

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., A CORPORATION,
COMPLAINANT,

VS

MARTHA GATES & AMON GATES,
DEFENDANTS,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY *no 3303*

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 defendants, 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 actual, peaceable possession of the property described in the said suit, namely:

Northwest quarter of Southwest quarter of Northwest quarter of Section 34, Township 5 South, Range 3 East,
and that no suit is pending to enforce or test the title to the said lands.

The said complainant prays for a decree quieting its title to the said property against the said defendants, and for its general relief.

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

Dated this the 22 day of July, 1954.

B. L. Swearingen
By F. D. Swearingen
Solicitor for Complainant.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 7/27/54 11:4 A.M.
Recorded L. P. book 4 page 27
W. R. Stuart
Judge of Probate 15

22

7-22-57

NO 3303

Lis Pendens Notice

Winberg Richards &
Nurseries Company, Inc.,
a corporation,

59

Complainant

vs

Martha Lutes & Amon
Lutes,

57

Defendants

4-77

FILED

JUL 23 1954

ALICE J. DUCK, Registrar

R-75

Mrs. Duck
in. ckb.

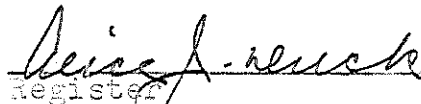
STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

WE COMMAND YOU, that you summon Martha Gates and Amon Gates, whose addresses are Fairhope, Alabama, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery jurisdiction, within thirty days after the service of summons, and there to answer, plead or demur, without oath, to a bill of complaint lately exhibited by Winberg Orchards and Nurseries Company, Inc., a corporation, against the said Martha Gates and Amon Gates, and further to do and perform what said Judge shall order and direct in that behalf and this the defendants shall in no wise omit under penalty of the law; and we further command that you return this writ, with your endorsement thereof, to our said court immediately upon the execution thereof.

WITNESS Alice J. Duck, Register of said Circuit Court, this the 22nd day of July, 1954.


Register

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., A CORPORATION,
COMPLAINANT,

VS

MARTHA GATES & AMON GATES,
DEFENDANTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY

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

Comes WINBERG ORCHARDS & NURSERIES COMPANY, INC., a corporation, and humbly complaining against Martha Gates and Amon Gates, respectfully shows unto your Honor as follows:

FIRST: That your complainant is a corporation organized and doing business in the State of Alabama, with its principal place of business at Silverhill, Alabama; that the defendants are each over the age of twenty-one years and their residence and post-office address is, Fairhope, Alabama.

SECOND: That the complainant is the owner of and in the peaceable possession of the following described lands situated in the County of Baldwin, State of Alabama, to-wit:

Northwest quarter of Southwest quarter of Northwest quarter of Section 34, Township 5 South, Range 3 East.

THIRD: That the said Martha Gates and Amon Gates claim or are reputed to claim some right, title, claim or interest in, lien or encumbrance upon the above described lands, or some part thereof, and the complainant calls upon them and each of them to set forth and specify their or his or her right, title, claim, interest in, lien or encumbrance upon the said lands, or any part thereof, and to show how and by what instrument or instruments the same is derived or created.

FOURTH: That there is no suit pending to enforce or test the validity of the complainant's title to the said lands, or to ~~enforce or test the validity of the defendants' right, title, claim,~~ interest in, lien or encumbrance upon the said lands, or any part thereof.

FIFTH: The complainant further says that it is informed and believes and upon such information and belief alleges that the said defendants claim a right, title, claim or interest in, lien or encumbrance upon the aforesaid lands, or some portion thereof, by virtue of a tax deed issued to Adolf L. Wigstrom by the State of Alabama on October 10, 1945, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 100, page 190; that ~~said deed purports to have been executed under a sale of the said~~ lands June 17, 1940, for taxes under an assessment against said Winberg Orchards and Nurseries Company #5, and this complainant alleges that at the time of the said sale, said Winberg Orchards & Nurseries Company, Inc., was the owner of the said lands and in possession of the same; that your complainant was the owner of the said lands and in possession thereof at the time of the sale to the State of Alabama, and at the time of the sale of the same by the State of Alabama to the said Adolf L. Wigstrom, by tax deed dated

October 10, 1945, recorded in Deed Book 100, page 190, and at the time of the sale of her undivided one-half interest of Martha O. Wigstrom to Adolf L. Wigstrom, by Warranty Deed dated March 20, 1952, recorded in Deed Book 178, at pages 205-6, and at the time of the sale of Adolf L. Wigstrom, a single man, to Martha Gates, by Warranty Deed dated May 6, 1952, recorded in Deed Book 180, pages 456-7, and that it has been in continuous possession of the said lands from the date of the aforesaid sale to the State of Alabama to this date, and your complainant is now in possession of the said lands and each and every parcel of the same and is the owner thereof.

SIXTH: Complainant further says that it is informed and believes and upon such information and belief alleges that the said tax title of the said Adolf L. Wigstrom is void.

WHEREFORE, Your Complainant prays this Honorable Court take jurisdiction of the cause made by this bill of complaint and make the said Martha Gates and Amon Gates parties defendants hereto, and by appropriate process require them to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon a final hearing of this cause this Honorable Court will make and enter an order and decree adjudging and decreeing that the said defendants, Martha Gates and Amon Gates, have no right, title, claim, interest in, lien or encumbrance upon the said lands, or any part thereof, and that the title to the said lands be quieted and established in this complainant as against the said defendants; and that the said defendants be forever enjoined from asserting or attempting to assert, or from claiming or attempting to claim any right, title, or interest in, or encumbrance upon the said lands, or any part thereof.

Complainant further prays that if it shall be mistaken in the

relief prayed for, that this Honorable Court will ascertain the amount of taxes and costs for which the said lands were sold, and interest thereon, and the taxes and interest thereon paid subsequent to the said sale, and that this complainant be permitted to redeem the said lands from the aforesaid tax sale; and this complainant prays for such other, further or different relief as in equity it shall be entitled to receive in the premises.

Deebe & Swearingen
L. E. Swearingen
Solicitor for Complainant.

no 3303

Received 23 day of July 1954
on 27 day of July 1954
served a copy of the within
on Complaint
by service on Mrs Martha Gates
Armon Gates

TAYLOR WILKINS, Sheriff

By J. H. Jones

Complaint

Minberg Richards &
Nurseries Company, Inc.,
a Corporation,

Complainant

vs

Martha Gates & Armon
Gates,
Defendants

FILED

JUL 22 1954

ALICE J. DUCK, Register

3303

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., A CORPORATION,
COMPLAINANT,

VS

MARTHA GATES & AMON GATES,
DEFENDANTS,

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 defendants, 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 actual, peaceable possession of the property described in the said suit, namely:

Northwest quarter of Southwest quarter of Northwest quarter of Section 34, Township 5 South, Range 3 East,

and that no suit is pending to enforce or test the title to the said lands.

The said complainant prays for a decree quieting its title to the said property against the said defendants, and for its general relief.

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

Dated this the 22 day of July, 1954.

Robert H. Swearingen
by J. B. Swearingen
Solicitor for Complainant.

no 3303

Lia Pendens Notice

in this suit.

Dated this the 25 day of July, 1954.

Solicitor for Complainant.

All persons are cautioned against purchasing the said
its General Relief.

The said complainant prays for a decree directing the
said lands.

and that no suit is pending to enforce or test the title to the
quarter of Section 34, Township 2 South, Range 3 East,
Northwest quarter of Southwest quarter of Northwest

the property described in the said suit, namely:

that he claims to own and as in actual, peaceable possession of

and to claim the same in his said bill of complaint

and to claim the same in his said bill of complaint

direct complainant is titled to the property hereinbefore described,

County Alabama, Edwitts side, against the defendants, a suit to

cause said suit date filed in the Circuit Court of Baldwin

notice is hereby given that the complainant in this

TO WHOM IT MAY CONCERN:

DEFENDANTS:
MARTHA GATES & ANON GATES,

AS

COMPLAINANT,
COMPANY, INC., A CORPORATION,
WINBERG ORCHARDS & NURSERIES

IN EQUITY

BALDWIN COUNTY, ALABAMA
IN THE CIRCUIT COURT OF

FILED
JUL 22 1954
ALBERT H. BUCK, Register

3303