

LAW OFFICES
OF
W. BORDEN STRICKLAND
D. WAYNE CHILDRESS
201 N. CONCEPTION STREET
MOBILE, ALABAMA 36603
438-4788

September 8, 1972

Dear Miss Blackmon:

Please file this order of discharge in Case # 9472. The case comes up Monday, September 11.

Thank you.


D. Wayne Childress

DWC/el

KENNETH COOPER
ATTORNEY AT LAW
109 EAST 1ST STREET
BAY MINETTE, ALABAMA 36507
TELEPHONE 937-7412

March 6, 1972

C
Honorable Telfair J. Mashburn
Judge, Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama 36507

Re: Bolar vs. Yelling
Civil, Non-Jury
Case No. 9472

O
Dear Judge Mashburn:

Please withdraw my name as attorney for Cherry Yelling,
defendant in the above-styled cause.

P
Y
On March 20, 1971, Mrs. Yelling came to my office to
borrow the papers on this case. She said she would return
them in a few days. On May 17, 1971, I wrote Mrs. Yelling
concerning the case and inquired about the papers, and I
mailed a copy of the letter to plaintiff's attorney. On
May 18, 1971, plaintiff's attorney advised me that Borden
Strickland of Mobile was representing Mrs. Yelling in this
case.

Respectfully requested,

Kenneth Cooper
Kenneth Cooper

KC/mmbo

cc: ✓ Mrs. Eunice B. Blackmon
Clerk, Circuit Court

FILED

MAR 6 1972

EUNICE B. BLACKMON
CIRCUIT
CLERK

WV 0 225

LIVED

XC/1100

KENDALL DOUGLAS

необеспечить соответствие

9472 Case No. 710.

PROFOKTENI OF THE CASE WAS RECEIVED BY THE DEPARTMENT IN THE
MAY 10, 1941, BY THE DEPARTMENT OF THE DEPARTMENT OF THE DEPARTMENT
WENT TO A COPI OF THE LETTER TO THE DEPARTMENT OF THE DEPARTMENT
CONCERNING THE CASE AND THE DEPARTMENT OF THE DEPARTMENT OF THE DEPARTMENT
FROM IN A LETTER TO THE DEPARTMENT OF THE DEPARTMENT OF THE DEPARTMENT
FROM THE DEPARTMENT OF THE DEPARTMENT OF THE DEPARTMENT OF THE DEPARTMENT
ON MAY 10, 1941, THE DEPARTMENT OF THE DEPARTMENT OF THE DEPARTMENT OF THE DEPARTMENT

SECRETED TO THE SPONSORING AGENCIES

These studies in time or seasonal for small regions

Don't argue we appear:

CS2E HQ 0745

CHART NO. 9000

2015 APR 26 1973

1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030
2031
2032
2033
2034
2035
2036
2037
2038
2039
2040
2041
2042
2043
2044
2045
2046
2047
2048
2049
2050
2051
2052
2053
2054
2055
2056
2057
2058
2059
2060
2061
2062
2063
2064
2065
2066
2067
2068
2069
2070
2071
2072
2073
2074
2075
2076
2077
2078
2079
2080
2081
2082
2083
2084
2085
2086
2087
2088
2089
2090
2091
2092
2093
2094
2095
2096
2097
2098
2099
2100
2101
2102
2103
2104
2105
2106
2107
2108
2109
2110
2111
2112
2113
2114
2115
2116
2117
2118
2119
2120
2121
2122
2123
2124
2125
2126
2127
2128
2129
2130
2131
2132
2133
2134
2135
2136
2137
2138
2139
2140
2141
2142
2143
2144
2145
2146
2147
2148
2149
2150
2151
2152
2153
2154
2155
2156
2157
2158
2159
2160
2161
2162
2163
2164
2165
2166
2167
2168
2169
2170
2171
2172
2173
2174
2175
2176
2177
2178
2179
2180
2181
2182
2183
2184
2185
2186
2187
2188
2189
2190
2191
2192
2193
2194
2195
2196
2197
2198
2199
2200
2201
2202
2203
2204
2205
2206
2207
2208
2209
2210
2211
2212
2213
2214
2215
2216
2217
2218
2219
2220
2221
2222
2223
2224
2225
2226
2227
2228
2229
2230
2231
2232
2233
2234
2235
2236
2237
2238
2239
2240
2241
2242
2243
2244
2245
2246
2247
2248
2249
2250
2251
2252
2253
2254
2255
2256
2257
2258
2259
2260
2261
2262
2263
2264
2265
2266
2267
2268
2269
2270
2271
2272
2273
2274
2275
2276
2277
2278
2279
2280
2281
2282
2283
2284
2285
2286
2287
2288
2289
2290
2291
2292
2293
2294
2295
2296
2297
2298
2299
2300
2301
2302
2303
2304
2305
2306
2307
2308
2309
2310
2311
2312
2313
2314
2315
2316
2317
2318
2319
2320
2321
2322
2323
2324
2325
2326
2327
2328
2329
2330
2331
2332
2333
2334
2335
2336
2337
2338
2339
2340
2341
2342
2343
2344
2345
2346
2347
2348
2349
2350
2351
2352
2353
2354
2355
2356
2357
2358
2359
2360
2361
2362
2363
2364
2365
2366
2367
2368
2369
2370
2371
2372
2373
2374
2375
2376
2377
2378
2379
2380
2381
2382
2383
2384
2385
2386
2387
2388
2389
2390
2391
2392
2393
2394
2395
2396
2397
2398
2399
2400
2401
2402
2403
2404
2405
2406
2407
2408
2409
2410
2411
2412
2413
2414
2415
2416
2417
2418
2419
2420
2421
2422
2423
2424
2425
2426
2427
2428
2429
2430
2431
2432
2433
2434
2435
2436
2437
2438
2439
2440
2441
2442
2443
2444
2445
2446
2447
2448
2449
2450
2451
2452
2453
2454
2455
2456
2457
2458
2459
2460
2461
2462
2463
2464
2465
2466
2467
2468
2469
2470
2471
2472
2473
2474
2475
2476
2477
2478
2479
2480
2481
2482
2483
2484
2485
2486
2487
2488
2489
2490
2491
2492
2493
2494
2495
2496
2497
2498
2499
2500
2501
2502
2503
2504
2505
2506
2507
2508
2509
2510
2511
2512
2513
2514
2515
2516
2517
2518
2519
2520
2521
2522
2523
2524
2525
2526
2527
2528
2529
2530
2531
2532
2533
2534
2535
2536
2537
2538
2539
2540
2541
2542
2543
2544
2545
2546
2547
2548
2549
2550
2551
2552
2553
2554
2555
2556
2557
2558
2559
2560
2561
2562
2563
2564
2565
2566
2567
2568
2569
2570
2571
2572
2573
2574
2575
2576
2577
2578
2579
2580
2581
2582
2583
2584
2585
2586
2587
2588
2589
2590
2591
2592
2593
2594
2595
2596
2597
2598
2599
2600
2601
2602
2603
2604
2605
2606
2607
2608
2609
2610
2611
2612
2613
2614
2615
2616
2617
2618
2619
2620
2621
2622
2623
2624
2625
2626
2627
2628
2629
2630
2631
2632
2633
26

2000 01 25

TELEPHONE 931-4415

BYA WIVELLE' VTYBVAY 38202

109 EVAL 10.010000

7110542A V1 TWA

KEVIN L. COOPER

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Cherry Yelling to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the Complaint of George Bolar.

WITNESS my hand this 3rd day of Sept., 1970.

Alice J. Duck
Clerk

GEORGE BOLAR,

Plaintiff,

VS.

CHERRY YELLING,

Defendant.

)

)

)

)

)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9472

1.

The Plaintiff claims of the Defendant THREE THOUSAND DOLLARS (\$3,000.00) as damages for breach of a covenant in a deed dated the 11th day of February, 1967, wherein the Defendant conveyed to the Plaintiff the following described land, to-wit:

Beginning at the Northeast corner of the Southwest quarter of the Southwest quarter of Section 12, run East 10.03 chains to a stake; thence South 10.5 chains to a stake; thence West 10.03 chains to a stake; thence North 10.05 chains to the place of beginning, containing 10.08 acres. All in Township 5 South, of Range 2 East.

By said deed, the Defendant covenanted that she was seized in fee simple of the above described land. The Plaintiff avers that the Defendant was not lawfully seized in fee of the aforesaid land. That the property, on the date of said conveyance, was owned by Viola Tucker, Louis Yelling, Percy Yelling, Ernest Yelling, Alonzo Yelling, Mentoria Hopkins, Gladys Simmons and Sandra Jean Rogers.

The Plaintiff says further that, since the time he purchased this property, a Bill of Complaint was filed in the Circuit Court of Bald-

win County, Alabama, by some of the aforesaid owners and against Cherry Yelling, George Bolar, and others to clear up the title to the aforesaid land and to have the property sold for a division of the proceeds derived therefrom. This is case No. 10,210 on the Equity Side of the Docket. Plaintiff avers that, when the aforesaid case was called for a hearing, Cherry Yelling failed to appear and defend her title. That the Plaintiff, George Bolar, acting on the advice of his attorney, agreed to and obligated himself to pay the property owners the sum of \$2,600.00 in order to hold said land. Plaintiff avers further that, in addition to this cost, the Plaintiff was put to the expense of employing an attorney to represent him in the said Equity suit and to bring this suit.

Hence this suit.

WILTERS & BRANTLEY

BY: Robert M. Brantley
Attorney for Plaintiff

The Defendant lives in Bell County

FILED

SEP 3 1970

ALICE J. DUCK CLERK
REGISTER

[Faint, mostly illegible handwritten text, likely bleed-through from the reverse side of the document.]

Witters + Brantley

ALICE J. DUCK CLERK
REGISTER

SEP 3 1970

FILED

8-2694

us.
Cherry Yelling
Belzore

George Bolas

9472

no

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
by Brown DEPUTY SHERIFF

Received 4 day of Sept 19 70
and on 9 day of Sept 19 70
I served a copy of the within 84 C.
on Cherry Yelling
By service on _____

TAYLOR WILKINS, Sheriff
By 14 J. Brown D.S.
Belzore
50 miles

GEORGE BOLAR,	I	IN THE CIRCUIT COURT OF
Plaintiff,	I	BALDWIN COUNTY, ALABAMA
Vs.	I	AT LAW
CHERRY YELLING,	I	CASE NO. <u>9472</u>
Defendant.	I	

Comes now the Plaintiff in the above styled cause and amends his Complaint to read as follows:

1.

The Plaintiff claims of the Defendant \$ 3,500⁰⁰ as damages for breach of a covenant in a deed dated the 11th day of February, 1967, wherein the Defendant conveyed to the Plaintiff the following described land, to-wit:

Beginning at the Northeast corner of the Southwest quarter of the Southwest quarter of Section 12, run East 10.03 chains to a stake; thence South 10.5 chains to a stake; thence West 10.03 chains to a stake; thence North 10.05 chains to the place of beginning, containing 10.08 acres. All in Township 5 South, of Range 2 East.

By said deed, the Defendant covenanted that she was seized in fee simple of the above described land. The Plaintiff avers that the Defendant was not lawfully seized in fee of the aforesaid land. That the property, on the date of the said conveyance, was owned by Viola Tucker, Louis Yelling, Percy Yelling, Ernest Yelling, Alonzo Yelling, Mentoria Hopkins, Gladys Simmons and Sandra Jean Rogers.

The Plaintiff says further that, since the time he purchased this property, a Bill of Complaint was filed in the Circuit Court of Baldwin County, Alabama, by some of the aforesaid owners and against Cherry Yelling, George Bolar, and others to clear up the title to the aforesaid land and to have the property sold for a division of the proceeds derived therefrom. This is case No. 10,210 on the Equity Side of the Docket. Plaintiff avers that, when the aforesaid case was called for a hearing, Cherry Yelling failed to appear and defend her title.

That the Plaintiff paid the Defendant the sum of \$ 2500⁰⁰
for said land and has made valuable improvement on said property;
this cost him \$ 1000. The Plaintiff has been put to the
expense of employing an Attorney to defend the aforesaid Equity
suit and to bring this suit.

WILTERS & BRANTLEY

BY: J M Brantley

FILED

MAR 22 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

9472

113 J17

112 13 111

111 13 110

GEORGE BOLAR,

PLAINTIFF,

VS.

CHERRY YELLING,

DEFENDANT.

¶

¶

¶

¶

¶

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NUMBER. 9472

D E M U R R E R

Comes now your Respondent in above-styled cause, and demurs to the complaint heretofore filed in this cause, and assigns as grounds therefor the following, to each and every count thereof separately and severally, to-wit:

1. The Complaint is vague.
2. The Complaint is uncertain.
3. The Complaint fails to state a legal cause of action.
4. For aught that appear the plaintiff cannot maintain this cause of action.
5. For aught that appears, Plaintiff obligated himself to pay the \$2,600.00 without any liability on the part of Defendant in this cause.
6. For aught that appears Plaintiff was under no legal liability to pay the \$2,600.00.


ATTORNEY FOR DEFENDANT

I certify that I have mailed a copy of the foregoing DEMURRER to Hon. Tolbert M. Brantley, Bay Minette, Alabama, 36507, by depositing the same in United States Mail, postage prepaid, at Bay Minette, Alabama, on this 22 day of September, 1970.


ATTORNEY FOR DEFENDANT

FILED

VOL

69

PAGE 628

SEP 22 1970

ALICE J. DUCK

CLERK
REGISTER

Defendant

CASE NO. 9,472

2. Not guilty.

Kenneth Soper
ATTORNEY FOR DEFENDANT

Kenneth C. Cook
ATTORNEY FOR DEFENDANT

VOL 69 PAGE 627

9492

United States District Court

for the SOUTHERN District of ALABAMA

FILED

SEP 11 1972

IN THE MATTER OF

CHERRY YELLING

Bankrupt.

IN BANKRUPTCY

NO. 31,918

EUNICE B. BLACKMON CIRCUIT CLERK

ORDER OF
DISCHARGE OF BANKRUPT

It appearing that the person named above was duly adjudged a bankrupt on a petition filed on September 17, 1971, and that no objection to the discharge of the bankrupt was filed within the time fixed by the court [~~or that objections to the discharge of the bankrupt were filed and, after due notice and hearing, were not sustained~~]; it is ordered that

1. the above-named bankrupt is released from all dischargeable debts;
2. any judgment heretofore or hereafter obtained in any court other than this court is null and void as a determination of the personal liability of the bankrupt with respect to any of the following:
 - (a) debts not excepted from the discharge under § 17a or § 17b of the Bankruptcy Act;
 - (b) debts discharged under § 17c(2) of the Bankruptcy Act; and
 - (c) debts determined to be discharged under § 17c(3) of the Bankruptcy Act; and
3. all creditors whose debts are discharged by this order are enjoined from instituting or continuing any action or employing any process to collect such debts as personal liabilities of the bankrupt above named.

Dated: December 16th, 1971

Referee in Bankruptcy

Copy to: Cherry Yelling, Bankrupt

D. Wayne Childress, Bankrupt's attorney

CERTIFIED A TRUE COPY

WILLIAM J. O'CONNOR, CLERK

By

Deputy Clerk

Certified copies of the Order of Discharge may be obtained from the Referee in Bankruptcy or, if case is closed, from the Clerk of Court for registration in other districts.

GEORGE BOLAR,
Plaintiff,

Vs:

CHERRY YELLING,
Defendant.

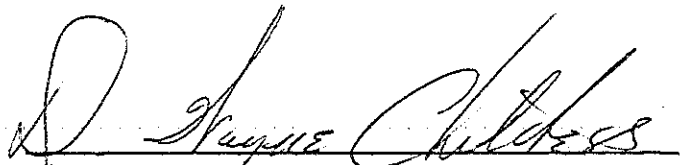
* IN THE CIRCUIT COURT OF
* BALDWIN COUNTY, ALABAMA
* AT LAW
*
* CASE No. 9,472
*

MOTION TO STAY

Comes now, D. Wayne Childress, as Attorney for Cherry Yelling, Defendant in the above styled cause, and shown unto this Honorable Court as follows:

That on, to-wit: the 13th day of September, 1971 the Defendant filed a petition in Bankruptcy, in the District Court of the United States for the Southern District, Southern Division, State of Alabama, and that her wages and property, both presently and in the future are under the jurisdiction and control of the said District Court.

WHEREFORE, said Defendant moves this Honorable Court to stay and hold in abeyance all further proceedings in this matter.



D. WAYNE CHILDRESS,
Attorney for Defendant

Plaintiffs Attorney:

Tolbert M. Brantley
P.O. Box 968
Bay Minette, Alabama 36507

*I certify that I have personally
served a copy of this pleading
on Counsel for plaintiff on this
the 14th day of September 1971.*

D. Wayne Childress
Attorney for defendant.

Filed 9-14-71

Ernie B. Blackmon
Clerk

1150

FILED

MAR 11 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

GEORGE BOLAR,)	
)	
Complainant,)	IN THE
)	
VS.)	CIRCUIT COURT OF BALDWIN COUNTY,
)	
CHERRY YELLING,)	ALABAMA. XXXXXXXXXX
)	
Respondent.)	NO. 9472
)	

GEORGE BOLAR, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Brantley.

Q. Is this George Bolar?

A. Yes sir.

Q. George did you buy 10 acres of land from Cherry Yelling on the 11th day of February, 1967?

A. Yes sir.

MR. BRANTLEY: I offer in evidence a photostatic copy of the deed of conveyance from Cherry Yelling to George Bolar, dated February 11, 1967, and recorded in the Probate Office of Baldwin County, Alabama, in Deed Book 373 at page 360, as Complainant's Exhibit 1.

Q. Now George after you bought this property did you go in to possession of it? - - Did you take over the land after you bought it?

A. Yes sir, I had been renting it before I bought it.

Q. At the time you bought it you thought that it belonged to Cherry Yelling?

A. Yes sir; Mr. Duck in Fairhope, he told me it was mine. he made the deed.

Q. Did you improve this property in any way after you bought it?

A. Yes sir.

Q. What did you do to it?

A. I had a bulldozer to push all of the trees around it and pushed up the fence rows and got it cleared up and I hired

my brother to go build a new fence.

Q. What did all of this cost you?

A. The bulldozer was a little over \$500.00.

Q. The fencing?

A. My brother charged \$500.00 for the fencing.

Q. Were you sued in this same court for this piece of land and the case was heard last week?

A. It has been a little longer; I wasn't in Court, but they brung it up in Court a little while back - six or seven months ago, but I wasn't in Court.

Q. Now did you know Lewis Yelling, the old man?

A. Yes sir.

Q. Are these Lewis' children: Laura, Orrie, Dorsey, Viola, Lucy, Alphonse, Percy, Ernest, Metoria Hopkins and Sadie Racine?

A. Yes sir.

Q. Is sadie dead?

A. Yes sir.

Q. She had two children?

A. I didn't know her children but I knowed she is dead.

Q. All right, is Orrie dead?

A. Yes sir.

Q. Is Dorsey dead?

A. Yes sir.

Q. Is Dorsey's wife Cherry Yelling?

A. Yes sir, he was Cherry's husband.

Q. Do you know when Dorsey died?

A. I believe it was in 1956.

Q. Let me ask you this: You farmed this land for how long?

A. I farmed it about six years before Mr. Dorsey died; around six years and I paid Mr. Dorsey rent for it.

Q. Now is there a house on this property?

A. One but it is no good; just a old house.

Q. Did Viola Tucker live on this land?

A. Yes sir.

Q. She was one of the children of Lewis Yelling?

A. Yes sir.

Q. Do you know how long she lived on this place?

A. As far as I remember looks like two or three years she lived on it.

Q. About when did she move off the property, do you know?

A. Well it has been 1953 or 1954.

Q. After she moved off who went in possession?

A. The old house wasn't any good - - Orrie lived in it.

Q. How long did Orrie live in the house?

A. He didn't live the e too long.

Q. A couple of years?

A. Yes sir.

Q. Dorsey was not in possession of the land at that time?

A. Yes sir, I was renting from him ever since I known the land; I was renting it; I used to make my road through there and I rented from Dorsey Yelling then.

Q. Of course, you don't know the outcome of this other law suit?

A. No sir.

Q. Now did you - - How much did you pay for this 10 acres of land?

A. \$2500.00.

Q. Did you bring a copy of the check here today?

A. No sir, I paid cash money but Mr. Duck gave me a receipt.

Q. Did you bring the receipt with you?

A. I couldn't see, Lawyer; I can't see - -

Q. But you did pay her \$2500.00 in cash in Mr. Duck's office?

A. Yes sir.

Q. At the time you got the deed?

A. Yes sir, and Mr. Duck gave me the receipt and I asked him was the land in shape and could I buy it and he told me yes.

Q. As far as you were concerned when Cherry sold youthis land she owned it?

A. Yes sir; that is what she told me that she owned it.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED AS FOLLOWS:

Examination by Mr. Cooper.

Q. George, at the time you bought the land from Cherry in 1967 I believe you said that you were down at Mr. Duck's office, is that right?

A. Yes sir.

Q. In Fairhope?

A. Yes sir.

Q. Now at that time her husband, Dorsey, had been dead about a year or so, is that correct?

A. Yes sir, he had been dead close to a year?

A. Yes sir-

Q. I believe you told Mr. Brantley that you had been renting the land from Mr. Dorsey for a long time before you bought it, is that right?

A. Yes sir, I rented it four or five years before I bought it.

Q. Now before Dorsey started renting it - renting the land to you, who had possession of it?

A. I don't know.

Q. You don't have any idea?

A. All I know the Yellings; it was the Yelling's land is all I know.

Q. It was the Yelling estate land?

A. Yes sir.

Q. You knew where the land was but not who had the ownership?

A. Mr. Dorsey said it was his land; he said Mr. Jim Folsom gave him a deed to it.

Q. Mr. Jim Folsom?

A. Yes sir; he said the other let it go back for taxes.

Q. Did Dorsey tell you that he had bought a tax deed signed by Mr. Jim Folsom in January 1955? - - Does that sound about right?

A. Something like that; he didn't tell me exactly what date.

Q. But he told you that Mr. Jim Folsom gave you a deed to it?

MR. BRANTLEY: I object; the deed is the best evidence.

THE COURT: I don't see what that has to do with it.

Q. In Mr. Duck office you gave Cherry \$2500.00 in cash, I believe you said?

A. Yes sir. I gave her a hot worth \$50.00 and at another time I had given her \$200.00 before that.

Q. How long had you been talking to Cherry about this land when you went to Mr. Duck's office?

A. Probably - - Well I talked to Dorsey before he died.

Q. In otherwords you made the arrangements with Dorsey before he died that you were going to buy it?

A. Yes sir.

Q. After he died Cherry went through with the agreement?

A. Yes sir.

Q. Did Cherry tell you or did you know at the time when you were in Mr. Duck's office that there was an estate proceeding in the Probate Office that Dorsey had left a will leaving his property to Cherry. Did she tell you about that?

A. Yes sir.

Q Did she tell you that her husband had left everything that he owned to her?

A. Yes sir.

Q. And you knew that when you gave her the \$2500.00?

A. Yes sir, that is what she told me; I didn't really know.

Q. Now was there anything said in the conversation in Mr. Duck's office at the time you gave her the \$2500.00 about this will that her husband had left giving her everything?

A. No sir; didn't bring it up in the office.

Q. Did you ever discuss it with Mr. John Duck?

A. After I gave her the money about three or four weeks or maybe longer than that Ernest Yelling came up and told me it was their land, and I went to Cherry the same day after Ernest told me.

Q. What did Cherry tell you?

A. That it was her land and I asked her to make Ernest leave her house.

Q. Was Ernest with you when you went to talk to Cherry?

A. He was in his car and I in mine.

Q. Drove - you drove to her house together?

A. Yes sir.

Q. Did Cherry tell you at that time how she got title?

A. She said Mr. Folsom gave her husband a deed; that they let the tax go and that the taxes had ate it up and she had a deed and she had a right to sell it to who she wanted to, so I went back to Mr. Duck and I asked Mr. Duck about it; I said: "Mr. Duck, seems like that land you sold me, them people has come back - -" and he said: "That is your land, George; you have paid for it; you have a title to it and you tell them to stay off" and I went back to Cherry and ^{she} said it was my land.

Q. It was after that that you heard there was a dispute and that is when the other law suit arose?

A. Yes sir.

Q. You said that you paid \$500.00 to have the bulldozing done?

A. Yessir.

Q. Who did you hire to do that?

A. I got Mr. Rabon at Fairhope; he done part of it and Mr - - at that time I had done about \$1200.00 worth of bulldozing but not all on that land; Mr. Rabon done part and Mr. Wallace at Fairhope done part.

Q. The fencing, you said you estimated the fence cost you about \$500.00 to put up, is that right?

A. Yes sir.

Q. How much fencing did you put up for the \$500.00?

A. Well - -

Q. - - - A quarter of a mile or a half mile? - - Did you fence the whole piece of land?

A. All but one side and patched that; I got my brother to do it and I gave him \$500.00 to have the fence done for me.

Q. He furnished the wire and put in new posts and cleared it off and done all of it?

A. Yes sir, and I gave him \$500.00.

Q. One other question: Did you know Lewis Yelling, the father of Dorsey before he died?

A. Yes sir.

Q. When you bought the land did you know that Lewis Yelling had formerly owned the land before Dorsey got it?

A. Yes I knowed that he owned it.

Q. You knew that it was estate property?

A. I knew it was - - or I thought it was any way.

MR. BRANTLEY: We will stipulate that George's wife, Bertha Bollar, will give the same testimony, substantially, as George.

THE COURT: All right.

MR. BRANTLEY: I understand that Mr. Cooper has another witness that he wants to testify and we will continue it until that time.

MR. COOPER: We will just wait about putting on any testimony and put all of our witnesses on at the same time.

C E R T I F I C A T E

I hereby certify that the foregoing is a true and correct transcript of the testimony as taken by me, in open Court, on the 11th day of March, 1971.

Louise Dusenbury
Court Reporter

Com Exp 1

WARRANTY DEED

STATE OF ALABAMA
COUNTY OF BALDWIN

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to me in hand paid by GEORGE BOLAR, hereinafter referred to as GRANTEE, the receipt whereof is hereby acknowledged, I, CHERRY YELLING, a Widow, hereinafter referred to as GRANTOR, do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Grantee, the following described land, situated in Baldwin County, Alabama, to-wit:

STATE OF ALABAMA
BALDWIN COUNTY

I certify that this instrument was filed
and the following fee collected on

FEB 24 1967

and \$1.00 was collected
Doc 323
Page 323
Notary Public

Beginning at the Northeast corner of the Southwest Quarter of the Southwest Quarter of Section 12, Township 5 South, Range 2 East, Baldwin County, Alabama, run thence East 661.3 feet to an iron pipe; thence South 00 degrees 10 minutes East 647.8 feet to an iron pipe; thence South 88 degrees 39 minutes West 663.4 feet to an iron pipe; thence North 663.8 feet to the Point of Beginning, containing 10.2 acres.

TO HAVE AND TO HOLD unto the said Grantee, his heirs and assigns forever.

And I do covenant with the said Grantee, that I am seized in fee simple of the above described premises; that I have the right to sell and convey the same; that the said premises are free from all encumbrances; that I will and my heirs, executors and administrators shall forever warrant and defend the same to the said Grantee, his heirs and assigns against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the

11th day of February, 1967.

Cherry Yelling
CHERRY YELLING

STATE OF ALABAMA
BALDWIN COUNTY

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that CHERRY YELLING, A widow, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of said conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 11th day of February, 1967.

Lucia Higbee
NOTARY PUBLIC

373 REC 360

STATE OF ALABAMA
Baldwin County

PROBATE COURT

I, HARRY D'OLIVE, Judge of Probate Court in and for said State and County, hereby
certify that the within and foregoing One pages
contain a full, true and complete copy of the Deed from Yelling to Bolar as recorded
in Deed Book 373, Page 360.

as the same appears of record in my office.

Given under my hand and seal of office, this 2nd day of March, 19 71

Harry D'Olive
Judge of Probate
By Robert T. Baker
CHIEF CLERK

9472 /

Testimony taken this
morning to go in
file

Moore Printing Company

Commercial Printing

Office Supplies

Legal Forms

Telephone 937-7171

P. O. Box 36

Bay Minette, Alabama

9379