

IN EQUITY # 78

ABASHABA NIMS
Complainant

Vs.

ADMINISTRATORS OF
REUBEN McCURDY Estate
Respondents

MOTION TO DISSOLVE SALE

Filed January 18 1933

Robert D. DeLoach
ORVIS M. BROWN *Plaintiff*
SOLICITOR FOR COMPLAINANT
ROBERTSDALE, ALABAMA

MOTION TO DISSOLVE OR VACATE SALE OF McCURDY ESTATE

ABASHABA NIMS
Complainant

IN EQUITY
IN THE CIRCUIT COURT OF BALDWIN COUNTY ALABAMA

Vs

Administrators of
REUBEN McCURDY Estate

To the Honorable Judge Hare, Sitting in Equity:

And the said ABASHABA NIMS, complainant in the above mentioned motion by ORVIS M. BROWN her attorney, comes and protests the Sale of the REUBEN McCURDY ESTATE and says that the SALE ought to be vacated or dissolved for the following reasons to wit:

One.

The Reuben McCurdy Estate is not indebted in any amount and the Sale for partition at this time would only deprive the heirs of their birth right to which they are justly entitled.

Two.

The price for which this land sold was greatly less than its real value, that is some portions of this estate sold for less than one fourth of its assessed value, a price that if confirmed would mean a sacrifice to the heirs which they do not desire.

Three.

Some portions of this estate there was not received any bids and on other portions the only bid was that of the heir who filed the petition for the sale and division of the estate.

Four.

Under the economic conditions that exist over the Country at large, this is not a proper time to sell Real estate as the real value of the property cannot be realized, which is a fact that this Honorable Court should take notice of and refuse to confirm this sale of December 31, 1934, held at the Court House Bay Minette, Alabama County of Baldwin.

Five.

Your petitioner further avers that neither of the Administrators of this estate endorsed or approved of the Sale of this estate as it was unnecessary and contrary to the interest of all parties of interest.

Six.

That your petitioner who applied for the Court Order of Sale is an heir to this estate with a personal pecuniary interest in the Sale and was a ~~bidder~~ at the sale of a small portion of the estate, contrary to section 5867 of the Code of Alabama of 1923.

Prayer For Process

Wherefore your ~~petitioner~~ ^{petitioner} respectfully prays the Court to take jurisdiction of this cause and have day set for hearing on this Motion giving all parties of interest the proper notice as required by law.

-Two-

PRAYER FOR RELIEF

And petitioner father prays unto the Court that upon a final hearing of this cause Your Honor will be pleased to grant an order in this cause that will set aside and annul all the proceedings had in the Sale of this Estate, and Petitioner prays for all such other, further and different relief as she may be entitled to receive, the premises considered.

Chris M. Brown
Solicitor for Complainant,
Robertsdale, Alabama.

106

IN EQUITY # 106

ABASHABA NIMS
Complainant

[Handwritten signature]

Vs.

ADMINISTRATORS OF
REUBEN McCURDY Estate
Respondents

MOTION TO DISSOLVE SALE

Filed January 18 1933

Robert Deuch
ORVIS M. BROWN
SOLICITOR FOR COMPLAINANT
ROBERTSDALE, ALABAMA

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 Marone McCurdy and
W. W. Nims, Administrators of the Estate of Reuben McCurdy
Estate, Summerdale, Alabama,

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

Abeshaba Nims

(Motion to Dissolve Sale)

against said Marone McCurdy and W. W. Nims

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.

Robert S. Duck

WITNESS, ~~XXXXXXXX~~, Register of said Circuit Court, this 19th day of

January, 1935

Robert S. Duck Register

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

Original
J. J. Hobbs # 9. 5

SERVE ON _____

Circuit Court of Baldwin County
IN EQUITY

No. 106

SUMMONS

Abshaba Nims

vs.

Merone McCurdy and
W. W. Nims, Administrators
of Estate of Reuben McCurdy,

Orvis M. Brown,

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____ 193 _____

SHERIFF

Executed this 9 day of Feb. 193 5-
by leaving a copy of the within Summons with

Merone McCurdy

and W. W. Nims

Defendant

M. H. McIlhenny

Sheriff

By E. N. Anderson

Deputy Sheriff

106

CHANCERY EXECUTION

BILL OF COSTS

No. 106

Abashaba News

Vs.

Plaintiff

Estate of Ruben M. Cuddy, Deceased

Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$
Filing each bill and other papers	1	10	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%.	2 80
Issuing each subpoena	50	50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof	3	80	Each notice sent by mail to creditor ..	15
Entering each return thereof	1	15	Filing, receiving for and docketing each claim, etc.	25
For each order of publication	1	00	For all entries on subpoena docket, etc.	50
Issuing writ of injunction	1	50	For all entries on commission docket, etc.	50
For each copy thereof	50		Making final record, per 100 words	15
Entering each return thereof	15		Certified copy of decree	1 00
Issuing Writ of Attachment	1	00	Report of divorce to State Health Office (Acts 1915)	50
Entering each return thereof	15		Total Fees of Register	4 30
Docketing each case	1	00	FEES OF SHERIFF	
Entering each appearance	25		Serving and returning subpoena on deft. ²	1 50
Issuing each decree pro confesso on per. ser.	1	00	Serving and returning subpoena for witness	65
Issuing each decree pro confesso on publica.	1	00	Levy and attachment	3 00
Each order appointing guardian	1	00	Entering and returning same	25
Any other order by Register	50		Selling property attached	75
Issuing commission to take testimony	50		Impaneling Jury	75
Receiving and filing	10		Executing writ of possession	2 50
Endorsing each package	10		Collecting execution for costs ..	1 50
Entering order submitting cause	50		Serving and returning sci. fa., each ..	65
Entering any other order of court	25		Serving and returning notice ..	65
Noting all testimony	50		Serving and returning writ of injunction	1 50
Abstract of cause, etc.	1	00	Serving and returning writ of exeat.	1 50
Entering each decree	75		Taking and approving bonds, each ..	75
For every 100 words over 500	15		Collecting money on execution	
Taking account, etc.	3	00	Making deed	2 50
Taking testimony, etc.	15		Serving and returning application, etc.	1 00
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	3 00
Amount claimed less than \$500, etc.	2	00	RECAPITULATION	
Issuing each subpoena	25		Register's Fees <i>per bill</i>	4 30
Witness certificate, each	25		Sheriff's Fees <i>W</i>	2 00
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 ..	
Hearing and passing on application, etc.	3	00	Total	10 30
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 ct.; all over \$100 and not exceeding \$1,000, 1 1-2 per ct.; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.				
Sub Total Carried Forward	2	80		

The State of Alabama, {

No. 106

Baldwin County.

Circuit Court, In Equity Spring Term, 1935

To Any Sheriff of the State of Alabama—GREETING:

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

Estate of Ruben M. Cuddy, Deceased Defendant

you cause to be made the sum of _____ Dollars,

which Abashaba News Plaintiff

recovered of it on the 16th day of Feb 1935

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of

Ten and 30/100 Dollars,

costs of suit, and have the same to render to the said Robert S. Buck and make return of this Writ and the execution thereof, according to law.

Interest from Nov 1934 to date of collection.

Witness my hand, this 17 day of Feb 1935

Robert S. Buck, Register.

Paied

No. 106

The State of Alabama,
Baldwin County.

Circuit Court, In Equity.

Charles Lee Parris

vs.

Estate of Henderson
Wm County, deceased

CHANCERY EXECUTION
Fi. Fa.

\$

Total \$ 10 30

Fee Book 3 Page 244

Execution Docket Page

David M. Brown

Complainant's Solicitor.

H. H. & C. for order

106

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 193

Sheriff

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

MOORE PRINTING CO., BALDWIN COUNTY, ALA.

The State of Alabama, }
Baldwin County.

By virtue of the within execution I have levied.....

Horizontal lines for signature and notes.

MOTION TO DISSOLVE OR VACATE SALE OF McCURDY ESTATE

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Complainant

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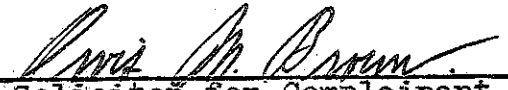
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Solicitor for Complainant.
Robertsdale, Alabama.