

CHANCERY EXECUTION

BILL OF COSTS

No. 607.

Bernard Grimes and M. H. Grimes
VS.

PLAINTIFF

Frances J. Russ

DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$
Filing each bill and other papers	\$ 10	40		3 15
Issuing each subpoena	50	1 00	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%.	
Issuing each copy thereof	40		Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Entering each return thereof	15		Each notice sent by mail to creditor	15
For each order of publication	1 00		Filing receipting for and docketing each claim, etc.	25
Issuing Writ of injunction	1 50		For all entries on subpoena docket, etc.	50
For each copy thereof	50		For all entries on commission docket, etc.	50
Entering each return thereof	15		Making final record, per 100 words	15
Issuing Writ of Attachment	1 00		Certified copy of decree	1 00
Entering each return thereof	15		Report of divorce to State Health Office (Acts 1915)	50
Docketing each case	1 00		TOTAL FEES OF REGISTER	6 25
Entering each appearance	25	1 00	FEES OF SHERIFF	
Issuing each decree pro confesso on per ser.	1 00	25	Serving and returning subpoena on deft.	1 50
Issuing each decree pro confesso on publica	1 00		Serving and returning subpoena for witness	65
Each order appointing guardian	1 00		Levying attachment	3 00
Any other order by Register	50	50	Entering and returning same	25
Issuing Commission to take testimony	50		Selling property attached	75
Receiving and filing	10		Impanelling Jury	2 50
Endorsing each package	10		Executing Writ of possession	1 50
Entering order submitting cause	50		Collecting execution for costs	65
Entering any other order of court	25		Serving and returning sci. fa., each	65
Noting all testimony	50		Serving and returning notice	1 50
Abstract of cause, etc.	1 00		Serving and returning writ of injunction	1 50
Entering each decree	75		Serving and returning writ of exeat	75
For every 100 words over 500	15		Taking and approving bonds, each	2 50
Taking account, etc.	3 00		Making Deed	1 00
Taking testimony, etc.	15		Serving and returning application, etc.	1 50
Each report, 500 words or less	2 50		Serving attachment, contempt of court	1 50
For every 100 words over 500	15		TOTAL FEES OF SHERIFF	1 75
Amount claimed less than \$500, etc	2 00		RECAPITULATION	3 25
Issuing each subpoena	25		Register's Fees	6 25
Witness certificate, each	25		Sheriff's Fees	1 75
Issuing execution, each	75		Commissioner's Fees	-
Entering each return	15		Solicitor's Fees	-
Taking and approving bond, each	1 00		Witness Fees	-
Making copy of bill, etc	15		Guardian Ad Litem	-
Each notice not otherwise provided for	50		Printer's Fees	-
Each certificate or affidavit, with seal	50		Trial Tax	3 00
Each certificate or affidavit, no seal	25		Recording Decree in Probate Court	3 00
Hearing and passing on application, etc.	3 00		TOTAL	\$ 11 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 cent: all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent				
Sub Total Carried Forward	3 15			

The State of Alabama,
Baldwin County

No. 607
Circuit Court, In Equity 2-16 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 Bernard Grimes and M. H. Grimes, Complainants Defendant you cause to be made the sum of Eleven and no/100 Dollars, which was Plaintiff recovered of Complainants on the 16th day of February 1940 by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of as Dollars, costs o' suit, and have the same to render to the said R. S. Duck, Register and make return of this Writ and the execution thereof, according to law.

Interest from 193 to date of collection.
Witness/my hand, this 7th day of March 1940
R. S. Duck Register
R. H. E. Smith Deputy

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

Your Orators, Bernard Grimes and M. H. Grimes, present this Bill of Complaint against Frances G. Russ, and thereupon your Orators complain and show unto the Court and your Honor as follows:

1. Your Orators are each over twenty-one years of age and each reside in Baldwin County, Alabama. The Respondent, Frances G. Russ, is over twenty-one years of age and resides in Baldwin County, Alabama.

2. Your Orators and the Respondent jointly own the following described real property situated in Baldwin County, Alabama, to-wit:

South Half of the Northwest Quarter of Section 23, Township 5 South Range 2 East, Baldwin County, Alabama, and also the following described tract of land: Beginning at the Southwest Corner of the Northwest Quarter of the Northwest Quarter of Section 23, Township 5 South Range 2 East, and run thence East 900 feet to a post; thence North $57\frac{1}{2}$ degrees West 575 feet to an iron pin; thence North 85 degrees West 417 feet to the West line of Section 23; thence South on said section line to the place of beginning;

the interest of the respective parties therein being as follows: Bernard Grimes, one-half, Frances G. Russ, one-half and M. H. Grimes, a right to the possession and use of the said property during his lifetime, which right, however, is jointly owned with or to be jointly shared with the said Bernard Grimes and the said Frances G. Russ.

2. Your Orator, Bernard Grimes, and the Respondent, Frances G. Russ, jointly own a promissory waive note secured by a chattel mortgage which was made by M. H. Grimes to the Bank of Fairhope, a Corporation, and dated June 18, 1938, due September 28, 1938, and given to secure an original indebtedness of \$530.00, which amount has been reduced but on which there remains a principal balance of \$495.00 and interest thereon from May 28, 1939, which note and mortgage were duly transferred by the said Bank of Fairhope to your Orator, Bernard Grimes and the Respondent, Frances G. Russ.

Your Orator, Bernard Grimes, has no knowledge about whether or not the chattel mortgage secured by the said note has been foreclosed by the Respondent, Frances G. Russ, but alleges that he has not authorized the foreclosure of the said chattel mortgage.

3. There has been commenced in the Circuit Court of Baldwin County, Alabama, at Law, a case in which Frances G. Russ and Bernard Grimes are Plaintiffs and in which M. H. Grimes is Defendant, to recover possession of the following described personal property:

Allis Chalmers Tractor described on contract recorded Jan. 4th, 1937, and the cultivator and power lift described therewith. One black mare mule age about 7 years, weight about 1350 lbs, named "Maude"; One black horse age about 12 years, weight about 1300 lbs, named "Frank". All of the cattle I own being 10 head and all increase. All of the farming equipment I own including harness, etc.,

which is the property described in and conveyed by the chattel mortgage hereinabove referred to. The said suit is also a suit on the note hereinabove described. This said suit was filed by the Respondent, Frances G. Russ, without notice to or without any authority whatever from your Orator, Bernard Grimes, and is being prosecuted by her without his consent.

4. Your Orator alleges that the real property hereinabove described which is jointly owned by the parties to this suit, can be partitioned or equitably divided among the joint owners thereof and your Orators aver that the note and chattel mortgage hereinabove described can be sold and the proceeds therefrom divided between your Orator, Bernard Grimes and the Respondent, Frances G. Russ.

Your Orators further allege that they have found it necessary to employ J. B. Blackburn, of Bay Minette, Alabama, an Attorney at Law and Solicitor in Chancery for the prosecution of this proceeding for an equitable division of the above described property among the owners thereof.

PRAYER FOR PROCESS.

To the end therefore, that equity may be had in the

premises your Orators pray that the Court and your Honor will cause the usual writ of process to issue to the Respondent, Frances G. Russ, requiring her to plead, answer or demur to the foregoing Bill of Complaint within the time required by law.

PRAYER FOR RELIEF.

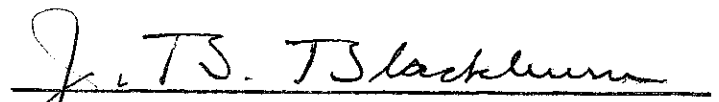
THE PREMISES CONSIDERED, Your Orators pray for the following relief:

1. That proceedings be stayed in the case now pending on the law side of the Circuit Court of Baldwin County, Alabama, in which Frances G. Russ and Bernard Grimes are Plaintiffs and M. H. Grimes, Defendant, and that the said suit be transferred to the Equity Docket and consolidated with this cause.

2. That the real estate described in this Bill of Complaint be partitioned or equitably divided among the joint owners thereof.

3. That the note and chattel mortgage hereinabove described be sold for division between the joint owners thereof, or if the same has been legally foreclosed, that the personal property described therein be partitioned between the joint owners thereof, or, if it cannot be equitably partitioned between the joint owners thereof, that the same be sold and the proceeds from the said sale be divided between the joint owners thereof; that your Honor will order a reference to ascertain a reasonable solicitors fee to be paid J. B. Blackburn, the solicitor for the complainants for the services rendered by him in this proceeding and that the said fee be made a common charge on the interests of all of the parties to this suit.

4. Your Orators further pray for such other, further and general relief as they may be equitably entitled to the premises considered.


Solicitor for Complainants.

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

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Your Orators further allege that they have found it necessary to employ J. B. Blackburn, of Bay Minette, Alabama, an Attorney at Law and Solicitor in Chancery for the prosecution of this proceeding for an equitable division of the above described property among the owners thereof.

PRAYER FOR PROCESS.

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2. That the real estate described in this Bill of Complaint be partitioned or equitably divided among the joint owners thereof.

3. That the note and chattel mortgage hereinabove described be sold for division between the joint owners thereof, or if the same has been legally foreclosed, that the personal property described therein be partitioned between the joint owners thereof, or, if it cannot be equitably partitioned between the joint owners thereof, that the same be sold and the proceeds from the said sale be divided between the joint owners thereof; that your Honor will order a reference to ascertain a reasonable solicitors fee to be paid J. B. Blackburn, the solicitor for the complainants for the services rendered by him in this proceeding and that the said fee be made a common charge on the interests of all of the parties to this suit.

4. Your Orators further pray for such other, further and general relief as they may be equitably entitled to the premises considered.

J. B. Blackburn
Solicitor for Complainants.

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

FRANCES G. RUSS

of Baldwin 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

BERNARD GRIMES and M. H. GRIMES

against said FRANCES G. RUSS

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 19th day of January, 1940, 1935.

R. S. Duck, 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

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WITNESS, R. S. Duck, Register of said Circuit Court, this 19th day of January, 1940, 193

R. S. Duck, Register

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

BERNARD GRIMES AND
M. H. GRIMES,

Complainants,

VS.

FRANCES G. RUSS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER ____.

TO THE HONORABLE ROBERT S. DUCK, REGISTER IN CHANCERY, BALDWIN COUNTY,
ALABAMA:

Now comes the Complainants in the above entitled cause by their solicitor of record and file this their application to have the above entitled cause which was filed in this Court on the 20th day of January, 1940, in which case process has not been served on the Respondent and in which no answer or cross bill has been filed, dismissed without prejudice and request that the said suit be forthwith dismissed without prejudice as provided by Alabama Equity Rule Number 75.

Respectfully submitted,

J. B. T. T. T. T. T.

Solicitor for Complainants.

BERNARD GRIMES, and
M. H. GRIMES,
Complainant,

Vs.

FRANCES G. RUSS,
Respondent.

ORDER DISMISSION CAUSE.

On Motion of the Complainants, it is ordered that
this cause be dismissed out of this Court. *without prejudice*

This the 17th day of February, 1940.


R. S. DUCK, Register.

MAR - 7 1940

No. 607

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, In Equity

Remond Grimes and

M.H. Grimes

vs. *Frances G. Reed*

CHANCERY EXECUTION
Fi. Fa.

Costs vs Compt \$11.00

to W.H. Grimes
Total \$11.00

Fee Book _____ Page _____

Execution Docket _____ Page _____

J. F. Blackburn
Complainant's Solicitor

MAR - 7 1940
Jan 5/8/40

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 _____

day of *March* 19*40*

W.R. Stewart
Sheriff

Execution Docket _____ Page _____

Account this the
4th day June 1940
by collecting the
within noted cost
from & upon
\$11.00 from M.H. Grimes
W.H. Grimes

W.H. Grimes
DS
11
17.5
9.25

MOORE PRINTING CO., BAY SHIRAZ

The State of Alabama, }
Baldwin County

By virtue of the within execution I have levied _____

71
25
17.5

RECORDED *Equity Trust*
Belmont &

Serve On AL A

Circuit Court of Baldwin County
IN EQUITY

No. 607

Summons

BARNARD GRIMES and W. H.
GRIMES,

Complainants,

vs.

FRANCES G. RUSS,
Respondent.

J. E. BLACKBURN
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. **607**

Summons

BERNARD GRIFFIN and W. H.

GRIFFIN,

Complainants,

VS.

FRANCIS G. FUSS,

Respondent.

J. B. BLACKBURN
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 _____

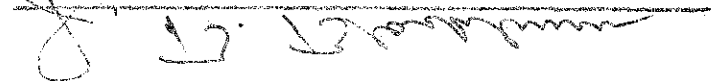
193_____

by leaving a copy of the Summons with _____

Defendant

Sheriff

By _____
Deputy Sheriff

FOR THE COMMISSIONER


considered.
 and several letters as they may be arbitrarily assigned to the Board, as
 and don't operate unless they are given other, unless
 common sense on the interests of all of the parties to this suit.
 rendered by him in this proceeding and that the said fee be made a
 1. That the Board, the solicitor for the Commission for the salaries
 and a reference to ascertain a reasonable solicitor's fee to be paid
 be retained between the joint owners thereof; that your honor will
 thereof, that the same be paid and the proceeds from the said suit
 of, it is cannot be arbitrarily distributed between the joint owners
 described therein be distributed between the joint owners thereof,
 if the same has been legally assigned, that the personal property
 described be sold for liquidation between the joint owners thereof, or
 2. That the more any parties withdraw or participate
 thereof.
 assigned be distributed or arbitrarily divided among the joint owners
 3. That the said estate described in this Bill of
 Equally packed and considered with this case.
 claims, defendant, and that the said suit be transferred to the
 which Division C. has and hereby claims are reinstated and R. H.
 on the law side of the Circuit Court of Bedford County, Virginia, in
 4. That proceedings be stayed in the case now pending
 having letters:
 THE BOARD CONSIDERED, DON'T OPERATE UNLESS THEY ARE GIV-
 EN BY THE COMMISSIONER.
 Commission within the time specified by law,
 referring her to Board, answer or demurr to the following Bill of
 the matter with or proceed to issue to the respondent, Division C. has,
 Division don't operate unless they are given and your honor will operate

1/19/40
 R. H. ...
 P. H. ...
 P. H. ...
 P. H. ...
 P. H. ...
 P. H. ...
 P. H. ...
 P. H. ...



BERNARD GRIMES and M. H.
GRIMES,
Complainants.

vs.

FRANCES G. RUSS,
Respondent.

ORDER DISMISSION CAUSE.

Issued this 17th day of
February, 1940.

R. S. Bunch
Register.

APPLICATION TO DISMISS PROCEEDING

BERNARD GRIMES AND
M. H. GRIMES,

Complainants,

VS.

FRANCES G. RUSS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 607

Filed 2-16-40

R S Buick

Register

W. Russell

8-126 AB
BILL OF COMPLAINT.

BERNARD GRIMES and
M. H. GRIMES,

Complainants,

VS.

FRANCES G. RUSS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Filed Jan. 19-1940

R. S. Bueche
Clerk
By W. S. Bruce
Sentry