-17-48

Wm J. Leach
Reg.

PAUL J. BRYARS,

Complainant,

VS.

J. E. HEUBACH, ET AL.,

Respondents.

EQUITY NO. 1797

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

DECREE CONFIRMING SALE.

This cause coming on to be heard on this date is submitted on the Petition of the Complainant and Cross-Respondent for an allowance for moneys expended in and about the upkeep of the property hereinafter described; the Petition of the Respondent and Cross-Complainant, asking for a reference to determine a reasonable Solicitor's fee to be paid to his Solicitor, Telfair J. Mashburn, Jr., for his services in securing a sale of the property hereinafter described for a division of the proceeds among the joint owners, setting forth that said services were for the common benefit of all the joint owners; and on the Report of the Register and Commissioner filed in this cause on the 10th day of December, 1947, reporting that in pursuance of the decree made in this cause on the 1st day of October, 1947, ordering a sale of the property described in the Bill of Complaint and the Cross-bill, being the following described property situated in Baldwin County, Alabama, to-wit:

The Fractional Northeast Quarter (NE $\frac{1}{4}$) and the Northeast Fractional Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 11, Township 1 North, Range 2 East.

She did, on Monday, the 1st day of December, 1947, at 1:00 o'clock P. M. at the front door of the Court House in Bay Minette, Baldwin County, Alabama, offer for sale and sell the said property at public outcry to Paul J. Bryars for the sum of Four Thousand (\$4000.00) Dollars cash, which was the highest and best bid therefor, and has received the purchase money therefor in cash in full compliance with the terms of the said decree of sale; that notice of the filing of the said report was accepted by the Solicitor for all of the parties to the said cause on December 10, 1947, in which they were notified that the said report would lie over for exceptions until December 15, 1947, and no exceptions having been filed thereto, and it appearing to

the Court that the sale was fairly conducted; that Four Thousand (\$4000.00) Dollars, the price for which the said property was sold, was not disproportionate to the value thereof and that the sale ~~ought~~ to be confirmed to the purchaser. All of which being considered by the Court, WHEREUPON, it is THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the Petition of the Complainant and Cross-Respondent, PAUL J. BRYARS, for an allowance for moneys expended in and about the upkeep of said property, be and the same is hereby refused and dismissed;

2. That the services rendered by Telfair J. Mashburn, Jr., Solicitor for the Respondent and Cross-Complainant, in this cause are for the common benefit of all of the joint owners of the said property, and the Register of this Court is ordered to hold a reference to ascertain and report what is a reasonable Solicitor's fee for the services rendered by the said Solicitor in this connection.

3. That the said sale of the aforementioned property to PAUL J. BRYARS be, and it is hereby, in all respects, fully ratified and confirmed, and Alice J. Duck, as Register and Commissioner, is hereby ordered and directed to execute and deliver to the said PAUL J. BRYARS, a full and proper deed conveying to him all the interest in the said property both legal and equitable heretofore held by any of the parties to this cause.

4. Jurisdiction of this cause is reserved for the purpose of making and entering such other orders and decrees as may be requisite and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 2nd day of February, 1948.

ORDERED, ADJUDGED AND DECREED ON THIS THE 2ND DAY OF SEPTEMBER, 1948.

WHEREAS the undersigned being duly sworn and deposed as may be required by the rules of the court in this cause and the evidence taken at the hearing on this cause.

AND WHEREAS the undersigned being duly sworn and deposed as may be required by the rules of the court in this cause and the evidence taken at the hearing on this cause.

3. THAT the said sale of the aforementioned property was made

DECREE CONFIRMING SALE AND ORDERING EXECUTION OF CONVEYANCE AND REFERENCE TO FIX SOLICITOR'S FEES.

EQUITY NO. 1797.
IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
IN EQUITY.

PAUL J. BRYARS, Complainant,
VS. J. E. HEUBACH, ET AL., Respondents.

1. That the petition of the complainant and cross-respondent, by the court as follows:

the court, WHEREFORE, it is HEREBY ORDERED, ADJUDGED AND DECREED to be continued to the answerer. All of which being considered by the court and the evidence taken at the hearing on this cause and the evidence taken at the hearing on this cause.

(The court) DOLLARS, the price for which the said property was sold, the court that the sale was legally conducted; that said property

the Court that the sale was fairly conducted; that Four Thousand (\$4000.00) Dollars, the price for which the said property was sold, was not disproportionate to the value thereof and that the sale ought to be confirmed to the purchaser. All of which being considered by the Court, WHEREUPON, it is THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the Petition of the Complainant and Cross-Respondent, PAUL J. BRYARS, for an allowance for moneys expended in and about the upkeep of said property, be and the same is hereby refused and dismissed;
2. That the services rendered by Telfair J. Mashburn, Jr., Solicitor for the Respondent and Cross-Complainant, in this cause are for the common benefit of all of the joint owners of the said property, and the Register of this Court is ordered to hold a reference to ascertain and report what is a reasonable Solicitor's fee for the services rendered by the said Solicitor in this connection.
3. That the said sale of the aforementioned property to PAUL J. BRYARS be, and it is hereby, in all respects, fully ratified and confirmed, and Alice J. Duck, as Register and Commissioner, is hereby ordered and directed to execute and deliver to the said PAUL J. BRYARS, a full and proper deed conveying to him all the interest in the said property both legal and equitable heretofore held by any of the parties to this cause.
4. Jurisdiction of this cause is reserved for the purpose of making and entering such other orders and decrees as may be requisite and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 2nd day of February, 1948.

EQUITY NO. 1797

IN EQUITY.

Complainant

Respondents.

DECRETE CONFIRMING SALE AND
ORDERING EXECUTION OF CON-
VEYANCE AND REFERENCE TO F
SOLICITOR'S FEES.

EQUITY NO. 1797

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

PAUL J. BRYARS,
Complainant,

VS.
J. E. HEUBACH, ETAL.,
Respondents.

DECREE CONFIRMING SALE AND
ORDERING EXECUTION OF CON-
VEYANCE AND REFERENCE TO FIX
SOLICITOR'S FEES.

PAUL J. BRYARS,

Complainant,

VS.

J. E. HEUBACH, ET AL.,

Respondents.

EQUITY NO. 1797

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

DECREE CONFIRMING SALE.

This cause coming on to be heard on this date is submitted on the Petition of the Complainant and Cross-Respondent for an allowance for moneys expended in and about the upkeep of the property hereinafter described; the Petition of the Respondent and Cross-Complainant, asking for a reference to determine a reasonable Solicitor's fee to be paid to his Solicitor, Telfair J. Mashburn, Jr., for his services in securing a sale of the property hereinafter described for a division of the proceeds among the joint owners, setting forth that said services were for the common benefit of all the joint owners; and on the Report of the Register and Commissioner filed in this cause on the 10th day of December, 1947, reporting that in pursuance of the decree made in this cause on the 1st day of October, 1947, ordering a sale of the property described in the Bill of Complaint and the Cross-bill, being the following described property situated in Baldwin County, Alabama, to-wit:

The Fractional Northeast Quarter (NE $\frac{1}{4}$) and the Northeast Fractional Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 11, Township 1 North, Range 2 East.

She did, on Monday, the 1st day of December, 1947, at 1:00 o'clock P. M. at the front door of the Court House in Bay Minette, Baldwin County, Alabama, offer for sale and sell the said property at public outcry to Paul J. Bryars for the sum of Four Thousand (\$4000.00) Dollars cash, which was the highest and best bid therefor, and has received the purchase money therefor in cash in full compliance with the terms of the said decree of sale; that notice of the filing of the said report was accepted by the Solicitors for all of the parties to the said cause on December 10, 1947, in which they were notified that the said report would lie over for exceptions until December 15, 1947, and no exceptions having been filed thereto, and it appearing to

No. 4747.

Bay Minette, Ala.,

Received of.

194

FOR RECORD

TOTAL \$

90422 MARSHALL & BRUCE-NASHVILLE

Judge of Probate.

W. R. STUART
PROBATE JUDGE

No. **7824**

Bay Minette, Ala.,

10-13

7, 194

Received of

Mrs. H. H. H. H.

No.		Deed Tax		Mortgage Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
<i>Buyers</i>	<i>V. H. H. H.</i>					<i>1</i>	<i>50</i>	<i>1</i>	<i>50</i>

FOR RECORD

5317 MARSHALL & BRUCE-NASHVILLE

TOTAL \$

1.50

W. R. Stuart

Judge of Probate.