

303

IN THE MATTER OF THE : IN THE CIRCUIT COURT OF
ESTATE OF DAVID F. BARNHILL, : BALDWIN COUNTY, ALABAMA
DECEASED. : NO. 303 IN EQUITY.

D E C R E E
FINAL SETTLEMENT

This matter coming on again to be heard is submitted on the Register's report of final settlement, distribution of the estate of David F. Barnhill, deceased, and written agreement by solicitors for all parties of record that said report may be confirmed.

It appears from the report that the reference was held on October 29th, 1937, after due notice of the time, place and purpose of holding same had been given all parties of record or their solicitors of record and by publication once a week for three successive weeks in The Baldwin Times, a newspaper published and having general circulation in Baldwin County, Alabama; that the adult heirs and next of kin of said decedent were present in person or by their solicitors of record, and that his minor heirs, David Barnhill, Marjorie Barnhill, Mastin Barnhill, Gordon Barnhill, Bennie Barnhill and D. Wendell Barnhill, were present through and represented by their duly appointed and legally qualified Guardian, Exa Lou Barnhill, and the solicitor of record for said guardian; that all the debts and costs of administration of said estate have been paid; that the administrator received in and about the administration of said estate a total of Twenty-three Thousand One Hundred Eighty-five and 92/100 (\$23,185.92) Dollars, and expended a total of Fourteen Thousand Nine Hundred Fifty-five and 57/100 (\$14,955.57) Dollars, including cost of administration and final settlement of said estate, which left a balance of Eight Thousand and Two Hundred Thirty and 35/100 (\$8,230.35) for distribution among the heirs and next of kin of said decedent;

that decedent's widow, Exa Lou Barnhill, was entitled to one-fifth (1/5) of said Eight Thousand Two Hundred Thirty and 35/100 (\$8,230.35) Dollars, and each of his children to one-ninth (1/9) of remainder and the same has been distributed among and paid to said widow and children as follows:

(Exa Lou Barnhill, One Thousand Six Hundred Forty-six and 07/100 Dollars	\$1,646.07
Hazel V. Barnhill, Seven Hundred Thirty-one and 58/100 Dollars	\$ 731.59
Roger F. Barnhill, Seven Hundred Thirty-one and 58/100 Dollars	\$ 731.58
Charles Barnhill, Seven Hundred Thirty-one and 58/100 Dollars	\$ 731.58
David Barnhill, Seven Hundred Thirty-one and 59/100 Dollars	\$ 731.59
Marjorie Barnhill, Seven Hundred Thirty-one and 59/100 Dollars	\$ 731.59
Mastin Barnhill, Seven Hundred Thirty-one and 59/100 Dollars	\$ 731.59
Gordon Barnhill, Seven Hundred Thirty-one and 59/100 Dollars	\$ 731.59
Bennie Barnhill, Seven Hundred Thirty-one and 59/100 Dollars	\$ 731.59
D. Wendell Barnhill, Seven Hundred Thirty-one and 59/100 Dollars	<u>\$ 731.59</u>
Total, Eight Thousand Two Hundred Thirty and 55/100 Dollars	\$8,230.35

It further appears from said report that proper receipts and acquittances were duly presented and exhibited to the Register, which evidenced that all the claims filed against the estate of said decedent, including cost of administration, had been paid and that the said sum of Eight Thousand Two Hundred Thirty and 35/100 (\$8,230.35) Dollars had been fully distributed, in the amounts set opposite their respective names among his above named widow and children, the receipt for the amount found to be due

David Barnhill, Marjorie Barnhill, Mastin Barnhill, Gordon Barnhill, Bennie Barnhill and D. Wendell Barnhill having been executed by their Guardian, Exa Lou Barnhill. And it further appears from said report that there now remains no money or property of the estate for distribution and the estate of said David F. Barnhill, deceased has been finally settled and nothing further remains to be done by the said Roger F. Barnhill, as administrator of said estate:

It is therefore Ordered, Adjudged and Decreed by the Court that the report of the Register be, and the same is hereby confirmed; that the account contained in the petition and statement for final settlement and distribution of the estate of said David F. Barnhill, be passed and allowed as stated; that said estate has been fully administered and that Roger F. Barnhill, as Administrator, and the surety on his bond be and they are hereby discharged from all further liability on account of the administration of the estate of said David F. Barnhill, deceased.

It is further Ordered and Decreed that all proceedings in this matter be recorded in the minutes of this Court.

Ordered, Adjudged and Decreed this the 20th day of ~~November~~ October, 1937.

J. W. Hare
J U D G E

No. 1433 In the Matter of Est. of David F. Bankhill Deed
Robert F. Bankhill Administrator, Executor or Guardian. Residence Laurel, Miss.
 Attorneys _____ Docket _____ Page _____ Fee Book _____ Page _____

DATE	FEEES OF PROBATE JUDGE	AMOUNT	DATE	FEEES OF PROBATE JUDGE	AMOUNT
	WILL—Order on Presentation, \$1.00 Probate, 25c			BROUGHT FORWARD	
	PHONE 4159 PENSACOLA, FLA. M. D. F. Bankhill JOHN H. MYRICK WHOLESALE FEED AND FLOUR-FERTILIZERS DISTRIBUTOR OF STAF-O-LIFE STOCK AND POULTRY FEEDS AND MILK-FLO DAIRY FEED NITROPHOSKA - CALCIUM NITRATE NAVES PRINTING CO. 60445 2D			Affidavit to Report, 25c Recording, per 100 words, 15c Appointing Com'r to Divide, and Writ, \$2.00 Approving Division and Order thereon, \$1.00 App'ting and Notifying Guard. ad Litem, 50c	
Dec 10		375		PARTIAL SETTLEMENT—Affidavit in Acc't, 25c Affidavit to List of Heirs, 25c Examining, Stating Acc't and Ap. Hear., \$1.00 Order to Publish Notice of Sale, 50c App'ting and Notifying Guard. ad Litem, 50c Examining Vouchers, 10c Administering Affidavits, 25c Making Decree and Order to Record, \$1.50 Recording same, per 100 words, 15c Filing Claims and giving Receipt, 15c	
18		4381		INSOLVENCY—Affidavit in Report, 25c Affidavit to Statements, 25c Recording Rep't and Statem't, 100 words, 15c Order Appointing Day of Hearing, 25c Order to Publish Notice of same, 25c Order for Citations, 25c Iss'g Notice to Creditor Day of Hearing, 50c Order Sustaining Report, 25c Order for Settlement, 25c Order to Publish Day of Settlement, 25c Issuing Notice of Day of Settlement, 25c Affidavit to Amount of Claims, 25c App'ting and Notifying Guard. ad Litem. 50c	
21		990		SALE OF REAL ESTATE—Affidavit in Petition, 25c Recording Petition, per 100 words, 15c Order App't'g Day of Hear. and Notice, \$1.00 Order to Publish Notice of same, 50c Issuing Citations, Ent'g Sheriff's Return, 50c App'ting and Notifying Guard. ad Litem, 50c Issuing Commission to take Deposition, 50c Filing Interrogatories, 10c Copy of Interrogatories, per 100 words, 15c App't'g Com. to Divide and Issue Writ, \$2.00 Affidavit to Report of Same, 25c Order Approving Division and Report, \$1.00 Recording same, per 100 words, 15c Hearing Applic'n for Dower, Iss'g Writ, \$4.00 Exam'g Testim'y and Grant Ord'r to Sell, \$2.00 Recording Depositions, per 100 words, 15c Record. Reliq'm't of Dower, 100 words, 15c Recording Report, per 100 words, 15c Rec. Paym't Purchase Money, 100 words, 15c Making Order on Report of Sale of Land, 75c Hear Ap'n to Compel Conveyance, etc., \$2.00	
25		346		FINAL SETTLEMENT—Affidavit in Account, 25c Affidavit to Statement of Heirs, 25c Exam'g, Stating and Reporting Acc't, \$1.00 Order to Publish Notice of same, 50c App'ting and Notifying Guard. ad Litem, 50c Examining Vouchers, 10c Administering Affidavits, 25c Recording same, per 100 words, 15c Decree in Final Settlement, 50c	
26		156		SPECIAL PROCEEDINGS—Proceedings for Declara- tion of Unsound Mind and App. Guard. ad Litem, \$5.00 Recording Decree Relieving Minors, etc., \$1.00 Proceed to Perpetuate Testimony, per 100 words, 20c Other Services Relating Thereto, 75c Record. Pro'dings Bind'g Out Appren., \$1.00	
		6248			
	Inventory record, 50c Affidavit to same, 25c Recording same, per 100 words, 15c				
	SUPPLEMENT INVENTORY—Order App., Rec., 50c Affidavit to same, 25c Recording same, per 100 words, 15c Recording Decree, per 100 words, 15c				
	APPRaisalMENT—Order Approving, Rec. 50c Affidavit to same, 25c Recording same, per 100 words, 15c				
	SUPPLEMENT APPRAISEMENT—Grant, Order, 50c Issuing Order of Appraisalment, 25c Recording Warrant, per 100 words, 15c Order to Approve Appraisalment, 50c Affidavit to same, 25c Recording same, per 100 words, 15c Recording Decree, per 100 words, 15c				
	SALE OF PERISHABLE PROPERTY—Petition, 25c Recording same, per 100 words, 15c Granting Order of Sale, 50c Issuing Order of Sale, 25c App'ting and Notifying Guard. ad Litem, 50c Recording, per 100 words, 15c				
	SALE OF PERSONAL PROPERTY—Petition, 25c Recording same, per 100 words, 15c Granting Order of Sale, 50c Issuing Order of Sale, 25c Order to Publish Notice of Sale, 50c				
	CARRIED FORWARD.			Total Probate Judge's Fees.	

PHONE 4159
P. O. BOX 657
PENSACOLA, FLA.
M. D. F. Bankhill
JOHN H. MYRICK
WHOLESALE
FEED AND FLOUR-FERTILIZERS
DISTRIBUTOR OF
STAF-O-LIFE STOCK AND POULTRY FEEDS
AND MILK-FLO DAIRY FEED
NITROPHOSKA - CALCIUM NITRATE
NAVES PRINTING CO. 60445 2D

Inventory record, 50c
Affidavit to same, 25c
Recording same, per 100 words, 15c

SUPPLEMENT INVENTORY—Order App., Rec., 50c
Affidavit to same, 25c
Recording same, per 100 words, 15c
Recording Decree, per 100 words, 15c

APPRaisalMENT—Order Approving, Rec. 50c
Affidavit to same, 25c
Recording same, per 100 words, 15c

SUPPLEMENT APPRAISEMENT—Grant, Order, 50c
Issuing Order of Appraisalment, 25c
Recording Warrant, per 100 words, 15c
Order to Approve Appraisalment, 50c
Affidavit to same, 25c
Recording same, per 100 words, 15c
Recording Decree, per 100 words, 15c

SALE OF PERISHABLE PROPERTY—Petition, 25c
Recording same, per 100 words, 15c
Granting Order of Sale, 50c
Issuing Order of Sale, 25c
App'ting and Notifying Guard. ad Litem, 50c
Recording, per 100 words, 15c

SALE OF PERSONAL PROPERTY—Petition, 25c
Recording same, per 100 words, 15c
Granting Order of Sale, 50c
Issuing Order of Sale, 25c
Order to Publish Notice of Sale, 50c

65
100
100
100

350
50
65

50
95

ad by Bankhill
4/14/37

PENSACOLA, FLA.

Jan 12,

1937 No.

The Citizens and Peoples National Bank 63-35
6

PAY TO THE ORDER OF

John H. Wiggins \$62.⁴⁸

Sixty two and 48/100 DOLLARS

For claims filed in Baldwin Co. Court
D. F. Barnhill
R. F. Barnhill

*Claim filed in
Probate Court
Gadsden County
John H. Wiggins
D. F. Barnhill*

PHONE 4159

P.O. BOX 657

PENSACOLA, FLA.

M. *D. J. Rainie*

JOHN H. MYRICK

WHOLESALE

FEED AND FLOUR - FERTILIZERS

DISTRIBUTOR OF

STAF-O-LIFE STOCK AND POULTRY FEEDS
AND MILK-FLO DAIRY FEED

NITROPHOSKA - CALCIUM NITRATE

MAYES PRINTING CO. 60445 20

<i>De</i>	<i>10</i>		<i>375</i>
	<i>18</i>		<i>4381</i>
	<i>21</i>		<i>990</i>
	<i>25</i>		<i>346</i>
	<i>26</i>		<i>156</i>
			<i>5748</i>

PAID

PENSACOLA, FLA.

Jan 9

1937 No.

The Citizens and Peoples National Bank 63-35
6

PAY TO THE
ORDER OF

The Race Rev

\$15.²⁹

Fifteen and 29/100

DOLLARS

*For Mrs
K. Clarin*

*D. L. Barnhill
By
R. F. Barnhill*

\$ 125⁰⁰

BAY MINETTE, ALA, May 7 1935

On the 30 day of Dec 1936, I, we, or either of us, promise to

pay to the order of BALDWIN COUNTY BANK, of Bay Minette, Alabama.

One hundred twenty five & ⁰⁰/₁₀₀ DOLLARS,

for value received, in gold coin of the United States of the present standard of weight and fineness:

Negotiable and payable at BALDWIN COUNTY BANK, Bay Minette, Alabama.

The parties to this instrument, whether maker, endorser surety, or guarantor, each for himself, hereby severally waive as to this debt, or any renewal thereof, all rights of exemption under the Constitution and Laws of Alabama, as to personal property, and they each severally agree to pay all costs of collecting or securing or attempting to collect or secure this note, including a reasonable attorney's fee, whether the same be collected or secured by suit or otherwise. And the maker, endorser, surety or guarantor of this note severally waives demand presentment, protest notice of protest, suit, and all other requirements necessary to hold them and they agree that time of payment may be extended without notice to them of such extension. The bank at which this note is payable is hereby authorized to apply on or after maturity to the payment of this debt any funds in said bank belonging to the maker, surety, endorser, guarantor, or any one of them. All suits for the collection of this note may be prosecuted in any county in this State that the payee or assignee elects.

Witness my hand and seal the day above given.

Attest: Taylor Wilkins

Attest: _____

D. F. Barnhill (Seal)

(Seal)
(Seal)

Each and every endorser of this note hereby waives his right of exemption of property from levy and sale under execution, or other process for the collection of debts, as provided for in the Constitution and Laws of the State of Alabama, or any other State in the United States of America, and it is hereby agreed by each endorser hereof that he will pay all costs of collecting this note after failure to pay the same becomes due under the terms hereof, including a reasonable attorney's fee for all services rendered in any suit against any endorser, or in collecting or attempting to collect, or in securing or attempting to secure this note, and they agree that time of payment may be extended without notice to them of such extension. The bank at maturity, to the payment of this debt any funds in said note belonging to the maker, surety, endorser, guarantor, or one of them. Each and every endorser of this note hereby waives demand, protest and notice of protest, and all remedies necessary to hold them as endorsers.

Randolph Miloran

MOBILE, ALA., October 11, 1937

Mr. Roger F. Barnhill, Administrator Estate David F. Barnhill, deceased

TO GORDON, EDINGTON & LEIGH DR.

ATTORNEYS-AT-LAW

1011-15 MERCHANTS NATIONAL BANK BLDG.

Fee services performed in proceeding for sale
of personal property and leases owned by decedent,
and drawing conveyance and assignment thereof,
5% on purchase price \$4,100.00

\$205.00

Paid April 13, 1937

GORDON, EDINGTON & LEIGH

By

J. Davis

MOBILE, ALA., October 11, 1937

Mr. Roger F. Barnhill, Administrator Estate David F. Barnhill, deceased

TO GORDON, EDINGTON & LEIGH DR.

ATTORNEYS-AT-LAW

1011-15 MERCHANTS NATIONAL BANK BLDG.

Fee for services rendered in final settlement
and handling said estate

\$200.00

Paid October 11, 1937

GORDON, EDINGTON & LEIGH

By

J. Davis

Bay Minette, Alabama

Oct. 29. 1937.

\$1,646.07

Received from Roger F. Barnhill, as Administrator of the estate of David F. Barnhill, deceased, One Thousand Six Hundred Forty-six and 07/100 Dollars in full payment and satisfaction of my distributive share of the Estate of said David F. Barnhill.

Eva Lou Barnhill.

Mrs. Eva Lou Barnhill

Bay Minette, Alabama

Oct. 29, 1937

\$731.58

Received from Roger F. Barnhill, as Administrator of the estate of David F. Barnhill, deceased, Seven Hundred, Thirty-one and 58/100 Dollars in full payment and satisfaction of my distributive share of the Estate of said David F. Barnhill.

Hazel V. Barnhill

Hazel V. Barnhill

Bay Minette, Alabama

Oct. 29, 1937.

\$731.58

Received from myself, as Administrator of the Estate of David F. Barnhill, deceased, Seven Hundred Thirty-one and 58/100 Dollars in full payment and satisfaction of my distributive share of the estate of David F. Barnhill,

Roger F. Barnhill

Roger F. Barnhill

Bay Minette, Alabama

Oct. 29, 1937

\$731.58

Received from Roger F. Barnhill, as Administrator of the estate of David F. Barnhill, deceased, Seven Hundred Thirty-one and 58/100 Dollars in full payment and satisfaction of my distributive share of the estate of said David F. Barnhill.

Charles Barnhill

Chas. Barnhill

Bay Minette, Alabama

Oct 29. 1937.

\$4,389.54

Received from Roger F. Barnhill, as Administrator of the Estate of David F. Barnhill, deceased, Four Thousand Three Hundred Eighty-nine and 54/100 Dollars in full payment and satisfaction of my wards, David Barnhill, Marjorie Barnhill, Mastin Barnhill, Gordon Barnhill, Bennie Barnhill and D. Wendell Barnhill, distributive shares of the estate of said David F. Barnhill, being Seven Hundred Thirty-one and 59/100 (\$731.59) Dollars for each of said wards.

Eva Lou Barnhill

As Guardian for David Barnhill,
Marjorie Barnhill, Mastin Barnhill,
Gordon Barnhill, Bennie Barnhill
and D. Wendell Barnhill.

L. W. BRANNAN

BRANNAN TURPENTINE COMPANY

MANUFACTURERS OF

PURE GUM SPIRITS OF TURPENTINE AND ROSIN

FOLEY, ALA.

March, 8, 1937.

Mr. Roger F. Barnhill,

Lexley, Ala.

Dear Mr. Barnhill:

This will acknowledge receipt of your letter of March 5th, enclosing check for \$ 32.85 covering balance due on cups purchased by your father the late D.F. Barnhill.

I thank you very much for the check in question, which pays the account in full.

Yours very truly,


L.W. Brannan.

THE PACE COMPANY

WHOLESALE GROCERIES, FLOUR AND FEED

ROBERTSDALE, ALA. 1/10/37

Mr. R. F. Barnhill,

Loxley, Ala.

Dear Sir:

This will acknowledge receipt of your check for \$15.29 in payment in full of the account of D. F. Barnhill, deceased for which we thank you.

Yours very truly,

J. M. Britt Jr.
Manager.

Bay Minette Ala
Jan 8th 1936

Mrs Rayer Barnhill.

Leafly, Ala.

Dear Sir:-

I was in the Baldwin
Banks to day and they tell me that
the note of D.F. Barnhill given me
for \$12.50 is unpaid. I wish to say
if this note is not paid by Monday
Jan 11 I will turn this matter
over to Mr H.M. Hall for Collection
also let mortgage be foreclosed
at once so they can get land in
time to market this year

Yours Truly
Randolph M. Gorman

\$4,389.92

Pensacola, Florida

September 20th, 1937

The undersigned, The Lurton Company, hereby acknowledges receipt from Roger F. Barnhill, as Administrator of the Estate of David F. Barnhill, deceased, of the sum of Four Thousand Three Hundred Eighty-nine and 92/100 (\$4,389.92) Dollars, in full settlement, including interest to April 12, 1937, of the claim filed by it in the Probate Court of Baldwin County, Alabama, against the Estate of David F. Barnhill, deceased.

THE LURTON COMPANY

By 

President

CIRCUIT COURT, BALDWIN COUNTY, ALA. IN EQUITY

No. 303.

Estate of David F Barnhill, Deceased.
vs.

PLAINTIFF

DEFENDANT

BILL OF COSTS

	Dollars	Cents			
FEES OF REGISTER			\$ 13.75.		
Filing each bill and other papers	1	00	Brought Forward		
Issuing each subpoena			For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.		
Issuing each copy thereof			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.		
Entering each return thereof			Each notice sent by mail to creditor ...	15	
For each order of publication	1	00	Filing receipting for and docketing each claim, etc.	25	
Issuing Writ of injunction	1	50	For all entries on subpoena docket, etc.	50	
For each copy thereof			For all entries on commission docket, etc.	50	
Entering each return thereof			Making final record. per 100 words....	15	15 30
Issuing Writ of Attachment	1	00	Certified copy of decree	1 00	
Entering each return thereof			Report of divorce to State Health Office (Acts 1915)	50	
Docketing each case	1	00	TOTAL FEES OF REGISTER..		
Entering each appearance		25	FEES OF SHERIFF		27 05.
Issuing each decree pro confesso on per ser.	1	00	Serving and returning subpoena on deft. \$1 50		
Issuing each decree pro confesso on publica	1	00	Serving and returning subpoena for witness	65	
Each order appointing guardian	1	00	Levying attachment	1 50	
Any other order by Register		50	Entering and returning same	25	
Issuing Commission to take testimony		50	Selling property attached		
Receiving and filing		10	Impaneling Jury	75	
Endorsing each package		10	Executing Writ of possession	2 50	
Entering order submitting cause		50	Collecting execution for costs	1 50	
Entering any other order of court		25	Serving and returning sci. fa., each	65	
Noting all testimony		50	Serving and returning notice	65	
Abstract of cause, etc.	1	00	Serving and returning writ of injunction	1 50	
Entering each decree	2	75	Serving and returning writ of exeat....	1 50	
For every 100 words over 500.....		15	Taking and approving bonds, each	75	
Taking account, etc.	3	00	Collecting money on execution		
Taking testimony, etc		15	Making Deed	2 50	
Each report, 500 words or less	2	50	Serving and returning application, etc..	1 00	
For every 100 words over 500		15	Serving attachment, contempt of court..	1 50	
Amount claimed less than \$500, etc	2	00	TOTAL FEES OF SHERIFF..		
Issuing each subpoena		25	RECAPITULATION		
Witness certificate, each		25	Register's Fees	27 05.	
Issuing execution, each		75	Sheriff's Fees	10 00	
Entering each return		15	Commissioner's Fees	50 00	
Taking and approving bond, each	1	00	Solicitor's Fees		
Making copy of bill, etc		15	Witness Fees		
Each notice not otherwise provided for		50	Guardian Ad Litem		
Each certificate or affidavit, with seal		50	Printer's Fees		
Each certificate or affidavit, no seal		25	Trial Tax	3 00	3 00
Hearing and passing on application, etc.	3	00	Recording Decree in Probate Court		
Each settlement with Receiver, etc.	3	00	xxxxxx TOTAL		90 05
Examining each voucher of Receiver, etc		10			
Examining each answer, etc.	3	00			
Recording resignation, etc		75			
Entering each certificate to Supreme Court		50			
Taking questions and answers, etc		25			
For aliother ser relating to such proceedings	1	00			
For services in proceeding to relieve minors, etc., same fee as in similar cases.					
Commission on sales, etc: 1st \$100, 2 per cent: all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent.					
Sub Total Carriéd Forward					

Received payment this 14 day of April 1932

Barber
Register.

PENSACOLA, FLA. March 5, 1937 No. _____

The Citizens and Peoples National Bank 63-35
6

PAY TO THE ORDER OF

J. J. Lurvey \$ 275.⁵⁰



Two hundred seventy five and ⁵⁰/₁₀₀ DOLLARS

For claim filed in Circuit Court for County of Purchase of Section 5.

R. F. Barnhill
R. F. Barnhill

PENSACOLA, FLA. March 5, 1937 No. _____

The Citizens and Peoples National Bank 63-35
6

PAY TO THE ORDER OF

R. J. Duck Club \$ 12.⁰⁵

R. F. Barnhill
R. F. Barnhill

Twelve and ⁵/₁₀₀ DOLLARS

PENSACOLA, FLA. March 5, 1937 No. _____

The Citizens and Peoples National Bank 63-35
6

PAY TO THE ORDER OF

L. W. Brannon \$ 32.⁸⁵



Thirty two and ⁸⁵/₁₀₀ DOLLARS

By Cash

R. F. Barnhill
R. F. Barnhill

o. 1433 In the Matter of *Est. David F. Barnhill, Deed*
Robert J. Barnhill Administrator, Executor or Guardian. Residence *Lawrence, Ky.*

Attorneys _____ Docket _____ Page _____ Fee Book _____ Page _____

DATE	FEES OF PROBATE JUDGE	AMOUNT	DATE	FEES OF PROBATE JUDGE	AMOUNT
	<p>WILL—Order on Presentation, \$1.00 Affidavit in Petition for Probate, 25c Recording Petition, per 100 words, 15c Issuing Citation, ent'g Sheriff's Returns, 50c App'ting and Notifying Guard, ad Litem, 50c Issuing Subpoenas for Witness, 50c Affidavit of Witnesses, 25c Examining Wit. and order Probating, \$2.00 Issuing Commission to take Deposition, 50c Filing Interrogatories, 10c Copy of same, per 100 words, 15c Recording Will, per 100 words, 15c Recording Testimony, per 100 words, 15c Certificate, without seal, 25c Certificate, with seal, 50c Presiding at Trial, Cnt'd Will, per day, \$2.50 <i>Out Copy Letters Admin</i></p> <p>LETTERS—Affidavit in Petition, 25c Recording Petition, per 100 words, 15c <i>Recording Rel. right to Adm'gr, 100 words, 15c</i> Granting Letters of Administration, 50c Issuing and Recording same, 50c Granting Let. of Gu'd'nship, each minor, 75c Issuing, Filing and Recording same, 50c Taking, App., Filing, Rec. Adm. Bonds, \$1.00 Taking, App. Filing, Guard. Bond, \$1.00 Affidavit of Justification, 25c Granting Order of Appraisalment, 50c Issuing Order of Appraisalment, 25c Recording same, per 100 words, 15c Order Removing Executor, Adm. Guard., \$2.00 Order Appointing General Guardian, \$1.00 Issuing and Recording same, 50c Order Appointing General Administ'r., \$1.00 Issuing and Recording same, 50c Order Appointing Adm'r ad Litem, \$1.00 Issuing and Recording same, 50c <i>Baldwin's Judgment to file claims</i></p> <p>HOmESTEAD—Rec. Pet'n for Com., 100 words, 15c Record, Order for App., per 100 words, 15c Recording Order for Com., per 100 words, 15c Notice to Commissioners, 50c Recording Report of Com., per 100 words, 15c Record, Order Setting Apart, 100 words, 15c</p> <p>INVENTORY—Order to Approve and Record, 50c Affidavit to same, 25c Recording same, per 100 words, 15c</p> <p>SUPPLEMENT INVENTORY—Order App., Rec., 50c Affidavit to same, 25c Recording same, per 100 words, 15c Recording Decree, per 100 words, 15c <i>Copy Letters from</i></p> <p>APPRAISEMENT—Order Approving, Rec., 50c Affidavit to same, 25c Recording same, per 100 words, 15c</p> <p>SUPPLEMENT APPRAISEMENT—Grant, Order, 50c Issuing Order of Appraisalment, 25c Recording Warrant, per 100 words, 15c Order to Approve Appraisalment, 50c Affidavit to same, 25c Recording same, per 100 words, 15c Recording Decree, per 100 words, 15c</p> <p>SALE OF PERISHABLE PROPERTY—Petition, 25c Recording same, per 100 words, 15c Granting Order of Sale, 50c Issuing Order of Sale, 25c App'ting and Notifying Guard. ad Litem, 50c Recording, per 100 words, 15c</p> <p>SALE OF PERSONAL PROPERTY—Petition, 25c Recording same, per 100 words, 15c Granting Order of Sale, 50c Issuing Order of Sale, 25c Order to Publish Notice of Sale, 50c</p>	<p>65 100 80 50 50 100 350 50 65 50 50 95</p>		<p>BROUGHT FORWARD, Affidavit to Report, 25c Recording, per 100 words, 15c Appointing Com'r to Divide, and Writ, \$2.00 Approving Division and Order thereon, \$1.00 App'ting and Notifying Guard. ad Litem, 50c</p> <p>PARTIAL SETTLEMENT—Affidavit in Acc't, 25c Affidavit to List of Heirs, 25c Examining, Stating Acc't and Ap. Hear., \$1.00 Order to Publish Notice of Sale, 50c App'ting and Notifying Guard. ad Litem, 50c Examining Vouchers, 10c Administering Affidavits, 25c Making Decree and Order to Record, \$1.50 Recording same, per 100 words, 15c Filing Claims and giving Receipt, 15c</p> <p>INSOLVENCY—Affidavit in Report, 25c Affidavit to Statements, 25c Recording Rep't and Statem't, 100 words, 15c Order Appointing Day of Hearing, 25c Order to Publish Notice of same, 25c Order for Citations, 25c Iss'g Notice to Creditor Day of Hearing, 50c Order Sustaining Report, 25c Order for Settlement, 25c Order to Publish Day of Settlement, 25c Issuing Notice of Day of Settlement, 25c Affidavit to Amount of Claims, 25c App'ting and Notifying Guard. ad Litem. 50c</p> <p>SALE OF REAL ESTATE—Affidavit in Petition, 25c Recording Petition, per 100 words, 15c Order App't'g Day of Hear. and Notice, \$1.00 Order to Publish Notice of same, 50c Issuing Citations, Ent'g Sheriff's Return, 50c App'ting and Notifying Guard. ad Litem, 50c Issuing Commission to take Deposition, 50c Filing Interrogatories, 10c Copy of Interrogatories, per 100 words, 15c App't'g Com. to Divide and Issue Writ, \$2.00 Affidavit to Report of Same, 25c Order Approving Division and Report, \$1.00 Recording same, per 100 words, 15c Hearing Applic'n for Dower, Iss'g Writ, \$4.00 Exam'g Testim'y and Grant Ord'r to Sell, \$2.00 Recording Depositions, per 100 words, 15c Record. Reliq'm't of Dower, 100 words, 15c Recording Report, per 100 words, 15c Rec. Paym't Purchase Money, 100 words, 15c Making Order on Report of Sale of Land, 75c Hear Ap'n to Compel Conveyance, etc., \$2.00</p> <p>FINAL SETTLEMENT—Affidavit in Account, 25c Affidavit to Statement of Heirs, 25c Exam'g, Stating and Reporting Acc't, \$1.00 Order to Publish Notice of same, 50c App'ting and Notifying Guard. ad Litem, 50c Examining Vouchers, 10c Administering Affidavits, 25c Recording same, per 100 words, 15c Decree in Final Settlement, 50c</p> <p>SPECIAL PROCEEDINGS—Proceedings for Declara- tion of Unsound Mind and App. Guard. ad Litem, \$5.00 Recording Decree Relieving Minors, etc., \$1.00 Proceed to Perpetuate Testimony, per 100 words, 20c Other Services Relating Thereto, 75c Record. Pro'dings Bind'g Out Appren., \$1.00</p>	
	CARRIED FORWARD.			Total Probate Judge's Fees.	

IN THE MATTER OF THE ESTATE OF : IN THE CIRCUIT COURT OF
DAVID F. BARNHILL, DECEASED. : BALDWIN COUNTY, ALABAMA
: NO. 303 IN EQUITY

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

Pursuant to the direction contained in the decree rendered by the Court on March 11, 1937, I held a reference at Bay Minette, Alabama, on March 25, 1937, for the purpose of passing and reporting upon the several matters referred to me as Register of this Court, after first giving all parties or their solisitors of record notice as required by law of the time and place at which the reference would be held. The reference was attended by Norvelle R. Leigh, Jr., one of the solicitors of record for the petitioners or complainants, and by J. B. Blackburn, guardian ad litem, and solicitor for all minors interested in the proceedings, the complainants or petitioners and said minors being the only parties in interest. The solicitors for petitioners or complainants took the testimony of three witnesses and the guardian ad litem and solicitor for minors took the testimony of two witnesses, the testimony of all of said witnesses and agreement of counsel touching the taking of same are attached to and made a part of this report. After studying the testimony and giving the matters involved due consideration, I report as follows:

ONE

The heirs of said David F. Barnhill, deceased, and their respective interests in his estate are properly set forth in the bill of complaint or petition, are the only heirs and distributees of the said David F. Barnhill and are entitled to share in the distribution of the proceeds of sale of the properties described in the bill or petition as is in said petition set forth.

TWO

The reasonable value of the properties and assets described in the bill or petition is in excess of the Three Thousand Two Hundred (\$3,200.00) Dollars offered therefor by petitioner Exa Lou Barnhill, and therefore I am of the opinion her offer should not be accepted. I find the real market value of the properties and assets described in the bill or petition to be \$4,100.00

Dollars, and further find that if a purchaser at such price can be found, within a time fixed by your Honor or the Court it will be beneficial to all parties in interest to sell the same in bulk at private sale at and for such price. If a purchaser at said price cannot be found within the time fixed by your Honor or the Court, then, in my opinion, said properties and assets should be sold at public outcry upon such notice and terms as may be prescribed by your Honor or the Court.

THREE

I further report that Fifty & No/100 (\$50.00) Dollars is a reasonable fee to be paid J. B. Blackburn for his services as guardian ad litem.

All of which is respectfully submitted this the 29th day of March, 1937.


REGISTER OF THE CIRCUIT COURT
FOR BALDWIN COUNTY, ALABAMA

IN THE MATTER OF
THE ESTATE OF DAVID
F. BARNHILL, Deceased.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 303.

On reference held in Bay Minette, Alabama, on March 25, 1937, it is agreed by and between the Solicitors for the Petitioners or Complainants and the Guardian Ad Litem representing the minor heirs of the said David F. Barnhill, that on this hearing Miss Ora Sirmon shall take the testimony of the witnesses in shorthand, later transcribe it into longhand and it shall not be necessary for any of the witnesses to sign their testimony. The same may be submitted in evidence without signing. IT IS FURTHER AGREED that it shall not be necessary for any of the parties interested to interpose any objection to any question propounded to any witness and that the Register and the Court, in passing on the matter in question, shall consider only such testimony as is relevant in the case.

Signed this 25th day of March, 1937.

Gator, Edington & Lester

Solicitors for Petitioners or
Complainants.

J. B. Blackburn

Guardian Ad Litem and Attorney
for interested Minors.

for thirteen years, all of which time has been in Baldwin County.

NO CROSS EXAMINATION.

EXAMINATION OF MR. COOPER, BY JUDGE NORVILLE
R. LEIGH, JR.

I have been engaged in the turpentine business of the same kind that Mr. Trawick and Mr. Rabon have been in, in this immediate vicinity, a portion of the time in Escambia County, part of the time in Washington County and part of the time in Escambia County, Florida. I am familiar with the articles mentioned in the Petition. I went over this property with Messrs. Rabon and Trawick and in my opinion the values placed on the leases and other articles are reasonable.

NO CROSS EXAMINATION.

* * * * *

It is admitted that Mr. L. W. Brannan, Jr is qualified to testify as an expert in the matters contained in this Petition.

EXAMINATION OF L. W. BRANNAN, JR., BY J. B.
BLACKBURN, Guardian Ad Litem.

The usual price for used turpentine cups is from \$100.00 to \$150.00, but at this time more sell for \$150.00 than for \$100.00 per crop.

I have been in the turpentine business in Baldwin County, Alabama, for approximately eight years.

The usual rate paid for the better class of timber in Baldwin County is 10¢ per cup for a three year lease.

CROSS-EXAMINATION OF L. W. BRANNAN, JR., BY
JUDGE NORVILLE R. LEIGH, JR.

8¢ per cup for a three year lease on small timber would be what I would consider reasonable. Distance in the location of the land does not make much difference. I have no idea what the property in question would be worth as a whole.

It is admitted that E. Davidson is qualified to testify as an expert on the value of the turpentine leases and such other properties as are described in the Petition in this case.

EXAMINATION OF E. DAVIDSON, BY J. B. BLACKBURN,
Guardian Ad Litem.

I, at the request of the Guardian Ad Litem for the minor heirs interested in this case, went over the Petition filed by the Petitioners in this cause and placed a valuation on each lease and each other article listed therein and the total of the valuations which I placed on these articles amounted to \$4675.00. This, in my opinion, is a reasonable value of the property described in the petition. I have been along the road by the still but have never made a careful examination of it and have also seen some of the timber that is covered by the leases described in the Petition but I have not made an actual inspection of each tract covered by the leases or the other articles described in the Petition, My estimate being based solely on my knowledge of the value of such things. The usual price which turpentine operators have to pay in Baldwin County for new leases is 10¢ per cup for a three year lease.

CROSS-EXAMINATION OF E. DAVIDSON, BY JUDGE
NORVILLE R. LEIGH, JR.

The estimate of 10¢ per cup is placed on trees from nine inches up in diameter four and one-half feet above the ground. Smaller timber would be worth less. In my opinion the valuation placed on the property by Messrs. Trawick, Cooper and Rabon is very conservative.

IN THE MATTER OF THE ESTATE)
OF DAVID F. BARNHILL,)
DECEASED.) NO. 303 IN EQUITY.

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

Comes your petitioner, Roger F. Barnhill, as administrator of the estate of his father, David F. Barnhill, deceased, and respectfully shows unto your Honor and to this Honorable Court:

ONE

That on, to-wit, the 11th day of April, 1936, David F. Barnhill, who was then a citizen of the State of Alabama, residing in the County of Baldwin, in said State, died intestate.

TWO

That on, towit, the 20th day of April, 1936, your petitioner was duly appointed by the Probate Court of Baldwin County as administrator of the estate of said David F. Barnhill; that petitioner duly qualified as such administrator, is still serving as such and the estate of said David F. Barnhill is now being administered in the Probate Court of Baldwin County, Alabama.

THREE

That no final settlement of said estate has been made in the Probate Court of Baldwin County, Alabama, nor has any application for any such settlement been made, and in the opinion of your petitioner the estate of said David F. Barnhill, deceased, can be better administered in the Circuit Court of Baldwin County than in the Probate Court of said County.

Wherefore, the premises considered, petitioner prays to your Honor and to this Honorable Court that an order or decree be made and entered removing the administration of the estate of the said David F. Barnhill, deceased, from the Probate Court of Baldwin County, Alabama, to this Honorable Court, and that said administration be removed from said Probate Court to and henceforward administered in this Honorable Court.

Respectfully submitted,

Roger F. Barnhill
As Administrator of the Estate
of David F. Barnhill, Deceased.

Gordon Edington & Lewis
ATTORNEYS FOR PETITIONER

STATE OF ALABAMA,

COUNTY OF MOBILE.

Before me, Marie Layton, a Notary Public in and for said County, in said State, this day personally appeared Roger F. Barnhill, who is known to me and who being by me first duly sworn, deposes and says:

That he is administrator of the estate of David F. Barnhill, deceased; that he read and signed the above and foregoing petition, knows the contents thereof, and that all of the facts set forth and contained in said petition are true and correct.

Roger F. Barnhill

Subscribed and sworn to before me this 18th day of February, 1937.

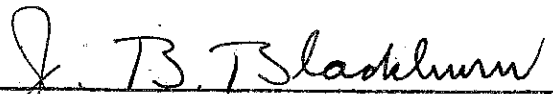
Marie Layton
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

IN THE MATTER OF
THE ESTATE OF DAVID F.
BARNHILL, Deceased.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 303.

ANSWER.

Now come Charles Barnhill, David Barnhill and Marjorie L. Barnhill, minors over fourteen years of age, and Mastin Barnhill, Gordon Barnhill, Bennie Barnhill and D. Windell Barnhill, minors under fourteen years of age, by J. B. Blackburn as Guardian ad litem, and for answer to the Petition to sell property for division of proceeds of sale filed by Roger F. Barnhill, Individually and as Administrator of the Estate of David F. Barnhill, Deceased, Exa Lou Barnhill and Hazel V. Barnhill, on March 5, 1937, and deny each and every allegation thereof and require strict proof of same.



Guardian Ad Litem for Charles Barnhill,
David Barnhill, Marjorie L. Barnhill,
Mastin Barnhill, Gordon Barnhill,
Bennie Barnhill and D. Windell Barnhill

Sworn to and subscribed before me
on this the 10th day of March, 1937.



Notary Public, Baldwin County, Alabama.

IN THE MATTER OF : IN THE CIRCUIT COURT OF
THE ESTATE OF : BALDWIN COUNTY, ALABAMA.
DAVID F. BARNHILL, : NO. 303 IN EQUITY
DECEASED. :

(NOMINATION OF GUARDIAN AD LITEM)

on

(PETITION TO SELL PROPERTY)

TO THE HONORABLE F. W. HARE, JUDGE, OR TO THE HONORABLE
R. D. DUCK, REGISTER OF SAID COURT:

Now come Charles Barnhill, David Barnhill and Marjorie L. Barnhill, and respectfully show that they are minor children of David F. Barnhill, the decedent, and Exa Lou Barnhill, one of the petitioners or complainants, and are interested in the estate of said David F. Barnhill, and if any property or assets be sold under any order or decree made or entered as prayed in the bill or petition filed by Roger F. Barnhill as one of the heirs and as administrator of the estate of David F. Barnhill, and by Exa Lou Barnhill and Hazel V. Barnhill, as heirs of the decedent, they and each of them, on final settlement of said estate, will be entitled to share in the distribution of the proceeds derived therefrom. That they, and each of them, are over the age of fourteen years and are advised they have the right to suggest or nominate a guardian ad litem to represent them in the proceedings.

Wherefore, they, and each of them, availing themselves of such right, hereby suggest and nominate J. B. Blackburn, a solicitor practicing in this Court, as a suitable person to act as guardian ad litem for them and each of them, and respectfully request that the said J. B. Blackburn be appointed as guardian ad

litem to represent them, and each of them, and to protect their respective interests in the matter of said petition or bill to have said properties and assets sold.

+ Charles Barnhill

+ David Barnhill

+ Marjorie L. Barnhill

STATE OF ALABAMA,
COUNTY OF BALDWIN.

I, John J. Garms, a Justice of the Peace, in and for said County, in said State, do hereby certify that Charles Barnhill, David Barnhill and Marjorie L. Barnhill, minors over the age of fourteen years, and who are known to me, appeared before me on this day and having heard the above and foregoing request and nomination, by them respectively subscribed, carefully read over to all of them, they, and each of them, voluntarily signed the same with full knowledge of the contents thereof.

Given under my hand this the 4th day of March, 1937.

No commission expires March 16, 1939

John J. Garms
JUSTICE OF THE PEACE FOR BALDWIN
COUNTY, ALABAMA

I, J. B. Blackburn, consent to act as guardian ad litem for each of the above named minors in the matter of the petition or bill to have certain properties and assets sold for distribution among the heirs and next of kin of David F. Barnhill, deceased.

Witness my hand this the 5th day of March, 1937.

J. B. Blackburn

No.

The State of Alabama

..... COUNTY

PROBATE COURT

IN THE MATTER OF

PROBATE FEE BILL

RECEIVED OF

Dollars

in Payment of the above, this

day of

19

Judge of Probate.

DATE	FEES OF SHERIFF	AMOUNT	DATE	FEES OF WITNESSES	AMOUNT
	Serving and Returning Citations, @ \$0 65				
	Summoning Witness, @ 65				
	Collecting Execution for Cost, 1 50				
	Serving Application to Perpetuate Testimony, 1 00				
	Impaneling Jury, 75				
	Serving Notices, @ 65				
	Summoning Jury Dower, per day, 5 00				
	Serving Writs, @ 1 50				
	Sheriff's Commission,				
	FEES OF PRINTER				
	FEES OF GUARDIAN AD LITEM				
	FEES OF COMMISSIONERS				
				I have Received the Amount Opposite my Name.	

FILED
7-68

NO. 303 IN EQUITY

IN RE:

ESTATE DAVID F. BARNHILL

NOMINATION OF GUARDIAN AD
LITEM BY MINORS OVER THE AGE
OF FOURTEEN YEARS ON PETITION

Filed March 5 1937
David Barnhill
petitioner

PETITION

OF

ROGER F. BARNHILL, as
Administrator of the
Estate of David F. Barn-
hill, Deceased.

This cause coming on to be heard, is submitted for decree on the Petition of Roger F. Barnhill, as Administrator of the Estate of David F. Barnhill, deceased, for an order removing the further administration of the estate of David F. Barnhill, deceased, from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, Equity Division, and being duly considered by the Court, the Court is of the opinion that said Petition should be granted.

It is, therefore, ordered, adjudged and decreed by the Court, that the said Petition and the prayer thereof be and the same is hereby granted, and the further administration of the estate of David F. Barnhill, deceased, be, and hereby is removed from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, Equity Division, and the Register of this Court is hereby directed to deliver a certified copy of this order to the Probate Court of Baldwin County, Alabama.

Ordered and decreed this the 20th day of February, 1937.

J. M. Hare
JUDGE


ESTATE OF DAVID F. BARNHILL, DECEASED

In the Probate Court
of Baldwin County, Ala.,
Feby 22, 1937.

On the Order of Judge of the Circuit Court, Hon. F.W.Hare, filed in this Estate on this day, It is ordered by this Court that the proceedings in said Estate be removed from the Probate Court of Baldwin County, Alabama, to the Equity side of the Circuit Court of Baldwin County, Alabama, and that all papers and records be certified to said Equity Court.

Now therefore, in compliance with said order, I hereby certify and transfer the file in said cause to said Circuit Court, Equity side, and certify that said file contains all of the petitions, orders and decrees had in said cause, during the administration in this Court.

Done this the 22nd day of February, A.D., 1937.


Judge of Probate.

LEGAL NOTICE

STATE OF ALABAMA, }
BALDWIN COUNTY. }

IN THE MATTER OF : IN THE CIRCUIT COURT OF
THE ESTATE OF DAVID F. : BALDWIN COUNTY, ALABAMA.
BARNHILL, :
Deceased. : NO. 303 IN EQUITY.

A petition and statement for a final settlement by Roger F. Barnhill, as Administrator of the estate of David F. Barnhill, deceased, has been filed in this Court.

Notice is hereby given that, pursuant to a decree of the Court, I will, at ten o'clock A. M. on the 29th day of October, 1937, hold a reference in my office at County Court House of Baldwin County, Alabama, for the purpose of examining and auditing said account, at which time and place all parties interested may appear and contest the same, if they think proper.

Witness my hand this the 1st day of October 1937.

R. L. Duce
Register of the Court of Baldwin
County, Alabama

IN THE MATTER OF : IN THE CIRCUIT COURT OF
THE ESTATE OF : BALDWIN COUNTY, ALABAMA
DAVID F. BARNHILL, :
DECEASED. : NO. 303 IN EQUITY

ORDER APPOINTING GUARDIANS AD LITEM

on

BILL OR PETITION TO SELL PROPERTY

It appearing from the sworn bill or petition filed by Roger F. Barnhill as an heir of David F. Barnhill, deceased, and as administrator of his estate and by Exa Lou Barnhill and Hazel V. Barnhill, as heirs of said decedent, praying a sale of certain personal property therein described for a division of the proceeds, that they, together with Charles Barnhill, David Barnhill, Marjorie L. Barnhill, Mastin Barnhill, Gordon Barnhill, Bennie Barnhill and D. Windell Barnhill, all of whom are minors under the age of fourteen years except Charles Barnhill, David Barnhill and Marjorie Barnhill, who are minors over the age of fourteen years, constitute all and the only heirs or next of kin of the decedent and are the only persons entitled to share in the distribution of his estate.

And the said minors Charles Barnhill, David Barnhill and Marjorie L. Barnhill, having, by an instrument in writing signed by them and duly certified as provided by law and the rules of this Court, suggested and nominated J. B. Blackburn, a solicitor practicing in this Court, as their guardian ad litem, to represent them and each of them in this proceeding. And it further appearing that the said J. B. Blackburn is in all respects a suitable person to be appointed as their guardian ad litem, and he having filed his consent in writing to act

as such for said minors:- It is ordered, adjudged and decreed that J. B. Blackburn be, and he is hereby appointed guardian ad litem for said minors, Charles Barnhill, David Barnhill and Marjorie L. Barnhill, and each of them, to represent them and protect their respective rights and interests in the matter of the above mentioned bill or petition, seeking a sale of said properties and assets for a distribution of the proceeds among the heirs and next of kin of said decedent.

And it further appearing from said sworn bill or petition that the other minors above named are all under the age of fourteen years, all reside with their mother, the petitioner Exa Lou Barnhill, who maintains and supports them, and none of them have any legal or general guardian appointed by any court of this State, and that J. B. Blackburn, a solicitor practicing in this Court, has filed his consent in writing to act as guardian ad litem for them.

And the name of said J. B. Blackburn not having been suggested by the petitioners or complainants or their solicitors in this matter, and the said J. B. Blackburn not being in the knowledge of the Register related by blood or marriage within the fourth degree to the petitioners or complainants or their solicitors or the Judge or Register, and said J. B. Blackburn being deemed by the Register a fit and suitable person to act as such guardian ad litem.

It is, therefore, ordered, adjudged and decreed that said J. B. Blackburn be and he is hereby appointed guardian ad litem for the minors, Mastin Barnhill, Gordon Barnhill, Bennie Barnhill and D. Windell Barnhill, to represent them and each of them, and protect their respective rights and interest in the proceeding wherein said sale of said described properties and assets are sought for

distribution of the proceeds among the heirs and next of kin of the decedent hereinabove named.

Ordered, adjudged and decreed this the 5th day of March, 1937.

R. L. Duck

REGISTER

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

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

LEGAL NOTICE

State of Alabama, Baldwin County.

In the matter of the Estate of David F. Barnhill, Deceased.

In the Circuit Court of Baldwin County, Alabama. No. 303, In Equity.

A petition and statement for a final settlement by Roger F. Barnhill, as Administrator of the estate of David F. Barnhill, deceased, has been filed in this Court.

Notice is hereby given that, pursuant to a decree of the Court, I will, at ten o'clock, A. M., on the 29th day of October, 1937, hold a reference in my office at the County Court House of Baldwin County, Alabama, for the purpose of examining and auditing said account, at which time and place all parties interested may appear and contest the same, if they think proper.

Witness my hand this the 1st day of October, 1937.

ROBERT S. DUCK, Register of the Court of Baldwin County, Alabama. 36-3t

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

J. H. 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

*Estate of David F. Barnhill,
Deceased*

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

Date of first publication October 7, 1937 Vol. 45 No. 36

Date of second publication " 14, 1937 Vol. 45 No. 37

Date of third publication " 21, 1937 Vol. 45 No. 38

Date of fourth publication _____ Vol. _____ No. _____

Subscribed and sworn before the undersigned this 2 day of

Nov 1937

Mae Humphreys
Notary Public Baldwin

J. H. Faulkner
Publisher

IN THE MATTER OF

THE ESTATE OF DAVID F.
BARNHILL, Deceased.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 303.

I, J. B. Blackburn, the person appointed guardian ad litem for Mastin Barnhill, Gordon Barnhill, Bennie Barnhill and D. Windell Barnhill, minors under fourteen years of age, on March 5, 1937, do hereby consent to act as guardian ad litem for each of the above named minors in the matter of the Petition or bill to have certain properties and assets sold for distribution among the heirs and next of kin of David F. Barnhill, Deceased.

Witness my hand this 5th day of March, 1937.

J. B. Blackburn

IN THE MATTER OF
THE ESTATE OF DAVID F.
BARNHILL,

Deceased

)
)
)
)
)
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
NO. 303 IN EQUITY.

It is agreed by and between the Solicitors for the petitioners or complainants in the above styled cause and the Solicitor and Guardian ad Litem for the minors named in the bill or petition, the petitioners or complainants and said minors representing all of the parties in interest, that none of the parties desires to take or reserve any exceptions to the Register's report, and that the Court may, without delay, pass upon such report and render such decree as it may deem proper.

WITNESS our hands this the 2nd day of April,
1937.

GORDON, EDINGTON & LEIGH

By *Monella R. Leigh*
Solicitors for Petitioners
or Complainants

J. B. Blackburn
Solicitor and Guardian ad
Litem for all of the Minors
named in the Petition or
Bill

Statement

THE BALDWIN TIMES

BAY MINETTE, ALABAMA

11/2/37

193

Hon. G. W. Robertson

City

Advertising:

Estate of David F. Barnhill

150 words @ $3\frac{1}{2}$ ¢

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IN THE MATTER OF:
THE ESTATE OF DAVID F.
BARNHILL,
Deceased.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
NO. 303 IN EQUITY.

DECREE OF REFERENCE

ON

BILL OR PETITION TO SELL PERSONAL PROPERTY

This matter is under submission on sworn bill or petition and denials contained in the answer.

The petition is filed by Roger F. Barnhill, individually and as Administrator of the estate of said David F. Barnhill, deceased, and by Exa Lou Barnhill and Hazel V. Barnhill, as heirs and next of kin of said decedent, and alleges, in substance, that all the debts of said estate have been paid; that it is necessary to sell certain described properties and assets for a division of the proceeds, and it would be beneficial to all parties in interest, for reasons stated in the bill or petition, to sell the same at private sale, it being alleged that the reasonable market value of said properties and assets is between Thirty-one Hundred (\$3100.00) Dollars and Thirty-two Hundred (\$3200.00) Dollars, and petitioner Exa Lou Barnhill offers to purchase the same at and for the sum of Thirty-two Hundred (\$3200.00) Dollars in cash.

It is further alleged that petitioners are all over the age of twenty-one years, and they, together with Charles Barnhill, David Barnhill, Marjorie L. Barnhill, Mastin Barnhill, Gordon Barnhill, Bennie Barnhill and D. Windell Barnhill, all of whom are minors, constitute all and the only heirs and next of kin of said decedent.

Petitioners pray, among other things, that a guardian or guardians ad litem be appointed to represent said

minors and protect their respective interests, and that this cause be referred to the Register of this Court with direction that he, after giving all parties due and legal notice of the time and place of holding same, hold a reference, take testimony and report to the Court whether it will be beneficial to all parties in interest to sell said properties and assets in bulk at private sale, and if so, whether the price offered by petitioner, Exa Lou Barnhill, is equal to or in excess of the reasonable market value of said properties and assets and whether her offer to purchase should be accepted, and that if, in his opinion, a private sale will be beneficial but said offer should not be accepted, he state what, in his opinion, is the reasonable market value of said properties and assets.

Petitioners further pray that upon the coming in of the Register's report the Court will render a decree in which it shall be determined whether a private sale will be beneficial, and, if so, whether the offer of Exa Lou Barnhill to purchase shall be accepted or rejected, and if rejected, at what price and within what time a private sale shall be made. Petitioners further pray that if the Court does not authorize a private sale, or authorizes one and a purchaser is not found within the time and at the price fixed by the Court, said properties and assets be sold in such way and manner as the Court may in said decree direct. It is further prayed that when a sale is made, the said Roger F. Barnhill, as Administrator of the estate of said David F. Barnhill, deceased, be authorized and directed to execute proper conveyance and assignment to the purchaser upon full payment of the purchase money and full compliance with all the terms and conditions of said sale.

The answer to the bill or petition is made by the above named minors, through J. B. Blackburn, as their guardian

ad litem, the said J. B. Blackburn being a solicitor of this Court and having been duly appointed by the Register of the Court and having, before the filing of his answer, consented, in writing, to serve as such guardian ad litem. In his answer the said J. B. Blackburn, acting as guardian ad litem for the above named minor heirs of said decedent, denies all of the material allegations of the bill or petition.

Upon due consideration the Court is of the opinion that a reference should be held as prayed in the bill or petition.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, by the Court that this cause and matter be and the same is hereby referred to the Register of this Court, with direction that he hold a reference, of the time and place of which he shall give notice to all the parties of record or their solicitors of record, as provided by law, and at said reference he shall hear testimony, ascertain and report to the Court:

(1) Whether the heirs of said David F. Barnhill deceased, and their respective interests in his estate are properly set forth in the above mentioned bill or petition, and if not, who are the heirs of said decedent or their representatives, and what are the proportions in which they are respectively entitled to share in said estate;

(2) Whether, in his opinion, it will be beneficial to all the parties in interest to sell all the properties and assets described in the bill or petition in bulk at private sale, and if so, what, in his opinion, is the reasonable market value of said properties and assets and whether the offer of petitioner, Exa Lou Barnhill, to purchase the same at and for the sum of Thirty-two Hundred (\$3200.00) Dollars cash should be accepted, and if not, at what cash price the same should be sold at private sale; and,

(3) What in his opinion is a reasonable solicitor's fee to be paid the guardian ad litem for his services in representing the above named minors in this proceeding and by whom such fee should be paid.

All other matters are reserved for further and future consideration by the Court.

ORDERED, ADJUDGED AND DECREED, this the 11th day of March, 1937.

F. W. Hare

JUDGE

CIRCUIT COURT, BALDWIN COUNTY, ALA. IN EQUITY

No. 303.

Estate of David F Barnhill, Deceased.
vs.

PLAINTIFF

DEFENDANT

BILL OF COSTS

	Dollars	Ccnts			
FEES OF REGISTER			\$ 12.05.		
Filing each bill and other papers	\$	10	Brought Forward		
Issuing each subpoena		50	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.		
Issuing each copy thereof		40	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.		
Entering each return thereof		15	Each notice sent by mail to creditor	15	
For each order of publication	1	00	Filing receipting for and docketing each claim, etc.	25	
Issuing Writ of injunction	1	50	For all entries on subpoena docket, etc.	50	
For each copy thereof		50	For all entries on commission docket, etc.	50	
Entering each return thereof		15	Making final record. per 100 words	15	15 00
Issuing Writ of Attachment	1	00	Certified copy of decree	1 00	
Entering each return thereof		15	Report of divorce to State Health Office (Acts 1915)	50	
Docketing each case	1	00	TOTAL FEES OF REGISTER..		
Entering each appearance		25	FEES OF SHERIFF		
Issuing each decree pro confesso on per ser.	1	00	Serving and returning subpoena on deft.	\$ 1 50	
Issuing each decree pro confesso on publica	1	00	Serving and returning subpoena for witness	65	
Each order appointing guardian	1	00	Levyng attachment	1 50	
Any other order by Register		50	Entering and returning same	25	
Issuing Commission to take testimony		50	Selling property attached	75	
Receiving and filing		10	Impaneling Jury	75	
Endorsing each package		10	Executing Writ of possession	2 50	
Entering order submitting cause		50	Collecting execution for costs	1 50	
Entering any other order of court		25	Serving and returning sci. fa., each	65	
Noting all testimony		50	Serving and returning notice	65	
Abstract of cause, etc.	2	00	Serving and returning writ of injunction	1 50	
Entering each decree		75	Serving and returning writ of exeat	1 50	
For every 100 words over 500		15	Taking and approving bonds, each	75	
Taking account, etc.	3	00	Collecting money on execution	2 50	
Taking testimony, etc		15	Making Deed	2 50	
Each report, 500 words or less	2	50	Serving and returning application, etc.	1 00	
For every 100 words over 500		15	Serving attachment, contempt of court	1 50	
Amount claimed less than \$500, etc	2	00	TOTAL FEES OF SHERIFF..		
Issuing each subpoena		25	RECAPITULATION		
Witness certificate, each		25	Register's Fees		27 05.
Issuing execution, each		75	Sheriff's Fees	0) s.	10.00
Entering each return		15	Commissioner's Fees	\$ B B	50.00
Taking and approving bond, each	1	00	Solicitor's Fees		
Making copy of bill, etc		15	Witness Fees		
Each notice not otherwise provided for		50	Guardian Ad Litem		
Each certificate or affidavit, with seal		50	Printer's Fees		
Each certificate or affidavit, no seal		25	Trial Tax	3 00	98 98
Hearing and passing on application, etc.	3	00	Recording Decree in Probate Court		6
Each settlement with Receiver, etc.	3	00	TOTAL		
Examining each voucher of Receiver, etc		10			
Examining each answer, etc.	3	00			
Recording resignation, etc		75			
Entering each certificate to Supreme Court		50			
Taking questions and answers, etc		25			
For all other ser relating to such proceedings	1	00			
For services in proceeding to relieve minors, etc., same fee as in similar cases.					
Commission on sales, etc: 1st \$100, 2 per cent: all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent.					
Sub Total Carried Forward					

GORDON, EDINGTON & LEIGH

ATTORNEYS AT LAW

1017-15 MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

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

March 10, 1937

In re: Estate of David F. Barnhill,
Deceased.

Honorable F. W. Hays,
Monroeville, Alabama

Dear Judge:

We are writing Mr. Robert S. Duck, Register of Baldwin County Circuit Court, requesting that he send you the following papers in the above styled matter:

1. Petition filed by the Administrator and two other adult heirs of decedent, praying a sale of the properties described therein.

2. Nomination by minor heirs over the age of fourteen years of Mr. J. B. Blackburn as guardian ad litem.

3. Order of Register appointing Mr. Blackburn as guardian ad litem for all of the minor heirs and Mr. Blackburn's consent to serve.

4. Mr. Blackburn's answer as guardian ad litem

5. Decree which we have prepared for your signature, provided it meets with your approval.

We are relying on the case of Anderson v. Steiner, 217 Ala. page 88, 115 Sou. 4, in asking for a private sale, provided such sale is beneficial to all interested parties.

We are sending a copy of the decree which we have prepared to Mr. Blackburn by today's mail for any

#2

criticism he sees fit to make.

If the decree as prepared by us does not meet with your approval, will you kindly call the writer over long distance, at our expense, and we will be glad to redraft it so as to make it conform to your wishes.

Thanking you in advance for attention to the matter, we are,

Sincerely yours,

GORDON, EDINGTON & LEIGH

By

NRL/L

C.C. Hon. R. S. Duck
Bay Minette, Alabama

Hon. J. B. Blackburn
Bay Minette, Alabama

IN THE MATTER OF
THE ESTATE OF DAVID F.
BARNHILL,

Deceased

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

NO. 303 IN EQUITY.

And now come the petitioners, Roger F. Barnhill, individually and as administrator of the estate of David F. Barnhill, deceased; Hazel V. Barnhill, Charles Barnhill, and Exa Lou Barnhill, individually and as guardian for her minor children, David Barnhill, Marjorie Barnhill, Mastin Barnhill, Gordon Barnhill, Bennie Barnhill and D. Wendell Barnhill, and respectfully represent and show:

1. That the petitioner Exa Lou Barnhill is the widow, and Roger F. Barnhill, Hazel V. Barnhill, Charles Barnhill and the above named wards of Exa Lou Barnhill are the children of the said David F. Barnhill, deceased, and said widow and children constitute decedent's only heirs and next of kin, and no one other than they is interested in the final settlement of his estate.

2. That petitioners Roger F. Barnhill, Exa Lou Barnhill, Hazel V. Barnhill and Charles Barnhill are all over the age of twenty-one years (Charles Barnhill having attained his majority subsequent to the appointment of Roger F. Barnhill as administrator) and Exa Lou Barnhill is the duly appointed and qualified guardian for the minors herein named, all of whom are of sound mind.

3. That said intestate was engaged only in the business of making spirits of turpentine and gum resin from crude gum taken from pine trees which he cupped and worked in the usual manner, and his only assets, other than lands which have not been partitioned or sold, and twelve

head of range or common cattle, were his turpentine still, some turpentine cups and aprons, two mules, two motor trucks, one two-horse wagon, a small commissary from which he furnished his laborers or employees with supplies, and certain leases or contracts which gave him the right to work for varying terms of years the trees from which his crude resin and turpentine were taken. That at the time of said intestate's death most, if not all, of said trees had been cupped and he was taking therefrom the crude resin and processing the same into spirits of turpentine and gum resin at his aforementioned still. A full and complete list of all of intestate's personal property, including his cattle, is set out in the petition in which Roger F. Barnhill, as administrator of his estate, prayed that the same be sold at private sale, provided a purchaser could be found who was willing to pay a price to be fixed by this Honorable Court, which assets Roger F. Barnhill purchased for Four Thousand One Hundred (\$4,100.00) Dollars after the Court, upon proper hearing, decreed they should be sold for that amount.

4. That in operating his turpentine or naval stores business, the decedent was financed by The Lurton Company, - whose corporate name was later changed to Peninsular-Lurton Company - a naval stores factor, doing business in the City of Pensacola, Florida, and he shipped all his naval stores products (spirits of turpentine and gum resin) to said naval stores factor, who sold the same and credited him with the net proceeds. At the time of his death said intestate was indebted to said factor in the sum of Four Thousand Two Hundred Seventeen and 12/100 (\$4,217.12) Dollars, including interest (Fifty-nine and 30/100 (\$59.30) Dollars) to date of his death, after allowing all proper credits, for

are known to me, and who, being by me first duly and legally sworn, depose and say that read and signed the foregoing petition, know the contents thereof, and that all of the facts and statements therein contained are true and correct as therein written.

Exa Lou Barnhill
Hazel Barnhill
Charles Barnhill
Roger F. Barnhill

Subscribed and sworn to before
me this 27th day of September,
1937.

Carl L. Schlich
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.

which amounts the factor filed its duly verified claim in the office of the Judge of Probate for Baldwin County, Alabama, and the only money possessed by the intestate was Fifty-four and 00/100 (\$54.00) Dollars, which stood to his credit in Citizens & Peoples National Bank of Pensacola, Florida.

5. That after intestate's death his widow and all of his children, adults and minors, continued to reside and live together and are now living together as one family.

6. That the intestate died in the spring (April 10) of 1936, when the sap was flowing in the trees which had been tapped and cupped, and the best interest of the estate and of all persons interested therein required that someone continue to work said trees, chip and scrape the same, gather the crude gum and process the same into spirits of turpentine and gum resin, otherwise there would have been a total loss of all products from said trees, the trees would have greatly deteriorated in value, they would have been exposed to damage by fire, and the terms for which they could be worked, under the leases or contracts on which they were held, shortened to the extent of the time they were not worked between the date of intestate's death and a sale thereof.

7. That, after family counsel among the adult heirs, and those of the minors who were old enough to express their wishes, it was decided that Roger F. Barnhill, having been trained by the intestate, his father, was fitted for the undertaking and that the best interest of all intestate's heirs and next of kin required that he, as administrator, take charge, continue to work the trees and conduct the business, as near as he could, just as his father had done, until the business could be disposed of as a going concern,

all agreeing that unless some such thing was done the estate would go to ruin or suffer irreparable loss or injury. But the administrator was without funds, the intestate, as aforestated, having only Fifty-four (\$54.00) Dollars in the bank and being heavily indebted to The Lurton Company (later Peninsular-Lurton Company).

8. That, after reaching the above conclusion, Roger F. Barnhill consulted The Lurton Company (now Peninsular-Lurton Company) and said Company having agreed to finance him, he, as administrator, took charge of the business and continued to operate the same, as near as he could, just as his father had done, until it, together with the other personal property herein mentioned, was sold on, to-wit, April 13, 1937, pursuant to the aforementioned decree of this Honorable Court for the sum of Four Thousand One Hundred (4,100.00) Dollars.

9. That Roger F. Barnhill, as administrator, while operating said business, shipped and delivered to The Lurton Company (Peninsular-Lurton Company) all spirits of turpentine and gum resin produced by him, and that company continued to make him advances in money and merchandise, all as was done during the life of David F. Barnhill. That said naval stores factor sold all products shipped by him to it, gave him proper credits for the net proceeds of all sales, and the credits so given aggregated the sum of Sixteen Thousand Nine Hundred Twenty-eight and 95/100 (\$16,928.95) Dollars. That the advances made by said factor to Roger F. Barnhill, as administrator, aggregated the sum of Fourteen Thousand Nine Hundred Thirty-two and 57/100 (\$14,932.57) Dollars, Two Thousand One Hundred Two and 24/100 (\$2,102.24) Dollars of which was used by the administrator in the purchase of additional leases for the use and benefit of the

such cost and the making of such distribution, the administrator and his surety be discharged from all further duty and liability.

Petitioners further pray that such other proceedings, orders and decrees be had and made as may be necessary or proper in the premises and for a final settlement of the estate and discharge of the administrator and the surety on his bond as administrator.

Respectfully submitted,

Roger F. Barnhill
Individually and as Administrator
of the Estate of David
F. Barnhill, deceased.

Hazel V. Barnhill

Charles Barnhill

Exa Lou Barnhill
Individually and as Guardian
for all the minor heirs of
said David F. Barnhill, deceased.

Gordon, Edington & Lewis
ATTORNEYS FOR THE ADMINISTRATOR
AND FOR HAZEL V. BARNHILL
AND CHARLES BARNHILL

J. B. Bashburn
ATTORNEY FOR EXA LOU BARNHILL, INDIVIDUALLY AND AS GUARDIAN FOR MINOR HEIRS, DAVID BARNHILL, MARJORIE BARNHILL, MASTIN BARNHILL, GORDON BARNHILL, BENNIE BARNHILL AND D. WENDELL BARNHILL

STATE OF ALABAMA,

COUNTY OF BALDWIN.

Before me, Carl L. Schlich, a

Notary Public in and for said County, in said State, this day personally appeared Exa Lou Barnhill, Hazel V. Barnhill, Roger F. Barnhill and Charles Barnhill, all of whom

estate. That after the other personal property of the estate had, pursuant to the Court's order, been sold, the said Roger F. Barnhill, with money loaned him individually by said naval stores factor, purchased said additional leases for Two Thousand One Hundred Two and 24/100 (\$2,102.24) Dollars, the same amount which he as administrator paid for them, and in the statement submitted below, Roger F. Barnhill is charged, as administrator, with the money which he individually paid himself, as administrator, for said leases.

10. That all claims filed against the intestate and his estate have been fully paid and the administrator has proper vouchers to evidence such payments, for inspection by the Court and by any person interested in this proceeding.

11. That, likewise, all debts contracted by Roger F. Barnhill while he, as administrator, was conducting the business left by the intestate, (including cost of administration up to this proceeding) have been paid and the estate is in such condition that final settlement and distribution thereof can be made. However, there were many expenditures, - most of them for small amounts - in conducting the business, and an itemized statement of receipts and disbursements, accompanied by vouchers to evidence the disbursements, would be quite lengthy and prove expensive to the estate and those interested therein, all of which the petitioners desire to avoid; but vouchers to evidence all credits claimed by the administrator are in his possession and will be produced on request therefor made either by the Court or any person in interest.

12. That all the petitioners are satisfied with and approve Roger F. Barnhill's management of the estate and business, are content with the result thereof, and respectfully ask that the following be accepted as a correct

and complete statement of all receipts and disbursements had and made by him, as administrator, and that he be charged and credited accordingly:

RECEIPTS

Money in bank at decedent's death	\$ 54.00	
Total credits (Lurton) for net proceeds, sale turpentine and resin	16,928.95	
Proceeds, property sold by order of Court	4,100.00	
Roger F. Barnhill, individually, for transfer of leases taken by him while managing estate and business	<u>2,102.24</u>	
Total receipts		\$23,185.19

DISBURSEMENTS

J. S. Lowery, in settlement of judgment against decedent for \$408.33	\$ 275.00
R. S. Duck, Circuit Clerk, cost in Lowery case	12.05
L. W. Brannon, claim	32.85
Pace & Co., claim	15.29
John H. Myrick, claim	62.50
Randolph McGowin, claim	125.00
The Lurton Company, claim	4,389.92
Paid in operating business, labor, gasoline and other merchandise not purchased from Lurton	9,515.31
R. S. Duck, Register, cost in proceeding to sell estate property	90.05
Cost, administration in probate court	9.60
Gordon, Edington & Leigh, attorney's fee in proceeding to sell property	205.00

DISBURSEMENTS (continued)

Gordon, Edington & Leigh, attorney's fee, obtaining letters of administration, advising administrator, and making final settlement and distribution of estate	\$ <u>200.00</u>	
Total disbursements		\$14,932.57

RECAPITULATION

Total receipts	\$23,185.92	
Total disbursements	<u>14,932.57</u>	
Balance	\$8,253.35	

13. That after the payment of the cost of this proceeding, Exa Lou Barnhill, intestate's widow, is entitled to one-fifth of the net estate, and each of intestate's nine children herein named is entitled to one-ninth of four-fifths of the net estate.

Wherefore, the premises considered, your petitioners pray that a day be appointed for the hearing of this petition and for final settlement and distribution of said estate, and that notice thereof be given as required by law to all persons in interest, except petitioners, each of whom for himself and herself waives formal notice of the time and place fixed for hearing; that upon such hearing all things done by the said Roger F. Barnhill in handling the estate and payment of monies be ratified and confirmed, and that the Court render a decree passing the above account as stated, allowing the administrator all credits claimed and ordering a final distribution of all monies remaining in the hands of the administrator, after payment of the cost incurred on such settlement, and providing that on payment of

IN THE MATTER OF THE : IN THE CIRCUIT COURT OF
ESTATE OF DAVID F. BARNHILL, : BALDWIN COUNTY, ALABAMA.
DECEASED. : NO. 303 IN EQUITY.

REGISTER'S REPORT

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

I, R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, respectfully show that on October 29, 1937, I held the reference directed in the decree rendered by this Court in the above entitled matter on September 30, 1937. Due notice of the time, place and purpose of holding the reference was given to all parties of record or their solicitors of record and by publication once a week for three successive weeks in The Baldwin Times, a newspaper of general circulation in Baldwin County, Alabama. All the parties of record, all the heirs and distributees of the said David F. Barnhill, deceased, and the administrator of his estate were present in person or by their solicitors of record, the minor heirs of the decedent (David Barnhill, Marjorie Barnhill, Maston Barnhill, Gordon Barnhill, Bennie Barnhill and D. Wendell Barnhill) being present through and represented by their duly appointed and legally qualified guardian, Exa Lou Barnhill, and said guardian's solicitor of record.

It was shown and agreed that the petition and statement of account filed for final settlement and distribution of the estate of said David F. Barnhill, deceased, was signed and verified by the administrator of his estate, by all of his adult heirs and by the guardian of his minor heirs; that the heirs of the said David F. Barnhill and their respective interests in his estate are correctly stated in said petition and statement, and that the account of Roger F. Barnhill, as administrator of said estate, set forth in said petition is true and correct. Proper vouchers

evidencing the payment of all claims filed against the estate were duly presented, and I therefore report as follows:

1. That the heirs and distributees and their respective interests in the estate of David F. Barnhill, deceased, are correctly stated and set forth in the above mentioned petition and statement of account filed for the final settlement and distribution of the estate of said decedent.

2. That in and about the administration of the estate of said David F. Barnhill, deceased, Roger F. Barnhill as administrator thereof, received a total of Twenty-three Thousand One Hundred Eighty-five and $92/100$ Dollars (\$23,185.92), and expended a total of Fourteen Thousand Nine Hundred Thirty-two and $57/100$ Dollars (\$14,932.57), including the cost of administration up to the filing of the aforementioned petition and statement of account for final settlement and distribution, which left in his hands the sum of Eight Thousand Two Hundred Fifty-three and $35/100$ Dollars (\$8,253.35), out of which he has paid the cost of final settlement and distribution, amounting to the sum of Twenty-three and $00/100$ Dollars (\$23.00), leaving a balance of Eight Thousand Two Hundred Thirty and $35/100$ Dollars (\$8,230.35) for distribution among the heirs and next of kin of said decedent, and there is nothing for distribution, other than the aforementioned sum of money.

3. That Exa Lou Barnhill, decedent's widow, is entitled to one-fifth ($1/5$) of the said Eight Thousand Two Hundred Thirty and $35/100$ Dollars (\$8,230.35), and each of decedent's above named children to one-ninth ($1/9$) of the remainder.

Therefore there was awarded and allowed the heirs of said David F. Barnhill, deceased, as their respective distributive shares of his estate the following amounts:

Exa Lou Barnhill, One Thousand Six Hundred Forty-six and 07/100 Dollars	\$1,646.07
Hazel V. Barnhill, Seven Hundred Thirty-one and 58/100 Dollars	\$ 731.58
Roger F. Barnhill, Seven Hundred Thirty-one and 58/100 Dollars	\$ 731.58
Charles Barnhill, Seven Hundred Thirty-one and 58/100 Dollars	\$ 731.58
David Barnhill, Seven Hundred Thirty-one and 59/100 Dollars	\$ 731.59
Majorie Barnhill, Seven Hundred Thirty-one and 59/100 Dollars	\$ 731.59
Mast on Barnhill, Seven Hundred Thirty-one and 59/100 Dollars	\$ 731.59
Gordon Barnhill, Seven Hundred Thirty-one and 59/100 Dollars	\$ 731.59
Bennie Barnhill, Seven Hundred Thirty-one and 59/100 Dollars	\$ 731.59
D. Wendell Barnhill, Seven Hundred Thirty-one and 59/100 Dollars	<u>\$ 731.59</u>
Total, Eight Thousand Two Hundred Thirty and 55/100 Dollars	\$8,230.35

These awards were agreed to by all the parties of record.

4. That the said Roger F. Barnhill, as administrator, aforesaid, has paid the widow and decedent's children the full amounts awarded them respectively, the amounts awarded to the minor children, David Barnhill, Marjorie Barnhill, Mast~~on~~ Barnhill, Gordon Barnhill, Bennie Barnhill and D. Wendell Barnhill, having been paid to their guardian, Exa Lou Barnhill, and proper receipts evidencing all such payments were duly presented.

5. That the estate of the said David F. Barnhill, deceased, has been duly administered and distributed, nothing further remains to be done by the said Roger F. Barnhill, as administrator of said estate, and he and the surety on his bond as such administrator, are entitled to a decree absolving and discharging them from all further duty and liability.

Respectfully submitted this the 29th day of October, 1937.

R. S. Duck
Register of the Circuit Court of
Baldwin County, Alabama.

We, the undersigned, being the solicitors of record for all the parties of record in the matter of the final settlement and distribution of the estate of David F. Barnhill, deceased, agree that the above and foregoing report of R. S. Duck, as Register of the Circuit Court of Baldwin County, Alabama, is true and correct, and that a decree may be entered absolving and discharging Roger F. Barnhill and the surety on his bond as administrator of the estate of David F. Barnhill, deceased, from all further duty and liability.

Done this the 29th day of October,
1937.

GORDON, EDINGTON & LEIGH

By Novelle R. Leigh
Solicitors of Record for Roger F.
Barnhill, individually and as
Administrator of the Estate of
David F. Barnhill, deceased, Hazel
V. Barnhill, and Charles Barnhill.

J. T. S. Blackburn
Solicitor of Record for Exa Lou
Barnhill, individually and as Guard-
ian for David Barnhill, Marjorie
Barnhill, Mastin Barnhill, Gordon
Barnhill, Bennie Barnhill and D.
Wendell Barnhill, minor children
and heirs of David F. Barnhill,
deceased.

IN THE MATTER OF
THE ESTATE OF DAVID F.
BARNHILL,

Deceased

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

NO. 303 IN EQUITY.

DECREE CONFIRMING REGISTER'S REPORT AND ORDERING
SALE OF PROPERTIES AND ASSETS DESCRIBED IN
THE BILL OF COMPLAINT OR PETITION

This cause coming on again this day to be heard is submitted on the report of the Register, filed on the 29th day of March, 1937, upon a reference ordered on the 11th day of March, 1937, and upon stipulation of counsel for all parties in interest that there would be no exceptions to said report and that the Court could pass upon the same without delay.

The Court having considered said report, together with the evidence thereto attached, is of the opinion that the same should be confirmed, it is, therefore, ordered, adjudged and decreed by the Court that said report of the Register be and the same is in all respects hereby confirmed, and that the administrator of the estate of David F. Barnhill, deceased, be and is hereby empowered and directed to sell at private sale and in bulk all of the properties and assets described in the petition or bill of complaint at and for the sum of Four Thousand One Hundred (\$4,100.00) Dollars cash, and to execute proper conveyances to the purchaser, provided a purchaser at said price and terms can be found within thirty (30) days from the date of this decree.

It is further ordered, adjudged and decreed that if a purchaser at said price and on said terms cannot be

found within the time above stated, said properties and assets be sold by the administrator at public outcry to the highest bidder for cash in front of the Courthouse door in the town of Bay Minette, County of Baldwin, State of Alabama, between the legal hours of sale, after first giving notice of the day, place and terms of sale, together with a description of the property to be sold by advertisement thereof for three successive weeks in some newspaper published in the County of Baldwin, State of Alabama, and make report of such sale to this Court.

It is further ordered, adjudged and decreed that out of the proceeds of any sale made hereunder, whether private or public, the administrator pay all costs of this proceeding, including the sum of Fifty (\$50.00) Dollars to the guardian ad litem for his services herein, the Court being of the opinion that the said sum of Fifty (\$50.00) Dollars fixed by the Register is the reasonable value of the services performed by the guardian ad litem in this proceeding.

All other matters are reserved for future consideration by the Court.

Ordered, adjudged and decreed this the 5th day of April, 1937.



JUDGE

IN THE MATTER OF : IN THE CIRCUIT COURT OF
THE ESTATE OF DAVID F. :
BARNHILL, :
Deceased : NO. 303 IN EQUITY
BALDWIN COUNTY, ALABAMA.

D E C R E E

on

PETITION AND STATEMENT FOR FINAL SETTLEMENT

This cause is presented on a petition and statement, purporting to be signed by the Administrator, all the adult heirs and the Guardian of all the minor heirs, seeking a final settlement and distribution by Roger F. Barnhill, as Administrator of the Estate of David F. Barnhill, deceased.

It is therefore Ordered, Adjudged and Decreed by the Court that said petition and statement and all matters relating thereto be and they are hereby referred to the Register of this Court with direction that he hold a reference. Except where notice has been waived, the Register shall give notice to all parties of record or their solicitors of record, as provided by law, of the time and place of holding the reference, and he shall give further notice of the time and place of such reference by publication once a week for three successive weeks in some newspaper published in Baldwin County, Alabama.

At said reference any and all persons interested in the final settlement or distribution of said estate may appear and contest said account or any matter relating to a final settlement or distribution of said estate, if they think proper. The Register, if need be, may summon witnesses and hear testimony. He shall examine and audit the account and statement offered for final settlement and distribution, and, after so doing, report his findings and conclusions to this Court. In case he shall charge the Administrator with any item or items, money or property, in addition to those appearing on the account, or shall not allow the

IN THE MATTER OF THE : IN THE CIRCUIT COURT OF
ESTATE OF DAVID F. BARNHILL, : BALDWIN COUNTY, ALABAMA.
DECEASED. : NO. 303 IN EQUITY.

REGISTER'S REPORT

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

I, R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, respectfully show that on October 29, 1937, I held the reference directed in the decree rendered by this Court in the above entitled matter on September 30, 1937. Due notice of the time, place and purpose of holding the reference was given to all parties of record or their solicitors of record and by publication once a week for three successive weeks in The Baldwin Times, a newspaper of general circulation in Baldwin County, Alabama. All the parties of record, all the heirs and distributees of the said David F. Barnhill, deceased, and the administrator of his estate were present in person or by their solicitors of record, the minor heirs of the decedent (David Barnhill, Marjorie Barnhill, Mastin Barnhill, Gordon Barnhill, Bennie Barnhill and D. Wendell Barnhill) being present through and represented by their duly appointed and legally qualified guardian, Exa Lou Barnhill, and said guardian's solicitor of record.

It was shown and agreed that the petition and statement of account filed for final settlement and distribution of the estate of said David F. Barnhill, deceased, was signed and verified by the administrator of his estate, by all of his adult heirs and by the guardian of his minor heirs; that the heirs of the said David F. Barnhill and their respective interests in his estate are correctly stated in said petition and statement, and that the account of Roger F. Barnhill, as administrator of said estate, set forth in said petition is true and correct. Proper vouchers

evidencing the payment of all claims filed against the estate were duly presented, and I therefore report as follows:

1. That the heirs and distributees and their respective interests in the estate of David F. Barnhill, deceased, are correctly stated and set forth in the above mentioned petition and statement of account filed for the final settlement and distribution of the estate of said decedent.

2. That in and about the administration of the estate of said David F. Barnhill, deceased, Roger F. Barnhill as administrator thereof, received a total of Twenty-three Thousand One Hundred Eighty-five and 92/100 Dollars (\$23,185.92), and expended a total of Fourteen Thousand Nine Hundred Thirty-two and 57/100 Dollars (\$14,932.57), including the cost of administration up to the filing of the aforementioned petition and statement of account for final settlement and distribution, which left in his hands the sum of Eight Thousand Two Hundred Fifty-three and 35/100 Dollars (\$8,253.35), out of which he has paid the cost of final settlement and distribution, amounting to the sum of Twenty-three and 00/100 Dollars (\$23.00), leaving a balance of Eight Thousand Two Hundred Thirty and 35/100 Dollars (\$8,230.35) for distribution among the heirs and next of kin of said decedent, and there is nothing for distribution, other than the aforementioned sum of money.

3. That Exa Lou Barnhill, decedent's widow, is entitled to one-fifth (1/5) of the said Eight Thousand Two Hundred Thirty and 35/100 Dollars (\$8,230.35), and each of decedent's above named children to one-ninth (1/9) of the remainder.

Therefore there was awarded and allowed the heirs of said David F. Barnhill, deceased, as their respective distributive shares of his estate the following amounts:

Exa Lou Barnhill, One Thousand Six Hundred Forty-six and 07/100 Dollars	\$1,646.07
Hazel V. Barnhill, Seven Hundred Thirty-one and 50/100 Dollars	\$ 731.58
Roger F. Barnhill, Seven Hundred Thirty-one and 50/100 Dollars	\$ 731.58
Charles Barnhill, Seven Hundred Thirty-one and 50/100 Dollars	\$ 731.58
David Barnhill, Seven Hundred Thirty-one and 50/100 Dollars	\$ 731.58
Marjorie Barnhill, Seven Hundred Thirty-one and 50/100 Dollars	\$ 731.58
Martin Barnhill, Seven Hundred Thirty-one and 50/100 Dollars	\$ 731.58
Gordon Barnhill, Seven Hundred Thirty-one and 50/100 Dollars	\$ 731.58
Bennie Barnhill, Seven Hundred Thirty-one and 50/100 Dollars	\$ 731.58
D. Wendell Barnhill, Seven Hundred Thirty-one and 50/100 Dollars	\$ 731.58
Total, Eight Thousand Two Hundred Thirty and 55/100 Dollars	\$8,230.35

These awards were agreed to by all the parties of record.

4. That the said Roger F. Barnhill, as administrator, aforesaid, has paid the widow and decedent's children the full amounts awarded them respectively, the amounts awarded to the minor children, David Barnhill, Marjorie Barnhill, Martin Barnhill, Gordon Barnhill, Bennie Barnhill and D. Wendell Barnhill, having been paid to their guardian, Exa Lou Barnhill, and proper receipts evidencing all such payments were duly presented.

5. That the estate of the said David F. Barnhill, deceased, has been duly administered and distributed, nothing further remains to be done by the said Roger F. Barnhill, as administrator of said estate, and he and the surety on his bond as such administrator, are entitled to a decree absolving and discharging them from all further duty and liability.

Respectfully submitted this the _____ day of _____, 1937.

Register of the Circuit Court of
Baldwin County, Alabama.

We, the undersigned, being the solicitors of record for all the parties of record in the matter of the final settlement and distribution of the estate of David F. Barnhill, deceased, agree that the above and foregoing report of R. S. Duck, as Register of the Circuit Court of Baldwin County, Alabama, is true and correct, and that a decree may be entered absolving and discharging Roger F. Barnhill and the surety on his bond as administrator of the estate of David F. Barnhill, deceased, from all further duty and liability.

Done this the _____ day of _____, 1937.

GORDON, EDINGTON & LEIGH

By _____
Solicitors of Record for Roger F. Barnhill, individually and as Administrator of the Estate of David F. Barnhill, deceased, Hazel V. Barnhill, and Charles Barnhill.

Solicitor of Record for Exa Lou Barnhill, individually and as Guardian for David Barnhill, Marjorie Barnhill, Mastin Barnhill, Gordon Barnhill, Bennie Barnhill and D. Wendell Barnhill, minor children and heirs of David F. Barnhill, deceased.

IN THE MATTER OF : IN THE CIRCUIT COURT OF
THE ESTATE OF : BALDWIN COUNTY, ALABAMA.
DAVID F. BARNHILL, : NO. 303 IN EQUITY
DECEASED. :

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

Come your petitioners, Roger F. Barnhill, individual-
ly and as Administrator of the Estate of David F. Barnhill,
deceased, Exa Lou Barnhill and Hazel V. Barnhill, as heirs
and next of kin of said David F. Barnhill, and respectfully
show unto the Court and to your Honor:

ONE

That your petitioners are all over the age of
twenty-one years and reside in the County of Baldwin, State
of Alabama.

TWO

That the said David F. Barnhill died in Baldwin
County, Alabama, on, to-wit, the 11th day of April 1936,
and on, to-wit, April 20, 1936, petitioner Roger F. Barnhill
was duly appointed by the Probate Court of said County as
administrator of the estate of said David F. Barnhill, and
after qualifying, took upon himself the burden of administer-
ing said estate, but by an order or decree subsequently
made and entered by this Honorable Court the administration
of said estate was removed from the Probate Court to this
Honorable Court where it is now being administered with
petitioner Roger F. Barnhill still acting as administrator
of said estate.

THREE

That the heirs of said David F. Barnhill and
distributees of his estate are your petitioner Exa Lou
Barnhill, who is his widow, and nine children; namely,
petitioners Roger F. Barnhill and Hazel V. Barnhill,
who, as aforesated, are over the age of twenty-one years,

and Charles Barnhill, David Barnhill, Marjorie L. Barnhill, Mastin Barnhill, Gordon Barnhill, Bennie Barnhill and D. Windell Barnhill, who are minors under the age of twenty-one years, and all under the age of fourteen years except Charles Barnhill, who will be twenty-one years of age in June 1937, David Barnhill, who is eighteen years of age, and Marjorie L. Barnhill, who became fourteen years old on October 19, 1936.

That none of the above named minors have any general guardian, none are married, all reside with petitioner Exa Lou Barnhill, who is their mother and who maintains and supports all said minors, except the said Charles Barnhill and David Barnhill.

FOUR

That all of the claims filed in the Probate Court of Baldwin County, Alabama against the said David F. Barnhill and his estate have been fully paid and it becomes the duty of petitioner Roger F. Barnhill as administrator to make final settlement and distribution of said estate, but final settlement and distribution cannot be made until the personal property of said estate has been sold by proper order of this Honorable Court.

FIVE

That said decedent, David F. Barnhill, at and prior to the time of his death was engaged in the naval stores business, tapping, cupping and working living pine trees, extracting therefrom the crude turpentine and processing the same into spirits of turpentine and gum rosin.

SIX

That all the personal property except the twelve head of cattle hereinafter mentioned, owned by the said David F. Barnhill and now held by petitioner Roger F. Barnhill, was used by the said David F. Barnhill, while living, in conducting and operating his naval stores business, and since his death petitioner Roger F. Barnhill, as Administrator of his estate, has continued to use the same in the same manner and for the same purposes. That true and correct

descriptions of all the personal property owned by the said David F. Barnhill at the time of his death and now held by petitioner, Roger F. Barnhill, as administrator of his estate are as follows:

One sixteen barrel turpentine still, located on lands belonging to petitioner Exa Lou Barnhill, and the accessories to said still consisting of twenty-eight dip barrels and one set of cooper tools.

Approximately ten crops of turpentine cups, consisting of 10,000 cups to the crop, making a total of approximately 100,000 cups so owned.

One 1935 model Chevrolet motor truck.

One model "T" 1927 Ford motor truck.

One two horse wagon, without body, purchased in 1934.

Two mules, one named Bill, about ten years old, and one named Emma, about twelve years old.

Four cows, most of them old, and eight calves and yearlings, making a total of twelve head of cattle so owned by the said decedent and his estate.

Also certain leases in which the said decedent was given the right to work and use for turpentine purposes the pine trees on certain lands situate in Baldwin County, Alabama. The names of the parties executing or giving said leases, the dates of each of said leases, the time each expires, and the lands described in each are as follows:

Lease made by Cornelia Groot dated December 14, 1935, expires December 14, 1938 and covers the following described lands:

The Northwest Quarter of the Southeast Quarter, and the Northeast Quarter of the Southwest Quarter of Section Four, in Township Five South of Range Four East, upon which there are, to-wit, three thousand six hundred trees suitable for turpentine purposes.

Lease made by Ort H. Ertzinger, Agent, dated November 13, 1935, expires January 1, 1938 and covers the following described lands:

East Half of Northwest Quarter of Southwest Quarter; Northeast Quarter of Southwest Quarter, and Southeast Quarter of Southwest Quarter, less twenty-five acres sold to Phillips, of Section Twenty-nine, Township Five South of Range Four East, on which there are, to-wit, one thousand seven hundred trees suitable for turpentine purposes.

Lease made by Wilkin Igo dated January 30, 1935, expires January 30, 1938, and covers the following described lands:

South Half of Southeast Quarter; South Half of Southwest Quarter; Southeast Quarter of Northeast Quarter, plus ten acres in Southeast Quarter, and Southwest Quarter of Northwest Quarter, of Section Thirty-six, Township Four South of Range Three East.

South Half of Southeast Quarter and Southeast Quarter of Northeast Quarter, less ten acres, of Section Thirty-five, in Township Four South of Range Three East, upon which there are, to-wit, eight thousand eight hundred trees suitable for turpentine purposes.

Lease made by Mrs. Winfield Martin dated January 7, 1935, expires January 7, 1938 and covers the following described lands:

East Half of Southeast Quarter of Section Seven, in Township Five South of Range Three East, upon which there are, to-wit, two thousand four hundred trees suitable for turpentine purposes.

Lease made by Elise M. Jones dated November 27, 1935, expires November 27, 1939 and covers the following described lands:

The East Half of the Southwest Quarter of the Southeast Quarter of Section Five, in Township Five South of Range Three East, on which there are, to-wit, six hundred pine trees suitable for turpentine purposes.

Lease made by Johanna Kraus, dated January 15, 1936, expires January 14, 1940 and covers the following described lands:

Southwest Quarter of the Southeast Quarter; the Southeast Quarter of the Southwest Quarter, and the West Half of the Southwest Quarter of Section Twenty-seven, in Township Four South of Range Four East, upon which there are, to-wit, three thousand five hundred trees suitable for turpentine purposes.

Lease made by W. D. Duck dated January 3, 1936, expires January 3, 1939 and covers the following described lands:

The South Half of North Half of Southwest Quarter of Northwest Quarter; the North Half of South Half of Southwest Quarter of Northwest Quarter of Section Thirty-five, in Township Four South of Range Four East, upon which there are, to-wit, one thousand one hundred trees suitable for turpentine purposes.

Lease made by Judson College dated February 23, 1936, expires February 23, 1940 and covers the following described lands:

The Southeast Quarter of the Northeast Quarter, and the Northeast Quarter of the Southeast Quarter of Section Twenty-seven, in Township Four South of Range Four East, upon which there are, to-wit, one thousand eight hundred trees suitable for turpentine purposes.

Lease made by Ort H. Ertzinger dated January 15, 1936, expires January 1, 1941 and covers the following described lands:

The South Half of the Northeast Quarter of Section Thirty, in Township Five South of Range Four East, upon which there are two thousand three hundred trees suitable for turpentine purposes.

It is stipulated in this lease that the lessor may cancel the same at the end of any one year by paying to the lessee Thirty Dollars per year for each year that said lease would have thereafter continued had it not been for such cancellation.

Lease made by J. H. Canann dated January 14, 1936, expires January 14, 1938 and covers the following described lands:

The South Half of the Northwest Quarter of Section Twenty-three, in Township Five South of Range Three East, upon which there are, to-wit, two thousand two hundred seventy trees suitable for turpentine purposes.

Lease made by Ort H. Ertzinger dated March 5, 1936, expires January 1, 1939 and covers the following described lands:

South Half of the Southwest Quarter of Section Twenty-eight, in Township Four South of Range Three East, on which there are, to-wit, three thousand two hundred trees suitable for turpentine purposes.

Lease made by Frank Butler, Jr. dated February 19, 1936, expires January 21, 1939 and covers the following described lands:

The East Half of the Southwest Quarter of Section Thirty-three, in Township Four South of Range Four East, upon which there are, to-wit, two thousand two hundred trees suitable for turpentine purposes.

Lease made by William F. Johnson, dated January 18, 1936, expires January 16, 1939 and covers the following described lands:

The West Half of the Southwest Quarter of Section Thirty-three, in Township Four South of Range Four East upon which there are, to-wit, two thousand trees suitable for turpentine purposes.

Lease made by Tobe Arnett dated January 17, 1936, expires January 17, 1939 and covers the following described lands:

The Northwest Quarter of the Southeast Quarter of Section Twenty-seven, in Township Four South of Range Four East, upon which there are, to-wit, one thousand trees suitable for turpentine purposes.

Lease made by J. W. McGrath and his wife, Bethel J. McGrath, dated January 15, 1936, expires January 15, 1939 and covers the following described lands:

The South Half of the Southeast Quarter of Section Six, in Township Five South of Range Four East, upon which there are, to-wit, four thousand five hundred trees suitable for turpentine purposes.

Oral lease made by Orrie Stapleton in January 1936 for a total consideration of one hundred twenty-five dollars, twenty-five dollars of which was paid by said decedent and the remaining eighty dollars by petitioner Roger F. Barnhill, as administrator on his estate, which oral lease was for a period of four years and covers the following described lands:

The East Half of the Southwest Quarter of Section Eighteen, in Township Five South of Range Three East, upon which there are, to-wit, one thousand trees suitable for turpentine purposes.

All of the pine trees on the above described lands that are suitable to be worked and used for turpentine purposes have been cupped and are being used for such purposes.

SEVEN

That, as aforesaid, all of the above mentioned and described properties, with the exception of the above described cattle, were being used and operated by the said David F. Barnhill, while living, in conducting his naval stores business and are now being so used. Petitioners desire that all of said properties be sold for a distribu-

tion of the net proceeds derived from said sale among those entitled to share in such distribution, petitioner Exa Lou Barnhill (decedent's widow) being entitled to one-fifth (1/5) and each of decedent's children hereinabove named to one-ninth of four-fifths (1/9 of 4/5) of such proceeds. Petitioners are of the opinion and allege that it will be to the best interest of all of those entitled to share in the distribution of the proceeds of said sale to have all of said properties and assets sold in bulk and at private sale and that a better price can and will be obtained for said properties if sold in bulk and at private sale than if sold at public outcry under an order or decree of this Honorable Court, so that the purchaser in addition to acquiring title to the properties and assets hereinabove mentioned and described, may and will obtain as a live or going business the naval stores operations conducted by the said D. F. Barnhill while living. Petitioners desire to keep all of said properties, assets and business within the family of said decedent and that the same be purchased by petitioner Exa Lou Barnhill, widow of the said David F. Barnhill and mother of his children herein named, provided she is willing to pay therefor a price equal to or in excess of the market value of the same.

EIGHT

Petitioners are of the opinion that the market value of all of the above described properties and assets, including all the rights and privileges given in and by each and all of the above mentioned and described leases is between Three Thousand One Hundred (\$3,100.00) Dollars and Three Thousand Two Hundred (\$3,200.00) Dollars. And petitioner Exa Lou Barnhill is willing to pay and offers to pay in cash Three Thousand Two Hundred (\$3,200.00) Dollars for all of said properties and assets, provided this Honorable Court is of the opinion that said price is not less than the reasonable market value of said properties and assets, and provided further that no one is willing to pay an amount equal to or in excess of the reasonable value of

said properties and assets as fixed by the Register of this Honorable Court at the reference hereinafter prayed.

Wherefore, petitioners pray that Charles F. Barnhill, David Barnhill, Marjorie L. Barnhill, Mastin Barnhill, Gordon Barnhill, Bennie Barnhill and D. Windell Barnhill, and each of them, be given proper, due and legal notice of the filing and prayer of this petition or bill, and that a guardian ad litem or guardians ad litem be appointed to represent them, and, each of them, to preserve, defend and protect their respective rights and interests as fully and completely as they and each of them could or would do for themselves if they were adults and not minors.

Petitioners further pray that this cause be referred to the Register of this Honorable Court with direction that, after giving the guardian ad litem or guardians ad litem for said minors due and legal notice of the time and place of holding the same, he hold a reference and report to this Court whether it will be beneficial to all of the parties interested in the estate of the said decedent David F. Barnhill, to sell all of the above mentioned and described properties and assets in bulk at private sale, and whether the offer and proposal of petitioner Exa Lou Barnhill to purchase said properties and assets at and for the price hereinabove stated shall be accepted, and if the Court, upon careful consideration, shall be of the opinion that a private sale will be beneficial and the proposed sale to petitioner Exa Lou Barnhill should be approved, it will so order and direct that petitioner Roger F. Barnhill, upon full payment of the purchase price, execute a proper conveyance and assignment to petitioner Exa Lou Barnhill, conveying and assigning to her all the right, title and interest that said decedent had and that he, as administrator of said estate, and the heirs of said decedent, have in and to all of said properties and assets, including all rights and privileges acquired under

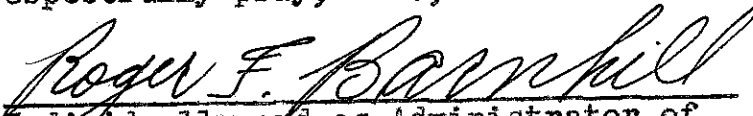
and by virtue of each and all of the aforementioned leases for turpentine purposes.

Petitioners further pray that the Register be directed that if upon said reference he finds that a private sale will be beneficial but that the reasonable market value of said properties and assets is in excess of the amount offered by petitioner Exa Lou Barnhill, he state in his report what, in his opinion, is the reasonable market value of the same, and that the Court will thereupon order or decree that said properties and assets shall be sold and conveyed at and for said price, provided a purchaser for cash can be found within the time fixed by the Court in said order or decree.

Petitioners further pray that if upon the coming in of the Register's report the Court is of the opinion that a private sale will not be beneficial to all parties in interest, ^{OR} that a private sale will be beneficial but the amount offered by petitioner Exa Lou Barnhill is less than the reasonable value of said properties and assets, and no purchaser for said properties and assets at and for the price fixed by the Register can be found within the time fixed by the Court, then, and in any of said events, all of said properties and assets be sold at public outcry in such manner as the law directs, or in such way as the Court may deem most beneficial for all the parties in interest.

Petitioners further pray for such other, further, different and general relief to which they and other interested parties may in equity and good conscience be entitled in the premises.

Petitioners respectfully pray, etc., etc.


Individually and as Administrator of
the Estate of David F. Barnhill, de-
ceased.

Ora Lou Barnhill
Hazel V. Barnhill

Ora Lou Edington Feys
SOLICITORS FOR PETITIONERS

STATE OF ALABAMA,
COUNTY OF BALDWIN.

Before me, Ora Sirmon, a Notary Public in and for said County, in said State, this day personally appeared Roger F. Barnhill, who is known to me, and who being by me first duly and legally sworn, deposes and says:

That he read and signed the foregoing petition or bill of complaint, individually and as administrator of the estate of David F. Barnhill, deceased, that he knows the contents of said petition or bill, and all of the facts therein stated are true and correct as therein written.

Roger F. Barnhill

Sworn to and subscribed before me this the 5th day of March 1937.

Ora Sirmon
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.