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JESSIE A. WARTIN COMPLAINANT

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THE BAST THREE HURDRED SIXTY

(360) FREE OF THAT POSTICE OF

THE VEST HALF OF LOT 6 (BEING
THE SAUTHEAST QUARTER) LYING
SOUTH OF COTTON BAYOU IN SECTION 9, TOWNSHIP 9 SOUTH, RANGE
5 BAGT, BALDAIN COUNTY, ALABAMA;
AND CHICAGO GULF BEACH COMPANY,
A CORPORATION ORGANIZED UNDER
THE LAWS OF THE STATE OF ARIZONA;
AND ALL PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS. CLAIMING ANY TITLE TO, INTEREST IN,
CLAIM, LIEN OR ENCUMBRANCE ON
SAID LAWD OR ANY PORTION THEROOF.

IN THE CIRCUIT COURS OF

BAIDFIN COUNTY, ALABAMA.

IN EQUITY.

Notice is hereby given to the Chicago Gulf Beach Company, a corporation, its successors and assigns, and all persons, firms, associations, or corporations claiming any title to, interest in, claim, lien or encumbrance on said land or any portion thereof, viz: The East 360 feet of that portion of the Best half of Lot 6 (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Bange 5 East, Beldwin County, Alabama.

That Jessie A. Martin has filed her bill of complaint on the 5th day of April, 1950, in this court on the equity side claiming to be in actual peaceable possession, owning and claiming to own those percels or lots of land, lying and being situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

The Wast 360 feet of that portion of the West balf of Lot 6, (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Range 5 Mast, Baldwin County, Alabama;

Complainant alleges in her bill of complaint that the title to the said lands stands on the records of the Probate Court of Baldwin County in her name; that she acquired the same by deed from Amos Carrett, dated the 14th day of February, 1945, recorded in the office of the Judge of Probate of Baldwin

County in Deed Book 89 NS, page 35; who acquired the same by deed of A. S. Wofhaul. as guardian for Thekla B. Wofhaul, a non compos mentis, by deed the 29th day of September, 1944, recorded in the office of the Judge of Probate of Baldwin County in Deed Book 86 NS. pages 238-239; who acquired the seen from Barry Konton Romm under the will of the cold Marry Bentom Hamm, dated the 3rd day of July, 1907, duly admitted to Probate and record in Baldwin County on the 20th day of December, 1917, and recorded in Will Book "C", pages 8-10, the said Herry Benton Hamm acquired the same from the Chicago Gulf Beach Company by deed of conveyance, which said deed was not placed of record and has been lost and can not be found; that the said Chicago Gulf Beach Company acquired the same by mesne conveyances from the United States Government: that the Chicago Gulf Beach Company, a corporation, claims or is reputed to claim some title to, interest in, claim, lien or encumbrance upon the Mast 360 feet of that portion of the West half of Lot 6 (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Sange 5 East, Baldwin County, Alabama, or some portion thereof.

through whom she claims have, for more than ten years next preceding 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 portion thereof or assessed or paid taxes on said lands or any portion thereon and that the bill of complaint is filed for the purpose of establishing her title to and interest in said lands and clearing up doubts and disputes concerning the same.

And it appearing from said bill of complaint, that the defendant, Chicago Gulf Beach Company is a corporation and its place of business and its officers and their names are unknown to complainant and can not be ascertained upon diligent

search and inquiry and personal service on said corporation, because of such fact, can not be had.

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

It is therefore ordered that the said Chicago Gulf Beach Company, a corporation, and its successors and assigns, and all persons, firms, associations, or corporations claiming any title to, interest in, claim, lien or encumbrance on said land described as follows: The Hast 360 feet of that portion of the West half of Lot 6 (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Range 5 Rast, Raldwin County, Alabame, appear and plead, answer or desur to the said bill of complaint within sixty days after the first publication of this notice, panely the 5th day of June, 1950, at which time the said cause shall stand at issue.

WITHERES my hand this the 5thl day of Apriles, 1950.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 4-7-50 29 N

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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 Jessie A. Martin, is complainant and the Chicago Gulf Beach Company, a corporation, its successors and assigns and the following described land, to-wit: The East 360 feet of that portion of the West half of Lot 6 (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Range 5 East, Baldwin County, Alabama; and any and all persons, firms, associations, or corporations claiming title to, interest in, claim, lien or encumbrance on the said land 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 5th day of April, 1950, and I do further certify that the same was published in the Baldwin Times, the newspaper designated therein in its issues of April 6, 1950, April 13, 1950, April 20, 1950 and April 27, 1950.

And I do further certify that the foregoing notice was filed by me for record in the office of the Judge of Probate of Baldwin County, Alabama, recorded by the said Judge of Probate in Lis Pendens _______, page ________, on the _______, 1950.

Witness my hand this the 6th day of function, 1950.

Register.

JESSIE A. MARTIN
COMPLAINANT

VS

THE EAST THREE HUNDRED SIXTY

(360) FEET OF THAT PORTION OF
THE WEST HALF OF LOT 6 (BEING
THE SOUTHEAST QUARTER) LYING
SOUTH OF COTTON BAYOU IN SECTION 9, TOWNSHIP 9 SOUTH, RANGE
5 EAST, BALDWIN COUNTY, ALABAMA;
AND CHICAGO GULF BEACH COMPANY,
A CORPORATION ORGANIZED UNDER
THE LAWS OF THE STATE OF ARIZONA;
AND ITS SUCCESSORS AND ASSIGNS;
AND ALL PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS, CLAIMING ANY TITLE TO, INTEREST IN,
CLAIM, LIEN OR ENCUMBRANCE ON
SAID LAND OR ANY PORTION THEREOF.
DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Notice is hereby given to the Chicago Gulf Beach Company, a corporation, its successors and assigns, and all persons, firms, associations, or corporations claiming any title to, interest in, claim, lien or encumbrance on said land or any portion thereof, viz: The East 360 feet of that portion of the West half of Lot 6 (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Range 5 East, Baldwin County, Alabama.

That Jessie A. Martin has filed her bill of complaint on the 5th day of April, 1950, 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, to-wit:

The East 360 feet of that portion of the West half of Lot 6, (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Range 5 East, Baldwin County, Alabama;

Complainant alleges in her bill of complaint that the title to the said lands stands on the records of the Probate Court of Baldwin Gounty in her name; that she acquired the same by deed from Amos Garrett, dated the 14th day of February, 1945, recorded in the office of the Judge of Probate of Baldwin

County in Deed Book 89 NS, page 35; who acquired the same by deed of A. B. McPhaul, as guardian for Thekla E. McPhaul, a non compos mentis, by deed the 29th day of September, 1944, recorded in the office of the Judge of Probate of Baldwin County in Deed Book 86 NS, pages 238-239; who acquired the same from Harry Benton Hamm under the will of the said Harry Benton Hamm, dated the 3rd day of July, 1907, duly admitted to Probate and record in Baldwin County on the 20th day of December, 1915, and recorded in Will Book "C", pages 8-10, the said Harry Benton Hamm acquired the same from the Chicago Gulf Beach Company by deed of conveyance, which said deed was not placed of record and has been lost and can not be found; that the said Chicago Gulf Beach Company acquired the same by mesne conveyances from the United States Government; that the Chicago Gulf Beach Company, a corporation, claims or is reputed to claim some title to, interest in, claim, lien or encumbrance upon the East 360 feet of that portion of the West half of Lot 6 (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Range 5 East, Baldwin County, Alabama, or some portion thereof.

Complainant further alleges that she and those through whom she claims have, for more than ten years next preceding 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 portion thereof or assessed or paid taxes on said lands or any portion thereon and that the bill of complaint is filed for the purpose of establishing her title to and interest in said lands and clearing up doubts and disputes concerning the same.

And it appearing from said bill of complaint, that the defendant, Chicago Gulf Beach Company is a corporation and its place of business and its officers and their names are unknown to complainant and can not be ascertained upon diligent

search and inquiry and personal service on said corporation, because of such fact, can not be had.

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 Chicago Gulf Beach Company, a corporation, and its successors and assigns, and all persons, firms, associations, or corporations claiming any title to, interest in, claim, lien or encumbrance on said land described as follows: The East 360 feet of that portion of the West half of Lot 6 (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Range 5 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 5th day of June, 1950, at which time the said cause shall stand at issue.

WITNESS my hand this the 5tht day of Aprilor, 1950.

REgister, Circuit Court, Baldwin County, Alabama,

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 Jessie A. Martin, is complainant and Chicago Gulf Beach Company, a corporation, its successors and assigns and the following described lands, to-wit: The East 360 feet of that portion of the West half of Lot 6 (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Range 5 East, Baldwin County, Alabama; and any and all persons, firms, associations or corporations claiming any 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 5th day of April, 1950.

Witness my hand this the 5th day of April, 1950.

Register.

Jessie a Martin Camplainant V5 Chickes Gulf Beadle.

Notice for Publication

Tiled 4-5-50 Weightench Register JESSIE A. MARTIN COMPLAINANT

VS

THE EAST THREE HUNDRED SIXTY

(360) FEET OF THAT PORTION OF
THE WEST HALF OF LOT 6 (BEING
THE SOUTHEAST QUARTER LYING
SOUTH OF COTTON BAYOU IN SECTION 9, TOWNSHIP 9 SOUTH, RANGE
5 EAST, BALDWIN COUNTY, ALABAMA;
AND CHICAGO GULF BEACH COMPANY,
A CORPORATION ORGANIZED UNDER
THE LAWS OF THE STATE OF ARIZONA;
AND ITS SUCCESSORS AND ASSIGNS;
AND ALL PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS, CLAIMING ANY TITLE TO, INTEREST IN,
CLAIM, LIEN OR ENCUMBRANCE ON
SAID LAND OR ANY PORTION THEREOF.
DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Whereas, Jessie A. Martin has filed her bill of complaint on the 5th day of April, 1950, in this Court on the Equity side, claiming to be in actual peaceable possession, owning and claiming to own those certain parcels or lots of land, lying and being situated in the County of Baldwin, State of Alabama, described as follows:

The East 360 feet of that portion of the West half of lot 6 (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Range 5 East, Baldwin County, Alabama;

Complainant alleges in her bill of complaint that the title to the said lands stands on the records of the Probate Court of Baldwin County, in her, Jessie A. Martin's, name; that she acquired title to said lands from Amos Garrett, by deed dated the 14th day of February, 1945, recorded in the office of the Judge of Probate of Baldwin County in Deed Book 89 NS, page 35; who acquired the same by deed of A. B. McPhaul, as guardian for Thekla E. McPhaul, a non compos mentis, by deed the 29th day of September, 1944, recorded in the office of the Judge of Probate of Baldwin County in Deed Book 86 NS, pages 238-239; who acquired the same from Harry Benton Hamm under

the will of the said Harry Benton Hamm, dated the 3rd day of July, 1907, duly admitted to Probate and record in Baldwin County on the 20th day of December, 1915, and recorded in Will Book "C", pages 8-10, the said Harry Benton Hamm acquired the same from the Chicago Gulf Beach Company by deed of conveyance, which said deed was not placed of record and has been lost and can not be found; that the said Chicago Gulf Beach Company acquired the same by mesne conveyances from the United States Government; that the Chicago Gulf Beach Company, a corporation, claims or is reputed to claim some title to, interest in, claim, lien or encumbrance upon the aforesaid lands, or some portion thereof.

Complainant further alleges that she and those through whom she claims have for more than ten years next preceding 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 portion thereof, or assessed or paid taxes on said lands or any portion thereof and that the bill of complaint is filed for the purpose of establishing her title to and interest in said lands and clearing up doubts and disputes concerning the same.

And it appearing from the said bill of complaint, the same being duly verified, that the defendant, Chicago Gulf Beach Company, a corporation, place of business and its officers and their names and place of business is unknown to complainant and can not be ascertained upon diligent search and inquiry.

It is therefore ordered, adjudged and decreed that notice of the pendency of said suit be given by publication once a week for four weeks consecutively in the Baldwin Times, a newspaper, published in Bay Minette, in Baldwin County, Alabama.

WITNESS my hand and seal this the 5th day of April, 1950.

Register Register

2448 RECORDED Jessie a Marlin Complainant

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Chicago Gulf Beach Co. et al

Oorder directing Remier

Filed #-5-5-0 derce Select Register

JESSE A. MARTIN COMPLAINANT

VS

THE EAST THREE HUNDRED SIXTY
(360) FEET OF THAT PORTION OF
THE WEST HALF OF LOT 6 (BEING
THE SOUTHEAST QUARTER) LYING
SOUTH OF COTTON BAYOU IN SECTION 9, TOWNSHIP 9 SOUTH, RANGE
5 EAST, BALDWIN COUNTY, ALABAMA;
AND CHICAGO GULF BEACH COMPANY,
A CORPORATION ORGANIZED UNDER
THE LAWS OF THE STATE OF ARIZONA;
AND ITS SUCCESSORS AND ASSIGNS;
AND ALL PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS, CLAIMING ANY TITLE TO, INTEREST IN,
CLAIM, LIEN OR ENCUMBRANCE ON
SAID LAND OR ANY PORTION THEREOF.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

Notice having been given to Chicago Gulf Beach Company, a corporation, defendant in the above styled cause as required by law, and the time within which it is required to plead, answer or demur having expired, and it having failed to plead, answer or demur within the time required by law, application is made for decree pro confesso against the said Chicago Gulf Beach Company, a corporation, in the above styled cause.

Witness my hand this the 6 day of June, 1950.

Solicitor for complainant

Jersie a. Mailin Complainant

Chieves Surg Reach Co, 2uc. et al Defendants

Reeres Poro Conferso

FILED
JUN 6 1950
ALICE J. DUCK, Register

JESSE A. MARTIN COMPLAINANT

VS

THE EAST THREE HUNDRED SIXTY
(360) FEET OF THAT PORTION OF
THE WEST HALF OF LOT 6 (BEING
THE SOUTHEAST QUARTER) LYING
SOUTH OF COTTON BAYOU IN SECTION 9, TOWNSHIP 9 SOUTH, RANGE
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AND ALL PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS, CLAIMING ANY TITLE TO, INTEREST IN,
CLAIM, LIEN OR ENCUMBRANCE ON
SAID LAND OR ANY PORTION THEREOF.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Comes the complainant in the above styled cau	IS 6
and requests the oral examination of Amos Garrett	
who resides in Baldwin County, State of	P
Alabama, and suggests Madeline S. Bryars of the town of Bav	
Minette, as a suitable person to act as commissioner to take	е
the deposition, of the said witness.	

Witness my hand this the 6 day of June, 1950.

McBelle Sólicitor for complainant

Jasie a Barten Complainn Back Black B Application for Onaflixamination

Register of the Circuit Court of Baldwin County, Alabama.

JESSE A MARTIN COMPLAINANT

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THE EAST THREE HUNDRED SIXTY (360) FEET OF THAT PORTION OF THE WEST HALF OF LOT 6 (BEING THE SOUTHEAST QUARTER) LYING SOUTH OF COTTON BAYOU IN SECT-ION 9, TOWNSHIP 9 SOUTH, RANGE 5 EAST, BALDWIN COUNTY, ALABAMA; AND CHICAGO GULF BEACH COMPANY, A CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF ARIZONA; AND ITS SUCCESSORS AND ASSIGNS; AND ALL PERSONS, FIRMS, ASSOC-IATIONS OR CORPORATIONS, CLAIM-ING ANY TITLE TO, INTERÉST IN, CLAIM, LIEN OR ENCUMBRANCE ON SAID LAND OR ANY PORTION THEREOF. DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

To the Chicago Gulf Beach Company, a corporation, its successors and assigns, and any and all persons, firms, associations and corporations claiming any title to, interest in, claim, lien or encumbrance on the following described land, to-wit: The East 360 feet of that portion of the West half of Lot 6 (being the Southeast quarter) lying South of Cotton Bayou, in Section 9, Township 9 South, Range 5 East, Baldwin County, Alabama;

Notice is hereby given that the complainant in the above styled cause has this day made application for the oral examination of Amos Garrett , witness for the complainant in the above styled cause and has suggested Madeline S. Bryars as a suitable person to act as commissioner in the taking of the deposition of said witness.

Witness this the 6th day of June, 1950.

Register

Register of the Circuit Court of Baldwin County, Alabama.

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Jessie a Martin Complainent Chicago Gulf Beach Cor-acar. et af Defautants

for and examination

ALICE J. DUCK. Register

JESSE A. MARTIN COMPLAINANT

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THE EAST THREE HUNDRED SIXTY

(360) FEET OF THAT PORTION OF
THE WEST HALF OF LOT 6 (BEING
THE SOUTHEAST QUARTER) LYING
SOUTH OF COTTON BAYOU IN SECTION 9, TOWNSHIP 9 SOUTH, RANGE
5 EAST, BALDWIN COUNTY, ALABAMA;
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A CORPORATION ORGANIZED UNDER
THE LAWS OF THE STATE OF ARIZONA;
AND ITS SUCCESSORS AND ASSIGNS;
AND ALL PERSONS, FIRMS, ASSOCLATIONS OR CORPORATIONS, CLAIMING ANY TITLE TO, INTEREST IN,
CLAIM, LIEN OR ENCUMBRANCE ON
SAID LAND OR ANY PORTION THEREOF.
DEFENDANTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Complainant having on the <u>6</u> day of <u>June</u> ,
1950, filed his motion and request for oral examination of
Amos Garrett , witness for complainant and
due and proper notice thereof having been given as required by
law on the Order Book of this Court and Madeline S. Bryars of
the Town of Bay Minette being a suitable person to act as com-
missioner to take the deposition of said witness.
It is therefore ordered, adjudged and decreed that
the said motion for the oral examination of Amos
Garrett , witness for complainant, be and is
hereby granted.
And that Madeline S. Bryars be and she is hereby
appointed as commissioner to take the deposition of said witness.
Witness my hand this the _ 9 day of June, 1959.

JESSIE A. MARTIN COMPLAINANT

-VS

CHICAGO GULF BEACH CO.

Order appointing commissioner.

Filed 6-9-50 December of December of the Contraction

JESSE A. MARTIN, COMPLAINANT

VS

THE EAST THREE HUNDRED SIXTY
(360) FEET OF THAT PORTION OF
THE WEST HALF OF LOT 6 (BEING
THE SOUTHEAST QUARTER) LYING
SOUTH OF COTTON BAYOU IN SECTION 9, TOWNSHIP 9 SOUTH, RANGE
5 EAST, BALDWIN COUNTY, ALABAMA;
AND CHICAGO GULF BEACH COMPANY.
A CORPORATION ORGANIZED UNDER
THE LAWS OF THE STATE OF ARIZONA;
AND ITS SUCCESSORS AND ASSIGNS;
AND ALL PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS, CLAIMING ANY TITLE TO, INTEREST IN,
CLAIM, LIEN OR ENCUMBRANCE ON
SAID LAND OR ANY PORTION THEREOF.
DEFENDANTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

The attorney for the complainant in the above styled cause hereby gives notice to the above named persons, firms, associations, or corporations that the deposition of witness for the complainant, will be taken before Madeline S. Bryars, commissioner, heretofore named by this Honorable Court, on the 13 day of June, 1950, at the office of W. C. Beebe in the town of Bay Minette, Alabama, at 10 o'clock A. M.

Witness this the 9th day of June, 1950.

Solicitor for complainant.

JESSIE A. MARTIN
COMPLAINANT

VS

CHICAGO GULF BEACH CO. et al.

DEFENDANT

Notice of Time and place of taking deposition.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, in equity, do hereby certify that the foregoing notice of the time and place of taking deposition of complainant's witness was filed and entered on the order book of the Register on the Register. 1950.

Register.

Fluid 6-9-50. Register VS

THE EAST THREE HUNDRED SIXTY

(360) FEET OF THAT PORTICN OF
THE WEST HALF OF LOT 6 (BEING
THE SOUTHEAST QUARTER) LYING
SOUTH OF COTTON BAYOU IN SECTION 9, TOWNSHIP 9 SOUTH, RANGE
5 EAST, BALDWIN COUNTY, ALABAMA;
AND CHICAGO GULF BEACH COMPANY,
A CORPORATION ORGANIZED UNDER
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CLAIM, LIEN OR ENCUMBRANCE ON
SAID LAND OR ANY PORTION THEREOF.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Testimony having been taken in this cause and the same being ready for final decree, motion is hereby made that the said cause be set down for final decree.

This the _____ day of June, 1950.

Solicitor for complainant

Registor:

RECORDED

12448

Jeanie a. Martin Complainant

Chieugo Gulf Beach Co. et dec Defendonts

Note of Testimony

FILED JUN 15 1950

ALICE I. DUCK, Register

THE STATE OF ALABAMA) Baldwin County

Circuit Court of Baldwin County, Alabama, (In Equity)

	<u> </u>	COMPLAINANT
	vs.	•
	Chicago Gulf Beach Co., a cor. et al.	
I,	<u>Madeline S. Bryars</u>	
as Registerand (Commissioner	
1.174	caused to come before meAmos Garrets	Thumber 1 is
		·
	ned in the requirement for Oral Examination, on to W . C. Beebe	
	and having first swo	
	ruth, and nothing but the truth, the saidame	
	doth depose and s	ay as follows:

My name is Amos Garrett. I am over 50 years of age and tinuously and for more than 20 years have known the East 360 feet guarter) lying South of Cotton Bayou in Section 9, Township 9 South, is over the age of 21 years and a resident of Mobile County, Alabama. Laws of the State of Arizona, its principal place of business is unis the owner of the said East 360 feet of the town, its officers and incorporators are unknown. Jessie A. Martin half of Lot 6 (being the Southeast under the known, its officers and incorporators are unknown. Jessie A. Martin half of Lot 6 (being the Southeast quarter) lying South of Cotton Alabama and she is in the actual peaceable possession of the said February 14, 1945. I sold her the said land by deed recorded in went into possession of the Same claiming to own it. I bought the So NS, page 35 of the Baldwin County records. Upon her purchase she said land from Thekla B. Moffhaul September 29, 1944 by deed recorded into possession of the said lands claiming to own it. I bought the 86 NS, page 238 and 239. Upon my purchase of the property I entered chased the said property Thekls E. McPhaul was in possession of the said land and had been in possession continuously since I first lands under the will of her former husband, H. B. Hamm, deceased. Jessie A. Martin have annually assessed and paid taxes on the said land and have been in the late 1920's. She claimed to own the said land and have been in the continuous adverse possession of the said land and have been in the said land stands on the records of Baldwin County in the late to the said land stands on the records of baldwin in possession of the said land stands on the records of baldwin in possession of the said land stands on the records of baldwin in possession of the said land stands on the records of baldwin in possession of the said land stands on the records of baldwin in possession of the said land stands on the records of baldwin in possession of the said land stands on the records of baldwin in possession of the same or assesse

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I, <u>Madeline S. Brvars</u> as Register and Commissioner hereby certify
that the foregoing deposition on Oral Examination was taken down in writing by me in the words of
the witness and read over to him and he signed the same in the presence of my-
self andW. C. Beebe
at the time and place herein mentioned; that I have personal knowledge of personal identity of said
witness—or had proof made before me of the identity of said witness—; that I am not of
counsel or of kin 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 13 day of June 1940.
Madeline & Bryano (L. S.)

Witness' Fees, \$___

THE STATE OF ALABAMA Baldwin County

Circuit Court

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 Amos Garrett s witnesses in behalf of Jessic A. Martin in a cause pending in our circuit Court in Baldwin County, of said State, wherein Jessic A. Martin Chicago Gulf Beach Company, a composation, et al. Chicago Gulf Beach Company, a composation, et al. Respondent on oath, to be by you administered, upon oral examination to take and certify the deposition of the witness and return the same to our Court, with a convenient speed, under your hand. Witness 9th day of June 19450. Register.				Verification of the second of	engel Grand Tille Grand	es train es train es train	
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): Mac	deline S. Bryars		Jones Turk Turk	April 1	- 125 - 125	
KNOW YE: that we, having full faith in your prudence and competency, have appointed you ommissioner, and by these presents do authorize you, at such time and place as you may appoint a call before you and examine	ter en						
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JESSE A. MARTIN, COMPLAINANT

VS

THE EAST THREE HUNDRED SIXTY (360) FEET OF THAT PORTION OF THE WEST HALF OF LOT 6 (BEING THE SOUTHEAST QUARTER) LYING SOUTH OF COTTON BAYOU IN SECTION 9, TOWNSHIP 9 SOUTH, RANGE 5 EAST, BALDWIN COUNTY, ALABAMA; AND CHICAGO GULF BEACH COMPANY, A CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF ARIZONA; AND ITS SUCCESSORS AND ASSIGNS; AND ALL PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS, CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON SAID LAND OR ANY PORTION THEREOF.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

The attorney for the complainant in the above styled cause hereby gives notice to the above named persons, firms, associations, or corporations that the deposition of Amos Garrett, witness for the complainant, will be taken before Madeline S. Bryars, commissioner, heretofore named by this Honorable Court, on the 13 day of June, 1950, at the office of W. C. Beebe in the town of Bay Minette, Alabama, at 10 o'clock A. M.

Witness this the o day of June, 1950.

Solicitor for complainant.

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THE STATE OF ALABAMA, CIRC	
Baldwin County	, Term, 19
JESSIE A. MARTIN	Complainant
Vs.	
CHICAGO GULF BEACH COMPANY, IN	C. et al Defendant
In this cause it appears to the Register Alice J.	·
eretofore made in this cause, was published for four con	
ay of <u>April</u> , 1950, in the <u>Baldwi</u>	
	aid order was posted at the Court Hou
oor in Baldwin County, on the <u>6th</u>	
nd	— day of — April
nd	
And it now further appearing to the Register — CHICAGO GULF BEACH COMPANY,	•
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CHICAGO GULF BEACH COMPANY,	TNC
CHICAGO GULF BEACH COMPANY,	TNC
aving, to the date hereof, failed to demur, plead to, or ans	Swer the Bill of Complaint in this cause,
wing, to the date hereof, failed to demur, plead to, or ans now, therefore, on motion of Complainant, ordered as	swer the Bill of Complaint in this cause, and decreed by the Regiser Alice J.
aving, to the date hereof, failed to demur, plead to, or ans now, therefore, on motion of Complainant, ordered at Duck that the Bill of Complaint in	swer the Bill of Complaint in this cause, and decreed by the Regiser Alice J. this cause be, and it hereby is in all thin
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VS

THE EAST THREE HUNDRED SIXTY

(360) FEET OF THAT PORTION OF
THE WEST HALF OF LOT 6 (BEING
THE SOUTHEAST QUARTER) LYING
SOUTH OF COTTON BAYOU IN SECTION

9, TOWNSHIP 9 SOUTH, RANGE 5
EAST, BALDWIN COUNTY, ALABAMA;
AND CHICAGO GULF BEACH COMPANY,
A CORPORATION ORGANIZED UNDER THE
LAWS OF THE STATE OF ARIZONA; AND
ITS SUCCESSORS AND ASSIGNS; AND
ALL PERSONS, FIRMS, ASSOCIATIONS,
OR CORPORATIONS CLAIMING ANY TITLE
TO, INTEREST IN, CLAIM, LIEN OR
ENCUMBRANCE ON SAID LAND OR ANY
PORTION THEREOF.

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

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

Comes your complainant, Jessie A. Martin, and presents this, her bill of complaint against the following described lands in Baldwin County, Alabama, to-wit:

(X

The East 360 feet of that portion of the West half of Lot 6 (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Range 5 East, in Baldwin County, Alabama;

and against the Chicago Gulf Beach Company, a corporation organized under the laws of the State of Arizona, its successors and assigns, and all persons, firms, associations and corporations claiming any title to, interest in, claim lien or encumbrance on said land or any portion thereof and respectfully represents and shows unto your Honor:

FIRST

That your complainant is over the age of twentyone years and a resident of the County of Mobile, State of Alabama;
that the Chicago Gulf Beach Company is a corporation organized
under the laws of the State of Arizona, its principal place of
business being unknown, and complainant has made diligent search
and inquiry at the court house of Baldwin County, and at all
other places where such corporation, or the incorporators, have

been known to do business, or to reside, and upon such inquiry complainant has been unable to ascertain where the said corporation maintains an office and who and where its officers are; and because of the fact that it does not maintain a place of business at any known place and its officers and stockholders are not known, personal service can not be had on said Chicago Gulf Beach Company.

SECOND

That your complainant is the owner of in fee simple and in the actual possession of the said lands in Baldwin County, Alabama, described as follows, to-wit:

The East 360 feet of that portion of the West half of Lot 6 (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Range 5 East, Baldwin County, Alabama;

and that she and those through whom she claims have been in the continuous peaceable adverse possession of the said lands for more than ten years next preceding the filing of this complaint and that she and those through whom she claims title to the said lands have for more than ten years next preceding the filing of this bill of complaint annually assessed and paid the taxes on the said lands and that during such period of time no other person has assessed the said lands for taxes or paid taxes thereon, and that no other person for such period has had, or attempted to exercise any possession over the said land or claimed any right to possession thereof or any title to, or interest in, claim, lien or encumbrance thereof or to any portion thereof.

THIRD

That no suit is pending to test complainant's title to, interest in, lien, claims or encumbrances on, or rights of possession of said land.

FOURTH

That the title to the said lands stands on the records of Baldwin County, Alabama, in the name of your complainant; that he acquired the same by deed from Amos Garrett,

dated the 14th day of February, 1945, recorded in the office of the Judge of Probate of Baldwin County in Deed Book 89 NS, page 35; who acquired the same by deed of A. B. McPhaul, as guardian for Thekla E. McPhaul, a non compos mentis, by deed the 29th day of September, 1944, recorded in the office of the Judge of Probate of Baldwin County in Deed Book 86 NS, pages 238-239; who acquired the same from Harry Benton Hamm under the will of the said Harry Benton Hamm, dated the 3rd day of July, 1907, duly admitted to Probate and record in Baldwin County on the 20th day of December, 1915, and recorded in Will Book "C", pages 8-10, the said Harry Benton Hamm acquired the same from the Chicago Gulf Beach Company by deed of conveyance, which said deed was not placed of record and has been lost and can not be found; that the said Chicago GulfaBeach Company acquired the same by mesne conveyances from the United States Government; that the said Harry Benton Hamm was in possession of the said lands under conveyance from the Chicago Gulf Beach Company at the time of his death; that immediately upon his death his widow, Thekla Elizabeth Hamm went into possession of the same and remained in continuous possession of the same until the same was sold to the said Amos Garrett as aforesaid; the said Thekla Elizabeth Hamm having intermarried with A. B. Mc-Phaul and Thekla Elizabeth Hamm and Thekla Elizabeth McPhaul were one and the same person; that on his purchase of the said lands Amos Garrett went into possession of the same and remained in continuous possession of the said lands until he sold the same to the complainant in this cause, who immediately went into possession of the same and has remained in possession of the said lands to the time of the filing of this complaint; that for more than ten years next preceding the filing of this bill of complaint no person other than those through whom she claims title to the said hands or any portion thereof have assessed or paid taxes thereon and that she and those through whom she claims title have been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same for more

then ten years next preceding the filing of this bill of complaint; that the Chicago Gulf Beach Company, a corporation organized under the laws of the State of Arizona, claim or are reputed to claim some title to, interest in, lien or encumbrance upon the land, or some portion thereof.

WHEREFORE, your complainant prays that this Honorable Court will take jurisdiction of the cause made by this bill of complaint and by appropriate process cause the said Chicago Gulf Beach Company, a corporation, its successors and assigns, and all persons, firms, associations, or corporations claiming any title to, interest in, claim, lien or encumbrance on said land or any portion thereof, to-wit: The East 360 feet of that portion of the West half of Lot 6 (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Range 5 East, Baldwin County, Alabama, or any portion thereof, parties defendant to this bill of complaint and by appropriate process require them and each of them separately and severally to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your complainant further prays that upon a final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of liens, claims and encumbrances, to the said land and any portion thereof, is vested in your complainant, Jessie A.

Martin, as against the Chicago Gulf Beach Company, a corporation, its successors and assigns, and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on said land or any portion thereof, and that any and all doubts and disputes concerning the same be cleared up and established in your complainant, and your complainant prays for such other, further or different relief as in equity and good conscience he shall be entitled to receive in the premises.

Solicitor for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority in and for said County and State, personally appeared W. C. Beebe, who is k nown to me, and who, having been by me first duly sworn, deposes and says that he is Solicitor for the complainant in the above styled cause, and that the facts stated in the foregoing bill of complaint, from all information obtainable, are true, and from such information obtained he verily believes, and so states, the same to be true; affiant further says that defendant Chicago Gulf Beach Company, a corporation, is a foreigne corporation, organized under the laws of the State of Arizona; that its present officers and its present place of business are not known and can not be ascertained upon diligent search, and inquiry.

Sworn to and subscribed before me this the 5th day of April, 1950.

Madeline J Braco Notary Public, Baldwin Co., Ala.

JESSIE A MARTIN COMPLAINANT

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THE EAST THREE HUNDRED SIXTY
(360) FEET OF THAT PORTION OF
THE WEST HALF OF LOT 6 (BEING
THE SOUTHEAST QUARTER) LYING
SOUTH OF COTTON BAYOU IN SECTION 9, TOWNSHIP 9 SOUTH, RANGE
5 EAST, BALDWIN COUNTY, ALABAMA;
AND CHICAGO GULF BEACH COMPANY,
A CORPORATION ORGANIZED UNDER
THE LAWS OF THE STATE OF ARIZONA;
AND ITS SUCCESSORS AND ASSIGNS;
AND ALL PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS, CLAIMING ANY TITLE TO, INTEREST IN,
CLAIM, LIEN OR ENCUMBRANCE ON
SAID LAND OR ANY PORTION THEREOF.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

This cause coming on to be heard is submitted for final decree upon behalf of the complainant, upon the original bill of complaint and upon the service, pleading and proof as noted by the Register; and the same being considered by the Court, the Court is of the opinion, does find, ascertain and decree, that due and proper notice of the pendency of the said bill of complaint against the said lands and the named defendants the Chicago Gulf Beach Company, a corporation organized under the laws of the State of Arizona, its successors and assigns, and all persons, firms, associations or corporations; claiming any title to, interest in, claim, lien or encumbrance on said lands or any part thereof, has been given in the manner required by law, and that the complainant is entitled to the relief as prayed for in her fill of complaint.

AND DECREED by the Court that the said complainant, Jessie A. Martin, is over the age of twenty-one years and a resident of Mobile County, Alabama; that at the time of the filing of the said bill of complaint and at the time of the submission of this cause for final decree, the complainant was and is in the actual and peaceable possession, claiming to own the same absolutely, and in fee simple all of that certain tract of land

situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

The East three hundred sixty (360) feet of that portion of the West half of Lot 6 (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Range 5 East, Baldwin County, Alabama.

That the complainant obtained title to the said land by deed from Amos Garrett, dated the 14th day of February, 1945, recorded in the office of the Judge of Probate of Baldwin County, in deed book 89 MS, page 35; who acquired the same by deed of A. B. McPhaul, as guardian for Thekla E. McPhaul, a non compos mentis, by deed the 29th day of September, 1944, recorded in the office of the Judge of Probate of Baldwin County in Deed Book 86 NS, pages 238-239; who acquired the same from Harry Benton Hamm under the will of the said Harry Benton Hamm, dated the 3rd day of July, 1907, duly admitted to Probate and record in Balawin County on the 20th day of December, 1915, and recorded in Will Book "C", pages 8-kO, the said Harry Benton Hamm acquired the same from the Chicago Gulf Beach Company by deed of conveyance, which said deed was not placed of record and has been lost and cannot be found; that the said Chicago Gulf Beach Company acquired the same by mesne conveyances from the United States Government; that the title to the said lands and each parcel thereof stands in the name of the complainant upon the records of Baldwin County, Alabama; that for more than ten years next preceeding the filing of said bill of complaint no person other than those through whomshe claims title to the said lands or any part thereof have assessed or paid taxes thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DEGREED that the said Jessie A. Martin at the time of the filing of the bill of complaint in this cause and at this time had and has the fee simple title to the above described lands, and to each and every part and parcel thereto, that neither of the said defendants, the Chicago Gulf Beach Company, a corporation, its successors and assigns, and any persons, firms, associations or corporations have any right, title to, interest in, claim or encumbrance upon

the whole or any part of the said lands, and that the fee simple title to the said lands and each and every part and parcel thereof be and the same is hereby quieted and established in and declared to be in the said Jessie A. Martin, as against the defendants the Chicago Gulf Beach Company, a corporation, its successors and assigns, and any and all persons, firms, associations, or corporations claiming any title to, interest in, claim, lien or encumbrance on said lands or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title hereby quieted and established in and declared to be in the said Jessie A. Martin, shall inure to the benefit of all persons deriving title to said lands or any part thereof, from or through the said Jessie A. Martin, and the said title so quieted and established in her shall be treated and considered as established in favor of the said Jessie A. Martin and all persons deriving title through her.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this decree be, by the Register of this Court, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in which County the said land lies, within thirty days from the date of this decree, and that the cost thereof be taxes as a part of the cost in this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Jessie A. Martin be and she is hereby taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, this the 16th day of June,

Judge. og mashbury gr.

RECORDED

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FILED JUN 16 1950 ALICE I. DUCK, Register IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY JESSIE A. MARTIN

THE EAST THREE HUNDRED SIXTY
(SED) FEET OF THAT PORTION OF
THE WEST HALF OF LOT 6 (BEING
THE SOUTHEAST QUARTER) LYING
SOUTH OP COTTON BAYOU IN SECTION 9, TOWNISHIP 9 SOUTH, RANGE
5 EAST, BALDWIN COUNTY, ALABAMA; AND CHICAGO GULF BEACH
COMPANY, A CORPORATION ORGANIZED UNDER THE LAWS OF THE
STATE OF ARIZONA; AND ITS SUCCESSORS AND ASSIGNS; AND ALL
CORPORATIONS, CLAIMING ANY TITLE
CORPORATIONS, CLAIMING ANY TITLE
CONTROL OF CORPORATION OR
TO, INTEREST IN, CLAIM, LIEN OR
ANY PORTION THEREOF.

Notice is hereby given to the Chicago:
Gulf Beach Company, a corporation, its
successors and assigns, and all persons,
ing any title to, interest in, claim, lien
or encumbrance on said land or any
portion thereof, viz: The East 360 feet of
(being the Southeast quarter) lying South
of Cotton Bayou in Section 9, Township 9
Alabama.

That Jessie A. Martin

That Jessie A. Martin has filed her ill of complaint on the 5th day of April, 950, in this court on the equity side, laiming to be in actual peaceable possession, owning and claiming to own hose parcels or lots of land, lying and peing situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

wit:
The East 360 feet of that portion of the West half of Lot 6, (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Range 5 East, Baldwin County, Alabama:

Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9
South, Range 5 East, Baldwin County,
Alabama;
Complainant alleges in her bill of complainant that the title to the said lands stands on the records of the Probate Court of Baldwin County in her name; that she carquired the same by deed from Amos Garrett dated he 14th day of February, of Probate of Baldwin County in her name; that she Garrett dated he 14th day of February, of Probate of Baldwin County in Deed Book 89 NS, page 35; who acquired the same by deed of A. B. McPhaul, as guarments, by deed of A. B. McPhaul, as guarments, by deed the 29th day of September, 1944, recorded in the office of the Judge of Probate of Baldwin County in Local Book 86 NS, pages 238-239; who have a captired the same from Harry Benton Hamm, and the same from Harry Benton Hamm, dated the 3rd day of July, 1907, duly admitted to Probate and record in Baldwin County of December, 1915, and recorded in Will Book "C", pages 8-10, the said Harry of December, 1915, and recorded in Will Book "C", pages 8-10, the said deed was not placed of record and has been deed of conveyance, which said deed was not placed of record and has been lost and can not be found; that the said the Same from the Chicago Gulf Beach Company acquired the same by mesne conveyances from that portion of the West half of Lot 6 (being the Southeast quarter) lying South of Cotton Bayou in Section 9, Township 9 South, Range 5 East, Baldwin County, Complainant further alleges that she and those through whom she claims have, in the actual peaceable adverse possession of the said lands and have annually acknowledged and those through whom she claims have, in the actual peaceable adverse possession of the said lands and have annually acknowledged and those through whom she claims have, in the actual peaceable adverse possession of the said lands and have annually and have an actually peaceable adverse possession of the said lands or only portion thereon and that the bill of complaint is filled for and those

up doubts and disputes concerning the same.

And it appearing from said bill of complaint, that the defendant, Chicago Gulf Beach Company is a corporation and its place of business and its officers and their names are unknown to complainant and can not be ascertained upon diligent search and inquiry and personal service on said corporation, because of such fact, can not be had.

And an order having been made and entered that notice of the pendency of said suit be given publication once a newspaper Published in Bay Week for four consecutive weeks, in a

JIMMY FAULKNER EDITOR AND PUBLISHER

Me BALDWIN

ST COUNTY'S- MES

BEST NEWSPAPER

BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA, BALDWIN COUNTY.

Juney Fundamen, being duly sworn, deposes and says that he is the RUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

COST STATEMENT

882 WORDS @ 42 cents --- \$ 39.

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

smmy thulleney Publisher.

Date of 1st publication april

Date of 2nd publication april

_, 1940 Vol. 6/ No. /2 Date of 3rd publication april 20

_, 1940 Vol.6/ No./3 Date of 4th publication___ _, 1940 Vol. 6/ No. 14

Subscribed and sworn before the undersigned this 27 day of apr, 19450

Donothy martin Notary Public, Baldwin County.

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