

2472

J. R. DUNCAN AND
J. D. RUSS, JR.,

COMPLAINANTS

VS

WM. C. DIFFENDERFER, ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2472

FINAL DECREE

This cause coming on to be heard was submitted for final decree upon the pleadings, decrees pro confesso and proof as noted by the Register and it appearing to the satisfaction of the court that the Complainant is the owner in fee simple of, is now and was at the time of the filing of the Bill of Complaint in this cause, in the actual and peaceable possession of the said land, and each and every part and parcel thereof; that the Respondents, Wm. C. Diffenderfer, Galesburg Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Boggess, W. H. Linn, A. L. Peck, C. B. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, C. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Derch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Brucker, George Asmus, Mrs. J. L. Vinnecker, S. Conroy, Fred Lazenby, Mildred Linn, E. E. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, are all non-residents of the State of Alabama, and that their addresses couldnot be ascertained after a diligent search and inquiry; that notice of the suit was given as required by law by the filing and recording of lis pendens notice in the office of the Probate Judge of Baldwin County, Alabama, as required by law; that notice was given to the Respondents, and all other persons claiming any right, title or interest in said lands, by publication for four consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County,

Alabama, in its issues of May 25, June 1st, June 8th and June 15, 1950, as required by law; that decree pro confesso was taken against the said Respondents and any and all persons claims any right, title or interest in and to said lands as required by law; that such other proceedings were had and testimony of witnesses taken as required by law; that the title of the Complainants has been fully, duly and justly proved by legal and competent evidence, the Court is of the opinion that the Complainants are entitled to the relief prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, by the Court, that the Respondents, Wm. C. Diffenderfer, Galesburg Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. B. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Durcker, George Asmus, Mrs. J. L. Vinnedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, and the unknown heirs, devisees, grantees, personal representatives and assigns of Wm. C. Diffenderfer, Galesburg Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. B. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Durcker, George Asmus, Mrs. J. L. Vinnedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation,

Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegard, Trustee, Chas. D. Forwberg, Southern Plantation Development Company, a corporation, and any other persons, firms or corporations claiming any title to, right, interest in, lien or encumbrance upon the said land, or any part or parcel thereof have no right, estate, claim, interest in or encumbrance upon the following described lands or any part or parcel in Baldwin County, Alabama, to-wit:

Northwest quarter, North half of Southeast quarter, Southwest quarter of Section 1, Township 6 South, Range 5 East, Northeast quarter, Northwest quarter, West half of Southeast quarter, Southeast quarter of Southeast quarter, West half of Northeast quarter of Southeast quarter, South half of Northeast quarter of Northeast quarter of Southeast quarter, North half of Southeast quarter of Northeast quarter of Southeast quarter, East half of Northeast quarter of Southwest quarter, South half of Southwest quarter of Northeast quarter of Southwest quarter, Southeast quarter of Southwest quarter, East half of Southwest quarter of Southwest quarter, Southwest quarter of Southwest quarter of Southwest quarter, South half of Northwest quarter of Southwest quarter of Southwest quarter, North half of Southwest quarter of Northwest quarter of Southwest quarter of Section 2, Township 6 South, Range 5 East.

Southeast quarter of Southeast quarter, Southwest quarter of Southeast quarter, South half of South half of Northeast quarter of Southeast quarter, North half of Southwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northwest quarter of Southeast quarter, North half of Southwest quarter of Northwest quarter of Southeast quarter, Southeast quarter of Southwest quarter of Section 3, Township 6 South, Range 5 East;

North half of Southeast quarter, Northeast quarter of Southwest quarter of Section 11, Township 6 South, Range 5 East.

Southwest quarter of Section 12, Township 6 South, Range 5 East, except that portion of Northwest quarter of Southwest quarter of Southwest quarter and that portion of said Section 12, lying South of the Southwest boundary of right of way for a public road said right of way having been conveyed by Tennessee Land Company to Baldwin County, Alabama, by deed dated the 6th day of March 1928; North half of Northwest quarter of Section 13, Township 6 South, Range 5 East, North half of Northeast quarter, Northeast quarter of Northwest quarter of Section 14, Township 6 South, Range 5 East; South half of Southeast quarter of Section 35, Township 5 South, Range 5 East.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that the full fee simple title to the said land in Baldwin County, Alabama, to-wit:

Northwest quarter, North half of Southeast quarter, Southwest quarter of Section 1, Township 6 South, Range 5 East; Northeast quarter, Northwest quarter, West half of Southeast quarter, Southeast quarter of Southeast quarter, West half of Northeast quarter of Southeast quarter, South half of Northeast quarter of Northeast quarter of Southeast quarter, North half of Southeast

quarter of Northeast quarter of Southeast quarter, East half of Northeast quarter of Southwest quarter, South half of Southwest quarter of Northeast quarter of Southwest quarter, Southeast quarter of Southwest quarter, East half of Southwest quarter of Southwest quarter, Southwest quarter of Southwest quarter of Southwest quarter, South half of Northwest quarter of Southwest quarter of Southwest quarter, North half of Southwest quarter of Northwest quarter of Southwest quarter of Section 2, Township 6 South, Range 5 East.

Southeast quarter of Southeast quarter, Southwest quarter of Southeast quarter, South half of South half of Northeast quarter of Southeast quarter, North half of Southwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northwest quarter of Southeast quarter, North half of Southwest quarter of Northwest quarter of Southeast quarter, Southeast quarter of Southwest quarter of Section 3, Township 6 South, Range 5 East;

North half of Southeast quarter, Northeast quarter of Southwest quarter of Section 11, Township 6 South, Range 5 East.

Southwest quarter of Section 12, Township 6 South, Range 5 East except that portion of Northwest quarter of Southwest quarter of Southwest quarter and that portion of said Section 12 lying South of the Southwest boundary of right of way for a public road said right of way having been conveyed by Tennessee Land Company to Baldwin County, Alabama, by deed dated the 6th day of March, 1928; North half of Northwest quarter of Section 13, Township 6 South, Range 5 East, North half of Northeast quarter, Northeast quarter of Northwest quarter of Section 14, Township 6 South, Range 5 East; South half of Southeast quarter of Section 35, Township 5 South, Range 5 East.

is vested absolutely in the Complainants, J. R. Duncan and J. D. Russ, Jr.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that a certified copy of this decree be recorded in the office of the Probate Judge of Baldwin County, Alabama, in the direct index in the names of Wm. C. Diffenderfer, Galesburg Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, H. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. B. Blouillet, Emil J. Bishler, E. B. Allen, Joseph Taylor, Oscar Frickes, E. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C.H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. L. Vinnedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, and in the

indirect index in the name of J. R. Duncan and J. D. Russ, Jr.,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that the Register shall within thirty days from the rendition of this decree file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama, and that the costs thereof be taxed in the cost of this cause.

IT IS FURTHER ORDERED, that the Complainant pay the cost of this cause or which execution may issue.

Done this the 9th day of August, 1950.

Telfair J. Masliburn, Jr.
Judge

STATE OF ALABAMA
BALDWIN COUNTY

I, ALICE J. DUCK, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the foregoing is a full, true and correct and complete copy of the final decree in the case of J. R. Duncan, et al, Complainant, vs Wm. C. Diffenderfer, et al, Respondents, as the same appears on file in my office.

Witness my hand and seal of office this the ____ day of August, 1950.

Register

RECORDED

J. R. DUNCAN ET AL

COMPLAINANT

VS

WM. C. DIFFENDERFER, ET AL

RESPONDENTS

FINAL DECREE

FILED

1950

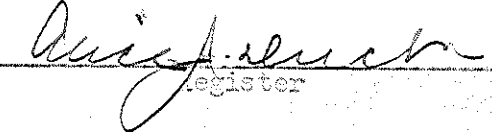
ALICE J. DUCK, Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon WM. C. DIFFENDERFER, GALESBURG, DEVELOPMENT COMPANY, a corporation, J. G. BEADLE, J. L. JARL, EARL CALDWELL, DELIA CALDWELL, J. H. WAIBEL, MAGDALENA KENNEY, JAMES E. JAMISON, FRED R. HAZLETT, LOUIS DICKES, S. E. BOGCESS, E. W. LINN, A. L. PECK, C. B. BLOUILLET, EMIL J. BIEHLER, E. B. ALLEN, JOSEPH TAYLOR, OSCAR FRICKES, L. E. MORRIER, WM. R. BULLION, C. R. HAZELQUIST, C. H. DAHLSTROM, KATIE F. TILLOTSON, W. DAWSON, C. J. ELLISON, D. V. PETERSEN, LILLIE B. MATTHEWS, JENNIE MARIE TERRILL, MARY ELIZABETH TERRILL, WM. HERBERT TERRILL, W. E. AUSTIN, F. C. DOWNS, E. F. LERCH, A. J. MALONE, WM. H. MALEY, A. KNIGHT, LOUIS KATALIN, CATHERINE DRUCKER, GEORGE ASMUS, MRS. J. L. VINNEDGER, S. CONROY, FRED LAZENBY, MILDRED LINN, E. B. THOMASSON, PEOPLES TRUST & SAVINGS BANK, a corporation, ALABAMA SUMATRA & HAVANA TOBACCO COMPANY, a corporation, ALABAMA TOBACCO COMPANY, a corporation, CHICAGO TITLE & TRUST COMPANY, a corporation, E. F. WINEGAR, E. F. WINEGAR, TRUSTEE, CHAS. D. FORSBERG, SOUTHERN PLANTATION DEVELOPMENT COMPANY, A CORPORATION, the unknown heirs, devisees, grantees, successors and assigns, of them, and each of them, to appear and plead, answer or demur within thirty days from the service hereof, to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by J. R. DUNCAN and J. D. RUSS, JR., as Complainants, against Wm. C. Diffenderfer, Galesburg Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Bogcess, E. W. Linn, A. L. Peck, C. B. Blouillet, Emil J. Biehler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, C. R. Hazelquist, C. H. Dahlstrom, Katie F. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. E. Austin, F. C. Downs, E. F. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Katalin, Catherine Drucker, George Asmus, Mrs. J. L. Vinnedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra and Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, as Respondents.

Witness my hand this the 22 day of May, 1950.


Register

J. R. DUNCAN AND
J. D. RUSS, JR.,

COMPLAINANTS

VS

WM. C. DIFFENDERFER, ET AL,

RESPONDENTS

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

TO HONORABLE BELFAIR J. BASHBURN, JR., JUDGE OF THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Your Complainants, J. R. Duncan and J. D. Russ, Jr., humbly complaining against the respondents hereinafter set out, present this their bill of complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

Northwest quarter, North half of Southeast quarter, Southwest quarter of Section 1, Township 6 South, Range 2 East;
Northeast quarter, Northwest quarter, West half of Southeast quarter, Southeast quarter of Southeast quarter, West half of Northeast quarter of Southeast quarter, South half of Northeast quarter of Northeast quarter of Southeast quarter, North half of Southeast quarter of Northeast quarter of Southeast quarter, East half of Northeast quarter of Southwest quarter, South half of Southwest quarter of Northeast quarter, of Southwest quarter, Southeast quarter of Southwest quarter, East half of Southwest quarter of Southwest quarter, Southwest quarter of Southwest quarter of Southwest quarter, South half of Northwest quarter of Southwest quarter of Southwest quarter, North half of Southwest quarter of Northwest quarter of Southwest quarter of Section 2, Township 6 South, Range 5 East;
Southeast quarter of Southeast quarter, Southwest quarter of Southeast quarter, South half of South half of Northeast quarter of Southeast quarter, North half of Southwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northwest quarter of Southeast quarter, North half of Southwest quarter of Northwest quarter of Southeast quarter, Southeast quarter of Southwest quarter of Section 3, Township 6 South, Range 5 East;
North half of Southeast quarter, Northeast quarter of Southwest quarter of Section 11, Township 6 South, Range 5 East;
Southwest quarter of Section 12, Township 6 South, Range 5 East, except that portion of Northwest quarter of Southwest quarter of Southwest quarter and that portion of said section 12 lying South of the southwest boundary of right of way for a public road said right of way having been conveyed by Tennessee Land Company to Baldwin County, Alabama, by deed dated the 6th day of March 1928; North half of Northwest quarter of Section 13, Township 6 South, Range 5 East; North half of Northeast quarter, Northeast quarter of Northwest quarter of Section 14, Township 6 South, Range 5 East; South half of Southeast quarter of Section 35, Township 5 South, Range 5 East;

and against Wm. C. Diffenderfer, Galesburg, Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. E. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. L. Vinmedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, the unknown heirs, devisees, grantees, ~~personal representatives, and assigns of Wm. C. Diffenderfer, Galesburg~~ Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. E. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. L. Vinmedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, and any other persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land or any part or parcels thereof, and respectfully represent and show unto your Honor and this Honorable Court as follows:

1.

That your Complainant, J. R. Duncan is over twenty-one years of age and a bona fide resident of Baldwin County, Alabama; that the Complainant, J. D. Rus's, Jr., is over twenty-one years of age and a resident of Pensacola, Florida.

2.

That the Respondents, Wm. C. Diffenderfer, Galesburg, Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. M. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. E. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotston, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmas, Mrs. J. L. Vinmedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, are all non-residents of the State of Alabama, that the individual Respondents are each over twenty-one years of age; that a diligent search and inquiry has been made to ascertain whether or not any of the Respondents are dead, and if so the names, ages and residences of their heirs and next of kin, and from all information obtainable the heirs and next of kin of the named Respondents are non-residents of the State of Alabama, over twenty-one years of age, and their post office addresses cannot be ascertained; that an examination has been made of the land and tax records at Bay Minette, the county seat of Baldwin County, inquiries have been made of persons in and around Robertsdale, Elsanor and Siminole, in Baldwin County, Alabama, the vicinity in which the lands are located and no information can be obtained as to the addresses of the individuals Respondents, and whether or not any of them are dead, and if dead the names, ages and residences of their heirs and next of kin; that the

corporations named have no representatives in Baldwin County, Alabama, or in the State of Alabama upon whom service can be perfected.

3.

That your complainants are the owners in fee simple and in the actual possession of the lands herein described situated in Baldwin County, Alabama, to-wit:

Northwest quarter, North half of Southeast quarter, Southwest quarter of Section 1, Township 6 South, Range 5 East;
Northeast quarter, Northwest quarter, West half of Southeast quarter, Southeast quarter of Southeast quarter, West half of Northeast quarter of Southeast quarter, South half of Northeast quarter of Northeast quarter of Southeast quarter, North half of Southeast quarter of Northeast quarter of Southeast quarter, East half of Northeast quarter of Southwest quarter, South half of Southwest quarter of Northeast quarter of Southwest quarter, Southeast quarter of Southwest quarter, East half of Southwest quarter of Southwest quarter, Southwest quarter of Southwest quarter of Southwest quarter, South half of Northwest quarter of Southwest quarter of Southwest quarter, North half of Southwest quarter of Northwest quarter of Southwest quarter of Section 2, Township 6 South, Range 5 East.

Southeast quarter of Southeast quarter, Southwest quarter of Southeast quarter, South half of South half of Northeast quarter of Southeast quarter, North half of Southwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northwest quarter of Southeast quarter, North half of Southwest quarter of Northwest quarter of Southeast quarter, Southeast quarter of Southwest quarter of Section 3, Township 6 South, Range 5 East;

North half of Southeast quarter, Northeast quarter of Southwest quarter of Section 11, Township 6 South, Range 5 East;
Southwest quarter of Section 12, Township 6 South, Range 5 East, except that portion of Northwest quarter of Southwest quarter of Southwest quarter and that portion of said Section 12 lying South of the Southwest boundary of right of way for a public road said right of way having been conveyed by Tennessee Land Company to Baldwin County, Alabama, by deed dated the 6th day of March, 1926; North half of Northwest quarter of Section 13, Township 6 South, Range 5 East; North half of Northeast quarter, Northeast quarter of Northwest quarter of Section 14, Township 6 South, Range 5 East; South half of Southeast quarter of Section 35, Township 5 South, Range 5 East;

4.

That no suit is pending to test the Complainants' title to, interest in, or right of possession to said land; that the Complainants therefore call upon the Respondents, and each of them, separately and severally to set forth and specify what right, title, interest, lien or encumbrance the said Respondents, and each of them, have in and to said lands, and by what instrument or instruments the same is derived and/or created.

5.

That your Complainants acquired title to said lands by conveyances of record in the office of the Probate Judge of Baldwin County, Alabama, as follows:

A. Boyington and Minnie Boyington, husband and wife, by warranty deed dated September 10, 1949, and of record in Deed Book 147 NS pages 371-2; A. Boyington and Minnie Boyington, his wife, by warranty deed dated December 21, 1946, recorded Deed Book 119 NS pages 277-8; Wallace Houston by State Land Commissioner of Alabama, by State Tax Deed dated February 16, 1949, of record in Deed Book 144 NS page 17; Quit claim deed from Hiram Pardue and Ella M. Pardue, his wife, dated April 1, 1949, of record in Deed Book 144 NS page 18; A. Boyington and Minnie M. Boyington, husband and wife, by warranty deed dated May 23, 1946, of record in Deed Book 109 NS pages 215-16; Denniston-Boykin Company, Inc., a corporation, and Baldwin Timber & Naval Stores Company Inc., a corporation, by warranty deed dated March 21, 1941, and of record in Deed Book 75 NS pages 11-13; C. B. Mitchell, R. F. Mitchell Jr. and J. L. Tucker operating and doing business as Mitchell Naval Stores Company, joined by Jessie H. Mitchell, Dorothy F. Mitchell, the wives of C. B. Mitchell and R. F. Mitchell Jr., by statutory warranty deed dated January 24, 1941, and of record in Deed Book 75 NS pages 25-6; J. S. Lowrey by quit claim deed dated October 9, 1941, and of record in Deed Book 76 NS pages 390-1; Louis Matalin by statutory warranty deed dated December 12, 1941, and of record in Deed Book 76 NS page 390; Tennessee Land Company, a corporation, by warranty deed dated March 5, 1942, and of record in Deed Book 77 pages 99-100; Joseph Wozniak and Agnes Wozniak, his wife, by warranty deed dated June 6, 1942, and of record in Deed Book 77 NS pages 374-5; Stapleton Insurance & Realty Corporation, a corporation, by quit claim deed dated July 27, 1942, and of record in Deed Book 77 NS page 530; J. L. Jarl by State Land Commissioner of Alabama, by State Tax Deed dated February 4, 1942, and of record in Deed Book 77 NS pages 530-1; W. Dawson by State Land Commissioner of Alabama, by State Tax Deed dated February 4, 1942, and of record in Deed Book 77 NS pages 531-2; Alfred Miller, by warranty deed dated March 13, 1943, and of record in Deed Book 79 NS pages 229-30;.

6.

That the title to said lands claimed by your Complainants stand upon the record of the Probate Court of Baldwin County, Alabama, in the names of J. R. Duncan and J. D. Russ Jr., the Complainants.

7.

That no one has at any time within ten years next preceding the filing of the bill of complaint in this cause paid any taxes upon said land, or had any possession thereof other than your Complainants, J. R. Duncan and J. D. Russ Jr.,.

8.

That the only persons shown by the records of Baldwin County, Alabama, to claim said lands or any part thereof or any interest therein are your Complainants, J. D. Russ Jr., and J. R. Duncan.

WHEREFORE the premises considered your Complainants pray that your Honor will by proper process make the said Wm. C. Diffenderfer, Galesburg, Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Foggess, H. W. Linn, A. L. Peck, C. B. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. S. Vinnedger, S. Conroy, Fred Lazenby, Mildred Linn, E. E. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, the unknown heirs, devisees, grantees, personal representatives and assigns of Wm. C. Diffenderfer, Galesburg Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis

Dickes, S. B. Foggess, H. W. Linn, A. L. Peck, C. B. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, C. R. Hazelquist, O. H. Dahlstrom, Katie F. Tillotson, W. Dawson, O. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Haley, A. Knight, Louis Katalin, Catherine Drucker, George Asmus, Mrs. J. L. Vinneger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, and any and all other persons, firms or corporations claiming any right, title, interest in, lien, or encumbrance upon the said lands herein Described in Baldwin County, Alabama, to-wit:

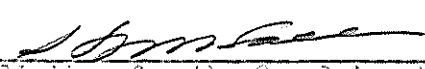
Northwest quarter, North half of Southeast quarter, Southwest quarter of Section 1, Township 6 South, Range 5 East;
~~Northwest quarter, Northwest quarter, West half of Southeast~~
 quarter, Southeast quarter of Southeast quarter, West half of Northeast quarter of Southeast quarter, South half of Northeast quarter of Northeast quarter of Southeast quarter, North half of Southeast quarter of Northeast quarter of Southeast quarter, East half of Northeast quarter of Southwest quarter, South half of Southwest quarter of Northeast quarter of Southwest quarter; Southeast quarter of Southwest quarter, East half of Southwest quarter of Southwest quarter, Southwest quarter of Southwest quarter of Southwest quarter, South half of Northwest quarter of Southwest quarter of Southwest quarter, North half of Southwest quarter of Northwest quarter of Southwest quarter of Section 2, Township 6 South, Range 5 East;
 Southeast quarter of Southeast quarter, Southwest quarter of Southeast quarter, South half of South half of Northeast quarter of Southeast quarter, North half of Southwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northwest quarter of Southeast quarter, North half of Southwest quarter of Northwest quarter of Southeast quarter, Southeast quarter of Southwest quarter of Section 3, Township 6 South, Range 5 East;
 North half of Southeast quarter, Northeast quarter of Southwest quarter of Section 11, Township 6 South, Range 5 East;
 Southwest quarter of Section 12, Township 6 South, Range 5 East, except that portion of Northwest quarter of Southwest quarter of Southwest quarter and that portion of said Section 12 lying South of the Southwest boundary of right of way for a public road said right of way having been conveyed by Tennessee Land Company to Baldwin County, Alabama, by deed dated the 6th day of March 1926; North half of Northwest quarter of Section 13, Township 6 South, Range 5 East; North half of Northeast quarter, Northeast quarter of Northwest quarter of Section 14, Township 6 South, Range 5 East; South half of Southeast quarter of Section 35, Township 5 South, Range 5 East;

or any part or parcel thereof parties Respondent to this bill of complaint and require them and each of them to appear and plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainants further pray that upon a final hearing hereof your Honor will make and enter a decree ascertaining and determining that the fee simple title free from all liens and encumbrances to the lands herein described and to each and every part and parcel thereof is vested in your Complainants, J. R. Duncan and J. D. Rusk, Jr., and that neither Wm. C. Diffenderfer, Galesburg Development Company, a corporation, J. G. Beadle, J. L. Earl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamilson, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. B. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Natalin, Catherine Drucker, George Asmus, Mrs. J. L. Vinmedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, the unknown heirs, devisees, grantees, personal representatives, successors and assigns, of Wm. C. Diffenderfer, Galesburg Development Company, a corporation, J. G. Beadle, J. L. Earl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamilson, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. B. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie, T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone,

Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus,
Mrs. J. E. Vinnedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson,
Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana
Tobacco Company, a corporation, Alabama Tobacco Company, a corporation,
Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar,
Trustee, Chas. D. Forsberg, Southern Plantation Development Company,
a corporation, nor any other persons, firms or corporations have any
right, title, interest or encumbrance upon the said land or any part or
parcel thereof and that any and all doubts and disputes concerning the said
land be cleared up.

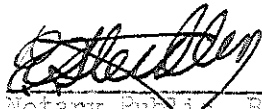
Your Complainants pray for such other, further, different or
general relief as they may be in equity and good conscience entitled
to receive.


Solicitor for the Complainants

STATE OF ALABAMA
BALDWIN COUNTY

Before me the undersigned authority, in and for said County, in
said State personally appeared H. M. Hall, who is known to me and who
having been by me first duly sworn, deposes and says: that he is the
solicitor of record for the complainants in the within cause; that he
is authorized to make this affidavit; that from all information
obtainable, after a diligent search and inquiry the facts contained
in the foregoing bill of complaint are true and correct.

Sworn to and subscribed before me on this the 22 day of May,
1950.


Notary Public, Baldwin County, Ala.

MD 2472
RECORDED

Sum & Complaint

J. R. Duncan
vs.

Wm. Diefenderffer

FILED

MAY 22 1950

ALICE J. DUCK, Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon WM. C. DIFFENDERFER, GALESBURG, DEVELOPMENT COMPANY, a corporation, J. G. BEADLE, J. L. JARL, EARL CALDWELL, DELIA CALDWELL, J. H. WAIBEL, MAGDALENA KENNEY, JAMES E. JAMISON, FRED R. HAZLETT, LOUIS DICKES, S. E. BOGCESS, H. W. LINN, A. L. PECK, C. B. ELOUILLET, EMIL J. BIHLER, E. B. ALLEN, JOSEPH TAYLOR, OSCAR FRICKES, L. E. MORRIER, WM. R. BULLION, G. R. HAZELQUIST, C. H. DAHLSTROM, KATIE T. TILLOTSON, W. DAWSON, C. J. ELLISON, D. V. PETERSON, LILLIE B. MATTHEWS, JENNIE MARIE TERRILL, MARY ELIZABETH TERRILL, WM. HERBERT TERRILL, W. H. AUSTIN, F. C. DOWNS, E. P. LERCH, A. J. MALONE, WM. H. MALEY, A. KNIGHT, LOUIS MATALIN, CATHERINE DRUCKER, GEORGE ASMUS, MRS. J. L. VINNEDGER, S. CONROY, FRED LAZENBY, MILDRED LINN, E. B. THOMASSON, PEOPLES TRUST & SAVINGS BANK, a corporation, ALABAMA SUMATRA & HAVANAO TOBACCO COMPANY, a corporation, ALABAMA TOBACCO COMPANY, a corporation, CHICAGO TITLE & TRUST COMPANY, a corporation, E. F. WINEGAR, E. F. WINEGAR, TRUSTEE, CHAS. D. FORSBERG, SOUTHERN PLANTATION DEVELOPMENT COMPANY, A CORPORATION, the unknown heirs, devisees, grantees, successors and assigns, of them, and each of them, to appear and plead, answer or demur within thirty days from the service hereof, to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by J. R. DUNCAN and J. D. RUSSE, JR., as Complainants, against Wm. C. Diffenderfer, Galesburg Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. B. Elouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. L. Vinmedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra and Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, as Respondents.

Witness my hand this the 22nd day of May, 1950.

Verie J. Wicks
Register

J. R. DUNCAN AND
J. D. RUSK, JR.,

COMPLAINANTS

VS

WM. C. DIFFENDERFER, ET AL,

RESPONDENTS

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

TO HONORABLE TELFAIR J. MASHEBURN, JR., JUDGE OF THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Your Complainants, J. R. Duncan and J. D. Rusk, Jr., humbly complaining against the respondents hereinafter set out, present this their bill of complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

Northwest quarter, North half of Southeast quarter, Southwest quarter of Section 1, Township 6 South, Range 5 East;
Northeast quarter, Northwest quarter, West half of Southeast quarter, Southeast quarter of Southeast quarter, West half of Northeast quarter of Southeast quarter, South half of Northeast quarter of Northeast quarter of Southeast quarter, North half of Southeast quarter of Northeast quarter of Southeast quarter, East half of Northeast quarter of Southwest quarter, South half of Southwest quarter of Northeast quarter, of Southwest quarter,, Southeast quarter of Southwest quarter, East half of Southwest quarter of Southwest quarter, Southwest quarter of Southwest quarter of Southwest quarter, South half of Northwest quarter of Southwest quarter of Southwest quarter, North half of Southwest quarter of Northwest quarter of Southwest quarter of Section 2, Township 6 South, Range 5 East;
Southeast quarter of Southeast quarter, Southwest quarter of Southeast quarter, South half of South half of Northeast quarter of Southeast quarter, North half of Southwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northwest quarter of Southeast quarter, North half of Southwest quarter of Northwest quarter of Southeast quarter, Southeast quarter of Southwest quarter of Section 3, Township 6 South, Range 5 East;
North half of Southeast quarter, Northeast quarter of Southwest quarter of Section 11, Township 6 South, Range 5 East;
Southwest quarter of Section 12, Township 6 South, Range 5 East, except that portion of Northwest quarter of Southwest quarter of Southwest quarter and that portion of said section 12 lying South of the southwest boundary of right of way for a public road said right of way having been conveyed by Tennessee Land Company to Baldwin County, Alabama, by deed dated the 6th day of March 1928; North half of Northwest quarter of Section 13, Township 6 South, Range 5 East; North half of Northeast quarter, Northeast quarter of Northwest quarter of Section 14, Township 6 South, Range 5 East; South half of Southeast quarter of Section 35, Township 5 South, Range 5 East;

and against Wm. C. Diffenderfer, Galesburg, Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. B. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. L. Vinmedger, S. Conroy, Fred Lagenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, the unknown heirs, devisees, grantees, personal representatives, and assigns of Wm. C. Diffenderfer, Galesburg Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. B. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. L. Vinmedger, S. Conroy, Fred Lagenby, Mildred Linn, E. B. Thomasson Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, and any other persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land or any part or parcels thereof, and respectfully represent and show unto your Honor and this Honorable Court as follows:

1.

That your Complainant, J. R. Duncan is over twenty-one years of age and a bona fide resident of Baldwin County, Alabama; that the Complainant, J. D. Rusk, Jr., is over twenty-one years of age and a resident of Pensacola, Florida.

2.

That the Respondents, Wm. C. Diffenderfer, Galesburg, Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. B. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotston, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmas, Mrs. J. L. Vinnedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, are all non-residents of the State of Alabama, that the individual Respondents are each over twenty-one years of age; that a diligent search and inquiry has been made to ascertain whether or not any of the Respondents are dead, and if so the names, ages and residences of their heirs and next of kin, and from all information obtainable the heirs and next of kin of the named Respondents are non-residents of the State of Alabama, over twenty-one years of age, and their post office addresses cannot be ascertained; that an examination has been made of the land and tax records at Bay Minette, the county seat of Baldwin County, inquiries have been made of persons in and around Robertsdale, Elsanor and Siminole, in Baldwin County, Alabama, the vicinity in which the lands are located and no information can be obtained as to the addresses of the individuals Respondents, and whether or not any of them are dead, and if dead the names, ages and residences of their heirs and next of kin; that the

corporations named have no representatives in Baldwin County, Alabama, or in the State of Alabama upon whom service can be perfected.

3.

That your complainants are the owners in fee simple and in the actual possession of the lands herein described situated in Baldwin County, Alabama, to-wit:

Northwest quarter, North half of Southeast quarter, Southwest quarter of Section 1, Township 6 South, Range 5 East;
Northeast quarter, Northwest quarter, West half of Southeast quarter, Southeast quarter of Southeast quarter, West half of Northeast quarter of Southeast quarter, South half of Northeast quarter of Northeast quarter of Southeast quarter, North half of Southeast quarter of Northeast quarter of Southeast quarter, East half of Northeast quarter of Southwest quarter, South half of Southwest quarter of Northeast quarter of Southwest quarter, Southeast quarter of Southwest quarter, East half of Southwest quarter of Southwest quarter, Southwest quarter of Southwest quarter of Southwest quarter, South half of Northwest quarter of Southwest quarter of Southwest quarter, North half of Southwest quarter of Northwest quarter of Southwest quarter of Section 2, Township 6 South, Range 5 East.
Southeast quarter of Southeast quarter, Southwest quarter of Southeast quarter, South half of South half of Northeast quarter of Southeast quarter, North half of Southwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northwest quarter of Southeast quarter, North half of Southwest quarter of Northwest quarter of Southeast quarter, Southeast quarter of Southwest quarter of Section 3, Township 6 South, Range 5 East;
North half of Southeast quarter, Northeast quarter of Southwest quarter of Section 11, Township 6 South, Range 5 East;
Southwest quarter of Section 12, Township 6 South, Range 5 East, except that portion of Northwest quarter of Southwest quarter of Southwest quarter and that portion of said Section 12 lying South of the Southwest boundary of right of way for a public road said right of way having been conveyed by Tennessee Land Company to Baldwin County, Alabama, by deed dated the 6th day of March, 1928; North half of Northwest quarter of Section 13, Township 6 South, Range 5 East; North half of Northeast quarter, Northeast quarter of Northwest quarter of Section 14, Township 6 South, Range 5 East; South half of Southeast quarter of Section 35, Township 5 South, Range 5 East;

4.

That no suit is pending to test the Complainants' title to, interest in, or right of possession to said land; that the Complainants therefore call upon the Respondents, and each of them, separately and severally to set forth and specify what right, title, interest, lien or encumbrance the said Respondents, and each of them, have in and to said lands, and by what instrument or instruments the same is derived and/or created.

5.

That your Complainants acquired title to said lands by conveyances of record in the office of the Probate Judge of Baldwin County, Alabama, as follows:

A. Boyington and Minnie Boyington, husband and wife, by warranty deed dated September 10, 1949, and of record in Deed Book 147 NS pages 371-2; A. Boyington and Minnie Boyington, his wife, by warranty deed dated December 21, 1946, recorded Deed Book 119 NS pages 277-8; Wallace Houston by State Land Commissioner of Alabama, by State Tax Deed dated February 16, 1949, of record in Deed Book 144 NS page 17; Quit claim deed from Hiram Pardue and Ella M. Pardue, his wife, dated April 1, 1949, of record in Deed Book 144 NS page 18; A. Boyington and Minnie M. Boyington, husband and wife, by warranty deed dated May 23, 1946, of record in Deed Book 109 NS pages 215-16; Denniston-Boykin Company, Inc., a corporation, and Baldwin Timber & Naval Stores Company Inc., a corporation, by warranty deed dated March 21, 1941, and of record in Deed Book 75 NS pages 11-13; C. B. Mitchell, R. F. Mitchell Jr. and J. L. Tucker operating and doing business as Mitchell Naval Stores Company, joined by Jessie H. Mitchell, Dorothy F. Mitchell, the wives of C. B. Mitchell and R. F. Mitchell Jr., by statutory warranty deed dated January 24, 1941, and of record in Deed Book 75 NS pages 25-6; J. S. Lowrey by quit claim deed dated October 9, 1941, and of record in Deed Book 76 NS pages 390-1; Louis Metalin by statutory warranty deed dated December 12, 1941, and of record in Deed Book 76 NS page 390; Tennessee Land Company, a corporation, by warranty deed dated March 5, 1942, and of record in Deed Book 77 pages 99-100; Joseph Wozniak and Agnes Wozniak, his wife, by warranty deed dated June 6, 1942, and of record in Deed Book 77 NS pages 374-5; Stapleton Insurance & Realty Corporation, a corporation, by quit claim deed dated July 27, 1942, and of record in Deed Book 77 NS page 530; J. L. Jarl by State Land Commissioner of Alabama, by State Tax Deed dated February 4, 1942, and of record in Deed Book 77 NS pages 530-1; W. Dawson by State Land Commissioner of Alabama, by State Tax Deed dated February 4, 1942, and of record in Deed Book 77 NS pages 531-2; Alfred Miller, by warranty deed dated March 13, 1943, and of record in Deed Book 79 NS pages 229-30;.

6.

That the title to said lands claimed by your Complainants stand upon the record of the Probate Court of Baldwin County, Alabama, in the names of J. R. Duncan and J. D. Russ Jr., the Complainants.

7.

That no one has at any time within ten years next preceding the filing of the bill of complaint in this cause paid any taxes upon said land, or had any possession thereof other than your Complainants, J. R. Duncan and J. D. Russ Jr.,.

8.

That the only persons shown by the records of Baldwin County, Alabama, to claim said lands or any part thereof or any interest therein are your Complainants, J. D. Russ Jr., and J. R. Duncan.

WHEREFORE the premises considered your Complainants pray that your Honor will by proper process make the said Wm. C. Diffenderfer, Galesburg, Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Deliz Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. B. Elouillet, Emil J. Böhler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Malley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. S. Vinmedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, the unknown heirs, devisees, grantees, personal representatives and assigns of Wm. C. Diffenderfer, Galesburg Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis

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Northwest quarter, North half of Southeast quarter, Southwest quarter of Section 1, Township 6 South, Range 5 East;
 Northeast quarter, Northwest quarter, West half of Southeast quarter, Southeast quarter of Southeast quarter, West half of Northeast quarter of Southeast quarter, South half of Northeast quarter of Northeast quarter of Southeast quarter, North half of Southeast quarter of Northeast quarter of Southeast quarter, East half of Northeast quarter of Southwest quarter, South half of Southwest quarter of Northeast quarter of Southwest quarter; Southeast quarter of Southwest quarter, East half of Southwest quarter of Southwest quarter, Southwest quarter of Southwest quarter of Southwest quarter, South half of Northwest quarter of Southwest quarter of Southwest quarter, North half of Southwest quarter of Northwest quarter of Southwest quarter of Section 2, Township 6 South, Range 5 East;
 Southeast quarter of Southeast quarter, Southwest quarter of Southeast quarter, South half of South half of Northeast quarter of Southeast quarter, North half of Southwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northwest quarter of Southeast quarter, North half of Southwest quarter of Northwest quarter of Southeast quarter, Southeast quarter of Southwest quarter of Section 3, Township 6 South, Range 5 East;
 North half of Southeast quarter, Northeast quarter of Southwest quarter of Section 11, Township 6 South, Range 5 East;
 Southwest quarter of Section 12, Township 6 South, Range 5 East, except that portion of Northwest quarter of Southwest quarter of Southwest quarter and that portion of said Section 12 lying South of the Southwest boundary of right of way for a public road said right of way having been conveyed by Tennessee Land Company to Baldwin County, Alabama, by deed dated the 6th day of March 1928; North half of Northwest quarter of Section 13, Township 6 South, Range 5 East; North half of Northeast quarter, Northeast quarter of Northwest quarter of Section 14, Township 6 South, Range 5 East; South half of Southeast quarter of Section 35, Township 6 South, Range 5 East;

or any part or parcel thereof parties Respondent to this bill of complaint and require them and each of them to appear and plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainants further pray that upon a final hearing hereof your Honor will make and enter a decree ascertaining and determining that the fee simple title free from all liens and encumbrances to the lands herein described and to each and every part and parcel thereof is vested in your Complainants, J. R. Duncan and J. D. Rusk, Jr., and that neither Wm. C. Diffenderfer, Galesburg Development Company, a corporation, J. G. Beadle, J. L. Earl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamilson, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. B. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. L. Vinmedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, the unknown heirs, devisees, grantees, personal representatives, successors and assigns, of Wm. C. Diffenderfer, Galesburg Development Company, a corporation, J. G. Beadle, J. L. Earl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamilson, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. B. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie, T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone,

Wm. H. Malsey, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. L. Vinnedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, nor any other persons, firms or corporations have any right, title, interest or encumbrance upon the said land or any part or parcel thereof and that any and all doubts and disputes concerning the said land be cleared up.

Your Complainants pray for such other, further, different or general relief as they may be in equity and good conscience entitled to receive.

S. M. Hall
Solicitor for the Complainants

STATE OF ALABAMA
BALDWIN COUNTY

Before me the undersigned authority, in and for said County, in said State personally appeared H. M. Hall, who is known to me and who having been by me first duly sworn, deposes and says: that he is the solicitor of record for the complainants in the within cause; that he is authorized to make this affidavit; that from all information obtainable, after a diligent search and inquiry the facts contained in the foregoing bill of complaint are true and correct.

Sworn to and subscribed before me on this the 22 day of May, 1950.

[Signature]
Notary Public, Baldwin County, Ala.

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

J. R. Duncan et al

Complainant

VS.

Wm. C. Diffenderfer, et al

Respondent

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me J. R. Duncan, J. D. Russ, Jr. and
Elige Givenswitnesses named in the Requirement for Oral Examination, on the 8 day of August
1945, at the office of Hubert M. Hallin Bay Minette, Ala., Alabama, and having first sworn said Witness to speak the
truth, the whole truth, and nothing but the truth, the said

doth depose and say as follows:

J. R. Duncan, J. D. Russ Jr., and Elige Givens, witnesses for the Complainant being first duly sworn, depose and says:

J. R. Duncan:

My name is J. R. Duncan. I am over twenty-one years of age and a bona fide resident of Baldwin County, Alabama. I am joint owner with J. D. Russ Jr., of the lands described in the bill of complaint styled, J. R. Duncan and J. D. Russ Jr., Complainants vs Wm. C. Diffenderfer et al, Respondent, now pending in the Circuit Court of Baldwin County, Alabama, in Equity, being cause No. 2472. The Respondent, named in the bill of complaint: Wm. C. Diffenderfer, Galesburg Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. R. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie E. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. L. Winnedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, the unknown heirs, devisees, grantees, personal representatives, and assigns of Wm. C. Diffenderfer Galesburg Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. R. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie E. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. L. Winnedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, are all non-residents of the State of Alabama. I, as one of the Complainants, have made and caused to be made a diligent search and inquiry to ascertain and determine the addresses of the several Respondents but they are all unknown. I have been living in Baldwin County for the past eight years and personally know that during said time none of the said Respondents have lived in Baldwin County, Alabama.

I have also made and caused to be made a diligent search and inquiry to ascertain whether or not any of the Respondents are dead and if so the names agents and residences of their heirs, and from such information obtainable I am in possession that all of such heirs are non-residents of the State of Alabama. The Alabama Sumatra & Havana Tobacco Company, the Alabama Tobacco Company, Chicago Title & Trust Company, Southern Plantation Development Company, many years ago did business in Baldwin County, Alabama, however for many years they

ORAL EXAMINATION.

I, Evelyn Watts, as Register and Commissioner hereby certify that the foregoing depositions on Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself and Hubert M. Hall

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proom made before me of the identity of said witness; that I am not of counsel or of kn to any of the parties to said cause, or any manner interested in the result thereof

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 8th day of August, 1945

Evelyn Watts (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant

Respondent.

Oral Deposition

Filed _____, 1945

Register.

Recorded in

Record

Vol. _____ Page _____

Register.

have done no business here and have not had and do not have at this time a representative in Baldwin County.

The Complainant, J. D. Rusk Jr., is over twenty-one years of age and a resident of Pensacola, Florida.

In my efforts to ascertain the owners of the lands I have made and caused to be made searches and examinations of the lands and tax records at Bay Minette, Baldwin County, Alabama, and have made inquiries of people around Robertsdale, Elsanor and Siminole in Baldwin County, Alabama, the vicinity in which said land lies.

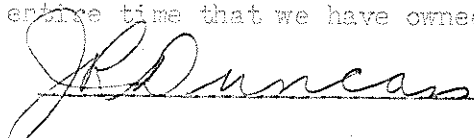
J. D. Rusk Jr., and I own the lands described in the bill of complaint in fee simple and we are now and have been continuously since acquiring the said lands in the actual possession thereof. All of the said lands are enclosed within fences and have been for many years used as a farm and pasture. We have seven houses on the property. During the entire time that we have owned the said lands no one has exercised or attempted to exercise any rights thereot. I have practically all the entire time lived on the property and have been over it daily.

There is no suit pending to test our title to, interest in, or rights of possession to said land.

We acquired title to the said lands as follows: A. Boyington and Minnie Boyington, husband and wife, by warranty deed dated September 10, 1949, and of record in Deed Book 147 NS pages 371-2; A. Boyington and Minnie Boyington, his wife, by warranty deed dated December 21, 1946, recorded Deed Book 119 NS pages 277-8; Wallace Houstin by State Land Commissioner of Alabama, by State Tax Deed dated February 16, 1949, of record in Deed Book 144 NS pages 17; Quit Claim Deed from Hiram Pardue and Ella M. Pardue, his wife, dated April 1, 1949, of record in Deed Book 144 NS page 18; A. Boyington and Minnie M. Boyington, husband and wife, by warranty deed dated May 23, 1946, of record in Deed Book 109 NS pages 215-16; Denniston-Boykin Company, Inc., a corporation, and Baldwin Timber & Naval Stores Company, Inc., a corporation, by warranty deed dated March 21, 1941, and of record in Deed Book 75 NS pages 11-13; C. E. Mitchell, R. F. Mitchell Jr., and J. L. Tucker operating and doing business as Mitchell Naval Stores Company, joined by Jessie H. Mitchell, Dorothy F. Mitchell, the wives of C. E. Mitchell and R. F. Mitchell Jr., by statutory warranty deed dated January 24, 1941, and of record in Deed Book 75 NS pages 25-6; J. S. Lowrey by quit claim deed dated October 9, 1941, and of record in Deed Book 76 NS pages 390-1; Louis Matalin by statutory warranty deed dated December 12, 1941, and of record in Deed Book 76 NS pages 390; Tennessee Land Company, a corporation, by warranty deed dated March 5, 1942, and of record in Deed Book 77 pages 99-100; Joseph Wozniak and Agnes Wozniak, his wife, by warranty deed dated June 6, 1942, and of record in Deed Book 77 NS pages 374-5; Stapleton Insurance & Realty Corporation, a corporation, by quit claim deed dated July 27, 1942, and of record in Deed Book 77 NS page 530; J. L. Jarl by State Land Commissioner of Alabama, by State Tax Deed dated February 4, 1942, and of record in Deed Book 77 NS pages 530-1; W. Dawson by State Land Commissioner of Alabama, by State Tax Deed dated February 4, 1942, and of record in Deed Book 77 NS pages 531-2; Alfred Miller, by warranty deed dated March 13, 1943, and of record in Deed Book 79 NS pages 299-30.

The lands now stands and have stood for many years upon the records of the Probate Court of Baldwin County, Alabama, in the name of J. R. Duncan and J. D. Rusk, Jr.

No one has at any time within ten years next preceding the filing of the bill of complaint in this cause paid any taxes upon said land or had any possession thereof other than the Complainants in this case. J. D. Rusk Jr., and I are the sole owners of the said lands. We have kept at least one man, as overseer, upon the properties during the entire time that we have owned it.



J. D. RUSK JR.

My name is J. D. Rusk Jr., I am over twenty-one years of age and a resident of Pensacola, Florida. I am joint owner with J. R. Duncan of lands described in the bill of complaint in this cause. We have been in the actual possession of the said lands during the entire time that we have owned them, having the same under fence, agents living thereon, a part under cultivation, and the balance used as pasture. During the time we have owned the said land no one has attempted to exercise any rights of possession thereto adversely to us.

The parties named as Respondents are all non-residents of the State of Alabama, and their addresses cannot be ascertained after a diligent search and inquiry.

Mr. Duncan and I acquired these lands some time ago and immediately

we went into possession thereof and fenced the same and have maintained the said fences since that time.

J. D. Russ Jr.
J. D. Russ Jr.

ELIGE GIVENS:

My name is Elige Givens, I live at Seminole in Baldwin County, Alabama, and about four miles from the lands described in this suit. I lived on these lands for a good many years. I know when the Complainants Duncan and Ruak purchased them. They immediately fenced all of the lands and put a part thereof in cultivation. They have at all times had at least one overseer upon the property and Mr. Duncan himself has also lived upon the property; I have known these lands for some thirty years and more and am personally acquainted with each parcel thereof. I have lived in Seminole, in the vicinity of these lands, for the past thirty-two years. I know that the parties named as Respondents in this cause are non-residents of Baldwin County, Alabama, and have not been for the past ten years and more. In fact, practically all of them have never been residents of Baldwin. These lands lie along the highway leading through Baldwin County, known as Highway No. 90. The possession of the Complainants has been full and complete evidenced by actual occupancy thereof.

Elige Givens
Elige Givens

J. R. LUNGAN, AND
J. D. RUSS, JR.,

COMPLAINANT

VS

WM. C. DIFFENDERBER, ET AL

RESPONDENTS

ORAL DEPOSITION

FILED

AUG 9 1950

ALICE J. DUCK, Registrar

J. R. DUNCAN AND
J. D. RUSS, JR.,

COMPLAINANTS

VS

WM. C. DIETENDERFER, ET AL,

RESPONDENTS

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IN THE CIRCUIT COURT OF

Ø

BALDWIN COUNTY, ALABAMA,

Ø

IN EQUITY

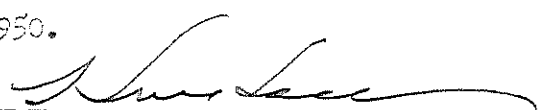
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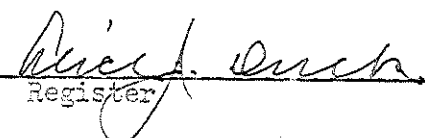
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This cause is submitted on behalf of the Complainant upon the following:

1. Original summons and complaint.
2. Lis Pendens filed for record in the Probate Office May 23, 1950.
3. Proof of publication of notice in the Baldwin Times in its issues of May 25, June 1, June 8, and June 15, 1950.
4. Decree pro confesso by publication against all Respondents dated July 31, 1950.
5. Request for appointment of commissioner.
6. Appointment of Commissioner.
7. Commission to take deposition.
8. Notice of time of taking testimony.
9. Oral depositions of J. R. Duncan, J. D. Russ, Jr., and Elige Givens, with exhibits attached.

Dated this the 9th day of August, 1950.


Solicitor for the Complainant


Register

RECORDED

J. R. DUNCAN AND
J. D. RUSS, JR.,

COMPLAINANTS

VS

WIL. C. DIFFENDERFER, ET AL

RESPONDENTS

NOTE OF TESTIMONY

*Filed 8-9-50
Aris-Weick
Register*

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Evelyn Watts

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 J. R. Duncan, J. D. Russ, Jr., and Elige Givens

as witnesses in behalf of Complainants in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

J. R. Duncan, et al

_____, Complainant

and Wm. C. Diffenderfer, et al

_____, Respondent

on oath, to be by you administered, upon Evelyn Watts to take and certify the deposition s of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 4th day of August, 1950

Allice J. Duck

Register.

Commissioner's Fee, \$ 10.00

Witness' Fees, \$ _____

W. R. STUART

Probate Judge

No. 8696

Bay Minette, Ala.,

1950

Received of.

[illegible]

FOR RECORD

TOTAL \$

19961 MARSHALL & BRUCE-BIRMINGHAM

.....
Judge of Probate.

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

J. R. Duncan, et al

Complainant

VS.

Wm. C. Diffenderfer, et al

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Evelyn Watts

WITNESSES:

J. R. DUNCAN AND
J. D. RUSK, JR.,

COMPLAINANTS

VS

WM. C. DIFFENDERFER, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

TO: Wm. C. Diffenderfer, Galesburg Development Company, a corporation,
J. C. Eadle, J. E. Jarl, Earl Caldwell, Lalia Caldwell, J. H. Saibel,
Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E.
Bogges, H. W. Linn, A. L. Peck, C. B. Blouillet, Emil J. Bihler, E. E.
Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R.
Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, G. Sawson, C. J. Ellison,
D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth
Terrill, Wm. Herbert Terrill, W. E. Austin, F. C. Downs, E. P. Lerch, A. J.
Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George
Asmus, Mrs. J. L. Vinnedger, S. Conroy, Fred Lasenby, Mildren Linn, E. B.
Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra &
Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation,
Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar,
Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a
corporation:

Notice is hereby given that the Complainants will on the 8 day of
August, 1950, before Evelyn Watts, as special Commissioner
take the testimony of the following witnesses.

J. R. Duncan

J. D. Rusk Jr.

Elige Givens.

Dated this the 34th day of August, 1950.

J. L. Love
Solicitor for Complainant

Evelyn Watts
Special Commissioner

Probate Judge

Bay Minette, Ala.,....., 19.....

Bay 1
Mrs. Duck

FOR RECORD

TOTAL \$

19961 MARSHALL & BRUCE-BIRMINGHAM

Judge of Probate.

J. R. W. can et al

vs

Wm. D. Henderson et al

Notice of Filing of
Petition

Filed Aug. 4, 1950

Alice J. Renick
Register

BILL OF COSTS

J P Langham and Arthur Langham,
Doing Business, as Langham Lumber,
Company,

The State of Alabama, } No. _____
Baldwin County. } Circuit Court, In Equity Feb. _____ Term, 1942.

Register.

The State of Alabama,
Baldwin County.

Baldwin County.

Circuit Court, In Equity.
R. T. Mitchell, Jr.

C B Mitchell, and J I Tucker,
doing business, as Mitchell Travel
Partnership.

VS.

J. P. Langdon and Arthur Langdon.

Doing Business, as Langan Lumber
Company.

CHANCERY EXECUTION
Fi. Fa.

8224.30

Total \$224.80

Free Book 11 Page 1

Execution Docket 1 Page 13

Hybert, Chason.

Complainant's Solicitor,

Powell & Hamilton

The State of Alabama,
Baldwin County.

Baldwin County.

ha..... duly waived..... right
to the exemption of personal property as to
the collection of the debt for which this exe-
cution is issued.

Register.

6013

Received in office this.....

day of 194

Sheriff

Execution Docket.....	Page.....
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Printed By Baldwin Times, Bay Minnetto, Ala.

The State of Alabama, }
Baldwin County. }

By virtue of the within execution I have levied

J. R. DUNCAN AND
J. D. RUSK JR.,

COMPLAINANT

VS

WM. C. DIFFENDERFER, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

DECREE PRO CONFESSO ON PUBLICATION

In this cause it appearing to the Court that the order of publication heretofore made in this cause was published for four consecutive weeks commencing on the 25th day of May, 1950, in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama; that a copy of said order was posted at the Court House door in Baldwin County, Alabama, on the 25th day of December, 1950; and it now further appearing to the Court that Wm. C. Diffenderfer, Galesburg Development Company, a corporation, J. G. Beadle, J. E. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Lewis Dickes, S. E. Boggess, E. W. Linn, A. L. Peck, C. E. Elouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Zahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie E. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, T. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. L. Vinnegger, S. Conroy, Fred Lazenby, Mildred Lin, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama, Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Vinegar, E. F. Vinegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, Respondents have to date hereof failed to plead, answer or demur to this bill of complaint in this cause.

It is, therefore, on motion of the Complainant, ordered and decreed by the Court, that the said Bill of Complaint be, and it hereby is, in all things, taken as confessed against the Respondents named in the bill of complaint.

Witness my hand and seal of office this the 31 day of July, 1950.

A. J. Rusk
Register

2472

RECORDED

J. H. Duncan et al.
vs

W. C. Duffender et al

Deceit for Confession

Filed July 31, 1950

Alice J. Leach
Register

11-11-50

J. R. DUNCAN AND
J. D. RUSH JR.,

COMPLAINANTS

VS

WM. C. DIFFENDERFER ET AL,

RESPONDENTS

§

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§

§

§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2472

MOTION FOR DECREE PRO CONFESSO ON PUBLICATION

Comes the Complainants in the above styled cause and shows unto the Court that an order of publication was made on the 25th day of May, 1950, which was duly published in the Baldwin Times, a newspaper published in Bay Minette, Alabama, and was directed to Wm. C. Diffenderfer, Galesburg Development Company, a corporation, J. C. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Foggess, H. W. Minn, A. L. Peck, C. E. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, C. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D.V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A.J. Malone, Wm. H. Malen, A. Knight, Louis Matalin, Catherine Drucker, George Assus, Mrs. J. L. Vinnedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. B. Forsberg, Southern Plantation Development Company, corporation, and any other persons, firms or corporations claiming any title to, right, interest in, lien or encumbrances upon the following described land situated in Baldwin County, Alabama, to-wit;

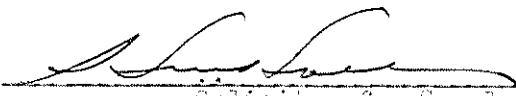
Northwest quarter, North half of Southeast quarter, Southwest quarter of Section 1, Township 6 South, Range 5 East;
Northeast quarter, Northwest quarter, West half of Southeast quarter, Southeast quarter of Southeast quarter, West half of Northwest quarter of Southeast quarter, South half of Northeast quarter of Northeast quarter of Southeast quarter, North half of Southeast quarter of Northeast quarter of Southeast quarter, East half of Northeast quarter of Southwest quarter, South half of Southwest quarter of Northeast quarter of Southwest quarter, Southeast quarter of Southwest quarter, East half of Southwest quarter of Southwest quarter, Southwest quarter of Southwest quarter of Southwest quarter, South half of Northwest quarter of Southwest

quarter of Southwest quarter, North half of Southwest quarter of Northwest quarter of Southwest quarter of Section 2, Township 6 South, Range 5 East;
Southeast quarter of Southeast quarter, Southwest quarter of Southeast quarter, South half of South half of Northeast quarter of Southeast quarter, North half of Southwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northwest quarter of Southeast quarter, North half of Southeast quarter of Southwest quarter of Section 3, Township 6 South, Range 5 East;
North half of Southeast quarter, Northeast quarter of Southwest quarter of Section 11, Township 6 South, Range 5 East;
Southwest quarter of Section 12, Township 6 South, Range 5 East, except that portion of Northwest quarter of Southwest quarter of Southwest quarter and that portion of said section 12 lying South of the Southwest boundary of right of way for a public road said right of way having been conveyed by Tennessee Land Company to Baldwin County, Alabama, by deed dated the 6th day of March 1928; North half of Northwest quarter of Section 13, Township 6 South, Range 5 East; North half of Northeast quarter, Northeast quarter of Northwest quarter of Section 14, Township 6 South, Range 5 East, South half of Southeast quarter of Section 35, Township 5 South, Range 5 East;

as respondents, which required the said Respondents to answer or demur to the bill of complaint within thirty days after the 25th day of June, 1950, and which said Respondents have to this day failed to do.

WHEREFORE the Complainant moves the Court to grant a decree pro confesso against the said Respondents.

Dated this the 27 day of July, 1950.


Solicitor for Complainant

2472

RECORDED

J.R. Duncan et al

vs

Wm C. Dyfenderfer et al

Motion for Decree
pro Confession

Filed July 27, 1950

Alice J. Rucker
Register

J. R. DUNCAN AND
J. D. RUSS, JR.,

COMPLAINANTS

VS

WM. C. DIFFENDERFER, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

It having been made to appear in the above styled cause by proper affidavit that the Respondents, Wm. C. Diffenderfer, Galesbrug Development Company, a corporation, J. C. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, H. H. Weibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. E. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotston, W. Dawson, C. J. Ellison, D. V. Peterson, Ellie B. Matthews Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Katalin, Catherine Drucker, George Asmus, Mrs. J. L. Vinmedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama, Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Foreberg, Southern Plantation Development Company, a corporation, are all non-residents of the State of Alabama, that the individual respondents are each over twenty-one years of age; that a diligent search and inquiry has been made to ascertain whether or not any of the Respondents are dead, and if so the names, ages and residences of their heirs and next of kin, and from all information obtainable the heirs and next of kin of the named Respondents are non-residents of the State of Alabama and over twenty-one years of age, and their post office addresses cannot be ascertained; That the corporations named have no representatives in Baldwin County, Alabama, or in the State of Alabama upon whom service can be perfected.

that the Complainants are the owners in fee simple and in the actual possession of the following described lands situated in Baldwin County, Alabama, to-wit:

Northwest quarter, North half of Southeast quarter, Southwest quarter of Section 1, Township 6 South, Range 5 East; Northeast quarter, Northwest quarter, West half of Southeast quarter, Southeast quarter of Southeast quarter, West half of Northeast quarter of Southeast quarter, South half of Northeast quarter of Northeast quarter of Southeast quarter, North half of Southeast quarter of Northeast quarter of Southeast quarter, East half of Northeast quarter of Southwest quarter, South half of Southwest quarter of Northeast quarter of Southwest quarter, Southeast quarter of Southwest quarter, East half of Southwest quarter of Southwest quarter, Southwest quarter of Southwest quarter of Southwest quarter, South half of Northwest quarter of Southwest quarter of Southwest quarter, North half of Southwest quarter of Northwest quarter of Southwest quarter of Section 2, Township 6 South, Range 5 East.

Southeast quarter of Southeast quarter, Southwest quarter of Southeast quarter, South half of South half of Northeast quarter of Southeast quarter, North half of Southwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northeast quarter of Southeast quarter, South half of Northwest quarter of Northwest quarter of Southeast quarter, North half of Southwest quarter of Northwest quarter of Southeast quarter, Southeast half of Southwest quarter of Section 3, Township 6 South, Range 5 East;

North half of Southeast quarter, Northeast quarter of Southwest quarter of Section 11, Township 6 South, Range 5 East.

Southwest quarter of Section 12, Township 6 South, Range 5 East, except that portion of Northwest quarter of Southwest quarter of Southwest quarter and that portion of said Section 12 lying South of the Southwest boundary of right of way for a public road said right of way having been conveyed by Tennessee Land Company to Baldwin County, Alabama, by deed dated the 6th day of March, 1928; North half of Northwest quarter of Section 13, Township 6 South, Range 5 East, North half of Northeast quarter, Northeast quarter of Northwest quarter of Section 14, Township 6 South, Range 5 East; South half of Southeast quarter of Section 35, Township 5 South, Range 5 East.

That they acquired title to said lands by conveyances of record in the office of the Probate Judge of Baldwin County, Alabama, as follows:

A. Boyington and Minnie Boyington, husband and wife, by warranty deed dated September 10, 1949, and of record in Deed Book 147 NS pages 371-2;

A. Boyington and Minnie Boyington, his wife, by warranty deed dated December 21, 1946; recorded Deed Book 119 NS pages 277-8; Wallace Houston by State Land Commissioner of Alabama, by State Tax Deed dated February 16, 1949, of record in Deed Book 144 NS page 17; Quit claim deed from Hiram Pardue and Ella M. Pardue, his wife, dated April 1, 1949, of record in Deed Book 144 NS page 18; A. Boyington and Minnie M. Boyington, husband and wife, by warranty deed dated May 23, 1946, of record in Deed Book 109 NS pages 215-16; Denniston-Boykin Company, Inc., a corporation,

BOOK 002 PAGE 399

and Baldwin Timber & Naval Stores Company Inc., incorporation, by warranty deed dated March 21, 1941, and of record in Deed Book 75 NS pages 11-13; C. B. Mitchell, R. F. Mitchell Jr., and J. L. Tucker operating and doing business as Mitchell Naval Stores Company, joined by Jessie R. Mitchell, Dorothy F. Mitchell, the wives of C. B. Mitchell and R. F. Mitchell Jr., by statutory warranty deed dated January 24, 1941, and of record in Deed Book 75 NS pages 25-6; J. S. Lowrey by quit claim deed dated October 9, 1941, and of record in Deed Book 76 NS pages 390-1; Louis Matalin by statutory warranty deed dated December 12, 1941, and of record in Deed Book 76 NS page 390; Tennessee Land Company, a corporation, by warranty deed dated March 5, 1942, and of record in Deed Book 77 pages 99-100; Joseph Wozniak and Agnes Wozniak, his wife, by warranty deed dated June 6, 1942, and of record in Deed Book 77 NS page 530; ✓ J. L. Jarl by State Land Commissioner of Alabama, by State Tax Deed dated February 4, 1942, and of record in Deed Book 77 NS pages 530-1; W. Dawson by State Land Commissioner of Alabama, by State Tax Deed dated February 4, 1942, and of record in Deed Book 77 NS pages 531-2; Alfred Miller, by warranty deed dated March 13, 1943, and of record in Deed Book 79 NS pages 220-30; that no person is known to have paid any taxes on said lands or to have been in possession thereof, within ten years next preceding the filing of this bill of complaint except your Complainants, J. R. Duncan and J. D. Russ Jr.

IT IS THEREFORE ORDERED and notice is hereby given Wm. C. Diffenderfer, Galesburg Development Company, incorporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. H. Waibel, Magdalena Kenney, James E. Jamison, Fred E. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. B. Blouillet, Emil J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D.V. Peterson, Lillie E. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E.P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. S. Vinmedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust &

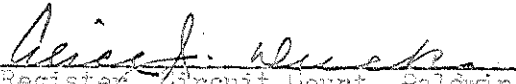
100-301

Savings Bank, a corporation, Alabama Sumatra and Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, the unknown heirs, devisees, grantees, personally representatives, and assigns of Wm. C. Diffenderfer, Galesburg, Development Company, a corporation, J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, J. W. Waibel, Magdalena Kenney, James E. Janison, Fred R. Hazlett, Louis Dickes, S. E. Boggess, H. W. Linn, A. L. Peck, C. B. Blouillet, Emil J. Fihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morriek, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, Dr. V. Peterson, Lillie E. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. S. Vinmedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation,

Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, and any other persons, firms or corporations claiming any title, right to, interest in, lien or encumbrance upon said lands or any part thereof, to appear in this court and plead, answer or demur to the bill of Complaint filed in this cause on or before June 25, 1950, or upon their having failed to do so upon the expiration of thirty days from said date a decree pro confesso shall be taken against them and this cause shall be at issue.

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF, I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 22nd day of May, 1950.


Register, Circuit Court, Baldwin
County, Alabama

H. M. Hall
Solicitor for the Complainants.

BOOK 002 PAGE 302

STATE OF ALABAMA
BALDWIN COUNTY

I, ALICE J. DUCK, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the foregoing is a full, true, correct and complete copy of notice given by publication in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, in the cause of J. R. Duncan and J. D. Russ Jr., Complainants, vs Wm. C. Diffenderfer et al, Respondents, and filed for record in the office of the Judge of Probate of Baldwin County, Alabama, the county in which said lands lie in accordance with the provisions of the laws of the State of Alabama.

IN WITNESS WHEREOF I have hereunto set my hand and seal of office on this the 22nd day of May, 1950.

Alice J. Duck
Register, Circuit Court Baldwin
County, Alabama

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-23-50 10 a.m.

Recorded *Liv. And* book 2 page 298-302

W. B. Smith
Judge of Probate

no 2472

2 - 298.302

R- 3.00
Mrs. Duck

FILED

MAY 22 1950

ALICE J. DUCK, Register

J. R. DUNCAN AND
J. D. RUSK JR.,

COMPLAINANT

VS

W. C. DIFFERDERFER, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

REQUEST FOR APPOINTMENT OF COMMISSIONER

TO: Mrs. Alice J. Duck, Register of the Circuit Court of Baldwin
county, Alabama:

The Complainant wishes to take orally, on behalf of the Complainant,
the testimony of the following witnesses:

J. R. Duncan,

J. D. Rusk, Jr.

Elige Givens

It is hereby requested that they be given proper and legal notice
and that Evelyn Watts be appointed as Special Commissioner, to take
testimony of said witnesses, and that due and legal notice be given as
required by law.

Dated this the 31st day of July, 1950.


Solicitor for Complainant

2472

J. R. Duncan et al
vs

Wm. C. Duffendrift et al

Request for Appointment
of Commissioner

Filed July 31, 1950

Alice J. Leach
Register

Legal Notice

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, IN EQUITY
J. R. DUNCAN AND J. D. RUSS, JR.,
COMPLAINANTS

VS

WM. C. DIFFENDERFER, ET AL, RE-
SPONDENTS.

It having been made to appear in the above styled cause by proper affidavit that the Respondents, Wm. C. Diffenderfer, Galesbrug Development Company a corporation J. G. Beadle, J. L. Jarl, Earl Caldwell, Delia Caldwell, H. H. Waibel, Magdalena Kenney, James E. Jamison, Fred R. Hazlett, Louis Dicks, S. E. Bogges, H. W. Linn, A. L. Peck, C. B. Blouin, Eml J. Bihler, E. B. Allen, Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Ellie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. L. Vinnedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama, Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, are all non-residents of the State of Alabama, that the individual respondents are each over twenty-one years of age; that a diligent search and inquiry has been made to ascertain whether or not any of the Respondents are dead, and if so the names, ages and residences of their heirs and next of kin, and from all information obtainable the heirs and next of kin of the named Respondents are non-residents of the State of Alabama and over twenty-one years of age, and their post office addresses cannot be ascertained; That the corporations named have no representatives in Baldwin County, Alabama, or in the State of Alabama upon whom service can be perfected, that the Complainants are the owners in fee simple and in the actual possession of the following described lands situated in Baldwin County, Alabama, to-wit:

Northwest quarter, North half of Southeast quarter, Southwest quarter of Section 1, Township 6 South, Range 5 East; Northeast quarter, Northwest quarter, West half of Southeast quarter, Southeast quarter of Southeast quarter, West half of Northeast quarter of Southeast quarter, South half of Northeast quarter of Southeast quarter, North half of Southeast quarter of Northeast quarter of Southeast quarter, East half of Northeast quarter of Southwest quarter, South half of Southwest quarter of Northeast quarter of Southwest quarter, Southeast quarter of Southwest quarter, East half of Southwest quarter of Southwest quarter, Southwest quarter of Southwest quarter, South half of Northwest quarter of Southwest quarter of Southwest quarter of Southwest quarter, North half of Southwest quarter of Northwest quarter of Southwest quarter of Section 2, Township 6 South, Range 5 East.

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North half of Southeast quarter, Northeast quarter of Southwest quarter of Section 11, Township 6 South, Range 5 East.

Southwest quarter of Section 12, Township 6 South, Range 5 East, except that portion of Northwest quarter of Southwest quarter of Southwest quarter and that portion of said Section 12 lying South of the Southwest boundary of right of way for a public road said right of way having been conveyed by Tennessee Land Company to Baldwin County, Alabama, by deed dated the 6th day of March, 1928; North half of Northwest quarter of

Joseph Taylor, Oscar Frickes, L. E. Morrier, Wm. R. Bullion, G. R. Hazelquist, C. H. Dahlstrom, Katie T. Tillotson, W. Dawson, C. J. Ellison, D. V. Peterson, Lillie B. Matthews, Jennie Marie Terrill, Mary Elizabeth Terrill, Wm. Herbert Terrill, W. H. Austin, F. C. Downs, E. P. Lerch, A. J. Malone, Wm. H. Maley, A. Knight, Louis Matalin, Catherine Drucker, George Asmus, Mrs. J. S. Vinnedger, S. Conroy, Fred Lazenby, Mildred Linn, E. B. Thomasson, Peoples Trust & Savings Bank, a corporation, Alabama Sumatra & Havana Tobacco Company, a corporation, Alabama Tobacco Company, a corporation, Chicago Title & Trust Company, a corporation, E. F. Winegar, E. F. Winegar, Trustee, Chas. D. Forsberg, Southern Plantation Development Company, a corporation, and any other persons, firms or corporations claim any title, right to, interest in, lien or encumbrance upon said lands or any part thereof, to appear in this court and plead, answer or demur to the bill of Complaint filed in this cause on or before June 25, 1950, or upon their having failed to do so upon the expiration of thirty days from said date a decree pro confesso shall be taken against them and this cause shall be at issue.

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times a newspaper published in Bay Minette Baldwin County Alabama once a week for four consecutive weeks.

IN WITNESS WHEREOF, I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 22nd day of May, 1950.

ALICE J. DUCK,
Register, Circuit Court, Baldwin
County Alabama

H. M. Hall
Solicitor for the Complainants. 18-41c.

JIMMY FAULKNER
EDITOR AND PUBLISHER

BALDWIN

Times

BEST NEWSPAPER

ALABAMA

AFFIDAVIT OF PUBLICATION

Faulkner, being duly sworn, deposes and says
HER of THE BALDWIN TIMES, a Weekly Newspaper published in Baldwin County, Alabama; that the notice hereto attached of

J. R. Duncan & J. D. Russ Jr.
vs. Wm C. Diffenderfer

COST STATEMENT

1682 WORDS @ 4 1/2 cents — — — \$ 75 69

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

Jimmy Faulkner
Publisher.

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

Date of 1st publication May 25, 1940 Vol. 61 No. 18

Date of 2nd publication June 1, 1940 Vol. 61 No. 19

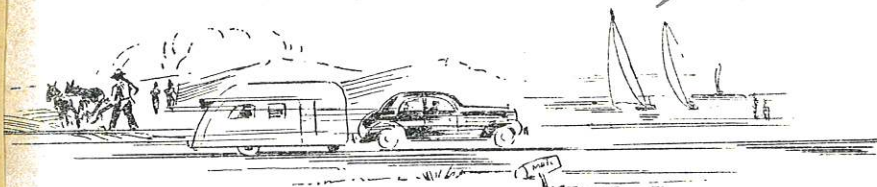
Date of 3rd publication June 8, 1940 Vol. 61 No. 20

Date of 4th publication June 15, 1940 Vol. 61 No. 21

Subscribed and sworn before the undersigned this 15 day of June, 1940.

Dorothy Martin
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.



Baldwin County, Alabama, by deed dated the 6th day of March, 1928; North half of Northwest quarter of Section 13, Township 6 South, Range 5 East, North half of Northeast quarter, Northeast quarter of Northwest quarter of Section 14, Township 6 South, Range 5 East; South half of Southeast quarter of Section 35, Township 5 South, Range 5 East.

That they acquired title to said lands by conveyances of record in the office of the Probate Judge of Baldwin County, Alabama, as follows: A. Boyington and Minnie Boyington, husband and wife by warranty deed dated September 10, 1949, and of record in Deed Book 147 NS pages 371-2; A. Boyington and Minnie Boyington, his wife, by warranty deed dated December 21, 1946; recorded Deed Book 119 NS pages 277-8; Wallace Houstin by State Land Commissioner of Alabama, by State Tax Deed dated February 16, 1949, of record in Deed Book 144 NS pages 17; Quit claim deed from Hiram Pardue and Ella M. Pardue, his wife, dated April 1, 1949, of record in Deed Book 144 NS page 18; A. Boyington and Minnie M. Boyington, husband and wife, by warranty deed dated May 23, 1946, of record in Deed Book 109 NS pages 215-16; Denniston-Boykin Company, Inc., a corporation, and Baldwin Timber & Naval Stores Company Inc., a corporation by warranty deed dated March 21, 1941, and of record in Deed Book 75 NS pages 11-13; C. B. Mitchell, R. F. Mitchell, Jr., and J. L. Tucker operating and doing business as Mitchell Naval Stores Company, joined by Jessie H. Mitchell, Dorothy F. Mitchell, the wives of C. B. Mitchell and R. F. Mitchell, Jr., by statutory warranty deed dated January 24, 1941, and of record in Deed Book 75 NS pages 25-6; J. S. Lowrey by quit claim deed dated October 9, 1941, and of record in Deed Book 76 NS pages 390-1; Louis Matalin by statutory warranty deed dated December 12, 1941, and of record in Deed Book 76 NS page 390; Tennessee Land Company, a corporation, by warranty deed dated March 5, 1942, and of record in Deed Book 77 pages 99-100; Joseph Wozniak and Agnes Wozniak, his wife, by warranty deed dated June 6, 1942, and of record in Deed Book page 530; J. L. Jarl by State Land Commissioner of Alabama, by State Tax Deed dated February 4, 1942, and of record in Deed Book 77 NS pages 530-1; W. Dawson by State Land Commissioner of Alabama, by State Tax Deed dated February



JIMMY FAULKNER
EDITOR AND PUBLISHER

ALABAMA'S BEST COUNTY'S-

BALDWIN
Times
BAY MINETTE, ALABAMA

BEST NEWSPAPER

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.
BALDWIN COUNTY.

Jimmy 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

J. R. Duncan + J. D. Russ Jr.
vs. Wm C. Dippenderfer

COST STATEMENT

1682 WORDS @ 4 1/2 cents — — — \$ 75 69

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

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Subscribed and sworn before the undersigned this 15 day of June, 1940.

Dorothy Martin
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.

