

VERNOL R. JANSEN
LAWYER
301-3 MASONIC TEMPLE BUILDING
MOBILE, ALA.

February 25, 1939

Register in Chancery
Bay Minette,
Alabama

Dear Sir:

Please file the enclosed complaint. Mr. Chason can tell you the residence of Mr. McIlvaine and the sheriff in Mobile County can serve subpoenas on Dorgan and Williams.

Very truly yours,

Vernol R. Jansen
per.

VRJ/dw

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 ROBERT L. McILVAINE,

433 South 21st St., Richmond, Ind.
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

GEORGE C. MEYER,

against said ROBERT L. McILVAINE, E. O. DORGAN and A. W. WILLIAMS,

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 27th day of

February, 193 9.

R. S. DUCK
clerk, - register

By _____, Register
Deputy

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

GEORGE C. MEYER,)
Complaint)
Vs.)
E. O DORGAN, A. W.)
WILLIAMS, and)
ROBERT L. McILVAINE,)
Respondents)

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

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, SITTING IN EQUITY;

Your complainant, George C. Meyer, a resident of Mobile
and Baldwin County, Alabama, over the age of 21 years, files this
his bill of complaint against Robert L. McIlvaine, E. O. Dorgan,
and A. W. Williams, all residents of the State of Alabama and over
the age of 21 years, and respectfully represents unto the Court as
follows:

1. Your complainant by divers and conveyances acquired an
undivided six-sevenths (6/7) interest in an undivided five-sixths (5/6)
interest in the following described land in Baldwin County, Alabama,
viz:

Lot number two of the Ward-Bordin Grant, being Section five
of Township eight south, of Range two east, according to a plat in
Deed Book or Record Book X, page 108 of the Probate records of
Baldwin County, Alabama.

2. Complainant further alleges that William Weekes was the
owner of said property at the time of his death about 1871, that he
he left a will duly probated in Baldwin County, Alabama, whereby he
devised this property with other property to his children for their
life with a remainder to his grandchildren. William Weekes had
seven children surviving him, two dying without issue. The life
tenants died at various times, namely; Simon Weekes died intestate
leaving surviving him Charles Weekes, Mamie Weekes, and Camilla
Weekes, Delephine Bernard died leaving Ulysses, Milton, George, Edgar,
and Delephine were children surviving her. George Weekes died
leaving Mabel Ponse, Estella Weekes, Alice LaFarg, Francis, Robert,
Michael and Cornelius and the sons and daughters of deceased children.
Oscar died before his father, William, leaving a son, Aristide Weekes.
D. W. Weekes died leaving Douglas, Rudolph, William Clarissa, Laura,
Nettie, Agnes, Joseph D., Irene, Adelaide, Clotilda and Corine, some
of whom are dead leaving various heirs.

3. Complainant further shows that said land is un-improved

and unfenced, that the possession of same has been a scrambling possession without actual occupancy of any of the above named heirs, that your complainant has acquired the remainder interest owned by the grandchildren of William Weekes by the conveyances above referred to except the interest of the life tenant and some of her children.

4. Complainant further shows that respondent, Robert L. McIlvaine, acquired the interest of some, or all of the children of Delephine Bernard, and acquired the life tenancy of said Delephine Bernard, and that he has assessed and paid taxes on said property as has the complainant in this case since about the year 1926.


5. Complainant further shows that said Robert L. McIlvaine conveyed a part of this property, or all of it, except a lot fronting one hundred (100') feet on the water front and extending five hundred (500') feet in the northeast corner of said lot two, that said conveyance purported to convey the entire fee simple title, and was made to the respondent, E. O. Dorgan, on to-wit, the fifteenth day of February, 1939, and respondent Dorgan conveyed by mortgage to respondent, A. W. Williams, the property described in the conveyances from Robert L. McIlvaine to E. O. Dorgan.

6. Complainant further alleges that said property fronts on the waters of, or adjoining Mobile Bay or Weekes Bay, that said property is chiefly valuable for development for summer homes and that same cannot be equitably divided among the several owners in the several distributed portions owned by each.

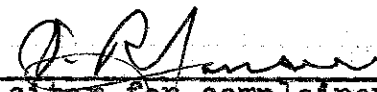
Complainant prays that the process of this Honorable Court will issue to the respondents above named requiring them to answer this bill of complaint within the time required by law, or on their failure to answer same, a decree pro confesso be entered against them, that the respondents be required to submit themselves to the jurisdiction of this Court and then decree hearing as prayed for.

Complainant further prays that on a hearing of this cause this Honorable Court will construe the will of William Weekes and decree the title in fee to be vested in the grandchildren of William Weekes as of the death of the life tenants according to their representation at that date, that a decree be entered determining the undivided interest owned by each of the parties to this cause and an

order of sale for division be made ordering said property to be sold at public out-cry, the proceeds of said sale to be divided according to the several undivided interests of parties to this cause and such other other and further differences, orders, decrees, and judgments be made as may be necessary to determine the interest of each party and to effectually divide said property, or the proceeds among the several owners as to this Court may seem meet, that an allowance for solicitor's fees be determined to be taxed as a cost of this proceeding, all parties to same being benefitted by the service of the solicitor for the complainant.


Solicitor for complainant.

The respondents are required to answer each and every allegation of the foregoing bill of complaint, but not under oath answer under oath being expressly waived.


Solicitor for complainant.

CHANCERY EXECUTION

BILL OF COSTS

No. 529 Geo C Meyer vs. E O Sawyer Plaintiff
Cal Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward	Total
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 publication.....	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		
Exam'ing each voucher of Receiver, etc.....		10		
Examining each answer, etc.....	3	00		
Recording resignation, etc.....		75		
Entering each cert. 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, 1½ per ct.; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, ¼ of 1 per ct.				
Sub Total Carried Forward.....				
			Brought Forward.....	285
			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, receipting 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
			Certified copy of decree.....	1 00
			Report of divorce to State Health Office.....	50
			(Acts 1915)	
			Total Fees of Register.....	485
			FEES OF SHERIFF	
			Serving and returning subpoena on deft.	\$ 1 50
			Serving and returning subpoena for witness.....	65
			Levying attachment.....	3 00
			Entering and returning same.....	25
			Selling property attached.....	
			Impaneling Jury.....	75
			Executing writ of possession.....	2 50
			Collecting execution for costs.....	1 50
			Serving and returning sci. fa., each.....	65
			Serving and returning notice.....	65
			Serving and returning writ of injunction.....	1 50
			Serving and returning writ of exeat.....	1 50
			Taking and approving bonds, each.....	75
			Collecting money on execution.....	
			Making deed.....	2 50
			Serving and returning application, etc.....	1 00
			Serving attachment, contempt of court.....	1 50
			Total Fees of Sheriff.....	300
			RECAPITULATION	
			Register's Fees.....	485
			Sheriff's Fees.....	300
			Commissioner's Fees.....	
			Solicitor's Fees.....	
			Witness Fees.....	
			Guardian Ad Litem.....	
			Printer's Fees.....	
			Trial Tax.....	3 00
			Recording Decree in Probate Court.....	
			Total.....	1085

The State of Alabama, } No. _____
 Baldwin County. } Circuit Court, In Equity _____ Term, 194 _____

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

_____ Defendant.....

you cause to be made the sum of _____ Dollars,

which _____ Plaintiff.....

recovered of _____ on the _____ day of _____ 194 _____

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 _____ 194 _____ to date of collection.

Witness my hand, this _____ day of _____ 194 _____

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 E. O. DORGAN, A. W. WILLIAMS,

of 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

GEORGE C. MEYER,

against said E. O. DORGAN, A. W. WILLIAMS, and ROBERT L. McILVAINE,

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 27th day of February, 1939.

R. S. DUCK
clerk, - register

By [Signature], Register
Deputy

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

STATE OF ALABAMA,
BALDWIN COUNTY.

I, R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that I have, this day, mailed a copy of the within Summons, together with copy of Bill of Complaint filed in this cause, to the Respondent, Robert L. McIlvaine, at the address given within, by registered mail, postage prepaid, with return receipt requested, and marked for deliver only to the person to whom addressed.

This 28th day of February, 1939.

R. S. DUCK, Register.

By: *Harold Thompson*
Deputy Register.

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

Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. _____

229
Summons

GEORGE C. MEYER,

Complainant.

vs.

E. O. DORGAN, A. W. WILLIAMS,
and ROBERT L. McILVAINE,

Respondents.

VERMIL R. SHELTON for Complainant

Recorded in Vol. _____ Page _____

Bill of Complaint

RECORDED

Filed February 27, 1939

E. G. DUCK

clerk, - register

By Andrew Chapman

Deputy

221/3/13 Mobile County
(original)

Serve On E. O. DORGAN & A. W. WILLIAMS

Circuit Court of Baldwin County
IN EQUITY

No. 529

Summons

GEORGE O. MEYER,
Complainant,

VS.

E. O. DORGAN, A. W. WILLIAMS
and ROBERT L. McILVAINE,
Respondents.

VERNOL R. JANSEN,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

RECORDED

THE STATE OF ALABAMA,
Baldwin County

Received in office this 5th

day of March, 1939

W. H. Holcombe
Sheriff.

Executed this 11 day of

March, 1939

by leaving a copy of the Summons with

E. O. Williams

E. O. Dorgan 5/8/39 - dm
Defendant

W. H. Holcombe
Sheriff

By A. G. Spencer
Deputy Sheriff

Summons for E. O. Dorgan

Received 3/16/39

Returned 4/27/39
Not found in my County after diligent search
and inquiry.

W. H. HOLCOMBE, Sheriff

By W. H. Holcombe D.S.

RECEIPT FOR REGISTERED ARTICLE No. 525

15 fee paid, 1 class postage paid, Feb 28, 1939

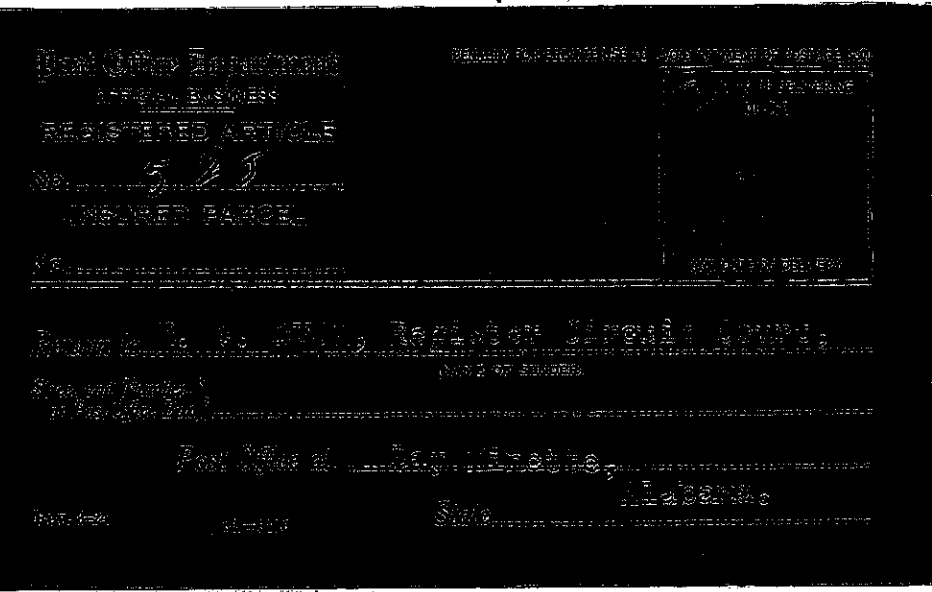
Declared value, \$ none Surcharge paid, \$

From R. S. D... Bay Minette, Ala

Addressed to Robert L. Mc... Richmond, Va

Accepting employee will place initials in space below, indicating restricted delivery

Return receipt fee 3 in person 10 or order Special delivery fee Postmaster, per WAK



Moore Printing Co. Bay Minette, Ala.

133 So. 21st St Richmond, Ind.