

FIRST NATIONAL BANK OF MOBILE,
ALABAMA, As Executor of the Estate
of Della O. Nichols, Deceased,

Plaintiff,

JEMIMA NICHOLS,

Defendant.

IN COURT OF JUSTICE OF

THE PEACE,


G. E. PERKINS, JUDGE.

Came the parties on the 16th day of April, 1938,
and upon evidence I find the said Jemima Nichols guilty of
unlawful detainer as complained against her by the First
National Bank of Mobile, Alabama, as executor of the estate
of Della O. Nichols, deceased, and I, therefore, order and
adjudge that Jemima Nichols restore to the First National
Bank of Mobile, Alabama, as executor of the estate of Della
O. Nichols, deceased, the possession of the tract of land
mentioned in the complaint, to-wit:

From the Southeast corner of Fractional Section
18, T. 6 S. R. 2 East, run West 38.43 chains
(2536.4 feet), thence North 14.5 chains (957.0
feet), thence North 50°0' West 802.5 feet along
the South line of Della O. Nichols Estate, to
its intersection with the East side of Mobile
Avenue, which point is the Northwest corner of
Block 13, Division 2, Fairhope Single Tax Corpo-
ration Subdivision, and the beginning point of
this lot description, thence South 50°0' East
250 feet to a corner, thence North 28°30' East
60 feet to a corner, thence North 50°0' West
250 feet to a corner, thence South 28°30' West
60 feet to the point of beginning.

Said property being the property now occupied
by Mrs. Jemima Nichols, and bounded on the South
by property now or late of Mrs. Hill, on the West
by Mobile Avenue, on the North by cottage named
"Meadowea" owned by the Estate of Della O. Nichols,
and on the East by property of the Estate of Della
O. Nichols, Deceased,

and further, pay \$25.00 for the detention, together with the
cost of this proceeding.


Justice of the Peace.

Rendered April 16th, 1938.

WM. B. & C. C. INGE
ATTORNEYS AT LAW
FIRST NATIONAL BANK BUILDING
MOBILE, ALA.

WM. B. INGE
C. C. INGE
M. F. GOODLOE

March 8, 1938

Mrs. Jemima Nichols
Fairhope, Baldwin County,
Alabama

Dear Madam:

Notice is hereby given you of the termination of your tenancy of property in or near Fairhope, Alabama, described as follows:

From the Southeast corner of Fractional Section 18, T. 6 S. R. 2 East, run West 38.43 chains (2536.4 feet), thence North 14.5 chains (957.0 feet), thence North 50°0' West 802.5 feet along the South line of Della O. Nichols Estate, to its intersection with the East side of Mobile Avenue, which point is the Northwest corner of Block 13, Division 2, Fairhope Single Tax Corporation Subdivision, and the beginning point of this lot description, thence South 50°0' East 250 feet to a corner, thence North 28°30' East 60 feet to a corner, thence North 50°0' West 250 feet to a corner, thence South 28°30' West 60 feet to the point of beginning.

Said property being the property now occupied by you, and bounded on the South by property now or late of Mrs. Hill, on the West by Mobile Avenue, on the North by cottage named "Meadowea" owned by the Estate of Della O. Nichols, and on the East by property of the Estate of Della O. Nichols, Deceased.

Immediate possession of the above described property is respectfully demanded.

Yours very truly,

FIRST NATIONAL BANK OF MOBILE

By

N. A. [Signature]

Trust Officer

Executor of the Estate of
Della O. Nichols, Deceased

WARRANTY DEED

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS, That I, CHARLES E. NICHOLS, for and in consideration of love and affection and Ten Dollars (~~\$10.00~~) to me in hand paid by Della C. Nichols, the receipt whereof I do hereby acknowledge, do hereby grant, bargain, sell enfeoff and confirm and convey unto the said Della C. Nichols, the following real estate lying in the County of Baldwin, State of Alabama, to-wit:

The south half of that lot, parcel or tract of land in Township Six (6) South Range Two (2) East in Baldwin County aforesaid, being part of Fractional Section Eighteen, the whole of said lot being described as follows: According to a survey and description made on the twelfth day of June, 1894, by W. L. Durant, surveyor of Baldwin County. Commencing at a stake N. on the shore of Mobile Bay thence South 50° East to a stake 15⁸⁵ chains, thence North 40° East 6³⁴ chains to a stake, thence North 50° West 16⁷⁵ chains more or less to ~~Mobile Bay, thence along the shore of Mobile Bay to place of beginning.~~ said South half of above described lot containing Five 13/100 acres more or less. The above mentioned stake N. may be located as follows: Start at the Southeast corner of Fractional section Eighteen (18) run West 38 43/100 chains, thence North 14⁵⁰ chains, thence North 50° West to stake, N. 15⁸⁵ chains. Also that lot of land in Sec. Twenty (20) in Township six (6) South Range Two (2) East of the St. Stephens Meridian, more particularly described as the Northwest quarter of the Northwest quarter of Section Twenty, Township Six (6) South Range Two (2) East, containing Forty Acres more or less.

Together with all tenements, hereditaments, rights, members and privileges unto the above granted and described premises belonging or in anywise appertaining to have and to hold the above described and granted premises, with the appurtenances unto the said Della C. Nichols and to her heirs and assigns forever.

In testimony whereoff I have hereunto set my hand and seal this the 16th day of Dec. 1897.

C. E. NICHOLS

(L. S.)

STATE OF ALABAMA,)
MONTGOMERY COUNTY.)

I, Geo. Stowers, a Notary Public in and for said
County in said State hereby certify that C. E. Nichols, whose
name is signed to the foregoing conveyance, and who is known
to me, on this day, acknowledged before me that being informed
of the contents of the conveyance, he executed the same voluntarily
on the day the same bears date.

Given under my hand this the 16th day of December, 1897.

GEO. STOWERS
Notary Public

State Of Alabama,
County Of Baldwin,

In the Circuit Court of
Baldwin County, Alabama,


At Law.

First National Bank of Mobile,
Alabama, as Executor of the Estate
of Della Oswalt Nichols, Deceased.,
Plaintiff,

vs.

Jamima McCalla Nichols,
Defendant.

Comes Jamima McCalla Nichols in the above styled cause
and demands a jury trial in this case.



Attorney for Jamima McCalla Nichols.

8-242

RECORDED

FIRST NATIONAL BANK OF
MOBILE, ALABAMA, EXECUTOR.

Plaintiff,

vs.

JEMIMA McCALLA NICHOLS,

Defendant.

JURY DEMAND.

Filed this 10 day May 1905
P. S. D. Clerk-Register

STATE OF ALABAMA }

BALDWIN COUNTY }

We, Jamima McCalla Nichols as principal and _____
Jesse O. Stimpson and Catherine M. Carr as sureties,
are bound unto the First National Bank of Mobile, Alabama as executor of the Estate of Della Oswalt Nichols, deceased in the sum of Six hundred (\$600.00) Dollars, for the payment of which we jointly and severally bind ourselves, our heirs, executors, and administrators. Sealed with our seals and dated the 20th day of April, 1937.

The condition of the above obligation is such that on the 16th day of April, 1938 Hon. G. E. Perkins a Justice of the Peace in and for said County rendered a judgment in favor of the said First National Bank of Mobile, Alabama, as executor of the Estate of Della Oswalt Nichols, deceased, against said Jamima McCalla Nichols in an action of forcible entry and unlawful detainer for possession of the following described property:

From the Southeast corner of Fractional Section 18, T. 6 S. R. 2 East, run West 38.43 chains (2536.4 feet), thence North 14.5 chains (957.0 feet), thence North 50° 0' West 802.5 feet along the South line of Della O. Nichols Estate, to its intersection with the East side of Mobile Avenue, which point is the Northwest corner of Block 13, Division 2, Fairhope Single Tax Corporation Subdivision, and the beginning point of this lot description, thence South 50° 0' East 250 feet to a corner, thence North 28° 30' East 60 feet to a corner, thence North 50° 0' West 250 feet to a corner, thence South 28° 30' West 60 feet to the point of beginning.

Said property being the property now occupied by Mrs. Jamima Nichols, and bounded on the South by property now or late of Mrs. Hill, on the West by Mobile Avenue, on the North by cottage named "Meadowea" owned by the Estate of Della O. Nichols, and on the East by property of the Estate of Della O. Nichols, Deceased.

and has ascertained the sum of Three hundred (\$300.00) Dollars as the yearly rental value of the above described premises, from which said judgment the said Jamima McCalla Nichols has applied for and obtained an appeal to the Circuit Court of Baldwin County, Alabama; if the

said Jamima McCalla Nichols shall prosecute said appeal to effect,
or if she fail in said appeal shall pay the plaintiff all such
damages as the plaintiff may sustain by the prosecution of the appeal
and shall pay such judgment and the costs, as may be rendered
against her by said Circuit Court of Baldwin County, Alabama, then
in either of said events this obligation to be void, otherwise to
remain in full force and effect.

Jemima McCalla Nichols
Jose C. Stimpson
Katherine M. Carr

Taken and approved this 20th day of April, 1938.

C. E. Perkins
JUSTICE OF THE PEACE,
PRECINCT 10 BALDWIN
COUNTY, ALABAMA.

G. E. PERKINS

JUSTICE OF THE PEACE

FAIRHOPE, ALABAMA

April 21th. 1938

Mr. Duck, Clerk Circuit Court

Bay Minette, Ala.

Dear Sir;-

Inclosed Transcrip of proceeding in Civil Case of proceedings in the case of First Natinnal Bank of Mobile Ala., Executor of the estate of Della O. Nichols, deceased, V. S. Jemima Nichols, for Unlawful Detainer. Together with all papers pertaining to the said case. Said case to placed on docket for the fall term of the Circuit Court.

Yours very truly



G. E. Perkins

One Notice to Vacate said property	1
Summons and Complaint	1
Post Office Regerstration Receipt	1
Copy of decision of Justice of the Peace	1
Copy of letter of notice to vacate of March 8th.1938.	
Copy of Deed from Charles E. Nichols, to Della O. Nichols,	1
Copy of Will of Della O. Nichols	1
Copy of Deed drawn up and not signed, from Della O. Nichols to F. E. Nichols	1
Bond from Jemima Nichols, and signed by Jess O. Stimpson and Catherine M. Carr.	1

Yours truly

G.E. Perkins

The State of Alabama,

CIRCUIT COURT

Baldwin COUNTY.

Baldwin, Term, 1955

First National Bank of Mobile

No. 433

vs.

BILL OF COSTS

CLERK'S FEES		@	Amount	SHERIFF'S FEES		@	Amount
1	Issuing..... Summons and Complaint.....	\$1	25	1	Levying..... Attachment.....	\$3	00
2	Issuing..... copies thereof.....	30		2	Entering and returning..... Attachment.....	25	
3	Making every copy thereof, when over 200 words, per 100 words.....	15		3	Summoning..... garnishee and return.....	1	50
4	Entering..... Sheriff's return or copy thereof.....	20		4	Serving..... Summons and Return.....	1	50
5	Docketing cause, to be charged but once.....	25	25	5	Serving..... Subpoenas.....	65	
6	Entering Appearance.....	20	20	6	Impanelling jury.....	75	
7	Filing..... pleas, demurrer and other pleadings, for each.....	10	130	7	Making deed.....	2	50
8	Every trial, with or without jury, and its incidents, not including judgments by default or nil dicat.....	75		8	Serving Summons, forcible entry, etc.....	1	50
9	Entering..... Continuance (each).....	10		9	Executing writ of restitution or possession.....	5	00
10	Entering..... judgment, (each).....	30		10	Collecting execution for cost.....	1	50
11	Entering any other order of Court (each).....	30	30	11	Serving..... Sci. Fa., notices, etc.....	1	50
12	Issuing..... Scire Facias, or notice in the nature thereof (each).....	75		12	Serving any summons not provided for and return.....	1	50
13	Issuing..... Execution or copy thereof (each).....	50		13	Serving..... attachment for contempt.....	1	50
14	Entering return, or copy thereof, for each 100 words, 15 cts; but in no case less than.....	20		14	Taking and approving..... bond.....	1	00
15	Recording award of arbitrators, referees, auditors, etc., for each 100 words.....	15		15	Seizing personal property in detinue.....	3	00
16	Issuing execution or attachment thereon, and entering return.....	1	00	16	Collecting money under execution, 5% first \$200.00; 4% to \$500.00; 3% all over \$500.00.....		
17	Taking bond for certiorari-supersedeas, or appeal, or copy thereof and filing same.....	75		17	Selling property attached, same for selling under execution.....		
18	Issuing..... Subpoenas for Witness (each).....	30		18	Former Sheriff's fees.....		
19	Administering an oath, not relating to a trial pending and certifying the same.....	25		Total Sheriff's Fees.....			
20	Issuing..... Attachment and taking bond (each).....	1	00	RECAPITULATION			
21	Filing..... papers in attachment (each).....	10		1	Clerk's Fees.....	6	55
22	Issuing..... Summons for garnishee (each).....	50		2	Clerk's Fees.....		
23	Swearing and taking examination for Garnishee and recording same, for each 100 words 15 cts; but not less than.....	50		3	Sheriff's Fees.....		
24	Order to advertise, or order of survey, or copy thereof.....	50		4	Sheriff's Fees.....		
25	Certificate of Judgment.....	50		5	Witness Fees in Circuit Court.....		
26	Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but not less than.....	25		6	Justice of the Peace Fees.....	13	20
27	Issuing..... Commission to take depositions, or copy thereof.....	75		7	Witness Fees, in Justice of the Peace Court.....		
28	Making copy of interrogatories accompanying commission.....	50		8	Commissioner's Fees.....		
29	Or for each 100 words.....	15		9	Commissioner's Residence.....		
30	Filing..... packages of depositions (each).....	10		10	Constable's Fees.....		
31	Indorsing..... package of depositions, opened (each).....	10		11	Garnishee's Fees.....		
32	Issuing..... writ of ad quod damnum or writ in the nature thereof.....	75		12	Printer's Fees.....		
33	Recording the return and inquest thereon.....	50		13	Stenographer's Fees.....	3	00
34	Or for each 100 words.....	15		14	Trial Tax.....		
35	Issuing..... Writ of certiorari, prohibition, mandamus, or writ in the nature thereof.....	75		Total Fees.....			
36	Filing the same and entering return.....	15				22	75
37	Making a complete record of a cause or copy thereof, for each 100 words.....	15	450	15	Judgment.....		
38	Making copy of any paper not herein provided for, for each 100 words.....	15		16	Date.....		
39	Making each certificate requiring the seal of office, and affixing seal.....	50		17	Interest.....		
40	Taking any bond not otherwise provided for.....	75		18	Damages.....		
41	Making..... necessary certificates not otherwise provided for (each witness).....	25		Total Judgment.....			
42	For certifying abstract, in lieu of fees for transcript under section 2851 of the Code.....	5	00	Interest and Damages.....			
43	Record for Supreme Court, for each 100 words.....	15		Grand Total.....			
44	Each additional copy thereof, for each 100 words.....	05					
45	Collecting money on judgments wherein said judgment has not been paid within 30 days after rendition, one half the per cent allowed sheriffs for same services for collecting money on execution.....						
Total Clerk's Fees.....			655				

Transcript of Civil Cases from Justice's Court of Baldwin County, Ala.

ATTORNEYS	NAMES OF PARTIES	CAUSE OF ACTION	ITEMIZED BILL OF COSTS	
Wm. B. & C. C. Inge, Pl.	First Nat. Bank, Executors	Unlawful Detainer	<div style="text-align: center;">JUSTICE'S FEES</div>	
William H. Cowan &	of the Estate of Della O. Nichols, Deceased, Plaintiff		Issuing Summons \$ 50	50
H. M. Hall, Defence	Jemima Nichols, Defendant		Issuing Alias Summons 50	
			Examining 4 witnesses @ 25¢ 1 00	40
			Issuing Subpoena for each witness.. 15	
			Issuing Execution and Taxing Cost..... 50	
			Issuing Summons to Garnishee and taking answer 50	
			Issuing Attachment Writ..... 50	
			Attachment Bond and Affidavit 1 50	
			Garnishment Bond and Affidavit 50	
			Appeal or Certiorari, including Bond 1 00	1 00
			Bond 50	
			Administering Oath and Certifying Same..... 25	25
			Certificate not otherwise provided for.... 25	
			Docketing Cause..... 10	10
			Judgment on Forthcoming Stay or Replevin Bond 50	
			Judgment on Summary Proceeding..... 75	
			Issuing Venire Facias 50	
			Transcript of Proceeding 50	50
			Attending Trial or Right of Property 1 00	2 00
			Sci. Fa. or notice in nature thereof..... 50	
			Making Return of Certiorari 50	
			Notice to Defendant..... 15	
			Release 25	
			<div style="border: 1px solid black; padding: 2px;"> Sheriff CONSTABLE'S FEES CIVIL CASES </div>	
			Serving Summons..... 1 00	1 50
			Serving Summons on Each Witness..... 25	
			Serving Notice to Vacate 25	1 00
			Levying Attachment under \$50.00..... 1 00	
			Levying Execution under \$50.00..... 1 00	
			Making Money, 3 per cent, not less than..... 75	
			Serving Notice, etc., on each party therein 25	
			Serving Sci Fa. or other like Notice..... 50	
			Taking Bail or other Bond 50	
			Keeping Property Levied on.....	
			<div style="border: 1px solid black; padding: 2px;"> WITNESS' FEES </div>	
			Witness Days 50	3 00
			Garnishee's Fee.....	20

DATES	DISPOSITION OF CASE
April 16th. 1938	Bond and Affidavit Filed. April 20th. 1938
	Summons and Complaint Issued ret. G. E. Perkins, Justice Court
	Ret. executed by J. H. Titus, D. S.
	Came the parties on the 16th. day of April, 1938, and
	upon evidence I find the said Jemima Nichols guilty of
	Unlawful detainer as complained against her by the First
	Nationla Bank of Mobile, Alabama, as executor of the esta-
	te of Della O. Nichols, deceased, and I, therefore, order
	and adjudge that Jemima Nichols restore to the First National
	Bank of Mobile, Alahama, as ececutor of the estate of Della
	O. Nichols, deceased, the possession of the tract of land
	mention in the complaint, which is attaced.
	G. E. Perkins, Justice of the Peace

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT

Personally appeared before me, ^{a notary public} T. W. RIGHERSON, Clerk of the Circuit Court in and for Baldwin County and State aforesaid Elliot B. Rinkley

who being duly sworn, on oath says, that a regular

of the Circuit Court of Baldwin County, to-wit: on the 27th day of June 1928 Term

1928, the Bank of Fairhope
recovered a judgment against Cleveland C. Gantt

One hundred and seventy five for the sum of
besides costs of suit; that said judgment remains wholly unsatisfied and in full Dollars,
H. G. McKean and the Western Woodworking Company,
both of Fairhope Ala are force and effect; that

supposed to be indebted to or have effects of the said Cleveland C. Gantt
in their possession, or under their control, and that he believes process of
Garnishment against said Cleveland C. Gantt
is necessary to obtain satisfaction of said Judgment.

Sworn to and subscribed this 25th
day of April A. D. 1928

Arbut H. Rinkley
Notary Public

Elliot B. Rinkley
Clerk

STATE OF ALABAMA,)
BALDWIN COUNTY.)

To Mrs. Jemima Nichols:

You are hereby commanded to be and appear before me at my office in Fairhope, Alabama, on the 9th day of April, 1938, at 2 o'clock, to answer to and make defense against the complaint exhibited before me against you by the First National Bank of Mobile, Alabama, as executor of the Estate of Della C. Nichols, Deceased, for an unlawful detainer.

WITNESS my hand, this the 15th day of April, 1938.

E. E. Perkins
Justice of the Peace.

FIRST NATIONAL BANK OF MOBILE,
ALABAMA, As Executor of the Estate
of Della C. Nichols, Deceased,
Plaintiff,

vs.

JEMIMA NICHOLS,
Defendant.

The plaintiff sues to recover possession of the following tract of land:

From the Southeast corner of Fractional Section 18, T. 6 S. R. 2 East, run West 38.43 chains (2536.4 feet); thence North 14.5 chains (957.0 feet); thence North 50°0' West 802.5 feet along the South line of Della C. Nichols Estate, to its intersection with the East side of Mobile Avenue, which point is the Northwest corner of Block 13, Division 2, Fairhope Single Tax Corporation Subdivision, and the beginning point of this lot description, thence South 50°0' East 250 feet to a corner, thence North 28°30' East 60 feet to a corner, thence North 50°0' West 250 feet to a corner, thence South 28°30' West 60 feet to the point of beginning.

Said property being the property now occupied by Mrs. Jemima Nichols, and bounded on the South by property now or late of Mrs. Hill, on the West by Mobile Avenue, on the North by cottage named "Meadowea" owned by the Estate of Della C. Nichols, and on the East by property of the Estate of Della C. Nichols, Deceased,

of which she was in possession, and upon which, pending such possession, and before the commencement of this suit, the defendant lawfully entered as a tenant at will of the late Della C. Nichols, and which now the defendant after the termination of her possessory interest, and after the plaintiff's demand in writing therefor, unlawfully detains, together with Fifty and 00/100 Dollars (\$50.00) for the detention thereof.

W. B. G. Long
W. J. Foster
Attorneys for Plaintiff.

I, DELLA O. NICHOLS, a resident of Fairhope, Baldwin County, Alabama, do make and declare this to be my last will and testament, hereby expressly revoking all other wills made by me.

ONE

I wish all my debts paid as soon after my death as is practicable.

TWO

I give to my granddaughter, Alice Adelle Nichols, my set of Haviland china to be given to her at the time of my death.

THREE

I give and bequeath to my two grandchildren, Alice Adelle Nichols and Madelyne Nichols, my two diamond rings to be delivered to them at the time of my death. They are to select by lot which one of the rings each will take.

FOUR

I give, devise and bequeath to the First National Bank of Mobile, Alabama, Six Thousand & 00/100 Dollars (\$6,000.00) face value in bonds, said bonds to be selected by the Trustee, and the lot and residence which I own in Montgomery, Alabama, to be by it held in trust for the following use and purpose.

(a) This trust is for the joint use and benefit of my two grandchildren, Alice Adelle Nichols and Madelyne Nichols. If either should die leaving children, her share shall go to her children. If either should die without children, the share she would have taken shall go to the other sister and if she be dead to her children. Should I have additional grandchildren before the termination of this trust they or their children shall share in like manner as the two grandchildren herein named.

(b) This trust shall continue until my youngest grandchild shall reach twenty-one years of age, at which time it is to terminate and the trust fund then on hand be distributed as provided in (a) herein.

(c) The primary purpose of this trust is to assist in providing for the support, maintenance and education of my grandchildren and if part or all of the principal is necessary to that end it may be so used.

This being executed by serving copy on the ~~within~~
herein defendant Jemima Nichols, on the 5th. day
of April 1938.

J. P. [Signature]
W. D.

Filed this 28 day of April 1938
Carroll
Clerk Register

Quayle

RECORDED
Quayle
7-212

(d) The trustee is to handle and keep invested the property of this trust in the best manner consistent with safety in making investments.

(e) The trustee is given full power and authority to buy, sell and convey property which is the subject of this trust without order of court, the trustee to have always due regard for the soundness and safety of the investment.

FIVE

After the payment of my debts and after the distribution of the property mentioned in Sections TWO, THREE and FOUR hereof, I give, devise and bequeath all the rest and residue of my property of every kind and description and wherever situated to the First National Bank of Mobile, Alabama, to be by it held in trust for the following use and purpose:

(a) This trust is for the use and benefit of my son, Forest Edgar Nichols, for the term of his life and at his death for the use and benefit of his children in equal parts and if any of his children die leaving children they shall inherit the parent's part.

(b) This trust shall continue during the life time of my said son, Forest Edgar Nichols, and at his death shall terminate and the property of the trust be distributed equally among his children, share and share alike, child or children of a deceased child to take the parent's part share and share alike. The children or grandchildren of my said son taking under this Section who are over twenty-one years of age at the time of the death of my said son shall receive their part and the share of those under twenty-one years of age shall be by the trustee held in trust until they shall become of age, at which time distribution is to be made and the trustee in the meantime shall use and pay such portion of the principal or income as will be necessary for the support, maintenance and education of the child or children whose share is held in trust.

(c) The trustee is to maintain the property of the trust to the best advantage consistent with safety and pay income monthly to my said son, Forest Edgar Nichols, as long as he lives. If for his support and maintenance or general welfare it be necessary or proper to pay my said son from the principal, the trustee may do so,

if in the judgment of the President and Trust Officer of the First National Bank, expressed in writing, it should be done.

(d) The trustee is given full power and authority over the trust estate with the right to buy, sell and convey any part without order of Court using always the best endeavors to have all investments safe and sound. I wish the trustee to advise and consult with my said son, Forest Edgar Nichols, in the matter of all investments and changes in investments.

(e) I direct the trustee to render to my son, Forest Edgar Nichols, a statement of account of the trust in his favor once every twelve months or sooner if my said son may request it.

SIX

I hereby nominate and request the appointment of the First National Bank of Mobile, Alabama, as executor of my estate and I request that letters testamentary be issued to it without the requirement of bond. I hereby vest and give to my said executor full power and authority to sell and convey any property of my estate without order of court. I hereby relieve my executor from filing inventory in court or making final settlement of my estate in court unless the executor desires to do so. It is my wish, however, and I direct that the executor make inventory of the property of my estate as soon after my death as is practicable and give to my said son, Forest Edgar Nichols, a copy of it.

IN WITNESS WHEREOF I hereto set my hand on this the 22nd day of May, 1937.

Mrs. Della O. Nichols (SEAL)

Signed and declared by DELLA O. NICHOLS to be her last will and testament in our presence and, we, in her presence and in the presence of each other, have signed our names as witnesses on the day of date of said will.

Wm. B. Inge

M. P. Goodloe

STATE OF ALABAMA, |
BALDWIN COUNTY. |

I, G. W. Robertson, Judge of the Court of Probate,
in and for said county and State, do hereby certify, that the within
instrument of writing has this day, in said Court and before me,
as the Judge thereof, been duly proven, by the proper testimony to
be the genuine last Will and Testament of DELLA O. NICHOLS, Deceased;
and that said Will together with said proof thereof have been recorded
in my office, in Book of Wills D. at pages 176 and 177.

In witness of all which, I have hereto set my hand, and
the seal of the said Court, this 19th day of January, A. D., 1938.

(SEAL)

G. W. ROBERTSON,
Judge of Probate.

Filed in office of Judge of Probate Court, Baldwin Co., Ala.,
Jany 7th, 1938.

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

THE STATE OF ALABAMA, :
BALDWIN COUNTY. :

PROBATE COURT.

LETTERS TESTAMENTARY.

The Will of Della O. Nichols, having been duly admitted to record in said County, letters testamentary are hereby granted to FIRST NATIONAL BANK, OF MOBILE, ALA., the executor named in said Will, who has complied with the requisitions of the law, and is authorized to take upon itself the execution of such will.

Witness my hand, and dated this 19th day of January, A.D., 1938.

G. W. ROBERTSON,
Judge of Probate

STATE OF ALABAMA, :
BALDWIN COUNTY. :

PROBATE COURT.

I, G. W. Robertson, Judge of the Probate Court, and Custodian of the Records and Files of the same in and for said State and County, do hereby certify that the above and foregoing pages 1, 2, 3 and 4 contain, a true, correct and complete copy of the Last Will and Testament of DELLA O. NICHOLS, Deceased, and the Certificate of Proof thereof, as the same appears in Record of Wills "D" at pages 176 and 177;

And I further certify that the above and foregoing page 5 contains a true, correct and complete copy of Letters Testamentary issued to FIRST NATIONAL BANK OF MOBILE, ALABAMA, to execute the Will of DELLA O. NICHOLS, Deceased, the original of which remains on file in my office; and I further certify that said Letters Testamentary are still in force and effect.

In witness whereof, I have hereunto set my hand and the seal of said Court this 4th day of April, A. D., 1938.

G. W. ROBERTSON

Judge of Probate

SEAL
PROBATE COURT
BALDWIN COUNTY
ALABAMA

FIRST NATIONAL BANK OF MOBILE,
ALABAMA, As Executor of the
Estate of Della O. Nichols,
Deceased,

Plaintiff,

vs.

JEMIMA NICHOLS,

Defendant.

) IN THE CIRCUIT COURT OF
(
) BALDWIN COUNTY, ALABAMA.
(
)

(Appealed from Justice Court,
(
) G. E. Perkins, Judge.
)

Comes the plaintiff in the above entitled cause and
moves the Court to require the defendant to produce the follow-
ing papers, to-wit:

1. Letter from plaintiff to the defendant dated
March 8, 1938, giving notice of the termination of defendant's
tenancy of the property which is the subject matter of this
suit.

2. Letter from plaintiff to the defendant dated
March 19, 1938, demanding possession of the property which is
the subject matter of this suit.

The above described papers contain evidence pertinent
to the issue to be tried in the above entitled cause.

H. B. & C. C. Leach, H. F. Goodlee
Attorneys for Plaintiff.

Receipt is acknowledged of a copy of the foregoing
notice to produce certain letters, and further notice is hereby
waived on this the 29th day of June, 1938.

J. H. Corvan
Attorney for Defendant.

Attici to Produce

433

Produced by 1935
Produced

WM. B. & C. C. INGE
ATTORNEYS AT LAW
MOBILE, ALABAMA

FIRST NATIONAL BANK OF MOBILE,
ALABAMA, As Executor of the
Estate of Della O. Nichols,
Deceased,

Plaintiff,

vs.

JEMIMA NICHOLS,

Defendant.

) IN THE CIRCUIT COURT OF
(
) BALDWIN COUNTY, ALABAMA.
(

) Appealed from Justice Court,
(
) G. E. Perkins, Judge.
(

Comes the plaintiff in the above entitled cause and
propounds interrogatories to the defendant under the Laws of
Alabama as follows:

1. Did you receive a notice by registered mail from
the plaintiff in the above entitled cause on March 9, 1938, ter-
minating your tenancy of the property occupied by you in Fairhope,
Alabama, in which the property was specifically described?

2. Please attach to your answer the notice you re-
ceived terminating your tenancy, or a copy of it, and give the
date you received it.

3. Please state whether or not the paper attached
hereto, marked "Exhibit A" is a true copy of the letter from the
plaintiff received by you on March 9, 1938. If not, please state
wherein it differs from the letter received by you from plaintiff
as to the termination of your tenancy. Give the date you received
letter.

4. Please state whether or not a letter dated March
19, 1938, from the plaintiff to you was served on you March 22,
1938, demanding possession of the property in or near Fairhope,
Alabama, occupied by you.

5. Please attach to your answer the letter you received
from the plaintiff demanding possession of the property occupied
by you, which is the subject matter of this suit, or a copy of it,
and give the date you received it.

6. Please state whether or not the paper attached here-
to marked "Exhibit B" is a true copy of a letter from the plaintiff

to you received by you; if not, wherein does it differ from the letter you received from the plaintiff, if you say you received a letter?

7. Please state whether or not you received the letter referred to in interrogatory six herein on March 22, 1938; if not, on what date did you receive it?

H. B. C. C. Lugo
Attorneys for Plaintiff *H. B. C. C. Lugo*

STATE OF ALABAMA,)
COUNTY OF MOBILE.)

Before me, C. M. Dudley, a Notary Public in and for said State and County, personally appeared H. B. Lugo, who, being by me first duly sworn, deposes and says that he is one of the attorneys for the plaintiff in the case of First National Bank of Mobile, Alabama, as Executor of the Estate of Della O. Nichols, Deceased, Plaintiff, vs. Jemima Nichols, Defendant, and that answers to the interrogatories attached hereto correctly made will be material testimony for the plaintiff in the trial of said case.

H. B. Lugo

Sworn to and subscribed before
me on this the 28th day of June, 1938.

C. M. Dudley
Notary Public, Mobile County, Alabama.

Receipt is acknowledged of a copy of the foregoing interrogatories and affidavit, and further notice is hereby waived on this the 29th day of June, 1938.

H. J. Corran
Attorney for Defendant.

FIRST NATIONAL BANK OF MOBILE,
ALABAMA, As Executor of the
Estate of Della O. Nichols,
Deceased,

Plaintiff,

vs.

JEMIMA NICHOLS,

Defendant.

* * * * *

Interrogatories
from Plaintiff
to Defendant.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Filed July 7 1938
E. M. Nichols

W.M. B. & C. C. INGE
ATTORNEYS AT LAW
MOBILE, ALABAMA

EXHIBIT B

March 19, 1938

Mrs. Jemima Nichols
Fairhope, Baldwin County
Alabama.

Dear Madam:

Your possessory interest having terminated, demand is hereby made that you deliver to the undersigned the possession of property in or near Fairhope, Alabama, described as follows:

From the Southeast corner of Fractional Section 18, T. 6 S. R. 2 East, run West 38.43 chains (2536.4 feet), thence North 14.5 chains (957.0 feet), thence North 5000' West 802.5 feet along the South line of Della O. Nichols Estate, to its intersection with the East side of Mobile Avenue, which point is the Northwest corner of Block 13, Division 2, Fairhope Single Tax Corporation Subdivision, and the beginning point of this lot description, thence South 5000' East 250 feet to a corner, thence North 28°30' East 60 feet to a corner, thence North 50°0' West 250 feet to a corner, thence South 28°30' West 60 feet to the point of beginning.

Said property being the property now occupied by you, and bounded on the South by property now or late of Mrs. Hill, on the West by Mobile Avenue, on the North by cottage named "Meadowea" owned by the Estate of Della O. Nichols, and on the East by property of the Estate of Della O. Nichols, Deceased.

Yours very truly,

FIRST NATIONAL BANK OF MOBILE

By H. A. Pharr
Trust Officer
Executor of the Estate of
Della O. Nichols, Deceased.

WBI/d

EXHIBIT A

March 8, 1938

Mrs. Jemima Nichols
Fairhope, Baldwin County,
Alabama

Dear Madam:

Notice is hereby given you of the termination of your tenancy of property in or near Fairhope, Alabama, described as follows:

From the Southeast corner of Fractional Section 18, T. 6 S. R. 2 East, run West 38.43 chains (2536.4 feet), thence North 14.5 chains (957.0 feet), thence North 50°0' West 802.5 feet along the South line of Della O. Nichols Estate, to its intersection with the East side of Mobile Avenue, which point is the Northwest corner of Block 13, Division 2, Fairhope Single Tax Corporation Subdivision, and the beginning point of this lot description, thence South 50°0' East 250 feet to a corner, thence North 28°30' East 60 feet to a corner, thence North 50°0' West 250 feet to a corner, thence South 28°30' West 60 feet to the point of beginning.

Said property being the property now occupied by you, and bounded on the South by property now or late of Mrs. Hill, on the West by Mobile Avenue, on the North by cottage named "Meadowea" owned by the Estate of Della O. Nichols, and on the East by property of the Estate of Della O. Nichols, Deceased.

Immediate possession of the above described property is respectfully demanded.

Yours very truly,

FIRST NATIONAL BANK OF MOBILE

By H. A. Pharr
Trust Officer
Executor of the Estate of
Della O. Nichols, Deceased

WBI/d

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT

Personally appeared before me, ^{a notary public} ~~T. W. RICHMOND, Clerk of the Circuit Court~~ in and for Baldwin County and State aforesaid Elliot L. Rinsley

who being duly sworn, on oath says, that a regular Term

of the Circuit Court of Baldwin County, to-wit: on the 27th day of June 1928

1927, The Bank of Fairhope
recovered a judgment against Cleveland C. Gantt

for the sum of

One hundred and twenty five Dollars,

besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect: that

H. G. McKeam and the Western Woodworking Company,
both of Fairhope Ala are

supposed to be indebted to or have effects of the said Cleveland C. Gantt

in their possession, or under their control, and that he believes process of

Garnishment against said Cleveland C. Gantt

is necessary to obtain satisfaction of said Judgment.

Sworn to and subscribed this 25th

day of April A. D. 1928

Robert H. Weston
notary public

Elliot L. Rinsley

RECORDED

No. 135

CIRCUIT COURT

Bank of Fairhope

VS.

Cleveland C. Gault

AFFIDAVIT

Filed in Office,

April 25th

1921

R. S. Duck

Clerk.

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

Miss Germaine Nichols
(Signature of Owner or Agent)

1938
(Signature of Postmaster's Agent)

Date of delivery 1938

Form 1011

U. S. DEPARTMENT OF POSTS AND MARITIME SERVICE

March 19, 1938

Mrs. Jennine Nichols
Fairhope, Baldwin County
Alabama

Dear Madam:

Your possessory interest having terminated, deponed in
hereby made that you deliver to the undersigned the
possession of property in or near Fairhope, Alabama,
described as follows:

From the Southeast corner of Tract 15, Block 15, Division 2, Fairhope Single Tax Corporation Subdivision, and the beginning point of this lot description, thence North 50° 0' East 250 feet to a corner, thence North 80° 30' East 60 feet to a corner, thence North 50° 0' West 250 feet to a corner, thence South 20° 30' West 60 feet to the point of beginning.

Said property being the property now occupied by you, and bounded on the South by property now or late of Mrs. Mill, on the West by Mobile Avenue, on the North by cottage named "Meadowland" owned by the Estate of Della O. Nichols, and on the East by property of the Estate of Della O. Nichols, Deceased.

Yours very truly,

FIRST NATIONAL BANK OF MOBILE

By

Trust Officer

Executor of the Estate of
Della O. Nichols, Deceased

WBI/d

RECORDED