

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.

Case No. 519

CIRCUIT COURT

Spring, 1940 Term, 193....

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon ^{Clerk} James Cook (Magnolia Hotel) Mr. Christensen (Foley Mortuary) Louis Smith (Foley Hotel) Dr. W.C. Holmes, J. Price, Mrs. Parkman, William Ard (all of Foley, Ala.) Father Gray (Vernart Park) Chas. Hoiles (Roberts del M.M. Woodard (Bon Secour) Mr. Lowery (Bay Minette) Freda Steiner (Elberta) Foster Carson (Magnolia Springs) Mrs. Lee Walker, (Caswell) if to be found in your County, at the instance of the contestant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof, by 8:30 o'clock of the forenoon, on the 11th day of April, 1940 193....

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain cause pending, wherein Est. of Frank V. Barchard, deceased. Plaintiff and Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 8th day of April, 1940..

R.S. Duck Clerk.

Baldwin

Received in office this ⁴² 8 day of

April 1940

193

W.R. Street

Sheriff.

I have executed this writ

Louis Smith 4-8-40

Jerome Price 4-8-40

Wm. Ark 4-8-40

Father May 4-8-40

Foster Carlson 4-8-40

Albas Starks 4-9-40

Freda Steiner 4-10-40

Marion Walker 4-10-40

W.C. Holmes 4-10-40

Wm. Woodard 4-10-40

Mrs. Partman 4-10-40

J. S. Lowery 4-8-40

James Clark 4-8-40

M. Christensen 4-8

W.R. Street

Sheriff.

By John R. Davis

ORIGINAL

No. 519

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

ESTATE OF FRANK V. BARCHARD

DECEASED

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this day of

193

R. S. DUCK

clerk - register

By

Deputy

Clerk.

Mobile County

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.....

Case No. 519

CIRCUIT COURT

Spring, 1940 Term, 193.....

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon

¹⁹ Dr. John Miller (Van Antwerp Bldg.,)

if to be found in your County, at the instance of the contestant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 11th day of April, 1940 193.....

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein Est. Frank V. Barchard, deceased. Plaintiff

and Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 8th day of April, 1940 193.....

R. S. DUCK

R. S. Duck

Clerk.

Mobile County

130
7/19/19

ORIGINAL

Received in office this.....day of

193.....

Sheriff.

I have executed this writ

Received
and on
I served a copy of the within
on
by service on

Day of April 1940
Day of May 1940

W. H. HOLCOMBE, Sheriff
By *W. H. Holcombe* D.S.

Sheriff.

No. 519

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

ESTATE OF FRANK BARCHARD,

DECEASED.

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this.....day of

193.....

R. S. DUCK

clerk - register

Clerk.

Deputy

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.

Case No. 519

CIRCUIT COURT

Spring, 1940 Term, 193.....

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon M. M. Woodard and Claude Peteet, of Foley

if to be found in your County, at the instance of the ~~een~~ plaintiff

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 11th day of April, 1940 193.....

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein Estate of Frank Barchard, deceased Plaintiff

and Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 2nd day of April - 1940 193.....

R. S. DUCK

clerk - register

Clerk.

By

Deputy

Received in office this.....2nd.....day of

April 1940.....193.....

W.R. Stuart

Sheriff.

I have executed this writ

M.M. Woodard 4-6-40

Claude Peeteet 4-6-40

ORIGINAL

No. 519

Page.....

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Estate of Frank Barchard,

Deceased.

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this.....day of

193.....

Sheriff.

Clerk.

IN THE MATTER OF THE WILL

OF

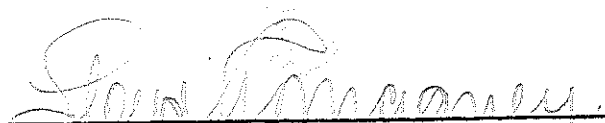
FRANK BARCHARD, Deceased

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

DEMURRER

Come now Frank V. Barchard and Ira W. Barchard, the proponents of the will of Frank Barchard, deceased, and demurs to the objections to the probate of said will, heretofore filed by Ella Irene Cunningham and as grounds for such demur say:

1. That the said objections set forth no facts which are a legal objection to the probating of said will.
2. That the said objection sets forth no facts but the mere conclusions of the pleader.


Solicitor for proponents.

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

IN THE MATTER OF THE ESTATE

OF

FRANK BARCHARD, Deceased.

DEMUR

RECEIVED FOR RECORDING

*Filed June 27, 1939
R.S. Duck, Clerk
By Public Administrator, Deputy*

Lloyd A. Magney
Attorney at Law
Foley, Alabama.

RECEIVED

03

RECEIVED

EX-103
BY THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE

IN THE MATTER OF THE WILL

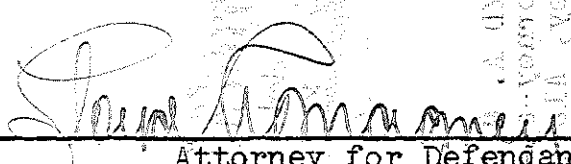
OF

FRANK BARCHARD, DECEASED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Comes now Frank V. Barchard, by his attorney of record, and as the proponent of the will of Frank Barchard, deceased, and for the purpose of making up an issue between himself as the proponent of said will and Ella Irene Cunningham, objector to the probate of said will, admits that the said Ella Irene Cunningham is a daughter of the said Frank Barchard, deceased, and one of the heirs and next of kin of the said Frank Barchard, deceased, and that she is a resident of Foley, Baldwin County, Alabama and over the age of twenty-one years but as to all other averments and allegations contained in the objection to the probate of said will filed by the said Ella Irene Cunningham he denies the same and avers that said allegations are untrue.

Wherefore, having fully answered he prays that the judgment of this court may be entered admitting the said will to probate and record as the last will and testament of Frank Barchard, deceased.


Attorney for Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

IN THE MATTER OF THE WILL

FO

FRANK BARCHARD, DECEASED

7th August 301939

clerk, register

By Edward H. Thompson Clerk

LLOYD A. MAGNEY
Attorney-at-Law
Foley, Alabama.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, R. S. Duck, Clerk of the Circuit Court of said State and County, do hereby certify that the within is a true and correct statement of the costs in the case of THE ESTATE OF FRANK BARCHARD, DECEASED, in the Circuit Court of Baldwin County.

This 18th day of April, 1940.

R. S. DUCK, Clerk

No. 519

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

THE ESTATE OF FRANK BARCHARD,

DECEASED

vs.

Plaintiff

Defendant

Civil Cost Bill

(NOTICE)

Received of

Dollars,

in payment of the above, this _____ day

of _____, 193_____

_____, Clerk.

Plaintiff's Attorney.

Defendant's Attorney

THE STATE OF ALABAMA, : IN THE CIRCUIT COURT
BALDWIN COUNTY. : LAW SIDE

THE ESTATE OF FRANK BARCHARD,)
DECEASED.)
CIVIL NUMBER 519.)

TRANSCRIPT FROM CIRCUIT COURT

ORDER OF TRANSFER FROM PROBATE COURT TO CIRCUIT COURT.

THE STATE OF ALABAMA,) PROBATE COURT.
COUNTY OF BALDWIN.)

IN THE MATTER OF AN INSTRUMENT OF WRITING PURPORTING TO BE THE
LAST WILL AND TESTAMENT OF FRANK BARCHARD, DECEASED.

Came Ella Irene Cunningham, and objects to the probate in
this Court, of the proposed will of Frank Barchard, Deceased,
filed on the 8th day of May, A. D., 1939, alleging that she is
one of the heirs-at-law and next of kin of said deceased, re-
siding in Foley, Baldwin Co., Ala., and assigns her grounds of
contest, and requests and demands that the contest of said pro-
posed will be transferred to the Circuit Court of Baldwin County,
Alabama, for trial, and before a jury.

It is ordered by the Court, that the proof of said instrument
as such Will, with the contest proceedings instituted therein,
and all papers and documents on file in this Court pertaining to
this proceeding, be and are hereby transferred to Hon. R. S. Duck,
Clerk of the Circuit Court of Baldwin County, Alabama, for trial
in said Circuit Court.

In Witness Whereof, I have hereunto set my hand, at office, in
Bay Minette, Alabama, this 25th day of May, A. D., 1939.

G. W. ROBERTSON
Judge of Probate.

DEMUR.

Comes now Frank V. Barchard and Ira W. Barchard, the propon-
ants of the will of Frank Barchard, deceased, and demurs to the
objections to the probate of said will, heretofore filed by Ella
Irene Cunningham and as grounds for such demur say:

1. That the said objections set forth no facts which are a
legal objection to the probating of said will. .

2. That the said objection sets forth no facts but the mere
conclusions of the pleader.

LLOYD A. MAGNEY,
Solicitor for Proponents.

Filed June 27, 1939,
R.S. DUCK, Clerk,
By: Nan Alice Thompson, Deputy.

ORDER OF COURT.

8/23/39: Demurrer to Petition, or contest, overruled.

ANSWER.

Comes now Frank V. Barchard, by his attorney of record, and
as the proponent of the will of Frank Barchard, deceased, and
for the purpose of making up an issue between himself as the
proponent of said will and Ella Irene Cunningham, objector to
the probate of said will, admits that the said Ella Irene Cunnin-
gham is a daughter of the said Frank Barchard, deceased, and one
of the heirs and next of kin of the said Frank Barchard, deceased,
and that she is a resident of Foley, Baldwin County, Alabama, and
over the age of twenty-one years but as to all other averments

and allegations contained in the objection to the probate of said will filed by the said Ella Irene Cunningham he denies the same and avers that said allegations are untrue.

Wherefore, having fully answered he prays that the judgment of this court may be entered admitting the said will to probate and record as the last will and testament of Frank Barchard, deceased.

LLOYD A. MAGNEY,
Attorney for Defendant.

Filed August 30, 1939,
R. S. DUCK, Clerk,
By: NanAlice Thompson, Deputy.

ORDER OF COURT.

4/10/40: Proponent concedes that the will offered for probate is not properly and legally executed and not entitled to probate & judgment is entered accordingly, holding the will invalid.

CLERK'S CERTIFICATE.

I, R. S. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby certify the above and foregoing proceedings, as a true and correct copy of all proceedings had and done in the Circuit Court in the case of THE ESTATE OF FRANK BARCHARD, DECEASED, Civil Number 519; I also certify all original papers in said cause, viz: 1. Petition to Probate Will; 2. Order Setting Day to Probate Will; 3. Notice of Ira W. Barchard, of Day for Hearing of Will; 4. Notice to Ella Irene Cunningham, of Day for Hearing of Will; 5. Subpoena on Probate of Will; 6. Will of Frank Barchard, deceased; 7. Letter from Smith & Johnston, Attorneys, addressed to the Probate Court, Baldwin County; 8. Petition for Contest and Transfer to Circuit Court; 9. Copy of Order Transferring file and contents to Circuit Court; which were transferred to this Court from the Probate Court of Baldwin County, Alabama, back to the Honorable G. W. Robertson, Judge of Probate of said County.

Given under my hand and seal of Office, this the 18th day of April, A.D., 1940.

R. S. DUCK, Clerk of the
Circuit Court of Baldwin
County, Alabama.

LLOYD A. MAGNEY
LAWYER
FOLEY, ALABAMA

April 15th, 1940

Hon. R. S. Duck,
Clerk of the Circuit Court,
Bay Minette, Alabama.

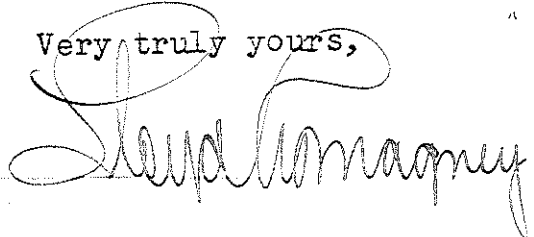
Re: Will of Frank Barchard

Dear Sir:-

The Court entered a final judgment in this matter the other day and it is now your duty, under Section 10636 of the Code, to certify the transcript of this judgment of the Circuit Court, together with all of the papers and documents heretofore certified to the Circuit Court by the Probate Court, back to the Probate Court.

I expect to file another will for probate in this same matter shortly and will appreciate it if you will comply with the requirements of Section 10636 at once.

Very truly yours,

A handwritten signature in cursive script, reading "Lloyd A. Magney". The signature is written in dark ink and is positioned below the typed name "Lloyd A. Magney".

LAM:C