

ARTHUR A. HOLK, JR., as  
Executor named in the  
purported Last Will and  
Testament of ELLA VIRGINIA  
DEVINE,

Plaintiff,

vs.

ADA LEONA DEVINE SPEED,

Defendant.

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 9731

The Plaintiff and Defendant in this cause, acting by and through their respective attorneys, having agreed that the issues to be determined by the Court and by the jury on the trial of this cause are those shown below, the Court does hereby specify that the issues to be settled at the trial of this cause are as follows:

1. Was the Decedent, Ella Virginia Devine, mentally incompetent to make and execute a Will on August 13, 1964?

2. Did the Decedent, Ella Virginia Devine, have testamentary capacity on August 13, 1964?

3. Was the instrument dated August 13, 1964 which was offered for probate in this cause as the Last Will and Testament of Ella Virginia Devine procured through undue influence exercised upon her by H. C. Devine, Jr.?

Dated this 17<sup>th</sup> day of January, 1972.

Filed; January 17, 1972.

*Jeffery J. Maslowski*  
Judge.

*Jeffery J. Maslowski*  
Circuit Judge

We, the Jury, find the  
issues in favor of the  
Proponents.

Joseph H. Gallagher  
Foreman

1. De Gaaf, Elizabeth M., Housewife, 167 White Av. Fairhope, Ala. *P6*
2. Roberts, Willie Mae, Housewife, 202 Bouler Av., Bay Minette *C9*
3. Vorel, Frank, Fairhope Photo Shop, Rt. Silverhill, Fairhope *P1*
4. Vick, Rigell, Frmn. REA 600 W. 7th St. Bay Minette, Robertsdale *P9*
5. Hall, Carol R., Mr., Asst Analyst PNAS, 203 Gaston Av. Fairhop, Pensacola, Fla.
6. Hall, David E., Elect Scott Paper Co., 12 Fels Av. Fairhope, Mobile
7. Hall, Rita M., Housewife, 12 Fels Av. Fairhope
8. Housewman, Katherine C., Housewife, 301 Cedar St., Bay Minette *C8*
9. Jeffery, Wm., A., Asst Cashier Merch. Natl Bk. 607 Spanish Main St. Spanish Fort, Mobile *C3*
10. Joyner, Bunk, Ala. Dry Dock, 306 George St., Fairhope, Mobile *P7*
11. Joyner, J. E., Retired, 306 Equity St. Fairhope *C11*
12. Strickland, D. Marvin, Supv. St. Hwy Dept. 1804 Collier Av. Bay Minette *C4*
13. Long, Robert Supvr. City Utilities, 483 Dogwood Av. Fairhope *C10*
14. Lowell, Quina O., Housewife, 166 Pier St. Fairhope
15. Maradik, Paul Rudolph, Custdn VFW., 102 N. Bancroft St. Fairhope *P2*
16. McGallagher, Joseph H., ofc. Worker, Sea Cliff Dr., Fairhope, Mobile
17. Moore, Otto W., Farmer, Marlow Rd. RFD., Fairhope *C12*
18. Neal, K. L., Retired, 848 N. Greeno Rd. Fairhope
19. Presley, Faye C., Bkpr Bald Co. Bank, 100 W. 8th St. Bay Minette *P11*
20. Petty, John, Eng. Shell Chem., 512 Spanish Main, Spanish Fort
21. Coleman, John D., City Employee, 108 N. Section St., Fairhope
22. Corley, Alex B., Ofc. NAS, 601 Elaine Av., Bay Minette, Pensacola, Fla. *C1*
23. Corley, Casteva, Ofc. NAS., 1601 Elaine Av., Bay Minette, Pensacola *C2*
24. Del Homme, Selwyn A., Expéditer Int. Paper Co. 161 Fig St. Fairhope
25. De Miller, Walter E., Chem, Eng. Scott Paper Co. 931 Sea Cliff Dr. Fairhope, Mobile
26. Martha M. Earle, Blacksher
27. Flowers, W. D., Logger, 1907 McMillan Av. Bay Minette *C7*
28. Ganey, Silas, Jr., Mech. Monsanto, 301 Vine St. Bay Minette, Pensacola, Fla. *P5*
29. Adkins, Ira C., Linesman City of F'hope 4 Laraway La. Fairhope *P10*
30. Allen, Harrington, Grand Hotel (Waiter), P.O. Box 387, Battles Wharf, Point Clear
31. Antinerella, Mike, Mtr. Co. 509 Fairhope, Av. Fairhope *P4*
32. Barr, Ruth, Housewife, Stuart St., Daphne, Ala. *P8*
33. Biggs, Harold S., Agt. Farm Bureau Ins., 252 N. Ingleside Av. Fairhope *C5*
34. Brill, Jimmy Electrician Town of R'dale, Robertsdale, Robertsdale *C6*
35. Brown, Cardell W., Purch. Agt. Standard Furn. Rt. 1 Box 261 Daphne, Bay Minette
36. Richerson, La Velle J., Controller Int. Paper Co. 125 Fairway Dr. Daphne, Mobile, *P3*

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R XXXXX XXXXX X1 - 12 contestant C. S. + C  
P XXXXX XXXXX X 11 K. Coopers Proponent

# 9731

ARTHUR A. HOLK, JR., as  
Executor Named in the  
Purported Last Will and  
Testament of Ella  
Virginia Devine,

Proponent

-VS-

ADA LEONA DEVINE SPEED,

Contestant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9,731

### JUDGMENT ON WILL CONTEST

On the seventeenth day of January, 1972, came the parties and their attorneys and issue having been joined between the parties, thereupon came a jury of good and lawful men, to wit: Joseph H. McGallagher and eleven others who, on the eighteenth day of January, 1972, being duly impaneled and sworn according to law, upon their oath do say: "We the jury find the issues in favor of the proponents," /s/ Joseph H. McGallagher, Foreman. Said will being dated August 13, 1964, and having been propounded for probate in the Probate Court of Baldwin County, Alabama, on the thirtieth day of October, 1970, and the said jury and Court finding said last will and testament to be valid. It is, therefore

CONSIDERED, ORDERED and ADJUDGED by the Court:

1. That the instrument in writing dated August 13, 1964, and propounded for probate by proponent, Arthur A. Holk, Jr., is the valid last will and testament of Ella Virginia Devine, Deceased.

2. That the proponent have and recover of the contestant the costs in this behalf expended, for all of which let execution issue.

3. That the Clerk of this Court shall forthwith certify this judgment in such proceeding together with all the papers and documents, including the original will, heretofore certified to this Court by the Probate Court of Baldwin County, Alabama, back

to the Probate Court from which they were first certified, in all respects as required by Code of 1940, Title 61, Section 63, as Amended.

Dated this 4<sup>th</sup> day of ~~January~~<sup>February</sup>, 1972.

J. J. Fair A. Maske  
CIRCUIT JUDGE

FILED

FEB 17 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

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