

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, SITTING IN EQUITY:

Now comes D. K. Coley, Jr., and by this his bill of complaint against the land hereinafter described and against HENRY O. BREWER and HENRY MEYERS, if they be living, and against their heirs if they be dead, they having been alive in 1859, and it being presumed that they are now dead; their heirs being unknown; and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on said property or any part thereof, respectfully shows unto the Court as follows:

FIRST: That he is in the actual, peaceable, undisturbed, adverse possession of that parcel of land in Baldwin County, Alabama, more particularly described as:

Lots A, B, D, and E of Point Clear Tract,
lying and being in Fractional Section 36,
Township 6 South, Range 1 East, and lying
Northeast of and adjoining Lots 1, 2,
4 and 5 of the Troost Survey,

and that he owns the same absolutely and in fee.

SECOND: Complainant further shows that the record title to said land stands in the name of Henry O. Brewer and Henry Meyers, but that the complainant claims to own the same, and has obtained deeds thereto from his predecessors in title.

THIRD: Complainant further shows that he acquired title to said lands by warranty deed executed by Barbara Broadwood Burston on the 30th day of April, 1936, which said deed was recorded in the Probate Records of Baldwin County, Alabama, on the 12th day of June, 1936, in Deed Book 59 N. S., pages 322-3, and by State tax deed bearing date of September 25, 1936, and recorded in Deed Book 60 N. S., pages 595-6 of the Probate Records of Baldwin County, Alabama.

FOURTH: Complainant further shows that his predecessors in title have been in the actual, peaceable, undisturbed, adverse, open and notorious possession of said property for much more than twenty years prior to the conveyance of said

property to him on the 30th day of April, 1936, and that since that time he has been in the actual, peaceable, undisturbed, adverse, open and notorious possession thereof. That he and those through whom he claims title have paid the taxes on said property, except a small portion thereof, for more than ten years immediately next preceding the filing of the bill of complaint in this cause. That no one else has paid any taxes on said property within this period of time.

FIFTH: Complainant further shows that no person has had possession of any part of said lands, either actually or constructively, for more than twenty years immediately preceding the filing of this bill of complaint, other than himself and those through whom he has derived title.

SIXTH: Complainant further says and shows that no one is known to him to claim said land or any part thereof, or any interest therein.


SEVENTH: Complainant further shows that he has caused an abstract of said lands to be prepared by a competent abstractor for Baldwin County, Alabama, and that an examination thereof discloses that the record title to said property was formerly in Henry O. Brewer and Henry Meyers; that he has made inquiry of old residents in the vicinity of said lands and has investigated the records of Baldwin County, Alabama, and has made diligent effort to ascertain whether the said Henry O. Brewer and Henry Meyers are living, or, if dead, the names and addresses of their heirs, but that he has been unable to ascertain the names, addresses and status or any heirs of the said Henry O. Brewer and Henry Meyers, if any there be.

EIGHTH: Complainant further shows that there is no suit pending to test his title to, interest in or right to possession of the lands herein described.

TO THE END THEREFORE that equity may be done in the premises, complainant prays that notice of the pendency of this bill of complaint shall be drawn and signed by the Register of this Honorable Court and that such notice shall be published in a newspaper/and filed in the Probate Court of Baldwin County, Alabama, and that such other or further notice be given and that such proceedings be had in the premises as are provided by law.

Complainant further prays that upon the hearing of the cause, this Honorable Court will establish his right or title to said lands, and will clear up all doubts or disputes concerning the same, and will decree that he is the owner of said lands in fee simple, and that no other person has any estate or interest in or encumbrance on such lands, or any part thereof.

And he further prays that he may have such other, further or different relief as he may be entitled to receive, the premises considered.


Complainant.

STATE OF ALABAMA,
COUNTY OF MOBILE.

Before me, a Notary Public in and for said State and County, personally appeared D. R. Coley, Jr., who is known to me, and who, being by me first duly sworn, deposes and says that he is the Complainant in the foregoing bill of complaint; that he signed the same, and that the allegations of the said bill of complaint are true and correct.



Subscribed and sworn to before
me this the 29th day of January,
Nineteen Hundred and Forty-three.


Notary Public, Mobile County, Alabama.

The State of Alabama, {
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

April, 26th

Term, 194 3

D R Coley Jr.

No. 905. vs.

Henry O Brewer. et al.

BILL OF COSTS

REGISTER'S FEES	AMOUNT	SHERIFF'S FEES:	AMOUNT
Fees in Circuit Court—		Summoning on Bill, Each Defendant.....	1.50
Docketing Cause, One fee only of.....	1 00	Executing Writ of Injunction, or Ne Exeat, each.....	1.50
Issuing Summons on Bill, each.....	.50*	Executing Subpoenas for Witnesses, each.....	.65
Issuing Copies Thereof, each.....	.40	Executing Writs of Possession, each.....	5.00
Entering Return of Same, each.....	.15	Executing Scire Facias or Notice, each.....	1.50
Orders of Publication to Non-Residents, each.....	1.00*	Taking and Approving Bonds, each.....	1.00
Filing Bill or Other Paper, each.....	.10	Impaneling Jury.....	.75
Copies of Same, Per 100 Words.....	.15	Collecting Execution for Costs Only, each.....	1.50
Entering Appearances, each.....	.25*	Sheriff's Commissions.....	
Issuing Writs of Injunction, Ne Exeat, each.....	1.50		
Issuing Copies Thereof, each.....	.50		
Entering Return of Same, each.....	.15		
Decrees Pro Confesso, each.....	1.00*	Total Sheriff's Fees.....	
Order Appointing Guardian Ad Litem, each.....	1.00*		
Issuing Commissions to Take Testimony, each.....	.50		
Taking Testimony, Per Day.....	1.50	SUMMARY OF FEES, COSTS, AND JUDGMENT	
Taking Testimony, Per 100 words.....	.20	Fees in Circuit Court—	
Receiving and Filing Depositions, each pkg.,.....	10	Register's Fees.....	13 35
Indorsing Depositions Published, each pkg.,.....	10	Ex-Register's Fees.....	
All Entries on Commission Docket, Each Cause.....	.50	Sheriff's Fees.....	
Entering Order Submitting Cases for Decree, each.....	.50	Ex-Sheriff's Fees.....	
Other Orders of Court, each.....	.25	Witness Fees.....	
Noting Testimony on Hearing of Cause, each.....	.50	Commissioner's Fees.....	00 00
Entering Decrees, of 500 Words or Less, each.....	.75	Guardian Ad Litem.....	
Per 100 words over 500.....	.15	Publisher's Fees Baldwin times.	24 17.
Taking Accounts, etc., on Ref., per Day.....	3.00*	Solicitor's Fees.....	
Taking Testimony on Reference Relating to		Court Reporter's Fees, Per Day or fraction thereof.....	.50
Trustee, etc., per 100 words.....	.15	Trial Tax.....	3 00
Reference and Reports, each.....	2.00*		
Repts of 500 Words or Less.....	2.50	Recording Les D;	80.
Per 100 Words over 500.....	.15	Decree in Probate	1 00
Issuing Subpoenas for Witnesses, each.....	.25		
Issuing Witness Certificates, each.....	.25	Fees and Costs in Inferior Court:	
All Entries on Subpoena Docket, each Cause.....	.50	Clerk of Inferior Court Fees.....	
Taking and Approving Bonds, each.....	1.00	Sheriff's Fees.....	
Making Complete Record, per 100 Words.....	.15	Witness Fees.....	
Hearing, etc., Regarding Appointment of Re-			
ceiver or Trustee.....	3.00	Total Fees and Costs in Inferior Court.....	0000090
Settlements with Receiver or Trustee, each.....	3.00		
Examining Vouchers in Settlements, each.....	.10	Total Fees and Costs.....	42 32
Examining Answers on Exceptions, each Answer.....	3.00	Judgment.....	
Removal Disabilities on Non-Age.....			
Commissions on Sales.....		Total Fees, Costs, and Judgment.....	
Making Deeds to Property Sold, each.....	2.00		
Receiving and Paying Out Money Other Than			
That Arising from Sales.....			
Certificates or Affidavits, with Seal, each.....	.50		
Certificates or Affidavits without Seal, each.....	.25		
Issuing Scire Facias or other Notice, each.....	.50		
Other Orders of Register, except Cont., each.....	.50		
Entering Certificates of Supreme Court, each.....	.50		
Transcript for Supreme Court, per 100 words, each.....	.15		
Additional Copies, per 100 words.....	.05		
Appeal Bond, each.....	1.00		
ertificate of Appeal, each.....	.50		
Notice of Appeal, each.....	.50		
Report to State Board of Health, each case.....	.50		
Certificate of Judgment, each.....	.25		
Issuing Executions, each.....	.75		
Entering Returns Thereof, each.....	.15		
Copy Decree.	1 00		
Total Register's Fees.....	15 35		

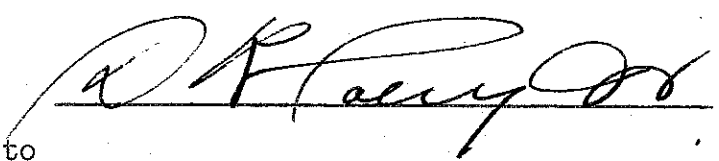
Decree 4-26-43.

D. R. COLEY, JR.,
 Complainant,
 vs.
 HENRY O. BREWER, et al.,
 Defendants.

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

STATE OF ALABAMA,)
 COUNTY OF MOBILE.)

Before me, the undersigned authority, personally appeared this day D. R. Coley, Jr., who, being by me first duly sworn, deposes and says that he is Complainant in the foregoing cause; that neither of the Defendants named in the bill of complaint are now or have been since the filing of the bill of complaint in this cause in the army or military forces of the United States; that to the best of his knowledge, information and belief, no party ever having any possible right, claim or interest in said property is or has been in the military forces of the United States.



Subscribed and sworn to
 before me this 20th day of
 April, 1943.

Francis E. Adams
 NOTARY PUBLIC, MOBILE COUNTY, ALA.

No.	D. R. COLEY, JR., Complainant,	}	IN EQUITY
	VS.		
	HENRY O. BREWER, et al., Defendants.	}	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

ORDER PUBLISHING TESTIMONY

This cause coming on to be heard, upon motion of Complainant, it is ordered that the Register publish testimony.

Dated,

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated,

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to-wit:

For Complainant

1. Bill of complaint
2. Affidavit as to military service of Defendants.
3. Decrees pro confesso as to Defendants.
4. Testimony of D. R. Coley, Jr., with exhibits attached thereto.

D. R. Coley, Jr.
Solicitor for Complainant.

For Respondent

.....
Solicitor for Respondent.

FILED

April 21 1943

[Signature]

Register.

D. R. COLEY, JR.,)	
)	IN EQUITY
Complainant,)	
)	IN THE CIRCUIT COURT OF
vs.)	BALDWIN COUNTY, ALABAMA.
HENRY O. BREWER, et al.,)	
)	
Defendants.)	

THIS CAUSE coming on to be heard, was submitted on the bill of complaint, decrees pro confesso as to the Defendants, and the testimony as noted by the Register; and

It appearing to the Court that all of the defendants are over 21 years of age, and from affidavit filed therein, are not in the army or military forces of the United States; and

It appearing to the Court that due notice of the pendency of the bill of complaint in this cause signed by the Register of the Court has been published once a week for Four. consecutive weeks in a newspaper having a general circulation in Baldwin County, Alabama, all in conformity with Sections 1119 and 1121 of Title 7 of the Code of 1940; and

It further appearing to the Court that more than sixty days have elapsed since the first publication of the notice as provided by Statute, and that the cause is at issue; and

It further appearing to the Court that the Complainant is in the actual, open, notorious and peaceable possession of the land described in the bill of complaint and claims to own the same absolutely and in fee simple; that he and those through whom he claims title have been in the actual, open, notorious and peaceable possession of said property for more than twenty years immediately prior to the filing of the bill of complaint, and that Complainant and those through whom he claims title have paid taxes during the whole of said period of time on said lands, except that portion described as Lot E, and that that parcel has been an escape from the tax assessment throughout all this period of time, and no other person has paid taxes upon said lands or upon said Lot E during any part of said period of more than twenty years preceding the filing of the

bill of complaint in this cause; and

It further appearing to the Court that no suit is pending to test the title of the Complainant to said property or his right to the possession thereof;

The Court is of the opinion that the Complainant is entitled to the relief prayed for in said bill of complaint against the lands described therein and the Respondents named therein, and each of them.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the title in fee simple to that certain property described in the bill of complaint and more particularly described as:

That parcel of land in Baldwin County, Alabama, more particularly described as:

Lots A, B, D and E of Point Clear Tract, lying and being in Fractional Section 36, Township 6 South, Range 1 East, and lying Northeast of and adjoining Lots 1,2,3,4 and 5 of the Troost Survey,

be and the same is hereby vested and established in D. R. Coley, Jr.

It is further ORDERED, ADJUDGED and DECREED by the Court that neither the Respondents Henry O. Brewer or Henry Meyers, nor any other person, firm or corporation, has any estate, right, title, interest in or encumbrance upon said lands or any part thereof.

It is further ORDERED, ADJUDGED and DECREED by the Court that a certified copy of this decree be, and the Register is directed to cause a certified copy thereof to be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, within thirty days from the date hereof, indexed on the direct index in the name of each of the Respondents named in this decree to D. R. Coley, Jr., and indexed on the indirect index in the name of D. R. Coley, Jr., from each of the Respondents hereinabove named in this decree, and that the expense thereof shall be taxed as a part of the costs of this cause.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainant be taxed with all of the costs in

this cause, for which let execution issue.

DONE in Term Time, this 26th day of
April, 1943.

J. W. Ifare

JUDGE

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, SITTING IN EQUITY:

Now comes D. R. Coley, Jr., and by this his bill of complaint against the land hereinafter described and against HENRY O. BREWER and HENRY MEYERS, if they be living, and against their heirs if they be dead, they having been alive in 1859, and it being presumed that they are now dead; their heirs being unknown; and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on said property or any part thereof, respectfully shows unto the Court as follows:

FIRST: That he is in the actual, peaceable, undisturbed, adverse possession of that parcel of land in Baldwin County, Alabama, more particularly described as:

Lots A, B, D, and E of Point Clear Tract, lying and being in Fractional Section 36, Township 6 South, Range 1 East, and lying Northeast of and adjoining Lots 1, 2, 4 and 5 of the Troost Survey,

and that he owns the same absolutely and in fee.

SECOND: Complainant further shows that the record title to said land stands in the name of Henry O. Brewer and Henry Meyers, but that the complainant claims to own the same, and has obtained deeds thereto from his predecessors in title.

THIRD: Complainant further shows that he acquired title to said lands by warranty deed executed by Barbara Broadwood Burston on the 30th day of April, 1936, which said deed was recorded in the Probate Records of Baldwin County, Alabama, on the 12th day of June, 1936, in Deed Book 59 N. S., pages 322-3, and by State tax deed bearing date of September 25, 1936, and recorded in Deed Book 60 N. S., pages 595-6 of the Probate Records of Baldwin County, Alabama.

FOURTH: Complainant further shows that his predecessors in title have been in the actual, peaceable, undisturbed, adverse, open and notorious possession of said property for much more than twenty years prior to the conveyance of said

TO THE END THEREFORE that equity may be done in the premises, complainant prays that notice of the pendency of this bill of complaint shall be drawn and signed by the Register of this Honorable Court and that such notice shall be published in a newspaper published in Baldwin County, Alabama, and filed in the Probate Court of Baldwin County, Alabama, and that such other or further notice be given and that such proceedings be had in the premises as are provided by law.

Complainant further prays that upon the hearing of the cause, this Honorable Court will establish his right or title to said lands, and will clear up all doubts or disputes concerning the same, and will decree that he is the owner of said lands in fee simple, and that no other person has any estate or interest in or encumbrance on such lands, or any part thereof.

And he further prays that he may have such other, further or different relief as he may be entitled to receive, the premises considered.


Complainant.

STATE OF ALABAMA,
COUNTY OF MOBILE.

Before me, a Notary Public in and for said State and County, personally appeared D. R. Coley, Jr., who is known to me, and who, being by me first duly sworn, deposes and says that he is the Complainant in the foregoing bill of complaint; that he signed the same, and that the allegations of the said bill of complaint are true and correct.



Subscribed and sworn to before
me this the 29th day of January,
Nineteen Hundred and Forty-three.


Notary Public, Mobile County, Alabama.

IN EQUITY - No. _____

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

D. R. COLEY, JR.,

Complainant,

vs.

HENRY O. BREWER, et al.,

Defendants.

AFFIDAVIT AS TO MILITARY
SERVICE OF DEFENDANTS.

No. 905 (RECORDED)

RECORDED

D. R. COLLEY, JR.,

VS.

HENRY O. BREWER

ORDER PUBLISHING TESTIMONY
ORDER OF SUBMISSION
NOTE OF EVIDENCE

1 Alpine Term, 1943

April 31, 1943

Ent. Min. No. _____ Page _____

RECORDED

IN EQUITY - NO. 906

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

D. R. COLEY, JR.,

Complainant,

vs.

HENRY O. BREWER, et al.,

Defendants.

DECREE

RECORDED

IN EQUITY - NO. 905
IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA.

D. R. COLEY, JR.,
Complainant,

vs.
HENRY O. BREWER, et al.,
Respondents.

BILL TO QUIET TITLE

Filed this 17th day of Feb 1943
OPeDuck
Clerk Register

R5 Duds

BAY MINETTE, ALA.,

APR 27 1943

194

IN ACCOUNT WITH
G. W. ROBERTSON
JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	Total
	<i>Walter D. Kelly Jr</i>	<i>vs</i>			<i>1.35</i>
<p>PAID APR 27 1943 <i>MR</i></p>					

THE STATE OF ALABAMA, }
BALDWIN COUNTY

No. 905 Circuit Court, In Equity.

D R Coley Jr.

Complainant

Vs.

Henry O Brewer, et al.

Defendant

Motion is hereby made for a Decree Pro Confesso against Henry O Brewer.

Henry ~~MYARR~~ Meyers.

Defendant

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

This 8th day of April, 19 43

D R Coley Jr,

Solicitor.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 905 April, Term, 19 43

D R Coley Jr. Complainant

Vs.

Henry O Brewer et al. Defendant

In this cause it appears to the Register that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 18th day of Feb., 19 43, in the Baldwin Times, a newspaper published in Bay Minette Ala., Alabama, that a copy of said order was posted at the Court House door in Baldwin, County, on the 18th day of Feb. 1943 and

And it now further appearing to the Register R S Duck, that the said Respondants.

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register R S Duck, that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Respondants.

This 8th day of April, 19 43

R S Duck

Register.

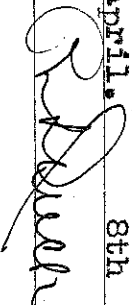
The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Vs.

Motion for Decree Pro Confesso on
Personal Service

Filed April 8th 19 43



Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

No. 205

Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Vs.

Decree Pro Confesso of Publication

Issued _____ 1913

Wm. S. ...
W. S. ...

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Moore Printing Co., Bay Minette, Ala.

908

JAMES H. FAULKNER
EDITOR AND PUBLISHER

The BALDWIN Times

ALABAMA'S BEST COUNTY'S- BEST NEWSPAPER

BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

J. N. Faulkner, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

D. R. Coley, Jr

vs

Henry O. Brewer, et al

COST STATEMENT

537 WORDS @ 4 1/2 cents \$ 24.17

I hereby certify this is correct, due and unpaid (paid).

J. N. Faulkner

Publisher.

Was published in said newspaper for 4 consecutive weeks in the following issues:

- Date of 1st publication February 18, 1943 Vol 54 No. 3
- Date of 2nd publication February 25, 1943 Vol 54 No. 4
- Date of 3rd publication March 4, 1943 Vol 54 No. 5
- Date of 4th publication March 11, 1943 Vol 54 No. 6

Subscribed and sworn before the undersigned this 12 day of March 1943

Notary Public, Baldwin County.

J. N. Faulkner

Publisher.

NOTICE

In the Circuit Court of Baldwin County, Alabama, in Equity Case No. 908, D. R. COLEY, JR., Complainant vs. Lands described in the Bill of Complaint and against Henry O. Brewer and Henry Meyers, Defendants, and against their heirs if they be dead, they having been dead in 1938 and being presumed dead they are now dead, their heirs being unknown, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on said property or any part thereof. Respondents.

Notice is hereby given that D. R. Coley, Jr. on the 11th day of February, 1943, filed a bill of complaint in the Circuit Court of Baldwin County, Alabama, in Equity, claiming to be in the actual, peaceable, undisturbed, adverse possession, and claiming to own absolutely and in fee simple the following described lands situated in Baldwin County, Alabama, to-wit:

Lots A, B, D and E of Point Clear Tract, lying and being in Fractional Section 30, Township 6 South, Range 1 East, and lying Northeast of and adjoining Lots 1, 2, 4 and 5 of the Troost Survey.

Complainant alleges in the bill of complaint that he has obtained deeds to the above described property from his predecessors in title, but that the record title stands in the name of Henry O. Brewer and Henry Meyers, and that Complainant claims title to said lands by warranty deed of Barbara Broadwood to D. R. Coley, Jr., dated April 30, 1936, and recorded in Deed Book 54, N. S., pages 322-3 of the Probate Records of Baldwin County, Alabama, on the 12th day of June 1936.

Complainant further alleges in said bill of complaint that his predecessors in title were in the actual, peaceable, undisturbed, adverse, open and notorious possession of said lands for more than twenty years prior to the time it was deeded to Complainant on the 30th day of April, 1936, and that since said time he has been in the actual, peaceable, undisturbed, adverse possession thereof; that he and those through whom he has derived title have paid the taxes on said property except for a small portion thereof for much more than ten years immediately next preceding the filing of the bill of complaint, and that no one else has paid any taxes upon said property within said period of time.

Complainant further alleges that no person has had possession of any part of said lands, either actually or constructively, for more than twenty years immediately preceding the filing of this bill, other than himself and his predecessors in title, and that no one is known to him to claim said land or any part thereof for any interest therein; that there is no suit pending to test his title to interest in and right to possession of the said lands, and that his bill of complaint is filed for the purpose of establishing Complainant's title to and interest in said land and clearing up all doubts or disputes concerning the same.

Witness my hand this 11th day of February 1943.
D. R. COLEY, Register, Circuit Court, Baldwin County, Alabama. 8-4tc

R. J. Bluck

BAY MINETTE, ALA., FEB 11 1943 194

IN ACCOUNT WITH
G. W. ROBERTSON
JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	Total
<i>GP</i>	<i>C. R. Caley vs. Henry C. Brown et</i>				<i>80</i>
	<i>Paib</i>				
	<i>FEB 11 1943</i>				
	<i>prob</i>				

D. R. COLEY, JR.

My name is D. R. Coley, Jr. I am the Complainant in the cause pending on the Equity Side of the Circuit Court of Baldwin County, Alabama, entitled "D. R. Coley, Jr., vs. Henry O. Brewer and Henry Meyers, and against the land described as: Lots A,B,D and E of Point Clear Tract, lying and being in Fractional Section 36, Township 6 South, Range 1 East, and lying Northeast of and adjoining Lots 1,2,3,4 and 5 of the Troost Survey".

I own this land as described in the First paragraph of the bill of complaint absolutely and in fee. I acquired it by Warranty Deed Executed by Barbara Broadwood Burston on the 30th day of April, 1936, and which was recorded in the Probate Records of Baldwin County, Alabama, on June 12th, 1936, in Deed Book 59 N.S., pages 322-3, and by State Tax Deed bearing date of September 25th, 1936, and recorded in Deed Book 60 N.S., pages 595-6 of the Probate Records of Baldwin County, Alabama.

I hand you herewith certified copies of said deeds, and ask that you mark them Exhibits "A" and "B".

I have known the property described in the bill of complaint for more than twenty years. When I first knew it, it was owned by Blanche S. Broadwood, who was in the open, actual, notorious and adverse possession of it. The entire property was under a fence which also enclosed a portion of Lots 2 and 3 of Troost's Survey of Point Clear Tract. The house stood on the portion of Lot 3 which fronted on the highway which extends from Point Clear to Fairhope, Alabama.

I had occasion frequently to see this property and to know that Mrs. Broadwood was in the actual, open, notorious and adverse possession of said property throughout this period of time and until her death in 1930.

I also had occasion to check the record of taxes on said property.

Mrs. Blanche S. Broadwood died in September, 1930, and I was appointed as Administrator of her Estate with the Will Annexed, by the Probate Court of Mobile County, Alabama.

The title to this property passed under Mrs. Broadwood's Will to Barbara Broadwood, her daughter. I saw said property frequently and know that Barbara Broadwood and her tenants were in actual, open, notorious and peaceable possession of said property from September, 1930, until the property was conveyed to me by her by the deed to which I referred above, and which has been introduced in evidence. Immediately after the property was conveyed to me by this deed, I went into possession of all of the property described in the bill of complaint along with other property and have remained in the open, actual, notorious and adverse possession thereof since the date of that deed.

For much more than twenty years immediately next preceding the filing of the bill of complaint in this cause, I and those through whom I derived title have paid taxes on all of the property described in the bill of complaint except that portion described as Lot E. This parcel has in some way been an escape from the tax assessment throughout all of this period of time. No one other than me or my predecessors in title has assessed or paid any taxes on said property. No person other than me or my predecessors in title has had possession of any part of the lands described in the bill of complaint either actually or constructively for much more than twenty years immediately preceding the filing of this bill of complaint.

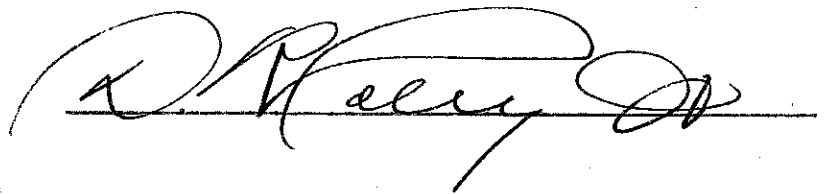
Throughout the entire time that I have known this property for more than twenty years I have never heard of anyone claiming or asserting any right or interest in said property adverse to my title or that of my predecessors in title.

An examination of the records of the Probate Court of Baldwin County, Alabama, discloses that many years ago the record title to this property rested in Henry O. Brewer and Henry Meyers. I have made inquiry of old residents of the vicinity of said lands as to Henry O. Brewer and Henry Meyers and as to their heirs. I have been unable to ascertain whether Henry O. Brewer or Henry Meyers are living, but inasmuch as they

last appear in the title to said lands many, many years ago, I assume without question that they have long since been dead.

I have been unable to ascertain the names, addresses or status of any heirs, if there are any.

There is no suit pending in any court to test my title, interest or right to the possession of the land described in this bill of complaint.

A handwritten signature in cursive script, appearing to read "R. H. Kelly", is written over a horizontal line. The signature is fluid and somewhat stylized, with a large initial "R" and a decorative flourish at the end.

CERTIFICATE

I, Frances Stevens, the commissioner named in the attached commission which issued out of the Honorable the Circuit Court of Baldwin County, Alabama, do hereby certify that in a certain cause pending in said court wherein D.R. Coley, Jr., is Complainant, and Henry O. Brewer, et al., Defendants, under and by virtue of the power conferred upon me by said commission, I caused the said D. R. Coley, Jr., who is known to me and who is known to me to be the identical witness named in the commission, to come before me at the time and place hereinafter named, that is to say I caused the said D. R. Coley, Jr., to come before me at my office, 1010 Van Antwerp Building, Mobile, Alabama, on the 19th day of April, 1943; that said witness was first duly sworn by me as stated; that his testimony was by me reduced to writing as given by him and as near as might be in the language of the said witness, and that after his testimony had been so reduced to writing it was read over by the said witness, who assented to and signed the same in my presence.

I further certify that I am not of Counsel or of Kin to any of the parties to the cause and am not in anywise interested in the result thereof.

WITNESS my hand this the 19th day of April, 1943.

A handwritten signature in cursive script, appearing to read "Frances Stevens", is written over a horizontal line.

COMMISSIONER

EXHIBIT "A"

KNOW ALL MEN BY THESE PRESENTS THAT Barbara Broadwood Burston, divorced, party of the first part, for and in consideration of the sum of One dollar and other valuable consideration to her in hand paid by D. R. Coley, Jr., party of the second part, the receipt of which is hereby acknowledged, does by these presents grant, bargain, sell and convey unto the said party of the second part that certain real property in Baldwin County, Alabama, more particularly described as follows:

That certain lot of land known as Lot Number Two of Troost's Survey of Point Clear, Alabama, in Fractional Section 36, Township 6 South, Range 1 East, according to a map of record in the Probate Records of Baldwin County, Alabama, excepting therefrom the South One Hundred feet thereof owned by Hilda Broadwood.

All of that portion of Lot Three of Troost's Survey of Point Clear in Fractional Section 36, Township 6 South Range 1 East, lying East of the road running from Point Clear to Zundels; also Lots A, B, C and D of the Point Clear Tract lying and being in Fractional Section 36, Township 6 South, Range 1 East, as shown by map made by Lewis Troost and recorded in the Probate Records of Baldwin County, Alabama.

The southeast quarter; the southeast quarter of the northeast quarter; the north half of the northeast quarter; the southwest quarter of the southwest quarter; the northwest quarter of the southwest quarter less thirty two acres; and that part of the east half of the southwest quarter not conveyed by Blanche S. Broadwood during her lifetime, all in Section eight, Township 7 south, range 2 East.

The south half; the southeast quarter of the northeast quarter; the northwest quarter of the northeast quarter; and the northeast quarter of the northwest quarter, Section nine, Township 7 south range 2 east.

The northeast quarter of the southeast quarter of section twenty nine, township 6 south, range 2 east.

The south half of the northeast quarter except the southwest quarter of the southwest quarter of the northeast quarter, and except a parcel in the northwest quarter of the southwest quarter of the northeast quarter, owned or supposed to be owned by Johnson, having a width of 278 feet by a depth of approximately 500 feet, being in Section thirty, Township 6 South, range 2 east.

The north half of the northeast quarter except that part beginning at the northeast corner of the northeast quarter, running thence south 979 feet more or less to a point, thence west 662 feet more or less to a point, thence southwardly $135\frac{2}{3}$ feet more or less to a point, thence west 467 feet more or less to a point, thence north 467 feet more or less to a point, thence east $251\frac{3}{4}$ feet more or less to a point, thence north $652\frac{5}{8}$ feet more or less to the north line of said section thence east $1307\frac{3}{4}$ feet to place of beginning, and containing about $34\frac{1}{2}$ acres, being in Section thirty, township 6 South, range 2 East.

All of that part of the northwest quarter north of the Henshaw road and a line continuing same eastward to the half section line except that parcel beginning at a point 740 feet west of the northeast corner of said northwest quarter running thence south 420 feet to a point, thence east 210 feet to a point, thence south 230 feet to a point, thence east 450 feet to a point, thence north 650 feet to place of beginning; and that parcel beginning at a point on the north line of Henshaw Road $575\frac{1}{2}$ feet more or less west of the half section line, running thence north $412\frac{1}{2}$ feet to a point, thence 1056 feet west to a point, thence south $25\frac{1}{6}$ feet to a point, thence west 106 feet to a point, thence south $387\frac{1}{3}$ feet to a point, thence east 1162 feet along the north line of Henshaw road to the place of beginning; Also that part of the northwest quarter south of Henshaw road except those parcels beginning at a point on Henshaw Road $294\frac{1}{2}$ feet west of the half section line, running thence west 1443 feet more or less to a point on the south line of said road, thence south 650 feet to a point, thence east 503 feet to a point, thence south 551 feet to a point on the south line of said half section, thence east 940 feet, more or less to a point, thence $1230\frac{1}{2}$ feet more

or less to the place of beginning; and a lot $131\frac{1}{2}$ x 200 feet sold to Lena Denton, and a lot 60 by about 250 feet, the property of R.A. Dade, lying and being in section Thirty, Township 6 South, Range 2 East.

The Southeast quarter of the southeast quarter, section thirty, Township 6 South, range 2 east.

The west half of the northeast quarter of the southeast quarter of section thirty, Township 6 south, range 2 east.

That piece or parcel of land beginning at the southwest corner of the northeast quarter of the northwest quarter of section thirty one, township 6 south, range 3 east, thence north 3.75 chains to the northeast corner of Homer Howard's lot, thence west 6.15 chains to a stake, thence north 16.25 chains to the section line dividing sections thirty and thirty one, thence east along said line 16.50 chains to Gabel's fence, thence south 26.32 chains to the southwest corner of the Body lot thence east 15.80 chains to the southeast corner of the Body lot, thence north 6.32 chains to a stake, thence east 18 chains to Fish River, thence Southwardly with the meanders of said river 13.50 chains to a stake being the east end of the division line between the property of L. J. Broadwood and (formerly) G. E. M. Robinson, thence north 86 degrees west 41.50 chains to a stake, being the west end of said division line, thence north 10;70 chains to the place of beginning, containing 80 acres, more or less, all in township six south, range three east and being the same property conveyed by deed of Edwin Baldwin and wife on April 14th, 1892, recorded in Book "R" pages 489-91 of the Probate Records of Baldwin County, Alabama.

Beginning at a stake 20 links below the ford of Cowpen Creek, thence north 10.50 chains to a stake, thence south 86 degrees east, 41.50 chains to the west bank of Fish River, thence southwardly with the meanders of said river to the mouth of Cowpen Creek, thence westwardly up said Creek to the place of beginning, containing sixty acres, more or less, all in Section thirty one, township six south, range three east, being the same property conveyed by G. E. M. Robinson on January 31st, 1895 by deed recorded in Deed book "U" pages 85-6 of the Probate records of Baldwin County, Alabama.

Also all right, title and interest of the grantor in and to any and all lands in Baldwin County, Alabama, it being the purpose of these presents to convey to the grantee herein all of the lands acquired by the grantor under the will of Blanche S. Broadwood probated in the records of Mobile County, Alabama, whether particularly or accurately described herein or not.

This conveyance is made subject to all taxes and liens for taxes and all claims or liens which might exist against the same by reason of any liabilities against the estate of Blanche S. Broadwood, deceased.

TOGETHER WITH ALL AND SINGULAR the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD unto the said party of the second part, his heirs and assigns, forever.

And the said party of the first part, for herself, her heirs, executors administrators and assigns, hereby covenants and agrees with the said party of the second part and his heirs, executors, administrators and assigns, that she is lawfully seized of an indefeasible estate in fee simple in said premises, of which she is in quiet and peaceable possession; that said premises are clear of all encumbrances, except the taxes, liens or claims referred to above, and that she will forever warrant and defend said premises and the peaceable possession thereof unto the said party of the second part, and his heirs, executors, administrators and assigns, against the lawful claims of all persons whomsoever except those claiming under the claim for taxes, liens or liabilities against the estate of Blanche S. Broadwood, deceased, as referred to above.

THE STATE OF ALABAMA, }
Baldwin County }

CIRCUIT COURT

TO Francis Stevens.

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine D. R. Coley, Jr.

as witnesses in behalf of Complainant, in a cause pending in our Circuit Court of Baldwin County, of said State, wherein D R Coley Jr.

Complainant

and Henry O Brewer et al.

Defendant,

on oath to be by you administered, upon April 19th, 1943

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 8th day of April, 193.

R. Duck

REGISTER

Commissioner's Fee \$ no charge

Witness' Fees, \$ _____

NOTICE:

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY,
CASE NO. 905, D. R. COLEY, JR., Complainant, vs.
Lands described in the Bill of Complaint and against Henry
O. Brewer and Henry Meyers, if they be living, and against
their heirs if they be dead, they having been alive in 1859,
and it being presumed that they are now dead; their heirs
being unknown; and against any and all persons, firms or cor-
porations claiming any title to, interest in, lien or encum-
brance on said property or any part thereof, Respondents.

Notice is hereby given that D. R. Coley, Jr., on the
11th day of February, 1943, filed a bill of complaint
in the Circuit Court of Baldwin County, Alabama, in Equity,
claiming to be in the actual, peaceable, undisturbed, adverse
possession, and claiming to own absolutely and in fee simple
the following described lands situated in Baldwin County, Ala-
bama, to-wit:

Lots A, B, D, and E of Point Clear Tract,
lying and being in Fractional Section 36,
Township 6 South, Range 1 East, and lying
Northeast of and adjoining Lots 1, 2,
4 and 5 of the Troost Survey.

Complainant alleges in the bill of complaint that
he has obtained deeds to the above described property from his
predecessors in title, but that the record title stands in
the name of Henry O. Brewer and Henry Meyers, and that Com-
plainant claims title to said lands by warranty deed of
Barbara Broadwood Burston to D. R. Coley, Jr., dated April 30,
1936, and recorded in Deed Book 59 N. S., pages 322-3 of the
Probate Records of Baldwin County, Alabama, on the 12th day
of June, 1936.

Complainant further alleges in said bill of complaint
that his predecessors in title were in the actual, peaceable,
undisturbed, adverse, open and notorious possession of said
lands for more than twenty years prior to the time it was
deeded to Complainant on the 30th day of April, 1936, and that
since said time he has been in the actual, peaceable, undis-

NO. _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

A. vs. Calvin J. ...

Complainant _____

VS.

Henry O. ...

et al -

Defendant _____

Commission To Take Deposition

COMMISSIONER:

Witnesses:

905

Joe Perkins

W. O. Coley Jr. 49

to

Henry D. Brown 31

Henry Meyer 43

B. 11-43

STATE OF ALABAMA, BALDWIN COUNTY

Filed FEB 11 1943

85066

Recorded *deposited* book 1 page 215-116
and I certify that the following Privilege Tax has
been paid.

Deed Tax

Mortgage Tax

[Signature]
Judge of Probate

By

[Signature]
80