

1313

STATE OF ALABAMA  
BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Aaron Williams and Lucinda Williams to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding the same, then and there to answer the Complaint of Thomas J. Earle.

Witness my hand this 22<sup>nd</sup> day of February, 1949.

*Heinz J. Neuch*  
Clerk.

THOMAS J. EARLE,  
Plaintiff,

vs.

AARON WILLIAMS AND  
LUCINDA WILLIAMS,

Defendants.

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

The Plaintiff sues to recover possession of the following described land situated in Baldwin County, Alabama, viz:

From the Southwest Corner of Section 17, Township 3 North, Range 3 East, which corner is known as the Porterfield Corner; run East 1333 feet to a stake, thence North 159 feet to the point of beginning; thence North 233 feet; thence North 17 degrees East 349 feet; thence North 84 degrees East 381 feet; thence North 33 degrees East 241 feet; thence North 57 degrees East 246 feet; thence South 42 degrees East 505 feet; thence South 57 degrees West 500 feet; thence South 61 degrees 30 minutes West 326 feet; thence North 85 degrees West 346 feet; thence South 35 degrees West 200 feet to the point of beginning, containing 11.2 acres more or less.

of which he was in possession and upon which, pending such possession and before the commencement of this suit, the Defendants entered and unlawfully withhold, together with Two Hundred Fifty and no/100 Dollars (\$250.00) for the detention thereof.

*Hyman Shanon Stone*  
Attorneys for Plaintiff.

no 1313  
RECORDED

SUMMONS AND COMPLAINT

THOMAS J. EARLE,  
Plaintiff,

vs.

AARON WILLIAMS AND  
LUCINDA WILLIAMS,  
Defendants.

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

Filed February 22<sup>nd</sup>, 1949.

Alice J. Wrench  
Clerk.

LAW OFFICES  
HYBART, CHASON & STONE  
BAY MINETTE, ALABAMA

Executed March 1 1949  
by serving copy of within Summons and  
Complaint on

Aaron Williams  
Lucinda Williams

Taylor Wilkins Sheriff  
By H. F. Hall Deputy Sheriff

STATE OF ALABAMA )  
BALDWIN COUNTY )

IN THE CIRCUIT COURT - LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Anna James and Ephraim Williams to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding the same, then and there to answer the Complaint of Thomas J. Earle.

Witness my hand this 17<sup>th</sup> day of October, 1949.

*Alvin J. Wicks*  
Clerk.

THOMAS J. EARLE,

Plaintiff,

vs.

AARON WILLIAMS, LUCINDA  
WILLIAMS, ANNA JAMES and  
EPHRAIM WILLIAMS,

Defendants.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

Comes the Plaintiff in the above styled cause and amends his Complaint heretofore filed in said Court against Aaron Williams and Lucinda Williams by adding as parties defendant Anna James and Ephraim Williams and rewrites said Complaint so that the same shall read as follows:-

The Plaintiff sues to recover possession of the following described land situated in Baldwin County, Alabama, viz:-

From the Southwest corner of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section 17, Township 3 North, Range 3 East, run East 71 feet to point of beginning, run thence North 17 degrees East 243 feet to a point, run thence North 84 degrees East 381 feet to a point, run thence North 33 degrees East 241 feet to a point, run thence North 57 degrees East 246 feet to a point, run thence South 42 degrees East 505 feet to a point, run thence South 57 degrees West 426 feet to a point on the South boundary line of said Section 17, run thence West along such Section line 767.8 feet to the point of beginning, said land being a part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section 17, Township 3 North, Range 3 East, and containing 8.4 acres, more or less.

of which he was in possession and upon which pending such possession and before the commencement of this suit, the Defendants entered and unlawfully withhold, together with damages in the sum of Two Hundred Fifty and no/100 Dollars (\$250.00) for the detention thereof.

Hyatt & Associates, P.C.  
Attorneys for Plaintiff.

Received in Sheriff's Office  
this 7 day of Oct, 1949  
TAYLOR WILKINS, Sheriff

Executed \_\_\_\_\_ 19 \_\_\_\_  
by serving copy of within Summons and  
Complaint on

Ephraim Williams Nov 26, 1949

Taylor Wilkins Sheriff  
By H. F. Hall Deputy Sheriff

Received 9 Day of March 1951  
and on 9 Day of March 1951  
I served a copy of the within summons  
on W. H. Holcombe  
by service on \_\_\_\_\_  
\_\_\_\_\_

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

101313

RECORDED 382  
936

SUMMONS AND AMENDED COMPLAINT

THOMAS J. EARLE,

Plaintiff,

vs.

AARON WILLIAMS, LUCINDA  
WILLIAMS, ANNA JAMES and  
EPHRAIM WILLIAMS,

Defendants.

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

Filed October 10th, 1949.

David J. Smith  
Clerk

LAW OFFICES  
HYBART, CHASON & STONE  
BAY MINETTE, ALABAMA

THOMAS J. EARLE,  
Plaintiff,  
VS.

AARON WILLIAMS, LUCINDA  
WILLIAMS, ANNA JAMES and  
EPHRAIM WILLIAMS,  
Defendants.


IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

LAW SIDE.

ANSWER.

Now come the Defendants, Aaron Williams, Lucinda Williams, and Ephraim Williams, each separately and severally, and for answer to the amended Bill of Complaint say:

1. Not guilty.

  
Attorney for Defendants, Aaron Williams, Lucinda Williams, and Ephraim Williams.

10/31/3  
ANSWER.

RECORDED

THOMAS J. EARLE,  
Plaintiff,

VS.

AARON WILLIAMS, LUCINDA WILLIAMS  
ANNA JAMES and EPHRAIM WILLIAMS.

Defendants.

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

FILED  
DEC 22 1949  
ALICE J. DUCK, Clerk

J. B. BLACKBURN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

THOMAS J. EARLE,

Plaintiff,

VS.

AARON WILLIAMS and LUCINDA  
WILLIAMS,


Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

LAW SIDE.

MOTION TO HAVE LANDLORDS MADE PARTIES  
DEFENDANT

Now comes the Defendants in the above styled cause and say that they are not the owners of the land involved in this suit, but that they are tenants of Anna James and Ephraim Williams, both of whom are residents of the State of Alabama. The Defendants, therefore, move that the landlords, the said Anna James and Ephraim Williams, be made parties defendant in this suit.

  
Attorney for Defendants.



THOMAS J. EARLE, )  
Plaintiff, ) IN THE CIRCUIT COURT OF  
VS. ) BALDWIN COUNTY, ALABAMA  
AARON WILLIAMS, ET AL, ) AT LAW. NO. 1313  
Defendants. )

SUGGESTION OF ADVERSE POSSESSION FOR  
THREE YEARS.

Now come the Defendants and suggest upon the record that they and those whose possession they have, have for three years next before the commencement of this suit had adverse possession of the property described in the Plaintiff's amended Complaint.

J. B. Blackburn  
Attorney for Defendants.

SUGGESTION OF ADVERSE POSSESSION  
FOR THREE YEARS

RECORDED

THOMAS J. EARLE,

Plaintiff,

VS.

AARON WILLIAMS, ET AL,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW. NO. 1313

*Filed 2-31-5-1  
Alice J. Luck  
Clerk*

1314  
MOTION TO HAVE LANDLORDS MADE  
PARTIES DEFENDANT

THOMAS J. EARLE, **RECORDED**  
Plaintiff,

VS.

AARON WILLIAMS and LUCINDA  
WILLIAMS,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

**FILED**  
AUG 18 1949  
ALICE J. DUCK, Clerk

J. B. BLACKBURN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

*Plaintiff's Exhibit No 1*

432

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME,  
GREETING:

Homestead Certificate No. 267 )  
Application 323 ) WHEREAS, there has been deposited  
in the General Land Office of the United States, a Certificate of the  
Register of the Land Office at Mobile, Alabama, whereby it appears  
that pursuant to the Act of Congress approved 20th May, 1862, "To  
secure Homesteads to actual settlers on the public domain," and the  
acts supplemental thereto, the claim of Simon Munnerlyn has been  
established and duly consummated in conformity to law for the south-  
east quarter of the north-east quarter the northeast quarter of the  
south-east quarter and the south half of the south-east quarter of  
section seventeen in township three north of range three east of St.  
Stephens, Meridian in Alabama containing one hundred and sixty acres  
and fourteen hundredths of an acre, according to the Official Plat  
of the Survey of the said Land returned to the General Land Office  
by the Surveyor General.

NOW KNOW YE, That there is therefore granted by  
the United States unto the said Simon Munnerlyn the tract of Land  
above described: TO HAVE AND TO HOLD the said tract of Land, with  
the appurtenances thereof, unto the said Simon Munnerlyn and his  
heirs and assigns forever.

IN TESTIMONY WHEREOF, I, Chester A. Arthur,  
President of the United States of America, have caused these letters  
to be made Patent, and the SEAL OF THE GENERAL LAND OFFICE to be  
hereunto affixed.

Given under my hand, at the CITY OF WASHINGTON,  
the thirteenth day of August, in the year of OUR LORD one thousand  
eight hundred and eighty-three, and of the Independence of the United  
States the one hundred and eighth,

By the President Chester A. Arthur  
By Wm H. Crook, Secretary  
S. W. Clark, Recorder of the  
General Land Office

(Seal of the United  
States General Land Office)

(Plaintiff's Exhibit "1") *Ora S Nelson* Reporter  
Department of the Interior  
General Land Office

Washington, D. C., November 25, 1942

I hereby certify that this photograph is  
a true copy of the patent record which is  
in my custody in this office.

R. S. Clinton,  
Chief, Patents Division.

*Plaintiff's Exhibit no 2.*

STATE OF ALABAMA

WASHINGTON COUNTY

Before me, Mrs. M. F. Carter, a Notary Public, in and for said State and County, personally appeared Ed Munnerlyn and Charlie Munnerlyn, Jr. who after being by me first duly and legally sworn, doth depose and say as follows:-

That their names are Ed Munnerlyn and Charlie Munnerlyn, Jr; that they are over the age of twenty-one years; that the following described real estate, viz:-

Southeast Quarter of Southeast Quarter,  
Southwest Quarter of Southeast Quarter,  
Northeast Quarter of Southeast Quarter  
of Section 17, Township 3 North, Range  
3 East, in Baldwin County, Alabama.

was the property of Simon Munnerlyn; that Simon Munnerlyn died without leaving a Will, leaving four children who are named John Munnerlyn, Charlie Munnerlyn, Susie Munnerlyn English, Artemelia Munnerlyn Harris; that said John Munnerlyn died without leaving a Will; that he had seven children, namely, Nancy Munnerlyn Harris, who died without leaving a Will, but who left one child named J. T. Jackson and a husband named Ebenezier Harris; Simon Munnerlyn who is unmarried, Ed Munnerlyn whose wife is named Susie Munnerlyn, Beatrice Munnerlyn Sullivan whose husband is named Adell Sullivan, Artemelia Munnerlyn Forward whose husband is named John Forward, Elmer Munnerlyn whose wife is named Roberta Munnerlyn and Ben Munnerlyn whose wife is named Alice Munnerlyn.

That Charlie Munnerlyn died without leaving a Will and his heirs at law and next of kin are as follows:- his son Charlie Munnerlyn, Jr. whose wife is named Catherine Munnerlyn, Mamie Munnerlyn Toolles whose husband is named Ivory Toolles.

That Susie Munnerlyn English died without leaving any children but she left a husband named Henry English, who is still living. She died not leave a Will.

Artemelia Munnerlyn Harris married Jonas Harris. They had mortgaged their interest in this property and the mortgage had been foreclosed before their death by Hall and Robinson.

(Plaintiff's Exhibit "2")

*Ora L. Nelson*

Reporter

That all of the above named parties, with the exception of Hall and Robinson, have agreed to sell their interest in said property to Thomas J. Earle. That upon the proper execution and delivery of deeds of conveyance by the above named parties, with the exception of Hall and Robinson, to Thomas J. Earle, that the said Thomas J. Earle will be the owner of an undivided three-fourths interest in and to said property, free and clear of all liens and encumbrances. That no administration was ever had on the estate of Simon Munnerlyn, John Munnerlyn, Charlie Munnerlyn, Susie Munnerlyn English, Artemelia Munnerlyn, or Nancy Munnerlyn Harris; that all debts due by all of them have been paid in full and there are no liens against their interest in said property; that all of the heirs at law and next of kin of Simon Munnerlyn herein named are over the age of twenty-one years and are of sound mind.

(seal of Mrs. M. F. Carter  
Notary Public, Washington  
County, Ala.)

/S/ Ed Munnerlyn

/S/ Charlie Munnerlyn, Jr.

Sworn to and subscribed before  
me, a Notary Public, whose seal  
is hereto affixed this 14th day  
of November, 1942.

/S/ Mrs. M. F. Carter  
Notary Public, Washington County,  
Alabama.

*Plaintiff's Exhibit 102.*

STATE OF ALABAMA

BALDWIN COUNTY

THIS INDENTURE, made and entered into by and between J. T. JACKSON AND ELIZABETH JACKSON, his wife, ED MUNNERLYN AND SUSIE MUNNERLYN, his wife, BEATRICE MUNNERLYN SULLIVAN AND ADELL SULLIVAN, her husband, ARTEMELIA MUNNERLYN FORWARD AND JOHN FORWARD, her husband, ELMER MUNNERLYN AND ROBERTA MUNNERLYN, his wife, BEN MUNNERLYN AND ALICE MUNNERLYN, his wife, CHARLIE MUNNERLYN JR. AND CATHERINE MUNNERLYN, his wife, MAMIE MUNNERLYN TOOLES AND IVORY TOOLES, her husband, hereinafter referred to as parties of the first part and THOMAS J. EARLE, hereinafter referred to as party of the second part, WITNESSETH:-

That for and in consideration of the sum of ONE HUNDRED DOLLARS (\$100.00) and other good and valuable consideration, this day cash in hand paid to parties of the first part by party of the second part, receipt whereof is hereby acknowledged, parties of the first part have granted, bargained, sold and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part, their undivided interest in and to the following described real estate in Baldwin County, Alabama, to-wit:-

Southeast Quarter of Southeast Quarter, South west Quarter of Southeast Quarter, Northeast Quarter of Southeast Quarter of Section 17, Township 3 North, Range 3 East.

Together with, all and singular, the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD unto the said party of the second part, his heirs and assigns, FOREVER.

And the said parties of the first part, for themselves and their heirs, executors and administrators, hereby covenant and warranty with and unto the said party of the second part, his heirs and assigns, that they are seized of an indefeasible estate in fee simple in and to all of the property hereinabove conveyed; that the same is free from all liens and encumbrances; that they have a good right to sell and convey the same as herein conveyed; that they will guarantee the peaceable possession thereof and that they will and their heirs, executors and administrators shall forever warranty and defend the same unto the said party of the second part, his heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the parties of the first part here unto set their hands and seals on this the 14th day of November, 1942.

WITNESSES to the  
mark of Adell Sullivan:

/S/ John Chason  
/S/ M. F. Carter.

/S/ J. T. Jackson.	Seal
/S/ Elizabeth Jackson	Seal
/S/ Ed Munnerlyn	Seal
/S/ Susie Munnerlyn	Seal
/S/ Beatrice Munnerlyn Sullivan	Seal
/S/ Adell (x) Sullivan	Seal
/S/ Artemelia Munnerlyn Forward	Seal
/S/ John Forward	Seal
/S/ Elmer Munnerlyn	Seal
/S/ Roberta Munnerlyn	Seal
/S/ Ben Munnerlyn	Seal
/S/ Alice Munnerlyn	Seal
/S/ Charlie Munnerlyn Jr.	Seal
/S/ Catherine Munnerlyn	Seal
/S/ Mamie Munnerlyn Tooles	Seal
/S/ Ivory Tooles	Seal

(Plaintiff's Exhibit "3")

*Ora S. Nelson*

Reporter



STATE OF ALABAMA

WASHINGTON COUNTY

I, Mrs. M. F. Carter, a Notary Public, in and for said State and County, hereby certify that J. T. Jackson and Elizabeth Jackson, his wife, Ed Munnerlyn and Susie Munnerlyn, his wife, Beatrice Munnerlyn Sullivan and Adell Sullivan, her husband, Ben Munnerlyn and Alice Munnerlyn, his wife, Charlie Munnerlyn Jr. and Catherine Munnerlyn, his wife, Mamie Munnerlyn Toolles and Ivory Toolles, her husband, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

And I further certify that on the 14th day of November, 1942, came before me the within named Elizabeth Jackson, Susie Munnerlyn, Beatrice Munnerlyn Sullivan, Alice Munnerlyn, Catherine Munnerlyn and Mamie Munnerlyn Toolles, known to me to be the wives of the within named J. T. Jackson, Ed Munnerlyn, Adell Sullivan, Ben Munnerlyn, Charlie Munnerlyn Jr. and Ivory Toolles, respectively, who being examined separate and apart from the husbands touching their signatures to the within instrument, acknowledged that they executed the same of their own free will and accord and without fear, constraint or threats on the part of the husbands.

Given under my hand and seal this 14 day of November, 1942.

(Seal of Mrs. M. F. Carter  
Notary Public,  
Washington County, Ala.)

/S/ Mrs. M. F. Carter  
Notary Public, Washington County  
Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

I, John Chason, a Notary Public, in and for said State and County, hereby certify that Artemelia Munnerlyn Forward and John Forward, her husband, Elmer Munnerlyn and Roberta Munnerlyn, his wife, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, they executed the same voluntarily on the day the same bears date.

I further certify that on the 14 day of November, 1942, came before me the within named Artemelia Munnerlyn Forward and Roberta Munnerlyn, known to me to be the wives of the within named John Forward and Elmer Munnerlyn respectively, who being examined separate and apart from the husbands touching their signatures to the within instrument, acknowledged that they executed the same of their own free will and accord and without fear, constraint or threats on the part of the husbands.

Given under my hand and seal this 14 day of November, 1942.

(seal of John Chason,  
Notary Public,  
Baldwin County, Ala.)

/S/ John Chason  
Notary Public, Baldwin County,  
Alabama.

*Plaintiff's Exhibit no 4*

STATE OF ALABAMA

BALDWIN COUNTY

THIS INDENTURE, made and entered into by and between HENRY ENGLISH, unmarried, hereinafter referred to as party of the first part, and THOMAS J. EARLE, hereinafter referred to as party of the second part, WITNESSETH:-

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration this day cash in hand paid to party of the first part by party of the second part, receipt whereof is hereby acknowledged, party of the first part has granted, bargained, sold and by these presents does hereby GRANT, BARGAIN, SELL AND CONVEY unto the party of the second part the following described real property situated in Baldwin County, Alabama, to-wit:-

Southeast Quarter of Southeast Quarter,  
Southwest Quarter of Southeast Quarter,  
Northeast Quarter of Southeast Quarter  
of Section 17, Township 3 North, Range  
3 East.

Together with, all and singular, the  
rights, benefits, privileges, improvements,  
tenements, hereditaments and appurtenances  
unto the same belonging or in any wise  
appertaining.

TO HAVE AND TO HOLD unto the said party of the second part, his heirs and assigns, FOREVER.

And the said party of the first part, for himself and his heirs, executors and administrators hereby covenants and warrants with and unto the said party of the second part, his heirs and assigns, that he is seized of an indefeasible estate in fee simple in and to all of the property hereinabove conveyed; that the same is free from all liens and encumbrances; that he has a good right to sell and convey the same as herein conveyed; that he will guarantee the peaceable possession thereof and that he will and his heirs, executors and administrators shall forever warrant and defend the same unto the said party of the second part, his heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the party of the first part hereunto sets his hand and seal this 14th day of November, 1942.

/S/ Henry English

STATE OF ALABAMA

BALDWIN COUNTY,

I, John Chason, a Notary Public, in and for said County in said State, hereby certify that Henry English, unmarried, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 14th day of November, 1942.

/S/ John Chason  
Notary Public, Baldwin County,  
Alabama.

(Seal of John Chason,  
Notary Public,  
Baldwin County, Ala.)

(Plaintiff's Exhibit "4")

*Ora L. Nelson* Reporter

*Plaintiff's Exhibit No 5*

STATE OF ALABAMA

BALDWIN COUNTY

THIS INDENTURE, made and entered into by and between SIMON MUNNERLYN, unmarried, hereinafter referred to as party of the first part, and THOMAS J. EARLE, hereinafter referred to as party of the second part, WITNESSETH:-

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration this day cash in hand paid to party of the first part by party of the second part receipt whereof is hereby acknowledged, party of the first part has granted, bargained, sold and by these presents does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part, his undivided interest in the following described real estate situated in Baldwin County, Alabama, to-wit:-

Southeast Quarter of Southeast Quarter,  
Southwest Quarter of Southeast Quarter,  
Northeast Quarter of Southeast Quarter  
of Section 17, Township 3 North, Range  
3 East.

Together with, all and singular, the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging or in any wise appertaining.

TO HAVE AND TO HOLD unto the said party of the second part, his heirs and assigns, FOREVER.

And the said party of the first part, for himself, and his heirs, executors and administrators, hereby covenants and warrants with and unto the said party of the second part, his heirs and assigns, that he is seized of an indefeasible estate in fee simple in and to all of the property hereinabove conveyed; that the same is free from all liens and encumbrances; that he has a good right to sell and convey the same as herein conveyed; that he will guarantee the peaceable possession thereof and that he will and his heirs, executors and administrators, shall forever warrant and defend the same unto the said party of the second part, his heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the party of the first part hereunto sets his hand and seal this 6th day of January, 1943.

/S/ Simon Munnerlyn. Seal.

STATE OF ALABAMA

JEFFERSON COUNTY.

I, I. L. Griffin, a Notary Public, in and for said County in said State, hereby certify that Simon Munnerlyn, unmarried, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Give under my hand and seal this 6th day of January, 1943.

(Seal Of

I. L. Griffin  
Notary Public,  
Jefferson County, Ala.)

/S/ I. L. Griffin  
Notary Public, Jefferson County,  
Alabama.

(Plaintiff's Exhibit "5")

*Ara S. Nelson*

Reporter

Plaintiff's Exhibit "6"

THE STATE OF ALABAMA     )  
                                  )     CIRCUIT COURT OF BALDWIN COUNTY, IN EQUITY  
BALDWIN COUNTY             )

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:-

WE COMMAND YOU, That you summon Artemelia Harris, Jonas Harris and J. W. Earle 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 W. T. Robinson and C. W. Hall against said Artemelia Harris, Jonas Harris and J. W. Earle 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 28th day of January, 1935.

/S/ Robert S. Duck, Register

Received in Office: Jan. 28, 1935,  
by M. H. Wilkins, Sheriff.

Executed: Feb. 14, 1935,  
By: M. H. Wilkins, Sheriff  
By: J. W. Earle, Deputy Sheriff.

(Plaintiff's Exhibit "6")

*Ora S. Nelson* Reporter

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

Come your Complainants, W. T. ROBINSON and C. W. HALL, and respectfully represent and show unto your Honor and this Honorable Court as follows:-

FIRST:-

That they are residents of Atmore, Escambia County, Alabama, over twenty-one years of age.

SECOND:-

That the Respondents, ARTEMELIA HARRIS and JONAS HARRIS and J. W. EARLE, are bona fide residents of Baldwin County, Alabama, over twenty-one years of age.

THIRD:-

That on March 28th, 1928, Artemelia Harris and Jonas Harris made, executed and delivered to J. W. Earle a mortgage on certain lands in Baldwin County, Alabama, to secure an indebtedness of One Hundred and Fifty (\$150.00) Dollars; that said mortgage is of record in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 43, pages 12-13; that a copy of said mortgage is hereto attached marked Exhibit "A", and asked to be taken a part hereof as though herein fully set out.

FOURTH:-

That the said mortgage and the indebtedness secured thereby were transferred, assigned and delivered over by the said J. W. Earle to the Complainants.

FIFTH:-

That the Respondents were the owners, and in the possession of an interest in the following described lands in Baldwin County, Alabama, to-wit:-

The South half of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 17, Township 3 North, Range 3 East, less 7 acres to Dick Reese;

that this was the only land owned by the said Respondents, and it was the intention and agreement of the Respondents and the said J.W. Earle that this land should be described in the said mortgage, however, the party drafting the mortgage incorrectly described the lands

as set out in the copy of mortgage hereto attached, marked Exhibit "A".

SIXTH:-

That the indebtedness secured by said mortgage, to-wit, One Hundred and Fifty (\$150.00) Dollars, is still due and unpaid, together with interest thereon from March 28th, 1928,

WHEREFORE the premises considered, Complainants pray that your Honor will, by proper process, make the said artemelia Harris and Jonas Harris and J. W. Earle, parties respondent to this Bill of Complaint, requiring them to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainants further pray that upon a final hearing of this cause your Honor will make and enter an order and decree reforming the said mortgage of Artemelia Harris and Jonas Harris to J.W. Earle, which is now the property of your Complainants, so that the same shall describe the land as follows:-

The South half of the Southeast quarter and the Northeast quarter of the Southeast quarter, less 7 acres to Dick Reese, all in Section 17, Township 3 North, Range 3 East, in Baldwin County, Alabama.

and establishing the indebtedness of the Complainants against the said Respondents, Artemelia Harris and Jonas Harris, including a reasonable attorney's fee as provided in said mortgage, and further establishing a lien of the Complainants against the said property, in Baldwin County, Alabama, described as follows: to-wit,

The South half of the Southeast quarter and the Northeast quarter of the Southeast quarter, less 7 acres to Dick Reese, all in Section 17, Township 3 North, Range 3 East;

and ordering the Register of the Circuit Court of Baldwin County, Alabama, to sell the said land in satisfaction of the said indebtedness and to make proper deed to the purchaser.

Complainants pray for such other, further, different or general relief as they may be in equity and good conscience entitled to receive. And as in duty bound they will ever pray.

/S/ Beebe & Hall  
Solicitors for Complainants.

FOOT NOTE:-

The Respondents and each of them are required to answer each and every allegation contained in paragraphs First to Sixth, but not under oath, oath being hereby expressly waived.

/S/ Beebe & Hall  
Solicitors for Complainants.

EXHIBIT "A"

THE STATE OF ALABAMA

BALDWIN COUNTY

Know all men by these presents that we Jonas & Artemelia Harris in consideration of the sum of one hundred & fifty dollars, to us in handpaid by J.W. Earle, the receipt whereof is hereby acknowledged, do grant, bargain, sell and convey unto J.W. Earle, heirs and assigns, forever, all  $S\frac{1}{2}$  of  $SE\frac{1}{4}$ ,  $NE\frac{1}{4}$  less 7 to all in Sec 17, Dock Reese, also one Maria Mule, Black Rome Babby.

To have and to hold, the above granted and described premises with the appurtenances unto the said J.W. Earle and to his heirs and assigns, and to their sole and only proper use, benefit and behoof forever. Provided always, and these presents are upon the express condition, that if the said Jonas & Artemelia Harris shall well and truly pay to the said J. W. Earle the sum of one hundred & fifty dollars, then these presents shall cease, determine and to be void, otherwise to remain in full force.

And the said Jonas & Artemelia Harris does hereby vest the said J. W. Earle or his assigns, with full power and authority upon the happening of a default in the payment of the note above described to sell their interest in said property at public sale for cash, giving 10 days notice in a newspaper published in Bay Minette, and the proceeds to apply, first, to the payment of the amount due on said note with interest on same; second, to the payments of the costs of sale, including a reasonable attorney's fee, and if there shall be a surplus, then the balance to be paid over to Jonas & Artemelia Harris. And we do authorize the said J. W. Earle to conduct the sale, and to make deed to the purchaser, and the title so made we hereby agree to defend against all persons. It is agreed that the mortgage herein may bid at said sale as if he were a stranger to this instrument.

Given under our hand and seal this 28 day of March in the year of our Lord one thousand 9 nine hundred & 28.

Jonas Harris (seal)  
Artemelia Harris (seal)

Signed, sealed and delivered  
in presence of M. M. Breazeals  
and T. J. Earle.

THE STATE OF ALABAMA

BALDWIN COUNTY

I, William A. Breazeals, hereby certify that Jonas Harris 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 the conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand this 28th day of March, A.D. 1928.

Wm. A. Breazeale, Notary Public.

And I do hereby further certify that on the 28 day of March came before me the above named Artemelia Harris known to me to be the wife of the above named Jonas Harris who being examined separate and apart from her husband touching her signature to the above instrument acknowledged that she signed the same of her own free will and accord, and without fear, constraint or threats on the part of her husband.

In witness whereof I hereunto set my hand this 28th day of March, 1928.

Wm. A. Breazeale, a Notary Public.

*Plaintiff's Exhibit 7*

W. T. ROBINSON and  
C. W. HALL,

Complainants,

vs.

ARTEMELIA HARRIS, JONAS  
HARRIS and J. W. EARLE,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 110.

This cause coming on to be heard was submitted upon the original Bill of Complaint, Decree Pro Confesso and pleadings as noted by the Register, and upon consideration thereof, the Court is of the opinion that the Complainants are entitled to the relief prayed for in said bill.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the indebtedness of One hundred and fifty (\$150.00) Dollars, together with interest from March 28th, 1928, as evidenced by mortgage, are still due and unpaid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT THE said mortgage from Artemelia Harris and Jonas Harris to J. W. Earle, dated March 28th, 1928, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 43, pages 12-13, and which, together with the indebtedness secured thereby, is now the property of the Complainants, be and the same hereby is reformed so that the description shall read as follows:-

The South half of the Southeast quarter and the Northeast quarter of the Southeast quarter, less 7 acres to Dick Reese, all in Section 17, Township 3 North, Range 3 East in Baldwin County, Alabama

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainants have a lien against the following described lands in Baldwin County, Alabama, to-wit:-

The South half of the Southeast quarter and the Northeast quarter of the Southeast quarter, less seven acres to Dick Reese, all in Section 17, Township 3 North, Range 3 East.

to secure the payment of said indebtedness.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the said lands, to-wit:-

The South half of the Southeast quarter and the Northeast quarter of the Southeast quarter, less seven acres to Dick Reese, all in Section 17, Township 3 North of Range 3 East, in Baldwin County, Alabama.

(Plaintiff's Exhibit "7")

*Orsa J. Nelson* Reporter



be sold and subjected to the payment of the indebtedness of the Complainants in the principal sum of One Hundred & Fifty (\$150.00) Dollars, and interest from March 28th, 1928, together with the costs of this proceeding and the costs of sale, including a reasonable attorney's fee; that the indebtedness of the Complainants is ascertained and fixed at \$ \_\_\_\_\_, and the attorney's fee at \$60.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondents be and they are hereby given thirty days in which to pay the indebtedness as herein, and if they shall fail or refuse to pay the same in said time, then the Register of this Court is hereby ordered, after giving thirty days notice in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, to sell the said property, at public outcry, in front of the courthouse door in Baldwin County, Alabama, during the legal hours of sale, to the highest bidder, for cash, and to make, execute and deliver to the purchaser a deed conveyed all the right, title and interest of the said Respondents in and to the said property, and make return to this court within thirty days from the sale.

IT IS FURTHER ORDERED, that the Complainants pay the costs herein to be taxed for which execution may issue, unless such cost is realized out of the sale of said property.

IT IS FURTHER ORDERED by the court that should the property ordered sold, for the satisfaction of the indebtedness herein, bring more than the amount herein established, together with the costs of this proceeding, then the Register is hereby ordered to deliver the said surplus over to the Respondents herein.

Done at Monroeville, Monroe County, Alabama, on this the 23rd day of March, 1935.

/S/ F. W. Hare, Judge of the 21st  
Judicial Circuit Of Alabama.

*Plaintiff's Exhibit 8*

W. T. ROBINSON and W. C.  
HALL,

Complainants,

vs.

ARTEMELIA HARRIS, JONAS  
HARRIS and J. W. EARLE.

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY.

NO. 110.

REPORT OF SALE OF LAND FOR CONFIRMATION

And now comes ROBERT S. DUCK, Register of the Circuit Court of Baldwin County, Alabama, and respectfully reports that in pursuance of an order of this court, on to-wit, March 23rd, 1935, authorizing the undersigned to sell certain realty belonging to Artemelia Harris and Jonas Harris, after having given due and legal notice by advertising the same in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, for thirty (30) days previous to the day of sale, setting forth the time, place and terms of sale, on Monday, the 3rd day of June, 1935, the day, and at the place appointed for said sale, between the legal hours of sale, did offer said realty for sale at public outcry, in front of the courthouse door of Baldwin County, Alabama, to the highest bidder, for cash; and at said sale W. T. Robinson and C. W. Hall, being the highest, best and last bidder therefor, became the purchaser of the South half of the Southeast quarter and the Northeast quarter of the Southeast quarter, less 7 acres to Dick Reese, all in Section 17, Township 3 North, Range 3 East, in Baldwin County, Alabama, at the price of Three Hundred Ten and no/100) Dollars.

The said Register further reports that said W. T. Robinson and C. W. Hall have complied with the terms of said sale and have, in cash, paid the entire amount of said purchase money; that said sale was fairly conducted, and that said realty was sold for an amount not greatly disproportionate to its real value.

WHEREFORE, the undersigned, as Register of this Court, respectfully prays that said sale be in all things confirmed and made good; and that an order be granted authorizing him, as such

(Plaintiff's Exhibit "8")

*Ara J. Nelson* Reporter

Register, to executed title to the said W. T. Robinson and C. W. Hall for said real estate purchased by them as aforesaid. All of which is respectfully submitted.

/S/ Robert S. Duck,  
Register of the Circuit Court  
of Baldwin County, Alabama.

Sworn to and subscribed before  
me on this 8th day of June, 1935.

/S/ J. M. Franklin,  
Notary Public, Baldwin County,  
Ex JP Alabama.

*Plaintiffs Exhibit 7*

W. T. ROBINSON and C. W.  
HALL,

Complainant,

vs.

ARTEMELIA HARRIS, JONAS  
HARRIS, and J. W. EARLE,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY.

NO. 110.

ORDER OF CONFIRMATION OF SALE

This day comes ROBERT S. DUCK, Register of the Circuit Court of Baldwin County, Alabama, and files his report in writing and under oath, setting forth among other things that on Monday, the 3rd day of June, 1935, within the hours provided by law, and in strict accordance with all and singular, the terms and requirements of the former order and decree of this court granted and entered in the premises on the 23rd day of March, 1935, he proceeded and sold at public outcry, in front of the court house in this county, the lands set forth and particularly described in said former order and decrees, and that said land was purchased, at said sale, by W. T. Robinson and C. W. Hall for the sum of Three Hundred Ten and 00/100 (\$310.00) Dollars.

And it appearing to the satisfaction of the court, from said report and the evidence now therewith submitted, that said amount, so bid for said land, by said W. T. Robinson and C. W. Hall, was the highest and best bid for the same; that said sum so bid, was not greatly less or disproportionate to its real value; that said sale was legally and fairly made, and that the purchase money so bid has been duly paid.

IT IS ORDERED, ADJUDGED AND DECREED, that said sale be, and the same hereby is approved, and in all things ratified and confirmed by the order and authority of this court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the said ROBERT S. DUCK, as such Register as aforesaid, be authorized and he is hereby ordered to convey by proper deed to the said W. T. Robinson and C. W. Hall, all right, title and interest which Artemelia Harris and Jonas Harris have in such lands.

(Plaintiff's Exhibit "9")

*Ora S. Nelson* Reporter

IT IS FURTHER ORDERED that said report and all other papers on file relating to this proceeding be recorded.

IT IS FURTHERED ORDERED that W. T. Robinson and C. W. Hall pay the costs in this proceeding to be allowed to them against any claim of the said Artemelia Harris and Jonas Harris.

Done at Monroeville, Monroe County, Alabama, on this the 12th day of June, 1935.

/S/ F. W. Hare,  
Judge of the Circuit Court  
of Baldwin County, Ala.

STATE OF ALABAMA, I  
BALDWIN COUNTY. I

KNOW ALL MEN BY THESE PRESENTS, that Whereas, on March 28th, 1928, Jonas Harris and Artemelia Harris, husband and wife, made, executed and delivered to J.W.Earle, a mortgage conveying certain lands in Baldwin County, Alabama, and described in said mortgage, as follows, to-wit:

All South half of Southeast quarter, Northeast quarter less seven to all in Section 17.

to secure an indebtedness therein recited, which mortgage is of record in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 43, pages 12-13; and

Whereas, the said J.W.Earle, transferred and assigned the said mortgage together with the indebtedness therein recited to W.T.Robinson and C.W.Hall; and

Whereas, the said Jonas Harris and Artemelia Harris vested the said J.W.Earle or his assigns with full power and authority, upon the happening of a default in the payment of the indebtedness to sell their interest in said property, at public sale, for cash, giving ten days notice in a newspaper published in Bay Minette, and did authorize the same mortgagee to bid at any sale as if he were a stranger, to the instrument, and agreed to pay all costs of sale, including a reasonable attorney's fee; and

Whereas, it was later discovered that in drafting the said mortgage an error was made in the description of said property, and that the property, at the time owned by the said Artemelia Harris and Jonas Harris and intended to be described therein, was as follows, to-wit:

The South half of the Southeast quarter and the Northeast Quarter of the southeast quarter of Section 17, Township 3 North of Range 3 east, less 7 acres to Dick Reese, all being in Baldwin County, Alabama; and,

Whereas, on January 26th, 1935, the said W.T.Robinson and C.W.Hall filed a Bill in the Chancery Court of Baldwin County, Alabama, naming Artemelia Harris, Jonas Harris and J.W.Earle party respondents, and praying that said mortgage be reformed to describe the lands owned by, and intended to be inserted in the original mortgage by Artemelia Harris and Jonas Harris in Baldwin County, Alabama, to-wit:

The South half of the Southeast quarter and the Northeast quarter of the Southeast Quarter of Section 17, Township 3 North of Range 3 East, less 7 acres to Dick Reese, all being in Baldwin County, Alabama,

and establish the indebtedness of the said W.T.Robinson and C.W.Hall against the said Artemelia Harris and Jonas Harris, and also establish a lien of the said W.T.Robinson and C.W.Hall against the said property, to-wit:

The South half of the Southeast quarter and the Northeast quarter of the Southeast quarter of Section 17, Township 3 North of Range 3 East, less 7 acres to Dick Reese, all being in Baldwin County, Alabama,

(Plaintiff's Exhibit "10")

*Ora J. Nelson* Reporter

and an order to the Register of the Circuit Court of Baldwin County, Alabama, to sell the said lands in satisfaction of the said indebtedness and to make proper conveyance to the purchaser; and

Whereas, decree was duly made and entered by the Circuit Court of Baldwin County, Alabama, in Equity, on March 25th, 1935, reforming the description contained in the said original mortgage, so that the same should read:

The South half of the Southeast quarter and the Northeast quarter of the Southeast quarter of Section 17, Township 3 North of Range 3 East, less 7 acres to Dick Reese, all being in Baldwin County, Alabama.

and establishing the indebtedness of the said W.T. Robinson and C.W. Hall against said lands, and subjecting the said lands to payment of the indebtedness to the said W.T. Robinson and C.W. Hall, and did authorize and direct the Register of the Circuit Court of Baldwin County, Alabama, after giving thirty (30) days notice in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, to sell the said property at public outcry, in front of the Courthouse door in Baldwin County, Alabama, during the legal hours of sale, to the highest bidder, for cash, and to make, execute and deliver to the purchaser a deed conveying all the right, title and interest of the said Artemelia Harris and Jonas Harris in and to the said property and make return to the court within thirty (30) days from the sale; and

Whereas, I, Robert S. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, in pursuance of the command made by the Honorable Circuit Court in Equity, for Baldwin County, Alabama, and in execution of said decree made by the said Court, on March 23rd, 1935, and in obedience of the requirements of said decree, did expose at public sale, in front of the Courthouse door of Baldwin County, Alabama, on Monday, the 3rd day of June, 1935, at twelve o'clock noon, the lands ordered to be sold by said decree, after having given thirty (30) days previous notice of the said intended sale, by publication in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, and at said sale so made W.T. Robinson and C.W. Hall became the highest, best and last bidder for said lands so ordered to be sold, and described as follows, to-wit:

The South half of the Southeast quarter and the Northeast quarter of the Southeast quarter of Section 17, Township 3 North of Range 3 East, less 7 acres to Dick Reese, all being in Baldwin County, Alabama,

for Three Hundred Ten and 00/100 (\$310.00) Dollars, and the said W.T. Robinson and C. W. Hall have made full payment to me of said sum of Three Hundred Ten and 00/100 (\$310.00) Dollars, purchase money of said lands, receipt whereof is hereby acknowledged; and,

Whereas, on the        day of June, 1935, I reported said sale, in accordance with law and on the 12th day of June, 1935, Order of Confirmation of sale was made by the Honorable Court and I was authorized and ordered to convey by proper deed to the said W.T. Robinson and C.W. Hall, all right, title and interest which Artemelia Harris and Jonas Harris had in and to said lands.

NOW THEREFORE, I, Robert S. Duck, Register aforesaid, in consideration of the premises and of the said money to me in hand paid, do hereby grant, bargain sell and convey all the right, title, interest, claim and demand which the said Artemelia Harris and Jonas Harris had at the time of the filing of the Bill of Complaint, and now have in and to all that certain lot, piece or parcel of land herein described, together with all and singular the rights, privileges, tenements, hereditaments and appurtenances thereunto belonging, to-wit:

The South half of the Southeast quarter and the Northeast quarter of the Southeast quarter of Section 17, Township 3 North of Range 3 east, less 7 acres to Dick Reese, all being in Baldwin County, Alabama.

To Have and To Hold unto the said W.T. Robinson and C.W. Hall, their heirs and assigns forever.

In witness whereof, I, Robert S. Duck, Register aforesaid, have hereunto set my hand and affixed the seal of said Court, in Equity, on this 13th day of June, 1935.

(Seal)

Robert S. Duck,  
Register of the Circuit  
Court of Baldwin County, Alabama.

State of Alabama, |  
Baldwin County. |

I, Nell Ree Cormartie, a notary public in and for said County and State, hereby certify that Robert S. Duck, whose name as Register of the Circuit Court of Baldwin County, Alabama, 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 said conveyance, he in his capacity as such Register, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 17th day of June, 1935.

(Seal)

Nell Ree Cormartie,  
Notary Public,  
Baldwin County, Alabama.

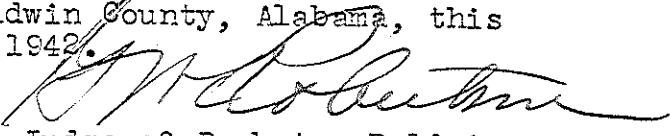
Filed for record June 17, 1935 at 11:30 A.M. and duly recorded June 18, 1935.

G.W. Robertson,  
Judge of Probate.

THE STATE OF ALABAMA, |  
BALDWIN COUNTY. | ss.

I, G.W. Robertson, Judge of the Probate Court, and Custodian of the Records and Files of the same in and for said Baldwin County, State of Alabama, do hereby certify that the foregoing is a true, correct and complete copy of an instrument of writing as the same appears of Record in Deed Record 57 at pages 165 and 166, now on file in the office of the Judge of Probate of Baldwin county, Alabama.

In Witness Whereof, I have hereunto set my hand and the seal of the Probate Court of Baldwin County, Alabama, this the 18th day of November, A.D., 1942.

  
Judge of Probate, Baldwin  
County, Alabama.



Monastère

*Plaintiff's Exhibit no 11*

STATE OF ALABAMA

BALDWIN COUNTY

THIS INDENTURE, made and entered into by and between W. T. ROBINSON AND CORRIS LEE ROBINSON, his wife, and C. W. HALL AND LENA BELLE HALL, his wife, hereinafter referred to as parties of the first part and THOMAS J. EARLE, hereinafter referred to as party of the second part, WITNESSETH:-

That for and in consideration of the sum of One Hundred Twenty-five Dollars (\$125.00) this day cash in hand paid to parties of the first part by party of the second part, receipt whereof is hereby acknowledged, parties of the first part have granted, bargained, sold and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the party of the second part, an undivided one-fourth interest in and to the following described lands situated in Baldwin County, Alabama, to-wit:-

South half of Southeast Quarter and Northeast Quarter of Southeast Quarter, Section 17, Township 3 North, Range 3 East, less 7 acres to Dick Reese.

Together with, all and singular, the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging or in any wise appertaining.

TO HAVE AND TO HOLD unto the said party of the second part, his heirs and assigns, FOREVER.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals on this the 23rd day of November 1942.

/S/	W. T. Robinson	Seal.
/S/	Corrie Lee Robinson	Seal.
/S/	C. W. Hall	Seal.
/S/	Lena Belle Hall	Seal.

STATE OF ALABAMA

ESCAMBIA COUNTY

I, Mabel E. Fleming, a Notary Public, in and for said County in said State, hereby certify that W. T. Robinson and Corrie Lee Robinson, his wife, and C. W. Hall and Lena Belle Hall, his wife, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 23rd day of November, 1942.

/S/ Mabel E. Fleming  
Notary Public, Escambia County  
Alabama.

(Seal of Mabel E. Fleming  
Notary Public  
Escambia County, Ala.)

(Plaintiff's Exhibit "11")

*Ora S. Nelson* Reporter

STATE OF ALABAMA

ESCAMBIA COUNTY

I, Mabel E. Fleming, a Notary Public, in and for said County in said State, hereby certify that on the 23rd day of November, 1942, came before me the within named Corrie Lee Robinson and Lena Belle Hall, known to me to be the wives of the within named W. T. Robinson and C. W. Hall, respectively, who being examined separate and apart from the husband touching their signatures to the within instrument, acknowledged that they executed the same of their own free will and accord and without fear, constraint, or threats on the part of the husband.

Given under my hand and seal this 23rd day of November, 1942.

/S/ Mabel E. Fleming,  
Notary Public, Escambia County,  
Alabama.

(seal of Mable E. Fleming,  
Notary Public  
Escambia County, Ala.)

*Plaintiff's Exhibit 12*

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA	)	CIRCUIT COURT BALDWIN COUNTY
	) No. 1237	
BALDWIN COUNTY	)	December Term, 1944.
	)	

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Jonas Harris, David Harris, Blacksher, Ala; Sarah Harris James, Susie Harris Tunstall, Lamb Harris, Tensaw, Ala; Elizabeth Harris Clemmans, Calvert, Mobile Co., Alabama; Alice Harris Williams, 1204 $\frac{1}{2}$  Chinquelin St., Mobile Ala; Linnie Mae Harris Owes, 1260 Pecan St., Mobile, Ala; & Pfc. Solomon Harris 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 Jonas Harris, David Harris, Sarah Harris James, Susie Harris Tunstall, Lamb Harris, Elizabeth Harris Clemmans, Alice Harris Williams, Linnie Mae Harris Owes & Pfc. Solomon Harris, Respondents by Thomas J. Earle, Complainant.

Witness my hand this 14th day of December, 1944.

/S/ R. S. Duck, Register.

Filed: December 14, 1944  
Service Had: December 15, 1944  
By: Deputy Sheriff, Freddie Walters.

(Plaintiff's Exhibit "12")

*Ora S. Nelson* Reporter

THOMAS J. EARLE,

Complainant,

vs.

JONAS HARRIS, DAVID HARRIS,  
SARAH HARRIS JAMES, SUSIE  
HARRIS TUNSTALL, LAMB HARRIS,  
ELIZABETH HARRIS CLEMMANS,  
ALICE HARRIS WILLIAMS, LINNIE  
MAE HARRIS OWES and SOLOMON  
HARRIS,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

NO. \_\_\_\_\_

TO THE HONORABLE F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL  
CIRCUIT OF ALABAMA:

Your Orator, Thomas J. Earle, humbly complaining of the  
Respondents in a matter as will hereinafter appear, shows unto your  
Honor as follows:-

FIRST: That all of the parties to this suit are over the age of  
twenty-one years. That he is a resident of Blacksher, in Baldwin  
County, Alabama; that Jonas Harris and David Harris are residents  
of Blacksher, in Baldwin County, Alabama; that Sarah Harris James,  
Susie Harris Tunstall and Lamb Harris are residents of Tensaw, in  
Baldwin County, Alabama; that Elizabeth Harris Clemmans is a resi-  
dent of Calvert, in Mobile County, Alabama; that Alice Harris  
Williams is a resident of 120 $\frac{1}{2}$  Chinquelin Street, Mobile, Alabama;  
that Linnie Mae Harris Owes is a resident of 1260 Pecan Street in  
Mobile, Alabama; that Solomon Harris is a member of the armed  
forces of the United States and his present address being Pfc.  
Solomon Harris, #38816827; 4150 Quartermaster Corps, A.T.O. 403,  
c/o Postmaster, New York, New York.

SECOND: Your Orator further shows unto your Honor that he and the  
Defendants are the joint owners of the following described real  
estate situated in Baldwin County, Alabama, to-wit:-

The South half of the Southeast Quarter ( $S\frac{1}{2}$  of  $SE\frac{1}{4}$ )  
and Northeast Quarter of Southeast Quarter ( $NE\frac{1}{4}$  of  $SE\frac{1}{4}$ )  
of Section Seventeen (17), Township Three (3) North,  
Range Three (3) East containing 120 acres, more or less.

Your Orator further shows unto your Honor that he is the  
owner of an undivided 11/12ths interest in said lands and that all  
of the Respondents, except Jonas Harris, together own an undivided  
1/12th interest in said land. The interest of said Respondents is

subject to the curtesy right of their father, Jonas Harris, they having inherited their interest from their mother, Artemelia Munnerlyn Harris who was the wife of Jonas Harris.

THIRD: Your Orator further shows unto your Honor that on account of the many imterests held in said land and on account of its location, part of said land being improved and part unimproved, a part of said land being swampy with a Creek running through it, that it will be impossible for said lands to be divided by metes and bounds so as to make an equitable division of the same. And therefore it will be necessary that said lands be sold under a decree of this Court, at public outcry, to the highest bidder for cash and the proceeds of said sale, after deducting the cots thereof, to be divided among the joint owners as their interest appears.

FOURTH: Your Orator further shows unto your Honor that in order to bring about a partition and division of said lands as herein set out it has become necessary for your Orator to employ Solicitors for this purpose and he has employed Hybart & Chason of Bay Minette, Alabama, as such Solicitors to presecute this proceeding.

FIFTH: Your Orator further shows unto your Honor that it will be necessary by an appropriate Decree to appoint some suitable Attorney practicing at the Bay Minette Bar as the Attorney for Solomon Harris to represent him on the hearing of this cause as provided for by the Soldiers' and Sailors' Civil Relief Act of 1940 as amended.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises your Orator prays that the usual writ of process be issued to Jonas Harris, David Harris, Sarah Harris James, Susie Harris Tunstall, Lamb Harris, Elizabeth Harris Clemmans, Alice Harris Williams, Linnie Mae Harris Owes and Solomon Harris, making them parties Defendant to this Bill of Complaint and requiring them to plead, answer or demur to the same within the time required by law and the rules of this Honorable Court. That such Writ and a copy of this Complaint shall be personally served upon all of the Defendants who reside within the State of Alabama, and that the Register

of this Court shall forward a copy of this Complaint together with a summons to Solomon Harris by registered mail at this address: "Pfc. Solomon Harris, #38816827; 4150 Quartermaster Corps, A.T.O. 403, c/o Postmaster, New York, New York," marked for delivery only to the person to whom addressed", and a return receipt requested.

PRAYER FOR RELIEF.

The premises considered your Orator prays that on a final hearing of this cause that your Honor will Decree that the afore-said lands be sold for partition and division among the joint owners thereof by this Honorable Court. Your Orator further prays that your Honor will order a reference to ascertain:

1. A reasonable Solicitors fee to be taxed as a part of the costs to be paid Hybart & Chason, Solicitors for Complainant.
2. That the value of the curtesy interest of Jonas Harris on the undivided 1/12th interest be ascertained and fixed and that this amount be turned over to him. Your Orator further prays that after such costs have been ascertained that 11/12ths of the amount remaining be paid over to your Orator, and 1/12th the amount less that paid Jonas Harris, be paid over<sup>to</sup> the Defendants. Your Orator prays for such other, further and different relief as in equity may seem just and mete and your Orator will ever pray, etc...

/S/ Hybart, & Chason,  
Solicitors for Complainant

*Plaintiffs Exhibit 13*

THOMAS J. EARIE,	¶	IN THE CIRCUIT COURT OF
Complainant,	¶	BALDWIN COUNTY, ALABAMA
vs.	¶	IN EQUITY.
JONAS HARRIS, et al,	¶	NO. 1237.
Respondents.	¶	

ANSWER AND CROSS BILL

The joint and several answers of Jonas Harris, David Harris Sarah James, Susie Tunstall, Lamb Harris, Elizabeth Cleamons, Alice Williams, Linnie Made Oses and Solomon Harris.

The Defendants, reserving to themselves all right of exception to said Bill of Complaint, for answer thereto say:

FIRST: Answering the First paragraph of the Bill of Complaint, the Respondents admit that the allegations thereof are true.

SECOND: The Respondents admit that the parties hereto own the land described in the Bill of Complaint, as tenants in common; that the Respondents, except Joas Harris, own an undivided one third interest in said lands, subject to the life estate therein, which is owned by said Jonas Harris, and that the Complainant owns an undivided twothirds interest therein;

THIRD: Answering the Third paragraph of the Bill of Complaint, theses Respondents say that the land may be divided equitably into three parts of approximately equal value, and that two of said parts can be awarded to Complainant and one part, to Respondents, which part Respondents elect to take and hold together;

FOURTH: Answering the Fourth paragraph of the Bill of Complaint, these Respondents show that it has become necessary for them to employ a solicitor to resist the sale of said land for division and to secure a partition thereof in kind.

And these Respondents are entitled to affirmative relief against Complainant and to that end would have this answer taken as a cross bill, and would further show that said land can be divided in kind, equitably among said owners, as aforesaid.

WHEREFORE these Respondents pray that your Honor will decree that the Register of this Honorable Court be directed to divide said land into three parts of substantially equal value, and that two of these parts be awarded by lot to Complainant and one part be awarded to Respondents to be held by them in accordance with



their interest in said land as set out in the Second paragraph hereof. These Respondents further pray that they be awarded a reasonable sum as an allowance for the fee of their Solicitor for prosecuting this cross bill;

But if these Respondents and Cross Complainants have not asked for the proper relief, then they pray that they may have such other and further relief in the premises as the nature of their case may require and as your Honor shall deem meet.

All which matters these Respondents are ready and willing to aver, maintain and prove as this Honorable Court may direct.

/S/ Jesse F. Hogan  
Solicitor for Respondent and  
Cross Complainants.

Plaintiff's Exhibit 14

THOMAS J. EARLE,

Complainant,

vs.

JONAS HARRIS, DAVID HARRIS,  
SARAH HARRIS JAMES, SUSIE  
HARRIS TUNSTALL, LAMB HARRIS,  
ELIZABETH HARRIS, CLEMMANS,  
ALICE HARRIS WILLIAMS, LINNIE  
MAE HARRIS OWES and SOLOMON  
HARRIS.

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY.

NO. \_\_\_\_\_

Come the Complainant and Cross-Respondent, Thomas J. Earle,  
and for answer to the Cross-Bill filed in said cause says:

FIRST:

That he denies the allegations of the Cross-Bill as set  
out in the 2nd, 3rd and 4th paragraph thereof but says that he is  
the owner of an undivided 11/12 interest in said land and the  
Respondent owned an undivided 1/12 as alleged in the original Bill  
of Complaint and that said land cannot be divided equally between  
the respective owners as alleged in said Bill of Complaint.

SECOND:

That it was not necessary for the Respondents to employ  
an Attorney to resist this sale for division and to secure a  
Petition in kind as such lands cannot be so divided.

/S/ Hybart & Chason,  
Solicitors for Complainant and  
Cross-Respondent.

(Plaintiff's Exhibit "14")

Ora S. Nelson Reporter

*Plaintiff's Exhibit 15*

THOMAS J. EARLE,	)	
Complainant,	)	
vs.	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
JONAS HARRIS, DAVID HARRIS,	)	
SARAH HARRIS JAMES, SUSIE	)	IN EQUITY.
HARRIS TUNSTALL, LAMB HARRIS,	)	
ELIZABETH HARRIS CLEMMANS,	)	No. 1237.
ALICE HARRIS WILLIAMS, LINNIE	)	
MAE HARRIS OWES AND SOLOMON	)	
HARRIS,	)	
Respondents.	)	

This matter coming on for final decree is submitted by the Complainant on the Bill of Complaint and the Admission in Answer of Respondents together with the Testimony of Thomas J. Earle as noted by the Complainant and it appearing to the Court that the property is properly described in the Complaint and the interest of the respective parties are therein set out. The Court is of the opinion that the Complainant is entitled to the relief prayed for.

It is therefore ordered, adjudged and decreed that the Register of this Court after advertising the same three successive weeks in some newspaper published in Baldwin County, Alabama, giving the time, place and terms of said sale that said sale is to be made on the 4th day of March, 1946, in front of the Courthouse door of Baldwin County, Alabama, during the legal hours of sale at public outcry to the highest bidder for cash, said sale being made for the purposes herein mentioned, that is for Partition and Division of the proceeds of said sale among the joint owners of said property.

It is further ordered that the Register shall hold a reference to ascertain:

1. A reasonable compensation or fee to be paid Hybart & Chason, Solicitors for Complainant for their services in this proceeding, said fee or compensation is to be taxed as a part of the cost of this proceeding.

2. To ascertain the value of the curtesy belonging to Jonas Harris in the aforesaid land.

3. To ascertain the respective interest in the proceeds of said sale after deducting the cost of the same of both Complainant and Respondents with the exception of Jonas Harris, all of

(Plaintiff's Exhibit "15")

*Olga S. Nelson* Reporter

which the Register is to report to the Court together with the report of its sale of said lands for the purposes herein mentioned. All other orders are held up awaiting the incoming of report of sale and report on the reference.

Dated the 4th day of February, 1946.

/S/ F. W. Hare, Judge.

THOMAS J. EARLE,

Complainant,

vs.

JONAS HARRIS, DAVID HARRIS,  
SARAH HARRIS JAMES, SUSIE  
HARRIS TUNSTALL, LAMB HARRIS,  
ELIZABETH HARRIS CLEMMANS,  
ALICE HARRIS WILLIAMS, LINNIE  
MAE HARRIS OWES and SOLOMON  
HARRIS.

Respondents.

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

No. 1237.

NOTICE OF SALE

By virtue of a Decree rendered in the above styled cause on February 4, 1946, by F. W. Hare, as Judge of said Court, I, R. S. Duck, as Register of said Court, shall proceed to sell during the legal hours of sale, at public outcry, to the highest bidder for cash, in front of the Court House door of Baldwin County, Alabama, on March 4, 1946, for the purpose of a Partition and Division among the joint owners thereof, the following described real estate situated in Baldwin County, Alabama, to-wit:-

The South half of the Southeast quarter ( $S\frac{1}{2}$  of  $SE\frac{1}{4}$ ) and the Northeast Quarter of the Southeast Quarter ( $NE\frac{1}{4}$  of  $SE\frac{1}{4}$ ) Section Seventeen (17), Township Three (3) North, Range Three (3) East, containing 120 acres, more or less.

This Notice is give, said sale will be held and the proceeds thereof applied, all in accordance with the Decrees of said Court and the Statutes in such cases made and provided.

Witness my hand and seal as Register of the Circuit Court  
of Baldwin County, Alabama, in Equity, on this the 5th day of  
February, 1946.

/s/ R. S. Duck,  
As Register of said Court

(Plaintiff's Exhibit "16")

Ora S. Nelson Reporter

*Plaintiffs Exhibit 17*

THOMAS J. EARLE

Complainant,

vs.

JONAS HARRIS, DAVID HARRIS,  
SARAH HARRIS JAMES, SUSIE  
HARRIS TUNSTALL, LAMB HARRIS,  
ELIZABETH HARRIS CLEMMANS,  
ALICE HARRIS WILLIAMS, LINNIE  
MAE HARRIS OWES AND SOLOMON  
HARRIS,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 1237.

TO THE HON. F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT  
OF ALABAMA:

In pursuance to a Decree of the Circuit Court of Baldwin  
County, Alabama, In Equity, made on February 4, 1946, I, R. S.  
Duck, as Register of said Court, did offer for sale in front of the  
Courthouse door of Baldwin County, Alabama, during the legal hours  
of sale, at public outcry, to the highest bidder for cash, after  
giving notice of the time, place, and terms of said sale by  
publication in the Baldwin Times, a newspaper published in Baldwin  
County, Alabama, for three successive weeks, said notice appearing  
in the issues of said paper dated February 7, 14 and 21, 1946, the  
following described real property situated in Baldwin County,  
Alabama, to-wit:-

The South half of the Southeast Quarter ( $S\frac{1}{2}$  of  $SE\frac{1}{4}$ )  
and the Northeast quarter of the Southeast quarter  
( $NE\frac{1}{4}$  of  $SE\frac{1}{4}$ ) Section Seventeen (17) Township Three  
(3) North, Range Three (3) East, containing 120  
acres, more or less.

At said time and place, I first offered such lands for  
sale in parcels and no person having offered to bid on any smaller  
part of said land, I then offered the same in one body. The high-  
est, best and last bid that I received for said property was the  
sum of \$1500.00, which amount was bid by Thomas J. Earle. The said  
bid of the said Thomas J. Earle being the highest, best and last  
bid for said property, I proceeded to sell the same to him, subject  
to the approval of this Court, and he paid into my hands as Register  
of said Court the said sum of \$1500.00 which amount I now hold sub-  
ject to the order of this Court.

Respectfully submitted this 4th day of March, 1946.

/s/ R. S. Duck, Register.

(Plaintiff's Exhibit "17")

*Ara S. Nelson* Reporter

*Plaintiff's Exhibit 18*

THOMAS J. EARLE,

Complainant,

vs.

JONAS HARRIS, DAVID HARRIS,  
SARAH HARRIS JAMES, SUSIE  
HARRIS TUNSTALL, LAMB HARRIS,  
ELIZABETH HARRIS CLEMMANS,  
ALICE HARRIS WILLIAMS, LINNIE  
MAE HARRIS OWES and SOLOMON  
HARRIS,

Respondents.

)

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY.

NO. 1237.

This matter coming on for hearing is submitted on the report of the Register, reporting the sale of the lands involved in this proceeding as directed by a former decree in this cause; and also on the report of the Register on reference to ascertain a reasonably Solicitors' fee to be paid Hybart & Chason as Solicitors for the Complainant; and also on reference to ascertain the curtesy interest of Jonas Harris in said property; and also to ascertain the distributive shares of each of the parties interested in said land after deducting the cost of this proceeding, and all of which is understood by the Court, and the Court is of the opinion that said reports on said references should be confirmed.

It is therefore, ordered, adjudged and decreed by the Court that the sale of said lands involved in this proceedings to Thomas J. Earle who was the highest, best and last bidder for the same, at and for the sum of \$1500.00, said bid being the reasonable market value of said lands and the said Thomas J. Earle having paid said purchase price into the Registry of this Court, be and the same hereby is confirmed in all of its particulars.

It is further ordered, adjudged and decreed by the Court that the Register of this Court execute a Deed to Thomas J. Earle conveying the interest of all of the parties to this proceedings in and to said lands.

It is further ordered, adjudged and decreed by the Court that the report as to the Solicitors' fee to be paid Hybart & Chason Solicitors for Complainant, be and the same is hereby confirmed and that the Register of this Court shall pay to Hybart & Chason, Solicitors for Complainant, the sum of \$150.00 as such Solicitors fee.

(Plaintiff's Exhibit "18")

*Ora S. Nelson* Reporter

It is further ordered, adjudged and decreed by the Court that the report of the Register as to the Court cost in the sum of \$68.33 be confirmed and that the Register of this Court shall deduct out of the moneys in his hand as such Register the sum of \$68.33 in full payment of such Court cost.

It is further ordered, adjudged and decree by the Court that the report of the Register as to the curtesy interest of Jonas Harris being of the value of \$25.00 be and the same hereby is confirmed and the Register is hereby ordered to pay the said Jonas Harris the sum of \$25.00 out of the money derived from said sale, as such curtesy interest.

It is further ordered, adjudged and decreed by the Court that the report of the Register that Thomas J. Earle would be entitled to the sum of \$1174.83 out of the proceeds of said sale be confirmed and the said Register is hereby ordered to pay the said Thomas J. Earle the sum of \$1174.83 out of the proceeds derived from said sale.

It is further ordered, adjudged and decreed by the Court that the report of the Register that David Harris, Sarah Harris James, Susie Harris Tunstall, Lamb Harris, Elizabeth Harris Clemmans, Alice Harris Williams, Linnie Mae Harris Owes and Solomon Harris would each be entitled to the sum of \$10.23 is hereby confirmed and the Register of this Court is hereby ordered to pay David Harris the sum of \$10.23, to pay Sarah Harris James the sum of \$10.23, to pay Susie Harris Tunstall the sum of \$10.23, to pay Lamb Harris the sum of \$10.23, to pay Elizabeth Harris Clemmans the sum of \$10.23, to pay Alice Harris Williams the sum of \$10.23, to pay Linnie Mae Harris Owes the sum of \$10.23 and to pay Solomon Harris the sum of \$10.23 out of the proceeds derived from said sale.

In the distribution of said funds the Register is directed to take proper receipts from all of said distributees and make them a part of the file in this cause. All other orders are held up awaiting the Register's report as to the distribution of the proceeds of said sale as herein directed.



It is further ordered, adjudged and decreed by the Court that the Sheriff of Baldwin County, Alabama, put the said Thomas J. Earle in possession of said property, immediately upon the execution of the deed above referred to, and should the Respondents or any of them or anyone holding under any of them be in possession of said property or any part thereof and fail to vacate the same immediately, the Sheriff of Baldwin County, Alabama, is hereby authorized and directed to remove them together with any personal effects belonging to them from said property without further order from this Court.

Dated at Bay Minette, Alabama, this 15th day of March, 1946.

/S/ F. W. Hare, Judge

*Plaintiff's Exhibit No 19*

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS; That WHEREAS, the undersigned R. S. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in that certain cause in the Circuit Court, In Equity, of said County, wherein Thomas J. Earle is the Complainant and Jonas Harris, et al, are the Respondents, was by Decree of said Court dated February 4, 1946, ordered to sell the lands hereinafter described to the highest bidder for cash, and;

WHEREAS, I, the said R. S. Duck, as such Register, after advertising the terms, time and place of sale in the Baldwin Times, a newspaper published in said County, in all respects as required by law, and terms of the above mentioned Decree, did offer for sale and sell to Thomas J. Earle at and for the sum of \$1500.00 the real estate hereinafter described, he being the last, highest and best bidder therefor, said sale being had on Monday, March 4, 1946, in front of the Court House of said County, at 12:00 o'clock A. M.; and,

WHEREAS, I did make report of said sale to F. W. Hare, Judge of said Court; said report having been filed in said cause on the 4th day of March, 1946, and having lain on file in my office in said cause for more than ten days and no exception or objections having been filed thereto, and;

WHEREAS, by Decree of said Court dated March 15, 1946, confirming in all respects the said sale, I was ordered to make a deed to Thomas J. Earle covering the real estate hereinafter described.

NOW THEREFORE, in consideration of the premises, and of the payment to me as such Register by Thomas J. Earle of the sum of \$1500.00, the receipt whereof is hereby acknowledged, I the said R. S. Duck, as such Register, do hereby grant, bargain, sell and convey unto the said Thomas J. Earle, all of the right, title, interest and claim of Thomas J. Earle, Jonas Harris, David Harris, Sarah Harris James, Susie Harris Tunstall, Lamb Harris, Elizabeth Harris Clemmans, Alice Harris Williams, Linnie Mae Harris Owes and Solomon Harris, in and to the following described real estate situated in Baldwin County, Alabama, to-wit:-

The South half of the Southeast Quarter (S $\frac{1}{2}$  of the SE $\frac{1}{4}$ ) and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ ) Section Seventeen (17), Township Three (3) North, Range Three (3) East, containing 120 acres more or less.

TO HAVE AND TO HOLD unto the said Thomas J. Earle, his heirs and assigns, FOREVER.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 16th day of March, 1946.

(Seal of R. S. Duck, Clerk  
Circuit Seal Court, Ala.  
Baldwin County.)

/S/ R. S. Duck  
As Register of the Circuit  
Court of Baldwin County, Ala.  
In Equity.

STATE OF ALABAMA  
BALDWIN COUNTY

I, John Chason, a Notary Public, in and for said County in said State, hereby certify that R. S. Duck, whose name as Register 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 the conveyance, he, in his capacity as such Register, executed the same voluntarily on the day the same bears date.

Given under my hand this the 16th day of March, 1946.

(Notary Seal of John Chason  
Baldwin County, Ala.

/S/ John Chason  
Notary Public, Baldwin County,  
Alabama.

(Plaintiff's Exhibit 19)

*John S. Nelson*

Filed 9-23-49  
Alice Jenkins  
clerk.

THOMAS J. EARLE,

Plaintiff,

VS.

DAVID HARRIS AND LULA  
HARRIS,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 1312.

TESTIMONY TAKEN IN OPEN COURT ON  
SEPTEMBER 6, 1949

APPEARED: For Thomas J. Earle, Plaintiff

Hon. John Chason, Attorney  
Bay Minette, Alabama

For Defendants, David Harris and Lula Harris

Themselves

Mr. B. M. Simmons, after first having been  
duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Chason

Q. What is your name, please?

A. Martin Simmons.

Q. Are you a licensed engineer and surveyor?

A. Licensed surveyor.

Q. Where do you live Mr. Simmons?

A. Bay Minette.

Q. Did you survey a tract of land for Thomas J. Earle in Section 17,  
Township 3 North Range 3 East in Baldwin County?

A. With Marion Wilkins, I did.

Q. You and Mr. Wilkins both licensed surveyors?

A. Yes sir.

Q. I show you here (hands witness paper) a description in the  
Amended Bill of Complaint. Does that correctly describe the land  
you surveyed for Mr. Earle?

A. That's correct.

Q. Do the lands described in this Bill of Complaint lie wholly within the South Half of the Southeast Quarter of Section 17, Township 3 North Range 3 East in Baldwin County, Alabama?

A. They do.

Q. Is there a fence around these lands?

A. Yes.

Q. Do you know who lives on this land described in this bill of complaint?

A. I understand David Harris and his wife.

That's all.

No question by the defendants.

Mr. Thomas J. Earle, after first having been duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Chason

Q. Is this Mr. Thomas J. Earle?

A. It is.

Q. Where do you live, Mr. Earle?

A. Blacksher.

Q. Are you the plaintiff in ejectment suits filed in the Circuit Court of Baldwin County on February 22, 1949 in which David Harris and Lula Harris are defendants?

A. I am.

Q. Mr. Earle, do you know who secured a patent for the South Half of the Southeast Quarter of Section 17, Township 3 North Range 3 East?

A. Yes.

MR. CHASON: The plaintiff offers in evidence certified copy of United States Patent to Simon Munnerlyn dated August 13, 1883, conveying along with other land the South Half of the Southeast Quarter of Section 17, Township 3 North Range 3 East, which patent is recorded in the Probate Office of Baldwin County, Alabama in Deed Book 78 at pages 356-7 and ask that this patent be marked Plaintiff's Exhibit "1".

Q. Do you know the names of the children of Simon Munnerlyn?

A. Simon Munnerlyn, Yes. The older, there are two.

Q. The one that received that patent?

A. Artemelia Munnerlyn Harris, Susan Munnerlyn English, Charley Munnerlyn and John Munnerlyn.

MR. CHASON: Plaintiff offers in evidence affidavit of Ed Munnerlyn and Charles Munnerlyn, Jr., executed November 14, 1942, which affidavit is recorded in the office of the Judge of Probate in Deed Book 78 at page 298 and ask that this affidavit be marked Plaintiff's Exhibit "2".

We would also ask permission to read this affidavit to the Court.

THE COURT: I would like to hear it.

Mr. Chason reads affidavit to the Court.

Q. Mr. Earle, shortly after the making of that affidavit did J. T. Jackson and the other heirs of Simon Munnerlyn named in this affidavit with the exception of Henry English and young Simon Munnerlyn execute and deliver to you a warranty deed conveying their undivided interest in the southeast quarter of the southeast quarter, the southwest quarter of the southeast quarter and the northeast quarter of the southeast quarter of Section Seventeen, Township three north range three east?

A. They did.

MR. CHASON: Plaintiff offers in evidence deed from J. T. Jackson and other heirs of Simon Munnerlyn conveying the lands described in this suit with other lands, deed dated November 14, 1942 and recorded in Deed Book 78 at page 277-8, Probate Records of Baldwin County, Alabama, and ask that it be marked Exhibit "3". We introduce the original with leave to substitute a copy.

Q. Did you on November 14, 1942 acquire from Henry English warranty deed conveying any interest he might have had in that property?

A. I did.

MR. CHASON: Plaintiff offers in evidence Warranty Deed from Henry English, unmarried, dated November 14, 1942 conveying his undivided interest in the property involved in this suit with other lands, recorded in the Probate Office of Baldwin County, Alabama in Deed Book 78 at pages 276-7, and ask that it be marked Plaintiff's Exhibit "4".

Q. On January 6, 1943, did you acquire from Simon Munnerlyn, unmarried, warranty deed conveying his undivided interest that he might have had in the lands involved in this proceeding?

A. I did.

MR. CHASON: Plaintiff offers in evidence Warranty Deed from Simon Munnerlyn, unmarried, not the patentee but heir of patentee, conveying lands involved in this suit with other lands, which deed is recorded in the office of the Probate Judge of Baldwin County, Alabama in Deed Book 79 at page 62 and ask that it be marked Plaintiff's Exhibit "5".

Plaintiff offers in evidence, Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama in Equity, by W. T. Robinson and C. W. Hall against Artemelia Harris, Jonas Harris and J. W. Earle on January 25, 1935, together with the return of the Sheriff showing service on these respondents on February, 14, 1935 and ask that it be marked Plaintiff's Exhibit "6" (introduce original with leave to substitute a copy).

Plaintiff offers in evidence decree of the Circuit Court of Baldwin County, Alabama in Equity, recorded March 23, 1935 reforming and correcting the mortgage from Jonas Harris and Artemelia Harris to J. W. Earle and ordering that the complainants, Robinson and Hall, have a lien on the property and that it be sold unless payment is made within the time specified in the decree, and ask that this order be marked Plaintiff's Exhibit "7".

Plaintiff offers in evidence a report of sale of land for confirmation, report being made by Robert S. Duck, Register of the Circuit Court of Baldwin County, Alabama, on June 8, 1935, in the case of W. T. Robinson, et al, vs. Artemelia Harris, et al, which decree recited that the property involved has been sold (in this suit with other lands) to Robinson and C. W. Hall, and ask that it be marked as Plaintiff's Exhibit "8".

Plaintiff offers in evidence order confirming the sale in the case of W. T. Robinson, et al, against Artemelia Harris, et al, which decree is dated June 12, 1935 and confirms the sale of the property involved in this suit with other lands, the interest of Jonas Harris and Artemelia Harris in the property involved in this suit, to Robinson and Hall, and ask that it be marked Plaintiff's Exhibit "9".

Plaintiff offers in evidence certified copy of a deed from Robert S. Duck, as Register of the Circuit Court of Baldwin County, Alabama, dated June 13, 1935, conveying the interest of Artemelia Harris and Jonas Harris in and to the South Half of the Southeast Quarter of Section Seventeen, Township Three North Range Three East, with other lands, the original of which decree was recorded in the Probate Office of Baldwin County, Alabama, in Deed Book 57 at pages 165-6, and ask that it be marked Plaintiff's Exhibit "10".

Plaintiff offers in evidence original deed from W. T. Robinson and wife and C. W. Hall and wife to Thomas J. Earle, dated November 23, 1942, conveying an undivided one-fourth interest in and to the property involved in this suit with other lands, which deed is recorded in the Probate Office of Baldwin County, Alabama, in deed book 78 at page 326 and ask that it be marked Plaintiff's Exhibit "11".

Q. Mr. Earle, did you file suit for partition and division in the Circuit Court of Baldwin County, Alabama, on December 14, 1944, involving the lands described in this suit and some other lands located in the South Half of the Southeast Quarter and the North Half of the Southeast Quarter of Section 17, Township 3 North Range 3 East?

A. I did.

Q. In that suit was David Harris a party defendant?

A. He was.

Q. Did you know Artemelia Munnerlyn Harris, David Harris' mother?

A. I did.

Q. Was a part of his interest in this land inherited from her and part from his aunt, Susan English?

A. I understood the part he inherited from his mother was sold under mortgage foreclosure.

Q. The part that is included in this partition suit, do you know how it came to him?

A. Susan English died with no children and no widower.

Q. Died after the mortgage was executed?

A. That's right.

Q. His mother already dead?

A. Right.

Q. The Susan English you referred to owned an undivided one-fourth interest?

A. Right.

Q. She had two brothers and one sister?

A. Charley Munnerlyn, John Munnerlyn and Artemelia Harris.

Q. So would it not then be that the children of Artemelia Harris would have a one-third of one-fourth or an undivided one-twelfth interest?

A. That's what I understand.

MR. CHASON: We offer in evidence suit for partition and division filed by Thomas J. Earle in the Circuit Court of Baldwin County, Alabama on December 14, 1944, in which Jonas Harris, David Harris and others are respondents, involving lands described in this suit and other lands and ask that it be marked Plaintiff's Exhibit "12", together with Sheriff's return showing that David Harris was served by C. E. Garrett, Sheriff, through Freddie Waters personally on December 15, 1944.

We offer in evidence Answer and Cross Bill of Jesse F. Hogan, Attorney, who appeared for David Harris and others in the suit of Thomas J. Earle against Jonas Harris and others as respondents, which Answer and Cross Bill was filed January 17, 1945 and ask that it be marked Plaintiff's Exhibit "13".

We offer in evidence the Answer of the Complainant to the Cross Bill and filed in the above mentioned suit on February 4, 1946 and ask that it be marked Plaintiff's Exhibit "14".



Plaintiff offers in evidence a decree of the Circuit Court of Baldwin County, Alabama, in Equity, rendered February 4, 1946, ordering that the property be sold for division and fixing the representative interests of the parties and ask that this decree be marked Plaintiff's Exhibit "15".

Plaintiff offers in evidence Notice of Sale by R. S. Duck, as Register, which notice is dated February 5, 1946, selling the land involved in this suit and other lands and ask that this be marked Plaintiff's Exhibit "16".

Plaintiff offers in evidence Report of the Register dated March 4, 1946, in the suit of Thomas J. Earle against Jonas Harris and others reporting that the property involved in this suit and other lands have been sold to Thomas J. Earle for the sum of Fifteen Hundred Dollars and ask that this be marked Plaintiff's Exhibit "17".

Plaintiff offers in evidence a decree of the Circuit Court of Baldwin County, Alabama, in Equity, rendered March 15, 1946, confirming the Report of the Register in the suit of Thomas J. Earle against Jonas Harris and others and ordering the Register to make a deed to Thomas J. Earle conveying the interest of all of the parties in this proceeding in and to the said lands and ask that this be marked Plaintiff's Exhibit "18".

Plaintiff offers in evidence original deed from R. S. Duck, as Register of the Circuit Court of Baldwin County, in Equity to Thomas J. Earle dated March 16, 1946, conveying the South Half of the Southeast Quarter, with other lands, in Section Seventeen, Township Three North Range Three East, which deed was recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 105 at page 266 and ask that it be marked Plaintiff's Exhibit "19".

MR. CHASON: I would like to state to the Court that Plaintiff claims damages in the amount of Two Hundred and Fifty Dollars but the Plaintiff wants to waive those damages.

Q. Mr. Earle, since those deeds have you ever conveyed this property or are you still the owner of the lands described in this complaint?

A. I am still the owner.

Q. Have you ever given David Harris or his wife any lease on this property or is he your tenant holding under you on that land?

A. No. I tried to, after I got a deed from the Court I understood the Sheriff was to move him and he had a crop on it, several catches, and I tried to get him to move and he said as soon as he gathered his crop he would move without trouble and later I asked him several times to pay a small rent and, say five dollars and I would give him four dollars back, if he would do that and he wouldn't, and for any reason I couldn't afford to let him stay on the property for a period of years without rent and he refused to move or sign any leases or will not pay any rent.

Q. He is not your tenant and you are the owner of the lands described in the suit at the time of filing and at the present time?

A. Right.

David Harris, after first having been duly sworn, testified as follows:

Question by the Court:

Q. This present case that is filed and where the land sold, you weren't charged any money for that?

A. No sir.

THE COURT: When several people own an interest in land and it can't be divided among themselves, one goes into Court and tells the Court he owns land that can't be divided and that he wants it sold for division. If the Court decides that is correct he orders it sold and then everybody's interest goes to whoever bought and your interest in the amount is what you get out. You no longer have any interest in the land itself. This means that you would get the interest of your aunt when she died, you and the other children, would get the interest she owned in 1944. When Mr. Earle, who owned a three-quarters interest at that time filed a plea and asked that the land be sold it was sold in front of the Court House and from that time on you didn't have any interest. You did have an interest in the money which I imagine is in the hands of the Clerk. Mr. Earle is the present owner of the land you will have to move off.

Judgment for the Plaintiff for the land sued for in the Amended Bill of Complaint and the Defendant given until the first of January, 1950, to surrender possession.

I hereby certify that the above and foregoing is a true copy of the transcript of the evidence as taken down and transcribed by me in this cause.

Dated this 23rd day of September, 1949.

Ora A. Nelson  
Reporter

Original to Mrs. Alice J. Duck,  
Register.....\$2.40  
Copy to Mr. J. Chason ..... 1.20  
Total.....\$3.60

THOMAS J. EARLE,

Plaintiff,

vs.

AARON WILLIAMS and  
LUCINDA WILLIAMS,

Defendants.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

INTERROGATORIES PROPOUNDED TO EACH  
OF THE DEFENDANTS BY THE PLAINTIFF

1. Are you in actual possession of the lands described in the Complaint filed in the above styled cause? (a) If you say that you are in possession, are such lands under fence? (b) Are you living on the lands described in the Complaint? (c) If you state that such lands are under fence, when was such fence first erected? (d) If you state that you are living on said lands, when was the house in which you are now living constructed on or moved on said lands? (e) When did you go into possession of said lands? (f) If the description of the land as set out in the Complaint does not correctly describe the land which is now in your possession and located in said Section, Township and Range, will you please attach to your answers to these Interrogatories a correct description of the land in said Section, Township and Range which is in your possession?

2. Do you claim to be the owner of the land described in the Complaint? (a) If you claim to be the owner of the land described in the Complaint, please attach to your answers to these Interrogatories a certified copy of the deed under which you claim title, if you claim title by deed? (b) If you claim title to the lands described in the Complaint by inheritance, please state who you inherited such land from and when you inherited the same? (c) If you claim title to the lands described in the Complaint, please attach to your answers to these Interrogatories a certified copy of any deeds to you or your predecessors in title?

3. If you do not claim to be the owner of the lands described in the Complaint, do you have possession of said lands under a written or oral agreement? (a) If you state that you have possession of the lands described in the Complaint under a

written agreement, please attach to your answers to these Interrogatories, a copy of such written agreement? (b) If you state that you are in possession of the lands described in the Complaint under an oral agreement with someone, please state who put you in such possession, when and the terms of such oral agreement?

4. Do you know the location of the Southwest corner of Section 17, Township 3 North, Range 3 East? (a) Is the corner which is known as the Porterfield corner, the true and correct Southwest corner of said Section in said Township and Range? (b) If you state that the Porterfield corner is not the correct Southwest corner of Section 17, Township 3 North, Range 3 East, will you state where the correct Southwest corner is located in reference to the Porterfield corner, giving the direction from the Porterfield corner and the distance? (c) Is it not a fact that the Porterfield corner has been recognized by the land owners adjacent or contiguous to said corner as the true and correct Southwest corner of Section 17, Township 3 North, Range 3 East? (d) If your answer is no, will you please state the distance and direction from the Porterfield corner where the true and correct Southwest corner of said Section is located.

5. If you state that you are not in possession of all of the lands described in the Complaint filed in the above styled cause, are you in possession of any part of the lands described in said Complaint? (a) If your answer is yes, will you please state what part of the lands described in the Complaint you now hold under your possession and when and how you acquired possession of such part? (b) If you state that you are in possession of any part of the lands described in the Complaint, is the part of such land that you hold under your possession located in the Southwest Quarter of the Southwest Quarter of Section 17, Township 3 North, Range 3 East, or in the Southeast Quarter of the Southwest Quarter of said Section?

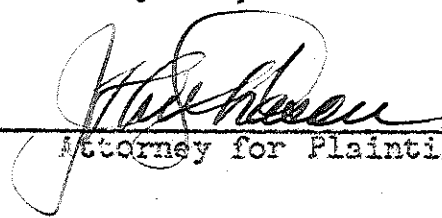
6. Who received a Patent from the United States Government for the Southeast Quarter of the Southwest Quarter of Section 17, Township 3 North, Range 3 East? (a) If your answer to the last question was Ephriam Spradly or Lucinda Spradly, did they ever go

into possession of such land and if so, when? (b) Did Ephriam Spradly and Lucinda Spradly sell and convey the Southeast Quarter of the Southwest Quarter of Section 17, Township 3 North, Range 3 East to Levy Munnerlyn on February 17, 1877? (c) If your answer is yes to the last question, did Levy Munnerlyn take actual possession of the Southeast Quarter of the Southwest Quarter of said Section? (d) Is it not a fact that Levy Munnerlyn died intestate more than thirty years ago leaving as his only heir and next of kin, Lewis Munnerlyn? (e) Is it not a fact that Lewis Munnerlyn died on or about July 2, 1918, leaving a widow named Tamer Munnerlyn who was later known as Tamer M. Bell and leaving several children? (f) Were not Lewis Munnerlyn and Tamer Munnerlyn living on the Southeast Quarter of the Southwest Quarter of Section 17, Township 3 North, Range 3 East, at the time of the death of the said Lewis Munnerlyn, and was it not their homestead?

7. Have you ever paid State and County taxes on the lands described in the Complaint filed in the above styled cause and if so, for what years? (a) Will you please attach to your answers to these Interrogatories a statement showing a description of the lands assessed by you in the South half of the Southwest Quarter of Section 17, Township 3 North, Range 3 East, together with a statement of the years when you assessed and paid taxes on such lands? (b) If you answer that you have not assessed and paid taxes on the lands described in the Complaint, has anyone under whom you claim title or possession paid such taxes within the last twenty years? (c) If your answer is that someone under whom you claim title or possession has assessed and paid taxes on the lands described in the Complaint, within the last twenty years, will you please attach to your answers to these Interrogatories a description as set out in such assessment and the years for which taxes were paid by such person?

Hybart, Chason & Stone

BY:

  
Attorney for Plaintiff.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Oliver L. Miller, a Notary Public, in and for said State and County, personally appeared John Chason, who is known to me and who after being by me first duly and legally sworn, doth depose and say under oath as follows:

That he is one of the Attorneys of Record for the Plaintiff in the above styled cause; that if the answers to the Interrogatories propounded to the Defendants are well and truly made, they will be material evidence for the Plaintiff on the trial of this cause.

Sworn to and subscribed  
before me, this 14th day of  
April, 1949.

Oliver L. Miller  
Notary Public, Baldwin County,  
Alabama.

FILED

APR 15 1949

TVA SIDE

BALDWIN COUNTY, ALABAMA  
IN THE CIRCUIT COURT OF

Defendants

JOHN CHASON  
vs.

as

Plaintiff

JOHN L. EVANS

TO DEFENDANTS  
INTERROGATORIES RECORDED

for file

THE UNIVERSITY OF CHICAGO

THOMAS J. EARLE,

Plaintiff,

VS.

AARON WILLIAMS and  
LUCINDA WILLIAMS,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

LAW SIDE.

ANSWERS TO INTERROGATORIES PROPOUNDED BY THE PLAINTIFF TO THE  
DEFENDANTS

Come the Defendants in the above-styled cause and in answer to the interrogatories heretofore propounded by the Plaintiff to the Defendants say:

1. We are in actual possession of the lands described in the Complaint filed in the above-styled cause.

a. Said lands are under fence.

b. We are living on said lands.

c. We have no personal knowledge as to when such fence was first erected.

d. The house in which we are living on said lands was constructed on said lands in 1938.

e. We went into possession of said lands in 1938.

f. The Complaint correctly describes the lands in our possession located in said Section, Township and Range.

2. We do not claim to be the owners of said lands.

a. Requires no answer.

b. Requires no answer.

c. Requires no answer.

3. We have possession of said lands under an oral agreement.

a. Requires no answer.

b. We were put into possession of said lands by Ephraim Williams and Anna James in 1938, and we are tenants at will.

4. a., b., c., and d. We do not know the location of the Southwest Corner of Section 17, Township 3 North, Range 3 East, nor do we know whether what is known as the Porterfield Corner is the correct Southwest Corner of said Section in said Township and



Range, nor do we know whether the Porterfield Corner has been recognized by adjacent land-owners as being the correct Southwest Corner of said Section in said Township and Range, but we do know that the land in question has been in our possession and the possession of those under whom we claim during all of our lives.

5. Requires no answer.

a. Requires no answer.

b. Requires no answer.

6. a., b., c., d., e., and f. We have no personal knowledge of the facts inquired about in these questions.

7. We have never paid taxes on said lands.

a. Requires no answer.

b. We have no personal knowledge of the facts inquired about in this question and the information we have concerning this question is not the best evidence.

c. Requires no answer.

Arson Williams

Lucinda <sup>her</sup> Williams  
mark

WITNESSES:

James P. Murphy  
Edna Carl Hargis

Sworn to and subscribed before me on  
this the 20th day of June, 1949.

J. B. Blackburn  
Notary Public, Baldwin County, Alabama.

1313 **RECORD**  
ANSWERS TO INTERROGATORIES

THOMAS J. EARLE,

Plaintiff,

VS.

AARON WILLIAMS and  
LUCINDA WILLIAMS,

Defendants.

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

*Filed 6-20-49  
Alice French  
Clerk*

J. B. BLACKBURN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

THOMAS J. EARLE,

Plaintiff,

VS.

AARON WILLIAMS and LUCINDA  
WILLIAMS,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. 1313.

PLEA

Now come the Defendants, each separately and several-  
ly, and for answer to the complaint filed in this cause, say:

1. Not guilty.

J. B. Blalock  
Attorney for Defendants.

PLEA

RECORDED

THOMAS J. EARLE,

Plaintiff,

VS.

AARON WILLIAMS and LUCINDA  
WILLIAMS,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 1313.

FILED  
MAR 28 1949  
ALICE J. DUCK, Clerk

THOMAS J. EARLE,

Plaintiff,

vs.

AARON WILLIAMS and  
LUCINDA WILLIAMS,

Defendants.

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

INTERROGATORIES PROPOUNDED TO EACH  
OF THE DEFENDANTS BY THE PLAINTIFF

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6. Who received a Patent from the United States Government for the Southeast Quarter of the Southwest Quarter of Section 17, Township 3 North, Range 3 East? (a) If your answer to the last question was Ephriam Spradly or Lucinda Spradly, did they ever go

into possession of such land and if so, when? (b) Did Ephriam Spradly and Lucinda Spradly sell and convey the Southeast Quarter of the Southwest Quarter of Section 17, Township 3 North, Range 3 East to Levy Munnerlyn on February 17, 1877? (c) If your answer is yes to the last question, did Levy Munnerlyn take actual possession of the Southeast Quarter of the Southwest Quarter of said Section? (d) Is it not a fact that Levy Munnerlyn died intestate more than thirty years ago leaving as his only heir and next of kin, Lewis Munnerlyn? (e) Is it not a fact that Lewis Munnerlyn died on or about July 2, 1918, leaving a widow named Tamer Munnerlyn who was later known as Tamer M. Bell and leaving several children? (f) Were not Lewis Munnerlyn and Tamer Munnerlyn living on the Southeast Quarter of the Southwest Quarter of Section 17, Township 3 North, Range 3 East, at the time of the death of the said Lewis Munnerlyn, and was it not their homestead?

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Hybart, Chason & Stone

BY:   
Attorney for Plaintiff.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Oliver L. Miller, a Notary Public, in and for said State and County, personally appeared John Chason, who is known to me and who after being by me first duly and legally sworn, doth depose and say under oath as follows:

That he is one of the Attorneys of Record for the Plaintiff in the above styled cause; that if the answers to the Interrogatories propounded to the Defendants are well and truly made, they will be material evidence for the Plaintiff on the trial of this cause.

Sworn to and subscribed  
before me, this 14th day of  
April, 1949.

Oliver L. Miller  
Notary Public, Baldwin County,  
Alabama.



Received in Sheriff's Office  
this 14 day of April, 1949  
TAYLOR, WILKINS, Sheriff.

Executed 4-18 19 49  
by serving copy of within Summons and  
Complaint on

J. B. Blackburn Agent  
for Aaron Williams  
Lucinda Williams

Taylor Wilkins Sheriff  
By H. F. Hall Deputy Sheriff

MD 1313

**RECORDED**  
INTERROGATORIES PROPOUNDED  
TO DEFENDANTS.

THOMAS J. EARLE,  
Plaintiff,

vs.

AARON WILLIAMS and  
LUCINDA WILLIAMS,  
Defendants.

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

Filed April 14, 1949.

Eric J. Leuck  
Clerk.

LAW OFFICES  
HYBART, CHASON & STONE  
BAY MINETTE, ALABAMA