

EARL H. FITKIN,
Complainant,
VS.
CERTAIN LANDS AND S. P.
GAILLARD, Trustee, et als,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 1197.

FINAL DECREE

This cause coming on to be heard on this date is submitted for Final Decree on the Original Bill of Complaint; Notice of Pendency of Bill of Complaint; Proof of Publication of Notice of Pendency of Bill of Complaint; Disclaimer of S. P. Gaillard, Trustee, S. P. Gaillard; S. P. Gaillard, Jr., Trustee, S. P. Gaillard, Jr., Motion for Decrees Pro Confesso against Respondents; Decrees Pro Confesso against Respondents; Application for Oral Examination of Witnesses and for Appointment of Commissioner; Order Appointing Commissioner and Setting Day for Examination of Witnesses, and the Testimony as noted by the Register, upon consideration of all of which it is ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the Complainant, Earl H. Fitkin, is the true and lawful owner in fee simple of the following described lands situated in Baldwin County, Alabama, to-wit:

South Half of Southeast Quarter of Southwest Quarter of Section Nineteen (19) Township Five (5) South Range Four (4) East, containing twenty (20) acres, more or less.

That the absolute fee simple title to the said lands and to each and every part thereof and all interest therein is in the said Complainant free and clear of and from the claim or claims of 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; that the said Complainant have and he is hereby given judgment against the said land 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 Complainant's title to the said land is hereby quieted against S. P. Gaillard, Trustee, S. P. Gaillard, S. P. Gaillard, Jr., Trustee, S. P. Gaillard, Jr., Jennie W. Bucker, L. E. Stratton, L. E. Stratten, Baldwin County Lands Association, a Corporation, 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 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.

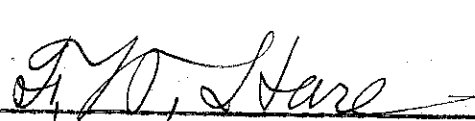
2. That a certified copy of this Decree be by the Register of this Court within thirty days from the rendition hereof, filed in the office of the Judge of Probate of Baldwin County, Alabama, and the expenses of such recording are hereby taxed as a part of the costs of this proceeding.

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 S. P. Gaillard, Trustee, S. P. Gaillard, S. P. Gaillard, Jr., Trustee, S. P. Gaillard, Jr., Jennie W. Bucker, L. E. Stratton, L. E. Stratten and Baldwin County Lands Association, a Corporation, and shall index the same in the direct or reverse index of the said records in the name of Earl H. Fitkin.

4. The title hereby decreed to be in the said Complainant, Earl H. Fitkin, shall enure 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.

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

ORDERED, ADJUDGED AND DECREED this 10th day of April, 1945.



Judge.

R J Leach

BAY MINETTE, ALA., SEP 14 1944 194

IN ACCOUNT WITH

G. W. ROBERTSON

JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording from to Privilege Tax Rec. Fee Total

Recording	from	to	Privilege Tax	Rec. Fee	Total	
<i>SP</i>	<i>Carl H. Dittus</i>	<i>vs</i>	<i>Land</i>	<i>vs</i>	<i>Phillard & Co</i>	<i>110</i>

*Paid
checked
now*

EARL H. FITKIN,

Complainant,

VS.

CERTAIN LANDS AND S. P.
GAILLARD, Trustee, et als,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 1197.

NOTE OF TESTIMONY

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

1. Original Bill of Complaint.
2. Disclaimer of S. P. Gaillard, Trustee, S. P. Gaillard, S. P. Gaillard, Jr., Trustee and S. P. Gaillard, Jr.
3. Notice of Pendency of Bill of Complaint and Proof of Publication thereof.
4. Motion for Decrees Pro Confesso against Jennie W. Bucker, L. E. Stratton, L. E. Stratten, Baldwin County Lands Association, a Corporation, the heirs and devisees of such of the said parties as may be dead and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands described in the Bill of Complaint.
5. Decrees Pro Confesso against Jennie W. Bucker, L. E. Stratton, L. E. Stratten, Baldwin County Lands Association, a Corporation, 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 described in the Bill of Complaint.
6. Motion for Oral Examination of witnesses and for Appointment of Commissioner.
7. Order Appointing Commissioner and Setting Day for Examination of Witnesses.
8. Oral Depositions of Earl H. Fitkin, Walter Wallace and Lillie Nix taken before Ora S. Nelson, as Commissioner.

EARL H. FITKIN,

Complainant,

VS.

CERTAIN LANDS AND S. P.
GAILLARD, et als,

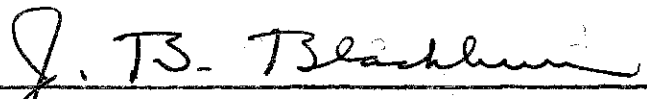
Respondents.

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 he 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 Earl H. Fitkin, Walter Wallace and Lillie Nix, 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, December 2, 1944. Ora S. Nelson is suggested as a suitable person to act as such Commissioner.


Solicitor for Complainant.

EARL H. FITKIN,

Complainant,

VS.

CERTAIN LANDS AND S. P.
GAILLARD, 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, December 2, 1944.

Dated this 21st day of November, 1944.

R. S. Luck

Register.

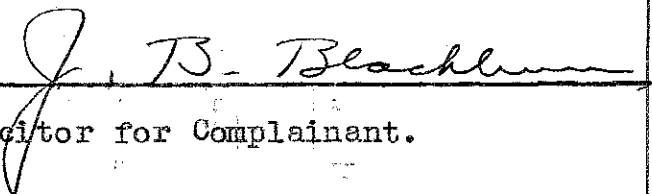
EARL H. FITKIN,
Complainant,
VS.
CERTAIN LANDS AND S. P.
GAILLARD, Trustee, et als,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 1197.

MOTION

Now comes the Complainant in this suit by his solicitor of record and shows unto the Court that he introduced in evidence in this cause an original Tax Deed to Earl H. Fitkin dated March 28, 1935 and recorded in Deed Book 58 N. S. at page 96, Baldwin County Records, which instrument is Exhibit "C" to Complainant's testimony, which instrument Complainant desires to remove from the file and substitute a copy in lieu thereof:

WHEREFORE, Complainant moves the Court to make and enter a proper order authorizing withdrawal of the said original instrument and the substitution of a copy in lieu thereof.


Solicitor for Complainant.

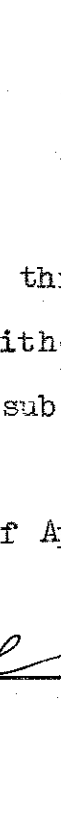
ORDER

STATE OF ALABAMA

BALDWIN COUNTY

The foregoing Motion having been presented on this date is hereby granted and the Complainant is authorized to withdraw the original Tax Deed referred to in the said Motion and to substitute a copy in lieu thereof.

ORDERED, ADJUDGED AND DECREED this 10th day of April,
1945.


Judge.

EARL H. FITKIN,

Complainant,

VS.

CERTAIN LANDS AND S. P.
GAILLARD, Trustee, et als,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

DISCLAIMER

Now come S. P. Gaillard, Trustee, S. P. Gaillard,
S. P. Gaillard, Jr., Trustee and S. P. Gaillard, Jr., Respondents
named in the above entitled cause who each hereby disclaims any
and all interest of every kind and nature in and to the property
described in the Bill of Complaint filed in the said cause, namely:
South Half of Southeast Quarter of Southwest Quarter of Section
Nineteen (19) Township Five (5) South Range Four (4) East, in
Baldwin County, Alabama.


S. P. Gaillard, Trustee.


S. P. Gaillard.


S. P. Gaillard, Jr., Trustee.


S. P. Gaillard, Jr.

Earl H. Fitzgibbon

STATE OF ALABAMA |
BALDWIN COUNTY |

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon S. P. Gaillard, Trustee; S. P. Gaillard; S. P. Gaillard, Jr., Trustee; S. P. Gaillard, Jr., and Baldwin County Lands Association, to appear within thirty days from the service of this writ in the Circuit Court, Equity Side, to be held for said county, at the place of holding same, then and there to answer the complaint of Earl H. Fitkin.

Witness my hand this 13th day of September, 1944.

R. L. Deeks

Register.

NOTICE OF PENDENCY OF BILL OF COMPLAINT

EARL H. FITKIN,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED,
S. P. GAILLARD, TRUSTEE, et als,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Notice is hereby given to S. P. Gaillard, Trustee; S. P. Gaillard; S. P. Gaillard, Jr., Trustee; S. P. Gaillard, Jr; Jennie W. Bucker; L. E. Stratton; L. E. Stratten; Baldwin County Lands Association, a Corporation; 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 hereinafter described; that on the 13th day of September, 1944 Earl H. Fitkin filed in the Circuit Court of Baldwin County, Alabama, Equity Side, a verified Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit: South Half of Southeast Quarter of Southwest Quarter of Section 19, Township 5 South Range 4 East in Baldwin County, Alabama, and against S. P. Gaillard, Trustee, S. P. Gaillard, S. P. Gaillard, Jr., Trustee, S. P. Gaillard, Jr., Jennie W. Bucker, L. E. Stratton, L. E. Stratten, Baldwin County Lands Association, a Corporation, 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 for the purpose of quieting his 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 said lands under, from, by and through the following conveyances, all of which are recorded in the office of the Probate Judge of Baldwin County, Alabama, the county where the said lands are situated, to-wit:

- (1) Patent, United States of America to State of Alabama, dated October 18, 1894 and recorded in Deed Book 9 N. S. at pages 268-9.
- (2) Patent, State of Alabama to Robert F. Queal, Orin H. Queal and Sarah K. Scott, dated February 20, 1872 and recorded in Book "J" at page 185, Baldwin County Records.
- (3) Tax Deed, State of Alabama to Earl H. Fitkin, dated March 28, 1935 and recorded in Deed Book Number 58 N. S. at page 96, Baldwin County, Alabama Records.

The Complainant, in and by his said Bill of Complaint, alleges and avers that he owns the said lands in his own right, absolutely and in fee simple and that he is in the actual, peaceable possession thereof; that he, together with those through whom he claims title to the said lands, have held color of title thereto and have been in the actual, peaceable, continuous and undisputed possession thereof for more than nine consecutive years next preceding the filing of this Bill of Complaint, during all of which time he has paid taxes thereon; that no suit is pending to test Complainant's title to, interest in or right to the possession of the said lands or any part thereof; that no person, firm or corporation other than the Complainant and those through whom he claims title has at anytime within twelve years next preceding the filing of the said Bill of Complaint, had any possession of the said lands, paid any taxes thereon or made any claim to the said lands or any part thereof or any interest therein.

Any and all persons claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof must appear in this Court and plead, answer or demur to the Bill of Complaint before November 14, 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 13th day of September, 1944.


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

J. B. Blackburn
Solicitor for Complainant.

NOTE OF TESTIMONY

EARL H. FITKIN,

Complainant,

VS.

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Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 1197.

APPLICATION FOR ORAL EXAMINATION
OF WITNESSES

EARL H. FITKIN,

Complainant,

VS.

CERTAIN LANDS AND S. P. GALLIARD,
et als,

Respondents.

ORDER

EARL H. FITKIN,

Complainant,

VS.

CHEPAIN LANDS AND S. P. GAILLARD,
et als,

Respondents.

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

7 recd

11-17-44

*R.S. Weeks -
Presy.*

RECORDED

MOTION

EARL H. FITKIN,

Complainant,

VS.

CERTAIN LANDS AND S.P. GAILLARD,
Trustee et als,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 1197.

RECORDED

DISCLAIMER

EARL H. FITKIN,

Complainant,

VS.

CERTAIN LANDS AND S. P. GAILLARD,
Trustee, et als,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Earl H. Fitkin
21-27-1944

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1197
RECORDED

SUMMONS AND BILL OF COMPLAINT

EARL H. FITKIN,

Complainant,

VS.

CERTAIN LANDS, et als

Respondent.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Overlaid paper 13 1944
Deputy Sheriff
Reynolds

9-16-44

By _____ Deputy Sheriff

MR. Stewart

W. H. Holcombe
Deputy Sheriff

Executed by serving copy of within Summons and

Complaint on *Sept 18th 44* 1944

Received 16 Day of Sept 1944
and on 16 Day of Sept 1944

I served a Copy of the within 16
on D. P. Gaillard, Trustee; D. P. Gaillard
D. P. Gaillard, Jr. Trustee + D. P. Gaillard
by service on _____

W. H. HOLCOMBE, Sheriff

By *Mose Bernstein*

Original

1197

RECORDED

NOTICE OF PENDENCY OF BILL OF
COMPLAINT.

EARL H. FITKIN,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED,
S. P. GAILLARD, TRUSTEE, et als

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.