

HARLAN CIRCUIT COURT

BESSIE HOWARD, ET AL,

PLAINTIFF,

AGAINST:: OPINION

PARK L. TAYLOR, ET AL,

DEFENDANT.

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This suit was filed in the Harlan Circuit Court on October 15, 1936 by the widow and heirs at law of Britt Howard, including their wives and/or husbands of the children and heirs at law of Britt Howard, against Park L. Taylor and his wife, Bertha Taylor, it being alleged that Bertha Taylor was a daughter and heir at law of Britt Howard and that she refused to join as plaintiff in the case.

The relief sought in the petition was the division of the lands therein mentioned and described; the allotment of dower to America Howard; the cancellation of a deed to P. L. Taylor, recorded in Deed Book 70, page 335, and of the judgment entered in the case of First State Bank of Harlan, against America Howard and others and in favor of said bank and Park L. Taylor, recorded in Civil Order Book 31, page 267 of the records of the Clerk of the Harlan Circuit Court; and for an accounting against the defendant, Park L. Taylor, for the rents and profits received by him from said lands since May 2, 1932. The proceedings referred to in said petition are attacked as being void.

The answer of Park L. Taylor and Bertha Taylor asserts title and ownership of said land to Mr. Taylor and relies upon the proceedings in the case of First State Bank of Harlan, against America Howard etc., as the basis of his title to said property.

Britt Howard departed this life on December 19, 1930; thereafter, on the 24th day of December 1930, P. L. Taylor, the defendant herein, was appointed administrator of his estate; and on January 19, 1931, Park L.