

Bay Minette, Alabama,

November 23rd, 1936.

To Mary F. Green, Commissioner.

Taking testimony of W. D. McDowell,
Ben Steward, Alec McDowell, T. E.
Johnson, Essie McDowell and Julie
Steward, witnesses for Respondent,
in case of Josie McDowell, Com-
plainant, vs. W. D. McDowell et al,
Respondents.....\$10.00.

JOSIE MCDOWELL,

Complainant,

-VS-

W. D. MCDOWELL, ALEX
MCDOWELL, ESSIE Mc-
DOWELL and JULIA STEWART,

Respondents.

IN THE CIRCUIT COURT--EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Come the Respondents in the above styled cause, and demur to the Complaint filed in said cause, and to each and every count thereof, separately and severally, and as grounds therefor, say:-

FIRST:

That said Complaint does not state a cause of action.

Hyfart Head & Pason
Solicitors for Respondents.

JOSIE McDOWELL,
Complainant,
-vs-
W. D. McDOWELL ET AL,
Respondents.

IN THE CIRCUIT COURT--IN EQUITY
STATE OF ALABAMA
BALDWIN COUNTY.
NO. 109.

Now come the Respondents in the aforesaid cause, and file this, their Answer and Cross-Bill, and show unto your Honor as follows:-

FIRST:

That they admit the first and second paragraph of the Bill of Complaint in this cause.

SECOND:

That they admit that on, to-wit, August 5th, 1919, that the Respondent, W. D. McDowell, made, executed and delivered to the Complainant a Deed to a tract of land in Baldwin County, Alabama, which said Deed was filed for record in the Office of the Probate Judge of Baldwin County, Alabama, on August 30th, 1919, and is of record therein in Deed Book 28 N. S., page 449; that a copy of said Deed is attached to the Bill of Complaint and marked therein as Exhibit "A" to the same.

THIRD:

Respondents further show unto your Honor that it was the mutual intention of the Respondent, W. D. McDowell, and the Complainant, for the said W. D. McDowell to convey to her the lands set out in Exhibit "A" to the original Bill of Complaint which said lands are described as follows:-

Beginning at the Southwest Corner of the Southwest Quarter of the Southeast Quarter of Section 30, Township 1 North of Range 4 East, running thence North 115 yards to a stake, running thence East 115 yards to a stake, running thence South 115 yards to a stake, running thence West 115 yards to place of beginning.

Respondents further show unto your Honor that it was the agreement and understanding between W. D. McDowell and the

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Complainant that this was the land, as mentioned in this paragraph, to be conveyed, and no other land.

FOURTH:

Respondents deny that it was the mutual intention of the parties to said conveyance that the said W. D. McDowell was to convey the lands mentioned in the fourth paragraph of the Amended Bill of Complaint, but state that it never was the intention or the understanding between W. D. McDowell and the Complainant that all of said lands mentioned in said fourth paragraph were to be conveyed, nor was the Complainant placed in the possession of all of the lands mentioned in paragraph four of said Bill of Complaint, nor is she in possession of all of the lands mentioned in said Paragraph four of said Bill of Complaint. Your Respondents further show unto your Honor that they are in the actual possession of all of the southwest quarter of Southeast quarter of Section 30, Township 1 North, Range 4 East, with the exception of the lands which the said W. D. McDowell sold and conveyed to the Complainant on, to-wit, August 5th, 1919, said lands being described in the third paragraph of this Answer and Cross-Bill.

FIFTH:

Respondents for further answer, and by way of Cross-Bill, deny that there was any error in the description in the deed executed by him on, to-wit, August 5th, 1919, and deny most emphatically that the said Complainant brought said Deed to W. D. McDowell and that the said Complainant and W. D. McDowell went to the officer who drafted the same and corrected the same to read as set forth in the fifth paragraph of the Amended Bill of Complaint. That there was no necessity for going to anyone to correct the same, as the Deed of August 5th, 1919, spoke the agreement between the parties to the same, and Respondents deny that the said W. D. McDowell agreed that said Deed of August 5th, 1919, be corrected, or that he ever made any other Deed correcting any description of the lands sold by him to the said Complainant. Your Respondents further show unto your Honor that said purported change in said Deed which com-

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plainant alleges was made by and at his request, and which has been recorded in the Records of Baldwin County, Alabama, in Deed Book _____, page _____, is a change of the Deed executed by W. D. McDowell on August 5th, 1919, and was without his authority, and has never been ratified by him, and is a cloud upon the title of your Respondents to the aforesaid lands owned by your Respondents in the Southwest quarter of Southeast quarter of Section 30, Township 1 North of Range 4 East, Baldwin County, Alabama, and should be removed as such and held for naught.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises, your Respondents and Cross-Complainants pray that your Honor will accept the foregoing Answer as a Cross-Bill to the Amended Bill of Complaint in this cause, and that your Honor will cause the usual writ of process to issue to the Complainant, Josie McDowell, making her a party defendant to this Cross-Bill of Complaint, and requiring her to answer the same within the time and under the penalties in accordance with the practice of this Honorable Court, and as required by law.

PRAYER FOR RELIEF.

THE PREMISES CONSIDERED, Cross-Complainants pray that upon a final hearing of this cause that your Honor will decree that the alleged conveyance which purports to convey a square block of 315 square yards in the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, Baldwin County, Alabama, is fictitious and void and of no effect, and that the lands which Respondent W. D. McDowell conveyed to the Complainant were the lands described in the Original Deed executed and delivered, which said Deed was of the date of August 5th, 1919, and that your Honor will make such orders and decrees as are necessary to remove any claim, right or title or interest that the said Complainant has as to any lands in the Southwest quarter of Southeast quarter of Section 30, Township 1 North of Range 4 East, except a block of land in the Southwest corner thereof consisting of 115 square yards. Cross-Complainants pray

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(page four)

for such other, further, different and general relief as in equity may seem just and meet, and they will ever pray.

Hyatt & Chason
Solicitors for Respondents.

Complainant and Cross-Respondent is required to answer each and every paragraph of the foregoing answer and cross-Bill, from "First" to "Fifth", inclusive, but answer under oath is hereby expressly waived.

Hyatt & Chason
Solicitors for Respondents.

We hereby accept service of the
above this the 19th day of
August 1936
Beck & Haeberle
by Hantson

JOSIE MCDOWELL,
Complainant,
VS.
W. D. MCDOWELL, ET AL,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY,
NO. 109.

Comes the Complainant and Cross-Respondent and for answer to the Cross Bill filed by the Respondent and Cross-Complainant, and to each allegation and paragraph thereof, separately and severally, says:

ONE:

That she denies each and every allegation contained therein not herein specifically admitted, and demands strict proof of the same.

TWO:

That she admits that the deed described in Paragraph Second of said Answer and Cross Bill was executed and recorded as therein stated, but that the said deed did not speak the true intentions of the parties, and that said deed was corrected and again filed for record and is of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 58 NS, pages 453-4; that the deed as corrected spoke the true intentions and conveyed the property mutually intended to be conveyed in the beginning.

THREE:

That she denies that it was the mutual intention of the parties to convey the lands described as Exhibit "A" to the original Bill of Complaint, and which is set out in Paragraph Third of the Cross Bill of the Cross-Complainant, but on the contrary says that it was the intention of the parties to convey a tract of twenty acres, and that the true description of the same was as set out in the original Bill of Complaint in Paragraph Fourth.

That she denies that it was the intention of the parties that the land described in the original Bill of Complaint as Exhibit "A" was the true description of the land to be conveyed, and that

the description was in error and was later corrected to speak the true intention of the parties.

FOUR:

Answering Paragraph Fourth the Complainant and Cross-Respondent says it was the mutual intention of the parties that the said W. D. McDowell was to convey the lands mentioned in the Fourth Paragraph of the Amended Bill of Complaint, and that said land was actually conveyed and the Complainant and Cross-Respondent put in the actual possession thereof and has been in such possession since that time.

FIVE:

For answer to Paragraph Fifth she says that there was an error in the description of the land as inserted in the Deed of August 5th, 1919, and which description was later, at the request of the said W. D. McDowell, corrected so as to speak the true intentions of the parties, and that the deed was corrected so as to make the description as set out in Paragraph Fourth of the Amended Bill of Complaint, which was the correct and true agreement between the parties.

Beck & Co. Beck
Solicitors for the Complainant.

John M. Howell
W. D. M^c Dowell -
Et al -

In the Circuit -
Court of Baldwin
County
Sitting in Equity

now comes the Respondents -
separately & severally -
& assigns the additional grounds
of Damages -

1st That the Bill of Complaint
shows that the respondents had
been convicted by the grand jury -

2nd That the ^{subsequent} deed or conveyance
complained of appears to be
cloud upon the title of complainant

3rd That there is no allegation
that there is no pending suit - to
test the title -

4th It does not show when the complainant
knowingly discovered the error in his deed

5th That it appears that complainant
demand is stale -

6th That complainant is guilty of laches -
His bill is barred
The Respondents

JOSIE MCDOWELL,
Complainant,
VS.
W. D. MCDOWELL, ET AL,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN CHANCERY,
NUMBER 109.

Comes the Complainant and with the permission of the Court first had and obtained amends her original bill of complaint heretofore filed on to-wit, January 26th, 1935, so that the same shall read as follows:

FIRST:

That she is a bona fide resident of Baldwin County, Alabama, over twenty-one years of age.

SECOND:

That the Respondent, W. D. McDowell, is a bona fide resident of Baldwin County, Alabama, over twenty-one years of age.

THIRD:

That, on to-wit, August 5th, 1919, the Respondent made, executed and delivered to the Complainant a deed to a tract of land in Baldwin County, Alabama, which said deed was filed for record in the office of the Probate Judge of Baldwin County, Alabama, on August 30th, 1919, and is of record therein in Deed Book 28 NS, page 449; that a copy of said deed is hereto attached, marked Exhibit "A", and asked to be taken as a part hereof as though herein fully set out.

FOURTH:

That it was the mutual intention of the parties that the Respondent, W. D. McDowell, would convey to the Complainant twenty (20) acres of land, described as follows, to-wit:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards to a stake, running thence East 315 yards to a stake, running thence South 315 yards to a stake, running thence West 315 yards to place of beginning, containing 20 acres, more or less;

that the officer drafting the deed inserted the description as set out in Exhibit "A" hereto attached, which was contrary to the mutual agreement between the Complainant and the Respondent, W. D. McDowell.

FIFTH:

That the Complainant did not detect the error in the description in the deed until after the original instrument was recorded; that upon detecting the said error in the description, the Complainant immediately took the original deed to the Respondent, W. D. McDowell and they went to the officer drafting the deed, and the description was changed, so as to comply with the original intention of the parties as as to read as follows:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards to a stake, running thence East 315 yards to a stake, running thence South 315 yards to a stake, running thence West 315 yards to place of beginning, containing 20 acres, more or less;

that immediately after the execution of the original conveyance, the Complainant went into the actual possession of said lands, supposed to have been described and conveyed in the original conveyance, to-wit:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 115 yards to a stake, running thence East 115 yards to a stake, running thence South 115 yards to a stake, running thence West 115 yards to the place of beginning, containing 20 acres, more or less,

built a house and other improvements thereon and has maintained said improvements and annually assessed and paid the taxes on said lands to this date.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said W. D. McDowell party respondent to this Bill of Complaint, requiring him 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.

Complainant further prays that upon a final hearing hereof this Honorable Court will enter an order and decree re-forming the description in the deed from W. D. McDowell to Josie McDowell, so that the same may read as follows:

Beginning at the Southwest corner of the South-west quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards to a stake, running thence East 315 yards to a stake, running thence South 315 yards to a stake, running thence West 315 yards to place of beginning, containing 20 acres, more or less;

further entering an order and decree establishing the title of your Complainant in and to said lands; that this Honorable Court give and grant unto your Complainant such other, further, different or general relief as she may be in equity and good conscience entitled to re-ceive and as in duty bound she will ever pray.

Becker & Haep
Solicitors for Complainant.

FOOT NOTE:

The Respondent is required to answer each and every allegation contained in paragraphs First to Fifth, inclusive, but not under oath, oath being hereby expressly waived.

Becker & Haep
Solicitors for Complainant.

EXHIBIT "A"

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS: That I W, D, mcdowell a widower, for and in consideration of One Hundred and fifty DOLLARS to hand paid by Josie mcdowell the receipt whereof is hereby acknowledged, do grant, bargain, sell and convey unto the said Josie Mcdowell the following described property, to-wit:

Beginning at the South west corner of the South west quarter of the South east quarter of sec, 30 township one north of range four east, Running thence north 115 yds, to a stake, running thence east 115 yds to a stake, running thence south 115 yds to a stake running thence west 115 yds, to place of beginning, containing 20 acres more or less

situated, lying and being in the county of Baldwin State of Alabama.

TO HAVE AND TO HOLD the same unto the said Josie McDowell her heirs and assigns forever. And I do, for myself and my heirs, executors and administrators covenant with the said Josie McDowell heirs and assigns, that I lawfully seized in fee simple of said premises; that they are free from all incumbrance, and that I have good right to sell and convey the said property; that I will, and my heirs, executors and administrators, shall warrant and defend the same to the said Josie McDowell her heirs, executors and assigns, forever against the lawful claims of all persons whatsoever.

In witness whereof I have hereunto set my hands and affixed my seals this the 5 day of Aug 1919

W. D. McDowell (Seal)

THE STATE OF ALABAMA)
BALDWIN COUNTY.)

I, J. A. Shiver a J, P, in and for said County and State, do hereby certify that W, D, McDowell whose name is signed to the foregoing conveyance, and who is known to me acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand this the 5 day of Aug, 1919

J A Shiver J. P.

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

Comes your Complainant, JOSIE MCDOWELL, and respectfully represents and shows unto your Honor and this Honorable Court as follows:

FIRST:

That she is a bona fide resident of Baldwin County, Alabama, over twenty-one years of age.

SECOND:

That the Respondents, W. D. MCDOWELL, ALEX MCDOWELL, ESSIE MCDOWELL and JULIA STEWART, are bona fide residents of Baldwin County, Alabama, over twenty-one years of age.

THIRD:

That on August 5th, 1919, the Respondents made, executed, and delivered to the Complainant a tract of land in Baldwin County, Alabama; that said deed was filed for record in the office of the Probate Judge of Baldwin County, Alabama, on August 30th, 1919, and is of record therein in Deed Book 28 N. S., page 449; that a copy of said deed is hereto attached, marked Exhibit "A", and asked to be taken as a part hereof as though herein fully set out.

FOURTH:

That it was the mutual intention of the parties that the Respondent, W. D. MCDOWELL, would convey to the Complainant twenty (20) acres of land, described as follows, to-wit:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards to a stake, running thence east 315 yards to a stake, running thence South 315 yards to a stake, running thence West 315 yards to place of beginning, containing 20 acres, more or less;

that the officer drafting the deed inserted the description as set out in Exhibit "A" hereto attached, which was contrary to the

mutual agreement between the Complainant and the Respondent,
W. D. MCDOWELL.

FIFTH:

That the Complainant did not detect the error in the description until after the original instrument was recorded; that upon detecting the said error in description, the Complainant immediately took the original deed to the Respondent, W. D. MCDOWELL and they went to the officer drafting the deed, and the description was changed, so as to comply with the original intention of the parties so as to read as follows:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards to a stake, running thence East 315 yards to a stake, running thence South 315 yards to a stake, running thence West 315 yards to place of beginning, containing 20 acres, more or less;

that immediately after the execution of said conveyance the Complainant went into the actual possession of said lands, supposed to have been described in the original conveyance, to-wit:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards, to a stake, running thence East 315 yards to a stake, running thence South 315 yards to a stake, running thence West 315 yards, to place of beginning, containing 20 acres, more or less,

built a house and other improvements thereon and has maintained said improvements and annually assessed and paid the taxes on said lands to this date.

SIXTH:

That recently the Respond^{ent}/ W. D. MCDOWELL has conveyed to the Respond^{ents}/ ALEX MCDOWELL, ESSIE MCDOWELL and JULIA STEWART, by deed dated December 19th, 1933, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 56 N. S. pages 275-6, the following described lands in Baldwin

County, Alabama, to-wit:

The Northwest quarter of the Southeast quarter of the North half of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, containing 60 acres, more or less;

that while this description does not conflict with the true description of the property conveyed to your Complainant, the Complainant is advised that it was intended that the description in this deed should read: The Northwest quarter of the Southeast quarter and the North half of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, containing 60 acres, more or less, which would conflict with the Complainant; that a copy of this deed from W. D. McDowell to Alex McDowell, Essie McDowell and Julia Stewart is attached hereto, marked Exhibit "B", and asked to be taken as a part hereof as though herein fully set out.

WHEREFORE the premises considered, Complainant prays that your Honor will, by proper process, make the said W. D. MCDOWELL, ALEX MCDOWELL, ESSIE MCDOWELL and JULIA STEWART, parties respondent to this Bill of Complaint, requiring them 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.

Complainant further prays that upon a final hearing hereof this Honorable Court enter an order and decree reforming the description in the deed from W. D. McDowell to Josie McDowell so that the same may read as follows:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards to a stake, running thence East 315 yards to a stake, running thence South 315 yards to a stake, running thence West 315 yards to place of beginning, containing 20 acres, more or less;

further entering an order and decree establishing the title of your Complainant in and to said lands; that this Honorable Court give and grant unto your Complainant such other, further, different or general relief as she may be in equity and good conscience entitl-

ed to receive, and as in duty bound she will ever pray.

Beube & Hall
Solicitors for Complainant.

FOOT NOTE:

The Respondents and each of them are required to answer each and every allegation contained in paragraphs FRIST to SIXTH, inclusive, but not under oath, oath being hereby expressly waived.

Beube & Hall
Solicitors for Complainant.

EXHIBIT "A"

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS: That I W, D, mcdowell a widower, for and in consideration of One Hundred and fifty DOLLARS to hand paid by Josie mcdowell the receipt whereof is hereby acknowledged, do grant, bargain, sell and convey unto the said Josie Mcdowell the following described property, to-wit:

Beginning at the South west corner of the South west quarter of the south east quarter of sec, 30 township one north of range four east, Running thence north 115 yds, to a stake, running thence east 115 yds to a stake, running thence south 115 yds to a stake running thence west 115 yds, to place of beginning, containing 20 acres more or less

situated, lying and being in the county of Baldwin State of Alabama.

TO HAVE AND TO HOLD the same unto the said Josie Mcdowell her heirs and assigns forever. And I do, for myself and my heirs, executors and administrators covenant with the said Josie Mcdowell heirs and assigns, that I lawfully seized in fee simple of said premises; that they are free from all incumbrance, and that I have good right to sell and convey the said property; that I will, and my heirs, executors and administrators, shall warrant and defend the same to the said Josie Mcdowell her heirs, executors and assigns, forever against the lawful claims of all persons whatsoever.

In Witness whereof I have hereunto set my hands and affixed my seals this the 5 day of Aug 1919

W. D. McDowell (Seal)

THE STATE OF ALABAMA)
BALDWIN COUNTY.)

I, J. A. Shiver a J. P, in and for said County and State, do hereby certify that W, D, Mcdowell whose name is signed to the foregoing conveyance, and who is known to me acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand this the 5 day of Aug, 1919

J A Shiver J. P.

EXHIBIT "B"

WARRANTY DEED
THE STATE OF ALABAMA
BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of One Dollar and other good and valuable consideration to me in hand paid by Alex McDowell, Essie McDowell and Julia Stewart, the receipt whereof is hereby acknowledged, I, W. D. McDowell, a widower, do grant, bargain, sell and convey unto the said Alex McDowell, Essie McDowell, and Julia Stewart the following described lands situated in Baldwin County, Alabama, to-wit:

The Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the North half (N $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section thirty (30), in Township one (1) North, Range four (4) East, containing sixty (60) acres, more or less.

TO HAVE AND TO HOLD to the said Alex McDowell, Essie McDowell and Julia Stewart, and to their heirs and assigns forever.

And I do covenant with the said Alex McDowell, Essie McDowell and Julia Stewart, that I am seized in fee of the above described premises; that I have the right to sell and convey the same; that the said premises are free from all incumbrances; and that I will, and my heirs, executors, and administrators shall forever warrant and defend the same to the said Alex McDowell, Essie McDowell and Julia Stewart, and to their heirs and assigns, against the lawful claims of all persons whomsoever.

Witness my hand and seal this 19th day of December, 1933.

W. D. McDowell L. S.

WITNESS:

Herbert R. Weston.

STATE OF ALABAMA
BALDWIN COUNTY.

I, Herbert R. Weston, a Notary Public in and for said County and State, hereby certify that W. D. McDowell, a widower, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 19th day of December, A. D. 1933.

Herbert R. West, Notary Public,
Baldwin County, Alabama.

SEAL

JOSIE MCDOWELL,
Complainant,
VS.
W. D. MCDOWELL, ET AL.,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY,
NO. 109.

NOTE OF TESTIMONY

This cause is submitted in behalf of the Complainant upon the following:

Original Bill of Complaint, filed January 26th, 1935.

Amended Complaint, filed July 20th, 1936.

Answer to Cross Bill, filed October 7th, 1936.

Summons issued January 28th, 1935 and return of Sheriff thereon, dated February 25th, 1935.

Testimony of Josie McDowell, J. A. Shiver and H. H. McGill.


Register.

JOSIE McDOWELL,

Complainant,

-vs-

W. D. McDOWELL, ALEC Mc-
DOWELL, ESSIE McDOWELL and
JULIA STEWART,

Respondents.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY:

NOTE OF TESTIMONY.

This cause is submitted in behalf of the Respondents,
W. D. McDowell, Alec McDowell, Essie McDowell and Julia Stewart,
upon the following, viz:-

Answer & Cross-Bill filed by the Respondents
on August 19th, 1936;

Agreement of Solicitors for Complainant and
Respondents dated November 19th, 1936, and at-
tached to Testimony for Respondents;

Testimony of W. D. McDowell, Ben Steward, Alec
McDowell, T. E. Johnson, Essie McDowell and
Julie Steward, and Exhibit attached thereto, to-
gether with Certificate of Commissioner attached
thereto.


Register.

TO HONORABLE F. W. HARR, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN CHANCERY:

Comes your Complainant, JOSIE MCDOWELL, and respectfully represents and shows unto your Honor and this Honorable Court as follows:

FIRST:

That she is a bona fide resident of Baldwin County, Alabama, over twenty-one years of age.

SECOND:

That the Respondents, W. D. MCDOWELL, ALEX MCDOWELL, ESSIE MCDOWELL and JULIA STEWART, are bona fide residents of Baldwin County, Alabama, over twenty-one years of age.

THIRD:

That on August 5th, 1919, the Respondents made, executed, and delivered to the Complainant a tract of land in Baldwin County, Alabama, that said deed was filed for record in the office of the Probate Judge of Baldwin County, Alabama, on August 30th, 1919, and is of record therein in Deed Book 28 N. S., page 449; that a copy of said deed is hereto attached, marked Exhibit "A", and asked to be taken as a part hereof as though herein fully set out.

FOURTH:

That it was the mutual intention of the parties that the Respondent, W. D. MCDOWELL, would convey to the Complainant twenty (20) acres of land, described as follows, to-wit:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards to a stake, running thence west 315 yards to a stake, running thence South 315 yards to a stake, running thence West 315 yards to place of beginning, containing 20 acres, more or less;

that the officer drafting the deed inserted the description as set out in Exhibit "A" hereto attached, which was contrary to the

mutual agreement between the Complainant and the Respondent,
W. D. MCDOWELL.

FIFTH:

That the Complainant did not detect the error in the description until after the original instrument was recorded; that upon detecting the said error in description, the Complainant immediately took the original deed to the Respondent, W. D. MCDOWELL and they went to the officer drafting the deed, and the description was changed, so as to comply with the original intention of the parties so as to read as follows:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards to a stake, running thence East 315 yards to a stake, running thence South 315 yards to a stake, running thence West 315 yards to place of beginning, containing 20 acres, more or less;

that immediately after the execution of said conveyance the Complainant went into the actual possession of said lands, supposed to have been described in the original conveyance, to-wit:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards, to a stake, running thence East 315 yards to a stake, running thence South 315 yards to a stake, running thence West 315 yards, to place of beginning, containing 20 acres, more or less,

built a house and other improvements thereon and has maintained said improvements and annually assessed and paid the taxes on said lands to this date.

SIXTH:

That recently the Respondent/ W. D. MCDOWELL has conveyed to the Respondents, ALEX MCDOWELL, ESSIE MCDOWELL and JULIA STEWART, by deed dated December 19th, 1933, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 56 N. S. pages 275-6, the following described lands in Baldwin

County, Alabama, to-wit:

The Northwest quarter of the Southeast quarter of the North half of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, containing 60 acres, more or less;

that while this description does not conflict with the true description of the property conveyed to your Complainant, the Complainant is advised that it was intended that the description in this deed should read: The Northwest quarter of the Southeast quarter and the North half of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, containing 60 acres, more or less, which would conflict with the Complainant; that a copy of this deed from W. D. McDowell to Alex McDowell, Essie McDowell and Julia Stewart is attached hereto, marked Exhibit "B", and asked to be taken as a part hereof as though herein fully set out.

WHEREFORE the premises considered, Complainant prays that your Honor will, by proper process, make the said W. D. McDOWELL, ALEX MCDOWELL, ESSIE MCDOWELL and JULIA STEWART, parties respondent to this Bill of Complaint, requiring them 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.

Complainant further prays that upon a final hearing hereof this Honorable Court enter an order and decree reforming the description in the deed from W. D. McDowell to Josie McDowell so that the same may read as follows:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards to a stake, running thence East 315 yards to a stake, running thence South 315 yards to a stake, running thence West 315 yards to place of beginning, containing 20 acres, more or less;

further entering an order and decree establishing the title of your Complainant in and to said lands; that this Honorable Court give and grant unto your Complainant such other, further, different or general relief as she may be in equity and good conscience entitl-

ed to receive, and as in duty bound she will ever pray.

Bube & Hall

Solicitors for Complainant.

FOOT NOTE:

The Respondents and each of them are required to answer each and every allegation contained in paragraphs FIRST to SIXTH, inclusive, but not under oath, oath being hereby expressly waived.

Bube & Hall

Solicitors for Complainant.

EXHIBIT "A"

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS: That I W, D, McDowell a widower, for and in consideration of One Hundred and fifty DOLLARS to hand paid by Josie McDowell the receipt whereof is hereby acknowledged, do grant, bargain, sell and convey unto the said Josie McDowell the following described property, to-wit:

Beginning at the South west corner of the South west quarter of the south east quarter of sec. 30 township one north of range four east, running thence north 115 yds, to a stake, running thence east 115 yds to a stake, running thence south 115 yds to a stake running thence west 115 yds, to place of beginning, containing 20 acres more or less

situated, lying and being in the county of Baldwin State of Alabama.

TO HAVE AND TO HOLD the same unto the said Josie McDowell her heirs and assigns forever. And I do, for myself and my heirs, executors and administrators covenant with the said Josie McDowell heirs and assigns, that I lawfully seized in fee simple of said premises; that they are free from all incumbrance, and that I have good right to sell and convey the said property; that I will, and my heirs, executors and administrators, shall warrant and defend the same to the said Josie McDowell her heirs, executors and assigns, forever against the lawful claims of all persons whatsoever.

In witness whereof I have hereunto set my hands and affixed my seals this the 5 day of Aug 1919

W. D. McDowell (Seal)

THE STATE OF ALABAMA)
BALDWIN COUNTY.)

I, J. A. Shiver a J. P. in and for said County and State, do hereby certify that W, D, McDowell whose name is signed to the foregoing conveyance, and who is known to me acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand this the 5 day of Aug 1919

J A Shiver J. P.

WARRANTY DEED
THE STATE OF ALABAMA
BALDWIN COUNTY.

EXHIBIT "B"

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of one Dollar and other good and valuable consideration to me in hand paid by Alex McDowell, Essie McDowell and Julia Stewart, the receipt whereof is hereby acknowledged, I, W. D. McDowell, a widower, do grant, bargain, sell and convey unto the said Alex McDowell, Essie McDowell, and Julia Stewart the following described lands situated in Baldwin County, Alabama, to-wit:

The Northwest quarter (NW¹/₄) of the Southeast quarter (SE¹/₄) of the North half (NH) of the Southwest quarter (SW¹/₄) of the Southeast quarter (SE¹/₄) of Section thirty (30), in Township one (1) North, Range four (4) East, containing sixty (60) acres, more or less.

TO HAVE AND TO HOLD to the said Alex McDowell, Essie McDowell and Julia Stewart, and to their heirs and assigns forever.

and I do covenant with the said Alex McDowell, Essie McDowell and Julia Stewart, that I am seized in fee of the above described premises; that I have the right to sell and convey the same; that the said premises are free from all incumbrances; and that I will, and my heirs, executors, and administrators shall forever warrant and defend the same to the said Alex McDowell, Essie McDowell and Julia Stewart, and to their heirs and assigns, against the lawful claims of all persons whomsoever.

Witness my hand and seal this 19th day of December, 1933.

W. D. McDowell L. S.

WITNESS:

Herbert R. Weston.

STATE OF ALABAMA
BALDWIN COUNTY.

I, Herbert R. Weston, a Notary Public in and for said County and State, hereby certify that W. D. McDowell, a widower, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 19th day December, A. D. 1933.

Herbert R. West, Notary
Baldwin County, Alabama

SEAL

POI

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

Comes your Complainant, JOSIE McDOWELL, and respectfully represents and shows unto your Honor and this Honorable Court as follows:

FIRST:

That she is a bona fide resident of Baldwin County, Alabama, over twenty-one years of age.

SECOND:

That the Respondents, W. D. McDOWELL, ALIX McDOWELL, ESSIE McDOWELL and JULIA STEWART, are bona fide residents of Baldwin County, Alabama, over twenty-one years of age.

THIRD:

That on August 5th, 1919, the Respondents made, executed, and delivered to the Complainant a tract of land in Baldwin County, Alabama; that said deed was filed for record in the office of the Probate Judge of Baldwin County, Alabama, on August 30th, 1919, and is of record therein in Deed Book 28 N. S., page 449; that a copy of said deed is hereto attached, marked Exhibit "A", and asked to be taken as a part hereof as though herein fully set out.

FOURTH:

That it was the mutual intention of the parties that the Respondent, W. D. McDOWELL, would convey to the Complainant twenty (20) acres of land, described as follows, to-wit:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards to a stake, running thence west 315 yards to a stake, running thence South 315 yards to a stake, running thence west 315 yards to place of beginning, containing 20 acres, more or less;

that the officer drafting the deed inserted the description as set out in Exhibit "A" hereto attached, which was contrary to the

mutual agreement between the Complainant and the Respondent,
W. D. McDOWELL.

FIFTH:

That the Complainant did not detect the error in the description until after the original instrument was recorded; that upon detecting the said error in description, the Complainant immediately took the original deed to the Respondent, W. D. McDOWELL and they went to the officer drafting the deed, and the description was changed, so as to comply with the original intention of the parties so as to read as follows:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards to a stake, running thence East 315 yards to a stake, running thence South 315 yards to a stake, running thence West 315 yards to place of beginning, containing 20 acres, more or less;

that immediately after the execution of said conveyance the Complainant went into the actual possession of said lands, supposed to have been described in the original conveyance, to-wit:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards, to a stake, running thence East 315 yards to a stake, running thence South 315 yards to a stake, running thence West 315 yards, to place of beginning, containing 20 acres, more or less,

built a house and other improvements thereon and has maintained said improvements and annually assessed and paid the taxes on said lands to this date.

SIXTH:

ent
That recently the Respondent/ W. D. McDOWELL has conveyed
ents
to the Respondent/ ALEX McDOWELL, ESSIE McDOWELL and JULIA STEWART,
by deed dated December 19th, 1933, and of record in the office
of the Probate Judge of Baldwin County, Alabama, in Deed Book
56 N. S. pages 275-6, the following described lands in Baldwin

County, Alabama, to-wit:

The Northwest quarter of the Southeast quarter of the North half of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, containing 60 acres, more or less;

that while this description does not conflict with the true description of the property conveyed to your Complainant, the Complainant is advised that it was intended that the description in this deed should read: The Northwest quarter of the Southeast quarter and the North half of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, containing 60 acres, more or less, which would conflict with the Complainant; that a copy of this deed from W. D. McDowell to Alex McDowell, Essie McDowell and Julia Stewart is attached hereto, marked Exhibit "B", and asked to be taken as a part hereof as though herein fully set out.

WHEREFORE the premises considered, Complainant prays that your Honor will, by proper process, make the said W. D. McDOWELL, ALEX McDOWELL, ESSIE McDOWELL and JULIA STEWART, parties respondent to this Bill of Complaint, requiring them 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.

Complainant further prays that upon a final hearing hereof this Honorable Court enter an order and decree reforming the description in the deed from W. D. McDowell to Josie McDowell so that the same may read as follows:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards to a stake, running thence East 315 yards to a stake, running thence South 315 yards to a stake, running thence West 315 yards to place of beginning, containing 20 acres, more or less;

further entering an order and decree establishing the title of your Complainant in and to said lands; that this Honorable Court give and grant unto your Complainant such other, further, different or general relief as she may be in equity and good conscience entitl-

ed to receive, and as in duty bound she will ever pray.

Rube & Lee

Solicitors for Complainant

FOOT NOTE:

The respondents and each of them are required to answer each and every allegation contained in paragraphs FIRST to SIXTH, inclusive, but not under oath, oath being hereby expressly waived.

Rube & Lee

Solicitors for Complainant.

EXHIBIT "A"

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS: That I W. D. McDowell a widower, for and in consideration of One Hundred and fifty DOLLARS to hand paid by Josie McDowell the receipt whereof is hereby acknowledged, do grant, bargain, sell and convey unto the said Josie McDowell the following described property, to-wit:

Beginning at the South west corner of the South west quarter of the south east quarter of sec. 30 township one north of range four east, Running thence north 115 yds, to a stake, running thence east 115 yds to a stake, running thence south 115 yds to a stake running thence west 115 yds, to place of beginning, containing 30 acres more or less

situated, lying and being in the county of Baldwin State of Alabama.

TO HAVE AND TO HOLD the same unto the said Josie McDowell her heirs and assigns forever. And I do, for myself and my heirs, executors and administrators covenant with the said Josie McDowell heirs and assigns, that I lawfully seized in fee simple of said premises; that they are free from all incumbrance, and that I have good right to sell and convey the said property; that I will, and my heirs, executors and administrators, shall warrant and defend the same to the said Josie McDowell her heirs, executors and assigns, forever against the lawful claims of all persons whatsoever.

In witness whereof I have hereunto set my hands and affixed my seals this the 5 day of AUG 1919

W. D. McDowell (Seal)

THE STATE OF ALABAMA)
BALDWIN COUNTY.)

I, J. A. Shiver a J. P., in and for said County and State, do hereby certify that W. D. McDowell whose name is signed to the foregoing conveyance, and who is known to me acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand this the 5 day of Aug, 1919

J A Shiver J. P.

Given under my hand and official seal this 19th day of
December, A. D. 1933.

Herbert H. West, Notary Public,
Baldwin County, Alabama.

SEAL

~~BEFORE ME, the undersigned authority, on this day personally appeared~~
~~JOHN W. WOODRUFF, and he acknowledged to me that he executed the~~
~~above instrument for the purposes and consideration therein expressed.~~
~~I give this instrument the effect of a deed.~~
~~Witness my hand and official seal this 19th day of December, 1933.~~

HERBERT H. WEST, Notary Public,
Baldwin County, Alabama.

JOHN W. WOODRUFF, (20) of the County of Baldwin,
State of Alabama, do hereby certify that the within and
above instrument is a true and correct copy of the original
instrument as the same appears from the records of the
County of Baldwin, State of Alabama.

JOHN W. WOODRUFF, Notary Public,
Baldwin County, Alabama.

Herbert H. West

John W. Woodruff

FILED

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IN

BALDWIN COU

IN THE CITY

H. D. WOODRUFF,
Notary Public,
Baldwin County, Alabama.

VS.

JOHN W. WOODRUFF

109

TO HONORABLE T. W. HARR, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN CHANCERY:

Comes your Complainant, JOSIE McDOWELL, and respect-
fully represents and shows unto your Honor and this Honorable
Court as follows:

FIRST:

That she is a bona fide resident of Baldwin County,
Alabama, over twenty-one years of age.

SECOND:

That the Respondents, W. D. McDOWELL, ALMA McDOWELL,
ROBIE McDOWELL and JULIA STEWART, are bona fide residents of
Baldwin County, Alabama, over twenty-one years of age.

THIRD:

That on August 5th, 1919, the Respondents made, exe-
cuted, and delivered to the Complainant a tract of land in Bald-
win County, Alabama; that said deed was filed for record in the
office of the Probate Judge of Baldwin County, Alabama, on August
30th, 1919, and is of record therein in Deed Book 26 N. S., page
449; that a copy of said deed is hereto attached, marked Exhibit
"A", and asked to be taken as a part hereof as though herein fully
set out.

FOURTH:

That it was the mutual intention of the parties that the
Respondent, W. D. McDOWELL, would convey to the Complainant twenty
(20) acres of land, described as follows, to-wit:

Beginning at the Southwest corner of the South-
west quarter of the Southeast quarter of section
30, Township 1 North of Range 4 East, running
thence North 315 yards to a stake, running thence
east 315 yards to a stake, running thence South
315 yards to a stake, running thence West 315
yards to place of beginning, containing 20 acres,
more or less;

that the officer drafting the deed inserted the description as
set out in Exhibit "A" hereto attached, which was contrary to the

mutual agreement between the Complainant and the Respondent,
W. D. McDOWELL.

FIFTH:

That the Complainant did not detect the error in the description until after the original instrument was recorded; that upon detecting the said error in description, the Complainant immediately took the original deed to the Respondent, W. D. McDOWELL and they went to the officer drafting the deed, and the description was changed, so as to comply with the original intention of the parties so as to read as follows:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards to a stake, running thence East 315 yards to a stake, running thence South 315 yards to a stake, running thence west 315 yards to place of beginning, containing 20 acres, more or less;

that immediately after the execution of said conveyance the Complainant went into the actual possession of said lands, supposed to have been described in the original conveyance, to-wit:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards, to a stake, running thence East 315 yards to a stake, running thence South 315 yards to a stake, running thence west 315 yards, to place of beginning, containing 20 acres, more or less,

built a house and other improvements thereon and has maintained said improvements and annually assessed and paid the taxes on said lands to this date.

SIXTH:

That recently the Respond^{ent} W. D. McDOWELL has conveyed to the Respond^{ents} ALIX McDOWELL, ESSIE McDOWELL and JULIA STEWART, by deed dated December 19th, 1933, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 56 N. S. pages 275-6, the following described lands in Baldwin

County, Alabama, to-wit:

The Northwest quarter of the Southeast quarter of the North half of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, containing 60 acres, more or less;

that while this description does not conflict with the true description of the property conveyed to your Complainant, the Complainant is advised that it was intended that the description in this deed should read: The Northwest quarter of the Southeast quarter and the North half of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, containing 60 acres, more or less, which would conflict with the Complainant; that a copy of this deed from W. D. McDowell to Alex McDowell, Essie McDowell and Julia Stewart is attached hereto, marked Exhibit "B", and asked to be taken as a part hereof as though herein fully set out.

WHEREFORE the premises considered, Complainant prays that your Honor will, by proper process, make the said W. D. McDOWELL, ALEX McDOWELL, EESSIE McDOWELL and JULIA STEWART, parties respondent to this Bill of Complaint, requiring them 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.

Complainant further prays that upon a final hearing hereof this Honorable Court enter an order and decree reforming the description in the deed from W. D. McDowell to Josie McDowell so that the same may read as follows:

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30, Township 1 North of Range 4 East, running thence North 315 yards to a stake, running thence East 315 yards to a stake, running thence South 315 yards to a stake, running thence West 315 yards to place of beginning, containing 20 acres, more or less;

further entering an order and decree establishing the title of your Complainant in and to said lands; that this Honorable Court give and grant unto your Complainant such other, further, different or general relief as she may be in equity and good conscience entitl-

ed to receive, and as in duty bound she will ever pray.

Becke & Hall

Solicitors for Complainant

FOOT NOTE:

The Respondents and each of them are required to answer each and every allegation contained in paragraphs FIRST to SIXTH, inclusive, but not under oath, oath being hereby expressly waived.

Becke & Hall

Solicitors for Complainant.

EXHIBIT "A"

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS: That I W. D. McDowell a widower, for and in consideration of One Hundred and fifty DOLLARS to hand paid by Josie McDowell the receipt whereof is hereby acknowledged, do grant, bargain, sell and convey unto the said Josie McDowell the following described property, to-wit:

Beginning at the South west corner of the South west quarter of the south east quarter of sec. 53 township one north of range four east, Running thence North 115 yds, to a stake, running thence east 115 yds to a stake, running thence south 115 yds to a stake running thence west 115 yds, to place of beginning, containing 20 acres more or less

situated, lying and being in the county of Baldwin state of Alabama.

TO HAVE AND TO HOLD the same unto the said Josie McDowell her heirs and assigns forever. And I do, for myself and my heirs, executors and administrators covenant with the said Josie McDowell heirs and assigns, that I lawfully seized in fee simple of said premises; that they are free from all incumbrance, and that I have good right to sell and convey the said property; that I will, and my heirs, executors and administrators, shall warrant and defend the same to the said Josie McDowell her heirs, executors and assigns, forever against the lawful claims of all persons whatsoever.

In witness whereof I have hereunto set my hands and affixed my seals this the 5 day of Aug 1919

W. D. McDowell (Seal)

THE STATE OF ALABAMA)
BALDWIN COUNTY.)

I, J. A. Shiver a J. P. in and for said County and State, do hereby certify that W. D. McDowell whose name is signed to the foregoing conveyance, and who is known to me acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand this the 5 day of Aug 1919

J A Shiver J. P.

EXHIBIT 107

WARRANTY DEED
THE STATE OF ALABAMA
BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of One Dollar and other good and valuable consideration to us in hand paid by Alex McDowell, Essie McDowell and Julia Stewart, the receipt whereof is hereby acknowledged, I, W. D. McDowell, a widower, do grant, bargain, sell and convey unto the said Alex McDowell, Essie McDowell, and Julia Stewart the following described lands situated in Baldwin County, Alabama, to-wit:

The Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the North half (N $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section thirty (30), in Township one (1) North, Range four (4) East, containing sixty (60) acres, more or less.

TO HAVE AND TO HOLD to the said Alex McDowell, Essie McDowell and Julia Stewart, and to their heirs and assigns forever.

And I do covenant with the said Alex McDowell, Essie McDowell and Julia Stewart, that I am seized in fee of the above described premises; that I have the right to sell and convey the same; that the said premises are free from all incumbrances; and that I will, and my heirs, executors, and administrators shall forever warranty and defend the same to the said Alex McDowell, Essie McDowell and Julia Stewart, and to their heirs and assigns, against the lawful claims of all persons whomsoever.

Witness my hand and seal this 19th day of December, 1933.

W. D. McDowell L. S.

WITNESS:

Herbert R. Weston.

STATE OF ALABAMA
BALDWIN COUNTY.

I, Herbert R. Weston, a Notary Public in and for said County and State, hereby certify that W. D. McDowell, a widower, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 19th day of December, 1. D. 1933.

Herbert R. West, Notary Publ
Baldwin County, Alabama.

SEAL

PO1