

3598

C. M. NORTHCUTT, JR.,
Complainant,
vs.

The following described
real property situated in
Baldwin County, Alabama,
viz: The Northwest Quarter
of the Southwest Quarter of
Section 16, Township 5 South,
Range 4 East, and J. W. New-
man, J. W. Neuman, and the
unknown heirs at law, devisees
and next of kin of the said J.
W. Newman and J. W. Neuman, if
deceased, and any and all other
persons, firms or corporations
claiming any right, title or
interest in the above described
real property,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

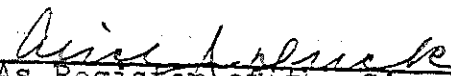
It having been made to appear from affidavit of C. M. Northcutt, Jr., the Complainant in the above styled cause, that J. W. Newman and/or J. W. Neuman, if living, and his or their unknown heirs at law and devisees if he or they are dead, are non-residents of the State of Alabama, and his or their places of residence are unknown to the Complainant and cannot be ascertained after a diligent search and inquiry and that the Respondent or Respondents, if living, or his or their unknown heirs at law and devisees if he or they are dead, are believed to be over the age of twenty-one years;

Notice is hereby given to J. W. Newman and/or J. W. Neuman, if living, and to his or their unknown heirs at law and devisees if he or they are dead, and to any and all persons, firms or corporations claiming any interest in the above described lands, that on the 24 day of August, 1955, C. M. Northcutt, Jr., filed his Bill of Complaint in the Circuit Court of Baldwin County, Alabama, In Equity, against all of the Respondents named in the caption of this notice and against the lands described above and you are hereby notified to appear and plead, answer or demur to said Bill of Complaint by the 1st day of November, 1955, or a decree pro confesso will be rendered against you.

The Bill of Complaint alleges that C. M. Northcutt, Jr., claims to own the entire fee simple title to said lands subject only to an oil, gas and mineral lease to Sun Oil Company and a mortgage to Rudolph F. Bertolla, having acquired the same by a deed from Eva Thames, a widow, individually, and Eva Thames, as Guardian of Sibyl Thames, et al., Minors, dated November 13, 1943, and which deed is recorded in Deed Book 81 N.S., at pages 295-6, in the Office of the Judge of Probate of Baldwin County, Alabama; and that the Grantors in the last mentioned deed acquired their title and interest to said lands by descent and distribution from their husband and father, Alvin Thames, Deceased, who, together with the said Eva Thames acquired title to said property from John W. Thames, a widower, by warranty deed dated June 23, 1937, which deed is recorded in Deed Book 62 N.S., at pages 333-4, in the Office of the Judge of Probate of Baldwin County, Alabama; that the said John W. Thames acquired his title to said property by virtue of a tax deed executed by the Judge of Probate of Baldwin County, Alabama, on August 22, 1925, which deed is recorded in Deed Book 36 N.S., at page 528, and by virtue of a tax sale dated June 1, 1923, wherein said lands were sold to the said John W. Thames for taxes then due for the tax year 1922 from J. W. Newman and/or J. W. Neuman. The Bill of Complaint also alleges that title to said lands stands in the name of the Complainant on the records of the Probate Court of Baldwin County, Alabama, and that no suit is pending to test the Complainant's title to, interest in or right to possession of said lands. It is further alleged in the Bill of Complaint that the Complainant is in the quiet, actual, peaceable, open, notorious and adverse possession of all of the lands therein described claiming to own the same in his own right in fee simple subject only to the oil lease and mortgage referred to above and using the same in every way that such lands are susceptible to use and that he and those under whom he claims have been in such possession and have assessed and paid taxes on said lands for more than ten (10) years next immediately preceding the filing of the Bill of Complaint and that no other person, firm or corporation has had any possession of said lands or any part thereof or has assessed or paid taxes on the same during that period of time.

It is further alledged in said Bill of Complaint that such suit is filed for the purpose of establishing the title of the Complainant to said lands and for the purpose of clearing up all doubts and disputes concerning the same.

WITNESS my hand and seal this 24 day of August, 1955.


As Register of the Circuit Court of
Baldwin County, Alabama, In Equity

CHASON & STONE

Solicitors for Complainant.

\$5.00

C. M. NORTHCUTT, JR.,

VS.

CERTAIN LANDS, ET AL.

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

NO. 3598

TESTIMONY TAKEN IN OPEN COURT, BEFORE HON. HUBERT M. HALL,
JUDGE OF SAID COURT, November 28, 1955.

HON. NORBORNE S. STONE, JR. REPRESENTING THE COMPLAINANT.

HON. WILSON HAYES, GUARDIAN AD LITEM.

Q. Is this Mr. C. M. Northcutt?

A. Right.

Q. You are the complainant in this suit to quiet title to certain
lands dedcribed in the complaint, are you not?

A. Yes sir.

Q Is that land described as the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 16,
Township 5 South, Range 4 East, Baldwin County, Alabama?

A. Yes sir.

MR. STONE: We would like for the record to show that we have
ordered certain certified copies of deeds in
the chain of title and have not been able to
get these deeds--

THE COURT: Go ahead and identify them and you may furnish
the deeds to the reporter later.

MR. STONE: We introduce in evidence certified copy of deed
from State of Alabama to J. W. Thames, dated

August 22, 1925, as the same appears of record in Deed Book 36 N.S. page 528, in the office of the Judge of Probate of Baldwin County, Alabama.

We also introduce certified copy of a deed from J. W. Thames, a widower, dated June 23, 1937 to Eva Thames and John W. Thames, as the same appears of record in deed book 62 N.S. page 333, in the office of the Judge of Probate of Baldwin County, Alabama.

We also introduce certified copy of warranty deed from Eva Thames, a widow, individually, and Eva Thames, as guardian of Sybil Thames, George Pervin Thames, Josephine Thames and Alvin Chester Thames, minors, dated November 13, 1943, to C. M. Northcutt, Jr., which is recorded in deed Book 81 N. S. pages 295-6, in the office of the Judge of Probate of Baldwin County, Alabama. The last named deed contains recital that the minors are the heirs at law of John W. Thames, who was the father who took title jointly with Eva Thames, their mother.

- Q. Mr. Northcutt, the lands described in the deeds I have just mentioned, have you been in the actual possession of that land since November 13, 1943, the date that you got the deed?
- A. I was in possession of the land longer than that; I rented the land for several years.

Q. As the owner?

A. Yessir.

Q. Since November 13, 1943, have you claimed the lands?

A. Yes sir.

Q. Has anynother person, firm or corporation been in possession of that land or made any claim to the land?

A. No/

Q. Has your possession been open?

A. Yes sir.

Q. What use have you made of the land?

A. Farmed it; different crops, such as corn, beans and potatoes.

Q. Is the entire 40 acres in cultivation?

A. All but about one acre and the land around the house -- there is about 35 acres in cultivation.

Q. You and your family have cultivated the land since 1943?

A. Yes sir.

Q. Is that land under fence?

A/ Yes sir.

Q. Did you construct the fence?

A. I put all of the fences there that are there now; of course it was fenced when I bought it.

Q. You have had no notice of any adverse claim adverse to yours during this 12 year period?

A. No.

Q. Is there any suit pending besides this one, Mr. Northcutt,

to test the title to this land?

A. No.

Q. You reside at Rosinton, is that correct?

A. Yes sir.

Q. How far do you reside from this land?

A. About a half of a quarter of a mile.

Q. About a half quarter?

A. Exactly/a half quarter;.it is right back of my house.

Q. And you are using this land in the way it is most
suseptible for use - as farm lands?

a. Yes sir.

Q. Have you assessed and paid the taxes on this property
every year since you acquired it?

A. Yes sir.

Q. Regularly assessed and paid taxes on it?

A. Yes sir.

Q. There are no taxes now due on the land?

A. I have not paid this years' tax.

Q. Through 1954?

A. Yes sir.

Q. You have paid all of the taxes?

A. Yes sir.

Q. There is a mortgage on the land?

A. Yes sir.

Q. Who is the mortgage to?

A. It is to Rudolph Bertolla.

Q. Have you ever leased the land for oil, gas and other minerals?

A. Yes sir.

Q. Is there presently an oil lease on the property?

A. Yes sir

ON CROSS EXAMINATION OF THIS WITNESS HE TESTIFIED:

Examination by Wilson Hayes, Guardian Ad Litem.

Q. Q. You have been in possession of this land since what what date?

A. Since 1943 when I bought it; But I have farmed it since Alvin Thames died.

Q. Have you been in the continuous, hostile possession of the land?

A. I have been in the continuous possession.

Q. Have you cultivated it every year since that time?

A. Yes sir.

Q Harvested the crops?

A. Yes sir.

Q. What kind of fence do you have around the property?

A. It has some barb wire - right now it has mostly barb wire fences - cattle fences.

Q. Did you put the fence up yourself?

A. Just about all of the fences around it now; I put it up on two sides, Me and Mr. Hankins put it up on one side and me and Cecil Lukas put it up on the other side.

Q. Do you maintain the fences?

A. We all maintain the fences; we all have cattle in the field.

Q. You said that you have paid the taxes on this property--
Have you also assessed the property for taxes?

A. Yes sir.

Q. For each year since you obtained your deed?

A. Yes sir.

Q. Have you made an attempt to find the whereabouts of J. W.
Newman and J. W. Newman?

A. Through my Attorney I have.

Q. Did you inquire about and around the land from the people
living in that vicinity & the whereabouts of these people?

A. Yes sir.

Q. Did you learn anything about the whereabouts of these
folk?

A. Way back when the lands were first acquired in '24 or '25
they tried to contact those people and found out that they
were dead.

Q. You made an attempt to determine who their heirs were?

A. They didn't have any heirs.

Q. You have not been able to determine any claimants through
Newman?

A. No.

MR. LEONARD M. LOTT, A WITNESS FOR THE COMPLAINANT, BEING
FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Stone.

Q. What is your name, please?

A. Leonard M. Lott.

Q. Are you familiar, Mr. Lott, with the land about which Mr. Northcutt has just testified in Rosinton area?

A. I am.

Q. How far do you live from this land?

A. Just a half mile.

Q. Is that land now being farmed, or cultivated?

a. Yes sir.

Q. Who cultivates that land?

A. Corty.

Q. How long has he been cultivating it to your knowledge?

A. More than 12 years; I don't know the date he begin; I

I have lived there that long.

Q. Do you know when he bought the land of your own knowledge from Mrs Thames and her children?

A. I was present - I wouldn't know the exact date, but it has been something like 12 years.

Q. Has Corty been in the continuous possession of the property since he bought it?

A. Yes sir.

Q. Has anybody else to your knowledge been in possession of that property, or any part thereof?

A. No sir, I don't think so - I would know if they had and they have not.

Q. Is the land under fence?

A. Yes sir.

- Q. And how has Mr. Northcutt used the land?
- A. He row cropped it a part of the time and a part of the time he has had it in small grain and winter pasture.
- Q. Has he been in the actual possession of this property?
- A. That is right.
- Q. Now I believe you stated that the property was under fence?
- A. Yes sir, I helped build some of the fences.
- Q. Have those fences been around the property for the last 10 or 12 years?
- A. Yes sir, longer than that, I'm sure. I know they have.
- Q. Do you know that Mr. Northcutt is over 21 years of age?
- A. Yes sir.

ON CROSS EXAMINATION BY THE GUARDIAN ADLITEM.

- Q/ Did you see Mr. Northcutt cultivating that property?
- A. Yes sir.
- Q. Did you see him harvest the crops?
- A. Not every year, but I have seen him harvesting crops.
- Q. Did he claim or make you understand that he claimed the property as his own?
- A. Yes sir.
- Q. For this period of time since the date of the deed from Mr. Thames?
- A. Yes sir.
- Q. Has he maintained a fence around the property?
- A. Yes sir.

C E R T I F I C A T E:

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

This 28th day of November, 1955.

James D. [Signature]
Court Reporter

24th
Judge of Probate's Deed to Purchase at Tax Sale of Land Assessed by Owner.

THE STATE OF ALABAMA,)
COUNTY OF BALDWIN.)

KNOW ALL MEN BY THESE PRESENTS,; That, Whereas, the land hereinafter described was subject to taxation for the year 1922 and the Board of Revenue levied taxes thereon for county purposes for said year; and

WHEREAS, Said land was returned for taxation by J. M. Neuman for said year 1922, 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 April 1923 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 1st day of June, A. D., 1923, 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 J. M. Neuman; 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 J. W. Thames who was the highest bidder, for \$10.35, which covered the taxes, fees, charges, costs and expenses of 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 had been assessed to J. M. Neuman, 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 has elapsed, and said Certificate of Purchase has been returned to the Probate Judge by J. W. Thames the purchaser.

NOW, THEREFORE, I, W. D. Stapleton, 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 J. W. Thames all the right, title and interest of said J. M. Neuman 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:

N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Section 16, Township 5 South of Range 4 East.

situated in said County and State; To have and to hold the same, the said right, title and interest unto said J. W. Thames---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 22nd day of August, A. D., 1925.
(SEAL)

W. D. Stapleton
Judge of Probate, Baldwin County.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, T. W. Richerson, Clerk of the Circuit Court, in and for said County, in said State, hereby certify that W. D. Stapleton, 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 executed the same voluntarily on the day the same bears date.

Given under my hand, this the 22nd day of August, A. D. 1925.
(SEAL)

T. W. Richerson
Clerk of the Circuit Court,
Baldwin County, Ala.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, W. D. Stapleton, Judge of Probate for said County hereby certify that the following privilege tax has been paid on the within instrument as required by acts 1923. Viz. \$___ Cts. 50.

W. D. Stapleton, Judge of Probate.
by J. L. Kessler, Clerk.

Filed for record August 22nd 1925 at 8 A. M.
Recorded August 27th 1925.

W. D. Stapleton, Judge of Probate.

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W. R. STUART

PROBATE JUDGE

Nº 3615

Bay Minette, Ala., 12-30-55, 19

Received of *Miss J. Duck*

No.		Deed Tax		Mortgage Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
<i>C. 70</i>	<i>Northcutt Jr. vs:</i>							<i>2</i>	<i>25</i>
	<i>J. W. Newman et al.</i>								

FOR RECORD

Gill-Mobile.

TOTAL \$ *235*

W. R. Stuart

Judge of Probate.

W. R.

PROBATE COURT

that the within and foregoing One photostatic pages

J. W. Thames,

528.

Page _____

Given under my hand and seal of office, this 5th day of December, 1955.

Judge of Probate.

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STATE OF ALABAMA
BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: that WHEREAS, SIBYL THAMES, GEORGE PERVY THAMES, JOSEPHINE THAMES, ALVIN CHESTER THAMES, Minors, under fourteen years of age and Eva Thames, widow, an adult, are joint owners and tenenatss in common in the following described tract of land in Baldwin County, Alabama, to-wit:

Northwest quarter of Southwest quarter
of Section 16, Township 5 South, Range
4 East.

The said Eva Thames owns an undivided one-half interest therein in her own right, and also a dower interest therein as the widow of Alvin Thames, deceased, and each of the said minors own an one-eighth interest in said lands, subject to the dower rights of the said Eva Thames, and the said lands have not been partitioned; and

WHEREAS, There is no valid authority vested in any person by the terms of any instrument under such minors hold such interest authorizing a sale of their interest and such sale is not prohibited or restricted by any instrument, and

WHEREAS, Eva Thames was appointed and qualified by the Probate Court of Baldwin County, Alabama, as Guardian over the person and estates of such said minors, on September 17, 1943, and she acting individually and as Guardian of the said minors did enter into a contract with C.M. Northcutt Jr., to sell the aforesaid lands to him for and at the sum of Four Thousand Dollars (\$4000.00), the purchase price to be paid Two Thousand Dollars (\$2000.00) cash, upon delivery of deed and the remainder, namely, two Thousand Dollars (\$2000.00) to be secured by first mortgage of Vendor's Lien on said property, payable in four installments each, on or before one, two, three and four years from date of delivery of deed, with interest thereon at the rate of six ^{per cent} ~~per annum~~, interest on the whole unpaid balance to be paid annually, and she did report such sale to the Probate Court of Baldwin County, Alabama, by petition filed therein September 22, 1943, and prayed that such Court would ratify and confirm such sale and authorize and empower her to execute and deliver to the said C.M. Northcutt, Jr., a proper conveyance conveying to him the aforesaid lands, including her interest and the interest of said minors therein; and the said Probate Court by a decree rendered on the 29th day of October, 1943, approved and confirmed said sale in all things, under and by virtue of Article 4 of Title 47 of the Code 1940; and the said Court ordered and decreed that the said Eva Thames, as Guardian aforesaid make and execute and deliver to the said C.M. Northcutt, Jr., a deed of conveyance conveying the right, title and interest of the said Sibyl Thames, George Pervy Thames, Josephine Thames, Alvin Chester Thames, minors, in and to the said lands above described; and

WHEREAS, the said C. M. Northcutt, Jr., having paid to the said Eva Thames, individually, and as Guardian of the said minors, the full purchase price thereof, namely Four Thousand Dollars

PROBATE COURT

that the within and foregoing Two photostatic pages

C. M. Northcutt, Jr.,

295-6.

Page _____

Judge of Probate.

PROBATE COURT

that the within and foregoing One photostatic pages

and Eva Thames,

Page 333-4.

Given under my hand and seal of office, this 5th day of December, 1955.

Judge of Probate.

C. M. NORTHCUTT, JR.,
Complainant,
vs.

The following described
real property situated in
Baldwin County, Alabama,
viz: The Northwest Quarter
of the Southwest Quarter of
Section 16, Township 5 South,
Range 4 East, and J. W. New-
man, J. W. Neuman, and the
unknown heirs at law, devisees
and next of kin of the said J.
W. Newman and J. W. Neuman, if
deceased, and any and all other
persons, firms or corporations
claiming any right, title or
interest in the above described
real property,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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

Comes your Complainant, C. M. Northcutt, Jr., and files this
his Bill of Complaint against the following described land situated
in Baldwin County, Alabama, to-wit:

The Northwest Quarter of the Southwest Quarter of
Section 16, Township 5 South, Range 4 East,

and against J. W. Newman, J. W. Neuman, and the unknown heirs at
law, devisees and next of kin of the above named parties who may be
deceased and against any and all other persons, firms or corporations
claiming any title to, interest in, lien or encumbrance upon said
land or any part thereof, and respectfully represents and shows unto
your Honor and unto this Honorable Court as follows:

FIRST:

That his name is C. M. Northcutt, Jr., and that he is over the
age of twenty-one years and a resident citizen of Baldwin County,
Alabama, his more particular address being Rosinton, Alabama.

SECOND:

That he is in the actual, peaceable, and adverse possession
of all of the land described above, claiming to own the same in his

own right in fee simple and using the same in very way that such land is susceptible to use. That no suit is pending to test his title to, interest in or right to possession of said land.

THIRD:

That your Complainant claims to own the entire fee simple title in and to said land and that the title thereto stands in his name upon the Probate Records of Baldwin County, Alabama. That he acquired the title to said land by a statutory warranty deed from Eva Thames, a widow, Individually and Eva Thames, as Guardian of Sibyl Thames, George Pervy Thames, Josephine Thames, and Alvin Chester Thames, Minors, dated November 13, 1943, and which deed was filed for record on said day and recorded in Deed Book 81 N.S., at pages 295-6, in the Office of the Judge of Probate of Baldwin County, Alabama. That the Grantors in the last mentioned deed acquired their title to said land by descent and distribution from their father and husband, Alvin Thames, who, together with the said Eva Thames, acquired title to said property from John W. Thames, a widower, by warranty deed dated June 23, 1937, which deed is recorded in Deed Book 62 N.S., at pages 333-4, in the office of the Judge of Probate of Baldwin County, Alabama. That the said John W. Thames, who was one and the same person as J. W. Thames, acquired his title to said property by virtue of a tax deed executed by the Judge of Probate of Baldwin County, Alabama, on August 22, 1925, which deed is recorded in Deed Book 36 N.S., at page 528, and by virtue of a tax sale dated June 1, 1923, wherein said land was sold to the said J. W. Thames for taxes then due for the tax year 1922 from J. W. Newman, the Respondent herein.

FOURTH:

That your Complainant and those under whom he claims have been in the actual, quiet, peaceable, open, notorious and adverse possession of said land for more than ten years next immediately preceding the filing of this Bill of Complaint and that no other person, firm or corporation has been in the possession of said land or any part thereof during said period of time. That your Complainant and those under whom he claims have paid taxes on such land dur-

ing this entire period of time and that no other person, firm or corporation has paid any taxes on said land or any part thereof during said period.

FIFTH:

That your Complainant claims the fee simple title to said land subject only to the interest acquired by Sun Oil Company under and by virtue of an oil, gas and mineral lease executed by your Complainant on February 2, 1952, which said lease is recorded in Deed Book 170, at pages 407-8, in the office of the Judge of Probate of Baldwin County, Alabama, and subject also to that certain mortgage executed on November 13, 1943, by your Complainant to Rudolph F. Bertolla, which said mortgage is recorded in Mortgage Record 96, at pages 543-44, in the office of the Judge of Probate of Baldwin County, Alabama, and which said mortgage and the note and debt secured thereby is presently owned by Rudolph Bertolla.

SIXTH:

Your Complainant further shows unto your Honor and unto this Honorable Court that the above named Respondents or their heirs at law, next of kin, devisees or grantees, claim or are reputed to claim some right, title or interest in said land or lien or encumbrance upon the same and your Complainant calls upon each of them to set forth their specific right, title, claim, interest or encumbrance and how and by what instrument the same is derived and created.

SEVENTH:

Your Complainant further shows unto this Honorable Court and unto your Honor that he is informed and believes, and upon such information and belief, alleges that the Respondents, J. W. Newman and J. W. Neuman, are one and the same person and that he, or if your Complainant is mistaken in his information and belief, that they, are over the age of twenty-one years, if living, and that your Complainant has made a diligent search and inquiry to ascertain whether or not he or they are living and if dead the names, ages, and post office addresses of his or their heirs at law, next of kin, devisees or grantees but that your Complainant has been unable after such search and inquiry to ascertain whether or not he or they are living; that in this search and inquiry your Complainant had prepared

an Abstract of Title to the above described land and has made numerous inquiries among the people who live in the neighborhood of this land and of the people who live in and around Rosinton and Robertsdale, Alabama. That the names of the heirs at law and next of kin of the said J. W. Newman and/or J. W. Neuman are unknown to your Complainant. That if said Respondents are living they are non-residents of the State of Alabama.

PRAYER FOR PROCESS:

To the end therefore that equity may be had in the premises your Complainant prays that this Court will cause the usual writ of process to issue against all of the Respondents named herein and to their unknown heirs at law, next of kin and devisees and any and all persons, firms or corporations claiming any interest in the above described land or encumbrance upon the same according to the statutes of the State of Alabama, in such cases made and provided and to the rules and practice of this Honorable Court, requiring them to plead, answer or demur to this Bill of Complaint within the time required by law and that this Court will also cause notice to be published of the instituting of this proceeding and the filing of this Bill of Complaint as required by law authorizing the quieting of title to real estate by process in rem. That an appropriate order of publication be entered against all of the Respondents requiring them and their unknown heirs at law, next of kin and devisees to answer and plead to this Bill of Complaint before a date to be named in said order not less than thirty days after the perfection of service by publication or by personal service. Your Complainant further prays that your Honor will cause a guardian ad litem to be appointed to represent and protect the interest, if any, of the unknown heirs at law and next of kin of the Respondents named herein and of the unknown parties to this proceeding.

PRAYER FOR RELIEF:

Your Complainant further prays that on a hearing of this cause that your Honor will establish Complainant's right or title to the land herein described and will enter an appropriate order or decree that your Complainant is the owner of said land in fee simple and that no other person, firm or corporation has any title

to, interest in, lien or encumbrance upon said land or any part thereof except Sun Oil Company under the lease referred to above and Rudolph Bertolla, the owner of the mortgage referred to above and especially that J. W. Newman and J. W. Newman and their unknown heirs at law, next of kin, devisees and grantees have no right, title, interest in, lien or encumbrance upon said land or any part thereof and that in said decree your Honor will order that a certified copy thereof be filed for record in the office of the Judge of Probate of Baldwin County, Alabama, to be recorded therein, with directions as to whose name it shall be indexed in the direct and indirect indexes of said records in the office of the Judge of Probate of Baldwin County, Alabama; and your Complainant prays for such other, further, different and general relief as in equity will be meet and proper.

C. M. Northcutt, Jr.
C. M. Northcutt, Jr.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Norborne C. Stone, Jr., a Notary Public in and for said State and County, personally appeared C. M. Northcutt, Jr., who is known to me, and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is C. M. Northcutt, Jr.; that he is the Complainant in the above styled cause and that he signed the foregoing Bill of Complaint as such; that he has had a diligent search and inquiry made to ascertain whether any of the Respondents named in the foregoing Bill of Complaint are dead, and if dead, the names, ages and post office addresses of their heirs at law and next of kin; that the allegations contained in the foregoing Bill of Complaint are true and correct and that said Respondents, if living, are over the age of twenty-one years.

C. M. Northcutt, Jr.

Sworn to and subscribed before me this 23rd day of August, 1955.

Norborne C. Stone, Jr.
Notary Public, Baldwin County, Ala.

BOOK 018 PAGE 05

C. M. NORTHCUTT, JR.,

Complainant,

vs.

The following described real property situated in Baldwin County, Alabama, viz: The Northwest Quarter of the Southwest Quarter of Section 16, Township 5 South, Range 4 East, and J. W. Newman, J. W. Neuman, and the unknown heirs at law, devisees and next of kin of the said J. W. Newman and J. W. Neuman, if deceased, and any and all other persons, firms or corporations claiming any right, title or interest in the above described real property,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

703598

It having been made to appear in the above styled cause from the Bill of Complaint and affidavit of C. M. Northcutt, Jr., the Complainant, that J. W. Newman and/or J. W. Neuman, are non-residents, or is a non-resident, of the State of Alabama, and over the age of twenty-one years, if living, and whose address or addresses are unknown to the Complainant; and the Complainant having requested that this Court enter an appropriate order of publication, making such Respondent or Respondents and his or their unknown heirs at law and devisees and any other person, firm or corporation claiming any interest in said lands parties to this cause and requiring them to answer or plead to the Bill of Complaint filed in said cause before a date to be named in said order of publication;

It is, therefore, ORDERED and DECREED that such notice be prepared and published in the Baldwin Times, a newspaper of general circulation, published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks and that a copy of such notice be posted at the Courthouse door in Bay Minette, Alabama; and that in said notice that the Respondent or Respondents be required to answer or plead to said Bill of Complaint before November 1, 1955.

It is further ORDERED and DECREED that a certified copy of the notice so prepared be filed in the Office of the Judge of Probate of Baldwin County, Alabama, and be recorded as a lis pendens.

Done this 24 day of August, 1955.

Wm. J. Smith
Register.

BOOK 018 PAGE 07

C. M. NORTHCUTT, JR.,	1	
Complainant,	0	IN THE CIRCUIT COURT OF
vs.	1	BALDWIN COUNTY, ALABAMA
CERTAIN LANDS, <u>ET AL.</u> ,	1	IN EQUITY. NO. 3598
Respondents.	1	

DECREE PRO CONFESSO ON PUBLICATION

It having been made to appear to the Register in the above styled cause that the Order of Publication entered in said cause on August 24, 1955, was published four (4) consecutive weeks, commencing on the 1st day of September, 1955, and ending on the 22nd day of September, 1955, in The Baldwin Times, a newspaper of general circulation, published in Bay Minette, Baldwin County, Alabama, and that a copy of said Order was posted at the Court House door in Baldwin County on the 24th day of August, 1955,

And it further appearing to the Register that the said J. W. Newman and/or J. W. Neuman having to the date hereof failed to demur, plead to, or answer the Bill of Complaint in this cause, and it further appearing to the Register that the Complainant, C. M. Northcutt, Jr., has this day filed a motion for a Decree Pro Confesso against J. W. Newman and/or J. W. Neuman, it is, therefore,

ORDERED and DECREED by the Register that the Bill of Complaint in the above styled cause be, and it hereby is in all things, taken as confessed against the said J. W. Newman and/or J. W. Neuman.

Done this 22nd day of November, 1955.

W. J. Duck
 Register.

C. M. NORTHCUTT, JR.,	Ø	
Complainant,	Ø	IN THE CIRCUIT COURT OF
vs.	Ø	BALDWIN COUNTY, ALABAMA
CERTAIN LANDS and	Ø	IN EQUITY. NO. 3598
J. W. NEWMAN, <u>ET AL.</u> ,	Ø	
Respondents.	Ø	

ORDER APPOINTING GUARDIAN AD LITEM

It having been made to appear from the Bill of Complaint heretofore filed in this cause that some of the Respondents therein named are unknown and that a Guardian Ad Litem should be appointed to represent and defend the interest of said unknown parties in this proceeding; and it further appearing that Wilson Hayes is a practicing attorney in the city of Bay Minette, Alabama, and is in all respects a suitable person to act as such Guardian Ad Litem, it is, therefore,

ORDERED that Wilson Hayes be and he hereby is appointed as Guardian Ad Litem to represent and defend the unknown parties in said proceeding.

Dated this 26 day of Nov., 1955.

Alice J. Duck
Alice J. Duck, Register A.S.

C. M. NORTHCUTT, JR.,

Complainant,

vs.

CERTAIN LANDS and
J. W. NEWMAN, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF

BALIWEN COUNTY, ALABAMA

IN EQUITY. NO. 3598

TO THE HONORABLE WILSON HAYES, ESQ., BAY MINETTE, ALABAMA:

TAKE NOTICE, that by an order of the undersigned as Register of the Circuit Court of Baldwin County, Alabama, In Equity, made and entered on the 26 day of Nov., 1955, you were appointed to act as Guardian Ad Litem for the unknown parties Respondent in that certain cause now pending in this Court wherein C. M. Northcutt, Jr. is the Complainant and Certain Lands and J. W. Newman, et al. are the Respondents, in accordance with the provisions of Title 7, Section 1117 (1) of the Code of Alabama of 1940, as amended.

Given under my hand this 26 day of Nov., 1955.

Alice J. Duck
Alice J. Duck

I hereby accept the appointment as Guardian Ad Litem for the unknown parties Respondent in the above styled cause to represent and protect their interests therein and do hereby deny the allegations of the complaint and reserve the right to file appropriate pleas or answers.

Witness my hand this 26 day of Nov., 1955.

Wilson Hayes
Guardian Ad Litem.

C. M. NORTHCUTT, JR.,

Complainant,

vs.

The following described
real property situated in
Baldwin County, Alabama,
viz: The Northwest Quarter
of the Southwest Quarter of
Section 16, Township 5 South,
Range 4 East, and J. W. New-
man, J. W. Neuman, and the
unknown heirs at law, devisees
and next of kin of the said J.
W. Newman and J. W. Neuman, if
deceased, and any and all other
persons, firms or corporations
claiming any right, title or
interest in the above described
real property,

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 bill of complaint, order of publication, notice,
affidavits and proof of publication, decree pro confesso on publica-
tion, appointment, acceptance and answer of guardian ad litem and the
testimony of C. M. Northcutt, Jr., and Leonard M. Lott taken orally
before the Court on this day, the parties being present and also the
guardian ad litem heretofore appointed by this Court.

And it appearing to the Court that C. M. Northcutt, Jr., is in
the actual, peaceful and adverse possession of all of the lands des-
cribed in the bill of complaint claiming to own the same in his own
right in fee simple, except as hereinafter noted, and using the same in
every way that such lands are susceptible to use and that no suit is
pending to test his title to, interest in or right to possession of said
lands; and it further appearing to the Court that the said C. M. North-
cutt, Jr., claims the entire fee simple title to said lands subject to
the mortgage and to the oil, gas and mineral lease hereinafter refer-
red to, having acquired the same by statutory warranty deed from Eva
Thames, a widow, individually, and as guardian of Sibyl Thames, George
Pervy Thames, Josephine Thames and Alvin Chester Thames, minors, dated

November 13, 1943, and which deed is recorded in Deed Book 81 N.S., at pages 295-6, in the Office of the Judge of Probate of Baldwin County, Alabama; the grantors in said last mentioned deed having acquired their title to said lands by descent and distribution from their father and husband, Alvin Thames, who, together with the said Eva Thames acquired title to said property from John W. Thames, a widower, by warranty deed dated June 23, 1937, which deed is recorded in Deed Book 62 N.S., at pages 333-4, in the Office of the Judge of Probate of Baldwin County, Alabama; and that the said John W. Thames acquired his title to said property by virtue of a tax deed executed by the Judge of Probate of Baldwin County, Alabama, on August 22, 1925, conveying said property, which deed is recorded in Deed Book 36 N.S., at page 528, in the Office of the Judge of Probate of Baldwin County, Alabama, and by virtue of a tax sale dated June 1, 1923, wherein said lands were sold to J. W. Thames, who was one and the same person as John W. Thames for taxes then due on said property for the tax year 1922 from J. W. Newman or J. W. Neuman, the Respondent herein.

And it further appearing to the Court that the title to said lands stands on the record in the Office of the Judge of Probate of Baldwin County, Alabama, in the name of C. M. Northcutt, Jr., subject only to the interest acquired by Sun Oil Company under and by virtue of an oil, gas and mineral lease executed by the Complainant on February 2, 1952, and which is recorded in Deed Book 170, at pages 407-8, in the Office of the Judge of Probate of Baldwin County, Alabama, and to that certain mortgage executed on November 13, 1943, by the Complainant to Rudolph F. Bertolla, which mortgage is recorded in Mortgage Record 96, at pages 543-4, in the Office of the Judge of Probate of Baldwin County, Alabama; and it further appearing to the Court that the said C. M. Northcutt, Jr., is over the age of twenty-one years and that he and those under whom he claims title to said property have assessed and paid taxes on said property and were in the open, notorious and exclusive and adverse possession of all of said property for more than ten (10) years immediately preceding the filing of his bill of complaint in this cause and that no other person,

firm or corporation has assessed or paid taxes on said property or any part thereof or had possession of said property or any part thereof during that period of time. And it further appearing to the Court that C. M. Northcutt, Jr., is entitled to the relief prayed for in his bill of complaint, it is, therefore,

ORDERED, ADJUDGED and DECREED by the Court that C. M. Northcutt, Jr., is the owner in fee simple of the following described property situated in Baldwin County, Alabama, to-wit:

The Northwest Quarter of the Southwest Quarter of
Section 16, Township 5 South, Range 4 East,

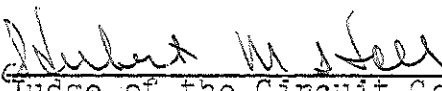
and that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said lands or any part thereof except that the title of the said C. M. Northcutt, Jr., to all of the oil, gas and other minerals located in, on or under the above described property is subject to the rights of Sun Oil Company as more particularly set forth in that certain oil, gas and mineral lease executed by the said C. M. Northcutt, Jr., to said Company on February 2, 1952, which said lease is hereinabove referred to; and except the rights of Rudolph Bertolla to said property under and by virtue of the terms of the mortgage now owned by him on said property which was executed by the said C. M. Northcutt, Jr., on November 13, 1943, and which is hereinabove referred to. That J. W. Newman and/or J. W. Neuman, if living, and if deceased, his or their unknown heirs at law, devisees and next of kin have no title to, interest in, lien or encumbrance upon said property or any other person, firm or corporation claiming any interest in said property.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Register of this Court shall, within thirty days of the rendering of this Decree, file a certified copy of the same for record in the Probate Court of Baldwin County, Alabama, and tax the expenses thereof as part of the cost of this proceeding and said Decree shall be recorded in the same Book and manner in which deeds are recorded and shall be indexed in the name of the Respondents named herein in the direct index and in the name of C. M. Northcutt, Jr., in the reverse index.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainant, C. M. Northcutt, Jr., be and he hereby is taxes with the cost of this proceeding for which execution may issue.

It is further ORDERED, ADJUDGED and DECREED by the Court that all the proceedings herein be recorded.

Done this 30 day of November, 1955.


Judge of the Circuit Court of Baldwin
County, Alabama, In Equity

C. M. NORTHCUTT, JR.,

Complainant,

vs.

The following described
real property situated in
Baldwin County, Alabama,
viz: The Northwest Quarter
of the Southwest Quarter of
Section 16, Township 5 South,
Range 4 East, and J. W. New-
man, J. W. Neuman, and the
unknown heirs at law, devisees
and next of kin of the said J.
W. Newman and J. W. Neuman, if
deceased, and any and all other
persons, firms or corporations
claiming any right, title or
interest in the above described
real property,

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 bill of complaint, order of publication, notice,
affidavits and proof of publication, decree pro confesso on publica-
tion, appointment, acceptance and answer of guardian ad litem and the
testimony of C. M. Northcutt, Jr., and Leonard M. Lott taken orally
before the Court on this day, the parties being present and also the
guardian ad litem heretofore appointed by this Court.

And it appearing to the Court that C. M. Northcutt, Jr., is in
the actual, peaceful and adverse possession of all of the lands des-
cribed in the bill of complaint claiming to own the same in his own
right in fee simple, except as hereinafter noted, and using the same in
every way that such lands are susceptible to use and that no suit is
pending to test his title to, interest in or right to possession of said
lands; and it further appearing to the Court that the said C. M. North-
cutt, Jr., claims the entire fee simple title to said lands subject to
the mortgage and to the oil, gas and mineral lease hereinafter refer-
red to, having acquired the same by statutory warranty deed from Eva
Thames, a widow, individually, and as guardian of Sibyl Thames, George
Perry Thames, Josephine Thames and Alvin Chester Thames, minors, dated

November 13, 1943, and which deed is recorded in Deed Book 81 N.S., at pages 295-6, in the Office of the Judge of Probate of Baldwin County, Alabama; the grantors in said last mentioned deed having acquired their title to said lands by descent and distribution from their father and husband, Alvin Thames, who, together with the said Eva Thames acquired title to said property from John W. Thames, a widower, by warranty deed dated June 23, 1937, which deed is recorded in Deed Book 62 N.S., at pages 333-4, in the Office of the Judge of Probate of Baldwin County, Alabama; and that the said John W. Thames acquired his title to said property by virtue of a tax deed executed by the Judge of Probate of Baldwin County, Alabama, on August 22, 1925, conveying said property, which deed is recorded in Deed Book 36 N.S., at page 528, in the Office of the Judge of Probate of Baldwin County, Alabama, and by virtue of a tax sale dated June 1, 1923, wherein said lands were sold to J. W. Thames, who was one and the same person as John W. Thames for taxes then due on said property for the tax year 1922 from J. W. Newman or J. W. Neuman, the Respondent herein.

And it further appearing to the Court that the title to said lands stands on the record in the Office of the Judge of Probate of Baldwin County, Alabama, in the name of C. M. Northcutt, Jr., subject only to the interest acquired by Sun Oil Company under and by virtue of an oil, gas and mineral lease executed by the Complainant on February 2, 1952, and which is recorded in Deed Book 170, at pages 407-8, in the Office of the Judge of Probate of Baldwin County, Alabama, and to that certain mortgage executed on November 13, 1943, by the Complainant to Radolph F. Bertolla, which mortgage is recorded in Mortgage Record 96, at pages 543-4, in the Office of the Judge of Probate of Baldwin County, Alabama; and it further appearing to the Court that the said C. M. Northcutt, Jr., is over the age of twenty-one years and that he and those under whom he claims title to said property have assessed and paid taxes on said property and were in the open, notorious and exclusive and adverse possession of all of said property for more than ten (10) years immediately preceding the filing of his bill of complaint in this cause and that no other person,

firm or corporation has assessed or paid taxes on said property or any part thereof or had possession of said property or any part thereof during that period of time. And it further appearing to the Court that C. M. Northcutt, Jr., is entitled to the relief prayed for in his bill of complaint, it is, therefore,

ORDERED, ADJUDGED and DECREED by the Court that C. M. Northcutt, Jr., is the owner in fee simple of the following described property situated in Baldwin County, Alabama, to-wit:

The Northwest Quarter of the Southwest Quarter of
Section 16, Township 5 South, Range 4 East,

and that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said lands or any part thereof except that the title of the said C. M. Northcutt, Jr., to all of the oil, gas and other minerals located in, on or under the above described property is subject to the rights of Sun Oil Company as more particularly set forth in that certain oil, gas and mineral lease executed by the said C. M. Northcutt, Jr., to said Company on February 2, 1952, which said lease is hereinabove referred to; and except the rights of Rudolph Bertolla to said property under and by virtue of the terms of the mortgage now owned by him on said property which was executed by the said C. M. Northcutt, Jr., on November 13, 1943, and which is hereinabove referred to. That J. W. Newman and/or J. W. Neuman, if living, and if deceased, his or their unknown heirs at law, devisees and next of kin have no title to, interest in, lien or encumbrance upon said property or any other person, firm or corporation claiming any interest in said property.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Register of this Court shall, within thirty days of the rendering of this Decree, file a certified copy of the same for record in the Probate Court of Baldwin County, Alabama, and tax the expenses thereof as part of the cost of this proceeding and said Decree shall be recorded in the same Book and manner in which deeds are recorded and shall be indexed in the name of the Respondents named herein in the direct index and in the name of C. M. Northcutt, Jr., in the reverse index.

228
It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainant, C. M. Northcutt, Jr., he and he hereby is taxes with the cost of this proceeding for which execution may issue.

It is further ORDERED, ADJUDGED and DECREED by the Court that all the proceedings herein be recorded.

Done this 30th day of November, 1955.

Hubert M. Hall

Judge of the Circuit Court of Baldwin County, Alabama, In Equity

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct original decree rendered in the above entitled cause, which said cause is a matter of record in the Circuit Court of Baldwin County, Alabama.

WITNESS MY HAND AND SEAL OF OFFICE

Alice J. Duck
Register of Circuit Court, Baldwin County, Alabama

STATE OF ALABAMA, BALDWIN COUNTY

Filed 12-30-55 M

Recorded Dec 30 book 232 page 309-3

W. R. Stuart

Judge of Probate

SR

JIMMY FAULKNER
PUBLISHER

THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

Legal Notice

In the Circuit Court of Baldwin County Alabama, In Equity.

C. M. NORTHCUTT, JR., Complainant, vs. The following described real property situated in Baldwin County, Alabama, viz: The Northwest Quarter of the Southwest Quarter of Section 16, Township 5 South, Range 4 East, and J. W. Newman, J. W. Neuman, and the unknown heirs at law, devisees and next of kin of the said J. W. Newman and J. W. Neuman, if deceased, and any and all other persons, firms or corporations claiming any right, title or interest in the above described real property, Respondents.

It having been made to appear from affidavit of C. M. Northcutt, Jr., the Complainant in the above styled cause, that J. W. Newman and/or J. W. Neuman, if living, and his or their unknown heirs at law and devisees if he or they are dead, are non-residents of the State of Alabama, and his or their places of residence are unknown to the Complainant and cannot be ascertained after a diligent search and inquiry and that the Respondent or Respondents, if living, or

his or their unknown heirs at law and devisees if he or they are dead, are believed to be over the age of twenty-one years:

Notice is hereby given to J. W. Newman and/or J. W. Neuman, if living, and to his or their unknown heirs at law and devisees if he or they are dead, and to any and all persons, firms or corporations claiming any interest in the above described lands, that on the 24th day of August, 1955, C. M. Northcutt, Jr., filed his Bill of Complaint in the Circuit Court of Baldwin County, Alabama, In Equity, against all of the Respondents named in the caption of this notice and against the lands described above and you are hereby notified to appear and plead, answer or demur to said Bill of Complaint by the 1st day of November, 1955, or a decree pro confesso will be rendered against you.

The Bill of Complaint alleges that C. M. Northcutt, Jr., claims to own the entire fee simple title to said lands subject only to an oil, gas and mineral lease to Sun Oil Company and a mortgage to Rudolph F. Bertolla, having acquired the same by deed from Eva Thames, a widow, individually, and Eva Thames, as Guardian of Sibyl Thames, et al., Minors, dated November 13, 1943, and which deed is recorded in Deed Book 81 N. S., at pages 295-6, in the Office of the Judge of Probate of Baldwin County, Alabama; and that the Grantors in the last mentioned deed acquired their title and interest to said lands by descent and distribution from their husband and father, Alvin Thames, Deceased, who, together with the said Eva Thames acquired title to said property from John W. Thames, a widower, by warranty deed dated June 23, 1937, which deed is recorded in Deed Book 62 N. S., at pages 333-4, in the Office of the Judge of Probate of Baldwin County, Alabama; that the said John W. Thames acquired his title to said property by virtue of a tax deed executed by the Judge of Probate of Baldwin County, Alabama, on

August 22, 1925, which deed is recorded in Deed Book 36 N. S., at page 528, and by virtue of a tax sale dated June 1, 1923, wherein said lands were sold to the said John W. Thames for taxes then due for the tax year 1922 from J. W. Newman and/or J. W. Neuman. The Bill of Complaint also alleges that title to said lands stands in the name of the Complainant on the records of the Probate Court of Baldwin County, Alabama, and that no suit is pending to test the Complainant's title to, interest in or right to possession of said lands. It is further alleged in the Bill of Complaint that the Complainant is in the quiet, actual, peaceable, open, notorious and adverse possession of all of the lands therein described claiming to own the same in his own right in fee simple subject only to the oil lease and mortgage referred to above and using the same in every way that such lands are susceptible to use and that he and those under whom he claims have been in such possession and have assessed and paid taxes on said lands for more than ten (10) years next immediately preceding the filing of the Bill of Complaint and that no other person, firm or corporation has had any possession of said lands or any interest therein or has assessed taxes thereon or has assessed taxes thereon during the

It is further alleged in said Bill of Complaint that such suit is filed for the purpose of establishing the title of the Complainant to said lands and for the purpose of clearing up all doubts and disputes concerning the same.

WITNESS my hand and seal this 24th day of August, 1955.

(Signed) ALICE J. DUCK
As Register of the Circuit

Court of Baldwin County,
Alabama, In Equity.
CHASON & STONE,
Solicitors for Complainant. 33-4tc

the notice hereto attached of

Ces. Lunde

and newspaper for 4 consecutive weeks in the following issues:

_____ Sept. 1, 1955 Vol. 66 No. 33

_____ Sept. 8, 1955 Vol. 66 No. 34

_____ Sept. 15, 1955 Vol. 66 No. 35

_____ Sept. 22, 1955 Vol. 66 No. 36

_____ Sept. 29, 1955 Vol. 66 No. 37

_____ Oct. 6, 1955 Vol. 66 No. 38

_____ Oct. 13, 1955 Vol. 66 No. 39

_____ Oct. 20, 1955 Vol. 66 No. 40

_____ Oct. 27, 1955 Vol. 66 No. 41

_____ Nov. 3, 1955 Vol. 66 No. 42

_____ Nov. 10, 1955 Vol. 66 No. 43

_____ Nov. 17, 1955 Vol. 66 No. 44

_____ Nov. 24, 1955 Vol. 66 No. 45

_____ Dec. 1, 1955 Vol. 66 No. 46

_____ Dec. 8, 1955 Vol. 66 No. 47

_____ Dec. 15, 1955 Vol. 66 No. 48

_____ Dec. 22, 1955 Vol. 66 No. 49

_____ Dec. 29, 1955 Vol. 66 No. 50

_____ Jan. 5, 1956 Vol. 66 No. 51

_____ Jan. 12, 1956 Vol. 66 No. 52

_____ Jan. 19, 1956 Vol. 66 No. 53

_____ Jan. 26, 1956 Vol. 66 No. 54

_____ Feb. 2, 1956 Vol. 66 No. 55

_____ Feb. 9, 1956 Vol. 66 No. 56

_____ Feb. 16, 1956 Vol. 66 No. 57

_____ Feb. 23, 1956 Vol. 66 No. 58

_____ Feb. 29, 1956 Vol. 66 No. 59

_____ Mar. 6, 1956 Vol. 66 No. 60

_____ Mar. 13, 1956 Vol. 66 No. 61

_____ Mar. 20, 1956 Vol. 66 No. 62

_____ Mar. 27, 1956 Vol. 66 No. 63

_____ Apr. 3, 1956 Vol. 66 No. 64

_____ Apr. 10, 1956 Vol. 66 No. 65

_____ Apr. 17, 1956 Vol. 66 No. 66

_____ Apr. 24, 1956 Vol. 66 No. 67

_____ Apr. 30, 1956 Vol. 66 No. 68

_____ May 7, 1956 Vol. 66 No. 69

_____ May 14, 1956 Vol. 66 No. 70

_____ May 21, 1956 Vol. 66 No. 71

_____ May 28, 1956 Vol. 66 No. 72

_____ Jun. 4, 1956 Vol. 66 No. 73

_____ Jun. 11, 1956 Vol. 66 No. 74

_____ Jun. 18, 1956 Vol. 66 No. 75

_____ Jun. 25, 1956 Vol. 66 No. 76

_____ Jul. 2, 1956 Vol. 66 No. 77

_____ Jul. 9, 1956 Vol. 66 No. 78

_____ Jul. 16, 1956 Vol. 66 No. 79

_____ Jul. 23, 1956 Vol. 66 No. 80

_____ Jul. 30, 1956 Vol. 66 No. 81

_____ Aug. 6, 1956 Vol. 66 No. 82

_____ Aug. 13, 1956 Vol. 66 No. 83

_____ Aug. 20, 1956 Vol. 66 No. 84

_____ Aug. 27, 1956 Vol. 66 No. 85

_____ Sep. 3, 1956 Vol. 66 No. 86

_____ Sep. 10, 1956 Vol. 66 No. 87

_____ Sep. 17, 1956 Vol. 66 No. 88

_____ Sep. 24, 1956 Vol. 66 No. 89

_____ Sep. 30, 1956 Vol. 66 No. 90

_____ Oct. 7, 1956 Vol. 66 No. 91

_____ Oct. 14, 1956 Vol. 66 No. 92

_____ Oct. 21, 1956 Vol. 66 No. 93

_____ Oct. 28, 1956 Vol. 66 No. 94

_____ Nov. 4, 1956 Vol. 66 No. 95

_____ Nov. 11, 1956 Vol. 66 No. 96

_____ Nov. 18, 1956 Vol. 66 No. 97

_____ Nov. 25, 1956 Vol. 66 No. 98

_____ Dec. 2, 1956 Vol. 66 No. 99

_____ Dec. 9, 1956 Vol. 66 No. 100

_____ Dec. 16, 1956 Vol. 66 No. 101

_____ Dec. 23, 1956 Vol. 66 No. 102

_____ Dec. 30, 1956 Vol. 66 No. 103

_____ Jan. 6, 1957 Vol. 66 No. 104

_____ Jan. 13, 1957 Vol. 66 No. 105

_____ Jan. 20, 1957 Vol. 66 No. 106

_____ Jan. 27, 1957 Vol. 66 No. 107

_____ Feb. 3, 1957 Vol. 66 No. 108

_____ Feb. 10, 1957 Vol. 66 No. 109

_____ Feb. 17, 1957 Vol. 66 No. 110

_____ Feb. 24, 1957 Vol. 66 No. 111

_____ Feb. 29, 1957 Vol. 66 No. 112

_____ Mar. 6, 1957 Vol. 66 No. 113

_____ Mar. 13, 1957 Vol. 66 No. 114

_____ Mar. 20, 1957 Vol. 66 No. 115

_____ Mar. 27, 1957 Vol. 66 No. 116

_____ Apr. 3, 1957 Vol. 66 No. 117

_____ Apr. 10, 1957 Vol. 66 No. 118

_____ Apr. 17, 1957 Vol. 66 No. 119

_____ Apr. 24, 1957 Vol. 66 No. 120

_____ Apr. 30, 1957 Vol. 66 No. 121

_____ May 7, 1957 Vol. 66 No. 122

_____ May 14, 1957 Vol. 66 No. 123

_____ May 21, 1957 Vol. 66 No. 124

_____ May 28, 1957 Vol. 66 No. 125

_____ Jun. 4, 1957 Vol. 66 No. 126

_____ Jun. 11, 1957 Vol. 66 No. 127

_____ Jun. 18, 1957 Vol. 66 No. 128

_____ Jun. 25, 1957 Vol. 66 No. 129

_____ Jul. 2, 1957 Vol. 66 No. 130

_____ Jul. 9, 1957 Vol. 66 No. 131

_____ Jul. 16, 1957 Vol. 66 No. 132

_____ Jul. 23, 1957 Vol. 66 No. 133

_____ Jul. 30, 1957 Vol. 66 No. 134

_____ Aug. 6, 1957 Vol. 66 No. 135

_____ Aug. 13, 1957 Vol. 66 No. 136

_____ Aug. 20, 1957 Vol. 66 No. 137

_____ Aug. 27, 1957 Vol. 66 No. 138

_____ Sep. 3, 1957 Vol. 66 No. 139

_____ Sep. 10, 1957 Vol. 66 No. 140

_____ Sep. 17, 1957 Vol. 66 No. 141

_____ Sep. 24, 1957 Vol. 66 No. 142

_____ Sep. 30, 1957 Vol. 66 No. 143

_____ Oct. 7, 1957 Vol. 66 No. 144

_____ Oct. 14, 1957 Vol. 66 No. 145

_____ Oct. 21, 1957 Vol. 66 No. 146

_____ Oct. 28, 1957 Vol. 66 No. 147

_____ Nov. 4, 1957 Vol. 66 No. 148

_____ Nov. 11, 1957 Vol. 66 No. 149

_____ Nov. 18, 1957 Vol. 66 No. 150

_____ Nov. 25, 1957 Vol. 66 No. 151

_____ Dec. 2, 1957 Vol. 66 No. 152

_____ Dec. 9, 1957 Vol. 66 No. 153

_____ Dec. 16, 1957 Vol. 66 No. 154

_____ Dec. 23, 1957 Vol. 66 No. 155

_____ Dec. 30, 1957 Vol. 66 No. 156

_____ Jan. 6, 1958 Vol. 66 No. 157

_____ Jan. 13, 1958 Vol. 66 No. 158

_____ Jan. 20, 1958 Vol. 66 No. 159

_____ Jan. 27, 1958 Vol. 66 No. 160

_____ Feb. 3, 1958 Vol. 66 No. 161

_____ Feb. 10, 1958 Vol. 66 No. 162

_____ Feb. 17, 1958 Vol. 66 No. 163

_____ Feb. 24, 1958 Vol. 66 No. 164

_____ Feb. 29, 1958 Vol. 66 No. 165

_____ Mar. 6, 1958 Vol. 66 No. 166

_____ Mar. 13, 1958 Vol. 66 No. 167

_____ Mar. 20, 1958 Vol. 66 No. 168

_____ Mar. 27, 1958 Vol. 66 No. 169

_____ Apr. 3, 1958 Vol. 66 No. 170

_____ Apr. 10, 1958 Vol. 66 No. 171

_____ Apr. 17, 1958 Vol. 66 No. 172

_____ Apr. 24, 1958 Vol. 66 No. 173

_____ Apr. 30, 1958 Vol. 66 No. 174

_____ May 7, 1958 Vol. 66 No. 175

_____ May 14, 1958 Vol. 66 No. 176

_____ May 21, 1958 Vol. 66 No. 177

_____ May 28, 1958 Vol. 66 No. 178

_____ Jun. 4, 1958 Vol. 66 No. 179

_____ Jun. 11, 1958 Vol. 66 No. 180

_____ Jun. 18, 1958 Vol. 66 No. 181

_____ Jun. 25, 1958 Vol. 66 No. 182

_____ Jul. 2, 1958 Vol. 66 No. 183

_____ Jul. 9, 1958 Vol. 66 No. 184

_____ Jul. 16, 1958 Vol. 66 No. 185

_____ Jul. 23, 1958 Vol. 66 No. 186

_____ Jul. 30, 1958 Vol. 66 No. 187

_____ Aug. 6, 1958 Vol. 66 No. 188

_____ Aug. 13, 1958 Vol. 66 No. 189

_____ Aug. 20, 1958 Vol. 66 No. 190

_____ Aug. 27, 1958 Vol. 66 No. 191

_____ Sep. 3, 1958 Vol. 66 No. 192

_____ Sep. 10, 1958 Vol. 66 No. 193

_____ Sep. 17, 1958 Vol. 66 No. 194

_____ Sep. 24, 1958 Vol. 66 No. 195

_____ Sep. 30, 1958 Vol. 66 No. 196

_____ Oct. 7, 1958 Vol. 66 No. 197

_____ Oct. 14, 1958 Vol. 66 No. 198

_____ Oct. 21, 1958 Vol. 66 No. 199

_____ Oct. 28, 1958 Vol. 66 No. 200

_____ Nov. 4, 1958 Vol. 66 No. 201

following the morning worship
 with relatives in Butte, Mont.
 son back from his vacation spent
 by to welcome Rev. Paul Nel-
 September. The group was hap-
 Rally Day on the first Sunday of
 Faith Mission held its annual
 Faith Mission
 Fairhope.
 friends at the Beasley home in
 last week. She had visited aged
 nerdale called on Mrs. Lundberg
 Mrs. Floyd Rhodes of Sum-
 and.
 ons, of Decatur, and their hus-
 ile, and Mrs. Raymond Clay and
 s, Mrs. J. R. Cantrell, of Mo-
 hompkins, of Russellville, neic-
 recently were a sister, Mrs. Ora
 Guests at the Curtis Vick home
 a Fairhope
 odge, Iowa, to make their home
 south this past year from Fort
 Blom. The latter have come
 Carl Larson, and Mr. and Mrs.
 Mrs. V. Olson, Mr. J. Hauge, Mrs.
 in Fairhope recently, Mr. and
 for "Pot Luck" refreshments.
 Faith Mission recognized Na-
 tional Christian Education Sun-
 day this past Sunday by sending
 Mrs. Ed Sjoman visited friends
 in Fairhope recently, Mr. and
 for "Pot Luck" refreshments.
 ed to the Albert Pearson home at
 the church, the group was invit-
 ance. Following the program at
 urday night with a good attend-
 Adult-Young Peoples met Sat-
 Mobile.
 garet Cain at business college in
 versity of Alabama, and to Mar-
 lege, to Dolores Pearson to Uni-
 berg to Troy State Teachers Col-
 away to college; Mildred Heidel-
 were extended to those going
 es with God's richest blessings
 of congratulations and best wish-
 ducting the Devotionals. Words
 Pearson, with Rev. Nelson con-
 favorites was led by Dolores
 dinner, a song service of special
 immediately following the
 enjoyed.
 delightful time of fellowship was
 of the church. A delicious and
 discuss, down in the social room
 coral vine blossoms and pink hi-

"Sparkplugs", ages 10-16, and 17-25, leader Mrs. A. Dear-
 ndquist, sponsor Mrs. H. Dear-
 ndquist, teacher Mr. A. Rundquist, W.
 setting at the A. Rundquist, W.
 Olson, and S. Gates homes.
 duties, meetings in the M. Fos-
 erg, D. Petty and C. O. Young

It is further alleged in said Bill
 of Complaint that such suit is fil-
 ed for the purpose of establishing

Rally Month
 Thursday nights
 The Champions", ages 11-12,
 under Mrs. J. Reedy, teacher
 sponsor Mrs. Emery Johnson,
 Harry Linden, meetings held
 the L. Linden, I. Washburn,
 L. Douglas homes on Monday,
 Tuesday, and Thursday nights.
 "The Goal Reachers", ages 13-
 four, and fifth Sundays at 9
 am, with Sunday School follow-
 ing at 10 a.m.
 The Young People's Luther
 League meets every other Sun-
 day night.
 Mr. Ed Sjoman visited friends
 in Fairhope recently, Mr. and
 for "Pot Luck" refreshments.
 ed to the Albert Pearson home at
 the church, the group was invit-
 ance. Following the program at
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 of the church. A delicious and
 discuss, down in the social room
 coral vine blossoms and pink hi-

STATE OF ALABAMA.
BALDWIN COUNTY.

E. R. Morrisette, Jr., being duly sworn, deposes and says
 that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper pub-
 lished at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of
C. M. Nantacutt, Jr. Vs. Car. Lunde

COST STATEMENT	
964	WORDS @ 6 1/2 cents = \$ 62 66
I hereby certify this it correct, due and unpaid (paid).	
<u>E. R. Morrisette, Jr.</u> Editor	<u>E. R. Morrisette, Jr.</u> Publisher

was published in said newspaper for 4 consecutive weeks in the following issues:
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 Date of 4th publication Sept. 22, 1955 Vol. 66 No. 36
 Subscribed and sworn before the undersigned this 22 day of Sept, 1955
Dorothy Martin
 Notary Public, Baldwin County.
E. R. Morrisette, Jr.
 Editor Publisher

