

**CHANCERY EXECUTION**  
**BILL OF COSTS**

No. 320

*Mae Egan Brundie,*  
*Complainant*

VS.

*James Egan,*  
*Respondent*

PLAINTIFF

DEFENDANT

FEES OF REGISTER		Dollars	Cents		
Filing each bill and other papers	<u>4</u> \$ 10		40	Brought Forward	\$ 4 60
Issuing each subpoena	50		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		40	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Entering each return thereof	15		12	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	I 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
Issuing Writ of Attachment	I 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	1 00		<b>TOTAL FEES OF REGISTER</b>	<b>8 60</b>
Entering each appearance	25			<b>FEES OF SHERIFF</b>	
Issuing each decree pro confesso on per ser.	1 00	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	I 00			Levying attachment	3 00
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	25		Serving and returning sci. fa., each	65
Noting all testimony	50			Serving and returning notice	65
Abstract of cause, etc.	I 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	
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			<b>TOTAL FEES OF SHERIFF</b>	<b>3 00</b>
Issuing each subpoena	25			<b>RECAPITULATION</b>	
Witness certificate, each	25			Register's Fees	8 60
Issuing execution, each	75	75		Sheriff's Fees	3 00
Entering each return	15	15		Commissioner's Fees	
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
Hearing and passing on application, etc.	3 00			Recording Decree in Probate Court	30
Each settlement with Receiver, etc.	3 00			<b>TOTAL</b>	<b>14 90</b>
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		4 60			

**The State of Alabama,** }  
Baldwin County }

No. 320

Circuit Court, In Equity

Fall Term, 1939

To any Sheriff of the State of Alabama—GREETING:

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

*Mae Egan Brundie*

Defendant

you cause to be made the sum of \$14.90

Dollars,

which \_\_\_\_\_ Plaintiff

recovered of *James Egan* on the 23 day of August 1939

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of \$14.90

Dollars,

costs o' suit, and have the same to render to the said \_\_\_\_\_ and make return of this Writ and the execution thereof, according to law.

Interest from \_\_\_\_\_ 193\_\_\_\_\_ to date of collection.

Witness my hand, this 23 day of October 1939

*R.S. Duch*

Register

320

MAE EGAN GRUNDEIS,  
Complainant,  
-vs-  
JAMES EGAN,  
Defendant.

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

CASE NUMBER \_\_\_\_\_

Notice is hereby given that a bill in equity has  
this day been filed by Mae Egan Grundeis, Complainant against  
James Egan to have the following described property sold for  
division, viz:

The North one half of the Northeast one quarter of the  
Northwest one quarter of section Eight, township Six  
South of Range four East. Said property being in Baldwin  
county, Alabama.

CR Shannon

Ed R. Beard  
AS SOLICITORS FOR COMPLAINANT.

71

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

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon JAMES EGAN

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

MAE EGAN GRUNDEIS

against said JAMES EGAN

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, Robert S. Duck, Register of said Circuit Court, this 13th day

of April, 193 7

Robert S. Duck Register

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

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

ORIGINAL BILL

Comes the complainant and presents this her bill of complainant against the defendant showing the following facts as the basis for the relief hereinafter prayed.

FIRST: That the complainant, MAE EGAN GRUNDEIS is a widow and a resident of Baldwin county and over the age of twenty-one years of age.

SECOND: The the defendant, JAMES EGAN, IS A widower andaa resident of Baldwin county, and over the age of twenty-one years.

THIRD: That both the complainant and the defendant own the following described property jointly,

The North one half of the Northeast one quarter of the Northwest one quarter of section Eight, Township Six South of Range Four East. Said property being in Baldwin county, Alabama.

FOURTH: That there is a mortgage on said lands for the sum of FIVE HUNDRED DOLLARS and interest at the rate of ~~six~~ <sup>five</sup> per cent since towit June first, 1934 in favor of the Federal Land Bank, upon which mortgage both the complainant and the defendant are liable.

FIFTH: That said lands can not be equitably divided or partitioned among or between the complainant and the defendant.

WHEREFORE COMPLAINANT PRAYS THAT THIS HONORABLE COURT will cause the defendant to be made a party to this bill by appropriate proress requiring him to plead answer or demur as required by the rules and practices of this court.

And COMPLAINANT PRAYSEthat upon a hearing of this cause thatcourt will adjudgeythat the parties to this bill are

the owners of the property, and that the same can not be equitably divided or partitioned, and that the court will order that the same be sold by the Register of this Honorable Court and that the money derived from said sale be divided between the complainant and defendant after so much as is necessary to satisfy the mortgage on the premises and pay the costs of the court in this proceeding and a reasonable solicitor's fee for complainant's solicitors for their services in this cause.

COMPLAINANT FURTHER PRAYS for such other, further or different relief as to equity may seem meet.

C. R. Shannon

E. S. Richards  
AS SOLICITORS FOR COMPLAINANT.

FOOT NOTE: The defendant is required to answer each and every paragraph of the foregoing bill of complainant but not under oath, oath being hereby expressly waived.

C. R. Shannon

E. S. Richards  
AS SOLICITORS FOR COMPLAINANT

The defendant's address is  
Robertsdale, Alabama.

OK  
C.R. Shannon

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

ORIGINAL BILL

Comes the complainant and presents this her bill of complainant against the defendant showing the following facts as the basis for the relief hereinafter prayed.

FIRST: That the complainant, MAE EGAN GRUNDEIS is a widow and a resident of Baldwin county and over the age of twenty-one years of age.

SECOND: The the defendant, JAMES EGAN, is a widower and a resident of Baldwin county, and over the age of twenty-one years.

THIRD: That both the complainant and the defendant own the following described property jointly,

The North one half of the Northeast one quarter of the Northwest one quarter of section Eight, Township Six South of Range Four East. Said property being in Baldwin county, Alabama.

FOURTH: That there is a mortgage on said lands for the sum of FIVE HUNDRED DOLLARS and interest at the rate of six per cent since towit June first, 1934 in favor of the Federal Land Bank, upon which mortgage both the complainant and the defendant are liable.

FIFTH: That said lands can not be equitably divided or partitioned among or between the complainant and the defendant.

WHEREFORE COMPLAINANT PRAYS THAT THIS HONORABLE COURT will cause the defendant to be made a party to this bill by appropriate process requiring him to plead answer or demur as required by the rules and practices of this court.

And COMPLAINANT PRAYS that upon a hearing of this cause the court will adjudge that the parties to this bill are

the owners of the property, and that the same can not be equitably divided or partitioned, and that the court will order that the same be sold by the Register of this Honorable Court and that the money derived from said sale be divided between the complainant and defendant after so much as is necessary to satisfy the mortgage on the premises and pay the costs of the court in this proceeding and a reasonable solicitor's fee for complainant's solicitors for their services in this cause.

COMPLAINANT FURTHER PRAYS for such other, further or different relief as to equity may seem meet.

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AS SOLICITORS FOR COMPLAINANT.

FOOT NOTE: The defendant is required to answer each and every paragraph of the foregoing bill of complainant but not under oath, oath being hereby expressly waived.

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AS SOLICITORS FOR COMPLAINANT.

The defendant's address is  
Robertsdale, Alabama.

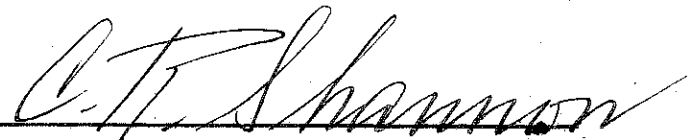
MAE EGAN GRUNDEIS,  
Complainant,  
-vs-  
JAMES EGAN,  
Defendant.

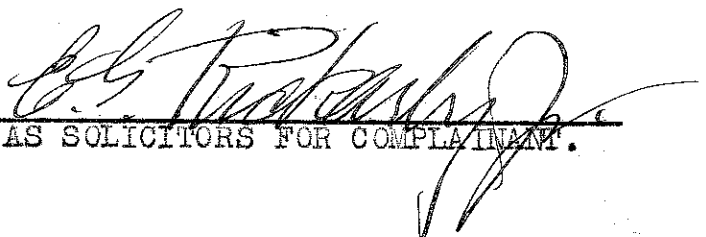
IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA, IN EQUITY.  
CASE NUMBER \_\_\_\_\_

MOTION FOR DECREE PRO CONFESSO ON PERSONAL SERVICE.

Motion is hereby made for a DECREE PRO CONFESSO against JAMES EGAN, Defendant in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said defendant; and that said summons was duly served according to law, and that said defendant has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This the twenty-first day of May, 1937.

  
\_\_\_\_\_

  
\_\_\_\_\_

AS SOLICITORS FOR COMPLAINANT.



The State of Alabama,  
Baldwin County.

No. 320 ... CIRCUIT COURT IN EQUITY.

MAE EGAN GRUNDELS,

Complainant

vs.

JAMES EGAN,

Defendant

In this cause it appears to the Register, R. S. Duck,  
that a summons requiring the Defendant, James Egan,

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days  
after the service of said Summons upon him  
was served upon him by the Sheriff of Baldwin County, Alabama, on the  
21st day of April 1937.

And the said Defendant... having failed to demur, plead to or answer the said Bill of Complaint  
to this date, it is now, therefore, on motion of E. G. Rickarby, Jr., and C. R.  
Shannon, Solicitors for Complainant,

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things  
taken as confessed against the said James Egan,

Defendant aforesaid.

This 22nd day of May, 1937.

R. S. Duck

Register.

MAE EGAN GRUNDEIS,  
Complainant,

\*vs-

JAMES EGAN,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY

No. 320.

O N E

Comes the Respondent in the above styled cause and demurs to Counts numbered One, Two, Three, Four and Five and assigns as grounds therefor separately and severally the following:

FIRST: Because no sufficient facts are set out in the said Complaint showing any refusal on the part of the Respondent for the division.

SECOND: There is no equity in the bill.

THIRD: Because no facts are alleged showing any duty on the part of the Respondent to divide the alleged land described in the Complaint.

FOURTH: For all that appears in the said Complaint the Plaintiff had not been requested to divide the said property.

T W O

Respondent adopts all the grounds of the demurrer to Count One and in addition thereto assigns separately and severally the following grounds for demurrer to Count Two:

FIRST: No sufficient facts are alleged to show that the Respondent is a widower and resident of Baldwin County, over the age of twenty one years.

SECOND: Because no facts are alleged showing that the Respondent is a widow.

THIRD: Because no facts are alleged showing that the Respondent had the right to divide his alleged part of the property described.

T H R E E

Respondent demurs to Count Three and adopts all the

grounds therefor assigned to Count One and Two and adopts in addition thereto, and assigns separately and severally the following:

FIRST: The statement "that both the Complainant and the Respondent owned the following described property jointly, the North Half of the Northeast Quarter of the Northwest Quarter of Section Eight, Township Six South of Range Four East, said property being in Baldwin County, Alabama" is merely a conclusion of the pleader unsupported by any facts as alleged.

SECOND: Because no sufficient facts are alleged showing that the Respondent had any right to divide the said property.

THIRD: Because no sufficient facts are alleged showing that any demand or request had ever been made by the Complainant to the Respondent for division of the said property.

FOURTH: From what appears in the said complaint the Respondent has never refused to divide said property.

FIFTH: The Complainant attempts to rely on an agreement or contract and does not set out the terms or provisions thereof.

SIXTH: It does not sufficiently appear in the complaint that there exists any agreement as to any time for division of this property.

#### F O U R T H

The respondent demurs to Count Four and adopts all of the grounds therefor assigned to Count One and Count Three and in addition thereto assigns separately and severally the following:

FIRST: From ought that appears from the complaint the mortgage is not at this time due and no part thereof is in default.

SECOND: Because no sufficient facts are alleged showing any reason for division because of the said mortgage.

THIRD: Because no sufficient facts are alleged showing that the Respondent has refused to assume this mortgage.

FOURTH: Complaint does not state facts which show that the Complainant has suffered any damages by reason of this mortgage.

FIFTH: Complaint does not state any facts that show that the Complainant did not execute this mortgage of her own free will

and for her own benefit.

F I F T H

The Respondent demurs to Count Five and adopts all the grounds therefor as assigned to Counts, One, Three and Four and adds thereto separately and severally the following:

FIRST: Because no sufficient facts are alleged showing any reason why said lands cannot be equitable divided or partitioned among or between the Complainant and the Respondent.

SECOND: Because no sufficient facts are alleged showing any reason why there should be a division among or between the Complainant and the Respondent of these lands.

THIRD: Because no sufficient facts are alleged showing that the Respondent has come into equity, willing to do equity.

FOURTH: Because no facts are alleged showing any duty on the part of the Respondent that division be made of this land with the Complainant.

FIFTH: Because no facts are alleged showing that it would be to the advantage of the Complainant or the Respondent to divide or partition these lands.

SIXTH: No facts are alleged showing that the Respondent has at any time refused to divide or is not willing to divide the land with the Complainant.

  
Attorney for the Respondent.

RECORDED  
Book  
2-103

Serve on (Original)

Circuit Court of Baldwin County  
IN EQUITY

No. 320

SUMMONS

MAE EGAN GRONDETS,

Complainant,

vs.

JAMES EGAN,

Respondent.

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this 13th

day of April, 1937

Walter J. Libenia

SHERIFF

Executed this 21st day of

April 1937

by leaving a copy of the within Summons with

James Egan

Defendant

Walter J. Libenia

Sheriff

By Donna B. Balfanz  
Deputy Sheriff

E. G. RICKARBY, JR., and  
C. R. SHANNON,  
Solicitor for Complainant

MAE EGAN GRUNDERS, 47  
Complainant,

3/11 -VS-  
JAMES EGAN,

Defendant.

NOTICE OF LIS PENDENS.

State of Alabama, } Probate Court  
 Baldwin County. } APR 13 1937

Filed in office this day of  
 19 at 8 A M and duly registered  
 in Book No. 1 at page 122

and I certify that \_\_\_\_\_  
 tax and \_\_\_\_\_  
 been paid as required by law.  
 W. T. Talbot  
 Judge of Probate

W. T. Talbot  
 1502 a number  
 3884

C. R. Shannon and  
 F. G. Rickerby, Jr.,  
 Solicitors for Complainant.

RT to  
 RS leave  
 day  
 (30)

No. 320

THE STATE OF ALABAMA  
Baldwin County.

Circuit Court, In Equity

Mal Egan Dunbar,

Complainant

Jessie Egan,

Respondent

CHANCERY EXECUTION  
Fi. Fa.

\$ 14.90

Total \$ 14.90

Fee Book Emballsted Page 320

Execution Docket " Page "

E. H. Pickens Jr. + C. R. Shannon  
Complainant's Solicitor.

THE STATE OF ALABAMA  
Baldwin County.

ha \_\_\_\_\_ duly waived \_\_\_\_\_ right  
to the exemption of personal property as to  
the collection of the debt for which this execu-  
tion is issued.

Register.

Received in office this 23<sup>rd</sup>  
day of Dec 1939

W. R. Hunt

Sheriff

Execution Docket \_\_\_\_\_ Page \_\_\_\_\_

Returned Dec 11-1939  
No property of the  
estate found in  
Baldwin Co

W. B. Hunt  
Mr. B. Hunt

MOORE PRINTING CO., 547 NINETEEN, ALA.

The State of Alabama, }  
Baldwin County

By virtue of the within execution I have levied

Filed April 13 1934  
O. S. S. -



RECORDED

Over  
7-144

No. 320

Page

The State of Alabama,  
Baldwin County,

CIRCUIT COURT, IN EQUITY

MAE EGAN GRUNDREIS,

Complainant,

vs.

JAMES EGAN,

Respondent.

DECREE PRO CONFESSO ON  
PERSONAL SERVICE

Issued May 22nd, 19 37

*R. S. Duck*  
Register.

Moore Printing Company, Bay Minette, Ala.

CORDEN

7-144

320

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

MAE EGAN GRUNDEIS,  
Complainant.

-vs-

JAMES EGAN,  
Defendant.

MOTION FOR DECREE PRO CONFESSO.

*Filed May 22, 1937.  
R. S. Dink, Register*

C. R. SHANNON AND E. G. RICKARBY,  
jr. AS SOLICITOR FOR  
COMPLAINANT.

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Book  
RECORDED

7-1-35  
Mae Egan Grunden,  
Complainant,

vs.

32-0

James Egan,  
Respondent.

Demurrer

Filed May 24, 1937.  
R. S. Sulek  
Register

HAS EGAN CHURCHILL,  
Complainant,  
vs-  
JAMES EGAN,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY  
No. 320.

ONE

Comes the Respondent in the above styled cause and demurs to Counts numbered One, Two, Three, Four and Five and assigns as grounds therefor separately and severally the following:

FIRST: Because no sufficient facts are set out in the said Complaint showing any refusal on the part of the Respondent for the division.

SECOND: There is no equity in the bill.

THIRD: Because no facts are alleged showing any duty on the part of the Respondent to divide the alleged land described in the Complaint.

FOURTH: For all that appears in the said Complaint the Plaintiff had not been requested to divide the said property.

TWO

Respondent adopts all the grounds of the demurrer to Count One and in addition thereto assigns separately and severally the following grounds for demurrer to Count Five:

FIRST: No sufficient facts are alleged to show that the Respondent is a widower and resident of Baldwin County, over the age of twenty one years.

SECOND: Because no facts are alleged showing that the Respondent is a widow.

THIRD: Because no facts are alleged showing that the Respondent had the right to divide his alleged part of the property described.

THREE

Respondent demurs to Count Three and adopts all the

grounds therefor assigned to Count One and Two and adopts in addition thereto, and assigns separately and severally the following:

FIRST: The statement "that both the Complainant and the Respondent owned the following described property jointly, the North Half of the Northeast Quarter of the Northwest Quarter of Section Eight, Township Six South of Range Four East, said property being in Baldwin County, Alabama" is merely a conclusion of the pleader unsupported by any facts as alleged.

SECOND: Because no sufficient facts are alleged showing that the Respondent had any right to divide the said property.

THIRD: Because no sufficient facts are alleged showing that any demand or request had ever been made by the Complainant to the Respondent for division of the said property.

FOURTH: From what appears in the said complaint the Respondent has never refused to divide said property.

FIFTH: The Complainant attempts to rely on an agreement or contract and does not set out the terms or provisions thereof.

SIXTH: It does not sufficiently appear in the complaint that there exists any agreement as to any time for division of this property.

#### FOURTH

The respondent answers to Count Four and adopts all of the grounds therefor assigned to Count One and Count Three and in addition thereto assigns separately and severally the following:

FIRST: From what appears from the complaint the mortgage is not at this time due and no part thereof is in default.

SECOND: Because no sufficient facts are alleged showing any reason for division because of the said mortgage.

THIRD: Because no sufficient facts are alleged showing that the Respondent has refused to assume this mortgage.

FOURTH: Complaint does not state facts which show that the Complainant has suffered any damages by reason of this mortgage.

FIFTH: Complaint does not state any facts that show that the Complainant did not execute this mortgage of her own free will

and for her own benefit.

FIFTH

The Respondent demurs to Count Five and adopts all the grounds therefor as assigned to Counts, One, Three and Four and aids thereto separately and severally the following:

FIRST: Because no sufficient facts are alleged showing any reason why said lands cannot be equitable divided or partitioned among or between the Complainant and the Respondent.

SECOND: Because no sufficient facts are alleged showing any reason why there should be a division among or between the Complainant and the Respondent of these lands.

THIRD: Because no sufficient facts are alleged showing that the Respondent has come into equity, willing to do equity.

FOURTH: Because no facts are alleged showing any duty on the part of the Respondent that division be made of this land with the Complainant.

FIFTH: Because no facts are alleged showing that it would be to the advantage of the Complainant or the Respondent to divide or partition these lands.

SIXTH: No facts are alleged showing that the Respondent has at any time refused to divide or is not willing to divide the land with the Complainant.

*Carrie M. Brown*  
Attorney for the Respondent

*10/10/1911*  
*W. B. ...*  
*...*