

THE STATE OF ALABAMA, Baldwin County.

No. 20/

CIRCUIT COURT

Term, 193

TO	ANY	SHERIFF	OF	THE	STATE	OF	ALABAMA,	GREETING:

Voil are hereby comme	anded, That of the goods	and chattale landes	and tenements of
od Calman	anded, That of the goods	•	in the suit,
you cause to be made the sum of	, energy partition of the control of	neglijangij _{an}	Dollars,
costs of suit, created by said Plaintiff, for that, w	whereas, on the	e Judgment of the sa	day of
of said County, against	Caller		
			Defendant
to the suit, the sum of			Dollars,
besides		Doll	lars, cost of suit;
upon which Judgment an Execution has been issued a AND HAVE YOU THAT MONEY ready to rea			
Clerk of said Court, and make return of this Writ and	the execution thereof, a	ccording to law.	
Witness my hand, thisday of	9745) 198 Calab	Row	Clerk.

CLERK'S FEES		Dollars	Gts.	SHERIFF'S FEES	Dollars	Ct
For every Summons and Complaint \$1 Each copy thereof Entering a Sheriff's Return Docketing Entering Appearance Giling Every Order made in Court Copy thereof Every Trial with or without Jury Entering up Judgment or copy thereof Essuing Execution Docketing Execution Entering Return on Execution Essuing Subpoenas	25 30 20 25 20 10 30 25 75 30 25 20 30	*		For Levying an Attachment \$3 00 Entering and Returning Attachment 25 Summoning Garnishee 1 50 Serving Summons on Writ 1 50 Serving Notice Sci. Fa. Notice, etc. 65 Serving Subpoenas 65 Empanelling Jury 75 Entering and Returning Execution 25 Collecting costs Execution 1 50 Executing a Writ of Possession 2 50 Taking and Approving Bonds 1 00 Commissions Sheriff's Commission for Property Sold Under Attachment		
Administering Oath	25	,		Seizing Personal Property on Writ of		
Issuing Each Attachment Taking Bond \$1 Filing Attachment Each Summons for Garnishee Each copy	10 50 50			Detinue 3 00 RECAPITULATION		5
Notice to Deft. in Garnishee on Summons and copy, per hundred words. Commissions to take Depositions or copy. Order to Execute Writ of Inquiry. Copy of Interrogators, 15c per hundred words, or Filing each Deposition and Endorsing same. Final Record, per hundred words. Every Certificate Taking Bond not Otherwise Provided for Witness Certificates. Continuance Certificate of Judgment	20 75 30 50 20 15 50 75 25	-	66	Clerk's Fees. Sheriff's Fees Justice's Fees Witness Fees in Justice of Peace Court Constable's Fees Commissioner's Fees Printer's Fees Witness Fees in Cicuit Court Former Clerk's Fee Stenographer's Fees 5 00 Trial Tax 3 00		

THE	STATE	OF	ALABAMA,
	Baldwi	n Co	ounty.

By virtue of the within Execution, I have at

o'clock _____M., this ______193 ___, levied

COLLECT COSTS FROM

The State of Alabama BALDWIN COUNTY

THE STATE OF ALABAMA, Baldwin County.

CIRCUIT COURT

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.

Thisday of 193...

Plaintiff ...

ΛS

Defendant ...

Civil Execution for Costs Against Plaintiff.

 _Sheriff.

Defendant's Attorney

Plaintiff's Attorney.

Clerk.

Execution Docket..... Page....

Filed

Civil Fee Book.....

Costs,

BREACHTHANNESS CO., BAY MINETTE, ALA.

eState of Alabama, Circuit Court of Baldwin Co	
ny Sheriff of the State of AlabamaGREETING:	
	an
WE COMMAND YOU, That you summon T.S.GOTEM	
	·
	·
Baldwin County, to be and appear before the	ie Judge of the Circuit Cour
· instantion within thirty day;	s after the service of Sum
Baldwin County, exercising Chancery jurisdiction, within tears, and there to answer, plead or demur, without oath, to a Bill of County, and there to answer, plead or demur, without oath, to a Bill of County, and there to answer, plead or demur, without oath, to a Bill of County, and there is answer, plead or demur, without oath, to a Bill of County, and there is an arrangement of the county	mplaint lately exhibited b
is, and there to answer, plead of demail, without	
Loyd Carlton,	
T.S.Coleman,	
gainst said ————————————————————————————————————	
ond direct	in that behalf. And this
and further to do and perform what said Judge shall order and direct	er command that you return
writ with your endorsement thereon, to our said Circuit Court, this WITNESS, M. A. Stone, Register of said Circuit Court, this	
December 193 4	I tome Re

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

SERVE ON T.S. Coleman,

Circuit Court of Baldwin County

No. 99

No. 99

SUMMONS

SUMMONS

Floyd Carlton

T.S. Coleman,

Vs.

Pank G. Horne,

Solicitor for Complainant
Atmore, Alabama.

Recorded in Vol. — Page

Deputy Sheriff

D .
Sheriff
U A Stuart
um J. S. Coleman
by leaving a copy of the within Summons wit
Dec 1934
Executed this 8 7h day
НЕТОВНЕНИЯ В В В В В В В В В В В В В В В В В В В
day of 193
Received in office this
BALDWIN COUNTY
THE STATE OF ALABAMA

99---

MICOND CARLETON.

Complainent,

VS

T.S. COLEMAN.

Defendant.

IN THE CIRCUIT
COURT OF
BALDWIN GOUNEY,
ALABAMA.

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

It appearing to the Court that the Complainant and Cross Defendant, Ployd Carlton, having failed to answer the allegations set out in the Defendant's and Cross Complainant's Cross Fill, and having suffere 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.

THE 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 Gross Bill, to-wit;

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

It further appearing to the "ourt that on December 10th, 1934, the Defendant-Gross Complainant, T. S. Coleman, in accordance with the powers set out in mortgage executed and delivered by the Complainant-Cross Defendant, Ployd 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

99 ...

therein described to-wit:-

The Southwest Quarter, except the Best 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.

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.

Ourt 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 Rigister of this Court, as herein provided, then, and in that event, the Rigister 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 hereinebove 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 Beldwin County, Alabame, 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 Slat day of May, 1955.

> F.W.HARE, Judge,

CLUBER'S CHRETPICATE

STATE OF A LABAMA BALDWIN COUNTY,

I, Robert S. Duck, Clerk of the CircuitCourt 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 Sist day of May, 1955, in the cause of Folyd Carlton, Complainant, vs. T. S. Colemen, Defendant, as same appears of record in said Court.

Witness my hand and the seel of said "ourt, this the day of June, 1935.

MCCZEDOP.

2/0

I of aleman of certain corps of

Tild May 1 st 1935 Robert S. Duck

The State of Alabama, No. 99 CIRCUIT CO Baldwin County.	URT IN EQUITY.
Floyd Carlton vs.	Complainant
VS.	
T. S. Coleman	Defendant
In this cause it appears to the Register	
that a summons requiring the DefendantFloyd_Carlton	·
· · · · · · · · · · · · · · · · · · ·	
4++++++++++++++++++++++++++++++++++++++	
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•·····································	3 4 5 6 7 7 6 7 7 7 7 7 7 7 8 8 8 8 8 8 8 8 8
to appear and demur, plead to or answer the Bill of Complaint in this cause	
after the service of said Summons upon Floyd Carlton	
was served upon himby the Sheriff of Raldwin Cour	nty, Alabama, on the
11th day of March 1935	

	а + в 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6
Gross And the said Defendant having failed to demur, plead to or answer the s	
to this date, it is now, therefore, on motion of Beebe & Hall	· •••••
Cross	* * * * * * * * * * * * * * * * * * * *
ordered and decreed that the said Bill of/Complaint in this cause be and it her	ebvis in all things
taken as confessed against the said Floyd Carlton	
taken as confessed against the saidFived confessed conf	

	•
	* * * * * * * * * * * * * * * * * * * *

AV	
Cross	
This 6th day of May	<u>) </u>

The State of Alabama,	1		
Baldwin County.	No. 99 CIRCUIT C	OURT IN	I EQUIT
			;
Floyd Carlton		1	-

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

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

This.

day of May 19 35

Bule & Wall Solicito

Defendant...

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, 193 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.

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.

Solicitors for Defendant and Cross Complainant.

You are hereby commanded, That of the goods and chattels, lands and tenements of -

The State of Alabama Baldwin County

CIRCUIT COURT

UM_Term, 1931

To Any Sheriff of the State of Alabama -- Greeting:

- Acce o 2to	mare		Defendants,
	7	a company	lage
you cause to be made the sum of	UD Kun	and Shirty dury to 143	⊄Dollars,
which Bart at of	ankun	Quite 100	TO 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
which -	1		—Plaintiffs
recovered of on th	e	- day of	1934 by
			Ž -
the Judgment of our Circuit Court,	held for the Co	ounty of Baldwin, besides the sum of —	
- Englew and	2671	O Commence of the commence of	Dollars
of a second	,		Donard
costs of suit, and have the same to rea	nder to the said]	······································
and make return of this Writ and the	execution ther	eof, according to law.	
Interest from		, 193, to date of collection.	·
Witness my hand, this			
witness my hand, this	day of	193	2
	:	Telema Duch	Clerk
CLERK'S FEES	AMOUNT	SHERIFF'S FEES	AMOUNT
For every Summons & Complaint/\$1.25	121	For Lovering on Attacks (#2.00	
Each copy thereof 30		For Levying an Attachment \$3.00 Entering and Returning Attachment 25	
Entering a Sheriff's Return 20	20	Summoning Garnishee 1.50	150
Docketing 25	211	Serving Summons on Writ 1.50	11-4
Entering Appearance 20 Filings 20	20	Serving Notice Sci. Fa. Notice, etc. 65	
Filings 10 Every order made in Court 2 30		Serving Subpoenas 65	
Copy thereof 25	3 0	Empanelling Jury . 75	
Every Trial with or without Jury 275	75.	Entering and Returning Execution 25	250
Entering up Judgment or copy thereof 30	75.	Collecting Cost Execution 1.50	
Issuing Execution / 50	3.0	Executing a Writ of Possession 2.50 Taking and Approving Bonds 1.00	100
Docketing Execution 25 Entering Return on Execution 20	2 1	Commissions	
Issuing Subpoenas 30		Sheriff's Commission for Property	
Administering Oath 25		Sold under Attachment	
Issuing each Attachment, taking		Seizing Personal Property on Writ	
bond 1.00		of Detinue 3.00	300
Filing Attachment 10 Each Summons for Garnishee 50		The second secon	
Each Summons for Garnishee 50 Each Copy 50	120	RECAPITULATION	550
Notice to Deft. in Garnishee on Sum-		sub-	
mons and copy, per 100 words 20	20	Judgment for 5 for \$	23800
Commissions to take Depositions or		Interest from	
Copy Order to Execute Writ of Inquiry 30	3 7	Damages 20	
Copy of Interrogatories, 15c per	3	Clerk's Fees Sheriff's Fees	975-
hundred words or 50	, and the state of	Justice of Peace Fees	550
Filing each Deposition and en-		Witness Fees in Justice of Peace Court	
dorsing same 20 / 20		Constable's Fees	
Final Record, per hundred words 15 Every Certificate 50	200	Commissioner's Fees	
Taking Bond not Otherwise Pro-	Discontinue	Printer's Fees Witness Fee in Circuit Court	
vided for 75	7.1.	Former Clerk's Fee	
Witness Certificates 25		Stenographer's Fee \$5.00	
Continuance 10	1 x 1	Trial Tax \$3.00	300
Certificate of Judgment 50		1.71825	
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Order of Publication 1,00			4
order of Publication 1,00	975		3715

FLOYD CARLTON GOMPLAINANT.

VS:

T. S. Coleman, DEFENDANT.

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

NO.

TO HONORABLE F. W. HARE, JUDGE OF THE TWENTY FIRST JUDICIAL CIRCUIT OF ALABAMA, SITTING IN EQUITY.

Your orator, Floyd Carlton, humbly complaining of the defendant, T. S. Coleman, in a matter as will hereinafter appear shows unto Your Honor as follows:

First: That he and T. S. Coleman are residents of Baldwin County, Alabama. That both he and the defendant are over the age of twentyone years.

Second: You orator shows unto Your Honor that he is the owner and possessed of the following described real estate situated in Baldwin County, Alabama, to-wit:

"Southwest quarter except East half of the Northeast quarter of Southwest quarter of Section 24, Township 1, North of Range 4 East, containing 140 acres more or less.

Honor that on, to-wit, the 18th day of August, 1934 your orator with his wife, Emma Carlton joining, executed a mortgage to T. S. Coleman, a copy of which is hereto attached and marked "Exhibit A" and prayed to be taken as a part of this Bill of Complaint, and which is recorded in the office of the Judge of Probate in Baldwin County, Alabama, in the sum of \$140.43 which amount far exceeds the amount of money due to T. S. Coleman by your orator. Your orator further shows unto Your Honor that said mortgage contains various amounts of usurious interest, and that after deducting said usurious interest, it

will be ascertained that very little, if anything be due and owing on the said mortgage.

Fourth: Your Orator further shows unto Your Honor that the said T. S. Coleman is now proceeding to foreclose the aforesaid mortgage under the power of sale contained therein and has advertised the sale of said property under said foreclosure to be had on the 10th day of December, 1934, and is proposing to attempt to sell the same on that day.

unto Your Honor that he is desirous of exercising his right of redemption and equity of redemption relative to the foregoing mortgage and property, and files this, his bill of complaint in the Court for that purpose, and respectfully asks the Court to ascertain the amount due, if anything, on said mortgage, and herein submits himself to the jurisdiction of this Court for the purpose of carrying out such decrees as Your Honor will and may see fit to render, and your Orator herein offers to pay any amount that may be due under and by virtue of the said mortgage to the said T. S. Coleman.

PRAYER FOR PROCESS.

that equity be had in the premises, your orator prays that Your Honor will cause the usual writ of process to issue to the said T. S. Coleman making him a party defendant to this Bill of Complaint and requiring him to plead, answer or demur to the same, within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF.

Premises considered, your orator prays that on a final hearing of this cause Your Honor will order a reference to ascertain the balance due on said mortgage, and that if it be ascertained that Your Orator owes any balance on said mortgage he be given a reasonable time in which to pay into court or to the Register of

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.

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 DATH, ANSWER UNDER OATH THERETO BEING HEREBY EXPRESSLY WAIVED.

SOLICITOR FOR THE COMPLAINANT.

The State of Alabama, Circuit Court of Baldwin County, In Equity. Baldwin County.

WE COM	MAND YOU, That you summon Floyd Carlton, Complainant
Orbs	s Respondent,
,	
	<u>Baldwin</u> County, to be and appear before the Judge of the Circuit Court
	unty, exercising Chancery jurisdiction, within thirty days after the service of Sum-
ns, and there	to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by
ा द	Coleman, Defendant and Cross Complainant,
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ainst said —	Floyd Carlton, Complainant and Cross Respondent
alust said	
	o and perform what said Judge shall order and direct in that behalf. And this th
id Defendant	o and perform what said Judge shall order and direct in that behalf. And this th
id Defendant : rit with your e	o and perform what said Judge shall order and direct in that behalf. And this the shall in no wise omit, under penalty, etc. And we further command that you return this endorsement thereon, to our said Court immediately upon the execution thereof.
id Defendant : rit with your e	o and perform what said Judge shall order and direct in that behalf. And this th
id Defendant : rit with your e	o and perform what said Judge shall order and direct in that behalf. And this the shall in no wise omit, under penalty, etc. And we further command that you return this endorsement thereon, to our said Court immediately upon the execution thereof.

FLOYD GARLTON.

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.

TT 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.

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 Gounty, 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

J.W. Hare

No. 99 Page	
The State of Alabama, Baldwin County.	
CIRCUIT COURT, IN EQUITY	
Floyd Carlton	-
vs. T. S. Coleman	
MOTION FOR DECREE PRO CONFESSO ON PERSONAL SERVICE	
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Register.	

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Complainant,

8

Defendant.

IN THE CIRCUIT COURT OF

BAIDHIN GOUNTY, ALABAMA,

IN ECULY,

NULBER 99.

FINAL DECREE

FLOYD CARLTON,

T. S. COLEMAN,

Deputy Sheriff

M. H. Wilhems Sheriff	Defendant	by leaving a copy of the within Summons with	Executed this 11 — day of March 1935	day of Machine 1935 M. H. M. Marine SHERIFF	Received in office this 1	BALDWIN COUNTY	

Costs Filed Civil Fee Book --Damages Interestfrom Judgment for Execution Docket THE STATE OF ALABAMA, Baldwin County Total CIRCUIT COURT EXECUTION Defendant's Attorney. Plaintiff's Attorney. 193_ Page_ 193 for \$ Defendants Plaintiffs Clerk. 193 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. Sheriff's Fee Book, Page. Sheriff's Execution Docket, Page. Clerk's Civil Execution Dccket, Page. Clerk's CivilFee Book, Page This THE STATE OF ALABAMA, COLLECT COST FROM RECEIVED IN OFFICE Baldwin County Sheriff 193-Clerk. The State of Alabama M., this o'clock, -By virtue of the within execution, I have, at 193. day of

FLOYD CARLTON,

Š

complainant,

T. S. COLEMAN,

Defendant.

IN THE CIRCUIR COURT OF

BALDWIN COUNTY, ALABAMA,

NO. 99

ANSWER AND CROSS BILL. Filed this Jappary, 1935.

IN EQUITY

on personal service against the Complainant and Cross Respondent.

Robert S. Dues

Register.

STATE OF ALABAMA,)		RCUIT COURT, IN EQUITY.		
Baldwin County.	} -	No. 99	Term, 192/3	5	
		•			
Floyd Carlton			, Complainant	- •,	
		vs.			
T. S. Coleman			, Defendant		
	•				
		ъ			
To Robert S. Duck		, Keş	gister:		
•					
In the above stated cause a I	Decree Pr	co Confesso havi	ing been taken against the Defendan	t,	
-			for submission for final decree, and n		
	Cross				
defense having been interposed, the	ie/Comp.	lainant, by B	seebe. & Hall		
ghand				,	
			now files with the Register of this Cour	rt	
this written request to deliver the	papers in	n this cause to th	he Judge for final decree in vacation.		

Decle & Lale/ Solicitor for Complainant.

STATE OF AIABAMA BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS? That we, Floyd Caleton and Emma Carleton, his wife, mortgagors, for and in consoderation 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, herediments and appurtenances belonging or in any wise appertertaining.

It is hereby expressly comenanted and agreed between the parties hereunto that the mortgagors will promptly pay all taxes and assessments against maid 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 xixsaid premises, and sell the same at public out cry 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 praceeds 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 siad mortgages, 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 mortgages 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 mortgagers 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 forweyance 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'oclock 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 I Kessler, Clerk
G. W. Humphries, Judge of Probate