

2396

WINBERG ORCHARDS AND NURSERIES
COMPANY, INC., A CORPORATION
ORGANIZED UNDER THE LAWS OF THE
STATE OF ALABAMA,

COMPLAINANT

VS

THE EAST HALF OF THE SOUTHEAST
QUARTER OF THE NORTHWEST QUARTER,
THE NORTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF THE NORTH-
WEST QUARTER AND THE NORTH HALF
OF THE SOUTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF THE NORTH-
WEST QUARTER ALL IN SECTION 26,
TOWNSHIP 5 SOUTH, RANGE 3 EAST,
IN BALDWIN COUNTY, ALABAMA: AND
A. J. BROMAN, G. FERDINAND CHASE,
WILLIAM ECKLER, MINNIE BROKER,
JACOB H. DUBOSE AND REINHOLT A.
JULIEN, AND THE UNKNOWN HEIRS,
DEVISEES, PERSONAL REPRESENTATIVES,
ALIENORS AND ASSIGNS OF THE SAID
NAMED INDIVIDUALS AND EACH OF THEM
ANY AND ALL PERSONS, FIRMS,
ASSOCIATIONS, CORPORATIONS, CLAIM-
ING ANY TITLE TO, INTEREST IN,
CLAIM, LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART THERE-OF,

DEFENDANTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

Notice is hereby given to A. J. Broman, G. Ferdinand
Chase, William Eckler, Minnie Broker, Jacob H. Dubose and Reinholt
A. Julien, if living, and if dead, to their unknown heirs, devisees,
personal representatives, alienors and assigns and to any and all
persons, firms and corporations claiming any title to, interest
in, claim, lien or encumbrance upon the following described lands:
The East half of the Southeast quarter of the Northwest quarter,
the Northwest quarter of the Southeast quarter of the Northwest
quarter and the North half of the Southwest quarter of the South-
east quarter of the Northwest quarter all in Section 26, Township
5 South, Range 3 East, in Baldwin County, Alabama.

That Winberg Orchards and Nurseries Company, Inc., a
corporation organized under the laws of the State of Alabama, has
filed its bill of complaint on the 30th day of November, 1949,
in this court on the equity side claiming to be in actual peaceable
possession, owning and claiming to own those parcels or lots of
land, lying and being situated in the County of Baldwin, State of

Alabama, described as follows:

The East half of the Southeast quarter of the Northwest quarter; the Northwest quarter of the Southeast quarter of the Northwest quarter; and the North half of the Southwest quarter of the Southeast quarter of the Northwest quarter All in Section 26, Township 5 South, Range 3 East;

complainant alleges in its bill of complaint that the title to the said lands stands on the records of the Probate Court of Baldwin County in his name; that he acquired title to the said land described as follows: North half of the Northeast quarter of Southeast quarter of Northwest quarter of Section 26, Township 5 South, Range 3 East, under deed of Martha V. Winberg, dated December 24, 1938, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in deed book 67 RS, pages 373-374; that the said Martha V. Winberg acquired said property from one A. J. Broman, having purchased the same from him several years prior to December 24, 1938, and having paid the purchase price therefor and the said A. J. Broman having executed and delivered a conveyance to her, which said conveyance has been lost and cannot now be found, that the said A. J. Broman held title thereto by mesne conveyances from the United States Government; that the complainant acquired title to that portion of the aforesaid lands described as South half of Northeast quarter of Southeast quarter of Northwest quarter of Section 26, Township 5 South, Range 3 East, by purchase from G. Ferdinand Chase in the year 1936, prior to June 15, 1936, by deed executed and delivered to it by the said Ferdinand Chase, said deed having been lost and cannot now be found, that the said G. Ferdinand Chase held title to the said lands by mesne conveyances from the United States Government; that complainant holds title to that portion of the aforesaid lands described as Northwest quarter of Southeast quarter of Northwest quarter of Section 26, Township 5 South, Range 3 East, by purchase from Edgar B. Fischer in the year 1930, by deed from the said Edgar B. Fischer executed and delivered, but which said deed has been lost and cannot now be found, that the said Edgar B. Fischer held title to the said lands by mesne conveyances from the United States Government; that complainant holds title to

that portion of the aforesaid lands described as North half of Southeast quarter of Southeast quarter of Northwest quarter and the North half of the Southwest quarter of the Southeast quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, by deed from Martha V. Winberg, dated May 1st, 1934, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in deed book 55 NS, at page 543, under a tax sale of said property assessed to William Eckler, that the said William Eckler held title to the said lands by mesne conveyances from the United States Government; that complainant holds title to that portion of the aforesaid land described as the South half of the Southeast quarter of the Southeast quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, by deed from Martha Winberg dated June 21, 1931, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in deed book 50 NS, at page 285, that the said Martha Winberg held title to the said lands by mesne conveyances from the United States Government; that complainant further holds title to the said lands by adverse possession of the said lands and each and every part and parcel thereof continuously for more than ten years next preceeding the filing of the bill of complaint, having annually assessed the same for taxes and having paid the taxes thereon each year for more than ten years consecutively next preceeding the filing of its bill of complaint; that A. J. Broman, G. Ferdinand Chase, William Eckler, Minnie Broker, Jacob H. Dubose and Reinholt A. Julien, if living, are over the ages of twenty-one years and non-residents of the State of Alabama, and if dead, their unknown heirs, devisees, personal representatives, alienees and assigns are over the age of twenty-one years and ~~are~~ non-residents of the State of Alabama, their place of residence and post office addresses being unknown, that the said A. J. Broman, G. Ferdinand Chase, William Eckler, Minnie Broker, Jacob H. Dubose and Reinholt A. Julien, if living, claim or are reputed to claim, and if dead, their unknown heirs, devisees, personal representatives, alienees and assigns claim

or are reputed to claim some title to, interest in, claim, lien or encumbrance upon the East half of the Southeast quarter of the Northwest quarter; the Northwest quarter of the Southeast quarter of the Northwest quarter and the North half of the Southwest quarter of the Southeast quarter of the Northwest quarter, all in Section 26, Township 5 South, Range 3 East, in Baldwin County, Alabama, or some part or parcel thereof.

Complainant further alleges that it and those through whom it claims have, for more than ten years next preceeding the filing of said bill of complaint, been in the actual peaceable adverse possession of the said lands and have annually assessed and paid the taxes thereon and that during such period no other person has been in possession of said lands or any part thereof or assessed or paid taxes on said lands or any part thereon and that the bill of complaint is filed for the purpose of establishing its title to and interest in said lands and clearing up doubts and disputes concerning the same.

And it appearing from said bill of complaint, the same being duly verified that the names, ages and places of residence and post office addresses of the said defendants are unknown and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and the names, ages and places of residence and post office addresses cannot be ascertained.

And an order having been made and entered that notice of the pendency of said suit be given publication once a week for four consecutive weeks, in a newspaper published in Bay Minette, in Baldwin County, Alabama.

It is therefore ordered that the said A. J. Broman, C. Ferdinand Chase, William Eckler, Minnie Broker, Jacob H. Dubose and Reinholt A. Julien, if living, and if dead, their unknown heirs, devisees, personal representatives, alienees and assigns and any and all other persons, firms or corporations claiming any title to, interest in, claim, lien or encumbrance upon said

lands described as follows: The East half of the Southeast quarter of the Northwest quarter; the Northwest quarter of the Southeast quarter of the Northwest quarter; and the North half of the Southwest quarter of the Southeast quarter of the Northwest quarter all in Section 26, Township 5 South, Range 3 East, Baldwin County, Alabama, appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely the 30th day of January, 1950, at which time the said cause shall stand at issue.

WITNESS my hand this the 30th day of November, 1949.

Alice J. Rucker
Register, Circuit Court, Baldwin
County, Alabama, in Equity.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in Equity, wherein Winberg Orchards and Nurseries Company, Inc., a corporation organized under the laws of the State of Alabama, is complainant and A. J. Broman, G. Ferdinand Chase, William Eckler, Minnie Broker, Jacob H. Dubose and Reinhold A. Julien, if they be living, and if they be dead, the unknown heirs, devisees, personal representatives, alienees and assigns and the following described lands, to-wit: The East half of the Southeast quarter of the Northwest quarter; the Northwest quarter of the Southeast quarter of the Northwest quarter; and the North half of the Southwest quarter of the Southeast quarter of the Northwest quarter all in Section 26, Township 5 South, Range 3 East, all in Baldwin County, Alabama; and any and all persons, firms, associations or corporations claiming title to, interest in, claim, lien or encumbrance upon the said lands in Baldwin County, are defendants as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper, published in Baldwin County, Alabama, under and in pursuance of an order of this Court made in said cause on the 30th day of November, 1949.

Witness my hand this the 30th day of November, 1949.

Alice J. Duck
Register.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 11-30-49.....2 P.M.

Recorded ...*His Honor*...book...21...page...271-276

.....*J. R. S. Tinsley*.....
Judge of Probate

Lis Pendens

W 2396

2-271-274

FILED

Nov. 30 1949

ALICE J. DUCK, Register

R-3.75

Mrs. Duck

2396

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COMPANY, INC., A CORPORATION
ORGANIZED UNDER THE LAWS OF THE
STATE OF ALABAMA,

COMPLAINANT

VS

THE EAST HALF OF THE SOUTHEAST
QUARTER OF THE NORTHWEST QUARTER,
THE NORTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF THE NORTH-
WEST QUARTER AND THE NORTH HALF
OF THE SOUTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF THE NORTH-
WEST QUARTER ALL IN SECTION 26,
TOWNSHIP 5 SOUTH, RANGE 3 EAST,
IN BALDWIN COUNTY, ALABAMA: AND
A. J. BROMAN, G. FERDINAND CHASE,
WILLIAM ECKLER, MINNIE BROKER,
JACOB H. DUBOSE AND REINHOLT A.
JULIEN, AND THE UNKNOWN HEIRS,
DEVISEES, PERSONAL REPRESENTATIVES,
ALIENES AND ASSIGNS OF THE SAID
NAMED INDIVIDUALS AND EACH OF THEM
ANY AND ALL PERSONS, FIRMS,
ASSOCIATIONS, CORPORATIONS, CLAIM-
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CLAIM, LIEN OR ENCUMBRANCE ON SAID
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A. Julien, if living, and if dead, to their unknown heirs, devisees,
personal representatives, alienees and assigns and to any and all
persons, firms and corporations claiming any title to, interest
in, claim, lien or encumbrance upon the following described lands:
The East half of the Southeast quarter of the Northwest quarter,
the Northwest quarter of the Southeast quarter of the Northwest
quarter and the North half of the Southwest quarter of the South-
east quarter of the Northwest quarter all in Section 26, Township
5 South, Range 3 East, in Baldwin County, Alabama.

That Winberg Orchards and Nurseries Company, Inc., a
corporation organized under the laws of the State of Alabama, has
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in this court on the equity side claiming to be in actual peaceable
possession, owning and claiming to own those parcels or lots of
land, lying and being situated in the County of Baldwin, State of

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The East half of the Southeast quarter of the Northwest quarter; the Northwest quarter of the Southeast quarter of the Northwest quarter; and the North half of the Southwest quarter of the Southeast quarter of the Northwest quarter All in Section 26, Township 5 South, Range 3 East;

complainant alleges in its bill of complaint that the title to the said lands stands on the records of the Probate Court of Baldwin County in his name; that he acquired title to the said land described as follows: North half of the Northeast quarter of Southeast quarter of Northwest quarter of Section 26, Township 5 South, Range 3 East, under deed of Martha V. Winberg, dated December 24, 1938, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in deed book 67 BS, pages 373-374; that the said Martha V. Winberg acquired said property from one A. J. Broman, having purchased the same from him several years prior to December 24, 1938, and having paid the purchase price therefor and the said A. J. Broman having executed and delivered a conveyance to her, which said conveyance has been lost and cannot now be found, that the said A. J. Broman held title thereto by mesne conveyances from the United States Government; that the complainant acquired title to that portion of the aforesaid lands described as South half of Northeast quarter of Southeast quarter of Northwest quarter of Section 26, Township 5 South, Range 3 East, by purchase from G. Ferdinand Chase in the year 1936, prior to June 15, 1936, by deed executed and delivered to it by the said Ferdinand Chase, said deed having been lost and cannot now be found, that the said G. Ferdinand Chase held title to the said lands by mesne conveyances from the United States Government; that complainant holds title to that portion of the aforesaid lands described as Northwest quarter of Southeast quarter of Northwest quarter of Section 26, Township 5 South, Range 3 East, by purchase from Edgar B. Fischer in the year 1930, by deed from the said Edgar B. Fischer executed and delivered, but which said deed has been lost and cannot now be found, that the said Edgar B. Fischer held title to the said lands by mesne conveyances from the United States Government; that complainant holds title to

that portion of the aforesaid lands described as North half of Southeast quarter of Southeast quarter of Northwest quarter and the North half of the Southwest quarter of the Southeast quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, by deed from Martha V. Winberg, dated May 1st, 1934, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in deed book 55 NS, at page 543, under a tax sale of said property assessed to William Eckler, that the said William Eckler held title to the said lands by mesne conveyances from the United States Government; that complainant holds title to that portion of the aforesaid land described as the South half of the Southeast quarter of the Southeast quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, by deed from Martha Winberg dated June 21, 1931, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in deed book 50 NS, at page 285, that the said Martha Winberg held title to the said lands by mesne conveyances from the United States Government; that complainant further holds title to the said lands by adverse possession of the said lands and each and every part and parcel thereof continuously for more than ten years next preceeding the filing of the bill of complaint, having annually assessed the same for taxes and having paid the taxes thereon each year for more than ten years consecutively next preceeding the filing of its bill of complaint; that A. J. Broman, G. Ferdinand Chase, William Eckler, Minnie Broker, Jacob H. Dubose and Reinholt A. Julien, if living, are over the ages of twenty-one years and non-residents of the State of Alabama, and if dead, their unknown heirs, devisees, personal representatives, alienees and assigns are over the age of twenty-one years and ~~are~~ non-residents of the State of Alabama, their place of residence and post office addresses being unknown, that the said A. J. Broman, G. Ferdinand Chase, William Eckler, Minnie Broker, Jacob H. Dubose and Reinholt A. Julien, if living, claim or are reputed to claim, and if dead, their unknown heirs, devisees, personal representatives, alienees and assigns claim

or are reputed to claim some title to, interest in, claim, lien or encumbrance upon the East half of the Southeast quarter of the Northwest quarter; the Northwest quarter of the Southeast quarter of the Northwest quarter and the North half of the Southwest quarter of the Southeast quarter of the Northwest quarter, all in Section 26, Township 5 South, Range 3 East, in Baldwin County, Alabama, or some part or parcel thereof.

Complainant further alleges that it and those through whom it claims have, for more than ten years next preceeding the filing of said bill of complaint, been in the actual peaceable adverse possession of the said lands and have annually assessed and paid the taxes thereon and that during such period no other person has been in possession of said lands or any part thereof or assessed or paid taxes on said lands or any part thereon and that the bill of complaint is filed for the purpose of establishing its title to and interest in said lands and clearing up doubts and disputes concerning the same.

And it appearing from said bill of complaint, the same being duly verified that the names, ages and places of residence and post office addresses of the said defendants are unknown and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and the names, ages and places of residence and post office addresses cannot be ascertained.

And an order having been made and entered that notice of the pendency of said suit be given publication once a week for four consecutive weeks, in a newspaper published in Bay Minette, in Baldwin County, Alabama.

It is therefore ordered that the said A. J. Broman, C. Ferdinand Chase, William Eckler, Minnie Broker, Jacob H. Dubose and Reinholt A. Julien, if living, and if dead, their unknown heirs, devisees, personal representatives, alienees and assigns and any and all other persons, firms or corporations claiming any title to, interest in, claim, lien or encumbrance upon said

lands described as follows: The East half of the Southeast quarter of the Northwest quarter; the Northwest quarter of the Southeast quarter of the Northwest quarter; and the North half of the Southwest quarter of the Southeast quarter of the Northwest quarter all in Section 26, Township 5 South, Range 3 East, Baldwin County, Alabama, appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely the 30th day of January, 1950, at which time the said cause shall stand at issue.

WITNESS my hand this the 30th day of November, 1949.

Alice J. Rucker
Register, Circuit Court, Baldwin
County, Alabama, in Equity.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in Equity, wherein Winberg Orchards and Nurseries Company, Inc., a corporation organized under the laws of the State of Alabama, is complainant and A. J. Broman, G. Ferdinand Chase, William Eckler, Minnie Broker, Jacob H. Dubose and Reinhold A. Julien, if they be living, and if they be dead, the unknown heirs, devisees, personal representatives, alienees and assigns and the following described lands, to-wit: The East half of the Southeast quarter of the Northwest quarter; the Northwest quarter of the Southeast quarter of the Northwest quarter; and the North half of the Southwest quarter of the Southeast quarter of the Northwest quarter all in Section 26, Township 5 South, Range 3 East, all in Baldwin County, Alabama; and any and all persons, firms, associations or corporations claiming title to, interest in, claim, lien or encumbrance upon the said lands in Baldwin County, are defendants as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper, published in Baldwin County, Alabama, under and in pursuance of an order of this Court made in said cause on the 30th day of November, 1949.

Witness my hand this the 30th day of November, 1949.

Alice J. Duck
Register.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 11-30-49.....2 P.M.

Recorded ...*His Honor*...book...21...page...271-276

.....*J. R. S. Tandy*.....
Judge of Probate

Lis Pendens

W 2396

2-271-274

FILED

Nov. 30 1949

ALICE J. DUCK, Register

R-3.75

Mrs. Duck

PROBATE JUDGE

No. 11472

Bay Minette, Ala., 2-10, 1957

Received of _____

Bay Minn
Mrs. Duck

FOR RECORD

28621 MARSHALL & BRUCE-NASHVILLE

TOTAL

Judge of Probate

Probate Judge

No. 7610

Bay Minette, Ala., 11-30, 1949

Received of

Bay M
Mrs. Duck

FOR RECORD

19961 MARSHALL & BRUCE-BIRMINGHAM

TOTAL 4

Judge of Probate.

The BALDWIN TIMES

ALABAMA'S BEST COUNTY'S- BEST NEWSPAPER

MINETTE, ALABAMA

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

Winberg Orchards Inc.

Certain Lands

COST STATEMENT

1838 WORDS @ $4\frac{1}{2}$ cents — — — \$ 83.01 -

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 Dec. 1, 1949 Vol. 60 No. 45

Date of 2nd publication Dec. 8, 1949 Vol. 60 No. 46

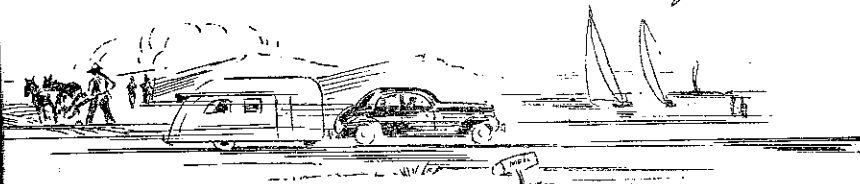
Date of 3rd publication Dec. 15, 1949 Vol. 60 No. 47

Date of 4th publication Dec. 22, 1949 Vol. 60 No. 48

Subscribed and sworn before the undersigned this 22 day of Dec, 1949.

Barth Martin
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.



made that diligent in the named cases and and best office ad- ascertained. ving been made and of the pendency of publication once a spective weeks, in a d in Bay Minette, in Alabama. bered that the said A. inand Chase, William ker, Jacob H. Dubosa ulien, if living, and if own, be

OMI NOICES
TE OF ALABAMA,
DWIN COUNTY.

Yuletide Picture To Be Repeated

• In response to many re throughout the year, the D Junior High School under sorship of their P.T.A., w peat "The Yuletide Pi Christmas pageant which feature of the Daphne Com ty Tree last year.

Production is scheduled Thursday evening, Decemb at 8:00 o'clock, at the D School Auditorium.

Written and staged orig as a wartime recreational p by Mrs. Dan Benton, Fifth room mother, the pageant rates with a series of living tures, the story of the Nativ it has been presented throu the Christmas Era by great cians and writers.

A choral background of and Christmas songs will be by the Junior High School dents, with Miss Kay Ber student at Montevallo, at piano, and Dan Benton, vio

Pictures will be posed by of the lower grades, and wil ture scenes from Dickens, T

Northwest quarter. All in Section 26, Township 5 South, Range 3 East, complainant alleges in his bill of complaint that the title to the said lands stands on the records of the Probate Court of Baldwin County in his name; that he acquired title to the said land described as follows: North half of the Northeast quarter of Southeast quarter of Northwest quarter of Section 26, Township 5 South, Range 3 East, under deed of Martha V. Winberg, dated December 24, 1938, recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 67 NS, pages 373-374, that the said Martha V. Winberg acquired said property from one A. J. Brown, having purchased the same from him several years prior to December 24, 1938, and having paid the purchase price therefor and the said A. J. Brown having executed and delivered a conveyance to her, which said conveyance has been lost and cannot now be found, that the said A. J. Brown held title thereto by mesne conveyances from the United States Government; that the complainant acquired title to that portion of the aforesaid lands described as South half of Northeast quarter of Southeast quarter of Northwest quarter of Section 26, Township 5 South, Range 3 East, by purchase from Edgar B. Fischer in the year 1930, by deed from the said Edgar B. Fischer executed and delivered, but which said deed has been lost and cannot now be found, that the said Edgar B. Fischer held title to the said lands by mesne conveyances from the United States Government; that complainant holds title to that portion of the aforesaid lands described as North half of Southeast quarter of Southeast quarter of Northwest quarter and the North half of the Southwest quarter of the Southeast quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, by deed from Martha V. Winberg, dated May 1st, 1934, recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 55 NS, at page 543, under a tax sale of said property assessed to William Eckler, that the said William Eckler held title to he said lands by mesne conveyances from the United States Government; that complainant holds title to that portion of the aforesaid land described as the South half of the Southeast quarter of the Southeast quarter of the Northwest quarter of Section 26, Town-