

SUMMONS AND COMPLAINT

1805

THE STATE OF ALABAMA,  
BALDWIN COUNTY

No. \_\_\_\_\_

CIRCUIT COURT BALDWIN COUNTY

TERM, 194 7

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon

Edna P. Sorrell

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against \_\_\_\_\_

Edna P. Sorrell

, Defendant \_\_\_\_\_

by \_\_\_\_\_

Baker Sorrell

Plaintiff \_\_\_\_\_

Witness my hand this

11

day of

January

194 7

Alice B. Sorrell

No. 1803 Page       

**THE STATE OF ALABAMA**  
BALDWIN COUNTY  
**CIRCUIT COURT**

Robert J. Farrell

Plaintiffs

vs.

Edna P. Farrell

Defendants

**SUMMONS AND COMPLAINT**

Filed 1-11 1947

Cliff J. Blum Clerk

Plaintiff's Attorney

Defendant's Attorney

Moore Printing Co., Bay Minette, Ala.

Defendant lives at

RECEIVED IN OFFICE

194

Sheriff

I have executed this summons

194

this \_\_\_\_\_  
by leaving a copy with

Sher

Deputy Sher

BAKER SORRELL ) IN THE CIRCUIT COURT  
Complainant ) OF  
Versus ) BALDWIN COUNTY, ALABAMA  
EDNA P. SORRELL ) IN EQUITY  
Respondent ) NO. 1805

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

Comes Baker Sorrell and exhibits this Bill of Complaint against Edna P. Sorrell and shows unto the Court as follows:

O N E

Complainant and Respondent are over the age of twenty-one. Complainant is a resident of Mobile County, Alabama. Respondent is a resident of Jefferson County, Alabama residing at 1530 N. 30th Street, Birmingham, Alabama.

T W O

Complainant brings this suit to set aside as against Complainant the deed, a copy of which is attached hereto and made a part hereof as fully as if set out herein, marked Complainant's Exhibit A.

T H R E E

Complainant is a general creditor of the estate of J. B. Sorrell, deceased. J. B. Sorrell was a resident of Galveston County, Texas and died August 1, 1946 in Galveston, Texas. Complainant avers that there has been no administration on the estate of J. B. Sorrell, deceased. Prior to his death, J. B. Sorrell was the owner in fee of the following described real property located in Baldwin County, Alabama, namely:

East half of southeast quarter of southeast quarter: A tract of land situated in Northeast quarter of Southeast quarter. Beginning at the Southeast corner of Northeast quarter of southeast quarter of Section 4, thence North 85° 10' West 1336 feet to a point, thence North 4° 50' West 870 feet to a point, thence South 85° 10' East 459 feet to a point, thence North 6° 14' West 459 feet to a point, thence South 85° 10' East 935 feet to a point, thence South 4° 50' West to a point of beginning; a tract of land situated in Southeast quarter of Northeast quarter of Section 4, described as follows: Beginning at the southeast quarter of Northeast quarter of Section 4, thence North 85° 10' West 442 feet to a point, thence North 4° 50' East 209 feet to a point, thence North 85° 10' West 544 feet to a point, thence North 10° 20' West 294 feet to a point, thence North 4° 10' East 870 feet to a point, thence South 85° 10' East 1320 feet to a point, thence South 4° 50' West 1320 feet to point of beginning, all in Section 4, Township 3 South, Range 3 East, less and except rights of way for L & N Railroad Company and for public highway.

Excepting from this conveyance the one-half interest in all minerals owned by the Federal Farm Mortgage Corporation reserved to it in that certain deed from it to R. B. Vail dated September 14th, 1937 and recorded in the office of the Judge of Probate in Deed Book 63 N. S. pages 170-1.

#### F O U R

Prior to the death of the said J. B. Sorrell and to pay the expense of his last illness Complainant paid for nurses and hospital bills in the sum of \$396.60 and paid the funeral bill for the burial of the said J. B. Sorrell in the sum of \$145.70 after his death. Complainant avers that he paid the aforementioned items relying upon the fact that the said J. B. Sorrell had an estate sufficient to reimburse the Complainant for the amounts expended in that the said J. B. Sorrell did own the property above described in Baldwin County, Alabama. J. B. Sorrell had no assets in the State of Alabama except the above property.

#### F I V E

Complainant avers that on to-wit August 14, 1946 the deed which is attached hereto, marked Exhibit A was recorded by Respondent in Deed Book 110 N. S. pages 327-8, Probate Records of Baldwin County, Alabama. Complainant avers that the aforementioned deed is fraudulent and void as against Complainant for the

following reasons:

Such conveyance while purporting to be dated June 8, 1945 was not in fact executed at such time but was executed shortly prior to the death of the said J. B. Sorrell although the exact time of such execution is unknown to Complainant and was executed and delivered to Respondent and with her full knowledge for the purpose and with the intent to hinder, delay or defraud creditors of the said J. B. Sorrell, deceased. Complainant further avers that there was no consideration in fact for the execution of such deed but to the contrary the same was a voluntary conveyance without consideration between the said J. B. Sorrell to the said Edna P. Sorrell. There is need for the estate of the said J. B. Sorrell to be represented in this proceeding. There is no executor or administrator of this estate.

PRAYER FOR PROCESS

Complainant prays that appropriate process be issued and served upon the Respondent requiring her to appear and plead, answer or demur to this Bill of Complaint within the time required by law.

PRAYER FOR RELIEF

Complainant prays that this Court will take jurisdiction of this cause and will enter an order setting aside the aforementioned deed and declaring the same null and void as against the Complainant and other creditors of the said J. B. Sorrell, deceased. Complainant further prays the Court will appoint an administrator ad litem to represent the estate of the said J. B. Sorrell, deceased, in this particular proceeding without bond, that Complainant be allowed to reduce in this proceeding his claim to a judgment against the estate of the said J. B. Sorrell, deceased and that he be allowed to have execution issued on

--4--

such judgment against such estate and levied upon  
the property described in the above foregoing con-  
veyance. He prays such other and different relief  
as he may show himself entitled to receive.

Arthur Hale Kilham  
Solicitors for Complainant  
Mobile, Alabama.

STATE OF ALABAMA    )  
COUNTY OF MOBILE    )

Before me, the undersigned Notary Public in  
and for said State and County, personally appeared  
Baker Sorrell, known to me, who, being by me duly  
sworn deposes and says that he has read the fore-  
going Bill of Complaint and the matters contained  
therein are true and correct.

Baker Sorrell

Subscribed and sworn to before me  
this 9<sup>th</sup> day of January, 1947.

Vivian P. Mc Donald

STATE OF TEXAS        )  
                          )  
COUNTY OF GALVESTON )

C                    Know all men by these presents, that I,  
  
J. B. Sorrell, of Galveston County, Texas, for and  
in consideration of the sum of one dollar (\$1.00)  
to me in hand paid by Edna P. Sorrell, and other  
good and valuable considerations, receipt of which  
O                    is hereby acknowledged, have Granted, Sold, and  
Conveyed, and by these presents do Grant, Sell and  
Convey unto the said Edna P. Sorrell of the County  
of Galveston, State of Texas, all of the following  
described real property, situated in the County of  
P                    Baldwin, State of Alabama, to-wit:

Y                    East half of Southeast quarter of Southeast  
quarter; A tract of land situated in North-  
east quarter of Southeast quarter. Beginning  
at the Southeast corner of Northeast quarter  
of Southeast quarter of Section 4, Thence North  
85° 10' West 1336 feet to a point, thence North  
4° 50' West 870 feet to a point, thence South  
85° 10' East 459 feet to a point, thence North  
6° 14' West 459 feet to a point, thence South  
85° 10' East 935 feet to a point, thence South  
4° 50' West to a point of beginning; a tract  
of land situated in Southeast quarter of North-  
east quarter of Section 4, described as follows:

Beginning at the Southeast quarter of Northeast  
quarter of Section 4, thence North 85° 10' West  
442 feet to a point, thence North 4° 50' East  
209 feet to a point, thence North 85° 10' West  
544 feet to a point, thence North 10° 20' West  
294 feet to a point, thence North 4° 10' East  
870 feet to a point, thence South 85° 10' East  
1320 feet to a point, thence South 4° 50' West  
1320 feet to point of beginning, all in Section  
4, Township 3 South, Range 3 East, less and  
except rights of way for L & N Railroad Company  
and for public highway.

Excepting from this conveyance the one-half  
interest in all minerals owned by the Federal  
Farm Mortgage Corporation reserved to it in  
that certain deed from it to R. B. Vail dated  
September 14th, 1937 and recorded in the office  
of the Judge of Probate in Deed Book 63 N. S.  
pages 170-1.

*Complainant's Exhibit A.*



C O P Y

C

Together with all and singular the rights, members, privileges, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

O

P

Y

To have and to hold the above described premises, together with all and singular the rights, and appurtenances thereunto in anywise belonging unto the said Edna P. Sorrell, her heirs or assigns forever and I do hereby bind myself, my heirs, executors, and administrators to Warrant and forever Defend all and singular the said premises unto the said Edna P. Sorrell, her heirs and assigns against every person whomsoever claiming or to claim the same or any part thereof.

Witness my hand this 8th day of June, 1945.

(Signed) J. B. Sorrell

STATE OF TEXAS )  
COUNTY OF GALVESTON )

Before me, the undersigned authority on this day personally appeared J. B. Sorrell, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 8th day of June, 1945.

(SEAL)

(Signed ) L. M. Gernsbacher  
Notary Public in and for Galveston  
County, Texas

C O P Y

C

THE STATE OF TEXAS )  
COUNTY OF GALVESTON )

O

I, L. M. Gernsbacher, a Notary Public in and  
for said County, in said state, hereby certify that  
J. B. Sorrell, whose name is signed to the foregoing  
conveyance, and who is known to me, acknowledged  
before me on this day, that being informed of the  
contents of this conveyance he executed the same  
voluntarily on the day the same bears date.

P

Given under my hand and seal this 8th day of  
June, AD 1945.

Y

(SEAL)

(Signed) L. M. Gernsbacher  
Notary Public in and for Galveston  
County, Texas

1805-

Robert Sorell  
complainant

v.s.

Edna P. Sorell  
Respondent

33056

Summons & Complaint

4' each

1-11-47

W  
Miss J. Smith  
Register

EXECUTED this the 14  
day of June 1947  
by leaving a copy of the within with  
Edna P. Sorell

HOLT A. McDOWELL, Sheriff,  
Jefferson County, Alabama  
By Edna P. Sorell D-S

002 140

to be void as against creditors of the estate of  
J. B. Sorrell.  
All persons are notified of the pendency of  
such litigation and are hereby charged to take  
notice thereof.

*Charles Sorrell*

BAKER SORRELL

STATE OF ALABAMA, BALDWIN COUNTY  
Filed *June 11, 1947*  
Recorded *June 11, 1947* book *139-48* page *92*  
*MR. J. B. Sorrell*  
Judge of Probate in

BAKER SORRELL,  
 Complainant  
 vs.  
 EDNA P. SORRELL,  
 Respondent  
 IN THE CIRCUIT COURT OF  
 BALDWIN COUNTY, ALABAMA  
 IN EQUITY #1805

Comes the respondent in the above styled cause and for answer to the bill of complaint heretofore filed against her therein, says:

ONE

Respondent admits the allegations of paragraph one of the bill of complaint.

TWO

Respondent admits that complainant's purpose is to set aside the deed, as alleged, but denies that he has any right to do so.

THREE

Respondent denies that complainant is a general creditor of the estate of J. B. Sorrell, deceased. Respondent admits that J. B. Sorrell was a resident of Galveston, Texas, and that he died on August 1, 1946, in Galveston, Texas, and the respondent admits that there has been no administration on his estate. Respondent denies that at the time of his death said J. B. Sorrell owned in fee the property described in the bill of complaint, and alleges that same had been deeded by him to respondent long prior to his death and on, to-wit, June 8, 1945.

FOUR

Respondent avers that complainant's payments alleged in paragraph four of the bill of complaint were made voluntarily by complainant, as a gratuity, and that such payments constitute no indebtedness on the part of said decedent's estate. Respondent denies that complainant made said payments in reliance on the fact that said decedent had an estate sufficient to reimburse him, and alleges that said payments were made voluntarily, as aforesaid. Respondent further alleges that said decedent had a certain insurance

policy to cover his funeral and that, in addition, complainant got a cash policy of insurance in the sum of, to-wit, \$150.00, on said decedent's life. Respondent denies that said decedent had any assets in the state of Alabama at the time of his death.

#### FIVE

Respondent admits that the deed described in paragraph five of the bill of complaint was recorded as alleged, but denies that same is fraudulent and void as against her for the reasons

alleged, or for any other reason.

#### SIX

Respondent further alleges that said deed was executed on the day it bears date and long before complainant made his

gratuitous contributions toward his brother's last illness and

funeral expenses. Respondent denies that said deed was executed

or delivered with any fraudulent purpose and alleges that same

was executed and delivered long prior to the time of complainant's

said payments and on the date appearing in the deed.

Respondent denies that there is any need for the estate

of said decedent to be involved in this proceeding, as there is

no estate to be represented therein.

*William A. Williams*

*Solicitors for Respondent*

Address: Mobile, Alabama

STATE OF ALABAMA     )  
                              )  
COUNTY OF BALDWIN    )

Take notice that the undersigned is a general creditor of the Estate of J. B. Sorrell, deceased, has begun suit in the Circuit Court of Baldwin County, Equity Division to recover for the Estate of J. B. Sorrell, deceased, the following described real property in Baldwin County, Alabama, namely:

East half of southeast quarter of southeast quarter: a Tract of land situated in Northeast quarter of Southeast quarter. Beginning at the Southeast corner of Northeast quarter of southeast quarter of Section 4, thence North 85° 10' West 1336 feet to a point, thence North 4° 50' West 870 feet to a point, thence South 85° 10' East 459 feet to a point, thence North 6° 14' West 459 feet to a point, thence South 85° 10' East 935 feet to a point, thence South 4° 50' West to a point of beginning; a tract of land situated in Southeast quarter of Northeast quarter of Section 4, described as follows: Beginning at the southeast quarter of Northeast quarter of Section 4, thence North 85° 10' West 442 feet to a point, thence North 4° 50' East 209 feet to a point, thence North 85° 10' West 544 feet to a point, thence North 10° 20' West 294 feet to a point, thence North 4° 10' East 870 feet to a point, thence South 85° 10' East 1320 feet to a point, thence South 4° 50' West 1320 feet to point of beginning, all in Section 4, Township 3 South, Range 3 East, less and except rights of way for L & N Railroad Company and for public highway.

Excepting from this conveyance the one-half interest in all minerals owned by the Federal Farm Mortgage Corporation reserved to it in that certain deed from it to R. B. Vail dated September 14th, 1937 and recorded in the office of the Judge of Probate in Deed Book 63 N. S. pages 170-1.

The party respondent to such suit is Edna P. Sorrell. The suit seeks to set aside a conveyance of the above described property which is recorded in Deed Book 110 N. S. Pages 327-8, Probate Records of Baldwin County, Alabama, under which J. B. Sorrell allegedly conveyed the above described property to Edna P. Sorrell. Such deed is claimed by Complainant

2081

to be void as against creditors of the estate of  
J. B. Sorrell.

All persons are notified of the pendency of  
such litigation and are hereby charged to take  
notice thereof.

Baker Sorrell  
BAKER SORRELL

Handwritten notes and calculations, including a large diagonal line and various numbers.



STATE OF ALABAMA     )  
                              )  
COUNTY OF BALDWIN    )

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**PROBATE JUDGE**

Bay Minette, Ala.,

Jan 11, 1947

Received of

Bay Minette,  
 Mrs. Alice J. Ketch

[illegible]

**FOR RECORD**

**TOTAL \$**\_\_\_\_\_

W. R. Stewart

**Judge of Probate.**

Take notice that the undersigned is a general creditor of the Estate of J. B. Sorrell, deceased, has begun suit in the Circuit Court of Baldwin County, Equity Division to recover for the Estate of J. B. Sorrell, deceased, the following described real property in Baldwin County, Alabama, namely:

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