

3242

STATE OF ALABAMA)
*
BALDWIN COUNTY)

BOOK 019 PAGE 173

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon CHARLES D. EDMUNDSON to appear within thirty days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the Bill of Complaint filed against him by PETER M. CARLSON.

WITNESS my hand this 28th day of April, 1954.

W. J. F. Rusk
Register.

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Orator, Peter M. Carlson, presents this Bill of
Complaint against Charles D. Edmundson and, thereupon, your Orator
complains and shows unto the court and your Honor as follows:

1. Your Orator is over twenty-one years of age and is
a resident of Baldwin County, Alabama. The Respondent, Charles D.
Edmundson, is over the age of twenty-one years and is a non-resident
of the State of Alabama, whose address is 522 Denham Building,
Denver 2, Colorado.

2. Your Orator claims to own and is in the actual,
quiet, peaceable possession of the following described real prop-
erty situated in Baldwin County, Alabama, to-wit:

East Half of East Half of Northwest Quarter of
Northeast Quarter; East Half of West Half of
East Half of Northwest Quarter of Northeast
Quarter, Section 29, Township 7 South, Range 5
East.

3. The Respondent claims, or is reputed to claim, some
right, title or interest in, or encumbrance on the said lands. No
suit is pending to enforce or test the validity of such title, in-
terest in, lien or encumbrance upon the said lands, and your Orator
brings this Bill of Complaint against the said Respondent to settle
the title to the said lands and clear up all doubt and disputes
concerning the same. Your Orator here and now calls upon the said
Respondent to set forth and specify his right, title or interest in,
lien or encumbrance on the said lands, or any part thereof, and how
and by what instrument the same is derived and created.

PRAYER FOR PROCESS

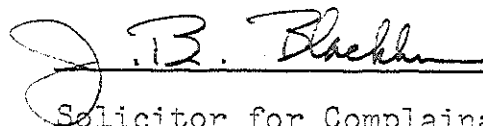
Your Orator prays that the said Charles D. Edmundson be
made a party respondent to this Bill of Complaint and that the
usual process of this Honorable Court do forthwith issue to him.

PRAYER FOR RELIEF

Your Orator prays that upon a final hearing of this cause
the court will make and enter a decree against the said Respondent,
quieting your Orator's title to the said lands, adjudging and de-
creeing that your Orator is the owner thereof, in his own right;
that title thereto is in him, forever quieting his title against

the said respondent, adjudging that he is without right, title or interest in and to the said lands, and has and holds no encumbrance thereon; and further, that he be permanently and perpetually enjoined from trespassing on the said lands, or any part thereof.

Your Orator further prays for such other, further and general relief as he may be equitably entitled to, the premises considered.


Solicitor for Complainant.

PETER M. CARLSON,
Complainant,

Vs:

CHARLES D. EDMUNDSON,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. _____

ANSWER AND CROSS-BILL.

Comes the respondent in the above styled cause and for answer to the bill of complaint heretofore filed therein says:

1. Respondent admits the allegations of paragraph 1.
2. Respondent denies the allegations of paragraph 2 and demands strict proof thereof.
3. For answer to paragraph 3, respondent says that he is the owner^{of,} and in possession of, the lands described in paragraph 3 of the bill of complaint, having acquired title thereto by deed dated May 9, 1949, from W. R. Stuart as Probate Judge of Baldwin County, Alabama, to Charles D. Edmondson, which deed is recorded in Deed Book 141 at Page 493 of the Probate Records of Baldwin County, Alabama, a copy of which deed is attached hereto, marked Exhibit "A", and, by reference, made a part hereof as though fully set out herein.

And for further answer to the bill of complaint and praying that this Honorable Court will take this answer as his cross-bill, your Respondent and Cross-Complainant shows unto your Honor as follows:

1. Your Respondent and Cross-Complainant is over the age of twenty-one years and is a non-resident of the State of Alabama, residing in Denver, Colorado, his address being 522 Denham Building. The complainant and cross-respondent, Peter M. Carlson, is over the age of twenty-one years and is a resident of Baldwin County, Alabama.
2. Your respondent and cross-complainant claims to own and is in the actual possession of the following described real property in Baldwin County, Alabama, viz:

East half of the East half of the Northwest quarter of the Northeast quarter; East half of West half of East half of Northwest quarter (NW $\frac{1}{4}$) of Northeast quarter, Section 29, Township 7 South, Range 5 East.

having acquired title as set out in Paragraph 3 above.

3. The Complainant and Cross-respondent, PETER M. CARLSON, is reputed to claim, or claims, some right, title or interest in, or encumbrance on the said lands, and your respondent and cross complainant here and now calls upon the said complainant and cross-respondent to set forth and specify his right, title or interest in lien or encumbrance upon said lands, or any part thereof, and how and by what instrument the same is derived and created.

WHEREFORE, THE PREMISES CONSIDERED, your respondent and cross-complainant makes the said complainant, PETER M. CARLSON, a party respondent to this cross-bill, and prays that this Honorable Court will, by proper process, make him a party respondent hereto, requiring him to answer this cross-bill within the time, and under the pains and penalties prescribed by law and the practice of this Honorable Court; and that, on a final hearing hereof, your Honor will make and enter a decree against the said complainant and cross-respondent quieting your respondent's and cross-complainant's title to said lands, adjudging and decreeing that he is the owner thereof, in his own right; that title thereto is in him, forever quieting title against the said PETER M. CARLSON; and, further, that the said PETER M. CARLSON, be permanently and perpetually enjoined from trespassing on the said lands, or any part thereof.

Your respondent and cross-complainant prays for such other, further, different and general relief as, in equity and good conscience, he may be entitled to receive, the premises considered.

Telfair G. Mathis, Jr.
Solicitor for Respondent and Cross-
Complainant.

I hereby accept Service of the foregoing
Answer and Cross-Complaint this 15th
Day of June, 1954 -

J. T. Blackburn
Defendant for Complainant
and Cross-Respondent

EXHIBIT "A"

STATE OF ALABAMA, 0
COUNTY OF BALDWIN. 0

BOOK 019 PAGE 172

KNOW ALL MEN BY THESE PRESENTS, That whereas, on the 10th day of April, 1944, a decree was rendered by the Probate Court of said County for the sale of the lands hereinafter described and conveyed for the State and County Taxes then due from A. F. GERHOLD, the owner of the said land for the cost and expenses thereof and thereunder.

And Whereas, thereafter, to-wit, on the 12th day of June, A. D., 1944, said lands were duly and regularly sold by the Tax Collector of said County for taxes, costs and expenses, and at said sale State of Alabama became the purchaser of said lands at and for the sum of said taxes, costs and expenses, and fourthwith paid sum of said taxes to Collector, there received from said Collector a certificate of said purchase.

And Whereas, the time for the redemption of said lands by said owner or other person having an interest therein has elapsed and said certificate of purchase has been returned to the Probate Judge of said County.

Now, therefore, I, W. R. Stuart, as Probate Judge of said County of Baldwin, under and by virtue of the provision of Section 276, Title 51, 1940 Code of Alabama, in consideration of the premises above set out, and in further consideration of the sum of one dollar to me in hand paid, have this day GRANTED, BARGAINED AND SOLD, and by these presents do GRANT, BARGAIN, SELL AND CONVEY unto CHARLES D. EDMONDSON, who is the present owner and holder of said certificate of purchase all the right, title and interest of the said A. F. GERHOLD owner as aforesaid of said land, and all the right, title, interest and claim of the State and County on account of said taxes, or under said decree in and to the following described lands hereinafter referred to, to-wit:

The East half of the East half of the Northwest quarter of the Northeast quarter; The East half of the West half of the East half of the Northwest quarter of the Northeast quarter of Section 29, Township 7 South, Range 5 East.

Lying and being situated in said County and State, TO HAVE AND TO HOLD the same, the said rights, titles and interest unto himself the said CHARLES D. EDMONDSON, his heirs and assigns forever, but no right, title or interest of any reversioner or remainderman in said land is conveyed hereby.

In testimony whereof, I have hereunto set my hand and seal, this the 9th day of May, A.D., 1949.

/s/ W. R. STUART
Probate Judge

STATE OF ALABAMA, 0
COUNTY OF BALDWIN. 0

I, LILA GLOVER, a Notary Public in and for said County, in said State, hereby certify that W. R. STUART, whose name as Judge of Probate is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that being informed of the contents of this conveyance, he, in his capacity as such Judge of Probate, executed the same voluntarily, on the day the same bears date.

Given under my hand this the 9th day of May, A.D., 1949.

/s/ LILA GLOVER
Notary Public, Baldwin County, Ala.

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 3242

PETER M. CARLSON,

Complainant,

VS.

CHARLES D. EDMUNDSON,

Respondent.

*Answer and
Cross-Bill.*


*Filed 6-15-54
Alice J. French
Register*

PETER M. CARLSON,)	
Complainant and cross)	
respondent,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
)	
CHARLES D. EDMUNDSON,	)	IN EQUITY
)	
Respondent and cross)	
complainant.)	

DEMURRER TO CROSS BILL

Now comes the complainant and cross respondent and demurs to the cross bill filed by the respondent and cross complainant and as grounds for such demurrer assigns, separately and severally, the following:

1. There is no equity in the cross bill.
2. It affirmatively appears that the respondent and cross complainant is seeking no relief that cannot be granted to him under his answer to the original Bill of Complaint.
3. It affirmatively appears from the said cross bill that there is a suit pending between the complainant and cross respondent and the respondent and cross complainant, which involves the same property and matters as those described in the said cross bill.
4. No facts are alleged to show that no suit is pending to test the title or possession of the property described in the said cross bill.
5. It affirmatively appears that the respondent and cross complainant is seeking no relief under the said cross bill that cannot be granted to him under his answer to the original Bill of Complaint.


 Solicitor for Complainant and Cross
 Respondent.

DEMURRER TO CROSS BILL
PETER M. CARLSON,

Complainant and Cross
Respondent,
VS.

CHARLES D. EDMUNDSON,
Respondent and Cross
Complainant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
OCT 20 1954

ALICE J. WICK, Registrar

PETER M. CARLSON,

Complainant,

VS.

CHARLES D. EDMUNDSON,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3242

AMENDMENT TO BILL OF COMPLAINT

Now comes the complainant, Peter M. Carlson and amends the Bill of Complaint heretofore filed in this cause by changing the spelling of his name to Peter M. Carlsen and by adding thereto as a party complainant, Elsie Carlsen.

J. B. Black
Solicitor for Compl

Solicitor for Complainant

3242
RECORDED

FILED

APR 20 1955

ALICE J. DUCK, Register

APR 20 1955
RECORDED
APR 20 1955

PETER M. CARLSEN and
ELSIE CARLSEN,

Complainants,
VS.

CHARLES D. EDMUNDSON,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3242

DECREE

On motion of the complainants in this cause it is ORDERED,
ADJUDGED AND DECREED that the testimony of the complainants' wit-
nesses, namely, Peter M. Carlsen, John Herman Shank and John Webber,
be taken orally in open court in the manner provided by Equity
Rule Number 56, as amended.

ORDERED, ADJUDGED AND DECREED on this the 9th day of
August, 1955.

Hubert M. Hall
Judge

DECREE

PETER M. CARLSEN and ELSIE
CARLSEN,

Complainants,

VS.

CHARLES D. EDMUNDSON,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3242

FILED

DEC 8 1955

ALICE L. DICK, Register

LIS PENDENS NOTICE

PETER M. CARLSON,

Complainant,

VS.

CHARLES D. EDMUNDSON,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Complainant in this cause has on this date filed in the Circuit Court of Baldwin County, Alabama, Equity Side, against the Respondent, a suit to quiet Complainant's title to the property hereinafter described, and to clear up all doubts and disputes concerning same.

The Complainant alleges in his said Bill of Complaint that he claims to own and is in the actual, peaceable possession of the property described in the said suit, namely: the East Half of East Half of Northwest Quarter of Northeast Quarter; East Half of West Half of East Half of Northwest Quarter of Northeast Quarter, Section 29, Township 7 South, Range 5 East, Baldwin County, Alabama, and that no suit is pending to enforce or test the title to the said lands.

The said Complainant prays for a decree quieting his title to the said property against the said Respondent, and for general relief.

All persons are cautioned against purchasing the said property, except subject to the rights of the said Complaint in this suit.

Dated this 28th day of April, 1954.

J. B. Black

Solicitor for Complainant.

W 3242

LIS PENDENS NOTICE

PETER M. CARLSON,
Complainant,
VS.
CHARLES D. EDMUNDSON,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
APR 28 1954
ALICE L. DUCK, Register

PETER M. CARLSEN AND
ELSIE CARLSEN,

VS. Complainants,

CHARLES D. EDMUNDSON,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3242

MOTION

Now come the complainants, by their solicitor, and move the court to take the testimony of complainants' witnesses in this cause, namely, Peter M. Carlsen, John Herman Shank and John Webber, orally in open court in the manner provided by Equity Rule No. 56, as amended.

Respectfully submitted,

J. B. Blackburn
Solicitor for complainants.

PETER M. CARLSON,)	
Complainant and cross	)	IN THE CIRCUIT COURT OF
respondent,	)	BALDWIN COUNTY, ALABAMA
VS.	)	IN EQUITY NO. 3242
CHARLES D. EDMUNDSON,)	
Respondent and cross)	
complainant,)	

DECREE SUSTAINING DEMURRER TO CROSS BILL

This cause coming on to be heard on this date by consent of the parties is submitted on the demurrer of the complainant and cross respondent to the cross bill of the respondent and cross complainant, upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The demurrer of the complainant and cross respondent to the cross bill of the respondent and cross complainant shall be and the same is hereby sustained.

2. The respondent and cross complainant is hereby allowed thirty days in which to file an answer.

ORDERED, ADJUDGED AND DECREED on this the 23 day of February, 1955.

Hubert M. Hall
 Judge

PETER M. CARLSEN and
ELSIE CARLSEN,

Complainants,

VS.

CHARLES D. EDMUNDSON,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3242

FINAL DECREE

This cause coming on to be heard on this date by agreement of the parties, acting by and through their respective solicitors, is submitted for a final decree on the complainants' original Bill of Complaint, respondent's answer and the testimony of the witnesses for the complainant taken in open court on this date in the manner provided by Equity Rule Number 56, as amended, upon consideration of all of which it appears to the court that the complainants were at the time of the filing of the Bill of Complaint in this cause in the actual, quiet and peaceable possession of the real property situated in Baldwin County, Alabama, which is hereinafter described, which possession consisted of complainants' use of the said property as a residence, all of which said property was under fence at the time of the filing of this suit, and that such possession on the part of the said complainants has continued from the time that they purchased the said property from Adolph F. Gerhold and wife in 1943; that no suit is pending to enforce or test the validity of respondent's title to, interest in, lien or encumbrance on the said lands, and that the said respondent claims title through a tax deed dated May 9, 1949, and that he is not now and has not at any time since obtaining the said tax deed been in possession of the said property or any part thereof, and that he has not filed a suit to recover possession of the said property: upon consideration of all of which, it appears to the court that the complainants are entitled to the relief prayed for by them in their said Bill of Complaint, WHEREUPON, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The complainants, Peter M. Carlsen and Elsie Carlsen, are as against the respondent, Charles D. Edmundson, the true and lawful owners in their own right of the following described real property situated in Baldwin County, Alabama, to-wit:

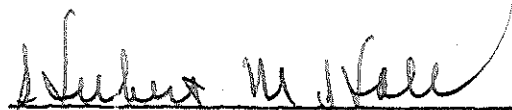
East Half of East Half of Northwest Quarter of
Northeast Quarter; East Half of West Half of
East Half of Northwest Quarter of Northeast
Quarter, Section 29, Township 7 South, Range 5
East.

Title to the said land is vested in the said complainants, Peter M. Carlsen and Elsie Carlsen, and their title thereto is forever quieted against the respondent, Charles D. Edmundson, and the said respondent, Charles D. Edmundson, is without right, title or interest in and to the said lands or any part thereof, and has and holds no encumbrance on the said property or any part thereof or any interest therein.

2. The Register of this court shall within thirty (30) days from the rendition of this decree file a certified copy hereof for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the expense of such recording as a part of the costs of this proceeding.

3. The costs of this proceeding are hereby taxed against the respondent, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 9 day of August, 1955.



Judge

\$5.00

Peter M. Carlson,	)	IN THE
Plaintiff,	)	CIRCUIT COURT OF BALDWIN COUNTY,
VS.	)	ALABAMA. IN EQUITY.
Charles D. Edmundson,	)	NO. 3242
Defendant.)	

MESSRS. J. B. BLACKBURN AND JAMES R. OWEN, FOR THE COMPLAINANT
HON. TELFAIR J. MASHBURN, JR., FOR THE RESPONDENT.

MR. PETER M. CARLSON, THE COMPLAINANT, BEING FIRST DULY SWORN,
TESTIFIED:

Examination by Mr. Blackburn.

Q. What is your name, please?

A/ Peter M. Carlson.

Q. Mr. Carlson, I will ask you if you are one of the
Complainants in this suit - one of the parties that
filed this suit?

A/ Yes sir.

MR. BLACKBURN: We offer in evidence, as color of title,
original deed, Adolph F. Gerhold and wife
to Peter M. Carlson, dated July 12, 1943,
and recorded in Deed Book 80, pages 92-93
Baldwin County, Alabama Records, which
conveys the property involved in this suit,
namely: East half of East half of North-
west Quarter of Northeast Quarter, and
East half of West half of East half of
Northwest Quarter of Northeast Quarter
Section 29, Township 7 South, Range 5
East, Baldwin County, Alabama, with leave
to withdraw the original and substitute
a copy. We ask that this be marked
Complainant's Exhibit 1.

That deed is also offered for the pur-

pose of showing the Complainant and Respondent claim title through a common course.

MR. MASHBURN: AS I understand it, you offer that as color of title?

MR. BLACKBURN: Yes.

MR. BLACKBURN: We also offer in evidence for the purpose of showing how Mrs. Elsie Carlson acquired an interest in this property, original deed from Peter M. Carlson to Elsie Carlson and Peter M. Carlson, dated March 10, 1951 and recorded in Deed Book 163 Page 311 Baldwin County, Alabama Records, This being a deed to Peter M. Carlson and Elsie M. Carlson for the purpose of creating a vested interest, or a survivorship deed. We ask leave to withdraw the original and substitute a certified copy, and ask that it be identified as Complainant's Exhibit 2.

Q. Mr. Carlson, at the time this suit was filed on April 28, 1954, I will ask you what use you and your wife, Mrs. Elsie Carlson were making of the property described in these conveyances?

A. Maintaining a permanent residence thereon.

Q. How many acres are there in this tract?

A. 15.

Q. How much of the land is in cultivation?

A. About 8 acres, including the --

Q. Does that eight acres include the house?

A. No.

Q. How much is in the tract where the house is situated?

A. About 7 acres.

Q. I will ask you if all of this land is under fence?

A. Yes sir.

Q. How long has all of it been under fence?

A. Ever since I have lived there.

Q. How long have you lived there?

A. Around 19 years.

Q. Up to the time you acquired this deed from the Gerholds, how were you there?

A. I rented from Mr. Gerhold.

Q. After you bought it, I will ask you if you claimed to own it up to the time you made the deed to your wife?

A. Yes sir.

Q. Since that time you and your wife have claimed it jointly?

A. Yes sir.

Q. Since you obtained the deed from the Gerholds in 1943 I will ask you whether any person or persons other than you and your wife have been in possession of this land?

A. I didn't understand the question.

Q. Since you got the deed from the Gerholds in 1943, has any one other than you and your wife been in possession of this land or any part of it?

A. No sir.

Q. I will ask you if when this suit was filed and at the present time, there is any suit other than this one pending to test the title to the property that is involved in this suit?

A. No sir.

Q. Or to enforce the title in any way?

A. No sir.

Q. This man Edmondson that you filed the suit against, do you know him?

A. No sir.

Q. Has he, at any time, ever been in possession of any part of this property?

A. No sir.

ON CROSS EXAMINATION OF THIS WITNESS. HE TESTIFIED:

Examination by Mr. Mashburn.

Q. Do you know that this property was sold for taxes a few years ago?

A. Yes sir.

Q. Mr. Edmundson bought the tile to it from the State?

A. Yes.

Q. The taxes were not paid for the year it was sold?

A. The year he bought it?

Q. The year it was sold - You don't claim that you paid the taxes on it the year it was sold?

A. No.

MR. JOHN HERMAN SHANK, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN. TESTIFIED:

Examination by Mr. Blackburn.

Q. What is your name?

A. John Herman Shank.

Q. Do you know the property involved in this suit?

A. Yes.

Q. How long have you know that property?

A. About 30 years.

Q. Since 1943, I will ask you who has been in possession of it?

A. Since 1943?

Q. Yes?

A. Mr. Carlson was there all of the time that I have known it from 1943 up to date and before that time.

Q. Describe the tract of land, Mr. Shank?

A. Well the property lays, I would say, about one mile straight east of the town of Elberta;

Q. Is it under fence?

A. Yes sir.

Q. Has it all been under fence since Mr. Carlson bought it from the Gerholds?

A. Yes sir.

Q. There is a house on it?

A. Yes sir.

Q. Who has occupied the house since they bought it?

A. He has.

Q. Who was living there, if any one, on April 28, 1954?

A. Mr. Carlson.

Q. His wife was there with him?

A. Yes sir.

Q. Do you know Mr. Edmundson?

A. No sir.

Q. Has any one other than Mr. and Mrs. Carlson been in possession of this property since Mr. Carlson bought it from the Gerholds in 1943?

A. No sir.

Qa. His possession has not been disturbed in any way?

A. No sir.

Q. How far do you live from this place?

A. I used to live right in Elberta and now I live about two miles from Elberta.

NO CROSS EXAMINATION

JOHN WEBBER, A WITNESS FOR THE COMPLAINANTS, BEING FIRST
DULY SWORN. TESTIFIED:

Direct Examination by Mr. Blackburn.

Q. What is your name?

A. John Webber.

Q. Where do you live with reference to the lands involved in this suit?

A. I live in Elberta.

Q. Have you know this land since the time Mr. Carlson bought it from the Gerholds in 1943?

A. Yes, I have known him since 1943 -- since I came to this State.

Q. Has Mr. Carlson and his wife been living on this land since 1943?

A. Yes sir.

Q. I will ask you whether or not the lands involved in this suit are under fence?

A. Yes it is.

Q. Does it have a residence on it?

A. Yes sir.

Q. Who has occupied the residence since you have known the property?

A. Mr. Carlson and his wife.

Q. Has any one else other than Mr. and Mrs. Carlson been in possession of any part of the property since you have known it?

A. No sir.

NO CROSS EXAMINATION.

MR. CARLSON RECALLED FOR FURTHER CROSS EXAMINATION:

Examination by Mr. BMashburn.

Q. When did you say you purchased this land?

A. 1943.

Q. Did you start paying taxes on it?

A. Yes sir.

Q. When did you first assess and pay taxes on the land?

A. At the time I bought the land the taxes were supposed to have been paid.

Q. Have you paid taxes on this land every year since 1943?

A. Yes.

COMPLAINANT REST.

RESPONDENT REST:

STATE OF ALABAMA
BALDWIN COUNTY.

I hereby certify that the foregoing is a true and correct transcript of the testimony as taken by me in open Court, before Hon. Hubert M. Hall, Judge of the 28th Judicial Circuit of Alabama, on August 9, 1955.

This 9th day of August, 1955.

Louise Dusenberry
Court Reporter

Com Ex 1

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WARRANTY DEED

STATE OF ALABAMA
BALDWIN COUNTY

THIS INDENTURE, made and entered into on this the 12th day of July, 1943, by and between Adolph F. Gerhold, also known as A.F. Gerhold, and Ellen Gerhold, his wife, hereinafter referred to as the parties of the first part, and Peter M. Carlsen, hereinafter referred to as the party of the second part, WITNESSETH: The parties of the first part, for and in consideration of the sum of Five hundred Dollars (\$500.00) and other good and valuable consideration to them this day in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, have and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part the following described real property situated in Baldwin County, Alabama, to-wit:

East Half of East Half of Northwest Quarter of Northeast Quarter;
East Half of West Half of East Half of Northwest Quarter of Northeast Quarter of Section Twenty-nine (29) Township seven (7) South Range Five (5) East.

TO HAVE AND TO HOLD unto the said party of the second part, his heirs and assigns, forever. The parties of the first part for themselves, their heirs, executors and administrators, hereby covenant and warrant to and with the said party of the second part, his heirs and assigns, that they are seized of an indefeasible estate in and to the said property; that they have a good right to convey the same as herein contained; that they will guarantee the peaceable possession thereof; that the said property is free from all liens and encumbrances and that they will, and their heirs, executors, and administrators shall forever warrant and defend the same unto the said party of the second part, his heirs and assigns, against the lawful claims of all persons.

IN WITNESS WHEREOF the said parties of the first part have hereunto set their hands and affixed their seals on this the day and year first above written.

Adolph F. Gerhold
Ellen Gerhold

Seal
Seal

STATE OF ALABAMA
BALDWIN COUNTY

I, ORA S. NELSON, a Notary Public, within and for said County in said State, hereby certify that Adolph F. Gerhold, also known as A.F. Gerhold, and Ellen Gerhold, his wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being

informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

I further certify that on the 12th day of July, 1943, came before me the within named Ellen Gerhold known to me to be the wife of the within named Adolph F. Gerhold, also known as A.F. Gerhold, who, being examined separate and apart from her husband, touching her signature to the foregoing conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraints or threats on the part of her husband.
Given under my hand and official seal on this the 12th day of July, 1943.

SEAL

Ora S. Nelson
Notary Public, Baldwin County, Alabama.

\$2.20 USIR Stamps Attached Cancelled

STATE OF ALABAMA
BALDWIN COUNTY

Filed in office this 17 day of July, 1943 at 8 A.M. and duly recorded in Deed Book 80 at page 92-3, and I certify that \$2.00 Deed Tax has been paid as required by law.

G. W. Robertson, Judge of Probate.

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THE STATE OF ALABAMA,
Baldwin County

PROBATE COURT

I, W. R. STUART, Judge of the Probate Court in and for said State and County, hereby certify

that the within and foregoing _____ pages

contain a full, true and complete copy of the Deed from Adolph F. Gerhold and

Ellen Gerhold to Peter M. Carlsen

as the same appears of record in my office in Deed Book No. 80

Page 92-3

Given under my hand and seal of office, this 14th day of April, 1955



Judge of Probate.

Com East 2

WARRANTY DEED

BOOK 163 PAGE 311

THE STATE OF ALABAMA, }
BALDWIN COUNTY. }

KNOW ALL MEN BY THESE PRESENTS, That I, PETER M. CARLSEN, GRANTOR, for and in consideration of the sum of ONE DOLLAR (\$1.00) and love and affection, to me in hand paid by PETER M. CARLSEN and ELISIE CARLSEN, husband and wife, GRANTEE, the receipt whereof is, upon the delivery of these presents, hereby acknowledged, have GRANTED, BARGAINED AND SOLD and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said GRANTEE, their heirs and assigns, the following described real estate, situated in the County of Baldwin, State of Alabama, to wit:

The East Half (E $\frac{1}{2}$) of the East Half (E $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$); and the East Half (E $\frac{1}{2}$) of the West Half (W $\frac{1}{2}$) of the East Half (E $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section twenty-nine (29), Township Seven (7) South, Range Five (5) East.....

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

TO HAVE AND TO HOLD, the aforegranted premises to the said GRANTEE, during their joint lives, and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns of such survivor forever. And I do covenant with the said GRANTEE, their heirs and assigns, that I am lawfully seized in fee simple of the aforementioned premises; that they are free and clear from all encumbrances; that I have a good right to sell and convey the same to the said GRANTEE, their heirs and assigns, and that I will WARRANT AND DEFEND the premises to the said GRANTEE, their heirs and assigns forever, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 10th day of March, 1961.

Peter M. Carlson (SEAL)

THE STATE OF ALABAMA, }
BALDWIN COUNTY. }

I, Forest A. Christian, a Notary Public in and for said County and State, do hereby certify that Peter M. Carlson, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance, he executed the same voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this the _____ day of March, 1961.

Forest A. Christian
Notary Public



STATE OF ALABAMA, BALDWIN COUNTY
Filed 3-13-61 8:40 AM
Recorded _____ book _____ page _____
and I certify that the following Pr. Duty Tax has been paid.
Deed Tax _____ 50
Mortgage Tax _____
Judge of Probate
By _____

THE STATE OF ALABAMA,
Baldwin County

PROBATE COURT

I, W. R. STUART, Judge of the Probate Court in and for said State and County, hereby certify
that the within and foregoing _____ pages

contain a full, true and complete copy of the Deed from Peter M. Carlsen to

Peter M. Carlsen and Elsie Carlsen

as the same appears of record in my office in _____ Deed _____ Book No. 163

Page 311 .

Given under my hand and seal of office, this 14th day of April, 1955.

W. R. Stuart
Judge of Probate.

LIS PENDENS NOTICE

PETER M. CARLSON,
Complainant,
VS.
CHARLES D. EDMUNDSON,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

BOOK 4 PAGE 55

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Complainant in this cause has on this date filed in the Circuit Court of Baldwin County, Alabama, Equity Side, against the Respondent, a suit to quiet Complainant's title to the property hereinafter described, and to clear up all doubts and disputes concerning same.

The Complainant alleges in his said Bill of Complaint that he claims to own and is in the actual, peaceable possession of the property described in the said suit, namely: the East Half of East Half of Northwest Quarter of Northeast Quarter; East Half of West Half of East Half of Northwest Quarter of Northeast Quarter, Section 29, Township 7 South, Range 5 East, Baldwin County, Alabama, and that no suit is pending to enforce or test the title to the said lands.

The said Complainant prays for a decree quieting his title to the said property against the said Respondent, and for general relief.

All persons are cautioned against purchasing the said property, except subject to the rights of the said Complaint in this suit.

Dated this 28th day of April, 1954.

J. B. Blackburn

Solicitor for Complainant.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 4-28-54 2:30 P. M

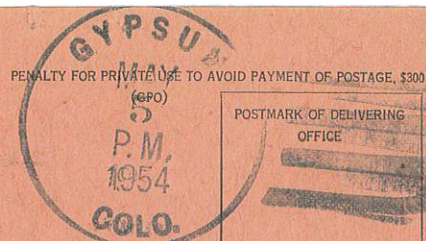
Recorded Lis Pend book 4 page 55

M. R. Stewart

Judge of Probate

6

Post Office Department
OFFICIAL BUSINESS



POSTMARK OF DELIVERING
OFFICE

Return to Alice F. Leuck. Tray
(NAME OF SENDER)
Street and Number, }
or Post Office Box, } Box 239

REGISTERED ARTICLE
No. 861
INSURED PARCEL
Post Office Bay Minette
State Ala
No. _____ 16-12421

Form 3811
Rev. 1-52

3242
RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the number of which appears on the face of this Card.

1

Charles D. Edmond

(Signature or name of addressee)

2

Deliver to Addressee Only

(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery _____, 19____

U. S. GOVERNMENT PRINTING OFFICE 16-12421-2

FILED
MAY 7 1954
ALICE J. DICK
Register

J.B.