

1305

ESTATE OF
CORA H. SADLER, DECEASED

||

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

MOTION

Now comes the Contestant named in this suit and moves the Court to permit him to withdraw all original instruments heretofore introduced in evidence in this cause, which includes the Last Will and Testament of Cora H. Sadler, dated in 1944, the Last Will and Testament of Rena Pollard, a certified copy of the Last Will and Testament of J. D. Salder, a letter from J. D. Sadler to D. R. Coley, Jr., and pencil memorandums made by E. G. Rickarby and D. R. Coley, Jr., and any and all other instruments which were introduced in evidence in this cause by the Contestant.

WHEREFORE, Movent moves that the Court to make and enter a proper order permitting the withdrawal of the above described instruments.

Franklin D. Sadler

Attorneys for Contestant:

[Signature]
J. B. Blalock

STATE OF ALABAMA
BALDWIN COUNTY

The above Motion being submitted to the Court on this date is hereby granted and the Contestant shall be and he is hereby permitted to withdraw all of the original instruments referred to in the above Motion.

Done on this the 24th day of March, 1949.

Jelfer J. Maslibere, Jr.
Judge.

TO BUREAU THROUGH THE WZ

AMEMBIA, WYOMING DIVISION

WYOMING DEPT

TO BUREAU

DEPARTMENT OF JUSTICE

WYOMING

Re Wyoming letter to Bureau dated 1/27/49 and Bureau letter to Wyoming dated 2/11/49.

Reference is made to Wyoming letter to Bureau dated 1/27/49 and Bureau letter to Wyoming dated 2/11/49.

It is noted that Wyoming advised that the above-named individual was not located in Wyoming.

It is further noted that Wyoming advised that the above-named individual was not located in Wyoming.

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Very truly yours,

Filed 3-24-49
Alice J. Duck
Clerk

Respectfully,
[Signature]

AMEMBIA TO BUREAU
WYOMING DIVISION

Re Wyoming letter to Bureau dated 1/27/49 and Bureau letter to Wyoming dated 2/11/49.

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Done on this 24th day of March, 1949.

[Signature]

Page 1

Estate of
CORAH. SADLER,
Deceased

PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

Comes FRANKLIN D. SADLER, a resident of Fairhope, Baldwin County, Alabama, and shows to the Court that he is the only child and next of kin of Cora H. Sadler, the decedent, and as such the sole heir did she die intestate, and hereby contests in writing the probate of the paper heretofore filed by Jacob Hartley as the last will and testament of said decedent and protests the probate of such paper as the last will of decedent upon the following grounds:

FIRST: The paper propounded in this Court for probate as the will of decedent was not executed in the mode and manner prescribed by law.

SECOND: At the time the alleged will purported to be executed Cora H. Sadler was not of sound mind and disposing memory.

THIRD: That at the time the alleged will purported to have been executed the alleged testatrix was incapable of making a valid will or of making testamentary disposition of her property on account of her enfeebled condition in both mind and body. Decedent was an aged woman in ill health and bedridden for more than two years as the result of a serious accident and, because of this, was so enfeebled in mind, memory and body as to be incapable of making a legal will.

FOURTH: The instrument propounded for probate as the last will of decedent was not executed by decedent as her voluntary act, but under the influence of Jacob Hartley, who, at the time of such execution, had overpowered the will of said decedent, then enfeebled by two years of suffering and with memory and judgment impaired, and substituted his will for hers, thus destroying the free will of said decedent in the execution of said instrument so that the execution of said instrument as drafted was due to undue influence upon the part of Jacob Hartley.

FIFTH: That the instrument propounded for probate as the last will of decedent was not executed by said decedent as her voluntary act, but under the undue influence of Theresa Hartley, wife of Jacob Hartley, who, at the time of such execution, had overpowered the enfeebled will of decedent and substituted her will for that of decedent, thus destroying the free will of decedent in the execution of the present instrument.

SIXTH: That two years prior to the execution of this alleged will the decedent Mrs. Sadler then in her eightieth year sustained a serious fall whereby her hip was broken and a later fall in which a rib was broken. These injuries, because of her advanced age, never healed and the pain, suffering and confinement so enfeebled both her mind and disposing memory as to render her incapable of making a legal will.

SEVENTH: That decedent was an elderly woman at the time of making said alleged will, in her eighty-second year, who for two years had been bedridden with a broken hip and rib which, because of her age, did not heal and because of which injuries she endured constant pain and suffering which, together with long confinement, so affected her mentality as to seriously impair her memory, judgment and parental feeling. That while in this condition she was a large part of the time in the society of and under the influence of her brother, Jacob Hartley, the remainder legatee and principal beneficiary of the proposed will, and of his wife, Theresa Hartley, one or both of whom took advantage of decedent's enfeebled condition to unduly influence and prejudice her against her only son and induce her to disinherit him, an action contrary to her often expressed purpose and that of her late husband whose intent for their child's welfare she in her normal condition respected and planned to carry out by leaving to said son, Contestant here, all of the estate of herself and husband.

THE PREMISES CONSIDERED, Contestant prays that the petition of Jacob Hartley to probate as the will of Cora Hartley Sadler the instrument propounded by him be denied and said purported will declared void and of no effect.

Contestant now demands in writing at this, the filing of his initial proceeding in this cause, that this contest be transferred from the Probate Court to the Circuit Court of Baldwin County pursuant to the Provisions of Title 61, Section 63 of the 1940 Code of Alabama and that the issues be there made up and tried in said Court before a jury.

Franklin D. Sadler

STATE OF ALABAMA:

COUNTY OF BALDWIN:

Before me, the undersigned Notary Public in and for said State and County, personally appeared this day Franklin D. Sadler, the Contestant in the above styled cause, who, after being duly sworn, says that he has read the foregoing, that he has knowledge of the facts therein set out and that same are true to the best of his knowledge and belief.

Franklin D. Sadler

Subscribed and sworn to before me this the 27th day of January, 1949.

Beattie A. Rinkley
Notary Public, Baldwin County, Alabama.

Rinkley & Rinkley
Attorneys for Contestant.

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MO 2222'

Estate of
CORA H. SADLER,
Deceased

*In Case
of Death*

CONTEST OF WILL AND
DEMAND FOR TRANSFER TO
CIRCUIT COURT

*Fairhope Office of
Judge of Probate
County, Baldwin Co
Alabama, 1949
W. R. Rickarby
Attorney*

RICKARBY & RICKARBY
LAWYERS
Fairhope, Alabama

Recorded *12* Day of *Feb* 19*49*
and of *12* Day of *Feb* 19*49*
I herby certify a copy of the foregoing
W. R. Rickarby
By *W. R. Rickarby* Clerk

The State of Alabama, Baldwin County

PROBATE COURT

LETTERS OF ADMINISTRATION
AD COLLIGENDUM,

On the estate of Cora H. Sadler, deceased,

are hereby granted to J. E. Gooden

who has duly qualified and given bond as such Administrator, and is authorized to administer such estate.

Witness my hand, and dated this 26th day of January, A.D., 1949.

J. E. Gooden
Judge of Probate.

THE STATE OF ALABAMA

Baldwin County.

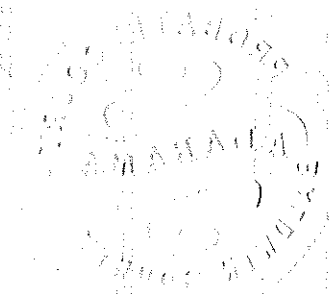
PROBATE COURT

ESTATE OF

Deceased.

Administrat_____

Letters of Administration



Estate of
CORA H. SADLER,
Deceased

PROBATE COURT OF
BALDWIN COUNTY, ALABAMA

This day came FRANKLIN D. SADLER, a party to the contest of the will of Cora H. Sadler, deceased, and filed herein his demand in writing for the removal of the contest to the Circuit Court of Baldwin County, Alabama, as provided for by the 1940 Code of Alabama, Title 61, Section 63 and demanding that the hearing of said cause be transferred from the Probate Court of Baldwin County to the Circuit Court of said County, and upon consideration thereof, it is

ORDERED and ADJUDGED by the Court that the contest of the will of Cora H. Sadler, deceased, be and the same is hereby transferred to the Circuit Court of Baldwin County, Alabama, and that all original papers on file relating to these proceedings be certified to the Clerk of said Court.

It further appearing that it is to the interest of the estate that pending said contest and until the appointment of a duly authorized Executor or Administrator the assets of the estate should be collected and safeguarded and that J. E. Gooden, a resident of Fairhope, Alabama, is a disinterested and suitable party to act for such purpose, the said J. E. Gooden is hereby nominated and appointed as such special Administrator under the provisions of Title 61, Section 89 of the Code to collect and safeguard the assets of the estate until further orders of the Court having jurisdiction of the cause. Said appointment to be effective upon said special Administrator's filing bond as such in the penal sum of Fifteen Thousand Dollars.

Done this 24 day of January, Nineteen Hundred Forty-nine.


Judge of Probate.

NO FURTHER PROCEEDINGS
SHOULD BE TAKEN

IN WITNESS WHEREOF
I HAVE HEREUNTO SET MY HAND AND SEAL
THIS 10th DAY OF MARCH 1950

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal at Chicago, Illinois, this 10th day of March, 1950.

ORDER TRANSFERRING ADMINISTRATION
TO THE CIRCUIT COURT AND
APPOINTMENT OF SPECIAL ADMIN-
ISTRATOR.

Estate of
CORA H. SADLER,
Deceased

That the undersigned, being a duly qualified and licensed attorney-at-law in and for the State of Illinois, do hereby certify that the within and foregoing is a true and correct copy of the original thereof as the same appears from the records of the Court of Probate in and for the County of Cook, State of Illinois, in and to the file therein captioned as above.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Chicago, Illinois, this 10th day of March, 1950.

Very truly yours,
[Signature]

Notary Public in and for the State of Illinois

My commission expires on [Date]

Witness my hand and seal at Chicago, Illinois, this 10th day of March, 1950.

[Signature]

Notary Public in and for the State of Illinois

My commission expires on [Date]

[Signature]

Notary Public in and for the State of Illinois

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Attorneys for Contestant:

STATE OF ALABAMA
BALDWIN COUNTY

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BALDWIN COUNTY

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Judge.

1.	Clarence Walters	Farmer	Foley	P. 1
2.	James W. Cyphers	Farmer	Foley	P. 2
3.	Anthony Carizzo	Farmer	Daphne	
4.	Joe C. Earl Griffin	Stage Driver	Dorley	P. 1
5.	Sam Pruitt	Clerk	Bay Minette	P.
6.	Henry J. Johnson	Millen	Silverhill	P.
7.	Albert Vicous	Farmer	Silverhill	
8.	Henry Bishop	Bank Cashier	Fairhope	P.
9.	Wesley S. Slaughter	Logging	Tuscar	P. 2
10.	Frank Roberts	Carpenter	Bay Minette	P.
11.	Arthur T. Street	Farmer	Point Clear	P.
12.	A. L. Kirkland Jr.	Timber	Foley	P. 1
13.	J. O. Hall	Farmer	Tuscar	P.
14.	A. F. Cody	Merchant	Foley	
15.	Samuel F. Robinson	Farmer	Point Clear	P. 1
16.	Edward P. Graves	Brookley Field	Robertsdale	
17.	W. W. Ferguson	Merchant	Little River	P.
18.	Jerry Heidelberg	Farmer	Silverhill	
19.	Thomas S. Hodges	Farmer	Summersdale	P.
20.	George C. Hill	Clerk	Foley	P.
21.	Robert H. Stapleton	Merchant	Fairhope	
22.	High S. Metcalf Sr.	Farmer	Foley	
23.	Carlos Ward	Mechanic	Fairhope	
24.	John Beverly	Laborer	Robertsdale	
25.	Ray A. Sweeney	Timber	Foley	3
26.	Joe Rybar	Farmer	Silverhill	P.
27.	Alfred W. Neumann	Banker	Liberta	
28.	John Lindsey	Defense	Foley	P.
29.	Harvey G. Weaver	Merchant	Bay Minette	P. 2
30.	George Young	Sign Painter	Bay Minette	P. 3
31.	Walter Avera	Farmer	Summersdale	
32.	George Wenzel	Farmer	Foley	
33.	Lee A. McFaid	Fisherman	Bay Minette	P.
34.	John Hales	Farmer	Fairhope	P.
35.	Charles S. Faircloth	Turpentine	Libertan	
36.	J. Leon Palmer	Farmer	Robertsdale	

Tommy

James

P- + + + + + + + + + +

Com- + + + + + + + + + +

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