

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

Comes your petitioner, ROYAL C. FROST, and humbly com-
plaining against SARAH E. BROWN, CARRIE E. HAVARD and ELIZANN FROST,
respectfully shows unto your Honor as follows:

FIRST:

That your petitioner is over the age of twenty-one years
and a resident of Baldwin County, Alabama; that the said Elizann
Frost and Sarah E. Brown are each over the age of twenty-one years
and residents of Baldwin County, Alabama; that Carrie E. Havard is
over the age of twenty-one years and a resident of Magazine, in
Mobile County, Alabama.

SECOND:

That on, to-wit, February 18, 1937, Joseph William Frost
departed this life at Perdido, in Baldwin County, Alabama, leaving
an estate consisting of real and personal property; that your peti-
tioner, the said Sarah E. Brown and Carrie E. Havard are the child-
ren and heirs of the said Joseph William Frost, deceased; that the
said Elizann Frost is the widow of the said Joseph William Frost,
deceased.

THIRD:

That on, to-wit, March 2nd, 1937, the said Sarah E. Brown
filed a petition in the Probate Court of Baldwin County, Alabama,
alleging that the said Joseph William Frost died leaving a last will
and testament attested by John Chason and Mary F. Green; that the
said Carrie E. Havard contested the said will, and on, to-wit, the
22nd day of September, 1938, an order was made by the Hon. G. W.
Robertson, Judge of Probate of Baldwin County, Alabama, admitting
the said instrument to probate and record as the last will and
testament of the said Joseph William Frost; that your petitioner
was not made a party to the original petition of the said Sarah E.
Brown to probate the said will and testament; that he was not made
a party to the contest of the said Carrie E. Havard; that he has at
no time been a party to the proceedings relating to the probate and

contest of probate of the said will and testament.

FOURTH:

Your petitioner further shows unto your Honor that the aforesaid instrument admitted to probate and record as the last will and testament of the said Joseph William Frost was not executed in the manner prescribed by law for the execution of wills.

FIFTH:

Your petitioner further shows that at the time the said will was made the said Joseph William Frost was not of sound mind.

SIXTH:

That at the time of the alleged execution of the said instrument purporting to be the last will and testament of the said Joseph William Frost, he was mentally incapable of making a last will and testament, he then being of unsound mind.

SEVENTH:

Your petitioner further shows unto your Honor that the said Joseph William Frost did not execute the said instrument purporting to be his last will and testament of his own free will and accord, but that if he signed the same, he signed the same under duress of the said Sarah E. Brown.

EIGHTH:

That the said instrument purporting to be the last will and testament of the said Joseph William Frost is not the last will and testament of the said Joseph William Frost, because the said Joseph William Frost did not execute the same voluntarily, but if he signed the same, he signed the same under duress and undue influence of the said Sarah E. Brown.

NINTH:

That the said instrument purporting to be the last will and testament of said Joseph William Frost, if signed by him, was signed at a time when he did not know the contents thereof and at a time when he was incapable of understanding the contents thereof, and at a time when his mind was so impaired that he was incapable of executing a valid last will and testament.

TENTH:

That the said instrument was not the last will and testament of the said Joseph William Frost, because if it was executed by him, it was executed while he was under the influence of the said Sarah E. Brown, who at the time of the execution of the said instrument had overpowered the will of the said Joseph William Frost and had substituted her will for that of the said Joseph William Frost, thus destroying the free agency of the said Joseph William Frost in the execution of the said instrument, and the execution of the said instrument was the result of the undue influence of the said Sarah E. Brown.

ELEVENTH:

Because the said instrument purporting to be the last will and testament of Joseph William Frost was not the last will and testament of the said Joseph William Frost, deceased.

TWELFTH:

That your petitioner was not left any property under the alleged will of the said Joseph William Frost and that the probate and record thereof, if not annulled, deprives your petitioner of his rightful share as an heir and distributee of the said Joseph William Frost.

WHEREFORE, your petitioner prays that the said Sarah E. Brown, Carrie E. Havard and Elizann Frost be made parties defendant to this petition and by appropriate process be required to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Your petitioner further prays that upon a hearing of the cause made by this petition, this Honorable Court will make and enter a decree setting aside and annulling the aforesaid instrument as the last will and testament of the said Joseph William Frost, deceased, and decree that the said Joseph William Frost, deceased, died intestate.

Your petitioner prays for such other or further relief as in equity and good conscience he shall be entitled to receive. And

your petitioner places himself wholly within the jurisdiction of this Honorable Court and offers to do and perform whatsoever this Honorable Court shall require of him in the premises.

Royal C Frost

Petitioner.

Respondents are required to answer each and every allegation of the foregoing petition, Paragraphs FIRST to TWELFTH inclusive, but not under oath, oath being hereby expressly waived.

Royal C Frost

Petitioner.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned, a Notary Public in and for said State and County, this day personally appeared Royal C. Frost, who being by me first duly sworn, deposes and says that he has read the foregoing petition against Sarah E. Brown et al., contesting the will of Joseph William Frost, and knows the contents thereof and that the matters alleged in said petition are true.

Royal C Frost

Sworn to and subscribed before me on this the 2d day of November, 1938.

Ida M. Turnbull
Notary Public, Baldwin County,
Alabama.

Complainant demands trial by Jury.

Burke Hall & Burke
Attorneys for Complainant.

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

SARAH E. BROWN, CARRIE E. HAVARD
and ELIZANN FROST,

of Baldwin & Mobile 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

ROYAL C. FROST

against said SARAH E. BROWN, CARRIE E. HAVARD AND ELIZANN FROST,

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 3rd day of November, 1938.

By: R. S. Duck, Register
Mallice Thompson Deputy.

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

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ROYAL C. FROST,

against said SARAH E. BROWN, CARRIE E. HAVARD and
ELIZANN FROST,

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 3rd day of November, 1938.

R. S. DUCK
clerk, - register

By: _____, Register
By: *Charles Thompson*, Deputy

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

ROYAL C. FROST,

Complainant,

-vs-

SARAH E. BROWN, CARRIE E.
HAVARD and ELIZANN FROST,

Respondents.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Now come the Respondents, Sarah E. Brown and Elizann Frost and file this, their demurrer to the Bill of Complaint in the aforesaid cause, and as grounds therefor, say:-

1st. That said Bill of Complaint does not contain equity.

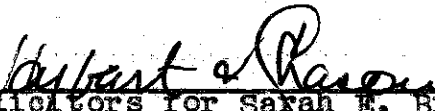
2nd. That it affirmatively appears that Carrie E. Havard is not a necessary party to this proceedings.

3rd. That from aught appearing, said contest instituted by the said Carrie E. Havard was decided adversely to her.

4th. That it affirmatively appears that said contest instituted by the said Carrie E. Havard was decided against her and that she has no interest to be served in this proceedings.

5th. That it affirmatively appears that the said Carrie E. Havard is not a necessary or proper party to this proceedings.

6th. From aught appearing in said Bill of Complaint the said Joseph William Frost by said Will bequeathed all of his worldly effects to the said Royal C. Frost.


Solicitors for Sarah E. Brown and
Elizann Frost.

CHANCERY EXECUTION

BILL OF COSTS

No. 499. Royal C. Frost, Vs. Sarah E. Brown, Carrie E. Howard & Elzann Frost, Plaintiff
Complainant Respondents Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$	30
Filing each bill and other papers	\$	10			
Issuing each subpoena		50			
Issuing each copy thereof		40			
Entering each return thereof		15			
For each order of publication	1	00			
Issuing writ of injunction	1	50			
For each copy thereof		50			
Entering each return thereof		15			
Issuing Writ of Attachment	1	00			
Entering each return thereof		15			
Docketing each case	1	00			
Entering each appearance		25			
Issuing each decree pro confesso on per. ser.	1	00			
Issuing each decree pro confesso on publica.	1	00			
Each order appointing guardian	1	00			
Any other order by Register		50			
Issuing commission to take testimony		50			
Receiving and filing		10			
Endorsing each package		10			
Entering order submitting cause		50			
Entering any other order of court		25			
Noting all testimony		50			
Abstract of cause, etc.	1	00			
Entering each decree		75			
For every 100 words over 500		15			
Taking account, etc.	3	00			
Taking testimony, etc.		15			
Each report, 500 words or less	2	50			
For every 100 words over 500		15			
Amount claimed less than \$500, etc.	2	00			
Issuing each subpoena		25			
Witness certificate, each		25			
Issuing execution, each		75			
Entering each return		15			
Taking and approving bond, each	1	00			
Making copy of bill, etc.		15			
Each notice not otherwise provided for		50			
Each certificate or affidavit, with seal		50			
Each certificate or affidavit, no seal		25			
Hearing and passing on application, etc.	3	00			
Each settlement with receiver, etc.	3	00			
Examining each voucher of Receiver, etc.		10			
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 ct.; all over \$100 and not exceeding \$1,000, 1 1-2 per ct: all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.					
Sub Total Carried Forward	3	30			
			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%.		
			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.		
			Each notice sent by mail to creditor	15	
			Filing, receiving for and docketing each claim, etc.	25	
			For all entries on subpoena docket, etc.	50	
			For all entries on commission docket, etc.	50	
			Making final record, per 100 words	15	200
			Certified copy of decree	100	
			Report of divorce to State Health Office (Acts 1915)	50	
			Total Fees of Register	5	30
			FEES OF SHERIFF		
			Serving and returning subpoena ^{within 3} on deft.	\$1	50
			Serving and returning subpoena for witness	65	
			Levying attachment	300	
			Entering and returning same	25	
			Selling property attached		
			Impaneling Jury	75	
			Executing writ of possession	250	
			Collecting execution for costs	150	150
			Serving and returning sci. fa., each	65	
			Serving and returning notice	65	
			Serving and returning writ of injunction	150	
			Serving and returning writ of exeat	150	
			Taking and approving bonds, each	75	
			Collecting money on execution		
			Making deed	250	
			Serving and returning application, etc.	100	
			Serving attachment, contempt of court	150	
			Total Fees of Sheriff	6	00
			RECAPITULATION		
			Register's Fees	5	30
			Sheriff's Fees	6	00
			Commissioner's Fees		
			Solicitor's Fees		
			Witness Fees		
			Guardian Ad Litem		
			Printer's Fees		
			Trial Tax	300	300
			Recording Decree in Probate Court		
			Total	\$14	30

The State of Alabama, { No. 499
Baldwin County. **Circuit Court, In Equity** November Term, 1940
 To Any Sheriff of the State of Alabama—GREETING:

You are hereby commanded, That of the goods and chattels, lands and tenements of Royal C. Frost Complainant
\$14.30 Defendant

you cause to be made the sum of _____ Dollars,
 which Dismissed by Complainant Plaintiff

recovered of Sarah E. Brown, Carrie E. Howard & Elzann Frost, Respondents
 on the 21 day of August 1940
 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 20 day of November 1940

R.S. Inck, Register.

220

No. 499

The State of Alabama,
Baldwin County.

Circuit Court, In Equity.

Regal E. Huest,
vs. Complainant

Sarah E. Brewer, Cassie E. Howard,
Elyam Trust, Respondents

CHANCERY EXECUTION
Fi. Fa.

\$ 14.30

Total \$ 14.30

Fee Book Comd. Page 499

Execution Docket " " Page " "

Buck + Hall

Complainant's Solicitor.

Received in Sheriff's Office

this 22 day of February 1940

W. R. STUART, Sheriff

The State of Alabama,
Baldwin County.

ha. duly waived right
to the exemption of personal property as to
the collection of the debt for which this execu-
tion is issued.

Register.

Received in office this 20

day of November 1940

Sheriff

Execution Docket Page

Returned this 20th day of
January 1941 to property of the
plaintiff found in Baldwin
County. W. R. Stuart Sheriff
By W. R. Stuart Sheriff

MOORE PRINTING CO., BAY MINNETTE, ALA.

The State of Alabama, }
Baldwin County.

By virtue of the within execution I have levied

Blank lines for recording levied property.

(original)

Mobile County

4/10/1938
Plattner
J. J. [Signature]

Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. 499

Summons

ROYAL C. FROST,

Complainant.

vs.

SARAH E. BROWN, ^{x4}CARRIE E.

HAVARD & ELIZANN FROST,

Respondents.

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 _____

by leaving a copy of the Summons with _____

Defendant.

Sheriff

By _____

Deputy Sheriff

Day of 24 Feb 1938

and on 24 Day of Nov 1938
I served a Copy of this Summons on Beebe & Hall

BY SERVICE ON _____

R. L. HOLCOMBE, Sr., Sheriff

[Signature]

(original)

Baldwin County

Serve On

Circuit Court of Baldwin County
IN EQUITY

No. 499

Summons

ROYAL G. FROST,

Complainant

vs.

SARAH E. BROWN, GARRIE E.

HAVARD & ELIZANN FROST,

Beebe, Hall & Beebe,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

Received in office this _____

day of _____, 1938

Sheriff.

Executed this 13th day of

December, 1938

by leaving a copy of the Summons with

Sarah E. Brown

Elizann Frost

Defendant

Sheriff

BY Mr. J. J. Perkins

B. B. Huens Deputy Sheriff