



M. Ballard, J. A. Ward, Jr., James Ward, Jr., F. Epstein, Fred Epstein, Sol Epstein, Jerome Epstein, the heirs and devisees of such of the said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof or any interest therein and any and all claim or claims of the said Respondents or any of them are hereby adjudged and decreed to be invalid, groundless and of no effect.

2. That a certified copy of this Decree be by the Register of this Court within thirty days from the rendition hereof filed in the office of the Judge of Probate of Baldwin County, Alabama and the expense of such recording is hereby taxed as a part of the costs of this proceeding.

3. The Judge of Probate of Baldwin County, Alabama shall record the said certified copy of this Decree in the same book and manner in which deeds are recorded and shall index the same in the Direct Index in the names of M. Ballard, J. A. Ward, Jr., James Ward, Jr., F. Epstein, Fred Epstein, Sol Epstein and Jerome Epstein, and shall index the same in the Indirect or Reverse Index of the said records in the name of Mae Hurley.

4. The title hereby decreed to be in the said Complainant, Mae Hurley, shall inure respectively to the benefit of all persons who derive title to the said lands or any part thereof or any interest therein from and through the said Complainant.

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

ORDERED, ADJUDGED AND DECREED this 1<sup>st</sup> day of March, 1945.



Judge.

*Filed this  
the 28th day of  
February, 1945  
R. H. Little  
Register*

**THE STATE OF ALABAMA,**  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

MAE HURLEY

Complainant

VS.

CERTAIN LANDS AND M. BALLARD, et als,

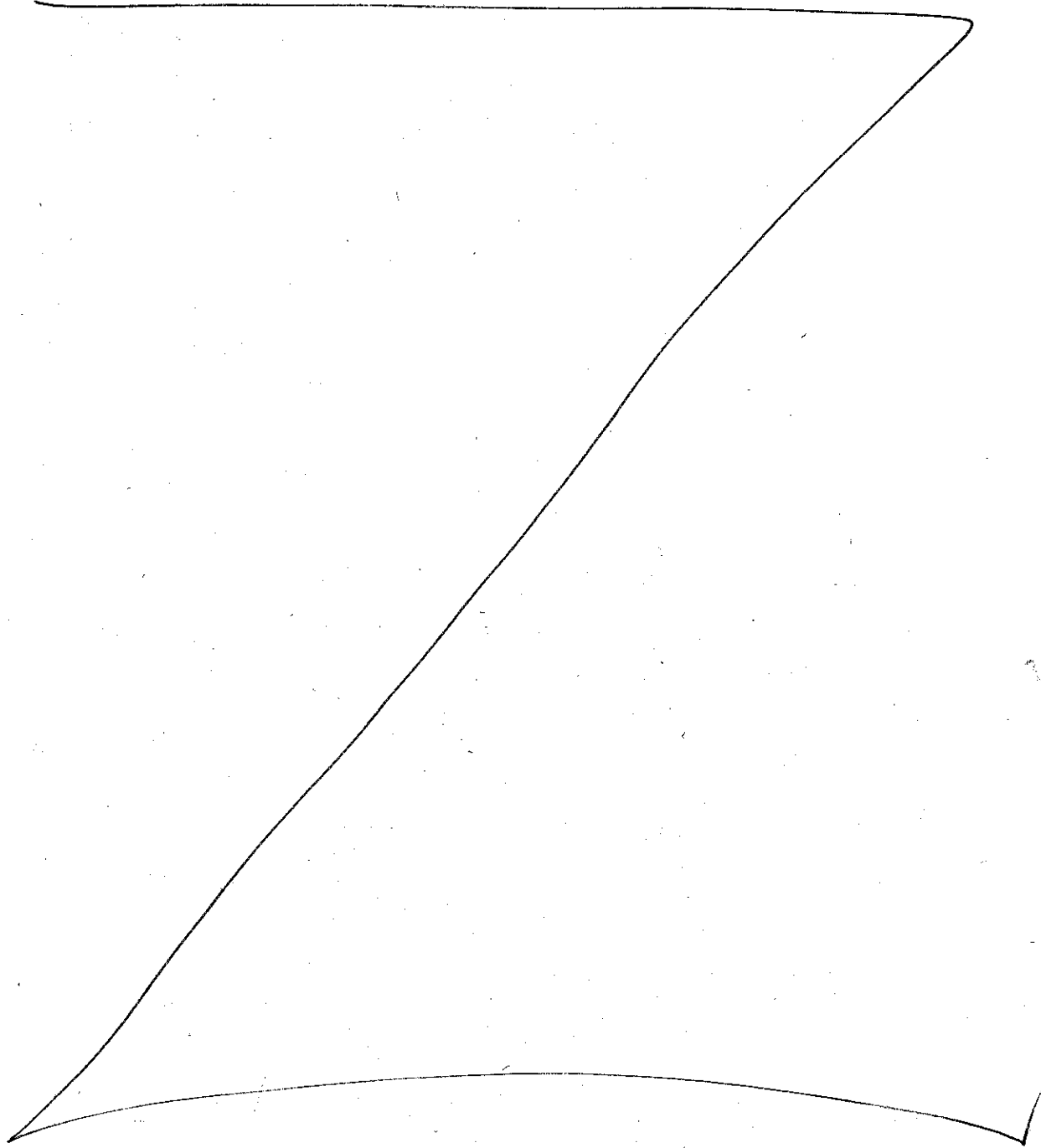
Respondent

I, Ora S. Nelson

as ~~Register and~~ Commissioner

have called and caused to come before me Mae Hurley, A. D. Stapleton and  
Jim Stapleton

witnesses named in the Requirement for Oral Examination, on the 25th day of November  
1944, at the office of J. B. Blackburn  
in Bay Minette, Alabama, and having first sworn said Witnesses to speak the  
truth, the whole truth, and nothing but the truth, the said Mae Hurley, A. D. Stapleton  
and Jim Stapleton doth depose and say as follows:



#### TESTIMONY OF MAE HURLEY

My name is Mae Hurley. I am over twenty-one years of age and a resident of Baldwin County, Alabama, where I have resided all of my life. I am the widow of H. H. Hurley, who died on May 28, 1944 and who shortly before his death, conveyed to me the Southwest Quarter of the Southwest Quarter and the South Half of the Northeast Quarter of the Southwest Quarter of Section 8, Township 5 South Range 3 East, in Baldwin County, Alabama. The original deed is dated May 20, 1944 and is recorded in Deed Book 85 N. S. at pages 116-17, and is attached to my testimony as Exhibit "1".

From the time of my husband's death up to the time this suit was filed I made a diligent effort to ascertain the names, ages and addresses of all of the parties named as Respondents in this suit and to determine if they or any one else were making any claim to the lands involved in this suit. This continued over a long period of time. I had an examination made of the records at the Court House in Bay Minette, Alabama in the offices of the Probate Judge, Tax Assessor and Tax Collector. I made many inquiries in the community where the lands are located and was unable to find or get any information about the said parties or any of them except as is described in the Bill of Complaint which I filed in this suit.

I claim to own the lands against which this suit is brought, namely the Southwest Quarter of Southwest Quarter and the South Half of the Northeast Quarter of the Southwest Quarter of Section 8, Township 5 South Range 3 East in Baldwin County, Alabama in my own right absolutely and in fee simple. I, together with H. H. Hurley through whom I claim title to the said property, have held color of title and have been in the actual, peaceable, continuous and undisputed possession of the Southwest Quarter of the Southwest Quarter of Section 8, Township 5 South Range 3 East in Baldwin County, Alabama, for more than eleven consecutive years next preceding the filing of this Bill of Complaint and my husband, under whom I claim title, did, during his lifetime, regularly assess the property for taxation and paid the taxes that were due thereon in his lifetime. I will pay the taxes assessed against the property for the year 1944. I, together with my husband, through whom I claim title to the South Half of the Northeast Quarter of the Southwest Quarter of Section 8, Township 5 South Range 3 East, in Baldwin County, Alabama, have held color of title thereto and have been in the actual, peaceable, continuous and undisputed possession thereof for more than seven years next preceding the filing of this Bill of Complaint, during all of which said period of time the property was regularly assessed for taxation to my husband, who paid the taxes due thereon during his lifetime and I will pay the taxes for 1944 which are now assessed to him.

No suit is pending to test my title to the property, my interest in it or my right to the possession thereof. As stated above I claim to have the absolute, fee simple title to the said property and all of it stands upon the records in the Probate Court of Baldwin County, Alabama, the county where the lands are situated, in my name and no person, firm or corporation other than I, and my husband through whom I claim title, has at anytime within more than eleven years next preceding the filing of the Bill of Complaint in this suit, paid any taxes on the Southwest Quarter of the Southwest Quarter of Section 8, Township 5 South Range 3 East, in Baldwin County, Alabama, or any part thereof or any interest therein, nor has any person, firm or corporation other than my husband and I, had any possession of the said lands or any part thereof. No person or persons are known to me to claim the said land or any part thereof or any encumbrance thereon. No person, firm or corporation except my husband and me, have at anytime within more than seven years next preceding the filing of the Bill of Complaint in

this cause paid any taxes on the South Half of the Northeast Quarter of the Southwest Quarter of Section 8, Township 5 South Range 3 East in Baldwin County, Alabama or had any possession of the said property or any part thereof.

I claim title to the Southwest Quarter of the Southwest Quarter of Section 8, Township 5 South Range 3 East in Baldwin County, Alabama by and through the following instruments of writing, all of which are recorded in the probate office of Baldwin County, Alabama, the county where the lands are situated:

1. Patent, United States of America to Hiram O. McGill, as Assignee of Thomas S. Robbins, dated October 10, 1860 and recorded in Deed Book 34 N. S. at pages 22-3, Baldwin County Records, certified copy of which is attached to my testimony and marked as Exhibit "2" thereto.
2. Tax Deed, State of Alabama to H. H. Hurley, dated August 4, 1933 and recorded in Deed Book 55 N. S. at pages 85-6, Baldwin County Records, the original of which deed is attached to my testimony and marked Exhibit "3" thereto.
3. Deed, H. H. Hurley to Mae Hurley dated May 20, 1944, recorded in Deed Book 85 N. S. at pages 116-17, Baldwin County Records, which has already been introduced in evidence in this cause and which is marked Exhibit "1" to my testimony.

I claim the absolute, fee simple title to the South Half of Northeast Quarter of Southwest Quarter of Section 8, Township 5 South Range 3 East in Baldwin County, Alabama by and through the following instruments of writing, all of which are recorded in the probate office of Baldwin County, Alabama, the county where the lands are situated:

1. Patent, United States of America to Hiram O. McGill, a certified copy of which has already been introduced in evidence in this cause.
2. Tax Deed, G. W. Robertson, Judge of Probate, to H. H. Hurley dated October 13, 1936 and recorded in Deed Book 60 N. S. at pages 302-3, Baldwin County Records, the original of which is attached to my testimony and marked as Exhibit "4" thereto.
3. Tax Deed, G. W. Robertson, Probate Judge, to R. M. Mahler dated December 31, 1937 and recorded in Deed Book 64 N. S. at page 58, a certified copy of which is attached to my testimony and marked as Exhibit "5" thereto.
4. Will of R. M. Mahler, Deceased, recorded in Book D of Wills at pages 204-5, Baldwin County Records, a certified copy of which is attached to my testimony and marked Exhibit "6" thereto.
5. Deed, H. H. Hurley to me dated May 20, 1944 and recorded in Deed Book 85 N. S. at pages 116-17, Baldwin County Records, which has already been introduced in evidence in this suit.
6. Deed, Edward W. Walthall, unmarried, to me, dated June 9, 1944 and recorded in Deed Book 85 N. S. at page 232, the original of which is attached to my testimony and marked as Exhibit "7" thereto.
7. Deed, Anna C. Mahler, a Widow, to me dated August 29, 1944 and recorded in Deed Book 86 N. S. at pages 29-30, the original of which is attached to my testimony and

TESTIMONY OF JIM STAPLETON

My name is Jim Stapleton. I am over twenty-one years of age and a resident of Baldwin County, Alabama. I live near the Southwest Quarter of Southwest Quarter and South Half of Northwest Quarter of Southwest Quarter of Section 8, Township 5 South Range 3 East in Baldwin County, Alabama and have lived near the said property all of my life. I was closely associated with Mr. H. H. Hurley from the time he acquired all of this property up until the time of his death and was often on the land with him.

Immediately after Mr. H. H. Hurley purchased the Southwest Quarter of the Southwest Quarter of Section 8, Township 5 South Range 3 East in Baldwin County, Alabama, in August, 1933, he fenced the property and later cleared and cultivated it. This tract of land has been under fence and has been in the actual, open, notorious, hostile, exclusive, continuous and peaceable possession of H. H. Hurley from the time he purchased it in 1933 until the time of his death in 1944. Since his death the said property has been in the actual possession of Mrs. Mae Hurley, during all of which time the said parties have claimed to own it.

Mr. H. H. Hurley regularly assessed and paid taxes on the said property during all of said period of time.

The South Half of Northwest Quarter of Southwest Quarter of Section 8, Township 5 South Range 3 East was purchased by Mr. Hurley in October, 1936. He immediately went into possession of this property, turpentine the timber on it, cut and removed timber therefrom and kept trespassers off of this property continuously from the time he purchased the property up until the time of his death. He made every available use of this tract of land and was in the actual, open, notorious, hostile, exclusive, continuous and peaceable possession of it from the time of his said purchase up to the time of his death and the said property has been in the possession of Mrs. Mae Hurley continuously from the death of H. H. Hurley up to the present time and during all of which said period the said parties have claimed to own the said property. H. H. Hurley regularly assessed and paid taxes on the property during the said period of time.

*Jim Stapleton*

STATUTORY WARRANTY DEED

Copy

Exhibit "1" to Testimony of Complainant.

Ora S. Nelson

Commissioner

STATE OF ALABAMA |
BALDWIN COUNTY |

THIS INDENTURE, made and entered into on this the 20th day of May, 1944, by and between H. H. Hurley, hereinafter referred to as the party of the first part, and Mae Hurley, the wife of the party of the first part, hereinafter referred to as the party of the second part, WITNESSETH:

The party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration to him this day in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has GRANTED, BARGAINED AND SOLD and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part the following described property situated in Baldwin County, Alabama, to-wit:

Southwest Quarter of Southwest Quarter; South Half of Northeast Quarter of Southwest Quarter and Northwest Quarter of Southwest Quarter of Section Eight (8); Southeast Quarter of Northwest Quarter of Section Sixteen (16); South Half of Southeast Quarter of Section Nineteen (19), all in Township Five (5) South Range Three (3) East.

Intending to describe and there is hereby conveyed all real property owned by the party of the first part, regardless of whether the said property is correctly described herein.

TO HAVE AND TO HOLD, unto the said party of the second part, her heirs and assigns, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and affixed his seal on this the day and year first above written.

Witness:
J.B.Blackburn
C. C. Huxford

His
H. H. x Hurley (SEAL)
Mark

STATE OF ALABAMA |
BALDWIN COUNTY |

I, J.B.Blackburn, a Notary Public, within and for said County in said State, hereby certify that H. H. Hurley, 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 conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 20th day of May, 1944.

J. B. Blackburn

Notary Public, Baldwin County, Alabama.

Notary Seal affixed.

*Exhibit 2 to Testimony  
of Complainant  
Gen. J. Nelson  
Commissioner*

THE UNITED STATES OF AMERICA.

E.

To all to whom these presents, shall come, greeting:

WHEREAS, in pursuance of the Act of Congress, approved March 3, 1855, entitled "An Act in addition to certain Acts granting Bounty Land to certain Officers and Soldiers who have been engaged in the military service of the United States," there has been deposited in the General Land Office, Warrant No. 72,649 for 120 acres, in favor of Thomas S. Robbins Private, Captain McQueen's Company New York Militia War of 1812, with evidence that the same has been duly located upon the East half of the South east quarter and the South west quarter of the South west quarter of section Eight in Township Five South of Range Three East in the District of Lands subject to sale at St. Stephens Alabama, Containing one hundred and Nineteen acres and Fifty Two hundredths of an acre, according to the General Land Office by the surveyor general, the said warrant having been assigned by the said Thomas S. Robbins to James B. Cooper and by him to Hiram O. McGill in whose favor the said tract has been located.

Now Know Ye, That there is therefore granted by the United States unto the said Hiram O. McGill, as assignee as aforesaid and to his heirs the tract of Land above described; To have and to hold the said tract of land, with the appurtenances thereof, unto the said Hiram O. McGill, as assignee as aforesaid and to his heirs and assigns forever.

In testimony whereof, I James Buchanan President of the United States of America, have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, the Tenth day of October in the year of our Lord One thousand Eight Hundred and Sixty, and of the Independence of the United States the Eighty fifth.

By the President: James Buchanan  
By J.A.B. Leonard Sec'y  
J.N. Grenger, Recorder of the General  
Land Office.

1095502 (L.S.)

(Great Seal.)

Washington D.C. Jun. 21, 1923.  
I hereby certify that this photograph  
is a true copy of the patent record  
which is in my custody in this office.  
M.P. LeRoy, Recorder.

Filed for record July 3rd, 1923. at 9 A.M.

Recorded July 3rd, 1923.

G.L. Lambert Judge of Probate.

The State of Alabama, } Probate Court.  
County of Baldwin. }

I, W. R. Stuart, Judge of Probate and Custodian of the Records and Files thereof in and for said State and County, do hereby certify that the above and foregoing is a true, correct and complete copy of an instrument of writing as the same appears of Record in Deed Record 34, at pages 22 and 23, now on file in the office of Judge of Probate of Baldwin County, Alabama.

Witness my hand and the seal of the Probate Court of Baldwin county, Alabama, this 11th day of December, A.D., 1944.

*W. R. Stuart*  
Judge of Probate.



THE STATE OF ALABAMA

Copy  
Exhibit "3" to Testimony of  
Complainant.

KNOW ALL MEN BY THESE PRESENTS:

Ora S. Nelson  
Commissioner

THAT WHEREAS, on 22nd day of April, A.D. 1929, the Probate Court of Baldwin County rendered a decree for the sale of lands hereinafter described and conveyed, for the payment of State and County taxes then due from James Ward, Jr, the owner of said lands, and for the payment of the fees, costs, and expenses of and under said decree, and the sale had in execution thereof.

AND WHEREAS, thereafter, to-wit, on the 27th day of May, 1929, under in pursuance of said decree, said lands were regularly offered for sale by the Tax Collector of Baldwin County for said taxes, fees, costs, and expenses, and no person having bid a sufficient sum for said lands to pay the same, said lands were bid in for the State for the sum of said taxes, fees, costs, and expenses.

AND WHEREAS, the time allowed by law for the redemption of said lands has elapsed since said sale, and the same not having been redeemed, the title thereto under said sale is still in the State.

AND WHEREAS, said lands having been entered upon the books of the State Tax Commission, and the State Tax Commission of the State of Alabama, with the approval of the Governor, has fixed the price of said land, and ascertained that the sum of One hundred ten and no/100 (\$110.00) Dollars is sufficient to cover and satisfy all claims of the State and County against said lands for or on account of taxes, interest, fees, and costs, and officers' fees which were due upon or have accrued against said lands, as provided for by law.

AND WHEREAS, application has been made to the State Tax Commission of the State of Alabama by H. H. Hurley to purchase said lands, and said sum of One hundred ten and no/100 (\$110.00) Dollars therefor has been paid into the State Treasury.

NOW THEREFORE, The State Tax Commission of the State of Alabama, by virtue of and in accordance with the authority in it vested by law, with the approval of the Governor of Alabama, and in consideration of the premises above set out, has this day granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, and convey unto the said H. H. Hurley, without warranty or covenant of any kind on the part of the State, express or implied, all right and title of the State of Alabama in and to said lands described as follows:

SW $\frac{1}{4}$  of SW $\frac{1}{4}$  Sec. 8 Tp. 5-S R. 3-E.

lying and being situate in said County and State, to have and to hold the same, the said right and title of the State in the lands aforesaid, unto H. H. Hurley and his heirs and assigns forever.

In testimony whereof I have hereunto set my hand and seal this the 4th day of August, 1933.

Approved

STATE TAX COMMISSION OF ALABAMA,

By B. M. Miller  
Governor.

By S. R. Butler  
State Tax Commissioner.

THE STATE OF ALABAMA, MONTGOMERY COUNTY.

I, Julia Klinge, a Notary Public and for said County, in said State, hereby certify that S. R. Butler, whose name is signed to the foregoing conveyance as State Tax Commissioner, and who is know to me, acknowledged before me on this day that, being informed of the contents of this conveyance, he, in his capacity as such State Tax Commissioner, executed the same voluntarily on the day the same bears date.

Given under my hand this the 4th day of August, 1933.

Julia Klinge, Notary Public.

Judge by H. H. Hurley the purchaser

NOW, THEREFORE, I G. W. Robertson, as Probate Judge, in and for said County, in said State, under and by virtue of the provisions of Section 245 of the Revenue Code of Alabama of 1923, and in consideration of One Dollar, to me paid, have this day granted, bargained and sold, and by these presents do grant, bargain, sell and convey unto H. H. Hurley all the right, title and interest of said Jerome Epstein, Agt. for Sol Epstein and all the right, title, interest and claim of the said State and County on Account of said taxes, or under said decree, in and to the following described land, to-wit:

Exhibit 6 to Testimony of  
Complainant.

*One S. Nelson*  
Commissioner

I, Robert M. Mahler, of the Town of Loxley, County of Baldwin and State of Alabama, do hereby make, publish and declare this to be my last will and testament, that is to say:-

First: I give, devise and bequeath all my property and estate, real and personal, wheresoever, situated, unto my wife, Anna C. Mahler, absolutely.

Second: I hereby constitute and appoint my said wife to be the sole Executrix of this, my Will, and without bond or security. Hereby revoking all former wills by me at any time made.

In Witness Whereof, I have hereunto set my hand and seal, this Second day of November, A.D., 1925.

ROBERT M. MAHLER (Seal)

The foregoing instrument was, on the day of the date thereof signed by the said Robert M. Mahler, in our presence, who, at the time, declared the said instrument to be his Last Will and Testament.

Whereupon, at his request, and in his presence and in the presence of each other, we have signed our names hereto as witnesses to the said Will.

A.C.SMITH,  
CARL L. SCHLICH,  
J.W.RANDALL.

Filed in office of Judge of Probate Court, Baldwin Co., Ala., Mar. 5th, 1938. //

G.W.Robertson, Judge of Probate.  
By J.L.Kessler, Clk.

The State of Alabama, | Probate Court, March 8th, 1938.  
Baldwin County. |

In the Matter of the Estate of Robert M. Mahler, Deceased:  
Present, Hon. G.W.Robertson, Judge of Probate.

Before me, G.W.Robertson, Judge of Probate, in and for said county, personally appeared in open Court, A.C.Smith, who, having been by me, first duly sworn and examined, did depose and say, on oath, that he is a subscribing witness to the instrument of writing now shown to him and which purports to be the last will and testament of Robert M. Mahler, deceased, late an inhabitant of this county, that said Robert M. Mahler, signed and executed said instrument on the day the same bears date, Nov. 2nd, 1925, and declared the same to be his last Will and Testament, and that affiant set his signature thereto on the day the same bears date, as a subscribing witness to the same, in the presence of said Carl L. Schlich and J.W.Randall, and that such other witnesses subscribed their names as witnesses in his presence and in the presence of said Robert M. Mahler. That said Robert M. Mahler was of sound mind and disposing memory, and, in the opinion of the deponent, fully capable of making his will at the time the same was so made as aforesaid. Affiant further states that said Robert M. Mahler, was on the day of the said date of said will of the full age of twenty-one years and upwards.

A.C.SMITH L.S.

Sworn to and subscribed before me this 8th day of March, A.D., 1938.

G.W.Robertson, Judge of Probate.

Filed in office of Judge of Probate Court, Baldwin Co., Ala., Mar. 8th, 1938.

G.W.Robertson, Judge of Probate,  
BY J.L.Kessler, Clk.

The State of Alabama, |  
Baldwin County. |

Probate Court, March 8th, 1938.  
In the Matter of the Estate of  
Robert M. Mahler, Deceased.

Present, Hon. G.W. Robertson, Judge of Probate.

Before me, G.W. Robertson, Judge of Probate, in and for said county, personally appeared in open court Carl L. Schlich, who, having been, by me first duly sworn and examined did depose and say, on oath, that he is a subscribing witness to the instrument of writing now shown to him and which purports to be the last will and testament of Robert M. Mahler, deceased, late an inhabitant of this county, that said Robert M. Mahler, signed and executed said instrument on the day the same bears date, Nov. 2, 1925, and declared the same to be his last will and testament, and that affiant set his signature thereto on the day the same bears date, as a subscribing witness to the same, in the presence of said A.C. Smith and J.W. Randall, and that such other witness subscribed their names as witnesses in his presence and in the presence of said Robert M. Mahler. That said Robert M. Mahler was of sound mind and disposing memory, and, in the opinion of the deponent, fully capable of making his will at the time the same was so made as aforesaid. Affiant further states that said Robert M. Mahler was on the day of the said date of said will of the fullage of twenty-one years and upwards.

Sworn to and subscribed before me  
this 6th day of March, A.D., 1938.

CARL L. SCHLICH, L.S.

G.W. Robertson, Judge of Probate.  
By J.L. Kessler, Clk.

76 State of Alabama, |  
Baldwin County. |

I, G.W. Robertson, Judge of the Court of Probate, in and for said County and State, do hereby certify, that the within instrument of writing has this day, in said Court, and before me, as the Judge thereof, been duly proven, by the proper testimony, to be the genuine Last Will and Testament of Robert M. Mahler, Deceased; and that said will together with said proof thereof, have been recorded in my office, in Book of Wills D. at pages 204 and 205.

In Witness of all which, I have hereto set my hand, and the seal of the said Court, this 8th day of March, A.D., 1938.

(Seal)

G.W. Robertson, Judge of Probate.))

The State of Alabama, | Probate Court.  
County of Baldwin. |

I, W. R. Stuart, Judge of the Probate Court and Custodian of the Records and Files thereof, in and for Baldwin County, State of Alabama, do hereby certify that the above and foregoing is a true, correct and complete copy of the last will and testament of Robert M. Mahler, Deceased, Proof thereof and Certificate of Record, as the same appears of record in Record of Wills D. at pages 204 and 205, now on file in the office of Judge of Probate of Baldwin County, Alabama.

Witness my hand and the seal of the Probate Court of Baldwin County, Alabama, this the 1st day of December, A.D., 1944.

*W.R. Stuart*  
Judge of Probate.

QUIT CLAIM DEED

Copy  
Exhibit "7" to Testimony of  
Complainant.  
Ora S. Nelson  
Commissioner

STATE OF ALABAMA

BALDWIN COUNTY

THIS INDENTURE, made and entered into on this the 9th day of June, 1944, by and between Edward W. Walthall, unmarried, hereinafter referred to as the party of the first part, and Mae Hurley, hereinafter referred to as the party of the second part, WITNESSETH: The party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration to him this day in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has REMISED, RELEASED AND QUIT CLAIMED and by these presents does REMISE, RELEASE AND QUIT CLAIM unto the said party of the second part, the following described real property situated in Baldwin County, Alabama, to-wit:

South Half of Northeast Quarter of Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East.

TO HAVE AND TO HOLD, the said released premises unto the said party of the second part, her heirs and assigns, forever.

This deed is made for a nominal consideration and for the purpose of perfecting the record title.

IN WITNESS WHEREOF, the said party of the first part, has hereunto set his hand and affixed his seal on this the day and year first above written.

Edward W. Walthall (SEAL)

STATE OF ALABAMA

BALDWIN COUNTY

I, Ora S. Nelson, a Notary Public, State of Alabama at Large, hereby certify that Edward W. Walthall, unmarried, 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 conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 9th day of June, 1944.

Ora S. Nelson

Notary Public, State of Alabama at Large.

QUIT CLAIM DEED

Copy  
Exhibit "8" to Testimony of  
Complainant.

Ora S. Nelson  
Commissioner

STATE OF ALABAMA |  
BALDWIN COUNTY |

THIS INDENTURE, made and entered into on this the 29th day of August, 1944, by and between Anna C. Mahler, a widow, hereinafter referred to as the party of the first part, and Mae Hurley, hereinafter referred to as the party of the second part, WITNESSETH: The party of the first part for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration to her this day in hand paid by the party of the second part, the receipt whereof is hereby acknowledged has REMISED, RELEASED AND QUIT CLAIMED and by these presents does REMISE, RELEASE AND QUIT CLAIM unto the said party of the second part, the following described real property situated in Baldwin County, Alabama, to-wit:

South Half of Northeast Quarter of Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East, containing twenty (20) acres, more or less.

TO HAVE AND TO HOLD the said released premises unto the said party of the second part, her heirs and assigns, forever.

So that neither the party of the first part, her heirs, or assigns, nor any person in trust for her or in her name, shall or will, can or may, by any ways or means whatsoever, hereafter have or claim any right or title thereto; but that the said party of the first part, her heirs and assigns, each and everyone of them, from all estate, right, title, interest or claim and demand whatsoever in or to the said premises or any part thereof, are, is and shall be by these presents FOREVER EXCLUDED AND DEBARRED.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and affixed her seal on this the day and year first above written.

Anna C. Mahler (SEAL)

STATE OF ALABAMA |  
BALDWIN COUNTY |

I, J. B. Blackburn, a Notary Public, within and for said County in said State; hereby certify that Anna C. Mahler, a Widow, 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 conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 29th day of August, 1944.

J. B. Blackburn

Notary Public, Baldwin County, Alabama.

Notary Seal affixed.

MAE HURLEY,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED  
AND M. BALLARD, et als


Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

APPLICATION FOR ORAL EXAMINATION OF WITNESSES

Now comes the Complainant in the above styled cause and shows unto the Register that she requires an oral examination of the witnesses hereinafter named and therefore moves the Register for an oral examination of the witnesses, the same to be examined before a Commissioner to be appointed by the Register. The witnesses for whom this motion for oral examination is made are Mae Hurley, A. D. Stapleton and Jim Stapleton, the examination of the said witnesses to be before a commissioner appointed by the Register in Bay Minette, Alabama at 10:00 o'clock A. M. on Saturday, November 25, 1944. Ora S. Nelson is suggested as a suitable person to act as such Commissioner.

  
Solicitor for Complainant.

APPLICATION FOR ORAL EXAMINATION  
OF WITNESSES.

MÆE HURLBY,

Complainant,

VS.

CERTAIN LANDS and M. BALLARD, et  
als,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

MAE HURLEY,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED  
AND M. BALLARD, et als,

Respondents.

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

ORDER

The foregoing application coming on to be heard on this date and notice to the adverse parties having been given for three days by an entry on the order book of the Register, the said application is hereby granted and IT IS ORDERED that the said examination of said witnesses be had before Ora S. Nelson, Commissioner in Bay Minette, Alabama on Saturday, November 25, 1944.

Dated this 21st day of November, 1944.

*R.S. Duck*

Register.



ORDER

MAE HURLEY,

Complainant,

VS.

CERTAIN LANDS AND M. BALLARD,  
et als,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

*Filed*

*11-17-44*

*R. S. Luck*

*Reg.*

*Exhibit "5" to Testimony of  
Complainant*

*Ora S. Nelson  
Commissioner*

THE STATE OF ALABAMA,  
COUNTY OF BALDWIN.

JUDGE OF PROBATE'S DEED TO PURCHASE  
AT TAX SALE OF LAND, ASSESSED BY OWNER.

Know all men by these presents: That whereas, the land hereinafter described was subject to taxation for the year 1929 and the Board of Revenue levied taxes thereon for county purposes for said year; and

Whereas, said land was returned for taxation by Sol Epstein for said year 1929, and

Whereas, The certificate of assessments was made in accordance with Section 18 of the Revenue Code 1923; and

Whereas, the Tax Collector entered in the Docket of Tax Causes the description of said land, and amount of taxes, fees and charges due thereon for said year and delivered said Docket to the Probate Judge; and reported, in accordance with Section 220 of the Revenue Code, 1923, that he was unable to collect said taxes without sale of said land; and

Whereas, the Probate Court at the May, 1930, Term rendered decree ordering sale of said land for the payment of said taxes, fees, charges costs and expenses of sale; and

Whereas, The Tax Collector, in enforcement of said decree, gave thirty days notice by publication once a week for three successive weeks in the Baldwin Times, a newspaper regularly published in said county, and also by posting notice at the Court house of said County, at a public place in the precinct in which the land was situated, that he would sell said land on the 28th day of May, 1930, between 10 o'clock A.M. and 4 o'clock P.M. in front of said Court House, which notices described said land and stated the amount for which the Probate's Court's Decree had been rendered against same, and that said taxes had been assessed to Sol Epstein; and,

Whereas, the Tax Collector at said time, in front of said Court House door, did offer said land at public outcry, so that, as far as practicable, only such portion thereof was sold as was necessary to satisfy said decree, and did sell said land to R.M. Mahler, who was the highest bidder, for \$10.59, which covered taxes, fees, charges, costs and expenses of said sale, which amount he paid to said Tax Collector; and

Whereas, the Tax Collector did then deliver to said purchaser, in accordance with Section 235 of the Revenue Code 1923, a certificate of purchase, containing description of said land, showing the date the same has been assessed to Sol Epstein, for said year; and also showing the taxes due thereon, distinguishing the amount due the State and County, and for school purposes, and the fees and costs; and further showing the time for which said land was advertised, the date it was offered for sale, the name of the purchaser, and the price paid; and

Whereas, the time for redemption of said land elapsed, and said Certificate of Purchase has been returned to the Probate Judge by R.M. Mahler, the purchaser.

Now Therefore, I G.W. Robertson, as Probate Judge, in and for said County, in said said State, under and by virtue of the provisions of Section 245 of the Revenue Code of Alabama of 1923, and in consideration of one dollar to me paid, have this day granted, bargained, and sold, and by these presents, do grant, bargain, sell and convey unto R.M. Mahler, all the right, title and interest of said Sol Epstein, and all the right, title, interest and claim of the said State and County on account of said taxes, or under said decree, in and to the following described land, to-wit:

$\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 8, Township 5 South of range 3 east.

situated in said county and state; To have and to hold the same, the said right, title and interest unto said R.M. Mahler, heirs, assigns, or successors, 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 31st day of December, A.D., 1937.

(Seal)

G.W. Robertson,  
Judge of Probate, Baldwin County.

State of Alabama, |  
Baldwin County. |

I, Sally S. Mayo, a Notary Public in and for said county, in said State, hereby certify that G.W. Robertson, whose name is signed to the foregoing conveyance as Judge of Probate, and who is known to me, acknowledged before me on this day, that being informed of the contents of this conveyance, he, in his official capacity as such Judge of Probate, executed the same voluntarily on the day the same bears date.

Given under my hand, this the 31st day of December, A.D., 1937.

(Seal)

Sally S. Mayo,  
Notary Public, Baldwin Co., Ala.

State of Alabama, | Probate Court.  
Baldwin County. |

Filed in office this 31st day of December, 1937, at 3:15 P.M. and duly recorded in deed book 64, page 58-59 and I certify that \$---cts 50 deed tax, has been paid as required by law.  
G.W. Robertson, Judge of Probate.

The State of Alabama, |  
County of Baldwin. | Probate Court.

I, W. R. Stuart, Judge of the Probate Court and Custodian of the records and files thereof, in and for said State and County do hereby certify that the above and foregoing is a true, correct and complete copy of an instrument of writing as the same appears of record in Deed Record 64 N.S. at pages 58 and 59, now on file in the office of Judge of Probate of Baldwin County, Alabama.

Witness my hand and the seal of the Probate Court of Baldwin county, Alabama, this 11st day of December, A.D., 1944.

  
Judge of Probate.

this cause paid any taxes on the South Half of the Northeast Quarter of the Southwest Quarter of Section 8, Township 5 South Range 3 East in Baldwin County, Alabama or had any possession of the said property or any part thereof.

I claim title to the Southwest Quarter of the Southwest Quarter of Section 8, Township 5 South Range 3 East in Baldwin County, Alabama by and through the following instruments of writing, all of which are recorded in the probate office of Baldwin County, Alabama, the county where the lands are situated:

1. Patent, United States of America to Hiram O. McGill, as Assignee of Thomas S. Robbins, dated October 10, 1860 and recorded in Deed Book 34 N. S. at pages 22-3, Baldwin County Records, certified copy of which is attached to my testimony and marked as Exhibit "2" thereto.
2. Tax Deed, State of Alabama to H. H. Hurley, dated August 4, 1933 and recorded in Deed Book 55 N. S. at pages 85-6, Baldwin County Records, the original of which deed is attached to my testimony and marked Exhibit "3" thereto.
3. Deed, H. H. Hurley to Mae Hurley dated May 20, 1944, recorded in Deed Book 85 N. S. at pages 116-17, Baldwin County Records, which has already been introduced in evidence in this cause and which is marked Exhibit "1" to my testimony.

I claim the absolute, fee simple title to the South Half of Northeast Quarter of Southwest Quarter of Section 8, Township 5 South Range 3 East in Baldwin County, Alabama by and through the following instruments of writing, all of which are recorded in the probate office of Baldwin County, Alabama, the county where the lands are situated:

1. Patent, United States of America to Hiram O. McGill, a certified copy of which has already been introduced in evidence in this cause.
2. Tax Deed, G. W. Robertson, Judge of Probate, to H. H. Hurley dated October 13, 1936 and recorded in Deed Book 60 N. S. at pages 302-3, Baldwin County Records, the original of which is attached to my testimony and marked as Exhibit "4" thereto.
3. Tax Deed, G. W. Robertson, Probate Judge, to R. M. Mahler dated December 31, 1937 and recorded in Deed Book 64 N. S. at page 58, a certified copy of which is attached to my testimony and marked as Exhibit "5" thereto.
4. Will of R. M. Mahler, Deceased, recorded in Book D of Wills at pages 204-5, Baldwin County Records, a certified copy of which is attached to my testimony and marked Exhibit "6" thereto.
5. Deed, H. H. Hurley to me dated May 20, 1944 and recorded in Deed Book 85 N. S. at pages 116-17, Baldwin County Records, which has already been introduced in evidence in this suit.
6. Deed, Edward W. Walthall, unmarried, to me, dated June 9, 1944 and recorded in Deed Book 85 N. S. at page 232, the original of which is attached to my testimony and marked as Exhibit "7" thereto.
7. Deed, Anna C. Mahler, a Widow, to me dated August 29, 1944 and recorded in Deed Book 86 N. S. at pages 29-30, the original of which is attached to my testimony and

marked Exhibit "8" thereto.

I have read over the Bill of Complaint which I filed in this cause and each and all of the allegations contained therein are true.

Mae Hurley.

TESTIMONY OF A. D. STAPLETON

My name is A. D. Stapleton. I am a resident of Baldwin County, Alabama where I have resided all of my life. I know the lands in Baldwin County, Alabama described as the Southwest Quarter of the Southwest Quarter and the South Half of the Northeast Quarter of the Southwest Quarter of Section 8, Township 5 South Range 3 East. I have known these lands for many years. I own property adjoining these lands and have had occasion to observe the said property and the possession thereof for many years. Immediately after Mr. H. H. Hurley purchased the Southwest Quarter of the Southwest Quarter of Section 8, Township 5 South Range 3 East in Baldwin County, Alabama in August, 1933, he fenced the property and later cleared and cultivated it. This tract of land has been under fence and has been in the actual, open, notorious, hostile, exclusive, continuous and peaceable possession of H. H. Hurley from the time he purchased it in 1933 until the time of his death in 1944. Since his death the said property has been in the actual possession of Mrs. Mae Hurley, during all of which time the said parties have claimed to own it.

Mr. H. H. Hurley regularly assessed and paid taxes on the said property during all of said period of time.

The South Half of Northwest Quarter of Southwest Quarter of Section 8, Township 5 South Range 3 East was purchased by Mr. Hurley in October, 1936. He immediately went into possession of this property, turpentine the timber on it, cut and removed timber therefrom and kept trespassers off of this property continuously from the time he purchased the property up until the time of his death. He made every available use of this tract of land and was in the actual, open, notorious, hostile, exclusive, continuous and peaceable possession of it from the time of his said purchase up to the time of his death and the said property has been in the possession of Mrs. Mae Hurley continuously from the death of H. H. Hurley up to the present time and during all of which said period the said parties have claimed to own the said property. H. H. Hurley regularly assessed and paid taxes on the property during the said period of time.

A. D. Stapleton

MAE HURLEY,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED  
AND M. BALLARD, J. A. WARD, JR.,  
JAMES WARD, JR., F. EPSTEIN, FRED  
EPSTEIN, SOL EPSTEIN, JEROME EPSTEIN,  
AND THE HEIRS AND DEVISEES OF SUCH  
OF THE SAID PARTIES AS MAY BE DEAD,  
AND ALL PERSONS, FIRMS OR CORPORATIONS  
CLAIMING ANY TITLE TO, INTEREST IN,  
LIEN OR ENCUMBRANCE ON THE LANDS HERE-  
INAFTER DESCRIBED, OR ANY PART THEREOF,

Respondents.

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

NOTICE OF PENDENCY OF BILL OF COMPLAINT

Notice is hereby given to M. Ballard, J. A. Ward, Jr., James Ward, Jr., F. Epstein, Fred Epstein, Sol Epstein, Jerome Epstein, and the heirs and devisees of such of the said parties as may be dead and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands hereinafter described, that on the 6th day of September, 1944, Mae Hurley filed in the Circuit Court of Baldwin County, Alabama, a verified Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit: Southwest Quarter of Southwest Quarter; South Half of Northeast Quarter of Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East, and against M. Ballard, J. A. Ward, Jr., James Ward, Jr., F. Epstein, Fred Epstein, Sol Epstein, Jerome Epstein and the heirs and devisees of such of the said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, the said Bill of Complaint having been filed for the purpose of establishing the title of the said Complainant to all of the said lands and for the purpose of quieting her title thereto and to clear up all doubts and disputes concerning the title to the said property.

The Complainant claims the absolute fee simple title in and to the Southwest Quarter of Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East, in Baldwin County, Alabama, under, from, by and through the following conveyances, all

absolutely and in fee simple and that she is in the actual possession thereof; that she, together with those through whom she claims title to the Southwest Quarter of Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East, in Baldwin County, Alabama, have held color of title thereto and have been in the actual peaceable, continuous and undisputed possession thereof for more than eleven consecutive years next preceding the filing of the Bill of Complaint, during all of which time they have paid taxes thereon; that she, together with those through whom she claims title to the South Half of Northeast Quarter of Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East, in Baldwin County, Alabama, have been in the actual, peaceable, continuous and undisputed possession thereof for more than seven years next preceding the filing of the Bill of Complaint, during all of which time they have paid taxes thereon; that no suit is pending to test Complainant's title to, interest in or right to possession of all of the said lands or any part thereof; that no person, firm or corporation other than the Complainant and those through whom she claims title, has at any time within eleven years next preceding the filing of the Bill of Complaint had any possession of the tract of land first above described or paid any taxes thereon or made any claim to the said lands or any part thereof or any interest therein; and that no person, firm or corporation other than the Complainant and those through whom she claims title has at anytime within seven years next preceding the filing of the Bill of Complaint had any possession of the tract of land last above described, paid any taxes thereon or made any claim to the said lands or any part thereof or any interest therein.

The above named Respondents, the heirs and devisees of such of said parties as may be dead and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof or any interest therein, must appear in this Court and plead, answer or demur to the said Bill of Complaint before November 7, 1944 or on the said date Decrees Pro Confesso will be taken against them.

IN WITNESS WHEREOF, I have hereunto set my hand as Register



of the Circuit Court of Baldwin County, Alabama, in Equity, and  
affixed the seal of the said Court on this the 6th day of September,  
1944.



Register of the Circuit Court of Baldwin  
County, Alabama, in Equity.

J. B. Blackburn  
Solicitor for Complainant.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Oratrix, Mae Hurley, presents this Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit: Southwest Quarter of Southwest Quarter and South Half of Northeast Quarter of Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East; and against M. Ballard, J. A. Ward, Jr., James Ward, Jr., F. Epstein, Fred Epstein, Sol Epstein, Jerome Epstein and the heirs and devisees of such of the said parties as may be dead and against any and all persons, firms, or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix, the said Mae Hurley, is over twenty-one years of age and a resident of Baldwin County, Alabama.

2. The names, ages, places of residence and post office addresses of M. Ballard, J. A. Ward, Jr., James Ward, Jr., F. Epstein, Fred Epstein, Sol Epstein and Jerome Epstein are unknown and cannot be ascertained after diligent inquiry.

3. Your Oratrix owns the said lands, namely, the Southwest Quarter of the Southwest Quarter and the South Half of the Northeast Quarter of the Southwest Quarter of Section 8, Township 5 South Range 3 East, in Baldwin County, Alabama, in her own right, absolutely, and in fee simple, the said property being the lands against which this proceeding is brought, and the said lands are in the actual, peaceable possession of your Oratrix. Your Oratrix, together with those through whom she claims title to the Southwest Quarter of Southwest Quarter of said Section Eight (8) Township Five (5) South Range Three (3) East, in Baldwin County, Alabama, have held color of title thereto and have been in the actual, peaceable, continuous and undisputed possession of the said property for more than eleven consecutive years next preceding the filing of this Bill of Complaint and have paid taxes on the said lands during the whole of such period of time. Your Oratrix, together with those through whom she claims title to the South Half of Northeast Quarter of

Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East, in Baldwin County, Alabama, have held color of title thereto and have been in the actual, peaceable, continuous and undisputed possession thereof for more than seven years next preceding the filing of this Bill of Complaint and have paid taxes on the said lands during the whole of such period of time. No suit is pending to test your Oratrix' title to, interest in or right to the possession of the said lands or any part thereof. WHEREFORE, your Oratrix files this her verified Bill of Complaint in the Circuit Court of Baldwin County, Alabama, Equity Side, the county in which the said lands are situated, against the said lands, and against any and all persons claiming any title to, interest in, lien or encumbrance upon the said lands or any part thereof, to establish their right to the title to such lands and to clear up all doubts and disputes concerning the same.

4. Your Oratrix has and claims to have the absolute fee simple title to the Southwest Quarter of Southwest Quarter and the South Half of Northeast Quarter of Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East, in Baldwin County, Alabama. Such title so held and claimed by your Oratrix in and to the said lands was obtained from the persons and through the instruments as will hereinafter appear. Your Oratrix further alleges that the title to all of the said lands stands upon the records of the Probate Court of Baldwin County, Alabama, the county where the said lands are situated in the name of your Oratrix; that no person, firm or corporation, other than your Oratrix and those through whom she claims title to the said lands, have at anytime within more than eleven years next preceding the filing of this Bill of Complaint, paid any taxes upon the Southwest Quarter of the Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East, or any part thereof or any interest therein, nor has any person, firm or corporation, other than your Oratrix and those through whom she claims title and known to your Oratrix to have had possession of the said lands or any part thereof and no person or persons are known to your Oratrix to claim the said lands or any interest therein

or any part thereof or any encumbrance thereon. The title to the South Half of Northeast Quarter of Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East, in Baldwin County, Alabama, stands upon the records of the Probate Court of Baldwin County, Alabama, the county where the lands are situated, in the name of your Oratrix; that no person, firm or corporation, other than your Oratrix and those through whom she claims title to the said lands have at anytime within more than seven years next preceding the filing of this Bill of Complaint, paid any taxes upon the said lands or any part thereof or any interest therein, nor has any person, firm or corporation, other than your Oratrix and those through whom she claims title known to your Oratrix to have had possession of the said lands or any part thereof or any interest therein or any encumbrance thereon.

5. Your Oratrix claims the absolute fee simple title in and to the Southwest Quarter of Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East, in Baldwin County, Alabama by and through the following instruments of writing, all of which are recorded in the probate office of Baldwin County, Alabama, the county where the said lands are situated, viz:

- (1) Patent, United States of America, to Hiram O. McGill, as Assignee of Thomas S. Robbins, dated October 10, 1860 and recorded in Deed Book 34 N. S. at pages 22-3, Baldwin County Records.
- (2) Tax Deed, State of Alabama to H. H. Hurley dated August 4, 1933 and recorded in Deed Book 55 N. S. at pages 85-6, Baldwin County Records.
- (3) Deed, H. H. Hurley to Mae Hurley (wife of H. H. Hurley) dated May 20, 1944 and recorded in Deed Book 65 N. S. at pages 116-17, Baldwin County, Alabama Records.

6. Your Oratrix claims the absolute fee simple title in and to the South Half of Northeast Quarter of Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East, in Baldwin County, Alabama, by and through the following instruments of writing, all of which are recorded in the Probate Office of Baldwin County, Alabama, the county where the said lands are situated viz:

- (1) Patent, United States of America to Hiram O. McGill, as Assignee of Thomas S. Robbins, dated October 10, 1860, recorded in Deed Book 34 N. S. at pages 22-3, Baldwin County, Alabama Records.
- (2) Tax Deed, G. W. Robertson, Judge of Probate of Baldwin County, Alabama to H. H. Hurley, dated October 13, 1936 and recorded in Deed Book 60 N. S. at pages 302-3, Baldwin County, Alabama Records.
- (3) Tax Deed, G. W. Robertson, Probate Judge, to R. M. Mahler, dated December 31, 1937 and recorded in Book 64 N. S. at page 58.
- (4) Will of R. M. Mahler, Deceased, recorded in Book D of Wills at pages 204-5, Baldwin County, Alabama Records.
- (5) Deed, H. H. Hurley to Mae Hurley (wife of H. H. Hurley) dated May 20, 1944 and recorded in Deed Book 85 N. S. at pages 116-17, Baldwin County, Alabama Records.
- (6) Deed, Edward W. Walthall, unmarried, to Mae Hurley, dated June 9, 1944 and recorded in Deed Book 85 N. S. at pages 232.
- (7) Deed, Anna C. Mahler, a Widow, to Mae Hurley, dated August 29, 1944 and recorded in Deed Book 86 N. S. at pages 29-30, Baldwin County, Alabama Records.

7. Your Oratrix avers that she has made and caused to be made a diligent search to ascertain the names, ages and addresses of all of the parties named herein and also to ascertain if any of the said parties are dead and further if anyone was making claim to the said property or any part thereof. Your Oratrix further avers that these inquiries have continued over the full period of time that she has owned the said property and since May 20, 1944; that she has employed an attorney to examine the records in the office of the Probate Judge, Tax Assessor and Tax Collector of Baldwin County, Alabama, to ascertain to whom the records shows to have any claim to or encumbrance on the said property; that she has made and caused a thorough inquiry to be made in the community where the said lands are situated for the purpose of ascertaining any claimants to it or any other information having a bearing on the title to the said property; that these efforts by your Oratrix, her agents and attorney have continued faithfully and diligently for a long period of time and that all of the information so secured is as hereinabove set out.

PRAYER FOR PROCESS

Your Oratrix prays that the lands hereinabove described and the Respondents named herein and the unknown heirs, devisees, personal representatives and next of kin of the Respondents hereinabove named who are dead, and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof be made parties respondent to this Bill of Complaint and be brought into Court by the usual and proper process.

PRAYER FOR RELIEF

Your Oratrix prays that each and all of the Respondents named, the unknown heirs, devisees, legal representatives and next of kin of such Respondents named herein who are dead, and all other persons, firms or corporations who claim to own the said lands or any part thereof or any interest therein, or any lien or encumbrance thereon be required to set forth and specify such claim, title, right, interest, lien or encumbrance and how and by what instrument the same is derived and created and that upon the final hearing of this cause it be ordered, adjudged and decreed that your Oratrix at the time of the filing of this Bill of Complaint, had the legal title to all of the above described lands and that none of the Respondents herein specifically named or any other person, firm or corporation has any right, title or interest therein or any part thereof or any lien or encumbrance thereon, and that all doubts and disputes concerning the said property be cleared up and that your Oratrix' title to the said lands be fully and completely quieted. Your Oratrix further prays for such other, further and general relief as she may be equitably entitled to the premises considered.

J. B. Blackburn  
Solicitor for Complainant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority within and for said County in said State, personally appeared J. B. Blackburn, who,

after being by me first duly and legally sworn, deposes and says:  
That he is solicitor for the Complainant named in the foregoing  
Bill of Complaint; that he has read over and is fully acquainted  
with all of the matters and facts set forth therein and that the  
same are true.

J. B. Blackburn

Sworn to and subscribed before me  
on this the 6th day of September, 1944.

Ora S. Nelson

Notary Public, State of Alabama at Large.

*Handwritten signature*

IN WITNESS WHEREOF,  
I, THE SHERIFF OF THE COUNTY OF  
COLUMBIA, HAVE CAUSED THESE  
PRESENTS TO BE PUBLICLY READ  
AND RECORDED IN THE  
OFFICE OF THE CLERK OF THE  
COURT AT COLUMBIA, ALABAMA,  
THIS 12th DAY OF SEPTEMBER, 1944.

12117  
(copy)

MAE HURLEY,

Complainant,

VS.

LANDS HEREINAFTER DESCRIBED  
AND M. BALLARD, et als,

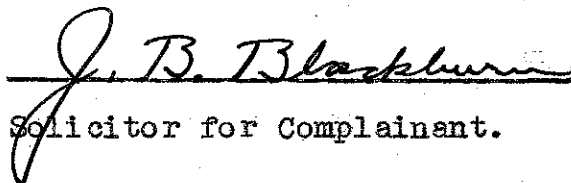
Respondents.

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

MOTION FOR DECREES PRO CONFESSO.

Motion is hereby made for a Decree Pro Confesso against M. Ballard, J. A. Ward, Jr., James Ward, Jr., F. Epstein, Fred Epstein, Sol Epstein, Jerome Epstein and the heirs and devisees of such of said parties as may be dead and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the following described lands situated in Baldwin County, Alabama, to-wit: Southwest Quarter of Southwest Quarter and South Half of Northeast Quarter of Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East, being the lands described in the Bill of Complaint in this suit on the ground that more than sixty days have elapsed since the first publication of the Notice of the Pendency of the Bill of Complaint in this cause, which said service was had by publication according to law and the said Respondents and each of them have failed to answer, plead to or demur to the Bill of Complaint in this cause to this date.

Dated this 7th day of November, 1944.

  
Solicitor for Complainant.



MAE HURLEY,

Complainant,

VS.

LANDS HEREINAFTER DESCRIBED  
AND M. BALLARD, et als,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

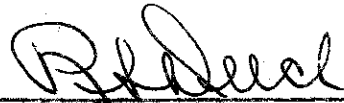
DECREES PRO CONFESSO

In this cause it being made to appear to the Register that a copy of the Notice of the Pendency of the Bill of Complaint was published once a week for four consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, which said publication commenced on the 7th day of September, 1944, in which the following Respondents were named: M. Ballard, J. A. Ward, Jr., James Ward, Jr., F. Epstein, Fred Epstein, Sol Epstein, Jerome Epstein and the heirs and devisees of such of the said parties as may be dead and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands described in the Bill of Complaint filed in this cause being the following described property situated in Baldwin County, Alabama, to-wit: Southwest Quarter of Southwest Quarter; South Half of Northeast Quarter of Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East; each and all of whom have to the date hereof failed to plead to, answer or demur to the Bill of Complaint in this cause:

IT IS THEREFORE on motion of the Complainant, ORDERED AND DECREED by the Register that the said Bill of Complaint be and it hereby is confessed against the said M. Ballard, J. A. Ward, Jr., James Ward, Jr., F. Epstein, Fred Epstein, Sol Epstein, Jerome Epstein and the heirs and devisees of such of the said parties as may be dead and against any and all persons, firms or corporation, claiming any title to, interest in, lien or encumbrance on the following described property situated in Baldwin County, Alabama,

to-wit: Southwest Quarter of Southwest Quarter; South Half of  
Northeast Quarter of Southwest Quarter of Section Eight (8)  
Township Five (5) South Range Three (3) East.

IN WITNESS WHEREOF I have hereunto set my hand and af-  
fixed the seal of the Court on this the 7th day of November, 1944.



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Register.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Oratrix, Mae Hurley, presents this Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit: Southwest Quarter of Southwest Quarter and South Half of Northeast Quarter of Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East; and against M. Ballard, J. A. Ward, Jr., James Ward, Jr., F. Epstein, Fred Epstein, Sol Epstein, Jerome Epstein and the heirs and devisees of such of the said parties as may be dead and against any and all persons, firms, or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix, the said Mae Hurley, is over twenty-one years of age and a resident of Baldwin County, Alabama.

2. The names, ages, places of residence and post office addresses of M. Ballard, J. A. Ward, Jr., James Ward, Jr., F. Epstein, Fred Epstein, Sol Epstein and Jerome Epstein are unknown and cannot be ascertained after diligent inquiry.

3. Your Oratrix owns the said lands, namely, the Southwest Quarter of the Southwest Quarter and the South Half of the Northeast Quarter of the Southwest Quarter of Section 8, Township 5 South Range 3 East, in Baldwin County, Alabama, in her own right, absolutely, and in fee simple, the said property being the lands against which this proceeding is brought, and the said lands are in the actual, peaceable possession of your Oratrix. Your Oratrix, together with those through whom she claims title to the Southwest Quarter of Southwest Quarter of said Section Eight (8) Township Five (5) South Range Three (3) East, in Baldwin County, Alabama, have held color of title thereto and have been in the actual, peaceable, continuous and undisputed possession of the said property for more than eleven consecutive years next preceding the filing of this Bill of Complaint and have paid taxes on the said lands during the whole of such period of time. Your Oratrix, together with those through whom she claims title to the South Half of Northeast Quarter of

Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East, in Baldwin County, Alabama, have held color of title thereto and have been in the actual, peaceable, continuous and undisputed possession thereof for more than seven years next preceding the filing of this Bill of Complaint and have paid taxes on the said lands during the whole of such period of time. No suit is pending to test your Oratrix' title to, interest in or right to the possession of the said lands or any part thereof. WHEREFORE, your Oratrix files this her verified Bill of Complaint in the Circuit Court of Baldwin County, Alabama, Equity Side, the county in which the said lands are situated, against the said lands, and against any and all persons claiming any title to, interest in, lien or encumbrance upon the said lands or any part thereof, to establish their right to the title to such lands and to clear up all doubts and disputes concerning the same.

4. Your Oratrix has and claims to have the absolute fee simple title to the Southwest Quarter of Southwest Quarter and the South Half of Northeast Quarter of Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East, in Baldwin County, Alabama. Such title so held and claimed by your Oratrix in and to the said lands was obtained from the persons and through the instruments as will hereinafter appear. Your Oratrix further alleges that the title to all of the said lands stands upon the records of the Probate Court of Baldwin County, Alabama, the county where the said lands are situated in the name of your Oratrix; that no person, firm or corporation, other than your Oratrix and those through whom she claims title to the said lands, have at anytime within more than eleven years next preceding the filing of this Bill of Complaint, paid any taxes upon the Southwest Quarter of the Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East, or any part thereof or any interest therein, nor has any person, firm or corporation, other than your Oratrix and those through whom she claims title are known to your Oratrix to have had possession of the said lands or any part thereof and no person or persons are known to your Oratrix to claim the said lands or any interest therein.

MAE HURLEY,

Complainant,

VS.

CERTAIN LANDS AND M. BALLARD,  
et als,

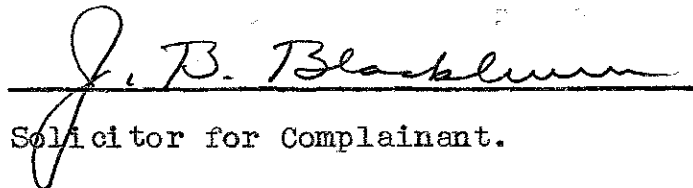
Respondents.

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

MOTION

Now comes the Complainant by her solicitor and moves the Court to permit her to withdraw the following original instruments that have been introduced in evidence in this cause and substitute therefor copies thereof:

1. Deed, H. H. Hurley to Mae Hurley dated May 20, 1944 and recorded in Deed Book 85 N. S. at pages 116-17.
2. Deed, State Tax Commission to H. H. Hurley dated August 4, 1933, and recorded in Deed Book 55 N. S. at pages 85-6.
3. Deed, G. W. Robertson, Probate Judge to H. H. Hurley, dated October 13, 1936 and recorded in Deed Book 60 N. S. at pages 302-3.
4. Quit Claim Deed, Edward W. Walthall to Mae Hurley dated June 9, 1944 and recorded in Deed Book 85 N. S. at page 232.
5. Deed, Anna C. Mahler to Mae Hurley dated August 29, 1944 and recorded in Deed Book 86 N. S. at pages 29-30.

  
Solicitor for Complainant.

DECREE

STATE OF ALABAMA

BALDWIN COUNTY

This cause coming on to be heard is submitted on the above and foregoing Motion and upon consideration thereof it is ORDERED, ADJUDGED AND DECREED by the Court that the Complainant shall be and she is hereby permitted to withdraw from the file

MAE HURLEY,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED  
AND M. BALLARD, et als,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NOTE OF TESTIMONY

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

1. Original Bill of Complaint.
2. Notice of Pendency of Bill of Complaint.
3. Proof of Publication of Notice of Pendency of Bill of Complaint.
4. Motion for Decrees Pro Confesso.
5. Decrees Pro Confesso against the Southwest Quarter of the Southwest Quarter and South Half of Northeast Quarter of Southwest Quarter of Section Eight (8) Township Five (5) South Range Three (3) East, in Baldwin County, Alabama; M. Ballard, J. A. Ward, Jr., James Ward, Jr., F. Epstein, Fred Epstein, Sol Epstein, Jerome Epstein and the heirs and devisees of such of the said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof.
6. Application for Oral Examination of Witnesses and for appointment of Commissioner.
7. Order appointing Commissioner, and setting day for examination of witnesses.
8. Oral Deposition of Mae Hurley and Exhibits "1" to "8" both inclusive thereto attached; Oral Deposition of A. D. Stapleton and Oral Deposition of Jim Stapleton, all of which were taken before Ora S. Nelson, Commissioner.

Dated this 28th day of February, 1945.

Register.

*J. B. Blackburn*  
Solicitor for Complainant.

NOTE OF TESTIMONY

MAE HURLEY,

Complainant,

VS.

CERTAIN LANDS AND M. BALLARD, et  
als,

Respondents.

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

MOTION AND ORDER

MAE HURLEY,

Complainant,

VS.

CERTAIN LANDS AND M. BALLARD,  
et als,

Respondents.

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

Filed March 1, 1945

*Richard D. ...*  
*Register*



