

LEGAL NOTICE

Circuit Court of Baldwin
County, Alabama, In Equity.
N. SMITH, Complainant
LARIA FRAZER, ET
AL, Defendants.

Plaintiff having filed
in the Circuit Court of
Baldwin County, Alabama, in
1938, a bill of complaint charging that she, together
with her husband, Frazer, Clanda Reese,
Lula Estelle Hampton,
J. C. Cannon, Sally Cook,
Ely July, Rosa Belle Mahathy,
Willie Mae Cannon, McKinley Kelson and
Lem Sims, own an undivided interest
in certain lands in Baldwin
County, Alabama, described as
part of the Southeast
Section 22, Township
Range 3 East and the
Quarter of the Northwest
Section 27, Township
Range 3 East, and that
the same cannot be equitably
partitioned among the
parties thereto without a
partition sale.

Wherefore, she prays that said
lands be sold and the proceeds
thereof be divided among the
parties thereto in accordance
with the law. And she prays
that the Court do justice
between her and the defendants
named above.

And she prays that the Court
do justice between her and the
defendants named above.

July, Rosa Belle Mahathy, Willie
Mae Cannon, McKinley Kelson and
Lem Sims, appear in this Court
and plead, answer or demur to the
said bill of complaint in this cause
filed on or before February 6th,
1939, or on their having failed to
do so, at the expiration of thirty
days from said date, a decree pro
confesso be taken against them.

In witness whereof, I, R. S.
Duck, as Register, have hereunto
set my hand and seal on this 1st
day of November, 1938.

R. S. DUCK, Register, Circuit
Court, Baldwin County, Ala-
bama. 49-41

Plateau, Ala.
Oct. 2, 1938

Dear Mr. R. S. Duck.

I received the subpoena
and I dont see any way possible
for me to get up there, therefore
I am in favor what ever they
do if they want to sell or divide
its all right with me. just
give me my part of what
ever they do. Ans. right back
from Ely July plateau
Ala.

Editors, Y. A. Cox, J. B. Blackburn, A. D. Stapleton, C. A. Thompson and J. C. Burns.

Robertsdale Chapter To See Yellowstone

Intending to visit Yellowstone National Park and other scenic points in the west this summer, Robertsdale Future Farmers of America started their drive for funds this week and planned other activities during the school year to enliven their work.

Monday night they sponsored a picture show to raise funds and soon they intend to sponsor a fish fry for FFA boys, FHA girls and members of their families. The club is also practicing basketball in preparation for coming engagements.

M. Benneson, Bay Minette, Ford coupe, Canterbury Motor Co.
Dr. P. B. Skinner, Fairhope, Chevrolet sedan, Klumpp Motor Co.
Fred McKenzie, Barnwell, Ford truck, Gaston Motor Co.
R. O. Blackwell, Jr., Bay Minette, Chevrolet truck, Bay Minette Motor Co.
Dr. J. C. McLeod, Bay Minette, Chevrolet coach, Wilson Chevrolet Co.
Norman McInnis, Bay Minette, Chevrolet truck, Wilson Chevrolet Co.
Ted Cooper, Bay Minette, Ford

truck, Canterbury Motor Co.
C. O. Christensen, Fairhope, Chevrolet coach, Klumpp Motor Co.
H. W. Ward, Bay Minette, Chevrolet truck, Wilson Chevrolet Co.
M. Dyson, Fairhope, Plymouth coupe, Howard Reige.

Statement

THE BALDWIN TIMES

BAY MINETTE, ALABAMA

2/17

1937

Hon. R. S. Duck

City

Advertising:

Dora Ann Smith vs. Marie
Frager -

258 words @ 4 1/2 ¢

11.61

Job Printing:

RECEIPT FOR REGISTERED

15 fee paid. 1 class postage paid.

Declared value \$ 5.00 Surchage paid, \$

From R. S. Duck Bay Minette, Ala. (Sender)

Addressed to M. Parley, Nel 530 Chestnut St Chattanooga, Ga. (Address)

Accepting employee will place initials in space below, indic Return receipt fee 3 in person 10 Delivery restricted to addressee or order Fee paid Postma

GPO 5-6869

RECEIPT FOR REGISTERED ARTICLE No. 237

15 fee paid. 10 class postage paid. 10-7, 1937

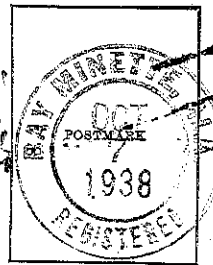
Declared value, \$ 5.00 Surchage paid, \$

From R. S. Duck, Bay Minette, Ala. (Sender)

Addressed to 3677A-E-40 W. Cleveland, Ohio (Post office and State)

Accepting employee will place initials in space below, indicating restricted delivery Return receipt fee 3 in person 10 Delivery restricted to addressee or order Fee paid 10 Postmaster, per

GPO 5-6869



Statement

THE BALDWIN TIMES

BAY MINETTE, ALABAMA

11/29/38

193

Hon. R. S. Duck

City

Advertising:

Notice of Dora Ann Smith vs. Marie Frazer

268 Words @ 3 1/2 c

99 38

The State Of Alabama, }
Baldwin County } Circuit Court of Baldwin County, In Equity.

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon ~~MARIA FRAZER, CLANDA REESE, CUSSIE NELSON, LULA ESTELLE HAMPSHIRE, J. C. CANNON, SALLY COOK, BURTON NELSON, ELY JULY, ROSA BELLE MAHATHY, WILLIE MAE CANNON, MCKINLEY NELSON, and IEN SIMS,~~

of _____ County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

~~DORA ANN SMITH,~~

against said ~~MARIA FRAZER, CLANDA REESE, CUSSIE NELSON, LULA ESTELLE HAMPSHIRE, J. C. CANNON, SALLY COOK, BURTON NELSON, ELY JULY, ROSA BELLE MAHATHY, WILLIE MAE CANNON, MCKINLEY NELSON, and IEN SIMS,~~

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. Duck, Register of said Circuit Court, this 30th day of August, 1938.

R. S. Duck, Register
W. H. Thompson, Deputy-Register

N. B. — Any party defendant is entitled to a copy of the bill upon application to the Register.

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon
MARIA FRAZER, CLANDA REESE, GUSSIE KELSON, LULA ESTELLE HAMPSHIRE,
J. C. CANNON, SALLY COOK, BURTON KELSON, ELY JULY, ROSA BELLE
MAHATHY, WILLIE MAE CANNON, MCKENLEY KELSON, and LEM SIMS,

of _____ County, to be and appear before the Judge of the Circuit
Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of
Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

DORA ANN SMITH

against said MARIA FRAZER, CLANDA REESE, GUSSIE KELSON, LULA ESTELLE
HAMPSHIRE, J. C. CANNON, SALLY COOK, BURTON KELSON, ELY
JULY, ROSA BELLE MAHATHY, WILLIE MAE CANNON, MCKINLEY
KELSON, and LEM SIMS,

and further to do and perform what said Judge shall order and direct in that behalf. And this the
said Defendant shall in no wise omit, under penalty, etc. And we further command that you return
this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. Duck, Register of said Circuit Court, this 30th day of
August, 1938.

R. S. DUCK

clerk, - register

BY: *Nashie Thompson* Register
Deputy-Register.

N. B. — Any party defendant is entitled to a copy of the bill upon application to the Register.

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

~~MARIA FRANK, CLAUDIA BERRY, GEORGE NELSON, LILA VOTELLE HANFORD, J. C. CANNON, SALLY COOK, HURTON NELSON, BEN JUNE, ROSA BELLE HANFORD, WILLIE MAE CANNON, HARRIET WILSON, and LEO KING,~~

of _____ County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

~~DOLL AND MARY~~

against said ~~MARIA FRANK, CLAUDIA BERRY, GEORGE NELSON, LILA VOTELLE HANFORD, J. C. CANNON, SALLY COOK, HURTON NELSON, BEN JUNE, ROSA BELLE HANFORD, WILLIE MAE CANNON, HARRIET WILSON, and LEO KING,~~

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. Duck, Register of said Circuit Court, this 30th day of August, 1938.

_____, Register
_____, Deputy Register.

N. B. — Any party defendant is entitled to a copy of the bill upon application to the Register.

The State Of Alabama, }
Baldwin County } Circuit Court of Baldwin County, In Equity.

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

MARIA FRAZER, CLANDA REESE, GUESSIE KELSON, LULA ESTELLE HANPSHIRE,
J. C. CANNON, SALLY COOK, BUNTON KELSON, RAY JULY, ROSA BELLE
MAHATHY, WILLIE MAE CANNON, MCKENZIE KELSON, and LEN SINS,

of _____ County, to be and appear before the Judge of the Circuit
Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of
Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

DORA ANN SMITH

against said MARIA FRAZER, CLANDA REESE, GUESSIE KELSON, LULA ESTELLE
HANPSHIRE, J. C. CANNON, SALLY COOK, BUNTON KELSON, RAY
JULY, ROSA BELLE MAHATHY, WILLIE MAE CANNON, MCKENZIE
KELSON, and LEN SINS,

and further to do and perform what said Judge shall order and direct in that behalf. And this the
said Defendant shall in no wise omit, under penalty, etc. And we further command that you return
this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. Duck, Register of said Circuit Court, this 30th day of
August, 1932.

_____, Register
_____, Deputy-Register.

N. B. — Any party defendant is entitled to a copy of the bill upon application to the Register.

472

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

~~MARIA FRAZER, CLANDA REESE, GUSSIE NELSON, LULA ESTELLE HAMPSHIRE,
J. C. CANNON, SALLY COOK, BURTON NELSON, ELY JULY, ROSA BELLE
MAHATHY, WILLIE MAE CANNON, MCKINLEY NELSON and LEM SINS,~~

of _____ County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

~~DORA ANN SMITH,~~

against said ~~MARIA FRAZER, CLANDA REESE, GUSSIE NELSON, LULA ESTELLE
HAMPSHIRE, J. C. CANNON, SALLY COOK, BURTON NELSON, ELY JULY, ROSA
BELLE MAHATHY, WILLIE MAE CANNON, MCKINLEY NELSON and LEM SINS,~~

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. Duck, Register of said Circuit Court, this 30th day of

August, 193 8

R. S. Duck

Register

BY:

Walter Thomas Deputy-Register

N. B. — Any party defendant is entitled to a copy of the bill upon application to the Register.

Cross Com + Res East 3

DORA ANN SMITH,

Complainant,

VS.

MARIA FRAZER, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 472.

ANSWER AND CROSS BILL.

Now comes the Respondent, Maria Frazer, and for answer to the Bill of Complaint filed in this cause and for this her Cross-Bill says:

1. This Respondent admits the allegations of paragraph Numbered 1 of the Bill of Complaint.

2. This Respondent admits that she is over twenty-one years of age and resides at Blacksher, in Baldwin County, Alabama, but is not informed as to the allegations of paragraph Numbered 2 of the said Bill of Complaint, and therefore denies them.

3. For further answer this Respondent denies each and all of the allegations of paragraph Numbered 3 of the Bill of Complaint, and for further answer thereto says: That she owns and is in the peaceable possession of the West Half of the Southeast Quarter of Section 22, Township 3 North Range 3 East and the Northeast Quarter of the Northwest Quarter of Section 27, Township 3 North Range 3 East, all in Baldwin County, Alabama, claiming to own the same, and that she and Lem Sims, who prior to the commencement of this suit conveyed all of his right, title and interest in and to the above described property to this Respondent, have been in the actual, open, notorious, visible, hostile, exclusive and continuous possession of the said property for more than twenty years prior to the commencement of this suit.

4. Respondent further alleges that the said Dora Ann Smith, Clanda Reese, Gussie Kelson, Lula Estelle Hampshire, J. C. Cannon, Sally Cook, Burton Kelson, Ely July, Rosa Belle Mahathy, Willie Mae Cannon and McKinley Kelson claim, or are reputed to claim some

property or disturbing the Respondent and Cross Complainant, Maria Frazer's, ownership thereof in any way.

3. That the Respondent and Cross Complainant be granted such other, further and different relief as she may be equitably entitled to the premises considered.

J. B. T. Blackburn

Solicitor for Respondent, Maria
Frazer.

Res & Cross Com Eq &

DORA ANN SMITH,
Complainant,
VS.
MARIA FRAZER, ET AL.,
Respondents.

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

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

And now comes your Complainant, DORA ANN SMITH, and humbly complaining against the Respondents, MARIA FRAZER, CLANDA REESE, GUSSIE KELSON, LULA ESTELLE HAMPSHIRE, J. C. CANNON, SALLY COOK, BURTON KELSON, ELY JULY, ROSA BELLE MAHATHY, WILLIE MAE CANNON, MCKINLEY KELSON, and LEM SIMS, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant is a bona fide resident of Baldwin County, Alabama, over twenty-one years of age, and living at Bay Minette.
2. That the Respondents, MARIA FRAZER, CLANDA REESE, GUSSIE KELSON, LULA ESTELLE HAMPSHIRE, J. C. CANNON are over twenty-one years of age and residents of Blacksher, in Baldwin County, Alabama; that SALLY COOK is a resident of Mobile, Mobile County, Alabama, her address being 370 Gaston Street; that BURTON KELSON is a resident of Mobile, Mobile County, Alabama, his address being 403 Hamilton Street; that ELY JULY and ROSA BELLE MAHATHY are residents of Mobile, Mobile County, Alabama, their addresses being Plateau; that WILLIE MAE CANNON is a non-resident of the State of Alabama, her address being Pensacola, Florida; that MCKINLEY KELSON is a non-resident of the State of Alabama, his address being 530 Chestnut Street, Chattanooga, Tennessee; that LEM SIMS is a non-resident of the State of Alabama, his address being unknown; that diligent search has been made to find out his address, but it cannot be ascertained; that all of said parties are over twenty-one years of age.
3. That your Complainant, DORA ANN SMITH, owns an undivided $1/35$ interest; Lem Smis, Clanda Reese, Maria Frazer each own an undivided $1/5$ interest; Ely July and Rosa Belle Mahathy each own an undivided $1/10$ interest; Sally Cook, Gussie Kelson, Burton Kelson, McKinley Kelson and Lula Estelle Hampshire each own an undivided $1/35$ interest; and J. C. Cannon and Willie Mae Cannon each own an undivided $1/70$ interest in the following described property in Baldwin County, Alabama, to-wit:

The West half of the Southeast quarter of Section 22, Township-
3 North, Range 3 East;

The Northeast quarter of the Northwest quarter of Section 27,
Township 3 North, Range 3 East;

that the said lands cannot be equitably divided or partitioned among the owners thereof, without a sale thereof.

4. That your Complainant has been required to employ, and it is necessary to have counsel prosecute this suit; *the ~~stated~~ employment is for the common benefit of all parties*
WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said Maria Frazer, Clanda Reese, Gussie Kelson, Lula Estelle Hampshire, J. C. Cannon, Sally Cook, Burton Kelson, Ely July, Rosa Belle Mahathy, Willie Mae Cannon, McKinley Kelson and Lem Sims party respondents to this Bill of Complaint, requiring them to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon a final hearing of this cause, your Honor will make and enter an order and decree that the said lands cannot be equitably divided or partitioned among the owners without a sale thereof; that such further orders and decrees may be made and entered as may be necessary and proper to effectuate a due sale, as provided by law, of the following described lands, *in Madison County, Arkansas*
to-wit:

The West half of the Southeast quarter of Section 22, Township 3 North, Range 3 East;

The Northeast quarter of the Northwest quarter of Section 27, Township 3 North, Range 3 East,

for division among the owners thereof: Dora Ann Smith, Maria Frazer, Clanda Reese, Gussie Kelson, Lula Estelle Hampshire, J. C. Cannon, Sally Cook, Burton Kelson, Ely July, Rosa Belle Mahathy, Willie Mae Cannon, McKinley Kelson, and Lem Sims; that your Honor will ascertain and determine a reasonable attorney's fee to be allowed to the Solicitors for the Complainant, to be taxed as a common charge on all the interests and to be paid out of the proceeds of the sale;

That your Honor will give and grant unto the Complainant such other, further, different or general relief as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

Bebe Dale Bebe
Solicitors for Complainant.

FOOT NOTE: The Respondents and each of them are required to answer each and every allegation contained in the foregoing Bill of Complaint, in paragraphs 1 to 4, inclusive, but not under oath, oath being hereby expressly waived.

Bebe Dale Bebe
Solicitors for Complainant.

copy

Burton Kelson,
403 Hamilton St.,
Mobile, Ala.

Serve On *M. J. [unclear]*

**Circuit Court of Baldwin County
IN EQUITY**

No. 42

Summons

**DORA ANN SMITH,
Complainant.**

VS.

**MARIA FRAZER, ET AL.,
Respondents.**

**BEENE, HALL & BEENE,
Solicitor for Complainant**

Recorded in Vol. _____ Page _____

**THE STATE OF ALABAMA,
Baldwin County**

Received in office this _____

day of _____, 193_____

Sheriff.

Executed this _____ day of _____

, 193_____

by leaving a copy of the Summons with _____

Defendant

Sheriff

By _____

Deputy Sheriff

[Handwritten signatures and stamps]
A. L. HULL, CLERK, Sr. Sheriff
[Signature]

copy

Serve On _____

**Circuit Court of Baldwin County
IN EQUITY**

No. _____

Summons

**DORA ANN SMITH,
Complainant.**

vs.

**MARIA FRAZER, ET AL.,
Respondents.**

NEELY, Solicitor for Complainant

Recorded in Vol. _____ Page _____

**THE STATE OF ALABAMA,
Baldwin County**

Received in office this _____

day of _____, 193_____

Sheriff.

Executed this _____ day of

_____, 193_____

by leaving a copy of the Summons with

Defendant

Sheriff

By _____

Deputy Sheriff

COPY

Serve On _____

**Circuit Court of Baldwin County
IN EQUITY**

No. _____

Summons

**DORA ANN SMITH,
Complainant.**

VS.

**MARLA PHAZOR, ET AL.,
Respondents.**

**_____
Solicitor for Complainant**

**THE STATE OF ALABAMA,
Baldwin County**

Received in office this _____

day of _____, 193_____

Sheriff.

Executed this _____ day of _____

_____, 193_____

by leaving a copy of the Summons with _____

Defendant

Sheriff

By _____
Deputy Sheriff

Recorded in Vol. _____ Page _____

original

Such
589
Return

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MOBILE COUNTY *ml*

Serve On _____

THE STATE OF ALABAMA,

Baldwin County

Circuit Court of Baldwin County
IN EQUITY

Received in office this _____

No. 472

day of _____, 193

Summons

Sheriff.

DORA ANN SMITH,
Complainant.

Executed this 9th day of

Sept
1938

by leaving a copy of the Summons with

Clay July
Rob Bee Wrahtney

Defendant

vs.

MARIA FRAZER, ET AL.,
Respondents.

W. H. Peombr
Sheriff

By *Geo. M. ...*
Deputy Sheriff

BEBBE, HALL & BEEBE,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

Res & X from Rec 14

copy Sally Cook,
370 Gaston St.,
Mobile, Ala.

Serve On

not found

**Circuit Court of Baldwin County
IN EQUITY**

No. 472

Summons

DORA ANN SMITH,
Complainant.

vs.

MARIA FRAZER, ET AL.,

BEEBE, HALL & BEEBE,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

**THE STATE OF ALABAMA,
Baldwin County**

Received in office this _____
day of _____, 193_____

Sheriff.

Executed this _____ day of _____, 193_____

by leaving a copy of the Summons with

Defendant

Sheriff

By _____
Deputy Sheriff

99
K. L. HOLCOMBE, Sr. Sheriff
Japs
M. Bruden

Published Every Thursday

Res + 7 Con
2-46

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

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

R. B. Vail
Editor and Proprietor

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

*Sora Ann Smith vs Maria
Frager*

Was published in said Newspaper for 4 consecutive weeks in the following issues:

Date of first publication	<i>January 5, 1939</i>	Vol. <u>49</u>	No. <u>49</u>
Date of second publication	<i>" 12, 1939</i>	Vol. <u>49</u>	No. <u>50</u>
Date of third publication	<i>" 19, 1939</i>	Vol. <u>49</u>	No. <u>51</u>
Date of fourth publication	<i>" 26, 1939</i>	Vol. <u>49</u>	No. <u>52</u>

Subscribed and sworn before the undersigned this day of

FEB 17 1939

HERBERT R. WESTON
NOTARY PUBLIC
BALDWIN CO. ALA.

J. H. Faulkner
Publisher

Res + X Res
E 47

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

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

LEGAL NOTICE

In the Circuit Court of Baldwin County, Alabama, In Equity.
DORA ANN SMITH, Complainant, Vs. MARIA FRAZER, ET AL., Respondents.

The Complainant having filed her bill in the Circuit Court of Baldwin County, Alabama, in Equity, alleging that she, together with Marie Frazer, Clanda Reese, Gussie Kelson, Lula Estelle Hampshire, J. C. Cannon, Sally Cook, Burton Kelson, Ely July, Rosa Belle Mahathy, Willie Mae Cannon, McKinley Kelson and Lem Sims, each own an undivided interest in certain lands in Baldwin County, Alabama, described as the West half of the Southeast quarter of Section 22, Township 3 North of Range 3 East and the Northeast quarter of the Northwest quarter of Section 27, Township 3 North, Range 3 East, and that said lands cannot be equitably divided or partitioned among the joint owners thereof without a sale thereof;

Notice is hereby given that said Respondents, Maria Frazer, Clanda Reese, Gussie Kelson, Lula Estelle Hampshire, J. C. Cannon, Sally Cook, Burton Kelson, Ely July, Rosa Belle Mahathy, Willie Mae Cannon, McKinley Kelson and Lem Sims, appear in this Court and plead, answer or demur to the said bill of complaint in this cause filed on or before December 3rd, 1938, or on their having failed to do so, at the expiration of thirty days from said date, a decree pro confesso be taken against them.

In Witness Whereof, I, R. S. Duck, as Register, have hereunto set my hand and seal on this 1st day of November, 1938.

R. S. DUCK, Register, Circuit Court, Baldwin County, Alabama.

40-3t

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

Dora Ann Smith vs
Marie Frazer

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

<i>November 3, 1938</i>	Vol. <u>48</u>	No. <u>40</u>
<i>11 10, 1938</i>	Vol. <u>49</u>	No. <u>41</u>
<i>11 17, 1938</i>	Vol. <u>49</u>	No. <u>42</u>
.....	Vol.	No.

Subscribed and sworn before the undersigned this 29 day of

Nov 1938
G. Moe Hampton
W. O. Bess

J. H. Faulkner
Publisher

STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, the undersigned authority, in and for said County, in said State, personally appeared DORA ANN SMITH, who is known to me and who having been by me first duly sworn, deposes and says, that she has read over and understands the facts set out in the foregoing complaint; that the facts set out are true to the best of her knowledge, information and belief.

Dora Ann Smith

Sworn to and subscribed before me
this 27th day of August,
1938.

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

DORA ANN SMITH,
Complainant,

vs.

MARIA FRAZER, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. No. _____

DEMURRER

Comes the respondent, Maria Frazer, in the above entitled cause, and demurs to the bill of complaint filed herein and to each paragraph thereof separately and severally, and for grounds of demurrer assigns, separately and severally, the following;

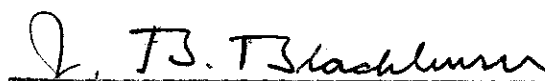
1. There is no equity in the bill.
2. The bill does not allege or show that the employment of an attorney is for the common benefit of all the owners of said property.
3. The bill does not allege that the property described therein is in Baldwin County, Alabama.

The respondent, Maria Frazer, assigns the following ground of demurrer to paragraph four of said bill of complaint namely:

1. It does not allege or show that the employment of an attorney is for the common benefit of all the owners of said property.

The respondent, Maria Frazer, assigns the following ground of demurrer to the prayer for relief in said bill of complaint, namely:

1. It does not allege that the property described therein is in Baldwin County, Alabama.


Solicitor for respondent,
Maria Frazer.

DORA ANN SMITH,

Complainant,

VS.

MARIA FRAZIER, et al,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 472.

DEMURRER.

Comes the Respondent, Lem Sims, in the above entitled cause, and demurs to the Bill of Complaint filed herein and to each paragraph thereof separately and severally, and for grounds of demurrer assigns, separately and severally, the following:

1. There is no equity in the bill.

2. The bill does not allege or show that the employment of an attorney is for the common benefit of all the owners of said property.


3. The bill does not allege that the property described therein is in Baldwin County, Alabama.

The Respondent, Lem Sims, assigns the following ground of demurrer to paragraph four of said bill of complaint, namely:

1. It does not allege or show that the employment of an attorney is for the common benefit of all the owners of said property.

The respondent, Lem Sims, assigns the following ground of demurrer to the prayer for relief in said bill of complaint, namely:

1. It does not allege that the property described therein is in Baldwin County, Alabama.


Solicitor for Respondent, Lem Sims.

DORA ANN SMITH,

Complainant,

VS.

MARIA FRAZER, et al,

Respondents.

IN THE CIRCUIT COURT OF

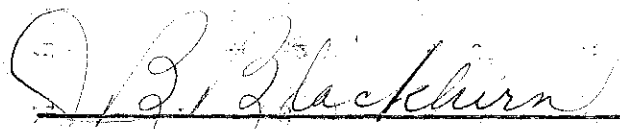
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 472.

MOTION TO QUASH.

Now comes J. B. Blackburn, as Solicitor for Lem Sims, a Respondent in the foregoing cause, and appears specially for said Respondent, Lem Sims, for the purpose of making this motion, and for that purpose alone, and moves the Court to quash the service or attempted service of process in said cause against said Respondent, Lem Sims; and for grounds for this motion sets down and assigns the following separate and several grounds, namely:

1. No service of process in said cause has been had on this Respondent as required by law.
2. The order of publication made by the Register of this Court in this cause is shown by the proof of publication filed herein to have been published against this respondent once a week for three successive weeks and not four successive weeks as required by law.



Solicitor appearing specially for
Respondent, Lem Sims.

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

*Resd X Com
Exp 2
(late case)*

WE COMMAND YOU, That you summon
MARIA FRAZER, CIANDA REESE, GUSSIE KELSON, LULA ESTELLE HAMPSHIRE,
J. C. CANNON, SALLY COOK, BURTON KELSON, (ELY JULY) ROSA BELIE
MAHATHY, (WILLIE MAE CANNON) MCKINIEY KELSON and LEM SIMS,

*In law
mpe*

of _____ County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

DORA ANN SMITH,

against said MARIE FRAZER, CALNDA REESE, GUSSIE Kelson, LULA ESTEELE HAMPSHIRE, J. C. CANNON, SALLY COOK, BURTON KELSON, ELY JULY, ROSA BELIE MAHATHY, WILLIE MAE CANNON, MCKINIEY KELSON and LEM SIMS,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. Duck, Register of said Circuit Court, this 30th day of August, 1938.

BY: R. S. Duck, Register
Arthur Chapman Deputy-Register

N. B. — Any party defendant is entitled to a copy of the bill upon application to the Register.

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon ~~MARIA FRASER, CLANDA HENSON, GEORGE NELSON, LULA BEVELLE HANFORD, J. C. CANNON, SALIX COOK, HUNTON NELSON, REX JUNE, ROSA BELLE HANATHY, WILLIE MAE CANNON, MCKINLEY NELSON, and LEM SINS,~~

of ~~*****~~ County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

~~DORA ANN SMITH,~~

against said ~~MARIA FRASER, CLANDA HENSON, GEORGE NELSON, LULA BEVELLE HANFORD, J. C. CANNON, SALIX COOK, HUNTON NELSON, REX JUNE, ROSA BELLE HANATHY, WILLIE MAE CANNON, MCKINLEY NELSON, and LEM SINS,~~

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. Duck, Register of said Circuit Court, this 20th day of August, 1938

R. S. Duck, Register
W. L. Simpson, Deputy Register

N. B. — Any party defendant is entitled to a copy of the bill upon application to the Register.

DOMA ANN SMITH,
Complainant,
VS.
MARIA FRASER, ET AL.,
Respondents.

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

TO HONORABLE P. W. HARR, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,
IN EQUITY:

And now comes your Complainant, DOMA ANN SMITH, and humbly complaining against the Respondents, MARIA FRASER, CLANDA REESE, CUSCIE NELSON, LULA ESTELLE HAMPSHIRE, J. C. CANNON, SALLY COOK, BURTON NELSON, ELY JULY, ROSA BELLE WHARTY, WILLIE MAE CANNON, MCKINLEY NELSON, and LEM SIMS, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant is a bona fide resident of Baldwin County, Alabama, over twenty-one years of age, and living at Bay Minette.
2. That the Respondents, MARIA FRASER, CLANDA REESE, CUSCIE NELSON, LULA ESTELLE HAMPSHIRE, J. C. CANNON are over twenty-one years of age and residents of Blacksher, in Baldwin County, Alabama; that SALLY COOK is a resident of Mobile, Mobile County, Alabama, her address being 370 Gaston Street; that BURTON NELSON is a resident of Mobile, Mobile County, Alabama, his address being 403 Madison Street; that ELY JULY and ROSA BELLE WHARTY are residents of Mobile, Mobile County, Alabama, their addresses being Plateau; that WILLIE MAE CANNON is a non-resident of the State of Alabama, her address being Pensacola, Florida; that MCKINLEY NELSON is a non-resident of the State of Alabama, his address being 130 Chestnut Street, Chattanooga, Tennessee; that LEM SIMS is a non-resident of the State of Alabama, his address being unknown; that diligent search has been made to find out his address, but it cannot be ascertained; that all of said parties are over twenty-one years of age.
3. That your Complainant, DOMA ANN SMITH, owns an undivided $1/35$ interest; Ida Sals, Clanda Reese, Maria Fraser each own an undivided $1/5$ interest; Ely July and Rosa Belle Wharty each own an undivided $1/10$ interest; Sally Cook, Cuscie Nelson, Burton Nelson, McKinley Nelson and Lula Estelle Hampshire each own an undivided $1/35$ interest; and J. C. Cannon and Willie Mae Cannon each own an undivided $1/70$ interest in the following described property in Baldwin County, Alabama, to-wit:

The west half of the Southeast quarter of Section 22, Township 3 North, Range 3 East;

The Northeast quarter of the Northwest quarter of Section 27,
Township 3 North, Range 3 East;

that the said lands cannot be equitably divided or partitioned among the owners
thereof, without a sale thereof.

1. That your Complainant has been required to employ, and it is neces-
sary to have counsel prosecute this suit.

WHEREFORE, the premises considered, Complainant prays that your Honor
will, by proper process, make the said Maria Frazer, Clara Reese, Gusie Nelson,
Lula Estelle Hampshire, J. C. Cannon, Sally Cook, Burton Nelson, Ely July, Rosa
Belle Mahathy, Willie Mae Cannon, McKinley Nelson and Len Sims party respondents
to this Bill of Complaint, requiring them to plead, answer or demur to the same
within the time and under the penalties prescribed by law and the practice of this
Honorable Court.

Complainant further prays that upon a final hearing of this cause, your
Honor will make and enter an order and decree that the said lands cannot be equi-
tably divided or partitioned among the owners without a sale thereof; that such
further orders and decrees may be made and entered as may be necessary and proper
to effectuate a due sale, as provided by law, of the following described lands,
to-wit:

The West half of the Southeast quarter of Section 22, Township
3 North, Range 3 East;

The Northeast quarter of the Northwest quarter of Section 27,
Township 3 North, Range 3 East,

for division among the owners thereof: Dora Ann Smith, Maria Frazer, Clara Reese,
Gusie Nelson, Lula Estelle Hampshire, J. C. Cannon, Sally Cook, Burton Nelson,
Ely July, Rosa Belle Mahathy, Willie Mae Cannon, McKinley Nelson, and Len Sims;
that your Honor will ascertain and determine a reasonable attorney's fee to be
allowed to the Solicitors for the Complainant, to be taxed as a common charge on
all the interests and to be paid out of the proceeds of the sale;

That your Honor will give and grant unto the Complainant such other, fur-
ther, different or general relief as she may be in equity and good conscience en-
titled to receive, and as in duty bound she will ever pray.

Beckwith & Beckwith
Solicitors for Complainant.

NOTED: The Respondents and each of them and required to answer each and every
allegation contained in the foregoing Bill of Complaint, in paragraphs 1 to 4, in-
clusive, but not under oath, oath being hereby expressly waived.

Beckwith & Beckwith

STATE OF ALABAMA,
BALDWIN COUNTY.

Before me, the undersigned authority, in and for said County, in said State, personally appeared IRMA ANN SMITH, who is known to me and who having been by me first duly sworn, deposed and says, that she has read over and understands the facts set out in the foregoing complaint; that the facts set out are true to the best of her knowledge, information and belief.

Donald M. Smith

Sworn to and subscribed before me
this 27th day of August
1934.

W. Byron Jones
County Clerk, Baldwin County, Ala.

FILED IN COMMISSION

DO NOT WRITE

County Clerk

AS

NOTARY PUBLIC

Notary Public

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN REPLY

Filed Aug. 30, 1934

R. B. DUCK

Notary Public

Donald M. Smith
Balwin

THE BALDWIN LINE

AMERICAN INTERNATIONAL AIRWAYS CORPORATION

NEW YORK, N. Y. 10017

Will Nov. 29, 1955

P. O. DICK

clerk - register

James H. Thompson
Deputy

1/6 1
9.38

Detent ed - 99

THE STATE OF TEXAS

Filed February 17, 1939.

R. S. DUCK

clerk, - register

By Arthur S. Hanson
Deputy

AMANDA M. SMITH
PLAINTIFF
VS.
DORA ANN SMITH
DEFENDANT

That the within Bill was not a true and correct declaration and that the said
and that the said Bill was not a true and correct declaration and that the said
of said and the said Bill was not a true and correct declaration and that the said
of said and the said Bill was not a true and correct declaration and that the said

Bill not a true and correct declaration

As stated in the Bill of Complaint
to the Bill of Complaint
of the Bill of Complaint
of the Bill of Complaint

BILL OF COMPLAINT

DORA ANN SMITH,

Complainant,

VS.

MARIA FRAZER, ET AL.,

Respondents.

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

Filed Aug-30, 1938

R. S. DUCK
clerk - register
By *[Signature]*
Deputy

RECORDED

DEMURRER.

DORA ANN SMITH,

Complainant,

VS.

MARIA FRAZIER, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. _____.

*Filed March 8, 1939
R.S. Dorch, Register
By: Mullins Thompson, Deputy*

412
MOTION TO QUASH.

DORA ANN SMITH,

Complainant,

VS.

MARIA FRAZER, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 472.

Filed January 3, 1939

R. S. DUCK

clerk - register

By Wallace Hampton
Deputy

copy

Cleveland Ohio Glanda Reese,
Blacksher, Ala.

Serve On _____

Circuit Court of Baldwin County

IN EQUITY

2677-a.r. 405 Street

No. *472*

Summons

~~DORA ANN SMITH,~~
Complainant.

vs.

~~MARIA FRASER, ET AL.,~~
Respondents.

~~BERRY BAIL & BERRY,~~
Solicitor for Complainant

THE STATE OF ALABAMA,
Baldwin County

Received in office this _____

day of _____, 193_____

Sheriff.

Executed this _____ day of _____

193_____

by leaving a copy of the Summons with _____

Defendant

Sheriff

By _____

Deputy Sheriff

Recorded in Vol. _____ Page _____

original

Blaksher
Duck
7-588
Baldwin County

Serve On _____

**Circuit Court of Baldwin County
IN EQUITY**

No. 472

Summons

DORA ANN SMITH,
Complainant.

vs.

MARIA FRAZER, ET AL.,
Respondents.

BEEBE, HALL & BEEBE,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

10 B 900

**THE STATE OF ALABAMA,
Baldwin County**

Received in office this _____
day of _____, 193_____

Sheriff.

Executed this 27th day of
Sept, 1938

by leaving a copy of the Summons with
Maria Frazier
Gussie Kellson
J.C. Cannon
Gula Estelle Hamphre
Defendants

M.H. Wilkin
Sheriff

By *John R. Davis*
Deputy Sheriff

RECORDED *Duck*
8-

RESPONDENT'S DEMURRER

Dora Ann Smith,

Complainant,

vs.

Maria Frazer, et al.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Filed on this the 21 day of
October, 1938.

R. S. Duck, Register,
By: Sankler Thompson, Deputy-

~~Handwritten signature~~

Filed August 30, 1938

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

Respondents,
MARIA FRAZER, ET AL.,

VS.

Complainant,
DORA ANN SMITH,

BILL OF COMPLAINT

Duck
7-588-9

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

MARIA FRAZER, CIANDA REESE, CUSSIE KELSON, LULA ESTELLE HAMPSHIRE,
J. C. CANNON, SALLY COOK, BURTON KELSON, ELY JULY, ROSA BELLE
MAHATHY, WILLIE MAE CANNON, MCKINLEY KELSON, and LEM SIMS,

of _____ County, to be and appear before the Judge of the Circuit
Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of
Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

DORA ANN SMITH

against said MARIA FRAZER, CIANDA REESE, CUSSIE KELSON, LULA ESTELLE
HAMPSHIRE, J. C. CANNON, SALLY COOK, BURTON KELSON, ELY
JULY, ROSA BELLE MAHATHY, WILLIE MAE CANNON, MCKINLEY
KELSON, and LEM SIMS,

and further to do and perform what said Judge shall order and direct in that behalf. And this the
said Defendant shall in no wise omit, under penalty, etc. And we further command that you return
this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. Duck, Register of said Circuit Court, this 30th day of
August, 1938

BY: R. S. Duck, Register
W. S. Johnson Deputy-Register.

N. B. — Any party defendant is entitled to a copy of the bill upon application to the Register.

copy

MCKINLEY KELSON,

530 Chestnut St.,

Serve On Chattanooga, Tenn

**Circuit Court of Baldwin County
IN EQUITY**

No. 472

Summons

**DORA ANN SMITH,
Complainant.**

VS.

**MARIA PRAZER, ET AL.,
Respondents.**

**BEENE, HALL & DOWDY
Attorneys for Complainant**

**THE STATE OF ALABAMA,
Baldwin County**

Received in office this _____

day of _____, 193_____

Sheriff.

Executed this _____ day of _____

, 193_____

by leaving a copy of the Summons with _____

Defendant

Sheriff

By _____

Deputy Sheriff