

442

PETITION FOR HOMESTEAD EXEMPTION

THE STATE OF ALABAMA
COUNTY OF BALDWIN

IN THE CIRCUIT COURT OF SAID COUNTY

IN RE: Estate of John H. Campbell, deceased,
TO THE HONORABLE FRANCIS W HARR, JUDGE OF THE 21st JUDICIAL CIRCUIT
OF THE STATE OF ALABAMA, SITTING IN EQUITY; GREETINGS:-

Your petitioner, Mrs. Clara Cook Campbell, who is over the
age of twenty-one (21) years and resides in Baldwin County, Alabama,
respectfully represents and shows into your Honor as follows:-

FIRST: That she is the widow of John H. Campbell, deceased, late
a resident of Baldwin County, Alabama; that the said John H. Campbell
departed this life intestate on, January 21, 1938, and left surviving
him his widow, your petitioner, but left no children surviving; his
sister, Annie Campbell, unmarried, whose address is Opp, Alabama;
his brother, R. C. Campbell, whose address is Polk City, Florida
and his brother, W. D. Campbell, whose address is Auburndale, Florida.
All of whom are over the age of twenty-one (21) years.

SECOND: That the said John H. Campbell at the time of his death, left
a valuable estate, and that all of the real estate he owned at the time
of his death is located in this County as will be hereinafter fully
described, the same being the property used by the decedent as his
home and upon which he resided at the time of his death.

THIRD: That letters of Administration were heretofore on, to-wit,
the 4th day of February, 1938, granted to Annie Campbell by the
Probate Court of Baldwin County, Alabama.

FOURTH: That at the time of his death the said John H. Campbell,
deceased, resided upon the following described real estate, to-wit:-

East half of the Southeast quarter of the Southeast
quarter (E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 22, Township
4 South of Range 2 East, containing twenty (20)
acres more or less;

And that your petitioner under the laws of the State of Alabama, is

entitled to a homestead exemption out of the real estate owned by him at the time of his death and not to exceed in value Two Thousand Dollars (\$2,000) nor in area One Hundred Sixty (160) acres, and that the property hereinabove described is valued at about Seven ^{thousand} Hundred Dollars (\$1,700); and further that the above described real property constitutes all of the real estate owned by the said John H. Campbell deceased at the time of his death.

The premises considered your petitioner prays your Honor to set apart to her a homestead of the value and to the extent allowed in such cases by the law of this State, and that such proceedings be had and such orders and decrees be made by this Court as will most effectually carry out the laws of this State in such cases made and provided in the prayer of this petition.

Clara Cook Campbell

Petitioner

Sworn to and subscribed before me this the 29 day of

July, 1938.

Robert H. Adams
Notary Public

ESTATE OF JOHN H. CAMPBELL,)
DECEASED.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 442.

NOTICE OF FINAL SETTLEMENT.

ANNIE CAMPBELL, Administratrix of the said Estate, having appeared on this the 5th day of December, 1939, and having filed her statements, accounts, vouchers and evidence for final settlement of her said administration, it is ordered by the Court that the 8th day of January, 1940, be, and it is hereby the day set on which to make such settlement, at which time all persons interested may appear and contest the said settlement, if they think proper.

DATED this 5th day of December, 1939.

R. S. DUCK, Register.

BEEBE, HALL & BEEBE,
Attorneys.

ESTATE OF JOHN H. CAMPBELL,)
DECEASED.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 442.

NOTICE OF FINAL SETTLEMENT.

ANNIE CAMPBELL, Administratrix of the said Estate, having appeared on this the 5th day of December, 1939, and having filed her statements, accounts, vouchers and evidence for final settlement of her said administration, it is ordered by the Court that the 8th day of January, 1940, be, and it is hereby the day set on which to make such settlement, at which time all persons interested may appear and contest the said settlement, if they think proper.

DATED this 5th day of December, 1939.

R. S. DUCK, Register.

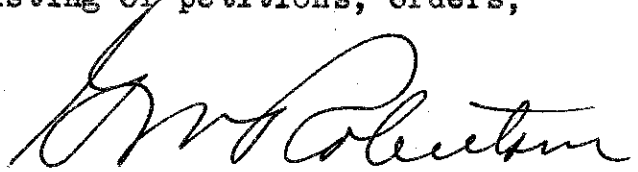
BEEBE, HALL & BEEBE,
Attorneys.

ESTATE OF JOHN H. CAMPBELL, DECEASED.

| PROBATE COURT,
| BALDWIN COUNTY,
| JULY 9th, 1938.

In accordance with Order of Transfer of Circuit Judge, W.F.Hare, I hereby transfer the papers in the file in the matter of the administration of the Estate of J.H.Campbell, Deceased, to the Circuit Court of Baldwin County, Alabama.

The number of papers in file, consisting of petitions, orders, decrees, etc., when transferred, 8.


Judge of Probate.

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE
ADVERTISING RATES GIVEN ON APPLICATION

NOTICE OF FINAL SETTLEMENT

In the Circuit Court of Baldwin County, Alabama, No. 442, In Equity, Estate of JOHN H. CAMPBELL, Deceased.

Annie Campbell, Administratrix of the said Estate, having appeared on this the 5th day of December, 1939, and having filed her statements, accounts, vouchers and evidence for a final settlement of her said administration, it is ordered by the Court that the 3th day of January, 1940, be and it is hereby the day set on which to make such settlement, at which time all persons interested may appear and contest the said settlement, if they think proper.

Dated this 5th day of December, 1939.
R. S. DUCK, Register
BEEBE, HALL & BEEBE, Attorneys.
45-3t

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

J. H. Faulkner, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Estate of John H. Campbell

Was published in said Newspaper for 3 consecutive weeks in the following issues:

Date of first publication	<i>December 7, 1939</i>	Vol. <i>50</i> No. <i>45</i>
Date of second publication	<i>" 14, 1939</i>	Vol. <i>50</i> No. <i>46</i>
Date of third publication	<i>" 21, '39</i>	Vol. <i>50</i> No. <i>47</i>
Date of fourth publication		Vol. _____ No. _____

Subscribed and sworn before the undersigned this _____ day of

Jan 1 1940
Laa Herron
Notary Public
Bald Co Ala

J. H. Faulkner
Publisher

ESTATE OF JOHN H. CAMPBELL,)
DECEASED.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 442.

NOTICE OF FINAL SETTLEMENT.

ANNIE CAMPBELL, Administratrix of the said Estate, having appeared on this the 5th day of December, 1939, and having filed her statements, accounts, vouchers and evidence for final settlement of her said administration, it is ordered by the Court that the 8th day of January, 1940, be, and it is hereby the day set on which to make such settlement, at which time all persons interested may appear and contest the said settlement, if they think proper.

DATED this 5th day of December, 1939.

R. S. DUCK, Register.

BEEBE, HALL & BEEBE,
Attorneys.

6

REPORT OF COMMISSIONERS

THE STATE OF ALABAMA

COUNTY OF BALDWIN.

In the Circuit Court for Said County,

IN RE: Estate of John H. Campbell, Deceased.

The Undersigned Capt Jos Pose, A. L. McCue and Fred Griffin, Commissioners, appointed by this Honorable Court to set off to Mrs. Clara Cook Campbell, as the widow of John H. Campbell, deceased, beg leave to make the following report to the Court:-

That on the _____ day of _____, 1938, pursuant to the authority vested in them, they set off and allotted as exempt to the said Mrs. Clara Cook Campbell, widow of said decedent, there being no children, the property described as follows, to-wit:-

East half of the Southeast quarter of the Southeast quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 22, Township 4 South of Range 2 East, containing twenty (20) acres more or less.

That further report that they have examined the said property and in their judgement the property set off and allotted to the said widow with the improvements and appurtenances thereon does not exceed in value the sum of Two Thousand Dollars (\$2,000) and in area of One Hundred Sixty (160) acres.

In testimony the undersigned have hereunto set their hands this the _____ day of _____, 1938.

(L.S.)

(L.S.)

(L.S.)

Sworn to and subscribed before me this _____ day of _____
1938.

IN THE MATTER OF THE) IN THE CIRCUIT COURT OF
PETITION OF C.C.COOK) BALDWIN COUNTY, ALABAMA.
) IN EQUITY.

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

Comes C.C.Cook, and respectfully shows unto your Honor that he is a bona fide resident of the State of Alabama; that he is over the age of twenty one years ; that he is an heir and brother of Clara Cook Cambell, deceased; that the said Clara Cook Cambell, deceased, was the lawful wife of J.C.Cambell, alias James C.Cambell, deceased who departed this life January 21, 1938, and that during the life time of Clara Cook Cambell, subsequent to the date of ^{the death} /J.C.Cambell, alias James C.Cambell, deceased, one Annie Cambell, was appointed Administrator of the estate of the said J.C.Cambell, alias James C.Cambell; that there were no children born as issue of their marriage; that the Administration was moved from the Probate Court of Baldwin County, Alabama, to this Court for better Administration and a petition was filed to have the Widow's exemption set aside and commissioners were appointed by the Court, which said commissioners made their report to this Court, but the said Clara Cook Cambell died on the 4th day of October 1938 before said report was confirmed.

Your petitioner further shows unto your Honor that an inventory of the estate as is shown by the records of the case, shows that the property of J.C.Cambell, alias James C. Cambell, deceased, amounted to in value to near two thousand dollars and that the estate was insolvent according to the claims filed against the estate; that after the death of the said Cambell, Clara Cook Cambell died on the 4th day of October 1938, and leaving her only heirs three brothers viz. your petitioner, and James Cook of Atmore, Alabama, and T.C.Cook and two daughters of Joseph Cook a deceased, a brother of Clara Cook Cambell, viz. Lois Cook and Ruth Cook of Mobile, Alabama all of whom are over the age of twenty one years.

Your petitioner further shows unto the Court that a petition for final settlement of the estate of J.C.Cambell, alias James C.Cambell, deceased, has been filed in this

State of Alabama,
Baldwin County.

KNOW ALL MEN BY THESE PRESENTS, That we, Annie Campbell and *Fidelity & Deposit Company of Maryland*, are firmly bound and held unto G. W. Robertson, Judge Of Probate Court of said County, and his successors in office, in the penal sum of \$2500.00; for the payment of which well and truly to be made, we jointly and severally, bind ourselves, our heirs, executors and administrators.

Sealed with our seals, and dated the 2 day of February 1938.

The condition of the above obligation is such, that whereas, the above bounden Annie Campbell has been appointed administrator of the estate of John H. Campbell, deceased; now if the said Annie Campbell shall well and truly perform all the duties which are or may be required of her as such administrator, then the above obligation to be void; otherwise, to remain in full force and effect.

Annie Campbell Seal
Fidelity & Deposit Company of Maryland Seal

By *G. W. Robertson* Seal.
Atty-in-Fact

Taken and approved this day of
February, 1938.

G. W. Robertson

Probate Judge.

IN THE MATTER OF THE ESTATE OF
JOHN H. CAMPBELL, DECEASED.

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

BRIEF OF SOLICITORS FOR ANNIE
CAMPELL, ADMINISTRATRIX OF
THE ESTATE OF JOHN H. CAMPBELL,
DECEASED, TO STRIKE PETITION
OF C. C. COOK.

BEEBE, HALL & BEEBE,
Solicitors.

This cause is submitted to the Court for a ruling upon the Petition of C. C. Cook for the right to intervene in the final settlement of the above estate and the Motion on behalf of the Administratrix of the Estate of John H. Campbell, deceased, to strike the said petition.

The petition, while it does not properly describe the Estate, yet for the purpose of this motion we assume that the Petitioner meant the Estate of John H. Campbell rather than James C. Campbell.

Proceedings in this Estate were formerly in the Probate Court of Baldwin County, Alabama, and subsequently moved over to the Circuit Court, in Chancery.

There was, at the time that the proceeding was moved, a petition filed by Clara Cook, alleging that she was the common law wife of John H. Campbell and praying that the property owned by him at the time of his death be set aside to her as his widow. Proper proceedings were had and appraisers appointed to determine the homestead exemptions of the said Clara Cook.

The Administratrix of the Estate, and those interested as distributees of the Estate, filed exceptions to the report of the appraisers, alleging, among other things, that the said Clara Cook was not the wife of the said John H. Campbell.

The matter was still pending in the Circuit Court at the time the said Clara Cook died. No decree had been made or entered on the report of the appraisers or on the exceptions filed thereto by the Administratrix of the Estate.

The petition of C. C. Cook, in effect, admits all of this.

The petitioner, C. C. Cook, asserts his rights by virtue of his being a brother to Clara Cook, and that the Estate was insolvent by reason of the filing of several accounts, and that by reason of the fact that the Estate, as he sees it, was insolvent by virtue of the filing of the said accounts, immediately upon the death of the said John H. Campbell, vested in Clara Cook.

The Petitioner takes a most unusual position, that is, if we are to disregard the law, in saying that, first, the Estate was insolvent because the claims were filed, and then, taking the position that the claim of Claude G. Wright, which claim according to his view rendered the Estate insolvent, was not a legal claim. Then in either event if the claim of Claude G. Wright was illegal, the Estate could, under no consideration, be declared insolvent.

The Petitioner, in our opinion, has utterly disregarded the law. He admits, as we have stated above, that Clara Cook died on the 4th day of October, 1938, before the report of the appraisers was confirmed.

Without discussing the matter further, and in support of our contention, we wish to call your Honors attention to the following cases, which in our opinion deals directly with cases of this nature.

"Judicial ascertainment of essential facts is required before absolute title vests in widow as against heirs where homestead is only realty owned by decedent."

Franklin vs. Scott, 148 So., 833.

"The title in fee to homestead does not vest in widow as against heirs at law in absence of proceeding under statute to have it set apart, either because of insolvency of the estate or as all the real estate of deceased husband."

Cox vs. McLemore, 183 So., 860.

If we are to assume it is true, and which we most strenuously resist,


that Clara Cook was the widow of John H. Campbell; that the property in question was the only property owned by the said John H. Campbell, and that it was less in value than two thousand dollars and in area one hundred and sixty acres, she would have taken, or rather would take a life estate without proceedings to set apart the homestead; the law in such case intervening and making the allotment without any act on the part of the exemptioner. However, this being only a life estate, passing with her death, she did not own the fee simple title to the property and it, therefore, did not pass by descent to her heirs.

The latest authority we have been able to find in this case is the recent case of McCullough vs. McCullough, 185 So., 417, in which Chief Justice Anderson touches upon the question by saying, in effect, that a fee simple title could only vest in the widow when set apart.

We, therefore, respectfully submit that the petition on the part of C. C. Cook for the right to intervene is not well taken and should be stricken.

Respectfully submitted,

BEEBE, HALL & BEEBE,

By: 
Solicitors for Annie Campbell, Administratrix of the Estate of John H. Campbell, deceased.

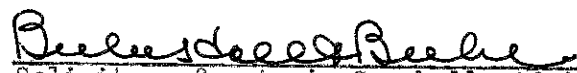
IN THE MATTER OF THE ESTATE
OF JOHN H. CAMPBELL, DECEASED.

)
)

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

And now comes ANNIE CAMPBELL, Administratrix of the Estate of John H. Campbell, deceased, and moves the Court to strike the petition of C. C. Cook for an order and decree permitting him to intervene in the matter of the final settlement of said Estate, and for grounds of said motion sets out the following:

1. That said petition sets out no facts authorizing an intervention by the said petitioner.
2. That the said petition affirmatively shows that the petitioner has no right to intervene in the final settlement of said Estate.
3. That the said petition affirmatively shows that the petitioner has no interest in said Estate.
4. That the said petition affirmatively shows that the said Clara Cook Campbell, through whom the petitioner claims, died before her claim was established, and therefore all the claim and rights of the petitioner have ceased and determined.


Solicitors for Annie Campbell, Administra-
trix of the Estate of John H. Campbell,
deceased.

CHANCERY EXECUTION

BILL OF COSTS

No. 442 Estate of John H. Campbell, Deceased.

PLAINTIFF

DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$
Filing each bill and other papers	\$ 10	3.20		14.25
Issuing each subpoena	50	.50	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	
Issuing each copy thereof	40	.40	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Entering each return thereof	15	.15	Each notice sent by mail to creditor	15
For each order of publication	1 00	2.00	Filing receipting for and docketing each claim, etc.	25
Issuing Writ of injunction	I 50		For all entries on subpoena docket, etc.	50
For each copy thereof	50		For all entries on commission docket, etc.	50
Entering each return thereof	15		Making final record. per 100 words	15
Issuing Writ of Attachment	I 00		Certified copy of decree	1 00
Entering each return thereof	15		Report of divorce to State Health Office (Acts 1915)	50
Docketing each case	1 00	1.00	TOTAL FEES OF REGISTER	31.40
Entering each appearance	25	.25	FEES OF SHERIFF	
Issuing each decree pro confesso on per ser.	1 00		Serving and returning subpoena on deft.	\$1 50
Issuing each decree pro confesso on publica	1 00		Serving and returning subpoena for witness	65
Each order appointing guardian	I 00		Levying attachment	3 00
Any other order by Register	50	.50	Entering and returning same	25
Issuing Commission to take testimony	50		Selling property attached	75
Receiving and filing	10		Impaneling Jury	2 50
Endorsing each package	10		Executing Writ of possession	1 50
Entering order submitting cause	50	.50	Collecting execution for costs	65
Entering any other order of court	25	.50	Serving and returning sci. fa., each	65
Noting all testimony	50		Serving and returning notice	1 50
Abstract of cause, etc.	I 00		Serving and returning writ of injunction	1 50
Entering each decree	75	2.25	Serving and returning writ of exeat	75
For every 100 words over 500	15		Taking and approving bonds, each	2 50
Taking account, etc.	3 00	3.00	Collecting money on execution	1 00
Taking testimony, etc.	15		Making Deed	1 50
Each report, 500 words or less	2 50		Serving and returning application, etc.	1 50
For every 100 words over 500	15		Serving attachment, contempt of court	1 50
Amount claimed less than \$500, etc.	2 00		TOTAL FEES OF SHERIFF	1.50
Issuing each subpoena	25		RECAPITULATION	
Witness certificate, each	25		Register's Fees	31.40
Issuing execution, each	75		Sheriff's Fees	1.50
Entering each return	15		Commissioner's Fees (Joe Pose, A. L.)	6.00
Taking and approving bond, each	1 00		Solicitor's Fees (Scripps, Fred C.)	12.20
Making copy of bill, etc.	15		Witness Fees	3.00
Each notice not otherwise provided for	50		Guardian Ad Litem	3 00
Each certificate or affidavit, with seal	50		Printer's Fees	6.00
Each certificate or affidavit, no seal	25		Trial Tax	6.00
Hearing and passing on application, etc.	3 00		Recording Decree in Probate Court	6.00
Each settlement with Receiver, etc.	3 00		Probate Court Cost	6.00
Examining each voucher of Receiver, etc.	10		TOTAL	60.15
Examining each answer, etc.	3 00			
Recording resignation, etc.	75			
Entering each certificate to Supreme Court	50			
Taking questions and answers, etc.	25			
For all other ser relating to such proceedings	1 00			
For services in proceeding to relieve minors, etc., same fee as in similar cases.				
Commission on sales, etc: 1st \$100, 2 per cent: all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent.				
Sub Total Carried Forward	14.25			

The State of Alabama,
Baldwin County

No. _____
Circuit Court, In Equity _____ Term, 193 _____

To any Sheriff of the State of Alabama—GREETING:
You are hereby commanded, That of the goods and chattels, lands and tenements of _____

Defendant _____

you cause to be made the sum of _____ Dollars,

which _____ Plaintiff _____

recovered of _____ on the _____ day of _____ 193 _____

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____ Dollars,

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

Interest from _____ 193 _____ to date of collection.

Witness my hand, this _____ day of _____ 193 _____

Register

CIRCUIT COURT, BALDWIN COUNTY, ALA. IN EQUITY

No. 442 -

vs. Est. J. W. Campbell,
Decedent

PLAINTIFF
DEFENDANT

BILL OF COSTS

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$ 3 75
Filing each bill and other papers	\$	100	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	
Issuing each subpoena			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof			Each notice sent by mail to creditor ...	15
Entering each return thereof			Filing receipting for and docketing each claim, etc.	25
For each order of publication	1	00	For all entries on subpoena docket, etc.	50
Issuing Writ of injunction			For all entries on commission docket, etc.	50
For each copy thereof			Making final record. per 100 words	15
Entering each return thereof			Certified copy of decree	1 00
Issuing Writ of Attachment	1	00	Report of divorce to State Health Office (Acts 1915)	50
Entering each return thereof			TOTAL FEES OF REGISTER..	
Docketing each case	1	00	FEES OF SHERIFF	7 75
Entering each appearance			Serving and returning subpoena on deft. \$1 50	
Issuing each decree pro confesso on per ser. 1 00			Serving and returning subpoena for witness	65
Issuing each decree pro confesso on publica 1 00			Levying attachment	1 50
Each order appointing guardian	1	00	Entering and returning same	25
Any other order by Register			Selling property attached	
Issuing Commission to take testimony			Impaneling Jury	75
Receiving and filing			Executing Writ of possession	2 50
Endorsing each package			Collecting execution for costs	1 50
Entering order submitting cause			Serving and returning sci. fa., each	65
Entering any other order of court			Serving and returning notice	65
Noting all testimony			Serving and returning writ of injunction 1 50	
Abstract of cause, etc.	1	00	Serving and returning writ of exeat.	1 50
Entering each decree			Taking and approving bonds, each	75
For every 100 words over 500			Collecting money on execution	
Taking account, etc.	3	00	Making Deed	2 50
Taking testimony, etc			Serving and returning application, etc. 1 00	
Each report, 500 words or less	2	50	Serving attachment, contempt of court. 1 50	
For every 100 words over 500			TOTAL FEES OF SHERIFF..	
Amount claimed less than \$500, etc	2	00	RECAPITULATION	
Issuing each subpoena			Register's Fees	7 75
Witness certificate, each			Sheriff's Fees	
Issuing execution, each			Commissioner's Fees	
Entering each return			Solicitor's Fees	
Taking and approving bond, each	1	00	Witness Fees	
Making copy of bill, etc			Guardian Ad Litem	4 62
Each notice not otherwise provided for ..			Printer's Fees	
Each certificate or affidavit, with seal ..			Trial Tax	3 00
Each certificate or affidavit, no seal			Recording Decree in Probate Court	
Hearing and passing on application, etc. 3 00			TOTAL.....	15 27
Each settlement with Receiver, etc.	3	00		
Examining each voucher of Receiver, etc ..				
Examining each answer, etc.	3	00		
Recording resignation, etc				
Entering each certificate to Supreme Court 50				
Taking questions and answers, etc				
For all other ser relating to such proceedings 1 00				
For services in proceeding to relieve minors, etc., same fee as in similar cases.				
Commission on sales, etc: 1st \$100, 2 per cent; all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent.				
Sub Total Carried Forward				

LAW OFFICES OF
HORNE & HODNETTE
ATMORE, ALABAMA

FRANK G. HORNE
ROBERT E. HODNETTE

August 20, 1930

Hon. R. S. Dool, Register
Birmingham, Alabama

Attn: Miss Mar Alice Thompson,
Deputy Register

Dear Miss Thompson:

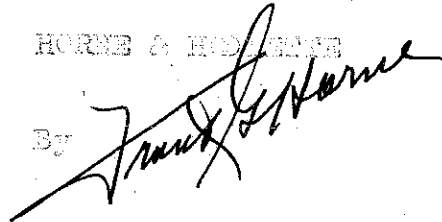
Enclosed find the order of the Court and the notices to be served on the resident defendants and also a copy of which is to be placed in the B. Road file as to the non-resident defendants. I have instructed Mrs. Clara Cook Campbell to file out the cost of this advertisement and to pay the same before it is advertised, you might, if she has not already arranged with the paper, stop that bill and find her the cost of the advertising and her process, etc. is Mrs. Clara Cook Campbell, Route #1, Daphne, Alabama. Please get this check to Judge H. as indicated. We certainly thank you for your courtesy and assistance in this matter.

With the very best wishes of this firm, believe me

Very truly yours,

HORNE & HODNETTE

By



FCH/n
E:cl:10.

THE STATE OF ALABAMA
COUNTY OF BALDWIN

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

ESTATE OF JOHN H. CAMPBELL, DECEASED

TO Captain Joe Pose, A. L. McCue and Fred Griffin:-

WHEREAS, on, to-wit, the _____ day of _____ A. D. 1956, a petition was filed in this Court by Mrs. Clara Cook Campbell, setting out, among other things that she is the widow of John H. Campbell, deceased, late a resident of Baldwin County, Alabama, and that said decedent departed this life on or about, the 21st day of January, 1938, intestate, leaving surviving him, Mrs. Clara Cook Campbell, his widow in Baldwin County, Alabama; and alleging further that at the time of his death said decedent resided upon and owned and possessed in his own right the following described real estate in Baldwin County, Alabama, to-wit:-

East half of the Southeast quarter of the Southeast quarter (E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 32, Township 4 South or Range 2 East, containing twenty (20) acres more or less;

You and each of you are therefore appointed Commissioners to set off and allot by metes and bounds as exempt to said widow, Mrs. Clara Cook Campbell, as and for a homestead so much or all of said property above described as, with the improvements and appurtenances not to exceed in value Two Thousand Dollars (\$2,000), and in area One Hundred Sixty (160) acres, and you will make your report of the exemptions so set off and allotted by you to this Court, in writing, within ten (10) days from the service of this writ.

Circuit Judge.

THE STATE OF ALABAMA
COUNTY OF BALDWIN

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

ESTATE OF JOHN H. CAMPBELL, DECEASED

TO Captain Joe Pose, A. L. McCus and Fred Griffins-

WHEREAS, on, to-wit, the _____ day of _____ A. D. 1938, a petition was filed in this Court by Mrs. Clara Cook Campbell, setting out, among other things that she is the widow of John H. Campbell, deceased, late a resident of Baldwin County, Alabama, and that said decedent departed this life on or about, the 21st day of January, 1938, intestate, leaving surviving him, Mrs. Clara Cook Campbell, his widow in Baldwin County, Alabama; and alleging further that at the time of his death said decedent resided upon and owned and possessed in his own right the following described real estate in Baldwin County, Alabama, to-wit:-

East half of the Southeast quarter of the Southeast quarter (E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 22, Township 4 South or Range 2 East, containing twenty (20) acres more or less;

You and each of you are therefore appointed Commissioners to set off and allot by metes and bounds as exempt to said widow, Mrs. Clara Cook Campbell, as and for a homestead so much or all of said property above described as, without improvements and appurtenances not to exceed in value Two Thousand Dollars (\$2,000), and in area One Hundred Sixty (160) acres, and you will make your report of the exemptions so set off and allotted by you to this Court, in writing, within ten (10) days from the service of this writ.

Circuit Judge.

NOTICE

STATE OF ALABAMA }
COUNTY OF BALDWIN.

IN THE CIRCUIT COURT OF SAID COUNTY

NOTICE TO Ardia Campbell Opp Alma

Notice is hereby that the Commissioners, appointed by the Circuit Court of Baldwin County, Alabama, to set apart emptions in the property belonging to JOHN M. CAMPBELL, deceased, at the time of his death, have on the 23rd day of August, 1938, filed in this Court their report, and the 10th day of October, 1938, has been set as the day for hearing said report, at which said time you may appear and contest the same if you see fit so to do.

Witness my hand this the 2nd day of September

1938.

J. W. Hare

Judge, 21st Judicial Circuit, State
of Alabama.

ESTATE OF JOHN H. CAMPBELL,
DECEASED.

)
) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA,
) NO. 442.

We, R. C. CAMPBELL and W. D. CAMPBELL, heirs of John H. Campbell, Deceased, do hereby accept service of the notice of filing of petition for final settlement by Annie Campbell, as Administratrix of the Estate of John H. Campbell, deceased, in the Circuit Court of Baldwin County, Alabama, and do hereby waive any other notices required by law to be given us as heirs and distributees of said Estate.

WITNESSES:

Fred Maddox

John Jones

R. C. Campbell

W. D. Campbell

JOHN H. CAMPBELL, DECEASED,
ESTATE OF.

)
)
)
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY,
NUMBER 442.

And now come ANNIE CAMPBELL, Administratrix of the Estate of John H. Campbell, Deceased, ANNIE CAMPBELL, sister of the decedent, and R. C. CAMPBELL and W. D. CAMPBELL, brothers of the decedent, and feeling aggrieved at the report of the Commissioners setting apart homestead exemptions to the widow, filed August 28th, 1938, and except to the said report of the Commissioners, and for grounds of said exceptions, separately and severally, say:

1. That the said John H. Campbell died intestate on January 21st, 1938, and left surviving him as his sole and only heirs: Annie Campbell, sister, R. C. Campbell and W. D. Campbell, brothers.

2. That the said John H. Campbell was unmarried at the time of his death.

3. That Mrs. Clara Cook Campbell is not the widow of the said John H. Campbell, deceased.

4. That the said John H. Campbell and Clara Cook Campbell were not husband and wife at the time of the death of the said John H. Campbell.

5. That the said John H. Campbell did not at any time hold out the said Clara Cook Campbell as his wife.

6. That the said Clara Cook Campbell was not the common law wife of John H. Campbell, deceased, and was never held out as such by him.

7. That the said John H. Campbell, deceased, and Clara Cook Campbell did not live together as husband and wife, in Baldwin County, Alabama, during the lifetime of the said John H. Campbell, deceased.

8. That the statement of Mrs. Clara Cook Campbell, that she is the widow of John H. Campbell, deceased, is untrue.

9. That the said John H. Campbell, deceased, and Clara Cook Campbell did not, as husband and wife, occupy the property therein described and being the East half of the Southeast quarter of the Southeast quarter of Section 22, Township 4 South of Range 2 East, in Baldwin County, Alabama, as a homestead.

WHEREFORE, the premises considered, ANNIE CAMPBELL, Administratrix, ANNIE CAMPBELL, R. C. CAMPBELL and W. D. CAMPBELL respectfully ask that this be taken as their exceptions to the report of the Commissioners, and that upon a hearing hereof,

that the said report be held null and void and that the said Clara Cook Campbell was not the wife and is not the widow of the said John H. Campbell, deceased and has no right, title or interest in or claim upon the said property described in the said report, to-wit: The East half of the Southeast quarter of the Southeast quarter of Section 22, Township 4 South of Range 2 East, Baldwin County, Alabama, and that such other orders and decrees may be made and entered as may be necessary and proper to absolutely vest title to the said property in the said Annie Campbell, R. C. Campbell and W. D. Campbell, as the sole and only surviving heirs of the said John H. Campbell, deceased.

Burke & Behe
Solicitors for Annie Campbell, Administratrix,
Annie Campbell, R. C. Campbell and W. D. Campbell.

REPORT OF COMMISSIONERS

THE STATE OF ALABAMA
COUNTY OF BALDWIN.

IN THE CIRCUIT COURT OF SAID COUNTY

IN RE: ESTATE OF JOHN H. CAMPBELL, DECEASED.

The undersigned Capt. Joe Pose, A. L. McCue and Fred Griffin, Commissioners, appointed by this Honorable Court to set off to Mrs. Clara Cook Campbell, as the widow of John H. Campbell, deceased, beg leave to make the following report to the Court:-

That on the 18th day of August, 1938, pursuant to the authority vested in them, they set off and allotted as exempt to the said Mrs. Clara Cook Campbell, widow of said decedent, there being no children, the property described as follows, to-wit:-

East half of the Southeast quarter of the Southeast quarter (E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 2, Township 4 South of Range 2 East, containing twenty (20) acres more or less.

That further report that they have examined the said property and in their judgment the property set off and allotted to the said widow with the improvements and appurtenances thereon does not exceed in value the sum of Two Thousand Dollars (\$2,000) and in area of One hundred sixty (160) acres.

In testimony the undersigned have hereunto set their hands this the 18th day of August, 1938.

Capt. Joe Pose (L.S.)

A. L. McCue (L.S.)

F. Griffin (L.S.)

Sworn to and subscribed before me this 20th day of August, 1938.

S. E. Perkins
Notary Public

IN THE MATTER OF THE
PETITION OF C. C. COOK

I
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I

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY:-

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

Comes C. C. Cook and, with leave of the Court first had and obtained, amends his petition to intervene and read as follows: That he is over the age of twenty-one (21) years and is a brother of Clara Cook Campbell deceased, that the said Clara Cook Campbell deceased, was the lawful wife of John H. Campbell deceased, who departed this life January 12th, 1938; that prior to the death of the John H. Campbell, he and the said Clara Cook Campbell had been living together and had been holding themselves out as man and wife for many years; that she became his wife under the Common Law by reason of such acts and aided him in carrying on his business and earned a considerable amount of their savings or estate set out in the inventory in this cause.

Your Petitioner further shows unto the Court that after the death of the said John H. Campbell deceased, Annie Campbell was appointed as Administratrix of his estate on February 4th, 1938; that Clara Cook Campbell came into this Honorable Court and requested that her property be set aside as exempt to her, ^{as the widow of deceased} which is part of the record of this cause. Your Petitioner further shows that there was no children born as issue of their marriage and that the widows exemption was set aside to her by the Commissioners appointed by this Court but before the report of said commission was confirmed, the said Clara Cook Campbell died on the 4th day of October, 1938.

Your Petitioner further shows unto your Honors that the inventory of the estate as shown by records of the case, show that the property of the said John H. Campbell deceased, amounts to in value near Two Thousand Dollars and that the estate was insolvent according to the claims filed against the said estate,

which your Petitioner avers that on the 4th day of October, 1938, said Clara Cook Campbell, as aforesaid died leaving three brothers namely, your petitioner, C. C. Cook and James Cook of Atmore, Alabama and T. C. Cook deceased, who left as his lawful heirs, viz. Lois Cook and Ruth Cook of Mobile, Alabama, all of whom are over the age of twenty-one years, as the only lawful heirs of Clara Cook Campbell, deceased.

Your petitioner further shows unto the Court that Annie Campbell, Administratrix of John H. Campbell deceased, appointed as such on February 4th, 1938 by the Probate Court of said County, filed a petition for final settlement of said estate setting out a large number of claims against the said estate, that have not been filed with administratrix in accordance with Section 5818 of the Code of 1923 as amended by the general acts of 1921 and found on page 887 Seq. of said acts; viz. the following claims.

- (1) W. J. Etheredge, claim for plumbing, \$123.35 not filed with the Administratrix but filed in Probate Court in violation of said Code Section as amended.
- (2) C. G. Goodard, claim for medical service \$23.00 filed November 12th, 1938, with R. E. Duck against Mrs. John H. Campbell Estate in violation of said Section of the Code. Not Paid.
- (3) C. G. Goodard, claim against the estate of John H. Campbell filed September 9th, 1939 with R. E. Duck for \$51.75 in violation of said section of the code. Not Paid.
- (4) Claude G. Wright, claim for loan on open account for \$2,330.33 to improve his property, which is from aught that appears is without consideration and was settled for \$500.00. Presented to Register, Equity Court.

that the petition for final settlement showing on its face along with vouchers attached thereto show that the administratrix has fraudulently accepted claims and paid same that were not filed within six months from the date of issuance of letters of administration administratrix are barred by status of limitations, or not presented to the/

The Petitioner further avers that the claims of Claude G. Wright shows on its face that its without consideration and without evidence of any written contract and sets out that the said John H. Campbell deceased, owed the said Claude G. Wright

\$2,330.33 with interest thereon from the first day of August, 1936; and attaches an itemized statement to the affidavit of advancement payment of land and one delco light plant, initial payment, \$88.75 and another delco light plant, initial payment \$20.58 including numerous other items such as labor and material in construction of a Filling Station and Tourist Cabins, totals, \$2,330.33, which amount is more than the appraiser found the same to be worth. Your Petitioner respectfully calls the Courts attention to the claim having been settled to \$500.00 notwithstanding the fact that \$300.00 advancements have been made for \$202.04, balance remaining in their estate, all of which the said Claude G. Wright would have been entitled had he not agreed to accept \$1,830.33 with interest less than he claimed for loans for certain purposes for improvements on said property, owned by John H. Campbell, deceased.

Your Petitioner respectfully accepts and objects to each and every item of the disbursements and requests that the Court will order an accounting to be had in its own way and ascertain the true status of said estate and the claims filed against it.

Your Petitioner further shows that Annie Campbell the Administratrix of the said estate has illegally disposed of both personal and real property of the estate without warrant of law and illegally paid many of said claims for the sole purpose of defrauding your petitioner and other heirs of Clara Cook Campbell, deceased, some of which are above referred to.

WHEREFORE PREMISES CONSIDERED your petitioner prays that this Court will make an order or decree permitting your petitioner to intervene and make further orders declaring the said estate was well vested to Clara Cook Campbell prior to her death and that she was the Common Law Wife of the John H. Campbell deceased, and the same shall descend to her heirs at law and for an order of

accounting to ascertain the true status of said estate and for such o
other and further relief your petitioner maybe entitled.

C C Cook

STATE OF ALABAMA:

COUNTY OF MOBILE:

Personally appeared before me a Notary Public in and for
said State and County, C. C. Cook, who after first being duly sworn
says that the foregoing is true and correct.

C C Cook

SWORN TO AND SUBSCRIBED TO
BEFORE ME THIS THE 12
DAY OF August 1939.

R. M. Smith
NOTARY PUBLIC, MOBILE COUNTY,
ALABAMA:-

A. C. Taylor
Atty for C. C. Cook

JOHN H. CAMPBELL, Deceased,
ESTATE OF.

)
)
)
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
NO. 442.

Annie Campbell, Administratrix of the Estate of John H. Campbell, deceased, having filed her statements, accounts, vouchers and evidence for a final settlement of her administration; and said accounts having been examined by the Court and found apparently correct, and being now reported for such settlement, it is ordered and decreed that the matter of such settlement be set for a hearing on the 8th day of January, 1940, and that notice of the time and nature of such settlement be given as required by law, by publication for three successive weeks in the Baldwin Times, a newspaper published in this County, and that also notices be served on those residents of the State of Alabama.

Dated this 5th day of December, 1939.



Judge of the Circuit Court of Baldwin County, Alabama.

IN THE MATTER OF THE
PETITION OF C. C. COOK

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|
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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY:-

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

Comes C. C. Cook and with leave of the Court first had and obtained ^{as amended} amends his petition to intervene and read as follows: That he is over the age of twenty-one years and is a brother of Clara Cook Campbell deceased, that the said Clara Cook Campbell deceased, was the lawful wife of John H. Campbell deceased, who departed this life on to-wit; January 12, 1938; that prior to the death of the John H. Campbell, he and the said Clara Cook Campbell had been living together and had been holding themselves out as man and wife for many years; that she became his wife under the Common Law by reason of such acts and aided him in carrying on his business and earned an equal amount and became a partner equally interested in their business of their savings or estate that is set out in the inventory of this cause or that has been sold or disposed of by the Administratrix.

Your Petitioner further shows unto the Court that after the death of the said John H. Campbell deceased, Annie Campbell was appointed as Administratrix of his estate on February 4th, 1938; that Clara Cook Campbell came into this Honorable Court and requested that her property be set aside as exempt to her as the widow of the deceased which is part of the record of this cause.

Your Petitioner further shows that there was no children born as issue of their marriage and that the widows exemption was set aside to her by the commissioners appointed by this Court, which shows that the value of the

estate that was owned by both parties was worth less than Two Thousand Dollars and in area less than one hundred and sixty acres, but before the report of said commission was confirmed, the said Clara Cook Campbell died on the 4th day of October, 1938.

Your Petitioner further shows unto your Honors that the inventory of the estate as shown by records of the case, show that the property of the said John H. Campbell deceased, amounts to in value near Two Thousand Dollars which one-half of same rightfully belonged to Clara Cook Campbell and that the estate was insolvent according to the claims filed against the said estate, which your Petitioner avers that on the 4th day of October, 1938, said Clara Cook Campbell, as aforesaid died leaving three brothers, namely; your Petitioner, C. C. Cook and James Cook of Atmore, Alabama and T. C. Cook, address unknown and a deceased brother, Joseph Cook, who left as his lawful heirs, viz; Lois Cook and Ruth Cook of Mobile, Alabama, all of whom are over the age of twenty one years, as the only lawful heirs of Clara Cook Campbell deceased.

Your petitioner further shows unto the Court that Annie Campbell, Administratrix of John H. Campbell deceased, appointed as such on February 4th, 1938 by the Probate Court of said County, ^{and set} filed a petition for final settlement of said estate setting out a large number of claims against the said estate and that the petition for final settlement showing on its face along with vouchers attached thereto show that the administratrix has fraudulently accepted claims and paid same knowing that one-half of the property rightfully and equally belonged to the heirs of Clara Cook Campbell, Deceased.

The Petitioner further avers that the claims of Claude G. Wright shows on its face that its without consideration and without evidence of any written contract and sets out that the said John H. Campbell deceased, owed the said Claude G. Wright \$2,330.33 with interest thereon from the first day of August, 1936; and attached an itemized statement to the affidavit of advancement payment of land and one delco light plant, initial payment, \$88.75 and another delco light plant, initial payment \$20.58 including numerous other items such as labor and material in construction of a Filling Station and Tourist Cabins, totals \$2,330.33, which amount is more then the appraiser found the same to be worth, for the sole purpose of defeating the equatable right of your Petitioner. Your Petitioner avers that according to his information and belief *Overs* that the Claude G. Wright's claim is a fake claim and your Petitioner respectfully calls the Courts attention to the claim having been settled for \$500.00 not withstanding the fact the \$300.00 advancements have been made to heirs and the sum of \$202.04, balance remaining in their estate, all of which the said Claude G. Wright would have been entitled had he not agreed to accept \$1,830.33 with interest less then he claimed for loans for certain purposes for improvements on said property alledged to be owned by John H. Campbell deceased, which as aforesaid was done for the sole purpose of defrauding the heirs of Clara Cook Campbell deceased.

Your Petitioner respectfully accepts and objects to each and every item of the disbursements and requests that the court will order an accounting to be had in its own way and ascertain the true status of said estate and the

fraudulent acts of the Administratrix in payment of the claims filed against it and the separate property that Clara Cook Campbell by reason of her earnings owned.

Your Petitioner further shows that Annie Campbell the Administratrix of the said estate has illegally disposed of both personal and real property of the estate without warrant of law and illegallly paid many of said claims for the sole purpose of defrauding your Petitioner and other heirs of Clara Cook Campbell deceased, some of which are above referred to.

WHEREFORE PREMISES CONSIDERED, your Petitioner prays that this Court will make an order or decree permitting your Petitioner to intervene and made further orders declaring the said estate was well vested to Clara Cook Campbell prior to her death or that the said Clara Cook Campbell was entitled to her earnings ~~as~~ an equal interest therein; ^{as a equal partner of said John H. Campbell deceased} and that she was the Common Law Wife of the John H. Campbell deceased, and in either event your Petitioner is entitled to share in her estate and is entitled to an order of accounting to ascertain the true status of said estate and what interest Clara Cook Campbell may have had and for such other and further relief your Petitioner maybe entitled.

C. C. Cook

STATE OF ALABAMA:
COUNTY OF Butler

Personally appeared before me a Notary Public in and for said State and County, C. C. Cook, who after being duly sworn says that the foregoing is true and correct.

~~T. W. Wilson~~

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS 29th DAY OF Aug, 1939.

C. C. Cook

T. W. Wilson
NOTARY PUBLIC, Butler COUNTY,
ALABAMA: *

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE - BALTIMORE

FIDELITY AND SURETY
BONDS



BURGLARY AND GLASS
INSURANCE

ARNOLD S. KIRCHHOFF
MANAGER
WILLIAM M. KROLL
ASST. MANAGER

WHITNEY BUILDING
NEW ORLEANS

TELEPHONE: RAYMOND 6287-6288

ASSOCIATES
HENRY W. DORSEY
M. HOGE CRIGHTON

January 21, 1939.

Mr. R. S. Duck,
Register and Clerk of the Circuit Court,
Baldwin County,
Bay Minette, Alabama.

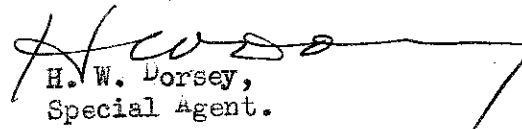
Dear Mr. Duck:

Re: #4207265 - Miss Annie Campbell, Admrx. Estate
of John H. Campbell, Decd.

We appreciate your letter of January 20th regarding
the above captioned and will thank you to send us a copy of the
decree in regard to the final settlement of this case when it
has been rendered.

Thanking you, we are

Very truly yours,


H. W. Dorsey,
Special Agent.

GD

State of Alabama,

Probate Court of Baldwin County, Alabama.

Baldwin County.

Inventory of the estate, real and personal of J. H. Campbell, deceased.

½ of NE¼ of SE¼ Section 22, Township 4 South of Range 2 east--20 Acres.

Improvements on same of \$150.00.

Filling Station assessed at \$600.00.

Two cottages assessed at \$50.00 each or \$100.00 for both.

Also all stock of goods and personal property, fixtures, and all property of whatsoever kind and character in said filling station, or said buildings belonging to or in the possession of the said J. H. Campbell, at the time of his death.

Administratrix.

Before me, G. W. Robertson, Judge of Probate personally appeared Annie Campbell, administratrix of the estate of John H. Campbell, deceased, who being duly sworn, doth depose and say, that the foregoing is a full and complete inventory of the estate, real and personal, of said John H. Campbell, which has come to ~~his~~ her knowledge or possession.

Administratrix.

Sworn to and subscribed before me this the 21st day of February 1938.

Judge of Probate.

Bay Minette, Ala., Feb. 4, 1938.

Miss Annie Campbell, Admr. of the Estate of John H. Campbell, Dec.
Dr. to W. H. Hawkins, Attorney.

Feb. 4, 1938 -- To fee for preparing petition for letters of ad-
ministration, bond and securing letters etc-----\$25.00

Received \$10.00 on above-----\$10.00

Balance due on this fee-----\$15.00.

Yours very truly,



W. H. Hawkins, Attorney.

of the Estate and those interested therein.

The petition of C. C. Cook, in effect, admits all of this.

The petitioner, C. C. Cook, asserts his rights by virtue of his being a brother to Clara Cook. He must, in order to bear out his petition, assume that the Estate of John H. Campbell vested in fee in the said Clara Cook, upon his death, without the same being set apart to her as a homestead.

As we view the situation, it is immaterial, and in fact, is not a matter before the Court as to whether or not Clara Cook was the common law wife of John H. Campbell. In order for the petitioner, C. C. Cook, to sustain his petition, he must utterly disregard the laws and statutes of the State of Alabama. It is true that prior to 1896 the Estate of a decedent, if within the homestead limitation, vested absolutely in his widow, or his widow and minor children, upon his death. However, this law was changed in the Code of 1896, and has remained the same continuously since that time. It is our contention, eliminating the fact as to whether or not Clara Cook was the common law wife of John H. Campbell, that before she could acquire any title in his property as a homestead, it was necessary not only for the Court to appoint appraisers and the appraisers file their report, but that the Court confirm the appraisers report. The petitioner admits that the said Clara Cook died before the report of the appraisers was confirmed. If we are to assume that Clara Cook was the wife of John H. Campbell, then the only thing that she could have had, until her homestead exemptions were judicially determined and set aside, was a life estate. This estate died with her. We, of course, contend, most strenuously, that the said Clara

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE
ADVERTISING RATES GIVEN ON APPLICATION

NOTICE

The State of Alabama, County of Baldwin.
In the Circuit Court of said County.

Notice to W. D. Campbell, Auburndale, Fla., and B. C. Campbell, Polk City, Florida:

Notice is hereby given that the Commissioners, appointed by the Circuit Court of Baldwin County, Alabama, to set apart exemptions in the property belonging to JOHN H. CAMPBELL, deceased, at the time of his death, have on the 23rd day of August, 1938, filed in this Court their report, and the 10th day of October, 1938, has been set as the day for hearing said report, at which said time you may appear and contest the same if you see fit so to do.

Witness my hand this the 2nd day of August, 1938.

HEELS OS GOOD

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

J. H. Faulkner being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay

Minette, Baldwin County, Alabama; that the notice hereto attached of

Campbell Exemptions

Was published in said Newspaper for 3 consecutive weeks in the following issues:

Date of first publication	<u>September 22, 1938</u>	Vol. <u>49</u>	No. <u>34</u>
Date of second publication	<u>11, 29, 1938</u>	Vol. <u>49</u>	No. <u>35</u>
Date of third publication	<u>Oct, 6, 1938</u>	Vol. <u>49</u>	No. <u>36</u>
Date of fourth publication		Vol. _____	No. _____

Subscribed and sworn before the undersigned this 11 day of

Oct

1938

G. M. ...

Notary Public Baldwin

J. H. Faulkner
Publisher

ORDER OF COURT

THE STATE OF ALABAMA
COUNTY OF BALDWIN

IN THE CIRCUIT COURT OF
SAID COUNTY. AUGUST _____, 1938

ESTATE OF JOHN H. CAMPBELL, DECEASED.

IN THE MATTER OF THE REPORT OF COMMISSIONERS AS TO ESTATE PROCEEDINGS SET
APART TO WIDOW AS HOMESTEAD:-

This day came Capt. Joe Pose, A. L. McCue and F. C. Griffin, commissioners appointed by the Court in the above stated cause, and filed in Court their report as follows:-

THE STATE OF ALABAMA
COUNTY OF BALDWIN

IN THE CIRCUIT COURT OF SAID COUNTY.

IN RE: Estate of John H. Campbell, Deceased.

The undersigned Capt. Joe Pose, A. L. McCue and Fred Griffin, Commissioners, appointed by this honorable Court to set apart to Mrs. Clara Cook Campbell, as the widow of John H. Campbell, deceased, beg leave to make the following report to the Court:-

That on the 18th day of August, 1938, pursuant to the authority vested in them, they set off and allotted as exempt to the said Mrs. Clara Cook Campbell, widow of said decedent, there being no children, the property described as follows, to-wit:-

East half of the Southeast quarter of the Southeast quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 22, Township 4 South of Range 2 East, containing twenty (20) acres more or less.

They further report that they have examined the said property and in their judgment the property set off and allotted to the said widow with the improvements and appurtenances thereon does not exceed in value the sum of TWO THOUSAND DOLLARS (\$2,000) and in area of One Hundred Sixty (160) acres.

In Testimony whereof, the undersigned have hereunto set their hands this the 18th day of August, 1938

Capt. Joe Pose

A. L. McCue

F. C. Griffin

Sworn to and subscribed before G. E. Perkins, N. P. August 20,
1938.

It is, therefore, ORDERED by the Court that said report be recorded and filed and lie over for the filing of exceptions thereto until the 10th day of October, 1938.

It is furthered ORDERED by the Court that notice of the report of the commissioners in this case and of the day set for confirmation thereof be given to the next of kin of John H. Campbell, deceased, to-wit:- Annie Campbell, a resident of Opp, Alabama; R. C. Campbell a non-resident of the State of Alabama, residing at Polk City, Florida, and W. D. Campbell, a non-resident of the State of Alabama, whose residence is in Auburndale, Florida and who are all over the age of twenty-one (21) years; said notice to be given as required by law in cases of this nature.

F. W. Hare Judge, of the
21st Judicial Circuit, State of Alabama.

Return in five days to
BALDWIN COUNTY BANK
BAY MINETTE, ALA.

Vouchers



BAY MINETTE, ALA., Dec 1st 1938 No.

BALDWIN COUNTY BANK 61-258

PAY TO THE ORDER OF W. D. Campbell \$ 100⁰⁰

One Hundred and no/100 DOLLARS

Advance on distributive share Est. J. H. Campbell deceased.

Annie Campbell
Administratrix



BAY MINETTE, ALA., Dec 1st 1938 No.

BALDWIN COUNTY BANK 61-258

PAY TO THE ORDER OF R. C. Campbell \$ 100⁰⁰

One Hundred and no/100 DOLLARS

Advance on distributive share Est. J. H. Campbell deceased.

Annie Campbell
Administratrix



BAY MINETTE, ALA., Dec 1st 1938 No.

BALDWIN COUNTY BANK 61-258

PAY TO THE ORDER OF Annie Campbell \$ 100⁰⁰

One Hundred and no/100 DOLLARS

Advance on distributive share Est. J. H. Campbell deceased.

Annie Campbell



BAY MINETTE, ALA. *Dec 1st* 19*38* No.

BALDWIN COUNTY BANK 61-258

PAY TO THE ORDER OF

W. D. Campbell

\$ *100*⁰⁰

One Hundred and no/100 DOLLARS

Advance on distributive share Est. J. S. Campbell deceased.

Annie Campbell
Administratrix



BAY MINETTE, ALA. *Dec 1st* 19*38* No.

BALDWIN COUNTY BANK 61-258

PAY TO THE ORDER OF

R. C. Campbell

\$ *100*⁰⁰

One Hundred and no/100 DOLLARS

Advance on distributive share Est. J. S. Campbell deceased.

Annie Campbell
Administratrix



BAY MINETTE, ALA. *Dec 1st* 19*38* No.

BALDWIN COUNTY BANK 61-258

PAY TO THE ORDER OF

Annie Campbell

\$ *100*⁰⁰

One Hundred and no/100 DOLLARS

Advance on distributive share Est. J. S. Campbell deceased.

Annie Campbell
Administratrix



BAY MINETTE, ALA. *December 1st* 19 *38* No.

BALDWIN COUNTY BANK 61-258

PAY TO THE ORDER OF

Baldwin

\$ *5.85*

It is, therefore, ORDERED by the Court that said report be recorded and filed and lie over for the filing of exceptions thereto until the 10th day of October, 1938.

It is furthered ORDERED by the Court that notice of the report of the commissioners in this case and of the day set for confirmation thereof be given to the next of kin of John H. Campbell, deceased, to-wit:- Annie Campbell, a resident of Opp, Alabama; R. C. Campbell a non-resident of the State of Alabama, residing at Folk City, Florida, and J. B. Campbell, a non-resident of the State of Alabama, whose residence is in Auburndale, Florida and who are all over the age of twenty-one (21) years; said notice to be given as required by law in cases of this nature.

J. W. Galt Judge, of the
21st Judicial Circuit, State of Alabama.

Est. J. H. Campbell
deceased.

Order of Court

Filed Sept. 2, 1935
P. S. Smith, Register
Elizabeth Thompson
Dy. Reg. Register

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE - BALTIMORE

FIDELITY AND SURETY
BONDS



BURGLARY AND GLASS
INSURANCE

ARNOLD S. KIRCHHOFF
MANAGER
WILLIAM M. KROLL
ASST. MANAGER

WHITNEY BUILDING
NEW ORLEANS

TELEPHONE: RAYMOND 6287-6288

ASSOCIATES
HENRY W. DORSEY
M. HOGE CRIGHTON

January 21, 1939.

Mr. R. S. Duck,
Register and Clerk of the Circuit Court,
Baldwin County,
Bay Minette, Alabama.

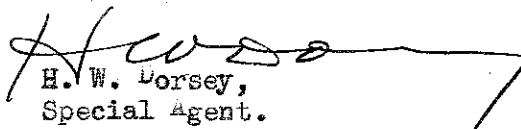
Dear Mr. Duck:

Re: #4207265 - Miss Annie Campbell, Admrx. Estate
of John H. Campbell, Decd.

We appreciate your letter of January 20th regarding
the above captioned and will thank you to send us a copy of the
decree in regard to the final settlement of this case when it
has been rendered.

Thanking you, we are

Very truly yours,


H. W. Dorsey,
Special Agent.

GD

Bay Minette, Ala., Feb. 4, 1938.

Miss Annie Campbell, Admr. of the Estate of John H. Campbell, Dec.
Dr. to W. H. Hawkins, Attorney.

Feb. 4, 1938 -- To fee for preparing petition for letters of ad-
ministration, bond and securing letters etc-----\$25.00

Received \$10.00 on above-----\$10.00

Balance due on this fee-----\$15.00.

Yours very truly,



W. H. Hawkins, Attorney.

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE
ADVERTISING RATES GIVEN ON APPLICATION

NOTICE

● The State of Alabama, County of Baldwin.

In the Circuit Court of said County.

Notice to W. D. Campbell, Auburndale, Fla., and B. C. Campbell, Polk City, Florida:

Notice is hereby given that the Commissioners, appointed by the Circuit Court of Baldwin County, Alabama, to set apart exemptions in the property belonging to JOHN H. CAMPBELL, deceased, at the time of his death, have on the 23rd day of August, 1938, filed in this Court their report, and the 10th day of October, 1938, has been set as the day for hearing said report, at which said time you may appear and contest the same if you see fit so to do.

Witness my hand this the 2nd day of August, 1938.

FEELS SO GOOD

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

J. H. Faulkner being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Campbell Exemptions

Was published in said Newspaper for 3 consecutive weeks in the following issues:

Date of first publication September 22, 1938 Vol. 49 No. 34

Date of second publication 11, 29, 1938 Vol. 49 No. 35

Date of third publication Oct, 6, 1938 Vol. 49 No. 36

Date of fourth publication _____ Vol. _____ No. _____

Subscribed and sworn before the undersigned this 11 day of

Oct 1938

G. M. ...

Notary Public Baldwin

J. H. Faulkner
Publisher

Cook was not the common law wife of John H. Campbell.

"Judicial ascertainment of essential facts is required before absolute title vests in widow as against heirs where homestead is only realty owned by decedent."
Franklin vs. Scott, 148 So., 833.

The petitioner admits that the Estate of John H. Campbell, deceased, by virtue of the fact that several claims were filed, totaling an amount in excess of the assets of the Estate, that the Estate was insolvent and that, therefore, the title to John H. Campbell's property vested in his wife upon his death.

"The title in fee to homestead does not vest in widow as against heirs at law in absence of proceeding under statute to have it set apart, either because of insolvency of the estate or as all the real estate of deceased husband."
Cox vs. McLemore, 183 So., 860.

The latest authority we have been able to find in this case is the recent case of McCullough vs. McCullough, 185 So., 417, in which Chief Justice Anderson touches upon the question by saying, in effect, that a fee simple title could only vest in the widow when set apart.

The Solicitor for the petitioner, in his brief, has touched rather heavily upon the fact as to whether or not Clara Cook was the common law wife of John H. Campbell, and to bear out his contention, has presumably incorporated in his brief evidence which he might possibly be able to bring out at the trial, as we see nothing in the record to bear out his preliminary statements.

We, therefore, submit to your Honor that the question is not whether or not Clara Cook was the wife of John H. Campbell, deceased, but

whether or not the homestead exemptions were judicially determined and set apart. It is admitted that this has not been done. Therefore, the petition on the part of C. C. Cook, for the right to intervene, is not well taken and should be stricken or denied,

Respectfully submitted,

BEEBE, HALL & BEEBE,

By 

Solicitors for Annie Campbell, Administratrix of the Estate of John H. Campbell, deceased.

estate that was owned by both parties was worth less than Two Thousand Dollars and in area less than one hundred and sixty acres, but before the report of said commission was confirmed, the said Clara Cook Campbell died on the 4th day of October, 1938.

Your Petitioner further shows unto your Honors that the inventory of the estate as shown by records of the case, show that the property of the said John H. Campbell deceased, amounts to in value near Two Thousand Dollars which one-half of same rightfully belonged to Clara Cook Campbell and that the estate was insolvent according to the claims filed against the said estate, which your Petitioner avers that on the 4th day of October, 1938, said Clara Cook Campbell, as aforesaid died leaving three brothers, namely; your Petitioner, C. C. Cook and James Cook of Atmore, Alabama and T. C. Cook, address unknown and a deceased brother, Joseph Cook, who left as his lawful heirs, viz; Lois Cook and Ruth Cook of Mobile, Alabama, all of whom are over the age of twenty one years, as the only lawful heirs of Clara Cook Campbell deceased.

Your petitioner further shows unto the Court that Annie Campbell, Administratrix of John H. Campbell deceased, appointed as such on February 4th, 1938 by the Probate Court of said County, ^{and set} filed a petition for final settlement of said estate setting out a large number of claims against the said estate and that the petition for final settlement showing on its face along with vouchers attached thereto show that the administratrix has fraudulently accepted claims and paid same knowing that one-half of the property rightfully and equally belonged to the heirs of Clara Cook Campbell, Deceased.

The Petitioner further avers that the claims of Claude G. Wright shows on its face that its without consideration and without evidence of any written contract and sets out that the said John H. Campbell deceased, owed the said Claude G. Wright \$2,330.33 with interest thereon from the first day of August, 1938; and attached an itemized statement to the affidavit of advancement payment of land and one delco light plant, initial payment, \$88.75 and another delco light plant, initial payment \$20.58 including numerous other items such as labor and material in construction of a Filling Station and Tourist Cabins, totals \$2,330.33, which amount is more than the appraiser found the same to be worth, for the sole purpose of defeating the equitable right of your Petitioner. Your Petitioner avers that according to his information and belief *Overs* that the Claude G. Wright's claim is a fake claim and your Petitioner respectfully calls the Courts attention to the claim having been settled for \$500.00 notwithstanding the fact the \$300.00 advancements have been made to heirs and the sum of \$202.04, balance remaining in their estate, all of which the said Claude G. Wright would have been entitled had he not agreed to accept \$1,830.33 with interest less than he claimed for loans for certain purposes for improvements on said property alleged to be owned by John H. Campbell deceased, which as aforesaid was done for the sole purpose of defrauding the heirs of Clara Cook Campbell deceased.

Your Petitioner respectfully accepts and objects to each and every item of the disbursements and requests that the court will order an accounting to be had in its own way and ascertain the true status of said estate and the

fraudulant acts of the Administratrix in payment of the claims filed against it and the separate property that Clara Cook Campbell by reason of her earnings owned.

Your Petitioner further shows that Annie Campbell the Administratrix of the said estate has illegally disposed of both personal and real property of the estate without warrant of law and illegallly paid many of said claims for the sole purpose of defrauding your Petitioner and other heirs of Clara Cook Campbell deceased, some of which are above referred to.

WHEREFORE PREMISES CONSIDERED, your Petitioner prays that this Court will make an order or decree permitting your Petitioner to intervene and made further orders declaring the said estate was well vested to Clara Cook Campbell prior to her death or that the said Clara Cook Campbell was entitled to her earnings ~~as~~ an equal interest therein; ^{as a equal partner of said John H. Campbell deceased} and that she was the Common Law Wife of the John H. Campbell deceased, and in either event your Petitioner is entitled to share in her estate and is entitled to an order of accounting to ascertain the true status of said estate and what interest Clara Cook Campbell may have had and for such other and further relief your Petitioner maybe entitled.

C. C. Cook

STATE OF ALABAMA:
COUNTY OF Butler

Personally appeared before me a Notary Public in and for said State and County, C. C. Cook, who after being duly sworn says that the foregoing is true and correct.

~~T. W. Wilson~~

SWORN TO AND SUBSCRIBED TO
BEFORE ME THIS THE 29th
DAY OF Aug, 1939.

C. C. Cook

T. W. Wilson
NOTARY PUBLIC, Butler COUNTY,
ALABAMA: *

State of Alabama,

Probate Court of Baldwin County, Alabama.

Baldwin County.

Inventory of the estate, real and personal of J. H. Campbell, deceased.

N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 22, Township 4 South of Range 2 east--20 Acres.

Improvements on same of \$150.00.

Filling Station assessed at \$400.00.

Two cottages assessed at \$50.00 each or \$100.00 for both.

Also all stock of goods and personal property, fixtures, and all property of whatsoever kind and character in said filling station, or said buildings belonging to or in the possession of the said J. H. Campbell, at the time of his death.

Administratrix.

Before me, G. W. Robertson, Judge of Probate personally appeared Annie Campbell, administratrix of the estate of John H. Campbell, deceased, who being duly sworn, doth depose and say, that the foregoing is a full and complete inventory of the estate, real and personal, of said John H. Campbell, which has come to ~~her~~ her knowledge or possession.

Administratrix.

Sworn to and subscribed before me this the 21st day of February 1938.

Judge of Probate.

ORDER OF COURT

THE STATE OF ALABAMA
COUNTY OF BALDWIN

IN THE CIRCUIT COURT OF
SAID COUNTY, AUGUST _____, 1938

ESTATE OF JOHN H. CAMPBELL, DECEASED.

IN THE MATTER OF THE REPORT OF COMMISSIONERS AS TO EMBEZZLEMENTS SET
APART TO WIDOW AS HOMESTEAD:-

This day came Capt. Joe Pose, A. L. McCue and F. C. Griffin, commissioners appointed by the Court in the above stated cause, and filed in Court their report as follows:-

THE STATE OF ALABAMA }
COUNTY OF BALDWIN } IN THE CIRCUIT COURT OF SAID COUNTY.

IN RE: Estate of John H. Campbell, Deceased.

The undersigned Capt. Joe Pose, A. L. McCue and Fred Griffin, Commissioners, appointed by this honorable Court to set apart to Mrs. Clara Cook Campbell, as the widow of John H. Campbell, deceased, beg leave to make the following report to the Court:-

That on the 18th day of August, 1938, pursuant to the authority vested in them, they set off and allotted as exempt to the said Mrs. Clara Cook Campbell, widow of said decedent, there being no children, the property described as follows, to-wit:-

East half of the Southeast quarter of the Southeast quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 22, Township 4 South of Range 2 East, containing twenty (20) acres more or less.

They further report that they have examined the said property and in their judgment the property set off and allotted to the said widow with the improvements and appurtenances thereon does not exceed in value the sum of TWO THOUSAND DOLLARS (\$2,000) and in area of One Hundred Sixty (160) acres.

In Testimony whereof, the undersigned have hereunto set their hands this the 18th day of August, 1938

Capt. Joe Pose

A. L. McCue

F. C. Griffin

Sworn to and subscribed before G. E. Perkins, N. P. August 20,
1938.

THE STATE OF ALABAMA
COUNTY OF BALDWIN

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

ESTATE OF JOHN H. CAMPBELL, DECEASED

TO Captain Joe Foss, A. L. McCue and Fred Griffin:-

WHEREAS, on, to-wit, the _____ day of _____ A. D., 1938, a petition was filed in this Court by Mrs. Clara Cook Campbell, setting out, among other things that she is the widow of John H. Campbell, deceased, late a resident of Baldwin County, Alabama, and that said decedent departed this life on or about, the 31st day of January, 1938, intestate, leaving surviving him, Mrs. Clara Cook Campbell, his widow in Baldwin County, Alabama; and alleging further that at the time of his death said decedent resided upon and owned and possessed in his own right the following described real estate in Baldwin County, Alabama, to-wit:-

East half of the Southeast quarter of the Southeast quarter (E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 28, Township 4 South or Range 3 East, containing twenty (20) acres more or less;

You and each of you are therefore appointed Commissioners to set off and allot by metes and bounds as exempt to said widow, Mrs. Clara Cook Campbell, as and for a homestead so much or all of said property above described as, with the improvements and appurtenances not to exceed in value Two Thousand Dollars (\$2,000), and in area One Hundred Sixty (160) acres, and you will make your report of the exemptions so set off and allotted by you to this Court, in writing, within ten (10) days from the service of this writ.

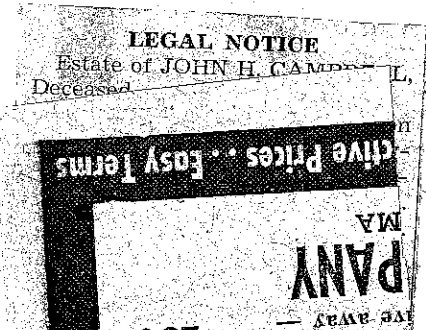
Circuit Judge.

Published Every Thursday

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE
ADVERTISING RATES GIVEN ON APPLICATION



BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

J. H. Faulkner, being duly sworn, deposes and says that he is
 the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay
 Minette, Baldwin County, Alabama; that the notice hereto attached of

Estate of John H. Campbell, Dec.

.....

.....

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.....

.....

Was published in said Newspaper for consecutive weeks in the following issues:

Date of first publication	<i>February 10, 1938</i>	Vol. <i>49</i> No. <i>2</i>
Date of second publication	<i>" 17, 1938</i>	Vol. <i>"</i> No. <i>3</i>
Date of third publication	<i>" 24, 1938</i>	Vol. <i>"</i> No. <i>4</i>
Date of fourth publication	Vol. No.

Subscribed and sworn before the undersigned this *8* day of

March 193*8*

George N. ...

W. O. Baldwin

J. H. Faulkner

Publisher

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE
ADVERTISING RATES GIVEN ON APPLICATION

FORECLOSURE NOTICE

Default having been made and continuing in the payment of the indebtedness secured by that certain mortgage executed by J. H. Campbell to F. C. Griffin, dated November 27th, 1936, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 69, pages 261-3;

NOTICE is hereby given that the undersigned, mortgagee and owner of the indebtedness secured thereby, will, on November 28th, 1938, at twelve o'clock noon, at auction, for cash, at the front door of the Court House in Bay Minette, Baldwin County, Ala-

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

J. H. Faulkner, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Foreclosure of J. H. Campbell

Was published in said Newspaper for 3 consecutive weeks in the following issues:

Date of first publication	<u>November 3, 1938</u>	Vol. <u>49</u>	No. <u>40</u>
Date of second publication	<u>11, 10, 1938</u>	Vol. <u>49</u>	No. <u>41</u>
Date of third publication	<u>11, 17, 1938</u>	Vol. <u>49</u>	No. <u>42</u>
Date of fourth publication		Vol. _____	No. _____

Subscribed and sworn before the undersigned this 29 day of

Nov 1938

Wm. H. Hampton
W. P. Brewster

J. H. Faulkner
Publisher

New Orleans and are prepared to give prompt attention to all abstract needs and title problems Baldwin County Abstract Company, Phone 46, Arcade Building Bay Minette, Ala. 34

In consideration of the sum of \$500.00 cash this day in hand paid to me, the undersigned, by Annie Campbell, Administratrix of the estate of J. H. Campbell, deceased, receipt of which is hereby acknowledged, the undersigned, Claude G. Wright, does hereby acknowledge full payment and complete satisfaction of that certain claim heretofore filed in the said estate, said claim dated July 30, 1938, and being in the sum of \$2320.33, and hereby releases and discharges the said Annie Campbell, as Administratrix as aforesaid, from any further liability thereunder.

This the 1st day of December, 1938.

Claude G. Wright

Sworn to and subscribed before me on this the 1st day of December, 1938.

J. P. Beebe
Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA.

COVINGTON COUNTY.

Before me, Celoune Byrd, a Notary Public in and for said State and County, this day personally appeared CLAUDE G. WRIGHT, who upon oath deposes and says that the attached statement of account, marked Exhibit "A" and now referred to, is a correct statement of the claim which the said Claude G. Wright asserts and files against the estate of John H. Campbell, deceased, for \$2320.33, with interest thereon from the 1st day of August, 1936; that affiant has personal knowledge of the correctness of said claim; that the amount claimed is justly due from the estate of the said John H. Campbell, deceased, to the said Claude G. Wright, after allowing all proper credits, and now constitutes a subsisting demand for \$2320.33, with interest thereon.

Claude G. Wright

Sworn to and subscribed before me on this the 29 day of July, 1936.

Celoune Byrd
Notary Public, Covington County,
Alabama.

EXHIBIT "A".

ESTATE OF JOHN H. CAMPBELL, DECEASED,
IN ACCOUNT WITH
CLAUDE G. WRIGHT.

Initial payment on 20 acres of land purchased from Cy. Wilson (cost \$500.00)	\$200.00
Initial payment on Delco Light Plant,	88.75
Initial payment on Delco Deep Well Pump,	28.00
Pipe for well, point and pump equipment,	65.00
Initial payment on Delco Light Plant,	20.58
Labor on pump (digging well), Fred Jeffcoat,	25.00
Cement pipe for driveway, 50 feet,	30.00
Initial payment on Refrigerator,	32.00
Starting stock of groceries, etc.,	228.00
Cooking utensils and plates from Mobile Equipment Co., Mobile, Ala.,	35.00
Labor and material in the construction of Filling Station and Tourist Cabins,	1435.00
Beds and equipment in Cabins,	133.00
	<hr/>
	\$2320.33

*Paid
Dec 1st 1938
Claude G. Wright*

*Himms
J. Buche*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY

ALABAMA:-

I

I

IN RE: CAMPBELL ESTATE MATTER.

I

BRIEF IN BEHALF OF C. C. COOK, INTERVENIOR.

J. H. Campbell during his life time and Clara Cook Campbell lived together for many years, holding themselves out as man and wife together next immediately preceeding his death. Their relations begin in Covington County, near of Opp, Alabama and ended up in Baldwin County, Alabama, at J. H. Campbell's death which was followed shortly by Clara Cook Campbell death.

J. H. Campbell while living with Clara Cook Campbell in Baldwin County, a few miles south of Bay Minette on the Mobile Highway died on the 21st day of January, 1938. Letters of administration was taken out on his estate on February 2nd, 1938 by Annie Campbell. A petition was filed by Clara Cook Campbell to have their homestead exemption set aside to her, which consisted of twenty acres of land with a small house on it and some other property. Commissioners was appointed to make the appraisal of the property. The appraisal was made but before that same was confirmed, Clara Cook Campbell his common law wife died.

The contentions of the C. C. Cook, the petitioner and intervenior seeks to have allotted to him his share of the estate as the brother of Clara Cook Campbell, now deceased, who was the common law wife of J. H. Campbell. The whole case depends on the establishing of the Common Law Marriage.

In the case of Bynon vs. State, 23 Southern, Page 640, The Supreme Court of Alabama said:

"The prior marriage, if it existed, was to be deducted from facts and circumstances,- from the cohabitation and conduct of the parties. Though there is some deversity of judicial decision upon the question the doctrine, and that which prevails in the state, is that marriage, like any other fact involved in a judicial inquiry may be proved by circumstances; direct or positive proof of the fact is not necessary."

In the case of Moore vs. Heineke, 24 Southern, Page 374, The Supreme Court of Alabama said:

"The evidence tending to show the former marriage consisted entirely of testimony as to cohabitation and reputation of marriage between said Gleason and one Nellie Jones. It tended to show that they had lived together as man and wife for ten years in Cincinnati, Ohio, and then moved to Covington, Ky., where they continued to live together for two years until June, 1889, when Gleason disappeared; that four children were born to them while they so lived together, who were recognized as his own by Gleason; that they were uniformly and generally reputed to be man and wife among their friends and relatives; and that Gleason had frequently spoken of and acknowledged the woman as his wife while living with her, not only to friends, but also to his mother and sisters.

In the Case of White vs. Hill, 28 Souther, 144, and on Page 447, the Supreme Court of Alabama said;

"Under the evidence before us, a common law marriage was accomplished by William and Henrietta before his removal to Mobile. The requisite thereof are thus stated in 26 Cyc., at pages 836, 837; To constitute a marriage good and valid at Common Law that is, in the absence of a statute otherwise specifically providing-it is not necessary that it should be solemnized in any particular form or with any particular rite or ceremony. All that is required is that there should be an actual and mutual agreement to enter into a matrimonial relation, permanent and exclusive of all others, between parties capable in law making such a contract, consummated by their cohabitation as man and wife or their mutual assumption openly of marital duties and obligations." See, also, Beggs vs. State, 55 Southern, 917 Hawkins vs. Hawkins, 142. Alabama.

Again the Supreme Court of Alabama said in 139 Southern 288, Hockstein vs. Hamilton et al. Where that ~~children~~^{suit} for a division of property by heirs, (Children of Common Law Marriage)

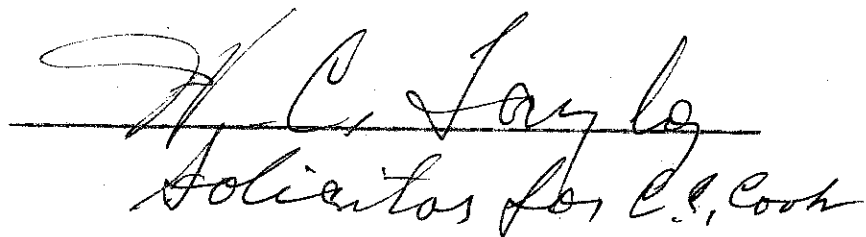
"The legitimate paternity of Manuel is denied. The evidence is without dispute that Joe was the son of Mary Wyman, alias Mary Lartigue, alias Mary Manuel, and that there was no ceremonial marriage of Manuel and Mary, but appellant's contention is that the evidence was sufficient to establish their marriage as at common law.

the Court held that the Common Law Children had a right to show and

legitimate paternity even in a case of division of lands after their parents ere deceased.

I respectfully submit for the above reasons that certainly the heirs of Clara Cook Campbell have a right to show their interest in the said estate of Clara Cook Campbell who was the Common Law Wife of H. H. Campbell, that the estate belongs to her respective heirs if they can prove their claims.

Respectfully Submitted.


Solicitor for C. C. Cook

ESTATE OF J. H. CAMPBELL,
DECEASED

)
(
)
(

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Handwritten marks

TO THE HONORABLE FRANCIS W. HARE, PRESIDING JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT OF THE STATE OF ALABAMA, IN EQUITY SITTING:-

NOW comes your Petitioner, CLARA COOK CAMPBELL, and respectfully represents and shows unto your Honor as follows:-

FIRST: That she is over the age of twenty-one years and resides in Baldwin County, Alabama.

SECOND: That she is the widow of J. H. Campbell, deceased, and that in the opinion of your Petitioner said estate can be better administered in the Court of Chancery of said Baldwin County than in the Probate Court thereof.

WHEREFORE, your Petitioner prays that your Honor will make all such orders and decrees as may be needed and proper to remove said cause from the Probate Court of Baldwin County to this Honorable Court sitting in Equity, and your Petitioner will ever pray, etc.

CLARA COOK CAMPBELL,
Petitioner.

.....

STATE OF ALABAMA
COUNTY.

Before me, W. PERCY HALL, a Notary Public in and for said State and County, personally appeared Clara Cook Campbell, who, being duly and legally sworn, deposes and says that the statements contained in the foregoing petition are true and correct to the best of her knowledge, information and belief.

CLARA COOK CAMPBELL

Sworn to and subscribed before me this the 5th day of July, 1938.

(SEAL)

W. PERCY HALL,
Notary Public, Baldwin County.

IN THE MATTER OF (THE)
PETITION OF C. C. COOK)

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

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

Comes C. C. Cook, and respectfully shows unto your honor that he is a bona fide resident of the State of Alabama; that he is over the age of twenty one years; that he is an heir and brother of Clara Cook Cambell, deceased; that the said Clara Cook Cambell, deceased, was the lawful wife of J. C. Cambell, alias James C. Cambell, deceased who departed this life January 21, 1938, and that during the life time of Clara Cook Cambell, subsequent to the date of the death, J. C. Cambell, alias James C. Cambell, deceased, one Annie Cambell, was appointed Administrator of the state of the said J. C. Cambell, alias James C. Cambell; that there were no children born as issue of their marriage between J. C. Cambell and his said wife Clara Cambell; that the Administration was moved from the Probate Court of Baldwin County, Alabama, to this Court for better Administration and a petition was filled to have the Widow's exemption set aside and commissioners were appointed by the Court, which said commissioners made their report to this Court, but the said Clara Cook Cambell died on the 4th day of October 1938, before said report was confirmed.

Your petitioner further shows unto your Honor that an inventory of the estate as is shown by the records of the case, shows that the property of J. C. Cambell, alias James C. Cambell, deceased amounted to, in value, to near two thousand dollars and that the estate was insolvent according to the claims filed against the estate; that after the death of the said Cambell, Clara Cook Cambell died on the 4th day of October 1938, and leaving her only heirs three brothers viz. your petitioner, and James Cook of Atmore, Alabama, and T. C. Cook, and two daughters of Joseph Cook, a deceased brother of Clara Cook Cambell, viz. Lois Cook and Ruth Cook of Mobile, Alabama, all of whom are over the age of twenty one years.

Your petitioner further shows unto the Court that a petition for final settlement of the estate of J. C. Cambell, alias James C. Cambell, deceased, has been filed in this Honorable Court setting out a large number of claims against the said estate that have not been filed in the office of the Judge of Probate as required by section 5818 of the Code of 1923 as amended by the General Acts of Alabama of 1931, and found on page 837 of said Act seq.

Your petitioner further shows unto the Court that as an heir of Clara Cook Cambell, deceased, who was the lawful wife of J. C. Cambell, alias James C. Cambell, deceased he makes the following exceptions and objections to the said petition for final settlement of the state of the said J. C. Cambell, alias James C. Cambell deceased.

(1) That according to the record of the case the sworn petition of Annie Cambell, Administrator for final settlement, the estate was insolvent at the time of the death of J. C. Cambell alias James C. Cambell, deceased, and vested in his widow.

(2) That only one of the said claims against the said estate as shown by the petition for, final settlement, has been verified and filed with the Judge of the Probate Court of Baldwin County, Alabama within six months from the issuance of the letters of Administration of the said estate, and therefore all other claims are barred by the status of limitations.

(3) That the alleged advancements of Annie Cambell Administrator of \$100.00 and of R. C. Cambell \$100.00 is not shown to have been used for the benefit of the estate, nor accounted for.

(4) That the claim of Claude G. Write sets out the same item on two occasions in the same claim.

(5) That the claim of Claude G. Write is not shown due, not the date when same was contracted.

(6) The claim of Claude G. Write from aught that appears was re-

duced from \$2320.35 to \$500.00 which changes the status of the said estate from an insolvent estate to one that is not insolvent and therefore defrauds the heirs of Clara Cook Cambell, deceased of their interest.

(7) That from aught that appears, the claim of Claude G. Wright, is barred by the statute of limitations of three years.

Your petitioner further denies each and every material allegation set out in the petition for final settlement.

Your Petitioner further shows unto the Court that the Administrator of the said estate of J. C. Cambell, alias James C. Cambell, deceased, has illegally disposed of the real property set out in the inventory without Warrant of Law, and illegally paid many claims for the purpose of defrauding your petitioner and the other heirs of the said Clara Cook Cambell, deceased.

WHEREFORE PREMISES CONSIDERED your petitioner prays that this Court will make an order or decree permitting your petitioner to intervene, and make further orders declaring the said estate is insolvent and decreeing that the same be vested in Clara Cook Cambell, deceased, or her heirs at law, and disallowing all claims not filed with the Probate Court as required by law, and for such other and further relief as he may be entitled.

C. C. COOK

STATE OF ALABAMA
COUNTY OF MOBILE.

Personally appeared before me a Notary Public in and for said State and County, C. C. Cook who after first being duly sworn says that the foregoing is true and correct.

Sworn and subscribed to
before me this the 10th day
of January, 1939.

W. C. TAYLOR
Notary Public Mobile, County, Alabama.

W. C. TAYLOR
Solicitor for C. C. Cook

Filed January 12, 1939
R. S. DUCK, Register
By: Nan Alice Thompson, Deputy.

THE STATE OF ALABAMA
COUNTY OF BALDWIN

} IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

ESTATE OF JOHN H. CAMPBELL, DECEASED

TO Captain Joe Pose, A. L. McCue and Fred Griffin:-

WHEREAS, on, to-wit, the 1st day of August A. D. 1938, a petition was filed in this Court by Mrs. Clara Cook Campbell, setting out, among other things that she is the widow of John H. Campbell, deceased, late a resident of Baldwin County, Alabama, and that said decedent departed this life on or about, the 21st day of January, 1938, intestate, leaving surviving him, Mrs. Clara Cook Campbell, his widow in Baldwin County, Alabama; and alleging further that at the time of his death said decedent resided upon and owned and possessed in his own right the following described real estate in Baldwin County, Alabama, to-wit:-

East half of the Southeast quarter of the Southeast quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 22, Township 4 South or Range 2 East, containing twenty (20) acres more or less;

You and each of you are therefore appointed Commissioners to set off and allot by metes and bounds as exempt to said widow, Mrs. Clara Cook Campbell, as and for a homestead so much or all of said property above described as, with the improvements and appurtenances not to exceed in value Two Thousand Dollars (\$2,000), and in area One Hundred Sixty (160) acres, and you will make your report of the exemptions so set off and allotted by you to this Court, in writing, within ten (10) days from the service of this writ.

This Aug 2, 1938.

J. W. Hare

Circuit Judge.

JOHN H. CAMPBELL, Deceased,
ESTATE OF.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY - - NO. 442.

This being the day set to hear and determine all matters as to the accounts heretofore filed by Annie Campbell, as the Administratrix of the Estate of John H. Campbell, deceased, for a final settlement of her said administration, now comes the said Annie Campbell and moves the Court that her said accounts may be passed and allowed as filed by her as aforesaid. And it appearing that due notice of the nature of and of the time set to make such settlement has been given in all respects according to law, and pursuant to the order of this court, by publication for three successive weeks in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, and also by posting notice at the Court House door of Baldwin County, Alabama, and the Court proceeds to hear matters pertaining to said accounts, and consider the evidence submitted in support thereof.

Whereupon, it being shown to the court by sufficient proof, that said Administratrix has received, of the assets of said estate, the sum of \$1605.00, and that she has justly expended in and about the costs and charges necessary and incident to said administration, and in the payment of the just debts of said deceased, the sum of \$1402.96, leaving a balance of \$202.04, subject to future charges and distribution among those entitled. And said accounts appearing to be full and correct, it is ordered and decreed by the Court that said accounts be, and the same are hereby, in all things, passed and allowed as above stated.

And it appearing to the Court that Hon. W. H. Hawkins, Attorney-at-Law, has filed a bill against said Estate for professional services rendered, and that said charge is a just and legal charge against said Estate; it is therefore ordered, adjudged and decreed that the said Administratrix pay to the said W. H. Hawkins the sum of \$15.00, for which she shall be entitled to a receipt as against the funds of said Estate in her hands as Administratrix.

And it further appearing to the Court that the said Annie Campbell, as Administratrix, is entitled to \$ 80.25, as commissions for services rendered said Estate as such Administratrix; it is, therefore, ordered that the said Annie Campbell have and receive the sum of \$ 80.25, for which she shall

receive credit as against funds of said Estate in her hands as such Administratrix;

And it further appearing to the Court that C. G. Godard, MD., has filed a claim against said decedent for services rendered, but that the said account was not filed within the time required by law, and that said Administratrix has contested said claim on that account; it is, therefore, ordered, adjudged and decreed that said claim be denied and it is not allowed;

It is further ordered, adjudged and decreed that the said Annie Campbell, as Administratrix of the said Estate, pay to Hon. R. S. Duck, \$60.14, court costs accruing in said Estate in the Circuit and Probate Courts of Baldwin County, Alabama, for which she shall receive credit as against funds of said Estate in her hands as such Administratrix.

And it appearing to the Court, that after paying all costs and charges now due the officers of the courts, including the expenses of this final settlement and distribution, there will remain, of the balance of money aforesaid, the sum of \$46.65 to be divided among those entitled; and it further appearing that the said decedent left surviving him as his sole and only heirs, his sister, Annie Campbell, and two brothers; R. C. Campbell and W. D. Campbell, all of whom are entitled to share the personal estate of the deceased in equal proportion, so that the said final balance of money must be divided into three equal parts; it is considered by the Court that each of the said distributees are entitled to have the sum of \$ 15.55 paid to them respectively, that being an one-third part of the said sum of \$ 15.55, and the proper share to which said distributees are severally entitled. It is, therefore, ordered and decreed that the said W. D. Campbell, R. C. Campbell and Annie Campbell have and recover of the said Annie Campbell, Administratrix of the Estate of John H. Campbell, deceased, the sum of \$ 15.55, for which execution may issue in favor of the said distributees for their respective shares.

It is further ordered that the said Administratrix, upon the payment of the amounts hereinabove set out, together with her sureties, be and they are hereby finally discharged, and that all accounts, vouchers, evidence and statements on file relating to this settlement, and all other proper writings on file respecting said Estate, be recorded.

Done this 8th day of January, 1940.

J. M. Hare

Judge.

R. S. DUCK
Register and Clerk of the Circuit
Court, Baldwin County
Bay Minette, Alabama

JOHN H. CAMPBELL ESTATE

Balance on Hand - - - - - \$202.04

CHARGES

W. H. Hawkins, Atty's fees	\$15.00	
Annie Campbell, Commission	80.25	
Court costs	<u>60.14</u>	
Total Charges		<u>155.39</u>

BALANCE FOR DISTRIBUTION

\$ 46.65

Annie Campbell,	One third	\$15.55
R. C. Campbell,	One third	15.55
W. D. Campbell,	One third	<u>15.55</u>
Total Distribution		<u>46.65</u>

EXHIBIT "A"

STATEMENT OF ACCOUNT:

RECEIPTS:

Malbis Plantation, Inc. - From sale of land ($E\frac{1}{2}$ of $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Sec. 22, T4S, R2E) \$1605.00

DISBURSEMENTS:

1.	12/1/38	F. C. Griffin - Payment in full, mortgage against the real property - $E\frac{1}{2}$ of $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Sec. 22, T4S, R2E, executed by John H. Campbell during his lifetime	\$429.66
2.	12/1/38	Probate Judge, Baldwin County, Alabama, Redemption of land belonging to Estate of John H. Campbell, deceased	15.00
3.	12/1/38	Jesse M. Smith, Tax Collector, Baldwin County, Alabama, taxes on property of John H. Campbell, deceased, for 1938	9.45
4.	12/1/38	Baldwin Times - Publication of mortgage foreclosure notice - mortgage from John H. Campbell, deceased, to F. C. Griffin - mortgage debt paid before foreclosure	5.85
5.	12/1/38	Mizell Insurance Agency - Premium on bond of Annie Campbell, as Administratrix of the Estate of John H. Campbell, deceased	18.00
6.	12/1/38	Claude G. Wright - Payment in full of claim filed in Court on July 30th, 1938	500.00
7.	12/3/38	W. J. Etheridge - Payment in full - Bill filed in Court against the Estate	75.00
8.	12/1/38	Annie Campbell - Advance - Distributee of Estate of John H. Campbell, deceased	100.00
9.	12/1/38	W. D. Campbell - Advance - Distributee of Estate of John H. Campbell, deceased	100.00
10.	12/1/38	R. C. Campbell - Advance - Distributee of Estate of John H. Campbell, deceased	100.00
11.	12/1/38	Hubert M. Hall - Attorney's fee	50.00
			<u>\$1402.96</u>

RECAPITULATION:

Receipts	\$1605.00
Disbursements	1402.96
Balance in Baldwin County Bank, Bay Minette, Ala.	202.04

NOTE: Letters of Administration issued out of the Probate Court of Baldwin County, Alabama, on February 4th, 1938; C. G. Godard, MD, on September 9th, 1938, filed claim against the Estate in the sum of \$51.75, payment on which the Administratrix has refused, for reason that it was not filed within six months from time Letters of Administration were issued; Notice of appointment of Annie Campbell, as Administratrix of the Estate of

John H. Campbell, deceased, published in the Baldwin Times in its issues of February 10th, February 17th and February 24th, 1938.

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ESTATE OF J. H. CAMPBELL) IN THE CIRCUIT COURT OF
DECEASED) BALDWIN COUNTY ALABAMA

TO THE HONORABLE FRANCIS W. HARE, PRESIDING JUDGE OF THE
TWENTY FIRST JUDICIAL CIRCUIT OF THE STATE OF ALABAMA, IN
EQUITY SITTING:-

Now comes your Petitioner, Clara Cook Campbell, and
respectfully represents and shows unto your Honor as follows:-

FIRST: That she is over the age of twenty-one years and resides
in Baldwin County, Alabama.

SECOND: That she is the widow of J. H. Campbell, deceased,
and that in the opinion of your Petitioner said estate can be
better administed in the Court of Chancery of said Baldwin
County than in the Probate Court thereof.

Wherefore Petitioner prays that your Honor will make all
such orders and decrees as may be needed and proper to remove
said cause from the Probate Court of Baldwin County to this
Honorable Court sitting in Equity and your petitioner will
ever pray, etc.

Clara Cook Campbell

Petitioner

State of Alabama
County.

Before me, W. Percy Hall a Notary Public in and
for said State and County, personally appeared Clara Cook
Campbell, who, being duly and legally sworn, deposes and says
that the statements contained in the foregoing petition are
true and correct to the best of her knowledge, information and
belief.

Clara Cook Campbell

Sworn to and subscribed before me this the 5th day of
July, 1938.

W. Percy Hall

Notary Public, Baldwin County.

ESTATE OF J. H. CAMPBELL } IN THE CIRCUIT COURT OF BALDWIN
Deceased. } COUNTY ALABAMA. IN EQUITY.

IT IS ORDERED BY THE COURT, and by me as Judge of the Circuit Court, that the petition in this cause, be and the same is hereby granted and that the Probate Court of Baldwin County Alabama, transmit to the Circuit Court of Baldwin, County Alabama, a certified transcript of all proceedings had in said Court and all papers and documents filed in said Court relating to the administration of the estate of J. H. Campbell, deceased, and that the administration of said J. H. Campbell be removed from the Probate Court of Baldwin County and that the said Circuit Court take jurisdiction of said estate.

DONE in vacation this the 7th day of July, 1938.



Judge of Circuit Court,
Baldwin County Alabama.

State of Alabama,

Probate Court of Baldwin County, Alabama.

Baldwin County.

Inventory of the estate, real and personal of J. H. Campbell, deceased.

$\frac{E}{2}$ of $\frac{NE}{4}$ of $\frac{SE}{4}$ Section 22, Township 4 South of Range 2 east--20 Acres.

Improvements on same of \$150.00.

Filling Station assessed at \$600.00.

Two cottages assessed at \$50.00 each or \$100.00 for both.

Also all stock of goods and personal property, fixtures, and all property of whatsoever kind and character in said filling station, or said buildings belonging to or in the possession of the said J. H. Campbell, at the time of his death.

Annie Campbell

Administratrix.

Before me, G. W. Robertson, Judge of Probate personally appeared Annie Campbell, administratrix of the estate of John. H. Campbell, deceased, who being duly sworn, doth depose and say, that the foregoing is a full and complete inventory of the estate, real and personal, of said John H. Campbell, which has come to ~~his~~ her knowledge or possession.

Annie Campbell

Administratrix.

Sworn to and subscribed before me this the 21st day of February 1938.

G. W. Robertson

Judge of Probate.

J. S. Kessler
J. S. Kessler

The State of Alabama,
Baldwin County

Probate Court,

July 4th 1938

IN THE MATTER OF THE ESTATE OF John A. Campbell Deceased.
PRESENT, Honorable J. W. Robertson, Judge of Probate.

And now, on this day comes Annie Campbell and presents to the Court her petition in writing, under oath, praying that Letters of Administration on the Estate of John A. Campbell, deceased, issue to her, which petition is examined by the Court and ordered to be filed and recorded; and, it appearing to the Court from the allegations contained in said petition, and from other good and sufficient evidence that the said John A. Campbell departed this life at

on or about the 21st day of January, 1938.

Being at the time of his death an inhabitant of said County and State; that he died leaving assets in said County and State, which assets, both real and personal, are estimated to be worth about Seven hundred fifty Dollars, consisting of

and leaving no will, testament or other writing, relating to the disposal or distribution of his estate, and that the death of the said decedent was known more than five days before this day and ~~now also~~

~~of the said intestate, having~~ relinquished ~~right~~ under the statute to administer said estate; and it further appearing to the satisfaction of the Court that Annie Campbell the said petitioner is the sister of said deceased, is over twenty-one years of age, an inhabitant of this State, and a fit person, under the law and in the estimation of the Court, to serve as administratrix

and no person having appeared to oppose the granting of Letters of Administration to the said Annie Campbell, or to show cause why the prayer of said petitioner should not be granted, it is ordered that the same be granted, provided that the said Annie Campbell first file in this Court her bond in the penal sum of Twenty-five Hundred Dollars, conditioned and payable according to the statutes in such cases made and provided, with such security or securities as may be approved by the Court. It is further ordered that the said petition be recorded.

And now again come Annie Campbell and present to the Court for approval her bond in form as by this Court, heretofore, required, with Fidelity and Deposit Company of Maryland as her securities thereon, and the Court being now sufficiently advised concerning said bond and said security it is ordered and adjudged by the Court that the said bond be taken, approved and recorded.

It is therefore ordered, adjudged and decreed by the Court that Letters of Administration on the estate of said deceased be granted to the said Annie Campbell and that she be and hereby is authorized to administer said estate. It is further ordered that the said Annie Campbell proceed immediately to collect and take into her possession the goods and chattels, money, books, papers, and evidences of said debt of the said deceased, except the personal property specifically exempted from administration under the laws of the State of Alabama, and make due return, under oath, to this Court, of a full and complete inventory thereof within two months.

J. W. Robertson
Judge of Probate.

State of Alabama,
Baldwin County.

To Hon. G. W. Robertson, Judge of Probate, Baldwin County, Ala.:-

Your petitioner, Annie Campbell, an inhabitant of this State, over the age of 21 years, respectfully represents that John H. Campbell departed this life intestate, on or about the 21st day of January 1938, leaving property in this State to the best of petitioner's knowledge, information and belief of about the value of \$1250.00, and not probably more; that John H. Campbell was an inhabitant of Baldwin County, Alabama, at the time of his death, and was a single man at the time of his death.

That your petitioner is the sister of deceased; that the heirs and distributees of the estate of said decedent, as your petitioner is advised and believes are as follows:- Annie Campbell, sister, unmarried, residing at Opp, Alabama; R. C. Campbell, Residing at Polk City, Fla, a brother and W. D. Campbell, a brother residing at Auburndale, Fla., all over the age of 21 years and of sound mind.

Wherefore your petitioner prays that letters of administration upon the estate be granted her according to law, upon her giving the requisite bond and security.

Annie Campbell

Petitioner.

Sworn to and subscribed before me this the 2 day of February 1938.

J. M. Staigler

IN THE MATTER OF THE
ESTATE OF JOHN H. CAMPBELL,
DECEASED.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

This cause is submitted on the petition of C. C. Cook to be permitted to intervene in said estate, and establish his rights as the heir of the common law wife of said decedent, it appearing from the petition that Clara Cook Campbell, a sister of the petitioner, who is alleged to have been the common law wife of the deceased, died before her rights were established by judicial decree, and before any homestead had been set aside to her. It thus appears that any right or title to the homestead of the decedent which said Clara Cook Campbell had was inchoate and died with her. Nothing more than a life estate, if that, vested in the alleged common law wife.

The administratrix attacks the petition by motion to strike the petition, and demurs thereto on identical grounds, I am of the opinion that said motion to strike and demurrer are well taken; and

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that said petition be, and the same hereby is, stricken, and held for naught.

This 26th day of August, 1939.

F. W. Hare
Judge

EXHIBIT "A"

STATEMENT OF ACCOUNT:RECEIPTS:

Melbis Plantation, Inc. - From sale of land (E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 22, T4S, R2E) \$1605.00

DISBURSEMENTS:

1.	12/1/38	F. C. Griffin - Payment in full, mortgage against the real property - E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 22, T4S, R2E, executed by John H. Campbell during his lifetime	\$429.66
2.	12/1/38	Probate Judge, Baldwin County, Alabama, Redemption of land belonging to Estate of John H. Campbell, deceased	15.00
3.	12/1/38	Jesse M. Smith, Tax Collector, Baldwin County, Alabama, taxes on property of John H. Campbell, deceased, for 1938	9.45
4.	12/1/38	Baldwin Times - Publication of mortgage foreclosure notice - mortgage from John H. Campbell, deceased, to F. C. Griffin - mortgage debt paid before foreclosure	5.85
5.	12/1/38	Misell Insurance Agency - Premium on bond of Annie Campbell, as Administratrix of the Estate of John H. Campbell, deceased	18.00
6.	12/1/38	Claude G. Wright - Payment in full of claim filed in Court on July 30th, 1938	500.00
7.	12/3/38	W. J. Etheridge - Payment in full - Bill filed in Court against the Estate	75.00
8.	12/1/38	Annie Campbell - Advance - Distributee of Estate of John H. Campbell, deceased	100.00
9.	12/1/38	W. D. Campbell - Advance - Distributee of Estate of John H. Campbell, deceased	100.00
10.	12/1/38	R. C. Campbell - Advance - Distributee of Estate of John H. Campbell, deceased	100.00
11.	12/1/38	Hubert M. Hall - Attorney's fee	50.00
			<u>\$1402.96</u>

RECAPITULATION:

Receipts	\$1605.00
Disbursements	1402.96
Balance in Baldwin County Bank, Bay Minette, Ala.	202.04

NOTE: Letters of Administration issued out of the Probate Court of Baldwin County, Alabama, on February 4th, 1938; C. G. Godard, MD, on September 9th, 1938, filed claim against the Estate in the sum of \$51.75, payment on which the Administratrix has refused, for reason that it was not filed within six months from the Letters of Administration were issued; Notice of appointment of Annie Campbell, as Administratrix of the Estate of John H. Campbell, deceased, published in the Baldwin Times in its issues of February 10th, February 17th and February 24th, 1938.

Sworn to and subscribed before me
this 28th day of December,
1938.

O'Byrne Jones
Notary Public, Baldwin County, Ala.

ESTATE OF JOHN H. CAMPBELL,
DECEASED.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
NO. 442.

PETITION FOR FINAL SETTLEMENT:

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

Comes your Petitioner, ANNIE CAMPBELL, as Administratrix of the Estate of John H. Campbell, deceased, and respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That more than six months have elapsed since she was appointed and qualified in the Probate Court of Baldwin County, Alabama, as such Administratrix; that the proceeding was, by decree of this court, moved from the Probate Court of Baldwin County, Alabama, to this Court; that during all of said time she has diligently and to the best of her abilities administered in and upon the affairs of said Estate;
2. That immediately after her appointment as Administratrix of the said Estate she gave notice thereof by publication in the Baldwin Times a newspaper published at Bay Minette, in Baldwin County, Alabama, as required by law.
3. That in the opinion of your Petitioner said Estate no longer requires the continuance of an administration, wherefore, she now herewith files her accounts for a final settlement thereof, showing all the amounts with which she is justly chargeable and the payments which she is entitled to have allowed to her, together with her vouchers, each duly numbered, and all other written evidence which she has in support of said account, and that she has not at any time during her said administration used the funds of said Estate or any part thereof for her on benefit in any way whatever.
4. That the heirs of said John H. Campbell, deceased, are your Petitioner, Annie Campbell, his sister, who resides at Opp, in Coffee County, Alabama, and R. C. Campbell and W. D. Campbell, brothers, both non-residents of the State of Alabama, and residing at Auburndale, in the State of Florida; that all of said heirs are of sound mind and over twenty-one years of age.

WHEREFORE, your Petitioner prays that a day may be set for making such final settlement; that notice of the same will be given as required by law and that such other orders and decrees may be made and entered as are necessary and proper to affect a final settlement of said Estate and her discharge as such Administratrix and the release of her bond.

Annie Campbell

ESTATE OF J. H. CAMPBELL

Deceased.

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

IT IS ORDERED BY THE COURT, and by me as Judge of the Circuit Court, that the petition in this cause, be and the same is hereby granted and that the Probate Court of Baldwin County Alabama, transmit to the Circuit Court of Baldwin, County Alabama, a certified transcript of all proceedings had in said Court and all papers and documents filed in said Court relating to the administration of the estate of J. H. Campbell, deceased, and that the administration of said J. H. Campbell be removed from the Probate Court of Baldwin County and that the said Circuit Court take jurisdiction of said estate.

DONE in vacation this the 7th day of July, 1938.

F. W. Hare
Judge of Circuit Court,
Baldwin County, Alabama.

ESTATE OF J. H. CAMPBELL
DECEASED

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY ALABAMA

PETITION AND ORDER OF TRANSFER

TO THE HONORABLE FRANCIS W. HARE, PRESIDING JUDGE OF THE TWENTY FIRST JUDICIAL
CIRCUIT OF THE STATE OF ALABAMA, IN EQUITY SITTING: -

Now comes your Petitioner, Clara Cook Campbell, and respectfully represents
and shows unto your Honor as follows: -

FIRST: That she is over the age of twenty-one years and resides in Baldwin County,
Alabama.

SECOND: That she is the widow of J. H. Campbell, deceased, and that in the opinion
of your Petitioner said estate can be better administered in the Court of Chancery of
said Baldwin County than in the Probate Court thereof.

Wherefore Petitioner prays that your Honor will make all such orders and decrees
as may be needed and proper to remove said cause from the Probate Court of Baldwin
County to this Honorable Court sitting in Equity and your petitioner will ever pray,
etc.

Clara Cook Campbell,
Petitioner.

State of Alabama
County.

Before me, W. Percy Hall a Notary Public in and for said State and County,
personally appeared Clara Cook Campbell, who, being duly and legally sworn, deposes
and says that the statements contained in the foregoing petition are true and
correct to the best of her knowledge, information and belief.

Sworn to and subscribed before me this the 5th day of July, 1938.

Clara Cook Campbell,
W. Percy Hall
Notary Public, Baldwin County.

State of Alabama,
Baldwin County.

Probate Court of Baldwin County, Alabama.

Inventory of the estate, real and personal of J. H. Campbell, deceased.
E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 22, Township 4 South of Range 2 east--20 Acres.
Improvements on same of \$150.00.

Filling Station assessed at \$600.00.

Two cottages assessed at \$50.00 each or \$100.00 for both.

Also all stock of goods and personal property, fixtures, and all property of whatsoever kind and character in said filling station, or said buildings belonging to or in the possession of the said J. H. Campbell, at the time of his death.

Annie Campbell
Administratrix.

Before me, G. W. Robertson, Judge of Probate personally appeared Annie Campbell, administratrix of the estate of John H. Campbell, deceased, who being duly sworn, doth depose and say, that the foregoing is a full and complete inventory of the estate, real and personal, of said John H. Campbell, which has come to her knowledge or possession.

Annie Campbell
Administratrix.

Sworn to and subscribed before me this the 21st day of February 1938.

G. W. Robertson
Judge of Probate.
By: J. L. Kissler, Clerk.

R. S. DUCK
Register and Clerk of the Circuit
Court, Baldwin County
Bay Minette, Alabama.

JOHN H. CAMPBELL ESTATE

Balance on Hand ----- \$202.04

Charges

W. H. Hawkins, Atty's fees \$15.00

Annie Campbell, Commission 80.00

Court costs 60.14

Total Charges 155.39

BALANCE FOR DISTRIBUTION \$ 46.65

Annie Campbell One third \$15.55

R. C. Campbell One third 15.55

W. D. Campbell One third 15.55

Total Distribution 46.65

State of Alabama,

Baldwin County.

PETITION FOR LETTERS OF ADMINISTRATION

To Hon. G. W. Robertson, Judge of Probate, Baldwin County, Ala.:-

Your petitioner, Annie Campbell, an inhabitant of this State, over the age of 21 years, respectfully represents that John H. Campbell departed this life intestate, on or about the 21st day of January 1938, leaving property in this State to the best of petitioner's knowledge, information and belief of about the value of \$1250.00, and not probably more; that John H. Campbell was an inhabitant of Baldwin County, Alabama, at the time of his death, and was a single man at the time of his death. That your petitioner is the sister of deceased; that the heirs and distributees of the estate of said decedent, as your petitioner is advised and believes are as follows: Annie Campbell, sister, unmarried, residing at Opp, Alabama; R. G. Campbell, Residing at Polk City, Fla, a brother and W. D. Campbell, a brother residing at Auburndale, Fla., all over the age of 21 years and of sound mind.

Wherefore your petitioner prays that letters of administration upon the estate be granted her according to law, upon her giving the requisite bond and security.

Annie Campbell
Petitioner.

Sworn to and subscribed before me this the 2 day of February 1938.

J. M. Haigler



#1
BAY MINETTE, ALA. December 1st 19 38 No.

BALDWIN COUNTY BANK

 61-258

PAY TO THE ORDER OF Fred C. Gr... \$ 429.66

Four hundred and twenty nine and 66/100 DOLLARS

Payment in full of
mortgage on
property.

Annie Campbell
Administratrix

Insured against fraudulent alteration
N.A.B. 1910-1911 Bankers' Quarterly



#2
BAY MINETTE, ALA. December 1st 19 38 No.

BALDWIN COUNTY BANK

 61-258

PAY TO THE ORDER OF Private Judge, Baldwin Co., Ala. \$ 15.00

Fifteen and 00/100 DOLLARS

Taxes redemption
Campbell property

Annie Campbell
Administratrix

Insured against fraudulent alteration
N.A.B. 1910-1911 Bankers' Quarterly



#3
BAY MINETTE, ALA. December 1st 19 38 No.

BALDWIN COUNTY BANK

 61-258

PAY TO THE ORDER OF Jesse L. Smith \$ 9.45

Nine and 45/100 DOLLARS

Taxes on J. H. Campbell
for 1938

Annie Campbell
Administratrix

Insured against fraudulent alteration
N.A.B. 1910-1911 Bankers' Quarterly



#5

BAY MINETTE, ALA. Dec 1st 1978 No.

BALDWIN COUNTY BANK 61-258

PAY TO THE ORDER OF Mizell Insurance Agency \$ 18⁰⁰
Eighteen and 00/100 DOLLARS

Premium on bond
Policy # 4207265

SI-227
6



annie campbell
Administratrix



BAY MINETTE, ALA. DEC 3 1978 No.

BALDWIN COUNTY BANK 61-258

PAY TO THE ORDER OF W. J. EVERIDGE \$ 75⁰⁰
Seventy five and 00/100 DOLLARS

COUNTER SIGNED

[Signature]

annie campbell
Administratrix of the estate of JOHN H. Campbell, deceased.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS, That I, W. J. ETHERIDGE, for
and in consideration of the sum of \$75⁰⁰ DOLLARS
to me in hand paid by Annie Campbell, as Administratrix of the Estate of
John H. Campbell, deceased, do hereby acknowledge full payment and complete
satisfaction of the indebtedness secured by that certain bill against the
Estate of John H. Campbell, deceased, and filed by me in the Probate Court
of Baldwin County, Alabama, against said Estate on July 2nd, 1933.

W. J. Etheridge

STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, Alma Jones, a Notary Public, in and for
said County, in said State hereby certify that W. J. Etheridge, 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 the instrument,
he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this 1 day of Dec
1933.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS, That I, W. J. ETHERIDGE, for
and in consideration of the sum of \$75⁰⁰ DOLLARS
to me in hand paid by Annie Campbell, as Administratrix of the Estate of
John H. Campbell, deceased, do hereby acknowledge full payment and complete
satisfaction of the indebtedness secured by that certain bill against the
Estate of John H. Campbell, deceased, and filed by me in the Probate Court
of Baldwin County, Alabama, against said Estate on July 2nd, 1936.

W. J. Etheridge

STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, Alma Jones, a Notary Public, in and for
said County, in said State, hereby certify that W. J. Etheridge, 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 the instrument,
he executed the same voluntarily on the day the same bears date.

State of Alabama,
Baldwin County.

Before me G.W.Robertson, Judge of the Probate Court, personally appeared W.J.Etheredge, and states that the foregoing account of \$122.35 against the estate of John H. Campbell, Deceased, is true, and correct and the said amount of \$122.35 is still due and unpaid after all credits and counterbalances have been allowed.

W.J. Etheredge

Sworn to and subscribed before me this 2nd day of July, A.D., 1938.

G.W. Robertson

Judge of Probate, Baldwin
county, Alabama.

J. K. ...

Wm. H. B. 1860
Wm. H. B. 1860

Wm. H. B. 1860
Wm. H. B. 1860
Wm. H. B. 1860
Wm. H. B. 1860
Wm. H. B. 1860

Account of
Mr. J. Edwards

Statement

THE BALDWIN TIMES

BAY MINETTE, ALABAMA

3/4/38

193

Hon. G. W. Robertson

Advertising:

Estate of John H. Campbell, Dec.

95 words @ 3 $\frac{1}{2}$ /-----

\$3.32

Job Printing:

Statemer

THE BALDWIN TIMES

BAY MINETTE, ALABAMA

11/29/38

193

Beck, Hall + Beck

City

Advertising:

Foreclosure of J. H. Campbell

167 words @ 3 1/2

\$ 5.85-

Job Printing:

*paid 12/5/38
J. H. Faulkner*

Statement

THE BALDWIN TIMES

BAY MINETTE, ALABAMA

10/10/35

193

Har. R. S. Duck

P-7

Advertising:

Notice to W. D. Campbell
by Judge Hare -

132 Words @ 3 1/2¢

74 62

Job Printing:



BAY MINETTE, ALA. *Dec 1* 19*38* No.

BALEWEN COUNTY BANK 61-258

PAY TO THE ORDER OF *CLAUDE G. WRIGHT*

\$500⁰⁰

Five Hundred and no/100 DOLLARS

COUNTERSIGNED

By *[Signature]*

Annie Campbell
Administratrix of the Estate of John H. Campbell, deceased.



BAY MINETTE, ALA. *Dec 1st* 19*38* No.

BALDWIN COUNTY BANK 61-258

PAY TO THE ORDER OF

Hubert M. Stice Atty \$50⁰⁰

Fifty and no/100 DOLLARS

Attorneys fees -

Annie Campbell
Administratrix

Insured against fire and theft

STATE OF ALABAMA }
PROBATE Court of BALDWIN CO. } _____, 19_____

In the Matter of the Estate of John H. Campbell

This is to certify: (a) that on the _____ day of _____, 19_____,
the final account of Miss Annie Campbell as Administratrix

of the above estate, after due hearing, was approved by this Court, (b) that the said _____

Miss Annie Campbell has made return under oath that all moneys and properties

in her hands for disbursement and distribution as appears by said account on file have been paid over

and distributed in accordance with the order of this Court, and (c) that proper receipts and releases therefor

have been filed and order has been entered discharging said Miss Annie Campbell

Dated this _____ day of _____, 19_____

*Judge
Clerk
Register
Prothonotary
Surrogate*

Return in five days to
BALDWIN COUNTY BANK
BAY MINETTE, ALA.

W. J. ...