(1126)

JIM SIMPSON, et al,

COMPLAINANTS,

vs.

GARFIELD HOME NO. 14, UHO, a corp., et al,

DEFENDANTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

NOTE OF TESTIMONY.

This cause was submitted on behalf of the Complainant upon the following:

- 1. Original summons and complaint.
- 2. Decree pro confesso on publication.
- 3. Decree pro confesso after notice by registered mail.
- 4. Decree over-ruling demurrers of the Respondents.
- 5. Lis pendens notice.
- 6. Proof of publication of notice in the Baldwin Times.
- ${\it T}$. Request for decree pro confesso on publication.
- 8. Request for decree pro confesso after service by registered mail.
- 9. Request for taking testimony and appointment of commissioner.
- 10. Notice of time of taking testimony on behalf of Complainants.
- 11. Testimony of Jim Simpson, with exhibits attached.

12.	. Testimony of Hubert M. Hall.	Color Co o
13.	. Disclaimer of Elberta Turpente	Co PW. Mallian or
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JIM SIMPSON, et al,

COMPIAINANTS,

VS.

CARL FRAENK, et al,

RESPONDENTS.

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

This cause coming on to be heard was submitted for final decree upon the pleadings, decrees pro confesso and proof as noted by the Register, and it appearing to the satisfaction of the Court that the Complainants are the owners of and in the actual and peaceable possession of the said land and each and every parcel thereof, and that the title of the Complainants has been duly and justly proven by legal and competent evidence, the Court is of the opinion that the Complainants are entitled to the relief prayed for.

ents, Carl Fraenk, Anna Fraenk, Garfield Home No. 14, UHO, a Corporation,

Elberta Turpentine Company, L. W. Brannan Sr., L. W. Brannan, Jr., J. F.

International Paper Company, a Corporation,

Kelly Company, Inc., a Corporation, the unknown heirs, devisees, grantees,

personal representatives and assigns of each of them, separately and sever
ally, and any and all other persons, firms, or corporations claiming any

title to, interest in, lien or encumbrance upon said land, or any part or

parcel thereof, in Baldwin County, Alabama, to-wit:

Northwest quarter of Northwest quarter of Section 33, Township 7 South, Range 6 East.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the full fee simple title to the said land in Baldwin County, Alabama, to-wit:

Northwest quarter of Northwest quarter of Section 33, Township 7 South, Range 6 East,

is vested absolutely in the Complainants, Jim Simpson and Anna Simpson.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama, in the direct index in the names of Carl Fraenk, Anna Fraenk, Garfield Home No. 14, UHO, a Corporation, Elberta

Turpentine Company, L. W. Brannan Sr., L. W. Brannan, Jr., International Paper Company, a Corporation, J. F. Kelly Company, Inc., a Corporation, and in the indirect index in the names of Jim Simpson and Anna Simpson.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register shall within 30 days from the rendition of this decree, file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama, for record and that the cost thereof be taxed in the cost of this cause.

IT IS FURTHER ORDERED that the Complainants pay the cost of this cause, for which execution may issue.

Done at Bay Minette, Baldwin County, Alabama, on this the 31st day of August, 1945.

FM Harl
Judge

JIM SIMPSON, et al,
COMPLAINANTS,

VS.

GARFIELD HOME NO. 14, U.H.O. a Corporation, et al, RESPONDENTS. IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY.

This cause coming on to be heard is submitted upon the original bill of complaint of the Complainant and the demurrers thereto of the Respondents, and it appearing to the Court that the Respondents have been given due and legal notice as required by law.

It is the opinion of the Court that the demurrers are not well taken and should be over-ruled.

IT IS THEREFORE ORDERED, ADJUGED AND DECREED by the Court that the demurrers of the Respondents to the original bill of complaint be, and they are hereby over-ruled.

IT IS FURTHER ORDERED that the Respondents be, and they are hereby given <u>30</u> days in which to file further pleadings if they so see fit.

Dated at Monroeville, Alabama, this the 21st day of July, 1945.

Mare_ Judge JIM SIMPSON, and ANNA SIMPSON COMPLAINANTS

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

VS

CARL FRAENK, ET AL RESPONDENTS IN EQUITY.

It having been made to appear in the above cause by
the affidavit of Hubert M. Hall that Carl Fraenk and Anna Fraenk are non-residents
of the State of Alabama, their address being 3457 West 58th Street, Cleveland, Ohio;
and the Garfield Home No. 14 U. H. O, a corporation, is a non resident of the
State of Alabama, its office being 3236 West 25th Street, Cleveland, Ohio; and
that if the said Carl Fraenk or Anna Fraenk, or either of them, be dead, then their
unknown heirs, devisees and Grantees are non-residents of the State of Alabama,
and that their address is unknown; that Jim Simpson and Anna Simpson swin in
fee simple the following described land in Baldwin County, Alabama, to-wit:

Northwest Quarter of the Northwest Quarter of Section 33, Township 7 Sputh Range 6 East

having acquired the same by purchase from W. H. Neal and Bertie Olla Neal, his wife, by deed dated May 15th, 1944; that title to said lands stands on the records in the Probate office of Baldwin County, Alabama, in the name of Jim Simpson and Anna Simpson; that no person is known to have paid taxes on said land or to have been in possession of said lands or any part thereof within ten years next preceding the filing of this bill of complaint except Jim Simpson and Anna Simpson and those throug whom they claim by mesne conveyances.

It is further ordered, and notice is hereby given, that said Respondents Carl Fraenk, Anna Fraenk, if they be living or if they be dead, their heirs, devisees, grantees, Garfield Home No. 14 U. H. O., a corporation, and any other person, firm or corporation claiming any title to, interest in, clien or encumbrance upon the said land herein described in Baldwin County or any part thereof, appear in this court and answer or demur to the bill of complaint in this cause filed on or before the 28th day of June, 1944, and upon their having failed to do so at the expiration of thirty days from said date, this cause shall be at issue.

It is further ordered that this order and notice be published

whose name 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 said conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 15th.day of May 1984

Notary Public, Baldwin County, Alabama.

THE STATE OF ALABAMA, Baldwin County.

Circuit Court of Baldwin County, Alabama (In Equity)

		JI	M SIMPSON	[.et al		Cor	nplainant	
				VS.				
		GARFIELD	HOME NO.	14, UHO	, A Gorp.	, et al	Respondent	
I,	Lillian	Patterson	<u> </u>					
as Wegister x	and Com	missioner _						
have called	and cause	d to come	before me	Jim	Simpson,	and Huber	t M. Hall	
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in Bay Wi	<u>inette</u>	, A	labama, an	d having	first swor	n said Wit	ness es to sp	eak the
							on and Hubert	
<u>Hall.</u>								
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My name is Jim Simpson. I am over twenty-one years of age. I am the joint owner with my wife, Anna Simpson, of the following described land in Baldwin County, Alabama, to-wit:

Northwest quarter of the Northwest quarter of Section 33, Township 7 South, Range 6 East.

We acquired title to said land by purchase from W. H. Neal, and Bertie Olla Neal, by deed dated May 15, 1944, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on May 24, 1944, and of record therein in Deed Book 85 NS, pages 105-6. The title to the said land stands upon the records of Baldwin County, Alabama, in the names of Jim Simpson, and Anna Simpson. There is no suit pending to test their title to, interest in, or rights of possession to said lands. The taxes on the land for the past 10 years have been regularly and annually paid by the Complainants, G. C. Coggins, L. W. Brannan, Jr., and L. W. Brannan, Sr., through whom the Complainants hold by mesne conveyances. There is about 20 acres of the land cleared, which is the W2, and the other part is in timber. Immediately we bought the property we went into the possession of the same and have been in possession continuously until this time. The original deed from W. H. Neal and wife is offered as evidence and marked Exhibit "A".

James Singson

Hubert M. Hall, a witness for the Complainant being first duly sworn, deposes and says:

I am one of the Solicitors of Record of the Complainant in this cause. I have carefully examined the records in the Court House of Baldwin County, Alabama, and also made inquiry of various parties at Elberta and Lillian, in Baldwin County, Alabama, and also of the Respondent, Carl Fraenk. The facts alleged in the original bill of complaint, with reference to the ages and residences of the several Respondents, are true. The record title to the said property now stands in the names of Jim Simpson, and Anna Simpson.

Thukus m Hace

5-25-44

JIM SIMPSON AND ANNA SIMPSON COMPLAINANTS

VS.

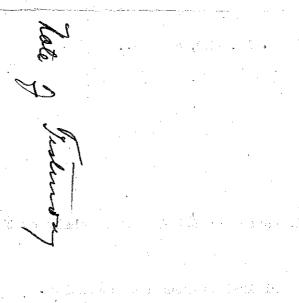
CARL FRAINK, BENALL Curia Freenk RESPONDENTS.

LIS PENDENS NOTICE.

Recorded Chief Charlook Privilege Tax has been paid. Filed MAY 25 1944 STATE OF ALABAMA, BALDWIN COUNT

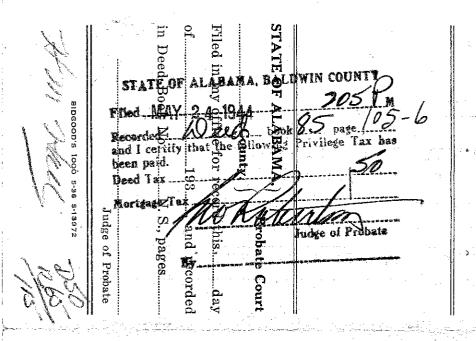
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TOQUIT CLAIM DEED

I, <u>Lillian Patterson</u>	 ,	as Registerond	Commissioner	hereby certify
that the foregoing depositions—on Ora	ıl Examinatio	on was taken do	wn by me in wri	ting in the words
of the witnesses and read over to myself		and they sign	A Committee of the Comm	n the presence of
at the time and place herein mention	oned; that I	have personal k	nowledge of pe	rsonal identity of
said witnesses or had proom made l	before me of	the identity of s	aid witnessas	; that I am not of
counsel or of kin to any of the parti	es to said ca	ause, or any mann	er interested in	the result thereof
I enclose the said Oral Examina	tion in an ei	nvelope to the R	egister of said	Court.
Given under my hand and seal, t	his 30th	-day of Aug	ust	, 194 <mark>5</mark>
	· · ·	Tillia	n Patte	(L. S.)

, Register.	Vol. ———— Record	Recorded in	Filed 31-7, 1945. Register.	Oral Deposition	Respondent.	vs. Comptainant			IN CIRCUIT COURT, IN EQUITY.	THE STATE OF ALABAMA BALDWIN COUNTY	NO 1124 PAGE	
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Publisher.

ME BALDWIN ALABAMA'S BEST COUNTY'S- MESS BEST NEWSPAPER

BAY MINETTE, ALABAMA

NOTICE TO NON - RESIDENTS	AFFIDAVIT OF PUBLICATION
IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA	STATE OF ALABAMA,
IN EQUITY Lim Simpson, and Arna Simpson,	BALDWIN COUNTY.
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M. C. H. S. M. Carl Fraenk and Anna J. Fraenk artenon residents of the state of	lished at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of
t Alabama, their address being 3457 West	
#5601 Sereet's Cleveland Obio; and the Garfield Home No. 14 U.H.O. a cor- sporation is a non-resident of the State	Notice to Non- Resident
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Jim Simpson Lad Anna Simpson; that Inchor: on its known to have paid taxes	
onesald land or to have been in pos- session of said lands or any part thereof	465 WORDS @ 4/2 cents \$20.93
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date this course shall be at issue	Date of 2nd publication , 194 / Vol. 5 No. / O
Title further ordered that this order	Date of 3rd publication 8 , 194 7 Vol 55 No. 19
and notice be published in the Baldwin Trines cwspaper published at Bay addresse Baldwin County Mahama	Date of the publication
Ministre Baldwin County Transma. Oncolarweek for four successive weeks. Same Witness WHEREOF, I. B. S.	Date of 4th publication June 15 , 1947 Vol. 55 No. 70
DEEK Ras Register, have hereunto set	
ning hand and seal on this the 25th	Subscribed and sworn before the undersigned thisday of 194
R.S. DUCK, Register of the Circuit Court of Baldwin County	
Alabama 17-4te	
Les Control of the Co	Notary Public, Baldwin County.
	Notary Public, Baldwin County.

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GARFIELD HOMES, NO. 14, UHO, a Corp., et al Defendant— In this cause it appears to the Register R. S. Duck, that the order of publication theretofore made in this cause, was published for four consecutive weeks, commencing on the 25th day of May 1944, in the Baldwin Times a newspaper publish in Bay Minette. Alabama, that a copy of said order was posted at the Court House do in Baldwin County, on the day of May 1944 And it now further appearing to the Register R. S. Duck that the said Carl Fraenk, Garfield Home No. 14, UHO, A Gorp. Elberta Turpenti Company, L. W. Brannan, Sr., L. W. Brannan, Jr., International Paper Company, a Corporation, J. F. Kelly Company, Inc., a Corporation, that the Bill of Complainants—, ordered and decreed by the Register R. S. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken that the Bill of Carl Fraenk, Anna Fraenk, Garfield Home No. 14, UHO, a Co Elberta Turpentine Company, L. W. Brannan, Sr., L. W. Brannan, Jr., J. F. Kell Company, Inc., a Corporation International Paper Company, a Corporation	BALDWIN CO	No		, Ter:	m, 19
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This 27 day of Aug 19 Register					

ROCKUL

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Vs.

Vs.

Vs.

Register.

Recorded in Page

Register.

	JIM SIMPSON, et al Complainant, In the Circuit Court.
Vs.	CARL FRAENE, et al In Equity No.——.
4	Respondent.
	DECREE PRO CONFESSO ON PERSONAL SERVICE.
	In this cause, it appears to the Register, that service was had on the Respondent
	J. F. Kelly, Company, a Corporation,
by t	he Sheriff of Mobile County, on the 29th day of May,
194 4	 -
	And it further appears to the Register, that the said
J	• F. Kelly Company, a Corporation
	, the Respondent—, having to the date hereof,
faile	d to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,
on r	notion of Beebe & Hall Solicitors
	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-

RECORDED

No	1134
110	

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY

Complainant,

 v_{s}

Respondent.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

Issued this 13 day of Qua

Register.

8601.

THE STATE OF ALABAMA, }	CIRCUIT COURT, IN	EQUITY
BALDWIN COUNTY	0	
·		
JIM SIMPSON,	, et al	Complainant
	Vs.	
GARDIELD HOMES, N	10. 14, UHO, a corp., et al	Defendant
Motion is hereby made for a Decree Pro Confesso Garfield Home, No. 14, UHO, a Corpora		
in the annexed stated cause, on the ground that m	ore than thirty days have elapsed	since the perfection y due proof to the
Court that said Defendant is a non-resident of the demur to the Bill in this cause, to the date hereof.		o answer, preda or
This day of		- 0
746 Code	By:	Solicitor.

THE STATE OF BALDWIN C	- >	No	Circ	uit Court, In Equity.
ŧ	JIM SIMPSON,	et al,		——— Complainant——
		Vs.		
	CARL FRAENK,	et al,		Defendant
Motion is hereby made for	a Decree Pro Confes	so against	J. F. Kelly	Company, a Corp.,
	· · · · · · · · · · · · · · · · · · ·			Defendant
in the above stated cause, upon said Defendant——; Defendant——ha faile	; and that said summ	ions was duly	served according	
This	day of	Bee	le orter	e Solicitor.

BALDWIN COUNTY)	TERM, 1944_
TO ANY SHERIFF OF THE STATE OF ALABAMA:	
	. *
You are hereby commanded to summon Carl Fraenk, Anna Fraenk, Garfield Home No. 14 U.H.O. Elberta Turpentine Co.	· · · · · · · · · · · · · · · · · · ·
L W Brannan. Br, L W Brannan. Jr, International. Paper	Company a Cor
	· · · · · · · · · · · · · · · · · · ·
and JF Kelley Company a Corp.	
to appear and plead, answer or demur, within thirty days from the service hereof, to the	1e Complaint filed in
	1e Complaint filed in
to appear and plead, answer or demur, within thirty days from the service hereof, to the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, againstarl Fraenk. Anna Fraenk, Garfield Home No 14 U H O. lberta Turpentine Co. L W Brannan. Sr., L W Brannan; Jr.	A STATE OF THE STA
to appear and plead, answer or demur, within thirty days from the service hereof, to the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, againstarl Fraenk. Anna Fraenk, Garfield Home No 14 U H O. lberta Turpentine Co. L W Brannan. Sr, L W Brannan; Jr. ernational Paper. Co. a Corp, J F Kelley Co a Corp,	L. C.
to appear and plead, answer or demur, within thirty days from the service hereof, to the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, againstarl Fraenk. Anna Fraenk, Garfield Home No 14 U H O. lberta Turpentine Co. L W Brannan. Sr., L W Brannan; Jr.	, Neverta nt
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No. 1126	EGORDED Page
The State of BALDWIN C	
CIRCUIT COUR	T, IN EQUITY
	· .
Vs.	
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Motion for Decree Personal	
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No.	Register.

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Register.

Moore Printing Co., Bay Minette, Ala,

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The State of Alabama, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Complainant-۷s.

Defendant-

Motion for Decree Pro Confesso

on Publication

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Register.

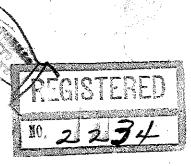
Moore Printing Co., Bay Minette, Ala.

After Five Days Return To

R. S. DUCK

CLERK CIRCUIT COURT, BALDWIN COUNTY

Bay Minette, Ala.



RETURN RECEIPT REQUESTED.

Deliver to Addressee Only
ANNA FRAENK.
3457 West, 58th Street

3457 West, 58th Street. Cleveland. Ohio.

Designation.

CONTROLLING



REGISTERED.

DELIVER ONLY TO PERSON TO WHOM ADDRESSED.

After Five Days Return To

R. S. DUCK

CLERK CIRCUIT COURT, BALDWIN COUNTY

Bay Minette, Ala.

99 982



Deliver to Addressee Only

GARFIELD HOME, NO.14 U.H.C. 3256 West 25th Street.

Cleve fand Ohio.

REGISTERED.

DELIVER TO ADDRESSE ONLY

RETURN RECEIPT. REQUESTED

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THE STATE OF ALABAMA. No. 1700	CIRCUIT COURT	BALDWIN COUNTY
BALDWIN COUNTY No.	1400	TERM, 194
TO ANY SHERIFF OF THE STATE OF ALABAMA		11/1/11/11
You are hereby commanded to	ing <u>site. Arme Fra</u> Journald, A star	
J F Folley Company, a Corporation.		
to appear and plead, answer or demur, within thirty days the Circuit Court of Baldwin County, State of Alabama, at	Bay Minette, against	Copl Phanic
Jin Dimpon. and Ama Dimpon.		CONCEPĂBGEC:
Witness my hand this day of	RAD	194

THE STATE OF ALABAM	A. No. 1386 CIRCUIT COURT BALDWIN COUNTY
BALDWIN COUNTY	
TO ANY SHERIFF OF THE STAT	E OF ALABAMA:
14	
	ummon Carl Fraenk, Anna Fraenk,
field Home No.14 U.H.O	Elberta Turpentine Co. L W Brannan, Sr.
W Brannan Jr., Internati	ional.Paper Company, a Corporation,
$\mathbf{V}'\mathcal{D}_{\ell}$	
R ACTICY COmpany; a cort	poration.
the Circuit Court of Baldwin County. St	
nna ^F raenk, Garfield Mohne W Brannan Sr, L W Brannan nd J ^F Kelley Co. a ^C opp,	ate of Alabama, at Bay Minette, against <u>Carl Fraenk</u> No 14. U.H.O Elberta Turpentine Co. I. Jr. International Paper Co A Compadant Respondants
ma ^F raenk, Garfield Mohne W Brannan Sr, L W Brannan d J ^F Kelley Co. a ^C opp,	No 14. U.H.O Elberta Turpentine Co. n. Jr. International Paper Co A Compedant
nna ^F raenk, Garfield Mohne W Brannan Sr, L W Brannan nd J ^F Kelley Co. a ^C opp,	No 14. U.H.O Elberta Turpentine Co. n. Jr. International Paper Co A Compedant Respondant:
nna Fraenk, Garfield Mohne W Brannan Sr, L W Brannan nd J F Kelley Co. a Copp, by	No 14. U.H.O Elberta Turpentine Co. n. Jr. International Paper Co A Compedant Respondant:
nna ^F raenk, Garfield Mohne W Brannan Sr, L W Brannan ad J ^F Kelley Co. a ^C opp,	No 14. U.H.O Elberta Turpentine Co. I. Jr. International Paper Co A Compadant Respondent: Simpson. Complement:
nna Fraenk, Garfield Mohne W Brannan Sr, L W Brannan nd J F Kelley Co. a Copp, by Jim Simpson. and Anna S	No 14. U.H.O Elberta Turpentine Co. I. Jr. International Paper Co A Compadant Respondent: Simpson. Complement:

RETURN RECEIPT

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