

ETHEL BOYD,

Complainant

-vs-

NO. 2621

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

CERTAIN LANDS, and
FERNANDES KIRKMAN, DORA KIRKMAN and
ODILE HATTER, and any and all per-
sons claiming any interest in the
following described land:

Commencing at the SW corner of Section 19,
Township 6 South, Range 2 East, run N 3112 feet
to a stake for a point of beginning; run thence
N 78 degrees W 244 feet to a point on the shore
line of Mobile Bay; run thence along the said
shore line N 22½ degrees E 50 feet 4 inches to a
point; run thence S 72 degrees E 241 feet 7 inches
to a point; run thence S 9 degrees W 30 feet more
or less to a point on a line running through the
point of beginning; the said property being in
Section 19, Township 6 South, Range 2 East, and
in Section 24, Township 6 South, Range 1 East.

Defendants

TO THE SAID

FERNANDES KIRKMAN, DORA KIRKMAN and
ODILE HATTER, and any and all persons
claiming any title to, interest in,
lien or encumbrances on said land,
or any part thereof, and

TO ALL OTHER PERSONS interest in said
real estate being situated in Baldwin
County, Alabama, and described, as
follows:

Commencing at the Southwest (SW) corner of Section
Nineteen (19), Township Six (6) South, Range Two (2)
East, run North Thirty-one Hundred Twelve (3112) feet
to a stake for a point of beginning; run thence North
(N) Seventy-eight (78) degrees West (W) Two Hundred
Forty-four (244) feet to a point on the shore line of
Mobile Bay; run thence along the said shore line North
(N) Twenty-two and one-half (22½) degrees East (E) Fif-
ty (50) feet four (4) inches to a point; run thence
South (S) seventy-two (72) degrees East (E) Two Hun-
dred Forty-one (241) feet seven (7) inches to a point;
run thence South (S) Nine (9) degrees West (W) Thirty
(30) feet, more or less, to a point on a line running
through the point of beginning; the said property be-
ing in Section Nineteen (19), Township Six (6) South,
Range One (1) East

TAKE NOTICE THAT ETHEL BOYD has this day filed her veri-
fied bill of complaint in said Court against the abovenamed FER-
NANDES KIRKMAN, DORA KIRKMAN and ODILE HATTER and any and all per-
sons claiming any title to, interest in, or encumbrances upon the
above described real estate, or any part thereof, or any interest
therein, and against all other persons, and against said lands for

STATE OF ALABAMA, BALDWIN COUNTY

Filed 3-26-51 2:30 P.M.

Recorded Lis Pend. Book 2 page 342-4

W.C. Starns
Judge of Probate

2

the purpose of establishing the said title in the said ETHEL BOYD and to clear up all doubts and disputes concerning said real estate, and that said suit is now pending in said Court. Complainant alleges in said bill of complaint that the title to said lands stand in the name of ETHEL BOYD upon the records of the Judge of Probate of Baldwin County, Alabama, and said bill of complaint further alleges that ETHEL BOYD claims title to said land through and by virtue of purchase from JEROME VAN LIEW and ELIZABETH VAN LIEW, his wife, by deed recorded in Deed Book 129 NS, page 53, in the Probate Records of Baldwin County, Alabama, dated March 22, 1948, subject to a first mortgage to Carl L. Bloxham recorded in Mortgage Book 182 NS, pages 14-16 of the Probate Records of Baldwin County, Alabama.

JEROME VAN LIEW obtained title to this land by foreclosure deed wherein THE MERCHANTS NATIONAL BANK OF MOBILE, as mortgagor, sold the interest of LOUIS L. McKEAN and his wife, MARGARET S. McKEAN, to the said JEROME VAN LIEW by deed dated January 10, 1940 and recorded in Deed Book 71, pages 122-3 of the Probate Records of Baldwin County, Alabama. }

Title to said land upon the records of the Probate Court of Baldwin County, Alabama, stands in the name of ETHEL BOYD, this complainant.

Complainant alleges that she and those mentioned above through whom she claims have for more than ten years next preceeding the filing of this bill have been in actual, peaceable, hostile possession of said land and have annually assessed and paid the taxes thereon, and that during such period no other persons have been in possession of said lands, or any portion thereof, or assessed or paid taxes on said lands or any portion thereof. It is, therefore,

ORDERED that all persons to whom this notice is addressed, and any and all persons claiming any title to, interest in, or encumbrance upon the above described real estate or any part thereof or any interest therein

BE, AND THEY ARE HEREBY REQUIRED to plead, answer or demurr to the Bill of Complaint in this case within the expiration of sixty (60) days from the first publication of this notice, or by the 22nd day of May, Nineteen Hundred Fifty-one. It is further

ORDERED that a copy of this notice, certified by the Registrar as being correct, should be recorded as a lis pendens in the office of the Judge of Probate of Baldwin County, Alabama.

Done this the 22nd day of March, Nineteen Hundred Fifty-one.

Alice L. Leuck
Registrar of the Circuit Court

[illegible]

10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1

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WASHINGTON, D.C.

OFFICE OF THE SECRETARY
OF AGRICULTURE

UNITED STATES GOVERNMENT PRINTING OFFICE : 1964 O - 568-100

R. 1.50
Mrs. Duck

FILED

MAR 22 1951

Alice J. Duck, Register

My name is EDWARD B. OVERTON and I am a resident of Fairhope and in the real estate business and I am familiar with the property now owned by Mrs. Ethel Boyd and described as follows:

Commencing at the SW corner of Section 19, Township 6 South, Range 2 East; run N. 3112 ft. to a stake for a point of beginning; run thence N. 78° W. 244 ft. to a point on the shore line of Mobile Bay; run thence along the said shore line N. 22½° E. 50 ft. 4' to a point; run thence S. 72° E. 241 ft. 7' to a point; run thence S. 90° W. 30 ft. more or less to a point on a line running through the point of beginning; the said property being in Section 19, Township 6 South, Range 2 East, and in Section 24, Township 6 South, Range 1 East.

I have been familiar with this property ever since my boyhood, which was over 20 years ago. Louis L. McKean bought it back in the early twenties and went into possession of it and build on it. Then, in about 1940 Jerome Van Liew bought it when McKean moved away. Van Liew occupied that property during the summertime when he would come over up until about 1948 when he sold to the present owners, and during the last ten years, no one other than Louis L. McKean, Jerome Van Liew, and Mrs. Ethel Boyd has been in possession of this property.

Edward B. Overton

47-1-13
6-1-13
1941-1-13
1941-1-13

My name is CARL L. BLOXHAM and I am in the real estate business in Fairhope, Alabama, and my home is on the bay front close to the property now owned by Mrs. Ethel Boyd and described in this bill of complaint. I have been familiar with this property for the last ten years and know about it as Mrs. Boyd's. She is over the age of twenty-one years and has been owning and occupying this place up until about a year ago and claims to own this land, having purchased it from Mr. and Mrs. Jerome Van Liew, and has been in possession of the land since the 22nd of March, 1948, when she bought. I know about this because I looked it up when I took a mortgage on the property.

Van Liew bought this property back in January, 1940, had a foreclosure sale, and the Merchants National Bank of Mobile foreclosed the mortgage they had on Mr. Louis L. McKean who had been occupying the property. While the Van Liews had the property, they were in possession of it and would come over and stay there during the summer.

There is no suit other than this suit to test the title to this property and Mrs. Boyd has been in possession of it since the time she bought it to the present date. Although she has been out of the state and is now in Florida, I have been looking after it while she has been away.

The parties against whom this suit was filed, namely, Fernandes Kirkman, Dora Kirkman, and Odile Hatter, who have deeds which appear to cover this land, are not known to me and I have tried to locate them by making inquiries of the older residents in the community and neighbors but have been unable to locate them.

Carl L. Bloxham

CERTIFICATE

I, Maureen Scott, acting as commissioner by appointment by the Register of the Circuit Court of Baldwin County, Alabama, hereby certify that in the case of Ethel Boyd vs. certain lands, Fernandes Kirkman, Dora Kirkman and Odile Hatter, and any and all persons claiming any interest in said lands, pending on the Equity side of the Circuit Court of Baldwin County, I caused Edward B. Overton and Carl L. Bloxham to appear before me at my office in the Bank Building, Fairhope, Alabama, and where, after being duly sworn, upon examination by the solicitor for the Complainant, they testified as heretofore written, and their testimony, after being reduced to writing was read over and signed by them.

I further certify that I am neither of counsel nor of kin to either party to the cause or in anywise interested in the result thereof.

IN WITNESS WHEREOF, I hereto set my hand and seal as commissioner, this the day of , 1951.

Maureen Scott

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Maureen Scott

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 Carl Bloxham, and Edward Overton

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

Complainant
and Certain Lands

Respondent
on oath, to be by you administered, upon them
to take and certify the depositions of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 12th day of July, 1951

Amos J. Ruck
Register.

Commissioner's Fee, \$

Witness' Fees, \$

ETHEL BOYD,

Complainant

-vs-

CERTAIN LANDS, and
FERNANDES KIRKMAN,
DORA KIRKMAN and ODILE HATTER,
and any and all persons claiming
any interest in said lands,

Respondent

NO. _____

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

This cause coming on to be heard on this the 17th day of September, 1951, is submitted for final decree upon complainant's verified bill of complaint, upon which the decree pro confesso rendered herein and upon the testimonies of Edward B. Overton and Carl L. Bloxham taken by deposition before Maureen Scott, commissioner, and certificate of the Register, all of which is as noted by the Register and it appears to the satisfaction of the court.

FIRST: That the Complainant, Ethel Boyd, at the time of the filing of her bill of complaint in this cause, claimed in her own right a fee simple title to and was in the actual possession of the following described property, lying in Baldwin County, State of Alabama, more particularly described as follows:

Commencing at the SW corner of Section 19, Township 6 South, Range 2 East, run N. 3112 ft. to a stake for a point of beginning; run thence N. 78° W. 244 ft. to a point on the shore line of Mobile Bay; run thence along the said shore line N. 22½° E. 50 ft. 4' to a point; run thence S. 72° E. 241 ft. 7' to a point; run thence S. 90° W. 30 ft. more or less to a point on a line running through the point of beginning; the said property being in Section 19, Township 6 South, Range 2 East, and in Section 24, Township 6 South, Range 1 East.

which property is subject to a first mortgage in favor of Carl L. Bloxham.

SECOND: That at the time of the filing of said bill of complaint, no suit was pending to test her title to, interest in, or the right to the possession of said property.

THIRD: That said bill of complaint was and is duly verified, and was filed against said lands and against any and all persons claiming any title to, interest in, lien or encumbrance on said land or any part thereof, and was to establish the right or title to said lands or interest, and to clear all doubts, or disputes concerning the same, and that said bill of complaint did in all respects comply with the provisions of Code 1940, Title 7, Section 1117.

FOURTH: That the complainant exercised diligence to ascertain the residence of the defendants, against whom publication was made.

FIFTH: That the notice of the pendency of said bill of complaint was drawn and signed by the Register of this Court, and said Register did have such notice published once a week for four consecutive weeks in the Fairhope Courier, a newspaper having general circulation and published in Baldwin County, Alabama, as prescribed by an order made in this cause.

SIXTH: That a copy of said notice, certified by the Register as being correct, was recorded as a lis pendens in the office of the Probate Judge of said county, said notice being in strict accord and compliance with Code 1940, Title 7, Section 1121.

SEVENTH: That it has been more than sixty days since the first publication of said notice and the filing of a certified copy of said notice in the office of the Probate Judge of said county.

EIGHTH: That no person has intervened in this cause.

NINTH: That all of the allegations of fact contained in complainant's bill of complaint are true. It is therefore,

Ordered, Adjudged, and Decreed (1) that complainant is entitled to the relief prayed for in her bill of complaint, and that the fee simple title claimed by complainant in the above described lands has been duly proven, subject to said mortgage of Carl L. Bloxham.

(2) That the complainant is the owner of said lands, and has a fee simple title thereto, free of all liens and encumbrances, except the aforesaid, and that her said title thereto be and is hereby established, and that all doubts and disputes concerning the same be and are hereby cleared up.

(3) That a certified copy of this decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama, and that it be indexed in the name of Ethel Boyd, on both the direct index and the indirect index of the record thereof.

(4) That complainant pay the costs of these proceedings, for which let execution issue.

Done this the 11th day of September, 1951.

J. J. Marshall, Jr.
Circuit Judge

ETHEL BOYD,

Complainant

-vs-

CERTAIN LANDS, and
FERNANDES KIRKMAN,
DORA KIRKMAN and ODILE MATTHEE,
and any and all persons claiming
any interest in said lands,

Respondents

NO. _____

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

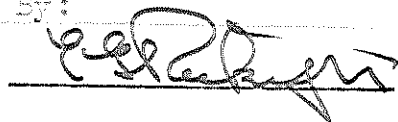
IN EQUITY

NOTE OF EVIDENCE

This cause being submitted for final decree, complainant offers
the following testimony to-wit:

1. Original bill of complaint
2. Order prescribing notice to defendants
3. Certificate of publication
4. Decree pro confesso
5. Testimony of Carl L. Bloxham and Edward B. Overton

RICKARBY & RICKARBY
Solicitors for Complainant
By:




Register

ETHEL BOYD,

Complainant

-VS-

CERTAIN LANDS, and
FERNANDES KIRKMAN,
DORA KIRKMAN and ODILE HATTER,
and any and all persons claiming
any interest in said lands,

Respondents

NO. _____

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NOTE OF EVIDENCE

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RICKARBY & RICKARBY
Solicitors for Complainant
By: _____

W. J. Rickarby
Register

ETHEL BOYD,

Complainant

-vs-

NO. _____

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

CERTAIN LANDS, and
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feet to a stake for a point of beginning;
run thence N 78 degrees W 244 feet to a point
on the shore line of Mobile Bay; run thence
along the said shore line N 22 1/2 degrees E 50
feet 4 inches to a point; run thence South 72
degrees E 241 feet 7 inches to a point; run
thence S 9 degrees W 30 feet more or less to
a point on a line running through the point
of beginning; the said property being in
Section 19 Township 6 South, Range 2 East,
and in Section 24 Township 6 South, Range 1
East,

Defendants

CERTIFICATE OF REGISTER

I, Alice Duck, Register of Circuit Court in Equity at Bay
Minette, Alabama, do hereby certify to the Judge that the following
order of publication heretofore made in this cause, was published
once a week for four consecutive weeks, in accordance with the
proof of publication hereto attached, and that a copy of said
order was posted at the Court House door in Baldwin County on the
22nd day of March, 1951, and that another copy was filed in
the lis pendens records of the Probate Court of Baldwin County, as
directed by said Court.

IN WITNESS WHEREOF the clerk has hereunto set her hand, this
the 6th day of June, 1951

STATE OF ALABAMA
COUNTY OF BALDWIN

In this cause it appears to the Court that the order of publi-
cation heretofore made in this cause was made as required by law,
therefore, a decree pro confesso is rendered against the defendants
in the above styled cause.

Alice Duck

RECORDED

Electric No. 1000

FILED
JUN 6 1951
ALICE J. DUCK, Registrar

RECORDED

RECORDED

RECORDED

RECORDED

RECORDED

RECORDED

ETHEL BOYD,

Complainant

-vs-

NO. _____

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY


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a point on a line running through the point
of beginning; the said property being in
Section 19 Township 6 South, Range 2 East,
and in Section 24 Township 6 South, Range 1
East,

Defendants

Comes the complainant in the above styled cause and shows to
this honorable court that publication has been completed in accord-
ance with the orders of this honorable court and moves for a decree
pro confesso, in accordance with rules of this Court.

RICKARBY & RICKARBY

By: 
E. G. Rickarby, Jr.,
Attorney for Complainant

ETHEL BOYD,

Complainant

-vs-

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of beginning; the said property being in
Section 19 Township 6 South, Range 2 East,
and in Section 24 Township 6 South, Range 1
East,

Defendants

Mr. A. J. D.
TO THE HONORABLE ALICE DUCK

REGISTER OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

The complainant in the above titled cause requires and
requests the oral examination of CARL BLOXHAM and EDWARD OVERTON
as witnesses for the complainant in support of her bill filed in
the above cause, such examination to be before a special com-
missioner appointed by you. The said CARL BLOXHAM and EDWARD
OVERTON reside in Fairhope, Baldwin County, Alabama.

Complainant suggests Maureen Scott, who resides in the
City of Fairhope, Baldwin County, Alabama, is a disinterested
person, as the person to be appointed commissioner to take said
testimony and complainant requests her appointment.

RICKARBY & RICKARBY,
Solicitors for Complainant
By:

[Signature]

ETHEL BOYD,
Complainant

VS.

CERTAIN LANDS, etc.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

REQUEST FOR COMMISSION

Filed 7-14-57
Aust

ETHEL BOYD,

Complainant

-vs-

CERTAIN LANDS, and
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a point on a line running through the point
of beginning; the said property being in
Section 19 Township 6 South, Range 2 East,
and in Section 24 Township 6 South, Range 1
East,

Defendants

IT IS ORDERED in this cause that the notice
provided for in Section 1119, Title 7, 1940 Code of Alabama, be
published in _____,

which is a newspaper having general circulation and published in
the County of Baldwin, State of Alabama, where the lands des-
cribed in the bill of complaint lie.

Done this the _____ day of
_____, Nineteen Hundred Fifty-one.

Judge of the Circuit Court.

Fairhope, Ala., April 20, 1951

M Mrs. Alice Sluck

Bay Minette, Ala.

In Account With

The Fairhope Courier

E. B. GASTON ESTATE, PUBLISHER

Advertising And Commercial Printing

Rates on Application

Legal Notice - 862 words
Re: Ethel Boyd.
mar. 29, apr. 5-12-
apr. 19, 1951

38 79

LAW OFFICES

RICKARBY & RICKARBY

ELLIOTT G. RICKARBY

FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

7 September, 1951

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Re: Ethel Boyd
Vs: Certain lands

Dear Mrs. Duck:

With this we are handing you depositions, certificate of tax collector, note of evidence, and decree in Ethel Boyd vs. certain lands.

Please get this submitted as soon as possible so that we can get a decree and let us know what the costs are so that we can pay them.

Yours very truly,

RICKARBY & RICKARBY

By: 

EGRjr:ms

encls.

1147

The tax collector is bringing you up the certificate.

LAW OFFICES

RICKARBY & RICKARBY

ELLIOTT G. RICKARBY

FAIRHOPE, ALABAMA
10 July, 1951

E. G. RICKARBY, JR.

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

With this we hand you request for
a commission in the Ethel Boyd case.

Yours very truly,

RICKARBY & RICKARBY

By: 

EGRjr:ms

Enc.
1147

ETHEL BOYD,

Complainant

-vs-

NO. _____

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

CERTAIN LANDS, and
FERNANDES KIRKMAN, DORA KIRKMAN and
ODILE HATTER, and any and all per-
sons claiming any interest in the
following described land:

Commencing at the SW corner of Section 19,
Township 6 South, Range 2 East, run N 3112 feet
to a stake for a point of beginning; run thence
N 78 degrees W 244 feet to a point on the shore
line of Mobile Bay; run thence along the said
shore line N 22½ degrees E 50 feet 4 inches to a
point; run thence S 72 degrees E 241 feet 7 inches
to a point; run thence S 9 degrees W 30 feet more
or less to a point on a line running through the
point of beginning; the said property being in
Section 19, Township 6 South, Range 2 East, and
in Section 24, Township 6 South, Range 1 East.

Defendants

TO THE SAID

FERNANDES KIRKMAN, DORA KIRKMAN and
ODILE HATTER, and any and all persons
claiming any title to, interest in,
lien or encumbrances on said land,
or any part thereof, and

TO ALL OTHER PERSONS interest in said
real estate being situated in Baldwin
County, Alabama, and described, as
follows:

Commencing at the Southwest (SW) corner of Section
Nineteen (19), Township Six (6) South, Range Two (2)
East, run North Thirty-one Hundred Twelve (3112) feet
to a stake for a point of beginning; run thence North
(N) Seventy-eight (78) degrees West (W) Two Hundred
Forty-four (244) feet to a point on the shore line of
Mobile Bay; run thence along the said shore line North
(N) Twenty-two and one-half (22½) degrees East (E) Fif-
ty (50) feet four (4) inches to a point; run thence
South (S) seventy-two (72) degrees East (E) Two Hun-
dred Forty-one (241) feet seven (7) inches to a point;
run thence South (S) Nine (9) degrees West (W) Thirty
(30) feet, more or less, to a point on a line running
through the point of beginning; the said property be-
ing in Section Nineteen (19), Township Six (6) South,
Range One (1) East

TAKE NOTICE THAT ETHEL BOYD has this day filed her veri-
fied bill of complaint in said Court against the abovenamed FER-
NANDES KIRKMAN, DORA KIRKMAN and ODILE HATTER and any and all per-
sons claiming any title to, interest in, or encumbrances upon the
above described real estate, or any part thereof, or any interest
therein, and against all other persons, and against said lands for

the purpose of establishing the said title in the said ETHEL BOYD and to clear up all doubts and disputes concerning said real estate, and that said suit is now pending in said Court. Complainant alleges in said bill of complaint that the title to said lands stand in the name of ETHEL BOYD upon the records of the Judge of Probate of Baldwin County, Alabama, and said bill of complaint further alleges that ETHEL BOYD claims title to said land through and by virtue of purchase from JEROME VAN LIEW and ELIZABETH VAN LIEW, his wife, by deed recorded in Deed Book 129 MS, page 53, in the Probate Records of Baldwin County, Alabama, dated March 22, 1948, subject to a first mortgage to Carl L. Bloxham recorded in Mortgage Book 182 MS, pages 14-16 of the Probate Records of Baldwin County, Alabama.

JEROME VAN LIEW obtained title to this land by foreclosure deed wherein THE MERCHANTS NATIONAL BANK OF MOBILE, as mortgagor, sold the interest of LOUIS L. McKEAN and his wife, MARGARET S. McKEAN, to the said JEROME VAN LIEW by deed dated January 10, 1940 and recorded in Deed Book 71, pages 122-3 of the Probate Records of Baldwin County, Alabama.

Title to said land upon the records of the Probate Court of Baldwin County, Alabama, stands in the name of ETHEL BOYD, this complainant.

Complainant alleges that she and those mentioned above through whom she claims have for more than ten years next preceeding the filing of this bill have been in actual, peaceable, hostile possession of said land and have annually assessed and paid the taxes thereon, and that during such period no other persons have been in possession of said lands, or any portion thereof, or assessed or paid taxes on said lands or any portion thereof. It is, therefore,

ORDERED that all persons to whom this notice is addressed, and any and all persons claiming any title to, interest in, or encumbrance upon the above described real estate or any part thereof or any interest therein

BE, AND THEY ARE HEREBY REQUIRED to plead, answer or demurr to the Bill of Complaint in this case within the expiration of sixty (60) days from the first publication of this notice, or by the _____ day of _____, Nineteen Hundred Fifty-one. It is further

ORDERED that a copy of this notice, certified by the Registrar as being correct, should be recorded as a lis pendens in the office of the Judge of Probate of Baldwin County, Alabama.

Done this the _____ day of _____, Nineteen Hundred Fifty-one.

Registrar of the Circuit Court

ETHEL BOYD,

NO. 2621

Complainant

IN THE CIRCUIT COURT OF

-VS-

BALDWIN COUNTY, ALABAMA

IN EQUITY

CERTAIN LANDS, and
FERNANDES KIRKMAN, DORA KIRKMAN and
ODILE HATTER, and any and all per-
sons claiming any interest in the
following described land:

Commencing at the SW corner of Section 19,
Township 6 South, Range 2 East, run N 3112 feet
to a stake for a point of beginning; run thence
N 78 degrees W 244 feet to a point on the shore
line of Mobile Bay; run thence along the said
shore line N 22½ degrees E 50 feet 4 inches to a
point; run thence S 72 degrees E 241 feet 7 inches
to a point; run thence S 9 degrees W 30 feet more
or less to a point on a line running through the
point of beginning; the said property being in
Section 19, Township 6 South, Range 2 East, and
in Section 24, Township 6 South, Range 1 East.

Defendants

TO THE SAID

FERNANDES KIRKMAN, DORA KIRKMAN and
ODILE HATTER, and any and all persons
claiming any title to, interest in,
lien or encumbrances on said land,
or any part thereof, and

TO ALL OTHER PERSONS interest in said
real estate being situated in Baldwin
County, Alabama, and described, as
follows:

Commencing at the Southwest (SW) corner of Section
Nineteen (19), Township Six (6) South, Range Two (2)
East, run North Thirty-one Hundred Twelve (3112) feet
to a stake for a point of beginning; run thence North
(N) Seventy-eight (78) degrees West (W) Two Hundred
Forty-four (244) feet to a point on the shore line of
Mobile Bay; run thence along the said shore line North
(N) Twenty-two and one-half (22½) degrees East (E) Fifty
(50) feet four (4) inches to a point; run thence
South (S) seventy-two (72) degrees East (E) Two Hun-
dred Forty-one (241) feet seven (7) inches to a point;
run thence South (S) Nine (9) degrees West (W) Thirty
(30) feet, more or less, to a point on a line running
through the point of beginning; the said property be-
ing in Section Nineteen (19), Township Six (6) South,
Range One (1) East

TAKE NOTICE THAT ETHEL BOYD has this day filed her veri-
fied bill of complaint in said Court against the abovenamed FER-
NANDES KIRKMAN, DORA KIRKMAN and ODILE HATTER and any and all per-
sons claiming any title to, interest in, or encumbrances upon the
above described real estate, or any part thereof, or any interest
therein, and against all other persons, and against said lands for

the purpose of establishing the said title in the said ETHEL BOYD and to clear up all doubts and disputes concerning said real estate, and that said suit is now pending in said Court. Complainant alleges in said bill of complaint that the title to said lands stand in the name of ETHEL BOYD upon the records of the Judge of Probate of Baldwin County, Alabama, and said bill of complaint further alleges that ETHEL BOYD claims title to said land through and by virtue of purchase from JEROME VAN LIEW and ELIZABETH VAN LIEW, his wife, by deed recorded in Deed Book 129 NS, page 53, in the Probate Records of Baldwin County, Alabama, dated March 22, 1948, subject to a first mortgage to Carl L. Bloxham recorded in Mortgage Book 182 NS, pages 14-16 of the Probate Records of Baldwin County, Alabama.

JEROME VAN LIEW obtained title to this land by foreclosure deed wherein THE MERCHANTS NATIONAL BANK OF MOBILE, as mortgagor, sold the interest of LOUIS L. MCKEAN and his wife, MARGARET S. MCKEAN, to the said JEROME VAN LIEW by deed dated January 10, 1940 and recorded in Deed Book 71, pages 122-3 of the Probate Records of Baldwin County, Alabama.

Title to said land upon the records of the Probate Court of Baldwin County, Alabama, stands in the name of ETHEL BOYD, this complainant.

Complainant alleges that she and those mentioned above through whom she claims have for more than ten years next preceeding the filing of this bill have been in actual, peaceable, hostile possession of said land and have annually assessed and paid the taxes thereon, and that during such period no other persons have been in possession of said lands, or any portion thereof, or assessed or paid taxes on said lands or any portion thereof. It is, therefore,

ORDERED that all persons to whom this notice is addressed, and any and all persons claiming any title to, interest in, or encumbrance upon the above described real estate or any part thereof or any interest therein

BE, AND THEY ARE HEREBY REQUIRED to plead, answer or demurr to the Bill of Complaint in this case within the expiration of sixty (60) days from the first publication of this notice, or by the _____ day of _____, Nineteen Hundred Fifty-one. It is further

ORDERED that a copy of this notice, certified by the Registrar as being correct, should be recorded as a lis pendens in the office of the Judge of Probate of Baldwin County, Alabama.

Done this the _____ day of _____, Nineteen Hundred Fifty-one.

Registrar of the Circuit Court

ETHEL BOYD,

Complainant

-vs-

CERTAIN LANDS, and
FERNANDES KIRKMAN,
DORA KIRKMAN and ODILE HATTER,
and any and all persons claiming
any interest in said lands,

Respondent

NO. _____

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

Humbly complaining, comes ETHEL BOYD and respectfully shows
unto your Honor as follows:

1. That she is over the age of twenty-one (21) years and a
bona fide resident of Baldwin County, Alabama.
2. That the land in controversy is situated in Baldwin Coun-
ty and more particularly described, as follows:

Commencing at the Southwest corner of Section Nine-
teen (19), Township Six (6) South, Range Two (2) East,
run North Thirty-one Hundred Twelve (3112) feet to a
stake for a point of beginning; run thence North Seventy-
eight (78) degrees West Two Hundred Forty-four (244) feet
to a point on the shore line of Mobile Bay; run thence
along the said shore line North Twenty-two and one-half
(22½) degrees East Fifty (50) feet and four (4) inches
to a point; run thence South Seventy-two (72) degrees
East Two Hundred Forty-one (241) feet seven (7) inches
to a point; run thence South Nine (9) degrees West
Thirty (30) feet more or less to a point on a line
running through the point of beginning; the said prop-
erty being in Section Nineteen (19) Township Six (6)
South, Range Two (2) East, and in Section Twenty-four
(24) Township Six (6) South, Range One (1) East,

and that the complainant in her own right claims to own said land
by deed from Jerome Van Liew and Elizabeth Van Liew, his wife,
dated 22 March 1948 and recorded in Deed Book 129 NS, page 53 of
the Probate Records of Baldwin County, Alabama, subject to a first
mortgage to Carl L. Bloxham recorded in Mortgage Book 182^{NS}, pages
14-16.

3. Complainant avers that she is in peaceful and actual pos-
session of said land and has been in such possession since about
the 22nd day of March 1948.

4. Complainant further alleges that Jerome Van Liew was in

the actual peaceful possession of said land from 10 January 1940 until he deeded it to her as above stated; and she, and the said Jerome Van Liew, have paid the taxes on this property from the years 1941 to date, and that Jerome Van Liew obtained title to this land by foreclosure deed wherein The Merchants National Bank of Mobile, as mortgagor, sold the interest of Louis L. McKean and his wife, Margaret S. McKean, to the said Jerome Van Liew by deed dated 10 January 1940 and recorded in Deed Book 71, pages 122-3 of the Probate Records of Baldwin County, Alabama; and that the said Louis L. McKean was in the peaceful possession of said land from the 20th of October 1938 until the foreclosure abovementioned.

5. Title to said land stands on the record of the Judge of Probate of Baldwin County, Alabama, in the name of the complainant by virtue of the deed hereinabove mentioned.

6. That no one but the complainant and her predecessors in title have paid the taxes on said land within ten years next preceding the filing of this bill.

7. Complainant further states that she does not know of any one, or any person, who claims said land, or had any interest in same, or any title to, interest in, lien or encumbrance thereon, or any part thereof, except Fernandes Kirkman, Dora Kirman and Odile Hatter; and that the residency and addresses of these possible claimants are unknown to this complainant, and she has exercised diligent search to find their residence and addresses by inquiring among the older residents of the community and neighbors; and that no one, except this complainant and her predecessors in title, namely: Jerome Van Liew, the Merchants National Bank Of Mobile and Louis L. McKean have had possession of said land, or paid any taxes on said land in the last ten (10) years next preceding the filing of this bill of complaint.


8. Complainant avers that no suit is now pending to test her interest or title to or possession of said land.

THE PREMISES CONSIDERED, complaint files this her verified bill of complaint against FERNANDES KIRKMAN, DORA KIRMAN and ODILE HATTER, and against the said land, and against any and all persons claiming any title thereto, interest in, lien or encumbrance upon said lands

or any part thereof and to establish the right or title to said land and to clear up all doubts or disputes concerning the same and that the said parties hereinable named shall be made respondents to this bill of complaint and that process be served on them or publication be made requiring them to plead, answer or demur to the same within the time required by law or decree pro confesso may be entered against them, and pray that this court will make and enter all orders, judgments and decrees that may be meet and proper in the premises and that upon final hearing of this cause will decree that complainant, ETHEL BOYD, is the owner of said lands and has a fee simple title thereto free of all liens and encumbrances, except that certain mortgage in favor of Carl L. Bloxham, and will grant to the complainant such other, further or different relief as it may appear to the Court to be just and equitable.

RICKARBY & RICKARBY

By


Solicitors for Complainants.

STATE OF ALABAMA

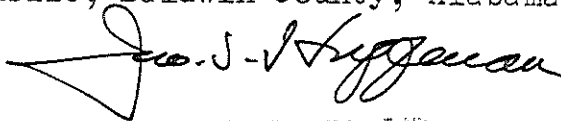
COUNTY OF BALDWIN

Before me, JOHN S. HUFFMAN, a Notary Public, in and for said County in said State, personally appeared CARL L. BLOXHAM, who is known to me, and who being by me first duly sworn, deposes and says: That he is agent for the complainant in this case and that he has read the above bill of complaint, and knows the contents thereof, and that the statement of facts contained therein are true.

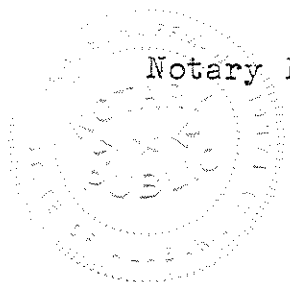

CARL L. BLOXHAM

Subscribed and sworn to before me this the 25th day of February, 1951.

Notary Public, Baldwin County, Alabama



John S. Huffman, Notary Public
State of Alabama
My Commission Expires Nov. 4, 1953



PROBATE JUDGE

No. 288

Bay Minette, Ala., 9-14, 1957.

Received of.

[illegible]

TOTAL \$

FOR RECORD
FOR RECORD

41959 MARSHALL & BRUCE-NASHVILLE

Judge of Probate,

ETHEL BOYD,

Complainant

-vs-

CERTAIN LANDS, and
FERNANDES KIRKMAN, DORA KIRKMAN
and ODILE HATTER, and any and
all persons claiming any intrest
in the following described land:

Commencing at the SW corner of Sec. 19,
Township 6 South, Range 2 East, run N 3112
feet to a stake for a point of beginning;
run thence N 78 degrees W 244 feet to a point
on the shore line of Mobile Bay; run thence
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feet 4 inches to a point; run thence South 72
degrees E 241 feet 7 inches to a point; run
thence S 9 degrees W 30 feet more or less to
a point on a line running through the point
of beginning; the said property being in
Section 19 Township 6 South, Range 2 East,
and in Section 24 Township 6 South, Range 1
East,

Defendants

IT IS ORDERED in this cause that the notice
provided for in Section 1119, Title 7, 1940 Code of Alabama, be
published in The Fairhope Courier,
which is a newspaper having general circulation and published in
the County of Baldwin, State of Alabama, where the lands des-
cribed in the bill of complaint lie.

Done this the 22nd day of
March, Nineteen Hundred Fifty-one.

J. Fair J. Mashburn Jr.
Judge of the Circuit Court.

Ordinary Publication

RECORDED

Filed 3-22-57
Arlene J. Hench
Clerk

This is to Certify that
Jerome Van Liew has
been paid for the
years 1941 through
1950 -

M. H. Watkins
Tax Collector

Jerome Van Liew. Tax 1941, Dec 31 -
1941. Pd.
Jerome Van Liew
Taxes Paid. Dec. 8th. 1942

Jerome Van Liew
paid Dec 31 - 1943

Jerome Van Liew
paid Dec 22 - 1944

Jerome Van Liew
paid Dec 3 - 1945

Jerome Van Liew
paid Jan Dec 3 - 1946

Jerome Van Liew
paid Jan 31 - 1947

Jerome Van Liew
paid Jan Nov 24 - 1948

Mrs Ethel + Earl Boyd
paid Jan Dec - 1949

Mrs Ethel + Earl Boyd
paid Jan Dec. 9 - 1950