

Erwin S. Whatley
Complainant

vs

Bay Shore Realty Company
A Corporation
Respondent

Circuit Court

Baldwin County

Alabama

No. 2679, In Equity

This cause coming on to be heard was submitted for decree on the pleadings and decree pro confesso as noted and, it appearing to the Court that notice was given all respondents by publication in The Fairhope Courier, a newspaper having a circulation in Baldwin County, Alabama, and that none of them have pleaded, demurred or answered to the Bill of Complaint within the time prescribed by law; NOW, upon consideration thereof, the Court is of the opinion that the Complainant, Erwin S. Whatley, is entitled to the relief prayed.

It is therefore ORDERED, ADJUDGED and DECREED that the defendant, BAY SHORE REALTY COMPANY, has no estate or interest in or encumbrance on the following described land or any part thereof, to wit:

Lot Number Four (4) in the Village of Montrose according to the plat and survey thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book "E" at Page 388, said lot being bounded on the west by the Bay of Mobile, on the east by Main Street, on the north by Lot Five (5) and on the south by Lot Three (3), containing 4.76 acres, according to said plat.

AND IT IS FURTHER ADJUDGED AND DECREED that the full fee simple title to said land as against said defendant, Bay Shore Realty Company, is vested absolutely in the Complainant, Erwin S. Whatley.

IT IS FURTHER ORDERED that the Register of this Court, within thirty days from the rendition of this decree, file same in the office of the Probate Judge of Baldwin County, Alabama, for record therein and the cost thereof be taxed as part of the costs of this cause.

IT IS FURTHER ORDERED that Complainant pay the costs of this cause for which execution may be issued.

Done at Bay Minette, Alabama this 11th day of September, A. D. 1951.

Julius J. Maslbury, Jr.
Judge

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of the original decree rendered by the Judge of said Circuit Court which decree is on file and enrolled in my office.

Witness my hand and seal this day of September, 1951.

XXXXX REGISTER

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT, IN EQUITY

No. 2679, Term, 1951.

Erwin S. Whetley

Complainant

Vs.

Bay Shore Realty Company, a corporation,

Defendant

Motion is hereby made for a Decree Pro Confesso against

Bay Shore Realty Company

Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 10th day of September

1951

746 Code

E. A. Cramer
E. A. Cramer

Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Complainant _____

Vs.

Defendant _____

Motion for Decree Pro Confesso
On Publication

Filed 10-10, 1957

Arice J. Huckle
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

E. A. CRAMER

ATTORNEY AT LAW
FAIRHOPE, ALABAMA

July 5th 1951

Dear Mrs. Duck:

Re: Whatley vs Bay Shore Realty Co.

Enclose Bill of Complaint and order of notice by publication based upon affidavit contained in the Bill. Will you please insert dates wherever necessary and forward notice to Fairhope Courier ?

Thank you.

Best wishes.

A handwritten signature in cursive script, reading "E. A. Cramer", followed by a long horizontal flourish line.

THE FAIRHOPE COURIER

E. B. GASTON ESTATE, PUBLISHER

Telephone
5201



Rates On
Application

Mrs. Alice Sluck
Bay Minette, Ala.

Aug. 3, 1951

Legal notice: 143 words
Re: C. S. Whitley vs.
Bayshore Realty Co.
July 12-19-26 -
Aug 2, 1951

18 90

THE FAIRHOPE COURIER

E. B. Gaston Estate, Publishers



TELEPHONE 5201

A Progressive Paper for Progressive People

FAIRHOPE, ALABAMA

"On Beautiful Mobile Bay"

ESTABLISHED 1894

This is to certify that the attached legal notice appeared in the Fairhope Courier, a newspaper published in Fairhope, Baldwin County on the dates of July 12, 19, 26 and Aug. 2, 1951.

Francis G. Crawford
Editor

State of Alabama
Baldwin County

Subscribed and sworn to this third day of August, A. D. 1951, before me.

E. Cramer
Notary Public, Baldwin County, Ala.

FAIRHOPE, ALABAMA

IT IS FURTHER ORDERED, that this order and notice be published in The Fairhope Courier, Fairhope, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 9th day of July, 1951.

Alice J. Duck, Register
E. A. Cramer, 51-4t
Solicitor for the Complainant

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY. NUMBER 2679
ERWIN S. WHATLEY, Complainant, vs.
BAY SHORE REALTY COMPANY, a corporation, Respondent

It having been made to appear in the above cause by proper affidavit that the Bay Shore Realty Company is a non-resident corporation with no representative resident of the County upon whom service can

FAIRHOPE COURIER, FA

County, Alabama, Probate Records: that no person is known to have paid taxes upon said land or to have been in possession thereof within ten (10) years next preceding the filing of the Bill of Complaint excepting Erwin S. Whatley, Miller Patterson and Martha W. Patterson.

It is therefore ordered and notice is hereby given that the said Bay Shore Realty Company, a corporation, grantees, successors, personal representatives, and any other persons, firm or corporation claiming any title to, interest in, lien or encumbrance upon said land or any part thereof, to appear in the Circuit Court of Baldwin County, Alabama, In Equity, and to plead, answer or demur to the Bill of Complaint on or before August 11th, 1951 or, upon their failing to do so, upon the expiration of thirty days from said date, a decree pro confesso shall be taken against them and that this cause shall be at issue.

be perfected, that Erwin S. Whatley is past the age of twenty one years and a resident of Baldwin County, Alabama, and the owner in actual possession of the following described lands situated in Baldwin County, Alabama, to-wit:

Lot Four (4), Village of Montrose according to the plat and survey thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book "E" at Page 388, said Lot being bounded on the west by the Bay of Mobile; on the east by Main Street; on the north by Lot Five (5) and on the south by Lot Three (3), containing 4.76 acres according to said plat.

That Complainant acquired title to said land by Vendors' Lien Deed from Miller Patterson and Martha W. Patterson dated June 26th 1951 and now recorded in the Baldwin

ERVIN S. WHEATLEY

vs.

BAY SHORES REALTY COMPANY

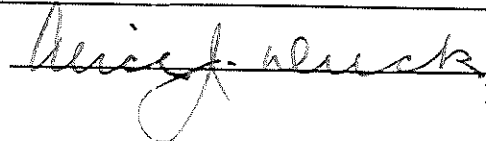
THE STATE OF ALABAMA
Baldwin CountyIN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____

Order of Publication

and in behalf of Defendant upon ~~Decree Pro Confesso~~

E. A. Cramer


Register.

No. 2679

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

ERVIN S. WHATLEY

vs.

BAY SHORES REALTY COMPANY

NOTE OF TESTIMONY

Filed in Open Court this 10th

day of September, 1951

Alvin J. Duck

Register.

Printed By The Baldwin Times

THE STATE OF ALABAMA, }
BALDWIN COUNTY }

CIRCUIT COURT, IN EQUITY

No. 2679, Term, 1951

Erwin S. Whatley

Complainant_____

Vs.

Bay Shore Realty Company, a Corporation,

Defendant._____

In this cause it appears to the Register _____ that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 12th day of July, 1951, in the Fairhope Courier a newspaper published in Fairhope, Alabama, that a copy of said order was posted at the Court House door in _____ County, on the _____ day of _____ 194____ and _____

And it now further appearing to the Register _____, that the said

Bay Shore Realty Company

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant_____, ordered and decreed by the Register_____ that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Bay Shore Realty Company

This 10th day of September 1951.

Register.

Erwin S. Whatley
Complainant

Circuit Court

vs

Baldwin County

Bay Shore Realty Company,
A Corporation
Respondent

Alabama

In Equity

To the Honorable Telfair J. Mashburn, Jr., Judge of said Court, sitting
in Equity;

Comes Erwin S. Whatley and, by this, Her Bill of Complaint against BAY
SHORE REALTY COMPANY, a corporation, respectfully shows:

First: That the Complainant is a resident of Baldwin County, Alabama, and
past the age of 21 years and that the Respondent is a none-resident corp-
poration upon whom service cannot be perfected.

Second: That Complainant is the owner and in actual and peacefull possession
and occupancy of a certain piece of real property located in said Baldwin
County and described as follows, to wit:

Lot Number Four (4) in the Village of Montrose
according to the plat and survey thereof record-
ed in the office of the Judge of Probate of Bald-
win County, Alabama, in Deed Book "E" at Page 388;
said lot being bounded on the west by the Bay of
Mobile; on the east by Main Street; on the north
by Lot Five (5) and on the south by Lot Three (3),
containing 4.76 acres, according to said plat.

Third: That Complainant acquired title by Vendors' Lien Deed dated June
26th 1951 wherein the Vendors were Miller Patterson and Martha W. Patt-
erson and that said deed is now recorded in the Baldwin County, Alabama,
Probate Records.

Fourth: That Complainant and said Vendors are the only persons known to
have paid taxes upon said property or to have been in possession thereof
for a period of more than ten (10) years preceding the filing of the within
Complaint.

Fifth: That said Bay Shore Realty Company is reputed to claim some right,
title or interest or claim in the above described property.

Sixth: That no suit is pending affecting or tending to determine the claim
of any party to said lands.

THE PREMISES CONSIDERED, Complainant prays that the said Bay Shore Realty
Company, a corporation, be, by due and appropriate process, made party
defendant to this action, that it be required to plead, demur or answer
to the several paragraphs of the within Complaint within the time prescribed
by law and to abide and obey all orders and decrees that may be made in the
premises.

Complainant further prays, upon a hearing of this cause, that a decree be
rendered declaring that the said Bay Shore ~~Company~~ Realty Company has no
claim, right or interest in the above described property and forever quiet-
ing all claim or demand on its part against the same and granting such other,
further and different relief as, to Equity, may seem meet.


Solicitor for Complainant

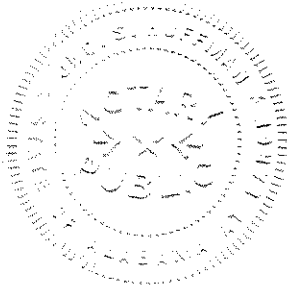
State of Alabama, Baldwin County,

Before me, the undersigned Notary Public in and for said County and State,
personally appeared E. A. Cramer, who, being duly sworn, deposes and says

that he is Solicitor of Record for the Complainant in the foregoing cause and that he is reliably informed and, on such information, states that Bay Shore Realty Company is a non-resident corporation having no representative upon whom service can be perfected; that said corporation is defunct and has been so for many years past; that personal service cannot be had and that service by publication seems to be necessary.

Ed. G. Gause

Subscribed and sworn to this 31 day of July, A. D. 1951, before me.



J. S. Hoffman
Notary Public, Baldwin County, Ala.

J. S. Hoffman, Notary Public
State of Alabama
My Commission Expires Nov. 4, 1953

no 2679

Erwin S. Whalley

v.

Bay Shore Realty Co.

Bill of Complaint

RECORDED

FILED

JUL 9 1951

ALICE J. DUCK, Register



Subscribed and sworn to before me this 6th day of July 1951

6-9-51

no 2679

Erwin S. Whalley

.vs.

Bay Shore Realty Co.

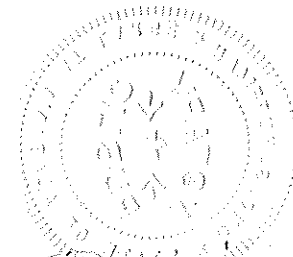
Bill of Complaint

RECORDED

FILED

JUL 9 1951

ALICE J. DUCK, Register



Order of Publication
mailed 6-9-51

Erwin S. Whalley, Plaintiff, vs. Bay Shore Realty Co., Defendant.
Complaint for specific performance of contract to sell real estate.
The Plaintiff alleges that the Defendant entered into a contract with him to sell certain real estate located in the County of Westchester, State of New York, for the sum of \$10,000.00. The Plaintiff claims that the Defendant has failed to perform its obligations under the contract and seeks specific performance of the contract and damages.

Erwin S. Whatley
Complainant

vs.

Bay Shore Realty Company
A Corporation
Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY: NO. 2679

This cause coming on to be heard was submitted for decree on the pleadings and decree pro confesso as noted and, it appearing to the Court that notice was given all respondents by publication in The Fairhope Courier, a newspaper having a circulation in Baldwin County, Alabama, and that none of them have pleaded, demurred or answered to the Bill of Complaint within the time prescribed by law; NOW, upon consideration thereof, the Court is of the opinion that the Complainant, Erwin S. Whatley, is entitled to the relief prayed.

It is therefore ORDERED, ADJUDGED AND DECREED that the defendant, BAY SHORE REALTY COMPANY, has no estate or interest in or/ encumbrance on the following described land or any part thereof, to-wit:

Lot Number Four (4) in the village of Montrose according to the plat and survey thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book "E" at page 388, said lot being bounded on the west by the Bay of Mobile, on the east by Main Street, on the North by Lot Five (5) and on the south by Lot Three (3), containing 4.76 acres, according to said plat.

AND IT IS FURTHER ADJUDGED AND DECREED that the full fee simple title to said land as against said defendant, Bay Shore Realty Company, is vested absolutely in the Complainant, Erwin S. Whatley.

IT IS FURTHER ORDERED that the Register of this Court, within thirty days from the rendition of this decree, file same in the office of the Probate Judge of Baldwin County, Alabama, for record therein and the cost thereof be taxed as part of the costs of this cause.

IT IS FURTHER ORDERED that Complainant pay the costs of this cause for which execution may issue.

Done at Bay Minette, Alabama this 11th day of September, A.D. 1951.

TELFAIR J. MASHBURN, JR.
JUDGE

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of the original decree rendered by the Judge of said Circuit Court which decree is on file and enrolled in my office. Witness my hand and seal this ____ day of September, 1951.

Register

Erwin S. Whatley
Complainant

vs

Bay Shore Realty Company
A Corporation
Respondent

Circuit Court

Baldwin County

Alabama

No. 2679, In Equity

This cause coming on to be heard was submitted for decree on the pleadings and decree pro confesso as noted and, it appearing to the Court that notice was given all respondents by publication in The Fairhope Courier, a newspaper having a circulation in Baldwin County, Alabama, and that none of them have pleaded, demurred or answered to the Bill of Complaint within the time prescribed by law; NOW, upon consideration thereof, the Court is of the opinion that the Complainant, Erwin S. Whatley, is entitled to the relief prayed.

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IT IS FURTHER ORDERED that the Register of this Court, within thirty days from the rendition of this decree, file same in the office of the Probate Judge of Baldwin County, Alabama, for record therein and the cost thereof be taxed as part of the costs of this cause.

IT IS FURTHER ORDERED that Complainant pay the costs of this cause for which execution may be issued.

Done at Bay Minette, Alabama this 11th day of September, A. D. 1951.

(S) TELFAIR J. MASHBURN, JR.

Judge

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of the original decree rendered by the Judge of said Circuit Court which decree is on file and enrolled in my office.

Witness my hand and seal this 11th day of September, 1951.

Alice J. Duck
REGISTER

PROS

BOOK 172 PAGE 333

I, ALICE J. BUCK, REGISTER OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

WITNESS MY HAND AND SEAL THIS THE 11th day of Sept, 1951.

Alice J. Buck
REGISTER OF CIRCUIT COURT, IN EQUITY

STATE OF ALABAMA, BALDWIN COUNTY
FILED 12-6-51
Decreeed Need book 172 page 333
Judge of Equity W. P. Street

12-6-51

