Bay Minette, Alabama, November 23rd, 1936.

To Mary F. Green, Commissioner.

Taking testimeny of W. D. McDowell, Ben Steward, Alec McDowell, T. E. Johnson, Essie McDowell and Julie Steward, witnesses for Respondent, in case of Josie McDowell, Complainant, vs. W. D. McDowell et al, Respondents.

\$10.00.

JOSIE McDOWELL,

Complainant,

···VS···

W. D. McDOWELL, ALEX McDOWELL, ESSIR Mc-DOWELL and JULIA STEWART,

Respondents.

IN THE CIRCUIT COURT-EQUITY SIDE STATE OF ALABAMA

BALDWIN COUNTY.

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.

Hyfast Heard & Caso.
Soft citors for Respondents.

JOSIE MCDOWELL,

Complainant,

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 South 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

(page one)

# (page two)

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 amend+ ed 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-Billideny that there was any error in the description in the peed 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-

# (page three)

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. Mc-Dowell 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 l North of Range 4 East, Baldwin County, Alabama, and should be removed as such and held for naught.

# PRAYER FOR PROCESS.

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 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 gray

# (page four)

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

Solveitors 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.

Solicytors for Respondents.

We herely accept serving the above this the 19th day of August 1976 Rechestaces Beach 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.

Solicitors for the complainant.

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JOSIE MCDOVIELL,

Complainant,

VS.

W. D. MCDOWELL, ET AL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN CHARCERY,

NUMBER 109.

Comes the Complainant and with the permission of the Court first had and obtained amends her original bill of complaint hereto-fore 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 Gounty, 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.

### FOURIH:

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 South 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. Mc-Dowell 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 Honorabe Court.

Complainant further prays that upon a final hearing hereof this Honorable Court will 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 entitled to receive and as in duty bound she will ever pray.

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.

Solicitors for Complainant.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

KNOW ALL MAN 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.

dowell 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 DAILDWIN 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 respect-fullyrepresents 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/W. D. MCDOWELL has conveyed ents, to the Respond/ 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. MC-DOWELL, 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 East315 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.

Bule o 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.

Bule v I Vall
Solicitors for Complainant.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

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

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 Mc-Dowell, 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 (NW4) of the Southeast quarter (SE4) of the North half (N5) of the Southwest quarter (SW4) of the Southeast quarter (SE4) 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.

T. 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,         | IN THE CIRCUIT COURT OF |
|-------------------------|-------------------------|
| Complainant,            | BALDWIN COUNTY, ALABAMA |
| VS.                     | IN EQUITY,              |
| W. D. MCDOWELL, ET AL., | NO. 109.                |
| Respondents.            | <b>3</b>                |

#### 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 attached 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, together with Certificate of Commissioner attached thereto.

> Osbuch Register.

TO HOMOBARLENT. W. HARE, JUDGE OF THE CIRCUIT COURT OF BAIDWIN COUNTY, ALABAMA, IN CHANCERY:

. Yes

Comes your Complainant, JOSIE MCDOWELL, and respect- fully represents and shows unto your Honor and this Honorable

# rrrr:

That she is a bona fide resident of Baldwin County,

# 500 O D :

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

# 

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 50th, 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.

# POTENTIAL .

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 I North of Range 4 East, running thence North 315 yards to a stake, running thence wast 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 insorted 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. MCDOWGLL.

#### 

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 515 yards to a stake, running thence East 515 yards to a stake, running thence South 515 yards to a stake, running thence South 515 yards to place of beginning, containing 20 acros, 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 515 yards to a stake, running thence West 515 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.

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ents, to the Respond/ N. D. MCDOWELL has conveyed ents, to the Respond/, 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 Southwest quarter of the Southeast quarter of Section 50.

Township I North of Range 4 East, containing 60 acres, more or less;

cription 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 39, Township I 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. Nobowell 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.

that your Honor will, by proper process, make the said W. D. NO-DOWELL, ALBX MCDOWELL, ESSIE MCDOWELL and JULIA STRWART, parties respondent to this Bill of Complaint, requiring them to plead, answer, or demur to the same within the time and under the pencities 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 Southwest quarter of Section 30, fownship I North of Range 4 East, running thence North 315 yards to a stake, running thence East315 yards to a stake, running thence South 315 yards to a stake, running thence West 315 yards to place of beginning, containing 20 screet, 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.

Aube & Wall

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 ooth, oath being hereby expressly writed.

#### MIRIBET TAR

THE STATE OF ALABAMA,

BALDWIN COUNTY.

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

Beginning at the South west corner of the South west quarter of the south east quarter of sec. 50 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 scres more or less

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

TO HAVE AND TO HOLD the same unto the said Josie Mc-dowell her heirs and assigns forever. And I do, for myself end my heirs, executors and administrators covenant with the said Josie Mcdowell heirs and assigns, that I lawfully seized in fee simple of said promises; 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 whatepever.

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

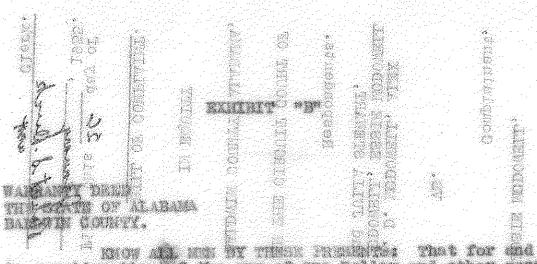
W. D. McDowell (Seal)

THE STATE OF ALABAMA )
BALDWIN GOUNTY.

I. J. A. Shiver a J. P. in and for said County and State, do hereby dertify that W. D. Modowell 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 Augy 1919

J A Shiver J. F.



in consideration of the sum of one Delier and other good and columbia consideration to be in the Delier and other good and columbia consideration to be in head to be also by also provided by also provided to be provided to be a submodely of the cold widewer, do grant, bargein, sail and convey unto the said local Monoral, Essis Polymell, and Julia Stewart the following demorphism land a submodely demorphism in the cold local demorphism in the cold

The Martines, quirter (Ma) of the Southeast quarter (SE) of the Southeast quarter (SE) of the Southeast quarter to the Southeast quarter to (SE) of eaction thirty (V), in rewashing one (I) tarth, hange four (A) sees, containing sixty (O) acres, were or look.

TO HAY! AND TO HOLD to the sold alex Salevell. Assis McDowell and Julia Stowers, and to their hears and assigns forever.

And I do covenant with the Solid Alexand. There of the Solid and Julia Secure, that I am select in fee of the store constituted precises. That I have the right to sail and covery the same; that the said precises are like from all incombrances; and that I will, and to heirs, say out to a defend the said of the said that the said the said that the said the said that the said that

Titmene my kend and ceal this 19th day of December.

d. D. Markenti L. S.

TITALIA I

Mercert L. Geton.

STATE OF ALLEYS.

County and State, hereby doubly that a section, a goldary Public in and for aside county and State, hereby doubly that a sectional, a side war, whose property is already to the forest to the convergence, and the locate in the convergence is expected the second content of the convergence is expected the second county of the convergence is expected the second column to the second column

December, L. D. 1965.

Herbert B. Jost, Hotery Baldwin County, Alabama

in Subdic

TO HORORAGIE F. W. HARE, JUDGE OF THE CEROUPY COURT OF BALDWIN COURTY, ALABAMA, IN CHANCERY:

1885

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

# TIME:

That she is a bone fide resident of Baldwin County,

# 

That the Respondents, W. D. RODGRELL, ALEX MODGRELL, ESSIE EUDOUGIL and JULYA STEWART, are bond fide residents of Beldwin County, Alabam, over twenty-one years of age.

### . 900000

cuted, 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 Soth, 1919, and is of record therein in Deed Book 26 N. S., page 449; that a copy of said deed is hereto attached, parked Exhibit "A", and asked to be taken as a part hereof as though herein fully set out.

#### 

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

Deginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 50. Township I North of Hange 4 Fast, running thence North 315 yards to a stake, running thence wast 315 yards to a stake, running thence South 515 pards to a stake, running thence South yards to place of beginning, containing 20 acros, more or less;

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

mutual agreement between the Complainant and the Respondent.

# 1 1 1 1

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 insectately took the original deed to the Respondent, w. D. MDOMALL 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:

Deginning at the Southwest corner of the Southwest quarter of Section 10. Tognest L North of Range 4 East, running thence hast SLD yards to a stake, running thence East SLD yards to a stake, running thence South SLD yards to a stake, running thence South SLD yards to a stake, running thence Sect SLD yards to a stake, running thence Sect SLD yards to alone of beginning, containing St cores, 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 Bouthwest quarter of the Southeast quarter of Section 30, Township I North of Range 4 East, running thomes North 315 yards, to a stake, running thence Sast 315 yards to a stake, running thence South 315 yards to a stake, running thence Rest 315 yards, to place of beginning, containing 80 sores, sore or 1886.

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.

#### 

ent
That recently the Respond/ N. D. MCDOWELL has conveyed ents
to the Respond/ ALEX ECONOLL, ESSIE ECONOMIC and JULIA STEWART.
by deed dated December 19th, 1955, and of record in the office of the Probate Judge of Relawin County, Alabama, in Deed Book
56 N. S. pages 275-6, the following described Lunce in Relawin

County, Alabama, towait:

The Morthwest quarter of the Southeast quarter of the Boutheast quarter of the Boutheast quarter of Section 50.
Township I North of Range 4 Bast, containing 60 agres, more or less;

cription 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 Southwest quarter and the North half of the Southwest quarter of th

WHEREFORE the promises considered, Complainent prays that your Hemor will, by proper process, make the said W. D. MC-DOWELL, ALEX ECONSELL, ESSIE ECONSELL and JULIA STEELET, partice respondent to this Bill of Complaint, requiring them to plead, answer, or domar 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 S. D. McDowell to Josie McDowell so that the same may read as follows:

reginning at the Southwest corner of the Southwest quarter of Section 30. Township I Forth of Rence 4 East, running thence Horth 315 yards to a state, running thence Rest315 yards to a state, running thence South 315 yards to a state, running thence South 315 yards to a state, running thence Sect 315 yards to place of beginning, containing 20 screet, more or less;

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

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

Bulle & Leel

PCOT NOTE:

The Respondents and each of them are required to answer such and every allegation contained in paragraphs

[RIST to SIZE, inclusive, but not under onth, seth being hereby expressly valves.

Rube & slees

THE STATE OF ALABAMA.

BALDWIN COUNTY.

KHOW ALL MESS BY THREE PRESERVES: That I W. D. modowell a widower, for and in consideration of One Hundred and fifty DCLIARS to hand peld by Josée modowell the receipt whereof is hereby acknowledged, do grant, bargain, sell and convey unto the said Josie Schowell the following described property, to-wit:

Beginning at the South west corner of the South west quarter of the south east quarter of sec. 50 township one north of range four east, Rusning thence north 115 yds, to a stake, running thence south 115 yds to a stake running thence south 115 yds to a stake running thence of beginning, containing 20 sores more of less

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

TO HAVE AND TO HOLD the same unto the said Josie Nodowell her heirs and assigns forever. and I do, for myself
and my heirs, executors and administrators covenant with the
eaid Josie Medowell heirs and assigns, that I leafully seized
in fee simple of sein promises; that they are free from all
incumbrance, and that I have good right to sell and convey the
eaid proparty; that I will, and my heirs, executors and administrators, shall warrant and defend the same to the said
Josie Medowell her heirs, executors and assigns, forever against
the lawful claim of all persons whatsoever.

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

w. D. Mollowell (Buni)

THE GENERAL OF ALMANDA BALLOWING COUNTY.

I. I. A. Maiver a J. P. In ead for said County and State, do hereby certify that W. D. Modowall 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. In executed the same voluntarily on the day the same bears date.

Given under my hand this the 5 day of Augy 1919

Jaminar J. I.

DOSIS JODONE VS.

WS.

PALDITI COU

BALDITI COU

BALDITI

The Morthwest quarter (ME) of the Southeest quarter (ME) of the So

whereof is hereby acknowledged, i. 4. D. McDowell, and widower, do great, hereby sold shot said the convey save the said widower, do great, hereby save methods in dollar account, the Tol-lowing described lands situated in Baldwin County, liebams,

TO AAVE AND TO HOLD to the soid Alox MoDowell, gaste MoDowell and Julia deswert, and to their helrs and gastens forever.

alityy (60) acres, sore or less.

Easie MeDowell and Julia Stewart, thet I am meized in fee of the above described presides; that I have the right to mell and convey the same; that the maid premises are free from all land convey the same; that the maid premises are free from all landscaped and that I will and my helrs, executions.

SEAL.

December, A. D. 1955.

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

Given under my hand and official seal this 19th day of

TO MONORANIE F. N. MANIE, JUDON OF THE CIRCUIT COUNT OF BALDWIN COUNTY, ALABAMA, IN CHANGENY.

1000 PM

1.1696

Comes your Complainant, JUSIE Medicall, and respect.
Sully represents and shows unto your Honor and this Honorable
Court or follows:

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That the is a bone fide resident of Paldwin County.

# 

nest the Respondence, W. D. M. DOWNEL, ASSESSMENCES.

BUSIN PROPERTY and JULIA STEERING, are bone fide residents of

Relatin County, Alabama, Over twenty-one years of Aga.

### 

outed, and delivered to the Complainant a trust of Land in Balawis County, Alabama, that said dood was filed for report in the office of the Probate Judge of Faldsin County, Alabama, on August 50th, 1919, and is of record therein in beed Book 28 N. S., purp 649; 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

# 1000000

That it was the mutual intention of the parties that the Respondent, N. D. MCDOWELL, would convey to the Complainant twenty [20] agree of land, described as follows, to-vit:

Deginming at the Southwest corner of the Southwest quarter of the Southwest quarter of Soution 30. Township I North of Bange & Bast, running thence South 513 yards to a stake, running thence west 315 varies to a stake, running thence South 515 yards to a stake, running thence South yards to place of beginning, containing 50 nerve,

that the officer drofting the doed inscribed the deportation of get out in Exhibit "A" herete attached, which was contrary to the

mutual agreement between the Completeent and the Respondent.

# 

description until after the original instrument was recorded;

that upon detecting the said error in description, the Complainant issued ate; book the original deed to the perpendent,

and the description was charged, as to real at the property.

buginning at the Couthwort corner of the Southwest quarter of the Southwart quarter of Section 30. Tought: I harth of Hange & East, running thence North Gib yards to a stake, running thence East 315 yards to a stake, running thence South 315 yards to a stake, running thence Sect 315 yards to place of beginning, containing 50 seres, rune or loss:

that immediately after the execution of said conveyance the Complainant wont into the actual possession of said lands, supposed to have been Comoribed in the original conveyance, to-sit:

Deginning at the Routiness corner of the Southtest quarter of the Routiness quarter of Routin 50, Younghip I North of Range & Rest, running thence North 315 yards, to a stake, running thence East 315 yards to a stake, running thence Routin 315 yards to a stake, running thence West 315 yards, to piece of beginning, containing 20 screen,

built a house and other improvements thereon and has maintained eath improvements and amusally associated and paid the taxos on said lands to this date.

#### 37,777,14

County, Alabama, to-sit:

The Northwest ourser of the Southeast quarver of the North ball of the Southwest quarver of the Southeast quarter of Soutice 50, Township I North of Days 4 Boot, containing 60 agres, agrees 1888;

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 50, Township 1 North of Sange 4 Mast, containing 50 acres, nore or less, which would conflict with the Complainant; that a copy of this deed from W. D. McDowell to Alex seposell, Seale Seposell and Julie Stewart is attached hereto, and the Tabibit TBT, and asked to be taken as a part hereof as though herein fully set out.

that your Namor will, by proper process, make the said o. D. MC DOWNLL, ALEX MCDOWNLL, SHIE MCDOWNLL and JULIA STANARY, parties
respondent to this hill of Complaint, requiring them to plead, are
more, or design to the case within the time and under the penalties
proceribed by law and the presides of this Honorable Court.

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

Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 30. Tomeship I North of Range & Foat, running themse Boath 315 yards to a stake, running themse South 315 yards to place of beginning, containing 20 acros, some of less.

further entering an order and decree establishing the title of poor complainant in and to said lands; that this Homorable Court give and grant unto your Complainant such other, further, different or general relief as she say be in equity and good conscience entitle.

m djen

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

Rule & Well

# FORT PRES

the perpendents and each of them are required to names each and every allocation contained in paragraphs

PRITE to DITE, inclusive, but not under outh, each being hereby expressly valved.

Beelie x Nace

THE STATE OF ALABAMA.

BALLWIN COUNT.

modowell a widower, for and in consideration of One Handred and fifty bullians to have paid by Josés macowell the receipt whereof is hereby melmorladized, do grant, bergain, sell one convey unto the said Josés Modowell the following described property, to wit:

Beginning at the Bouth west corner of the Bouth west quarter of the south east quarter of sec. 50 toggship the north of range four east, Russing thence acros 110 year, to a stake, running thence east 115 year to a stake, running thence south 115 year to a stake running formor west 115 year, to place of beginning, containing 50 serves more or less

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

To have and to how the same units the said Josia No. downlines on the said Josia No. downlines and accident forever. And I do, for hypodical many my heirs, executors and administrators covered vith the said Josia Madowell heirs and manipus. That I lawfully seized in fee simple of said promises; that they are free from all intustrator, and that I have good right to said and convey the said property that I will man my heirs, executors and our ministrators, shall surrent and defend the mans to the said Josia Madowell har heirs, amounters and sailant, forever weather the lawful disloss of all paragraphs shakesoever.

In situese whereof I have herounto set my hands and affixed by scale this the 5 day of aug 1910

N. D. MCDAMMLI (Mosl)

I. I. . Shiver a J. P. in and for said County and justs, so hereby certify that T. D. Redowall shows name in signed to the foregoing conveyance, and the in brown to be solstowied additionable of the contents of the contents of the conveyance, he executed lie same valuationally on the cay the same bears date.

Given under my hand this the 5 day of Augu 1919

J & Shiver J. P.

WARRANTY DEED

THE STATE OF ALABASE
BALDSTE COMET.

IN consideration of the man of one Dollar and other good and valuable remoideration to ze in hand paid by alex No-Dowell, Essie Removall and Julia Stewart, the receipt whereof is hereby schooledged, 1, 2. D. Reposall, a widower, do grant, bargain, soil and convey unto the cald alex Reposall, Resie Reposall, and Julia Stewart the following described Index situated in Saldwin County, Alabase, to-sit:

The Marthwest quarter (NE) of the Southeast quarter (NE) of the Joutheast quarter (NE) of t

TO DAYS AND TO HOLD to the suid alox Schooll.
Henie Ropowell and Julia School, and to their beirs and
assigns forever.

Essio Repowell and Julia Sovert, that I am seized in its of the above described promises; that I am seized are lied to sell and convey the case; that the sell or cases are free from all incomprances; and that I will, the my holes, exercutors, and administrators chall forever wherever and defend the same to the sell located assists, against the lawful court, and to their beire and assists, against the lawful cases of all persons whomseever.

Witness my head and seal this 19th day of December.

N. D. MODOWELL L. S.

WEINGER :

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norbert 1. Jeston.

STATE OF ALABAMA BALDWIN GOUNT.

County and State, hereby bertify that N. D. McDowell, a vidower, shows to me, hereby bertify that N. D. McDowell, a vidower, shows to me, additionable before so on this May that points in formed of the equitable of the conveyence he executed the same voluntarily on the day the same bears date.

Given under my hand and official neal this 198h pay of December, 1. D. 1983.

Herbort R. West, Motory Publi Baldwin County, Alabama.

B Blake