



THE STATE OF ALABAMA,  
Baldwin County.

By virtue of the within Execution, I have at \_\_\_\_\_

o'clock \_\_\_\_\_ M., this \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_, levied \_\_\_\_\_

99

COLLECT COSTS FROM

**The State of Alabama**  
**BALDWIN COUNTY**

I hereby certify that the within... and costs in this case are correct, and there was... waiver of exemption as to personal property under the Constitution and Laws of Alabama.

This ... day of ... 193..

Clerk

Received in office

193..

Sheriff

Sheriff's Execution Docket, Page -

Sheriff's Fee Book, - Page -

Sheriff.

No. \_\_\_\_\_ Page \_\_\_\_\_

**THE STATE OF ALABAMA,**  
Baldwin County.

**CIRCUIT COURT**

Plaintiff..

vs

Defendant ..

**Civil Execution for Costs**  
**Against Plaintiff.**

Costs, - - - - \$ ..

Civil Fee Book..... Page ..

Execution Docket..... Page ..

Filed ....., 193..

....., Clerk.

Plaintiff's Attorney.

Defendant's Attorney.

SUMMONS--ORIGINAL.

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 T.S.Coleman

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 Floyd Carlton,

against said T.S.Coleman,

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, M. A. Stone, Register of said Circuit Court, this 7th day of December 1934

M. A. Stone Register

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

*Beatty Page 92*

~~RECORDED~~

*99*

SERVE ON T.S. Coleman,

Circuit Court of Baldwin County  
IN EQUITY

No. 99

SUMMONS

Floyd Carlton

VS.

T.S. Coleman,

Frank G. Horne,  
Solicitor for Complainant  
Atmore, Alabama.

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this \_\_\_\_\_

day of ~~RECORDED~~ 193\_\_

SHERIFF

Executed this 8th day of Dec 1934

by leaving a copy of the within Summons with

on T.S. Coleman

Defendant

W.R. Stewart  
Sheriff

By \_\_\_\_\_  
Deputy Sheriff

FLOYD CARLTON,  
 Complainant,  
 VS  
 T.S. COLEMAN,  
 Defendant.

IN THE CIRCUIT  
 COURT OF  
 BALDWIN COUNTY,  
 ALABAMA.

This Cause coming on to be heard was submitted upon the original Bill of Complaint filed by the Complainant on December 6th, 1934, Answer and Cross Bill of the Defendant filed on the 7th day of January, 1935, and Pleadings as noted by the Register; and

It appearing to the Court that the Complainant and Cross Defendant, Floyd Carlton, having failed to answer the allegations set out in the Defendant's and Cross Complainant's Cross Bill, and having suffered a Decree Pro Confesso to be taken against him, the Court, after due consideration, is of the opinion that the Defendant and Cross Complainant, T.S. Coleman, is entitled to the relief prayed for in his said Cross Bill.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Defendant and Cross Complainant is entitled to the possession of the property described in said original Bill of Complaint and Cross Bill, to-wit;

The Southwest Quarter, except the East half of the northeast quarter of the Southwest quarter of Section 24, Township 1 North of Range 4 East, containing 140 acres, more or less, in Baldwin County, Alabama; and

It further appearing to the Court that on December 10th, 1934, the Defendant-Cross Complainant, T. S. Coleman, in accordance with the powers set out in mortgage executed and delivered by the Complainant-Cross Defendant, Floyd Carlton and his wife, Emma Carlton, to the Defendant-Cross Complainant, T. S. Coleman, dated August 18th, 1934, foreclosed said mortgage and at said sale became the purchaser of the property

therein described to-wit:-

The Southwest Quarter, except the East half of the Northeast Quarter of the Southwest Quarter of Section 24, Township 1 North of Range 4 East, containing 140 acres, more or less, in Baldwin County, Alabama,

for the sum of One Hundred Seventy-two and 57/100 (\$172.57) Dollars; that the said Defendant-Cross Complainant since said foreclosure has, in accordance with statute, given the said Complainant-Cross Defendant notice to vacate said premises, but that the said Complainant-Cross Defendant has failed or refused to vacate the same.

IT IS FURTHER ORDERED ADJUDGED AND DECREED by the Court that the indebtedness due by the Complainant-Cross Defendant to the said Defendant-Cross Complainant be and the same is hereby fixed at One Hundred Eighty and 98/100 (\$180.98) Dollars; and that the Complainant-Cross Defendant be and he is hereby given thirty days from the date hereof in which to pay said amount, to-wit, One Hundred Eighty and 98/100 (\$180.98) Dollars to the Register of this Court to be delivered to said Defendant-Cross Complainant upon delivery by said Defendant Cross Complainant, a proper Quit Claim Deed conveying all title acquired by him in and by virtue of said foreclosure sale and deed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that if the Complainant-Cross Defendant shall fail or refuse to pay said amount, to-wit, One Hundred Eighty and 98/100 (\$180.98) Dollars to the Register of this Court, as herein provided, then, and in that event, the Register of this Court is hereby directed to issue a writ of possession and fieri facias addressed to the Sheriff of Baldwin County, Alabama, commanding him to deliver to the said T.S. Coleman possession of the land and tenements hereinabove described, to-wit:-

The Southwest Quarter, except the East half of the Northeast Quarter of the Southwest Quarter of Section 24, Township 1 North of Range 4 East, containing 140 acres,

more or less, in Baldwin County, Alabama,

and make return thereof, according to law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant-Cross Defendant, Floyd Carlton, pay the costs of this proceeding, for which execution may issue.

Done at Monroeville, Monroe County, Alabama, this the 31st day of May, 1935.

F. W. HARR,

Judge,

CLERK'S CERTIFICATE

STATE OF ALABAMA

BALDWIN COUNTY,

I, Robert S. Dack, Clerk of the Circuit Court and Register in Chancery, in and for said Circuit Court of said County and State, do hereby certify that the above is a true, full, and correct copy of the Decree rendered by said Court on the 31st day of May, 1935, in the cause of Floyd Carlton, Complainant, vs. T. S. Coleman, Defendant, as same appears of record in said Court.

Witness my hand and the seal of said Court, this the \_\_\_\_\_ day of June, 1935.

Register, --

99

Floyd Carlton

vs

T. S. Coleman

Certified copy of

Decease

Filed May 1st 1935

Robert S. Duck

The State of Alabama,  
Baldwin County.

No. 99 CIRCUIT COURT IN EQUITY.

Floyd Carlton Complainant  
vs.

T. S. Coleman Defendant

In this cause it appears to the Register  
that a summons requiring the <sup>Cross</sup> Defendant Floyd Carlton

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days  
after the service of said Summons upon Floyd Carlton  
was served upon him by the Sheriff of Baldwin County, Alabama, on the  
11th day of March 1935

And the said <sup>Cross</sup> Defendant having failed to demur, plead to or answer the said Bill of <sup>Cross</sup> Complaint  
to this date, it is now, therefore, on motion of Beebe & Hall

<sup>Cross</sup>  
ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things  
taken as confessed against the said Floyd Carlton

<sup>Cross</sup> Defendant aforesaid.

This 6th day of May 1935  
Rube S. Lusk Register.

The State of Alabama,  
Baldwin County.

{ No. 99 CIRCUIT COURT IN EQUITY.

Floyd Carlton

Complainant

vs.

T. S. Coleman

Defendant

Motion is hereby made for a Decree Pro Confesso against Floyd Carlton

~~Cross~~ Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of  
summons upon said ~~Cross~~ Defendant; and that said summons was duly served according to law, and  
that said ~~Cross~~ Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause  
to this date.

This 17th day of May 19 35

*Bullock & Hall*

Solicitor.

FLOYD CARLTON,  
Complainant,  
VS.  
T. S. COLEMAN,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY,  
NO. 99.

Comes the Defendant, T. S. Coleman and for answer to the Complainant's Bill of Complaint and to each count thereof separately and severally says:

ONE:

That he admits the allegation contained in paragraph first.

TWO:

That the Defendant denies the allegation contained in paragraph second and demands strict proof of the same.

THIRD:

Defendant admits that Floyd Carlton and Emma Carlton, his wife, on August 18th, 1934, executed and delivered to the Defendant a mortgage conveying the following described property in Baldwin County, Alabama, to-wit:

The Southwest quarter, except the East half of the Northeast quarter of the Southwest quarter of Section 24, Township 1 North of Range 4 East, containing 140 acres, more or less, conveyed hereby;

that the consideration for said mortgage was \$140.42; that the indebtedness secured by said mortgage was payable November 18th, 1934, and contained full powers of sale in the event of default; that said mortgage was filed for record in the office of the Probate Judge in Baldwin County, Alabama, on August 18th, 1934, and is of record therein in Mortgage Book 61, at pages 292-3; that the said amount set out in said mortgage is the amount due by the Complainant

to the Defendant, and the amount agreed upon by the Complainant before the execution of said mortgage; that the Defendant denies all the other allegations contained in said paragraph third and demands strict proof of the same.

FOUR:

For answer to paragraph fourth the Defendant says that in accordance with the terms, powers and conditions set out in the mortgage described hereinabove, default having been made and continuing in the payment of the indebtedness secured by said mortgage, he did on December 10th, 1934, in accordance with the powers set out in said mortgage foreclose the said mortgage and at such sale became the purchaser thereof; that the foreclosure deed was duly executed, filed for record on December 10th, 1934, and is of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 56 NS, page 292; that the Defendant denies all the other allegations contained in paragraph fourth and demands strict proof of the same.

FIVE:

That the Defendant denies all the allegations contained in paragraph fifth and demands strict proof of the same.

SIX:

That the Defendant denies each and every allegation contained in said Bill of Complaint not herein expressly admitted and demands strict proof of the same.

And the Defendant for further answer to the Complainant's Bill of Complaint and to each count thereof separately and severally, and praying that this may be taken as his cross bill says:

(a) That the Complainant joined by his wife, Emma Carlton, executed and delivered a mortgage to the Defendant on August 18th, 1934 to secure the sum of \$140.42; that said mortgage contained full powers of sale in the event of default; that said mortgage was payable Novem-

ber 18th, 1934; that said mortgage being in default and such default continuing, the Defendant, in accordance with the powers set out in said mortgage, gave notice by publication once a week for two successive weeks in the Baldwin Times, a newspaper published at Bay Minette, Alabama, and on December 10th, 1934, said mortgage was foreclosed, and at such sale the Defendant, in accordance with the powers set out in said mortgage, became the purchaser thereof for the sum of \$172.37 which included the principal amount of the indebtedness and cost of sale, including a reasonable attorney's fee, as provided in said mortgage.

(b) That the Complainant entered into an agreement as to the amount of indebtedness due by the Complainant to the Defendant, and that said mortgage was given for such amount.

(c) That the Defendant has, since the said mortgage foreclosure, in accordance with the statute made and provided, given the Complainant notice to vacate said premises, but that the said Complainant has failed or refused to vacate the same and has thereby waived his right of redemption.

WHEREFORE, the premises considered the Defendant and Cross Complainant prays that this be taken as an answer and cross bill and that the said Floyd Carlton, by proper process, be made proper party to this cross bill and required to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this honorable Court.

Defendant and Cross Complainant further prays that upon a final hearing of this cause your Honor will enter an order and decree establishing the rights of the Defendant and Cross Complainant in and to said property and requiring the Complainant and Cross Respondent to vacate the said property, to-wit:

The Southwest quarter, except the East half of the Northeast quarter of the Southwest quarter of Section 24, Township 1 North of Range 4 East, containing 140 acres, more or less, conveyed hereby;

The Defendant and Cross Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive and as in duty bound he will ever pray.

Beebe & Hae  
Solicitors for Defendant  
and Cross Complainant.

FOOT NOTE:

The Complainant and Cross Respondent is required to answer each and every allegation contained in the Defendant and Cross Complainant's cross bill, in paragraphs (a) to (c), inclusive, but not under oath, oath being hereby expressly waived.

Beebe & Hae  
Solicitors for Defendant  
and Cross Complainant.







the Court said amount, together with such cost as may be fixed against him. Your orator further prays that in the event the said T. S. Coleman proceeds to foreclose his mortgage under and by virtue of a claimed authority by reason of the fact that said mortgage contains a power of sale that Your Honor will enter an appropriate decree setting aside said foreclosure proceedings and will hold the same for naught.

Your orator prays such other, further and general relief\* to which he may be entitled the premises considered, and your Orator will ever pray, etc.

Frank G. Harne  
SOLICITOR FOR COMPLAINANT.

FOOTNOTE: DEFENDANT IS REQUIRED TO ANSWER PARAGRAPHS NUMBERED FIRST, SECOND, THIRD, FOURTH, FIFTH, INCLUSIVE, OF THE FOREGOING BILL OF COMPLAINT, BUT NOT UNDER OATH, ANSWER UNDER OATH THERETO BEING HEREBY EXPRESSLY WAIVED.

Frank G. Harne  
SOLICITOR FOR THE 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 Floyd Carlton, Complainant and  
Cross Respondent,

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 Sum-  
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by  
T.S. Coleman, Defendant and Cross Complainant,

against said Floyd Carlton, Complainant and Cross Respondent.

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, Robert S. Duck, Register of said Circuit Court, this 1st day of  
March 1935

Robert S. Duck Register

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

FLOYD CARLTON,  
Complainant,  
VS.  
T. S. COLEMAN,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY  
NUMBER 99.

This cause coming on to be heard was submitted upon the original Bill of Complaint filed by the Complainant on December 6th, 1934, Answer and Cross Bill of the Defendant filed on the 7th day of January, 1935, and Pleadings as noted by the Register; and

It appearing to the Court that the Complainant and Cross Defendant, Floyd Carlton, having failed to answer the allegations set out in the Defendant's and Cross Complainant's Cross Bill, and having suffered a Decree Pro Confesso to be taken against him, the Court, after due consideration, is of the opinion that the Defendant and Cross Complainant, T. S. Coleman, is entitled to the relief prayed for in his said Cross Bill.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Defendant and Cross Complainant is entitled to the possession of the property described in said original Bill of Complaint and Cross Bill, to-wit:

The Southwest quarter, except the East half of the Northeast quarter of the Southwest quarter of Section 24, Township 1 North of Range 4 East, containing 140 acres, more or less, in Baldwin County, Alabama; and

It further appearing to the Court that on December 10th, 1934, the Defendant-Cross Complainant, T. S. Coleman, in accordance with the powers set out in mortgage executed and delivered by the Complainant-Cross Defendant, Floyd Carlton and his wife, Emma Carl-

ton, to the Defendant-Cross Complainant, T. S. Coleman, dated August 18th, 1934, foreclosed said mortgage and at said sale became the purchaser of the property therein described to-wit:

The Southwest quarter, except the East half of the Northeast quarter of the Southwest quarter of Section 24, Township 1 North of Range 4 East, containing 140 acres, more or less, in Baldwin County, Alabama,

for the sum of One Hundred Seventy-two and 37/100 (\$172.37) Dollars; that the said Defendant-Cross Complainant since said foreclosure has, in accordance with statute, given the said Complainant-Cross Defendant notice to vacate said premises, but that the said Complainant-Cross Defendant has failed or refused to vacate the same.

IT IS FURTHER ORDERED ADJUDGED AND DECREED by the Court that the indebtedness due by the Complainant-Cross Defendant to the said Defendant-Cross Complainant be and the same is hereby fixed at One Hundred Eighty and 98/100 (\$180.98) Dollars; and that the Complainant-Cross Defendant be and he is hereby given thirty days from the date hereof in which to pay said amount, to-wit, One Hundred Eighty and 98/100 (\$180.98) Dollars to the Register of this Court to be delivered to said Defendant-Cross Complainant upon delivery by said Defendant-Cross Complainant, a proper Quit Claim Deed conveying all title acquired by him in and by virtue of said foreclosure sale and deed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that if the Complainant-Cross Defendant shall fail or refuse to pay said amount, to-wit, One Hundred Eighty and 98/100 (\$180.98) Dollars to the Register of this Court, as herein provided, then, and in that event, the Register of this Court is hereby directed to issue a writ of possession and fieri facias addressed to the Sheriff of Baldwin County, Alabama, commanding him to deliver to the said

T. S. Coleman possession of the land and tenements hereinabove described, to-wit:

The Southwest quarter, except the East half of the Northeast quarter of the Southwest quarter of Section 24, Township 1 North of Range 4 East, containing 140 acres, more or less, in Baldwin County, Alabama,

and make return thereof, according to law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant-Cross Defendant, Floyd Carlton, pay the costs of this proceeding, for which execution may issue.

Done at Monroeville, Monroe County, Alabama, this the 31<sup>st</sup> day of May, 1935.

F. W. Hare  
Judge.

The State of Alabama,  
Baldwin County.

CIRCUIT COURT, IN EQUITY

Floyd Carlton

vs.

T. S. Coleman

MOTION FOR DECREE PRO  
CONFESSO ON PERSONAL SERVICE

Filed *May 6* 193*5*

*Robert L. Duck*  
Register.

Recorded in \_\_\_\_\_ Record,

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

99

99  
RECORDED  
INDEXED  
99

FLOYD CARLTON,

Complainant,

VS.

T. S. COLEMAN,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY,

NUMBER 99.

FINAL DECREE

Filed, June 1<sup>st</sup>, 1935

Robert S. Duck

Register

66

ORIGINAL

RECORDED  
INDEXED

SERVE ON Floyd Carlton,

Circuit Court of Baldwin County  
IN EQUITY

No. 99

SUMMONS

T. S. Coleman, Defendant  
and Cross Complainant

vs.

Floyd Carlton, Complainant  
and Cross Respondent,

Frank G. Horn,  
Solicitor for Complainant

BEEBE & HALL, For Respondent.

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

*Floyd Carlton*

RECORDED  
INDEXED

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Received in office this 2

day of March 1935

M. H. Wilkins  
SHERIFF

Executed this 11 day of

March 1935

by leaving a copy of the within Summons with

Floyd Carlton  
Defendant

M. H. Wilkins  
Sheriff

By C. V. Anderson  
Deputy Sheriff

99

No 50

THE STATE OF ALABAMA,  
Baldwin County

CIRCUIT COURT

*Bank of England*

vs.  
Plaintiffs

*James D. Stimpson*

Defendants

CIVIL EXECUTION

Judgment for \_\_\_\_\_ for \$ \_\_\_\_\_

Interest from \_\_\_\_\_ 193 \_\_\_\_\_

to \_\_\_\_\_ 193 \$ \_\_\_\_\_

Damages \$ \_\_\_\_\_

Costs \$ \_\_\_\_\_

Total - - - \$ \_\_\_\_\_

Civil Fee Book H Page 16

Execution Docket \_\_\_\_\_ Page \_\_\_\_\_

Filed \_\_\_\_\_ 193 \_\_\_\_\_

Clerk.

Plaintiff's Attorney.

Defendant's Attorney.

5600  
1441  
2075

COLLECT COST FROM

99

THE STATE OF ALABAMA,  
Baldwin County

I hereby certify that the within Judgment and Costs in this case are correct, and there was a waiver of exemption as to personal property under the Constitution and Laws of Alabama.

This \_\_\_\_\_ day of \_\_\_\_\_ 193 \_\_\_\_\_

Clerk.

RECEIVED IN OFFICE

193 \_\_\_\_\_

Sheriff

Sheriff's Execution Docket, Page \_\_\_\_\_

Sheriff's Fee Book, Page \_\_\_\_\_

Clerk's Civil Fee Book, Page \_\_\_\_\_

Clerk's Civil Execution Docket, Page \_\_\_\_\_

The State of Alabama }  
Baldwin County

By virtue of the within execution, I have, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., this

\_\_\_\_\_ day of \_\_\_\_\_ 193 \_\_\_\_\_, levied \_\_\_\_\_

99  
FLOYD CARLTON,

Complainant,

VS.

T. S. COLEMAN,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 99.

ANSWER AND CROSS BILL.

Filed this 7 day of  
January, 1935.

*Wm. A. Stone,*  
Clerk.

99

~~RECORDED~~  
*Stone*

~~CONFIDENTIAL~~  
Duff

No. 99

Page

**The State of Alabama,**  
Baldwin County.

**CIRCUIT COURT, IN EQUITY**

FLOYD CARLTON

vs.

F. S. COLEMAN

**DECREE PRO CONFESSO ON  
PERSONAL SERVICE**

Issued *May 6* 19*35*  
*Robert J. Duff*  
Register.

Moore Printing Company, Bay Minette, Ala.

99

8581. NOTE OF TESTIMONY

Floyd Carlton,  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 vs.  
 T. S. Coleman  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

and in behalf of Defendant upon \_\_\_\_\_  
 and Cross Complainant the original answer and  
 Cross Bill filed January 7th, 1935, and Decree Pro Confesso  
 on personal service against the Complainant and Cross Respondent.

*Robert S. Duck*  
 \_\_\_\_\_  
 Register.

STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 99

Term, 192/35

Floyd Carlton, Complainant

vs.

T. S. Coleman, Defendant

To Robert S. Duck, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no

defense having been interposed, the **Cross** Complainant, by **Beebe & Hall**

Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

*Beebe & Hall*

**Cross**  
Solicitor for Complainant.

STATE OF ALABAMA  
BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS? That we, Floyd Carleton and Emma Carleton, his wife, mortgagors, for and in consideration of the sum of ONE HUNDRED FORTY AND 42/100 dollars (\$140.42) to us in hand paid by T. S. Coleman, mortgagee, the receipt of which is hereby acknowledged, do GRANT, BARGAIN, SELL AND CONVEY unto the said mortgagee all the following described real property situated in the county of Baldwin, State of Alabama, towit:

The southwest quarter except east half of the northeast quarter of the southwest quarter of section (24) twenty-four, Township one (1) north of Range four (4) East, containing 140 acres, more or less, conveyed hereby.

TOGETHER WITH ALL AND SINGULAR the rights, members, privileges, tenements, hereditaments and appurtenances belonging or in any wise appertaining.

It is hereby expressly covenanted and agreed between the parties hereunto that the mortgagors will promptly pay all taxes and assessments against said property and not allow the same to become delinquent, and they will maintain the said property in its present condition, and not cause or allow any waste thereunto, usual wear and tear excepted, that they will not cause or allow to be removed any improvements located on said premises or any timber located on said land.

PROVIDED ALWAYS, and these presents are upon the express condition that if the mortgagors shall pay to said T. S. Coleman the sum of ONE HUNDRED FORTY AND 42/100 dollars (\$140.42) as the same is evidenced due and payable by their promisory note of even date and tenor payable November 18th, 1934 with interest from date and comply with and perform the condition hereinabove set out, then this instrument shall be null and void, otherwise to remain in full force and effect.

PROVIDED FURTHER, that if the mortgagors fail to pay the amount secured hereby or to comply with or perform the condition hereinabove set out, then and in either event the mortgagee herein shall have the right to declare the amount herein immediately due and payable, and immediately take possession of ~~his~~ said premises, and sell the same at public outcry for cash, in front of the Court House door at Bay Minette, Alabama, during the legal hours of sale, after having first given notice of the time, place and terms of sale, together with description of the property as herein, by publication once a week for two successive weeks in any newspaper then published in Baldwin County, Alabama, and the proceeds of said sale apply first to the cost of sale including a reasonable attorney's fee, then to the amount secured hereby, and any balance to pay over to the said mortgagors, their heirs and assigns. The said mortgagors to hereby authorize and empower, the said mortgagee, his heirs, or attorney to conduct any sale held hereunder and to make deed to the purchaser in the name of the mortgagors and as their attorney-in-fact, and any title so made the said mortgagors will warrant and defend. The said mortgagors do further authorize and empower the said mortgagee to bid and purchase at any sale hereunder as though a stranger to this instrument.

It is expressly understood and agreed between the parties hereto that in the event the said mortgagee should be called upon to expend any money or moneys to protect his interest by payment or taxes or otherwise, or should it be necessary to resort to court action to protect his interest, then the mortgagors agree to pay all cost thereof, including a reasonable attorney's fee and any amount or amounts so expended by the said mortgagee shall become a lien on the property hereinabove described and secured by this instrument.

IN WITNESS WHEREOF, the mortgagors have hereinto set their hands and seals, on this the 18th day of August, 1934

FLOYD CARLETON (SEAL)  
EMMA CARLETON (SEAL)

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, W.C. Beebe, a Notary Public in and for said county, in said State hereby certify that FLOYD CARLETON and EMMA CARLETON, his wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that being informed of the contents of the conveyance they executed the same voluntarily on the day the same bears date.

And I do further certify that on the 18th day of August 1934, came before me the within named Emma Carleton known to me to be the wife of the within named Floyd Carleton and who being examined separate and apart from her husband touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraints, or threats on the part of her husband.

Given under my hand and seal this the 18 day of August, 1934  
SEAL

W. C. BEEBE, Notary Public  
Baldwin County, Alabama

STATE OF ALABAMA PROBATE COURT  
BALDWIN COUNTY

Filed in office this 18th day of August A. D. 1934 at 12 o'clock noon, and duly recorded in Mortgage Book No. 61; Page 292-3; and I certify that \$--cts30 Mortgage Tax, has been paid as required by law

G. W. Humphries, Judge of Probate by J L Kessler, Clerk  
G. W. Humphries, Judge of Probate