

STATE OF ALABAMA BAIDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAHA:

You are hereby commanded to summons VIRGINIA DAW, widow of S. M. Waters, HERBERT B. WATERS, QUINCY WATERS, SUSIE W.TERS WILDERS. WESTON WATERS, TAVERNE WATERS, Lavon WATERS, EDWIN Q, WATERS, FRS. EIGHT PETERSON, MARTHA OWEN, and CATHERINE HELMNICK, and their heirs, devisees and assigns if deceased, the unknown heirs, devisees, grantees, personal representatives, and assigns of S. M. Waters, deceased, Virginia Daw, widow of the said S. M. Waters, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, Lavon Waters, Edwin Q. Waters, Ars. Elmer Peterson, Martha Owen and Catherine Helnnick, to appear and plead, answer or demur, within thirty days from the service hereof, to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by Fred S. Grange, as Complainant, against Virginia Daw, et al, as Respondents,.

WITNESS my hand this the 14 day of November, 1955

den fine ter

FRED S. GRANGE

COMPLATMANT

ONE OF BALDWIN COUNTY, ALABARA,

VERGINEA DAW, ET AL,

FRESPONDENTS

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABARA,

TO THE HONCRABLE HUBBRT M. HALL, JUDGE OF THE CERCUIT COURT OF BALDWIN JOOUNEY, ALABAMA, IN EQUITY:

Your Complainant, Fred S. Grange, presents this his Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

The Morthwest quarter of Southeast quarter of Section 7, Township & South, Range 5 East, containing &0 acres, more or less, in Baldwin County, Alabama,

and also against Virginia Daw, widow of S. M. Waters, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, WestonWaters, Laverne Waters, Lavon Waters, Edwin Q. Waters, Mrs. Elmer Feterson, Muritha Owen and Catherine Helmnick, all being the sole heirs of S. M. Waters, deceased, and against them, and each of their heirs, devisees, grantees, administrators, successors, personal representations and assigns, and also against any other person, firm or forporation claiming any right, title to, interest in, or encumbrance against said land or any part thereof, and respectfully represents and shows unto Your Honor as follows:

That your Complainant is over the age of twenty-one years and a resident of Rutheen, Iowa.

2.

That Laverne Waters is a resident of this State and whose address is believed to be 2723 N. Thompson Drive, Mobile, Alabama; that Edwin Q. Waters is a resident of Alabama, and whose address is believed to be 42 Chestmut Street, Gadsden, Alabama; that Martha Oven is a resident of the State of Alabama, whose address is believed to be 58 S. Washingtonavenue, Mobile, Alabama; that Catherine Helmnick is a resident of Foley, BaldwinCounty, Alabama; that Virginia Daw, La Von Waters, Mrs. Elmer Feterson, are residents of Gateswood, Baldwin County, Alabama; that Weston Waters is a non-resident of the State of Alabama, and whose address is believed to be 729 H. 61st Street, Pensacola, Florida; that Juincy Waters is a non-resident of the State of Alabama, and whose address is believed to be Cantonement, Florida; that Susie Waters Wilders is a non-resident of the State of Alabama, and whose resident is believed to be in the State of Ohio and that after having exercised reasonable diligence, your Complainant has been unable to ascertain more particularly her address; that Herbert B. Waters is a non-resident of the State of Alabama, and whose residence is believed to be in New York, New York, and that after exercising reasonable diligence your Complainant has been unable to ascertain more particularly his address. That all of the above respondents are over the age of twenty-one years.

3.

That Your Complainant is the owner in fee simple and in the actual possession of the lands herein described in Baldwin County, Alabama, and being as follows:

The Morthwest quarter of Southeast quarter of Section 7, Tornship 4 South, Range 5 East, containing 40 acres, more or less, in Baldwin County, Alabama.

1

That no suit is pending to test the Complainant's title to, interest in or rights of possession to said lands; that the Complainant therefore calls upon the Respondents and each of them to set forth and specify what right, title, interest in, lien or encumbrances they have upon said lands or any part or parcel thereof and by what instrument or instruments the same is derived and/orcreated.

That your Complainant acquired title to the said lands by a conveyance from S. S. Grange, dated May 3, 1912, and recorded in the office of the Probate Judge of Paldwin County, Alabama, in Daed Book 62 MS, page 69.

6.

That the title to said lands claimed by your Complainant stands upon the records of the Probate Court of Ealdwin County, Alabama, in the name of Fred S. Grange.

7.

That no one has at any time within ten years next preceding the filing of this bill of complaint, paid any taxes upon said lands, or had any possession thereof other than your Complainant.

8.

That the only person shown by the records of Faldwin County, Alabama, to have any claim against said land or any part thereof within the ten years next preceding the filling of this Complaint is your petitioner.

9,

That your Complainant has made and caused to be made a diligent search and inquiry, having the records searched at Day Minette, Alabama, and also inquiring of various parties in and around Gates wood, Alabama, where the land is located to ascertain the whereabouts of the Respondents if living or dead, their devisees, grantees, successors, personal representatives and assigns, but after such diligent search the information is unknown.

Monor will by proper processmake the said Virginia New, Merbert F. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, Lavon Waters, Edwin Q. Waters, Mrc. Elmer Peterson, Martha Owen and Catherine Helmnick, the unknown heirs, devisees, grantees, personal representatives, successors, and assigns of Virginia Daw, Herbert H. Waters, Quincy Waters, Susie WatersWilders, Weston Waters, Inverse Waters, Involve Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Malmnick, and any other, person, firm or corporation claiming any right, title to, interest in or encumbrance upon the said Lands in Baldwin County, Alabama, to-wit:

BOOK 020 PAGE 139

The Morthwest quarter of Southeast quarter of Section 7, Township th South, Range 5 East, containing to acres, more

or any part thereof, parties respondents to the Bill of Complaint, and require them, and each of them to appear and answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Henerable Court.

- Complainant further prays that upon a final hearing hereof Your Woner will make and enter a decree ascertaining and datermining that the fee simple title, free from all liens and endumbrances, to the lands herein and described and to each and every part and parcel thereof, is vested in your Complainant, Fred S. Grange, and that neither Virginia Daw, widow of S. M. Waters, Weston Waters, Susie Waters Wilders, Herbert B. Waters, Quincy Waters, Laverne Waters, Lavon Waters, Edwin J. Waters, Ers. Elmer Peterson, Martha Owen, and Catherine Helnnick, the unknown heirs, devisees, personal representatives, successors, grantees, and assigns of Virginia Daw, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters, Ers. Elmer Peterson, Martha Owens, and Catherine Halmick, nor any other person, firm or corporation has any right, title to, interest in or encumbrance upon the lands or any part or parcel thereof, and that any and all doubts and disputes concerning the land be cleared up.

Your Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive.

STATE OF ALABABA

BALDHIE COUNTY

Before me, the undersigned authority, in and for the County, in said State, personally appeared Harry J. Wilters, Jr., who is known to me, and who baving been by me first duly sworn, depones and says that he is Solicitor for the Complainant in the above smyled cause, and is authorized to make this affidavit; that from information obtainable the facts contained in the foregoing bill of complaint are true and correct.

Sworn to and subscribed before me on th

3655

Not found in my County after diligent search and inquiry.

RAY D. BRIDGES, Sheriff
By H Masluso D. S.

FRED S. GRANCE

COMPLAINANT

VERGENIA DAY, MT AL,

FILED NOV 14 1955

ALICE J. BUCK, Register

| FRED S. GRANGE       | ý                        |
|----------------------|--------------------------|
| G CHAPLA HAANT       | IN PH. OLEGYIT COVER OF  |
| V.S                  | BAIDWIN COUNTY, ALABAMA, |
| VIRGINIA DAW, ET AL, | IN EQUITY                |
| PESPONDENIS          |                          |

#### LIS WENDERS NOTICE

It having been made to appear, in the above styled cause by proper affidavit that laverne Waters is a resident of this state and whose address is believed to be 2723 N. Thompson Drive, Mobile, Alabama; that Edmin G. Waters is a resident of Alabama, and whose address is believed to be 842 Chestnut Street, Gadsden, Alabama; that Wartha Owen is a resident of the State of Alabama, whose address is believed to be 58 Scuth Washington Avenue, Mobile, Alabama; that Catherine Helmnick is a resident of Foley, Baldwin County, Alabama; that Virginia Daw, LaVon Waters, Lrs. Elmer Peterson, are residents of Gateswood, Baldwin County, Alabama; thatWeston Waters is a non-resident of the State of Alabama, and whose address is believed to be 729 North Slst Street, Pensacola, Florida; that Quincy Maters is a non-resident of the State of Alabama, and whose address is believed to be Cantonement, Florida; that Susie Waters Wilders is a non-resident of the State of Alabama and whose residenceis believed to be in the State of Ohio, and that after having exercised reasonable diligence your Complainant has been unable to ascertain more particularly her address; that Herbert B. Waters is almonresident of the State of Alabama, and whose residence is believed to be in New York, New York, and that after exercising reasonable diligence your Complainant has been unable to ascertain more particularly his address; that all the above respondents are over the age of twenty-one years; That your Complainant is over the age of twenty-one years and a resident of Rutheen, Iowa, and is the owner in fee simple of and in the actual possession of the following described lands situated in Baldwin County, Alabama, to-wit:

The Northwest quarter of Southeast quarter of Section 7, Township & South, Range 5 East, containing &O acres, more or less, in Baldwin County, Alabama.

That your Complainant acquired title to the said lands by a conveyance from S. S. Grange, dated May 3, 1912, and recorded in the office of the

Phat no one has at any time within ten years next preceding the filing of this Bill of Complaint, paid any taxes upon said lands, or had any cossession thereof other than your Complainant.

It is therefore ordered and notice is hereby given that the said

Virginia Daw, widow of S. M. Waters, Herbert E. Waters, Quincy Waters, Susie

WatersWilders, Westen Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters

Lrs. Elmer Peterson, Eartha Owen, and Catherine Helmuick, the unknown heirs,

devisees, personal representatives, grantees, successors, and assigns of

Virginia Law, widow of S. M. Waters, Herbert D. Waters, Juincy Waters,

Lusie Waters Wilders, Westen Waters, Laverne Waters, LaVon Waters, Edwin

Waters, Mrs. Elmer Peterson, Martha Owen, and Catherine Melandoky and

The other person, firms or corporations claiming any title to, interest in,

Lieu or encumbrances upon said lands, or any part thereof, to appear in the

Chrowit Court of Baldwin County, Alabama, in Equity, and plead, answer or

derur to the bill of complaint on or before the 19 day of Alexandus,

1055, or upon their having failed to do so, upon the expiration of thirty

days from said date, a decre pro confesso shall be taken against them,

and that this cause shall be at issue.

IT IS FURTHER ORDERED that this order and notice to published in the Eulewin Times, Bay Minette, Alabama, once a weak for four consecutive weeks.

IN WITHESS WEEREOF, I, Alice J. Duck, Register of the Circuit Court of Boldwin County, Alabama, have hereunto set my hand and seal of office on this the 14 day of November, 1955.

WILLIERS & ERANGLEY Soliditors for the Complainant.

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I, Alice J. Duck, Register of the Circuit Court of Daldwin County, Alabama, hereby certify that the foregoing is a full, true, correct and complete copy of notice given by publication in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, in the cause of Fred S. Grange, Complainant, VS Virginia Daw, et al, Respondents, and files for record in the office of the Judge of Probate of Baldwin County, Alabama, the county in which said lands lie, in accordance with the provisions of the laws of the State of Alabama.

In Witness Whereof, I have hereunto set my hand and seal of office on this the \_\_\_\_\_\_ day of Movember, 1955.

Register

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WARRAWTY DEED.

KNOW ALL MEN BY THESE PRESENTS, That S. S. GRANGE, for and in consideration of One Dollar and Love and Affection, to me in hand paid by my son FRED S. GRANGE and hereby bargain, sell and convey and grant unto the said FRED S. GRANGE and their heirs and assigns forever the following described property, to-wit:

The northwest quarter of southeast quarter (NW4 of SEt) Section seven (7) Township four (4) south, Range five (5) East, Baldwin County, Alabama, containing forty (40) acres, more or less.

Together with all and singular the tenements, hereditaments and appurtenantes thereto belonging or in anywise appertaining, free from all exemptions and right of homestead.

And he covenants that he is well seized of the said property, and has a good right to convey the same; that it is free of incumbrance and that he, his heirs and assigns, that they, the said grantees, their heirs, executors, administrators and assigns, in the quiet and peaceful possession and enjoyment thereof, against all persons lawfully claiming the same, shall and will forever warrant and defend.

In witness whereof the said S. S. GRANGE has hereunto set his and this 2nd day of way, A. D. Nineteen Hundred Twelve.

S. S. CRANCE

Signed, sealed and delivered in the presence of: DANIEL KELLY WM. J. FISHER.

STATE OF IOWA SS PALO ALTO COUNTY

On this Second day of May, 1912, before me, personally appeared S. S. CRANGE, to me known to be the person named in, and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

STAL.

T. F. RUTLEDGE, Clerk District Court Palo Alto County, Ioea BY: E. M. CARNEY, Deputy

STATE OF ALABAMA PROBATE COURT BALDWIN COUNTY

Filed in office this 3 day of May, 1937 at 2 P M and duly recorded in Deed Book 62 N S page 69; and I certify that \$--- cts 50 peed tax has been paid as required by law. G. W. Robertson, Judge of Probate

G. W. Robertson, Judge of Probate

<u>-000000000000-</u>

## The State of Alabama Baldwin County

### PROBATE COURT

| I, W. R. STUART, Judge of Probate               | Court in and fo  | r said State   | and County, | hereby certify  |
|---|--|--|-------------|-----------------|
| that the within and foregoingOne_ph             | hotostatic   |  |             | pages           |
| contain a full, true and complete copy of the   | Deed from  | S. S. G  | range to    |                 |
|   | Fred S. 0  | irange,  |             |                 |
|   |  |  |             |                 |
|   | and the second s | And the second s |             |                 |
| as the same appears of record in my office in - | Deed   |  | Book No.    | 62              |
| Page  |  |  |             |                 |
| Given under my hand and seal of office, this —  | 20 th<br>d   | ay of  |             | , 19            |
|   |  | <u> </u>   | C. Str      | lge of Probate. |

FRED S. CRANGE

CÒMPLA INANT

٧Ś

VIRGINIADAW, ET AL,

RESPONDENTS

CERTIFIED COPY OF DEED

BROM S. S. GRANGE

Filed april 29 1907 Derick french

| FRED S. GRANGE          | Ō                        |
|-------------------------|--------------------------|
| COMPLA IMANT            | IN THE CIRCUIT COURT OF  |
| Control and the base of | BAIDWIN COUNTY, ALAFAMA, |
| VS                      | IN FOULTY                |
| VIRGINIA DAW, ET AL.    | C                        |
| RESPONDENTS             | <b>♦</b>                 |

Now comes the Respondent, Martha Owens, in the above styled cause and by way of disclaimer says that she never had or pretended to have nor has she now nor does she claim or pretend to have any right, title or interest, either legal or equitable, of, in, or to the Worthwest quarter of the Southeast quarter of Section 7, Township & South, Hange 5 East, the subject matter of this suit as set out in the Complainant's Bill of Complaint, or any part thereof; and this Respondent disclaims both individually and in any respective capacity, any right, title and interest in, of, in or to the same, and every part thereof. martha Gwens

Sworn to and subscribed before me this the cay of February, 1956.

FRED S. GRANGE

COMPLAINANT

VS

VIRGINIA DAW, ET AL,

RESPONDENTS

DISCLAIMER OF MARTHA OWENS

APR 3. 1956

TRED S. GRANGE

OCMPLAINANT

OCMPLAINANT

VS

VS

VINCEQUITY

VERGINIA DAW, ET AL,

RESPONDENTS

V

Now comes the Respondent, Laverne Waters, in the above entitled cause and by way of disclaimer says that he never had or pretended to have nor has he now nor does he claim or pretend to have any right, title or interest, either legal or equitable, of, in, or to the Northwest quarter of the Southeast quarter of Section 7, Township 4 South, Range 5 East, the subject matter of this suit as set out in the Complainant's bill of Complaint, or any part thereof; and this Respondent disclaims, both individually and in any respective capacity, any right, title and interest in, of, in or to the same, and every part thereof.

Sworn to and subscribed before me this 7 day of Alney, 1956.

Notary (Ap) o, Salowin ounty Alphans

FRED S. GRANGE

COMPLAINANT

VS

VIRGINIA DAW, ET AL, RESPONDENTS

DISCLAIMER OF LAVERNE WATERS

ALICE L. DUCK, Register

| FRED S. GRANGE       | <b>◊</b>                 |
|----------------------|--------------------------|
| COMPLAINANT          | IN THE CIRCUIT COURT OF  |
|                      | BALDWIN GOUNTY, ALABAMA, |
| VS                   | IN ÈQUITY                |
| VIRGINIA DAW, ET AL, | <b>\(\rangle</b>         |
| RES PONDENTS         | CASE NO. 3655<br>0       |

It appearing to the Court that some of the Respondents in the above styled cause are unknown, and that their names and addresses cannot be ascertained after a diligent search and inquiry.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court that Wilson Hayes, a practicing attorney at Bay Minette, Baldwin County, Alabama, be and he is hereby appointed guardian ad litem to represent and protect the interest of the repondents in the above styled cause, whose names and addresses are unknown, and cannot be ascertained after a diligent search and inquiry.

IT IS FURTHER CADERED that the said Wilson Hayes, be notified of his appointment, and of the time fixed to take testimony in the cause.

Register A. Veuck

I hereby consent to act a s guardian ad litem in theabove styled cause for all parties whose names and addresses are unknown and cannot be ascertained after a diligent search and inquiry. I, as guardian ad litem for the unknown respondents, deny all the material allegations contained in the bill of Complaint and demand strict proof of the same.

- Dated this the /9 day of April, 1956.

Whom Hayer
Guardian ad Liven

FRED S. GRANGE

COMPLAINANT

978

VIRGINIA DAW, ET AL,

RES PONDENTS

APPOINTMENT OF GUARDIAN AD LITEM

AND ACCEPTANCE

Filed april 19, 1956 Acicet neuch Register

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|-------------------------|--|---------------------------------------|
| Baldwin                 | OF ALABAMA, NoCircui   | t Court, In Equity.                   |
|                         |  | e e e e e e e e e e e e e e e e e e e |
|                         | Fred S. Grange   | Complainant                           |
|                         | · Vs.  |                                       |
|                         | Virginia Daw, et al,   | Defendant_S_                          |
|                         |  |                                       |
| Motion is hereby made   | e for a Decree Pro Confesso against <u>Virginia Daw, L</u>   | avon Waters, and                      |
|                         |  |                                       |
| Mrs. Elmer Pe           | eterson , Catherine Helmick                                  | Defendant S                           |
| in the above stated car | ise, on the ground that more than thirty days have elapsed   | l since service of summons            |
| upon said Defendant 🖺   | ; and that said summons was duly served according to law     | , and that said Defendant . S         |
| have failed to demu     | r, plead to or answer the Bill of Complaint in this cause to | this date.                            |
| This 4                  | day of1956   |                                       |
|                         | 0/11.00  |                                       |
|                         |  | Solicitor.                            |
|                         |  |                                       |

| lo                            | Page   |    |
|-------------------------------|--|----|
| THE STATE C                   |  | 4  |
| Circuit Cou                   | t, In Equity   |    |
| FredS. Grange                 |  |    |
|                               |  |    |
| V                             | 5.   | "  |
| Virginia Daw, eta             | .1 <sub>9</sub> .  |    |
|                               |  | •  |
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|                               | AND THE RESERVE OF THE STATE OF |    |
| Motion for Decree<br>Personal | Pro Confesso o<br>Service  | on |
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| Fred S. Grange   |                                     |
|--|-------------------------------------|
|  | CIRCUIT COURT OF                    |
| Vs.  | Baldwin County.                     |
| Virginia Daw, etal,  |                                     |
|  | IN EQUITY                           |
| In this cause it being made to appear to the Register that on  | the 15th                            |
| day of November, 19 55, a copy of the Bill of  | Complaint filed in this cause was   |
| sent toWeston Waters   |                                     |
| Defendant, by registered mail, postage prepaid, marked "For de addressed," and return receipt demanded addressed to the Regis  | eter of this Court; and that on the |
| received and filed in this cause:  |                                     |
| And it further appearing to the Register that the said Defe<br>or demur to the said Bill to the date hereof, it is now, therefore, or<br>adjudged and decreed by the Register that the said Bill of Complain | n motion of Complainant, ordered,   |
| taken as confessed against the said Weston Waters  |                                     |
|  | Defendant                           |
| This the day ofApril   | , 19 <u>56</u>                      |
| lucy   | Register.                           |

| CIR      | CUIT COURT OF BALD COUNTY, ALABAMA         | NIW        |
|----------|--|------------|
|          | In Equity.                                 |            |
| Fre      | d S. Grange                                |            |
|          |  |            |
| : 1      |  |            |
|          | Vs.  |            |
| Vir      | ginia Daw, et al,                          |            |
|          |  |            |
|          |  |            |
|          |  |            |
|          | REE PRO CONFESSO A<br>TICE BY REGISTERED I |            |
| led in o | ffice this                                 | day of     |
|          | FILED                                      | _, 19      |
|          |  | -          |
|          | APK 5 1956                                 | , Register |

|     | Fred S. Grange  |              |   |
|-----|-----------------|--------------|---|
| 7s. |                 | Complainant, |   |
| 2.  | Vîrginia Daw, e | t al         |   |
|     |                 | Respondent.  | } |

In the Circuit Court.
In Equity No. 3655

#### DECREE PRO CONFESSO ON PERSONAL SERVICE.

|                                      | it appears to the Register<br>aw, Lavon Waters and |                          |             | pondent                  |
|--------------------------------------|--|--------------------------|-------------|--------------------------|
|                                      |  |                          |             |                          |
| by the Sheriff of<br>194 <u>56</u> . | Baldwin  | County, on the           | 23_day of   | November ,               |
|                                      | r appears to the Register                          |                          |             |                          |
| failed to plead, de                  | emur to or answer the E                            | the Responder            |             |                          |
|                                      | Wilters & Brantle                                  | •                        |             | Solicitors               |
| for Complainant,                     | ordered, and decreed by                            | y the Register that the  | Bill of Com | plaint in this cause be, |
| and it hereby is, i                  | n all things taken as co                           | nfessed against the said | Virginia    | Daw, Lavon               |
| Waters, an                           | d Mrs. Elmer Peterso                               | )n                       |             |                          |
| This 5                               | day of April                                       | , 194 56                 | <b>-</b>    |                          |

| CIRCUIT COUR<br>BALDWIN COU<br>ALABAMA.<br>IN EQUITY | NTY,                                  |
|--|---------------------------------------|
| Fred S. Grange                                       |                                       |
| 1100 24 02 032                                       |                                       |
| Co<br>Vs.  | mplainant,                            |
| Virginia Daw, et al,                                 | · · · · · · · · · · · · · · · · · · · |
| R  | espondent.                            |
| DECREE PRO CONFES                                    |                                       |
| Issued thisday of                                    |                                       |
| 194  |                                       |
| APR 5 1956   |                                       |
| ALICE J. BROK, Repistor                              | Register.                             |
| THE BALDWIN TIMES                                    | : '                                   |

No.

FRED S. GRANGE

COMPLAINANT

VS

VIRGINIA DAW, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 3655

MOTION FOR DECREE PRO CONFESSO ON PUBLICATION

Now comes the Complainant in the above styled cause and shows unto the court that an order of publication was made on the 14th day of November, 1955, which was duly published in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, in its issues of November 17, November 24, December 1, and December 8, 1955, and was directed to Laverne Waters, Edwin Q. Waters, Martha Owen, Catherine Helmnick, Virginia Daw, Lavon Waters, Mrs. Elmer Peterson, Weston Waters, Quincy Waters, Susie Waters Wilders, Herbert B. Waters, the unknown heirs, devisees, personal representatives and assigns of them and each of them, and any other persons, firms or corporations claiming any title to, interest in, right, lien or encumbrance upon the following described land situated inBaldwin County, Alabama, to-wit:

The Northwest quarter of Southeast quarter of Section 7, Township & South, Range 5 East, containing 50 acres, more or less, in Baldwin County, Alabama.

as Respondents, which required the said Respondents to answer or demur to the bill of complaint within thirty days after the 19th day of December, 1955, which said respondents have to this day failed to do.

WHEREFORE, the Complainant moves the court to grant a decree processes against the  $R_{\mbox{e}}$ spondents.

Solicitor for the Complainant

FRED S. GRANGE

COMPLA INANT

VS

VIRGINIA DAW, ET AL,

RESPONDENTS

MOTION FOR DECREE PRO CONFESSO ON PUBLICATION

FILED

APR # 1956

ALICE J. DOCK, Register

| FRED S. GRANGE   | δ · · · · · · · · · · · · · · · · · · · |
|--|---|
| COMPLAINANT  | IN THE CIRCUIT COURT OF                 |
| vs   | BALDWIN COUNTY, ALABAMA,                |
| TATE OF THE AND THE AND AND THE AND AND THE AN | IN EQUITY                               |
| VIRGINIA DAW, ET AL,   | v<br>no.3695                            |
| RES PONDENTS   | ₹ 0.00.10                               |

DECREE PRO CONFESSO ON PUBLICATION

In this cause it appearing to the court that the order of publication heretofore made in this cause was published four consecutive weeks commencing on the17th day of November, 1955, in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama; that a copy of said order was posted at the Court house door in Baldwin County, Alabama, on the 17th day of November, 1955, and it now further appearing to the court that the said Laverne Waters, Edwin Q. Waters, Martha Owen, Catherine Helmnick, Virginia Daw, LaVon Waters, Mrs. Elmer Peterson, Wester Waters, Quincy Waters, Susie Waters Wilders, Herbert B. Waters, the unknown heirs, devisees, grantees, personal representatives and assigns of them and each of them, Respondents, have to date hereof failed to plead, answer or demur to this bill of complaint.

It is therefore on motion of the Complainant, ordered and decreed, by the Court, that the said Bill of Complaint be and it is hereby, in all things, taken as confessed against the Respondents named in this cause.

Acie America

FRED S. GRANGE

VIRGINIA DAW, ET AL,

| No.                                     |                      | Page                             |
|---|----------------------|----------------------------------|
| TH                                      | E STATE O<br>Baldwin | F ALABAMA<br>County              |
| CIR                                     | CUIT COUR            | RT, IN EQUITY                    |
| i i                                     | ed S. Grange         |                                  |
| : 3                                     |                      |                                  |
| <b>V</b> :                              | Vs<br>Irginia Daw, e |                                  |
| ( )<br>( )<br>( )                       | t u                  |                                  |
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| Vol                                     |                      | Page                             |
| 3                                       | \$                   | Register.                        |

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| T                                     | ne State of Alabama,                   |                                   |  |
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| 1<br>1<br>1<br>1<br>1<br>1<br>1       | Baldwin County.                        | No. 30000 CIRCUIT COURT, IN EQUIT | Υ.   |
|                                       |  | Fred S. Grange Complainant        |  |
|                                       |  | Vs.                               |  |
| e e e e e e e e e e e e e e e e e e e |  | Virginia Daw, et al,              | The second secon |
|                                       | <del>ummun jarah mundanganah mem</del> | Defendant                         |  |

| Motion is hereby | made for a | a Decree Pro | Confesso | against | Weston | Waters                                  | and |  |
|------------------|------------|--------------|----------|---------|--------|---|-----|--|
|                  |            |              |          |         |        | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, |     |  |
|                  |            |              |          |         |        |   |     |  |

Quincy Waters Defendant

l since service of

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant......, and that said summons was duly served by Registered Mail, according to law, and that said Defendant...... ha........ failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 4th day of April , 19 56

Hong Wilten 9, s

| Fred S. Grange  |  |
|---|--|
|   | CIRCUIT COURT OF   |
| Vs.   | Baldwin County.  |
| Virginia Daw, et al,  | TAT WOTTERS  |
|   | IN EQUITY  |
| In this cause it being made to appear to the Register that on t   | he <u>15</u>   |
| day of November, 19 55, a copy of the Bill of C   | Complaint filed in this cause was  |
| sent to Quincey Waters  | en a construir de la companya de la companya de la construir de la construir de la construir de la construir d |
| Selit to  |  |
| Defendant, by registered mail, postage prepaid, marked "For delivaddressed," and return receipt demanded addressed to the Register      | -  |
| l8th day of November  | , 19 <u>55</u> , such receipt was duly   |
| received and filed in this cause:   |  |
| And it further appearing to the Register that the said Defen-<br>or demur to the said Bill to the date hereof, it is now, therefore, on | motion of Complainant, ordered,  |
| adjudged and decreed by the Register that the said Bill of Complaint  | be, and it hereby is in all things   |
| taken as confessed against the said Quincey Waters  |  |
|   | Defendant  |
| This the day of   | <u>, 19_56</u>   |
| acicy   | - Lluch Register.  |

| :<br>:   | No             | :   | 10.00 pt. 10.00 |            |
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| CIR  | CUIT COU       |   |   | VIN        |
|  | In 1           | Equity.                                   | -   |            |
| Fre  | ed S. Gra      | nge                                       |   |            |
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| A MANAGEMENT OF THE STATE OF TH |                | Vs.                                       |   |            |
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|  |                |   | <del>,</del>  | Register   |
| Entered in   |                |   | _ Page _  |            |
| The I  | 3aldwin Times, | Bay Mir                                   | iette, Alab   | ama        |

|    | Fred S. ( | drange | 3  |        | ***      |
|----|-----------|--------|----|--------|----------|
| s. |           | -      |    | Comp   | lainant, |
| ٥. | Virginia  | Daw,   | et | al,    |          |
|    |           |        | Ι  | Respon | dent.    |

# In the Circuit Court. In Equity No. 3655

#### DECREE PRO CONFESSO ON PERSONAL SERVICE.

| Catherine Helmick                                      |   |
|--|---|
|  |   |
| by the Sheriff of Baldwin                              | County, on the 29 day of November,                                  |
| 19 <u>4: 56</u>  |   |
| And it further appears to the                          | Register, that that the said  |
| Catherine Helmick                                      |   |
|  |   |
|  |   |
|  | the Respondent_, having to the date hereof,                         |
| failed to plead, demur to or answe                     | er the Bill of Complaint filed in this cause, it is now, therefore, |
| on motion ofWilters &                                  | & Brantley Solicitors   |
| for Complainant, ordered, and de                       | creed by the Register that the Bill of Complaint in this cause be,  |
|  |   |
| and it hereby is, in all things take                   | en as confessed against the said                                    |
| and it hereby is, in all things take Catherine Helmick | en as confessed against the said                                    |
| Catherine Helmick                                      |   |
| Catherine Helmick                                      | April , 194 56  |
| Catherine Helmick                                      |   |

FRED S. GRANGE

COMPLAINANT

COMPLAINANT

FALDWIN COUNTY, ALABAMA,

VS

IN EQUITY

VIRGINIA DAW, ET AL,

VASE NO. 3655

#### NOTE OF TESTIMONY

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

- 1. Original summons and complaint.
- 2. Lis Pendens filed for record in the Probate Office.
- 3. Proof of publication of notice in the Baldwin Times.
- 4. Decree pro confesso by publication.
- 5. Decrees pro confesso on registered mail.
- 6. Decrees pro-confesso on personal service.
- 7. Requests for appointment of commussioners.
- 8. Commissions to take depositions.
- 9. Notices of time of taking testimony.
- 10. Appointment of guardian ad litem and acceptance.
- 11. Disclaimer of Martha Owens .
- 12. Disclaimer of  $L_q$  verne Waters.
- 13. Oral depositions of Fred S. Grange and O. W. Lyles, with exhibits attached.

Dated this the 2/ day of April, 1956.

Wilters & Brantley Willies Society for the Completions, ant.

Register - Neuen

STATE OF ALABAMA BAIDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons VIRGINIA DAW, widow of S. M. Waters, HERBERT B. WATERS, QUINCY WATERS, SUSIE WATERS WILDERS, WESTON WATERS, LAVERNE WATERS, LAVON WATERS, EDWIN Q, WATERS, MRS. ELMER PETERSON, MARTHA OWEN, and CATHERINE HELNNICK, and their heirs, devisees and assigns if deceased, the unknown heirs, devisees, grantees, personal representatives, and assigns of S. M. Waters, deceased, Virginia Daw, widow of the said S. M. Waters, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Helmnick, to appear and plead, answer or demur, within thirty days from the service hereof, to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by Fred S. Grange, as Complainant, against Virginia Daw, et al, as Respondents,.

| WITNESS my hand this the                | 14                           | day of November, 1955          |
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| FRED S. GRANCE                          | Ď                            |                                |
| COMPLAIMANT                             | Ø                            | IN THE CIRCUIT COURT OF        |
|   | ж.                           | BALDWIN COUNTY, ALABAMA,       |
| VS.                                     | 0                            | 777) 1 7714% 1777 <b>/2349</b> |
| VIRGINIA DAW, ET AL,                    | <b>(</b>                     | IN BOUTY                       |
| respondents                             | *◊                           |                                |

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

Your Complainant, Fred S. Grange, presents this his Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

The Northwest quarter of Southeast quarter of Section 7, Township & South, Range 5 East, containing &O acres, more or less, in Baldwin County, Alabama,

and also against Virginia Daw, widow of S. M. Waters, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, WestonWaters, Laverne Waters, LaVon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Helmnick, all being the sole heirs of S. M. Waters, deceased, and against them, and each of their heirs, devisees, grantees, administrators, successors, personal representatices and assigns, and also against any other person, firm or corporation claiming any right, title to, interest in, or encumbrance against said land or any part thereof, and respectfully represents and shows unto Your Honor as follows:

That your Complainant is over the age of twenty-one years and a resident of Rutheen, Iowa.

2.

That Laverne Waters is a resident of this State and whose address is believed to be 2723 M. Thompson Drive, Mobile, Alabama; that Edwin Q. Waters is a resident of Alabama, and whose address is believed to be 42 Chestmut Street, Gadsden, Alabama; that Martha Owen is a resident of the State of Alabama, whose address is believed to be 58 S. WashingtonAvenue, Mobile, Alabama; that Gatherine Helmnick is a resident of Foley, BaldwinCounty, Alabama; that Virginia Daw, LaVon Waters, Mrs. Elmer Peterson, are residents of Gateswood, Baldwin County, Alabama; that Weston Waters is a non-resident of the State of Alabama, and whose address is believed to be 729 N. 61st Street, Pensacola, Florida; that Quincy Waters is a non-resident of the State of Alabama, and whose address is believed to be Cantonement, Florida; that Susie Waters Wilders is a non-resident of the State of Alabama, and whose resident is believed to be in the State of Ohio and that after having exercised reasonable diligence, your Complainant has been unable to ascertain more particularly her address; that Herbert B. Waters is a non-resident of the State of Alabama, and whose residence is believed to be in New York, New York, and that after exercising reasonable diligence your Complainant has been unable to ascertain more particularly his address. That all of the above respondents are over the age of twenty-one years.

3.

That Your Complainant is the owner in fee simple and in the actual possession of the lands herein described in Baldwin County, Alabama, and being as follows:

The Northwest quarter of Southeast quarter of Section 7, Township 4 South, Range 5 East, containing 40 acres, more or less, in Baldwin County, Alabams.

4.

That no suit is pending to test the Complainant's title to, interest in or rights of possession to said lands; that the Complainant therefore calls upon the Respondents and each of them to set forth and specify what right, title, interest in, lien or encumbrances they have upon said lands or any part or parcel thereof and by what instrument or instruments the same is derived and/orcreated.

That your Complainant acquired title to the said lands by a conveyance from S. S. Grange, dated May 3, 1912, and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 62 NS, page 69.

6.

That the title to said lands claimed by your Complainant stands upon the records of the Probate Court of Baldwin County, Alabama, in the name of Fred S. Grange.

7.

That no one has at any time within ten years next preceding the filing of this bill of complaint, paid any taxes upon said lands, or had any possession thereof other than your Complainant.

8

That the only person shown by the records of Baldwin County, Alabama, to have any claim against said land or any part thereof within the ten years next preceding the filing of this Complaint is your petitioner.

9,

That your Complainant has made and caused to be made a diligent search and inquiry, having the records searched at Bay Minette, Alabama, and also inquiring of various parties in and around Gates wood, Alabama, where the land is located to ascertain the whereabouts of the Respondents if living or dead, their devisees, grantees, successors, personal representatives and assigns, but after such diligent search the information is unknown.

WHEREFORE, the premises considered, Your Complainant prays that Your Monor will by proper processmake the said Virginia Daw, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, Lavon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Helmnick, the unknown heirs, devisees, grantees, personal representatives, successors, and assigns of Virginia Daw, Merbert B. Waters, Quincy Waters, Susie WatersWilders, Weston Waters, Laverne Waters, Lavon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Helmnick, and any other, person, firm or corporation claiming any right, title to, interest in or encumbrance upon the said lands in Baldwin County, Alabama, to-wit:

The Worthwest quarter of Southeast quarter of Section 7, Township & South, Range 5 East, containing &O scres, more

or any part thereof, parties respondents to the Bill of Complaint, and require them, and each of them to appear and answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Monorable Court.

Complainant further prays that upon a final hearing hereof Your Honor will make and enter a decree ascertaining and determining that the fee simple title, free from all liens and encumbrances, to the lands herein described and to each and every part and parcel thereof, is vested in your Complainant, Fred S. Grange, and that neither Virginia Daw, widow of S. M. Waters, Weston Waters, Susie Waters Wilders, Herbert D. Waters, Waters Waters, Laverne Waters, Lavon Waters, Edwin Q. Waters, Mrs. Elmen Peterson Martha Owen, and Catherine Helnnick, the unknown heirs, devisees, personal representatives, successors, grantees, and assigns of Virginia Daw, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owens, and Catherine Helmnick, nor any other person, firm or corporation has any right, title to, interest in or encumbrance upon the lands or any part or parcel thereof, and that any and all doubts and disputes concerning the land be cleared up.

Your Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive.

STATE OF ALABAMA

BAIDWIN COUNTY

Before me, the undersigned authority, in and for the County, in said State, personally appeared Harry J. Wilters, Jr., who is known to me, and who having been by me first duly sworn, deposes and says that he is Solicitor for the Complainant in the above styled cause, and is authorized to make this affidavit; that from information obtainable the facts contained in the foregoing bill of complaint are true and correct.

Sworn to and subscribed before me on this of day of Movember

Malto Walto Baldwin County, Alabama

STATE OF ALABAMA BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABABA:

You are hereby commanded to summons VIRGINIA DAW, widow of S. M. Waters, HERBERT B. WATERS, JUTNOY WATERS, SUSIB WATERS, WAS RESTON WATERS, LAVERNE WATERS, LAVERNE WATERS, EDWIN G. WATERS, Mrs. ELECT. FRIERSON, MARTHA OWEN, and CATHERINE HELMNICK, and their heirs, devisees and assigns if deceased, the unknown heirs, devisees, granters, personal representatives, and assigns of S. M. Waters, deceased, Virginia Daw, widow of the said S. M. Waters, Herbert B. Waters, Juincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, LaVon waters, Edwin Q. Waters, Mrs. Elmer Peterson, Hartha Owen and Catherine Helmnick, to appear and plead, answer or demur, within thirty days from the service hereof, to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by Fred S. Grange, as Complainant, against Virginia Daw, et al, as Respondents.

Witness my hand this the /4 day of Movember, 1955.

- deigh rench

FRED S. GRANGE

COMPLAINANT

VS

VIRGINIA DAW, ET AL,

RESPONDENTS

VIRGINIA COUNTY, ALABAMA,

V

VIRGINIA DAW, ET AL,

V

TO THE HOMORABLE HUPERT M. HALL, JUDGE OF THE CURCUIT COURT OF BALLWAIN COUNTY, ALARAMA, IN EQUITY:

Your Complainant, Fred S. Grange, presents this his bill of complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

The Northwest quarter of Southeast quarter of Section 7, Township 4 South, Range 5 East, containing 40 acres, more or less in Raldwin County, Alabama,

and also against Virginia Daw, widow of S. M. Waters, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, IaVon Waters, Edwin Q. Waters, Mrs. Elmer Feterson, Martha Owen, and Catherine Helmnick, all being the sole heirs of S. M. Waters, deceased, and against them, and each of their heirs, devisees, grantees, administrators, successors, personal representatives and assigns, and also against any other person, firm or corporation claiming any right, title to, interest in, or encumbrance against said land or any part thereof, and respectfully represents and shows unto Your Honor as follows:

That your Complainant is over the age of twenty-one years and a resident of Rutheen, Iowa.

2.

That Laverne Waters is a resident of this State and whose address is believed to be 2723 W. Thompson Drive, Mobils, Alabama; that Rowin Q. Waters is a resident of Alabama, and whose address is believed to be 42 Chestnut Street, Gadsden, Alabama; that Martha Owen is a resident of the State of Alabama, whose address is believed to be 58 3. Washington Avenue, Nobile, Alabama; that Catherine Gelmnick is a resident of Foley, Baldwin County, Alabama; that Vinginia Daw, LaVon Waters, Ars. Almer Peterson, are residents of Gateswood, Baldwin County, Alabama; that Weston Waters is a non-resident of the State of Alagama, and whose address is believed to be 729 M. 61st Street, Pensacola, Florida; that Quincy Waters is a non-resident of the State of Alabama, and whose address is believed to be Cantonement, Florida; that Susie Waters Wilders is a non-resident of the State of Alabama, and whose resident is believed to be in the State of Ohio and that after having exercised reasonable diligence, your Complainants has been unable to ascertain more particularly her address; that Herbert 3. Haters is a non-resident of the State of Alabama, and whose residence is believed to be in New York, New York, and that after exercising reasonable diligence your Complainant has been unable to ascertain more particularly his address. That all of the above respondents are over the age of twenty-one years.

That Your Complainant is the owner in fee simple and in the actual possession of the lands herein described in Baldwin County, Alabama, and beling as follows:

The Worthwest quarter of Southeast quarter of Section 7, Township 4 South, Range 5 East, containing 40 acres, more or less, in Ealdwin Jounty, Alabama.

1

That no suit is pending to test the Complainant's title to, interest in or rights of possession to said lands; that the Complainant therefore calls upon the Respondents and each of them to set forth and specify what right, title, interest in, lien or encumbrances they have upon said lands or any part or parcel thereof and by what instrument or instruments the same is derived and/or created.

That your Complainant acquired title to the said lands by a conveyence from S. S. Grange, dated May 3, 1912, and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 62 MB, page 69.

6.

That the title to said lands claimed by your Complainant stands upon the records of the Probate Court of Baldwin Grunty, Alabama, in the name of Fred S. Grange.

7.

That no one has at any time within ten years next preceding the filing of this bill of complaint, paid any taxes upon said lands, or had any passession thereof other than your Complainant,

8,

That the only person shown by the records of Baldwin County, Alabama, to have any claim against said land or any part thereof within the ten years next preceding the filling of this complaint is your petitioner.

9.

That your Complainant has made and caused to be made a diligent search and inquiry, having the records searched at Bay kinette, Alabama, and also inquiring of various parties in and around Cateswood, Alabama, where the land is located to ascertain the whereabouts of the Respondents if living or dead, their devices, grantees, successors, personal representatives and assigns, but after such diligent search the information is unknown.

WHEREFORE, the premises considered, Your Complainant prays that Your Monor will by proper processmake the said Virginia Daw, Herbert E. Maters, Quincy Waters, Susie Waters, Wilders, Weston Waters, Laverne Waters, Lavon Waters, Edwin Q. Waters, Ers. Elmer Peterson, Northa Owen and Catherine Helmnick, the unknown heirs, devisees, grantees, personal representatives, successors and assigns of Virginia Daw, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, Lavon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Helmnick, and any other person, firm or corporation claiming any right, title, to, interest in or encumbrance upon the said lands in Baldwin County, Alabama, to-wit:

The Korthwest quarter of Southeast quarter of Section 7, Township L South, Range 5 East, containing 40 acres, more or less.

or any part thereof, parties respondents to the bill of complaint, and require them, and each of them, to appear and answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon a final hearing hereof four Honor will make and enter a decree ascertaining and determining that the fee simple title, free from all liens and encumbrances, to the lands herein described and to each and every part and parcel thereof, is vested in your Complainant, Fred S. Grange, and that neither Virginia Daw, widow of S. M. Waters, Weston Waters, Susie Waters Wilders, Herbert B. Waters, Quincy Waters, Laverne Waters, LaVon Waters, Edwin G. Waters, Mrs. Elmer Peterson, Martha Owen, and Catherine Helmnick, the unknown heirs, devisees, personal representatives, successors, grantees, and assigns of Virginia Daw, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, LaVon Waters, Edwin Waters, Ars. Elmer Feterson, Wartha Owens, and Latherine Helmnick, non any other person, firm or some cration has any cight, title to, interest in or encumbrance upon the lands or any part or parcel thereof, and that any and all doubts and disputes concerning the land be cleared up.

Your Complainant prays for such other, further, different or general melief as he may be in equity and good conscience entabled to receive.

Wilters & Broatley

Solif for sor the Colylas hant

HINTE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, in and for the County, in said State, personally appeared Harry J. Wilters, Jr., who is known to me, and who having been by me first duly sworn, deposes and says that he is Solicitor for the Complainant in the above styled cause, and is authorized to make this affidavit; that from information obtainable the facts contained in the foregoing bill of complaint are true on correct.

Sworn to and subscribed before me on This 14 day of November, 1955.

Euclyn Walls
Notary Public, Falcavin County, Alabara

---11

HMMY FAULKNER PUBLISHER

Habama's Best County's Best Newspaper

### Disabled Vets To Meet Friday

The Arnold-Byers chapter 45, Disabled American Veterans, and the Auxiliary will meet Friday, at Dec. 9, at 8 p. m. at the Silverhill Town Hall .

Martin W. Krchak, publicity n officer for the chapter, said that the Alabama State Commander of the D. A. V. and other State ofil ficers will be present.

He urges all members and interested disabled veterans to be in attendance for the meeting.



School (left), Wednesday morning h SThe 185-pound six-footer is the ma, played offensive tackle and dehe grant-in-aid with Auburn Weded aduring the 1955 season. He was ntswere made by the Montgomery is Beach. (Photos by Harry Raske)

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# AFFIDAVIT OF PUBLICATION

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VERSIMIA DAW, DR.AL,

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HMMY FAULKNER

## Alabama's Best County's Best Newspaper

# Legal Notice

FRED S. GRANGE, Complainant

vs.

VIRGINIA DAW, ET AL, Respondents

In The Circuit Court of Baldwin County, Alabama, in Equity No. 3655

#### LIS PENDENS NOTICE

It having been made to appear, in the above styled cause by proper affidavit that Laverne Waters is a resident of this state; and whose address is believed to be 2723 N. Thompson Drive, Mobile, Alabama; that Edwin Q. Waters is a resident of Alabama, and whose address is believed to be 842 Chestnut Street, Gadsden, Alabama; that Martha Owen is a resident of the State of Alabama, whose address is believed to be 58 South Washington Avenue, Mobile, Alabama; that Catherine Helnnick is a resident of Foley, Baidwin County, Alabama; that Virginia Daw, LaVon Waters, Mrs. Elmer Peterson, are residents of Gateswood, Baldwin County, Alabama; that Weston Waters is a non-resident of the State of Alabama, and whose address is believed to be 729 North 61st Street, Pensacola, Florida; that Quincy Waters is a non-resident of the State of Alabama, and whose address is believed to be Cantonement, Florida; that Susie Waters Wilders is a nonresident of the State of Alabama and .whose residence is believed to be in the State of Ohio, and that after having exercised reasonable diligence your Complainmore particularly her address; resident of the State of Alabama, to be in New York, New York, upon said lands, for any part

and that after exercising reason- thereof, to appear in the Circuit able diligence your Complainant Court of Baldwin County, Alahas been unable to ascertain bama, in Equity, and plead, anmore particularly his address; swer or demur to the Bill of that all the above respondents are over the age of twenty-one years; That your Complainant is over the age of twenty-one years and a resident of Rutheen, Iowa, and is the owner in fee simple of and in the actual possession of the following described lands situated in Baldwin County, Alabama, to-wit:

The Northwest quarter of Southeast quarter of Section 7. Township 4 South, Range 5 East, containing 40 acres, more

That your Complainant acquired title to the said lands by a conveyance from S. S. Grange, dated May 3, 1912, and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 62 NS, page 69. That no one has at any time within ten years next preceding the filing of this Bill of Complaint, paid any taxes upon said lands, or had any possession thereof other than your Complainant.

It is therefore ordered and notice is hereby given that the said Virginia Daw, widow of S. M. Waters, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen, and Catherine Helnnick, the unknown heirs, devisees, personal representatives, grantees, successors, and assigns of Virginia Daw, widow of S. M. Waters, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters, ant has been unable to ascertain Mrs. Elmer Peterson, Martha Owen, and Catherine Helnnick, that Herbert B. Waters is a non- and any other person, firms or corporations claiming any title to. and whose residence is believed interest in, lien or encumbrances

complaint on or before the 19 day of December, 1955, or upon their having failed to do so, upon the expirtaion of thirty days from said date, a decree pro confesso shall be taken against them, and that this cause shall be at issue.

it is further ordered that this order and notice be published in the Baldwin Times, Bay Minette, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF, I, or less, in Baldwin County, Alice J. Duck, Register of the Alabama. Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 14 day of November,

> ALICE J. DUCK, Register.

Wilters & Brantley Solicitors for the Complainant. STATE OF ALABAMA, BALDWIN COUNTY

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the foregoing is a full, true, correct and complete copy of notice given by publication in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, in the cause of Fred S. Grange, Complainant, VS Virginia Daw, et al, Respondents, and filed for record in the office of the Judge of Probate of Baldwin County, Alabama, the county in which said lands lie, in accordance with the provisions of the laws of the State of Alabama.

In Witness Whereof, I have hereunto set my hand and seal of office on this the 14 day of November, 1955.

> ALICE J. DUCK, Register. 44-4tc.

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Dau<u>r</u>

n the following issues:

Vol 44 No. 66

Vol. 45 No.66

Vol. 46 No. 66

of 100c 1955

Publisher.

| FRED S. GRANGE       | Ž                        |
|----------------------|--------------------------|
| Compla inart         | IN THE CIRCUIT COURT OF  |
| VS                   | BALDWH! COUNTY, ALARAMA, |
| VIRGINIA DAW, ET AL, | IN EQUITY                |
| RESPONDENTS          | ° CASE NO. 3655          |

#### FINAR DECREE

This cause coming on to be heard was submitted for final decree upon the pleadings, decrees pro confesso and proof as noted by the Register, and it appearing to the satisfaction of the court that the Complainant is the owner in fee simple of, is now and was at the time of the filing of the Bill of Complaint in this cause, in the actual and psaceable possession of the said land, and each and every part and parcel thereof; that service was perfected by Registered Mail upon Weston Waters and Quinc; Waters; that service was perfected by personal service upon Virginia Daw, LaVon Waters, Mrs. Elmer Peterson, and Catherine Helmnick; that service was perfected upon all the Respondents herein by publication in the Baldwin Times, a newspaper published at Eay Minette, in Baldwin County, Alabama, for four consecutive weeks commencing on the 17th day of Movember, 1955; that service was perfected by publication in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, for four consecutive weeks beginning with its issue of November 17, 1955, against the unknown heirs, devisees, grantees, personal representatives, and assigns of the Respondents herein, and each of them, and any and all other persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land or any part or parcel thereof; that notice of the pendency of said suit was given by the filing of a Lis Pendens notice in the office of the Probate Judge of Baldwin County, Alabama, and by posting at the court house door in Bay Minette, Alabama; that the Respondents and each of them, having failed to appear and plead, answer or demur to the Bill of Complaint, as required by law, a decree pro confesso was entered against them and each of them; that Wilson Hayes, a practicing attorney at law, in Bay Winette, Baldwin County, Alabama, was appointed Guardian ad  $^{\mathrm{L}}$  item to represent the Respondents whose names were

unknown, and duly filed his appearance agreeing to act as Guardian ad Litem, and filed answer denying all the material allegations of the Complaint, and appeared and cross examined the witness for the Complainant; that the title of the Complainant has been duly and legally established by legal and competent evidences, the Court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, by the Court that the Respondents, Virginia Daw, widow, of S. M. Waters, Herbert B. Waters, Juincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, Lavon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Helmnick, the unknown heirs, devisees, grantees, personal representatives and assigns of them and each of them, and also any and all persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land, or any part or parcel thereof, have no right, estate, claim, interest in or encumbrance upon the following lands or any part or parcel thereof in Baldwin County, Alabama, to-wit:

The Northwest quarter of Southeast quarter of Section 7, Township 4 South, Range 5 East, containing 40 acres, more or less, in Baldwin County, Alabama,.

IT IS FURTHER ORDERED, ADJUDGED AND DEGREED, by the Court, that the full fee simple title to the said land in Ealdwin Jounty, Alabama, to-wit:

The Northwest quarter of Southeast quarter of Section 7, Township & South, Range 5 East, containing &O acres, more or less, in Baldwin County, Alabama, is vested absolutely in the Complainant, Fred S. Grange.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that a certified copy of this decree be recorded in the office of the Probate Judge of Baldwin County, Alabama, in the direct index in the names of Virginia Daw, widow of S. M. Waters, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen, Catherine Helmnick and in the indirect index in the name of Fred S. Grange.

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

IT IS FURTHER ORDERED that the Complainant pay the costs of this cause for which execution may issue.

Dated at Bay Minette, Baldwin County, Alabama, this the 23 day of April, 1956.

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FRED S. GRANGE

COMPLA INANT

VS

VIRGINIA DAW, ET AL,

RESPONDENTS

· FINAL DECREE

Ailed 4-23-56 alice frances

### THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

|  | nted of Atsude   | Complainant  |
|--|--|--|
| and the same of the same   | , , , , , , , , , , , , , , , , , , ,                                | Martine Commission (Commission Commission Co |
| 44 - 47  | Virginia Daw, et al,   | Respondent   |
| Killiam<br>I, Bre  | nnan, Ruthven, Iowa,   |  |
| as Register and Commiss  | ioner  |  |
| have called a¤d caused to  | come before meFred S. Grange   |  |
| The state of the s |  |  |
| witnessnamed in the  | Requirement for Oral Examination, on the                             | ne $\frac{13}{3}$ day of $\frac{13}{3}$  |
| in Malbuly<br>truth, the whole truth, as   | , Abbarra; and having first swon and nothing but the truth, the said |  |
|  | doth depose and say as follows:                                      |  |

My name is Fred S. Grange, and I am the Complainant in this cause. I am over the age of twenty-one and a resident of Ruthven, Iowa; that Laverne Waters, Edwin Q. Waters, Martha Owens, Catherine Helmnick, Virginia Daw, Lavon Waters, and Mrs. Elmer Peterson are all residents of the State of Alabama; that Winston Waters is a non-resident of the State of Alabama, whose address is 729 N. 61st Street, Pensacola, Florida; that Quincy Waters is a non-resident of the State of Alabama, whose address is Cantonment, Florida; that Susie Waters Wilders is a non-resident of the State of Alabama, and whose address is believed to be in the State of Ohio; that Herbert P. Waters is a non-resident of the State of Alabama, whose address is believed to be New York, New York; that after exercising reasonable diligence, I was unable to ascertain the latter two respondents' address more particularly; that all of the above respondents are over the age of 21 years;

I am the owner in fee simple and in the actual possession of the lands described in this complaint; I further say that no suit is pending to test my title to, interest in, or rights of possession to the said lands and that I acquired title to the said lands by a conveyance from S. S. Grange dated May 3, 1912, and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 62 NS, page 69. That the title to the said lands claimed by me stands upon the records of the Probate Court of Baldwin County, Alabama, in the name of Fred S. Grange; that no one has at any time within ten years next preceding the filing of this complaint, paid any taxes upon said lands, or had any possession thereof other than myself; that the only person shown by the records of Baldwin County, Alabama, to have any claim against said lands or any part thereof within ten years next preceding the filing of this complaint is your petitioner, that I have made and caused to be made a diligent search and inquiry, having the records searched at Bay Minette, Alabama, and also inquiring of various parties in and around Gateswood, Alabama, where the land is located, to ascertain the whereabouts of the respondents, if living or dead, their devisees, grantees, successors, personal representatives and assigns, but after such diligent search the information is unknown insofar as those which have not been served.

In the year of 1947 or 1948 I sold some of the timber on this land and also in May of 1950 I sold some to . M. Adams. Inc. I have paid taxes on this land for more than 20 years.

V Tred & Grange

| William   | *  |
|---|--|
| I, Brennan  | as:Registerand:Commissioner hereby certify that      |
| the foregoing deposition_on Oral Examination      | was taken down by me in writing in the words         |
| of the witnessand read over to _him               | and he signed the same in the presence of            |
| at the time and place herein mentioned; that I    | have personal knowledge of personal identity of      |
| said witnessor had proom made before me of        | the identity of said witness; that I am not of       |
| counsel or of kin to any of the parties to said c | ause, or any manner interested in the result thereof |
| I enclose the said Oral Examination in an e       |  |
|   | MM Treusew (L. S.)                                   |
|   |  |

| Respondent.  Oral Deposition  Filed 2/ 1945  Recorded in Record  Vol. Page, Register. | THE STATE OF ALABAMA BALDWIN COUNTY IN CIRCUIT COURT, IN EQUITY.  Fred S. Grange  vs. Complainant Birginia Daw, et al, |
|---|--|
|---|--|

FRED S. GRANGE

COMPLA INANT

V3

VIRGINIA DAW, ET AL,

RESPONDENTS

IN THE CURCUIT COURT OF BALLWIN COUNTY, ALABAMA,

IN EQUITY

CASE NO. 3655

#### FINAL DECREE

This cause coming on to be heard was submitted for final decree upon the pleadings, decrees pro confesso and proof as noted by the Register, and it appearing to the satisfaction of the court that the Complainant is the owner in fee simple of, is now and was at the time of the filing of the Bill of Complaint in this cause, in the actual and peaceable possession of the said land, and each and every part and parcel thereof; that service was perfected by Registered Mail upon Weston Waters and Quincy Waters; that service was perfected by personal service upon Virginia Daw, LaVon Waters, Mrs. Elmer Peterson, and Catherine Helmnick; that service was perfected upon all the Respondents herein by publication in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, for four consecutive weeks commencing on the 17th day of Hovember, 1955; that service was perfected by publication in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, for four consecutive weeks beginning with its issue of November 17, 1955, against the unknown heirs, devisees, grantees, personal representataves, and assigns of the Respondents herein, and each of them, and any and all other persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land or any part or parcel thereof; that notice of the pendency of said suit was given by the filing of a Lis rendens notice in the office of the Probate Judge of Baldwin County, Alabama, and by posting at the court house door in Bay Minette, Alabama; that the Respondents and each of them, having failed to appear and plead, answer or demur to the Bill of Complaint, as required by law, a decree pro confesso was entered against them and each of them; that Wilson Hayes, a practicing attorney at law, in Bay Minette, Baldwin County, Alabama, was appointed Guardian ad "item to represent the Respondents whose names were

STATE OF ALABAMA, BALDWIN COUNTY

Filed 6-27-56 3 P. M

Recorded book 239 page 520

Judge of Probate 4

unknown, and duly filed his appearance agreeing to act as Guardian ad Litem, and filed answer denying all the material allegations of the Complaint, and appeared and cross examined the witness for the Complainant; that the title of the Complainant has been duly and legally established by legal and competent evidences, the Court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREMED, by the Court that the Respondents, Virginia Daw, widow, of S. M. Waters, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, Lavon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Helmnick, the unknown heirs, devisees, grantees, personal representatives and assigns of them and each of them, and also any and all persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land, or any part or parcel thereof, have no right, estate, claim, interest in or encumbrance upon the following lands or any part or parcel thereof in Baldwin County, Alabama, to-wit:

The Worthwest quarter of Southeast quarter of Section 7, Township 4 South, Range 5 East, containing 40 acres, more or less, in Ealdwin County, Alabama,.

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

The Northwest quarter of Southeast quarter of Section 7, Township 4 South, Range 5 East, containing 40 acres, more or less, in Baldwin County, Alabama, is vested absolutely in the Complainant, Fred S. Grange.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that a certified copy of this decree be recorded in the office of the Probate Judge of Baldwin County, Alabama, in the direct index in the names of Virginia Daw, widow of S. M. Waters, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen, Catherine Helmnick and in the indirect index in the name of Fred S. Grange.

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

IT IS FURTHER ORDERED that the Complainant pay the costs of this cause for which execution may issue.

Dated at Bay Minette, Baldwin County, Alabama, this the 23 April, 1956.

Hubert M. Hall

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i, Mice I. Deck, Rejektor of the Count General Seldwin County, Mebame, to be the particular and the County of the

IT IS FURTHER CRIMERED that the Complainant pay the costs of this cause for which execution may issue.

Dated at Day Minette, Baldwin County, Alabama, this the 23 day of April, 1956.

Rubert M. Hall

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| FRED S.  | GRANGE        | <b>Q</b> |                          |
|----------|---------------|----------|--------------------------|
|          | COMPLA INA WI | Ä        | IN THE CIRCUIT COURT OF  |
| ***      |               | v .      | BALIWIN COUNTY, ALARAMA, |
| VS       |               | ŷ        | IW EQUITY                |
| VIRGINIA | DAW, BT AL,   | ŷ        | Ť                        |
|          | RES PONDENTS  | 3        | CASE NO. 3655            |

#### NOTICE OF TIME OF TAKING TESTIMONY

TO: Virginia Daw, widow of S. M. Waters, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Helmnick:

Notice is hereby given that the Complainant will on the 13th day of April, 1956, before William Brennan, as Special Commissioner take the testimony of the following witnesses:

Fred S. Grange, Ruthven, Iowa.

Dated this the 10th cay of April, 1956.

Wilters & Brantlev

e/1

for the complain

FRED S. GRANGE

COMPLA INANT

VIRGINIA DAW, ET AL,

RESPONDENTS

Filed: april 10, 1956

| FRED S. GRANGE       | Õ                        |
|----------------------|--------------------------|
| COMPLAINANT          | IN THE CIRCUIT COURT OF  |
| VS                   | BALDWIN COUNTY, ALAFAMA, |
| VIRGINIA DAW, ET AL, | IN EQUITY                |
| RES PONDENTS         | * CASE NO. 3655          |

REQUEST FOR APPOINTMENT OF COMMISSIONER

TO: Mrs. Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama:

The Complainant wishes to take orally, on behalf of the Complainant, the testimony of the following witnesses:

Fred S. Grange, Ruthven, Iowa.

It is hereby requested that they be given proper and legal notice and that William Brennan be appointed as Special Commissioner, to take testimony of said witness, and that due and legal notice be given as required by law.

Dated this the 23 day of March, 1956.

<u>Wilters</u> & Brantley

DY:

So.itity/for t

FRED S. GRANGE

COMPLA IMANT

VS

·VIRGINIADAW, ET AL,

RES PONDENTS

REQUEST FOR APPOINTMENT

OF COMMISSIONER

Filed march 23, 1956 Register

| FRED S. GRANGE            | N<br>(X                  |
|---------------------------|--------------------------|
| COMPLA INA NT             | IN THE CIRCUIT COURT OF  |
| VS                        | BALUWIN COUNTY, ALABAMA, |
| VIRGINIA DAW, ET AL,      | Y IN EQUITY              |
| vinctiving imply fil will | V<br>CASE NO. 3655       |
| RESPONDENTS               | 0                        |

#### REQUEST FOR APPOINTMENT OF COMMISSIONER

TO: Mrs. Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama:

The Complainant wishes to take orally, on behalf of the Complainant, the testimony of the Wollowing witness:

O. W. Lyles, Eay Minette, Alabama.

It is hereby requested that he be giver proper and legal notice and that Evelyn Watts be appointed as Special Commissioner, to take testimony of said witness, and that due and legal notice be given as required by law.

Dated this the /gth cay of April ,1956.

Wilters Brantle

9/1

Solicitors for the Completion

FRED S. GRANGE

COMPLAINANT

VIRGINIA DAW, ET AL,

RESPONDENTS

REQUEST FOR APPOINTMENT OF COMMISSIONER

Filed april 19,1956

Acrock Arench
Register

| fited s. grange                     | Ž                             |
|-------------------------------------|-------------------------------|
| C OMPLA INANT                       | IN THE CIRCUIT COURT OF       |
| COMPLETIMANI                        | V<br>BALDWIN COUNTY, ALARAMA, |
| VS                                  | Ž                             |
| ARGINIA DAW, ET AL,                 | IN EQUITY                     |
| Canto Canada and and an an an and a | CASE NO. 3655                 |
| RES PONDENTS                        | Ő.                            |

#### NOTICE OF TIME OF TAKING TESTIMONY

TO: Virginia Daw, widow, of S. M. Waters, Herbert B. Waters, Quincy Waters, Gusie Waters Wilders, Weston Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Helmnick:

Notice is hereby given that the Complainant will on the 20th day of April, 1956, before Evelyn Watts, as Special Commissioner take the testimony of the following witness:

-O. W. Lyles, Bay Minette, Alabama.

Dated this the 19 day of April, 1956.

Wilters & Brantley

Y: Solicitors for the Compley have

Special Commissioner

FRED S. GRANGE

COMPLAINANT

VS

VIRGINIA DAW, ET AL,

RESPONDENTS

MOTTER OF TIME OF TAKING TESTIMONY

Filed april 19 1956 Acceptables Register STATE OF ALABAMA BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons VIRGINIA DAW, widow of S. M. Waters, HERBERT B. WATERS, QUINCY WATERS, SUSIE WATERS WILDERS, WESTON WATERS, LAVERNE WATERS, LAVON WATERS, EDWIN Q. WATERS, Mrs. KIMER FETERSON, MARTHA OMEN, and CATMERINE HELMNICK, and their beirs, devisees and assigns if deceased, the unknown heirs, devisees, grantees, personal representatives, and assigns of S. M. Waters, deceased, Virginia Daw, widow of the said S. M. Waters, Merbert R. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, Lavon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Helmnick, to appear and plead, answer or demur, within thirty days from the service hereof, to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by Fred S. Grange, as Complainant, against irginia Daw, et al, as Respondents.

Witness my hand this the 14 day of November, 1955.

deigher rench

TRED S. GRANGE

COMPLAINANT

VS

VIRGINIA DAW, ET AL,

RESPONDENTS

O

IN THE CIRCUIT COURT OF
BAIDWIN COUNTY, ALABAMA,

IN EQUITY

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

Your Complainant, Fred S. Grange, presents this his bill of complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

The Northwest quarter of Scutheast quarter of Section 7, Township & South, Range 5 East, containing & O acres, more or less in Baldwin County, Alabama,

and also against Virginia Daw, widow of S. M. Waters, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, IaVon Waters, Edwin C. Waters, Mrs. Floer Peterson, Martha Owen, and Catherine Helmnick, all being the sole heirs of S. M. Waters, deceased, and against them, and each of their heirs, devisees, grantees, administrators, successors, personal representatives and assigns, and also against any other person, firm or corporation claiming any right, title to, interest in, or encumbrance against said land or any part thereof, and respectfully represents and shows unto Your Honor as follows:

That your Complainant is over the age of twenty-one years and a resident of Rutheen, Iowa.

2

That Laverne Waters is a resident of this State and whose address is believed to be 2723 W. Thompson Drive, Mobile, Alabama; that Edwin Q. Waters is a resident of Alabama, and whose address is believed to be 12 Chestmut Street, Gadsden, Alabama; that Martha Owen is a resident of the State of Alabama, whose address is believed to be 58 S. Washington Avenue, Mobile, Alabama; that Catherine Helmnick is a resident of Foley, Baldwin County, Alabama; that Virginia Daw, Lavon Waters, Mrs. Elmer Peterson, are residents of Gateswood, Baldwin County, Alabama; that Weston Waters is a non-resident of the State of Alabama, and whose address is believed to be 729 N. 61st Street, Pensacola, Florida; that Quincy Waters is a non-resident of the State of Alabama, and whose address is believed to be Cantonement, Florida; that Susie Waters Wilders is a non-resident of the State of Alabama, and whose resident is believed to be in the State of Chio and that after having exercised reasonable diligence, your Complainants has been unable to ascertain more particularly her address; that Herbert B. Waters is a non-resident of the State of Alabama, and whose residence is believed to be in New York, New York, and that after exercising reasonable diligence your Complainant has been unable to ascertain more particularly his address. That all of the above respondents are over the age of twenty-one years.

3.

That Your Complainant is the owner in fee simple and in the actual possession of the lands herein described in Baldwin County, Alabama, and being as follows:

The Northwest quarter of Southeast quarter of Section 7, Township & South, Range 5 East, containing &O acres, more or less, in Baldwin County, Alabama.

l.

That no suit is pending to test the Complainant's title to, interest in or rights of possession to said lands; that the Complainant therefore calls upon the Respondents and each of them to set forth and specify what right, title, interest in, lien or encumbrances they have upon said lands or any part or parcel thereof and by what instrument or instruments the same is derived and/or created.

That your Complainant acquired title to the said lands by a conveyance from S. S. Grange, dated Way 3, 1912, and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 62 NG, page 69.

6.

That the title to said lands claimed by your Complement stands upon the records of the Probate Court of Baldsin County, Alabama, in the name of Fred S. Grange.

7.

That no one has at any time within ten years next preceding the filing of this bill of complaint, paid any taxes upon said lands, or had any passession thereof other than your Complainant,

8.

That the only person shown by the records of Baldwin County, Alabama, to have any claim against said land or any part thereof within the ten years next preceding the filing of this complaint is your petitioner.

9.

That your Complainant has made and caused to be made a diligent search and inquiry, having the records searched at Bay Minette, Alabama, and also inquiring of various parties in and around Gateswood, Alabama, where the land is located to ascertain the whereabouts of the Respondents if living or dead, their devisees, grantees, successors, personal representatives and assigns, but after such diligent search the information is unknown.

WHEREFORE, the premises considered, Your Complainant prays that Your Honor will by proper processmake the said Virginia Daw, Herbert B. Waters, Quincy Waters, Susie Waters, Wilders, Weston Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Helmnick, the unknown heirs, devisees, grantees, personal representatives, successors and assigns of Virginia Daw, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Helmnick, and any other person, firm or corporation claiming any right, title, to, interest in or encumbrance upon the said lands in Baldwin County, Alabama, to-wit:

The Northwest quarter of Southeast quarter of Section ?, Township & South, Range 5 East, containing &O acres, more or less.

or any part thereof, parties respondents to the bill of complaint, and require them, and each of them, to appear and answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon a final hearing hereof Your Honor will make and enter a decree ascertaining and determining that the fee simple title, free from all liens and encumbrances, to the lands herein described and to each and every part and parcel thereof, is vested in your Complainant, Fred S. Grange, and that neither Virginia Daw, widow of S. M. Waters, Weston Waters, Susie Waters Wilders, Herbert B. Waters, Quincy Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters, Mrs. Elmer Feterson, Martha Owen, and Catherine Helmnick, the unknown heirs, devisees, personal representatives, successors, grantees, and assigns of Virginia Daw, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters, Mrs. Elmer Feterson, Martha Owens, and Catherine Helmnick, nor any other person, firm or corporation has any right, title to, interest in or encumbrance upon the lands or any part or parcel thereof, and that any and all doubts and disputes concerning the land be cleared up.

Your Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive.

Wilters & Brantley

and i

of the Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, in and for the County, in said State, personally appeared Herry J. Wilters, Jr., who is known to me, and who having been by me first duly sworn, deposes and says that he is Solicitor for the Complainant in the above styled cause, and is authorized to make this affidavit; that from information obtainable the facts contained in the foregoing bill of complaint are true and correct.

Sworn to and subscribed before me on this (14 day of November

Eday of November, 1955.

Robert Public, Balowin County, Alabama

STATE OF ALABAMA BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons VIRGINIA DAW, widow of S. M. Waters, HERBERT B. WATERS, QUINCY WATERS, SUSIE WATERS WILDERS, WESTON WATERS, LAVERNE WATERS, LAVON WATERS, EDWIN Q, WATERS, MRS. ELMER PETERSON, MARTHA OWEN, and CATHERINE HELNNICK, and their heirs, devisees and assigns if deceased, the unknown heirs, devisees, grantees, personal representatives, and assigns of S. M. Waters, deceased, Virginia Daw, widow of the said S. M. Waters, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Helmnick, to appear and plead, answer or demur, within thirty days from the service hereof, to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by Fred S. Grange, as Complainant, against Virginia Daw, et al, as Respondents,.

WITNESS my hand this the 14 day of November, 1955

FRED S. GRANCE

COMPLAINANT

VS

VS

VIRGINIA DAW, ET AL,

RESPONDENTS

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

Your Complainant, Fred S. Grange, presents this his Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

The Morthwest quarter of Southeast quarter of Section 7, Township & South, Range 5 East, containing 40 acres, more or less, in Baldwin County, Alabama,

and also against Virginia Daw, widow of S. M. Waters, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, WestonWaters, Laverne Waters, Lavon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Helnnick, all being the sole heirs of S. M. Waters, deceased, and against them, and each of their heirs, devisees, grantees, administrators, successors, personal representatices and assigns, and also against any other person, firm or corporation claiming any right, title to, interest in, or encumbrance against said land or any part thereof, and respectfully represents and shows unto Your Honor as follows:

That your Complainant is over the age of twenty-one years and a resident of Rutheen, Icwa.

2.

That Laverne Waters is a resident of this State and whose address is believed to be 2723 M. Thompson Drive, Mobile, Alabama; that Edwin Q. Waters is a resident of Alabama, and whose address is believed to be 42 Chestmut Street, Gadsden, Alabama; that Martha Owen is a resident of the State of Alabama, whose address is believed to be 58 S. WashingtonAvenue, Mobile, Alabama; that Catherine Helnnick is a resident of Foley, BaldwinCounty, Alabama; that Virginia Daw, LaVon Waters, Mrs. Elmer Peterson, are residents of Sateswood, Baldwin County, Alabama; that Weston Waters is a non-resident of the State of Alabama, and whose address is believed to be 729 N. 61st Street, Pensacola, Florida; that Quincy Waters is a non-resident of the State of Alabama, and whose address is believed to be Cantonement, Florida; that Susie Waters Wilders is a non-resident of the State of Alabama, and whose resident is believed to be in the State of Ohio and that after having exercised reasonable diligence, your Complainant has been unable to ascertain more particularly her address; that Herbert B. Waters is a non-resident of the State of Alabama, and whose residence is believed to be in New York, New York, and that after exercising reasonable diligence your Complainant has been unable to ascertain more particularly his address. That all of the above respondents are over the age of twenty-one years.

З.

That Your Complainant is the owner in fee simple and in the actual possession of the lands herein described in Baldwin County, Alabama, and being as follows:

The Northwest quarter of Southeast quarter of Section 7, Township 4 South, Range 5 Hast, containing 40 acres, more or less, in Baldwin County, Alabama.

4.

That no suit is pending to test the Complainant's title to, interest in or rights of possession to said lands; that the Complainant therefore calls upon the Respondents and each of them to set forth and specify what right, title, interest in, lien or encumbrances they have upon said lands or any part or parcel thereof and by what instrument or instruments the same is derived and/orcreated.

That your Complainant acquired title to the said lands by a conveyance from S. S. Grange, dated May 3, 1912, and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 62 MS, page 69.

6.

That the title to said lands claimed by your Complainant stands upon the records of the Probate Court of Baldwin County, Alabama, in the name of Fred S. Grange.

7.

That no one has at any time within ten years next preceding the filing of this bill of complaint, paid any taxes upon said lands, or had any possession thereof other than your Complainant.

8.

That the only person shown by the records of Baldwin County, Alabama, to have any claim against said land or any part thereof within the ten years next preceding the filing of this Complaint is your petitioner.

9,

That your Complainant has made and caused to be made a diligent search and inquiry, having the records searched at Bay Mimette, Alabama, and also inquiring of various parties in and around Gates wood, Alabama, where the land is located to ascertain the whereabouts of the Respondents if living or dead, their devisees, grantees, successors, personal representatives and assigns, but after such diligent search the information is unknown.

WHEREFORE, the premises considered, Your Complainant prays that Your Monor will by proper processmake the said Virginia Daw, Merbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, Lavon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Helmnick, the unknown heirs, devisees, grantees, personal representatives, successors, and assigns of Virginia Daw, Herbert B. Waters, Quincy Waters, Susie WatersWilders, Weston Waters, Laverne Waters, Lavon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen and Catherine Helmnick, and any other, person, firm or corporation claiming any right, title to, interest in or encumbrance upon the said lands in Baldwin County, Alabama, to-wit:

The Northwest quarter of Southeast quarter of Section 7, Township & South, Range 5 East, containing &O scres, more or less.

or any part thereof, parties respondents to the Bill of Complaint, and require them, and each of them to appear and answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon a final hearing hereof Your Honor will make and enter a decree ascertaining and determining that the fee simple title, free from all liens and encumbrances, to the lands herein described and to each and every part and parcel thereof, is vested in your Complainant, Fred S. Grange, and that neither Virginia Daw, widow of S. M. Waters, Westen Waters, Susie Waters Wilders, Herbert B. Waters, Quincy Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen, and Catherine Helnnick, the unknown heirs, devisees, personal representatives, successors, grantees, and assigns of Virginia Daw, Herbert B. Waters, Quincy Waters, Susie Waters Wilders, Weston Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owens, and Catherine Helnnick, nor any other person, firm or corporation has any right, title to, interest in or encumbrance upon the lands or any part or parcel thereof, and that any and all doubts and disputes concerning the land be cleared up.

Your Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive.

Wilters & Brantley

Solicizors for the Complainable

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, in and for the County, in said State, personally appeared Harry J. Wilters, Jr., who is known to me, and who having been by me first duly sworn, deposes and says that he is Solicitor for the Complainant in the above styled cause, and is authorized to make this affidavit; that from information obtainable the facts contained in the foregoing bill of complaint are true and correct.

Sworn to and subscribed before me on this /y day of November. Ke

Notary Public, Raldwin County, Alabam

# THE STATE OF ALABAMA Baldwin County

# Circuit Court

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| THE STATE OF ALABAMA Baldwin County   |  |  |
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| The State of Alabama, Baldwin County.  | (In Equity)                      |  |
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timber and lands thoughouth Ealdwin County. In the summer of 1950 I was employed by S. M. Adams Inc., and in May of that year I purchased the timber on Mr. Grange's land for S. M. Adams. I am familiar with the lands involved in this case and I know that it is generally recognized in and around Gateswood, where this land lies, that Fred S. Grange is the owner. I do not know of any one who has disputed his title to this land. I have known this land for more than 30 years.

The Complainant offers in evidence a certified copy of a deed from S. S. Grange to Fred S. Grange dated May 3, 1912, and recorded in Deed Book 62, page 69, covering the following described lands in Baldwin County, Alabama, to-wit:

Northwest quarter of Southeast quarter of Section 7, Township & South, Range 5 Bast.

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| kin to any of the  | parties to said cause,   | or any man   | iner interes   | ted in the re                 | suit thereor.                 |  |                                |         |
| I enclose tl   | ne said Oral Examina   | tion in an e   | nvelope to   | the Register                  | of said Cour                  | rt.  |                                |         |
|  | er my hand and seal,   | 90   | ch   | I Anna 7                      |                               |  | - <del> </del>                 |         |
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| VS.  Virginia Daw, et al.,  Respondent  I. Evelyn Watts  S. Registerund Commissioner  ave called and caused to come before me O. W.Lyles  S. April  9.56, at the office of Wilters & Brantley  Bay Minette  Alabama, and having first sworn said Witness to speak the ruth, the whole truth, and nothing but the truth, the said O. W. Lyles  My name is O. W. Lyles. I am in the tusiness of buying and selling timber and lands thoughout Baldwin County. In the summer of 1950 I was employed by S. M. Adams Inc., and in May of that year I purchased the timber on Mr. Grange's land for S. M. Adams. I am familiar with the lands involved in this case and I know that it is generally recognized in and around Gateswood, where this land lies, that Fred S. Grange is the currer. I do not know of any one who has disputed his title to this land. I have known this land for more than 10 years.  | Baldwin County.  | a, Circ  | cuit Court of !<br>()  | In Equity  |  | abama  |
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| VS.  Virginia Daw, et al., Respondent  I. Evelyn Watts  SREGISTENCAMON Commissioner  ave called and caused to come before me O. W.Lyles  Description of the Requirement for Oral Examination, on the O. day of April  Description of Wilters & Brantley  Description of Wilters of Wilters  Alabama, and having first sworn said Witness to speak the ruth, the whole truth, and nothing but the truth, the said O. W. Lyles  doth depose and say as follows:  My name is O. W. Lyles. I am in the tusiness of buying and selling timber and lands thoughout Baldwin County. In the summer of 1950 I was employed by S. M. Adams Inc., and in May of that year I purchased the timber on Mr. Grange's land for S. M. Adams. I am familiar with the lands involved in this case and I know that it is generally recognized in and around Gateswood, where this land lies, that Fred S. Grange is the course.  I do not know of any one who has disputed his title to this land. Thave  |  | Fred S. Gra  | inge   |  |  |  |
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| of the second of the Requirement for Oral Examination, on the 20 day of April 19.56, at the office of Wilters & Brantley  Bay Minette , Alabama, and having first sworn said Witness to speak the ruth, the whole truth, and nothing but the truth, the said 0. W. Lyles  doth depose and say as follows:  My name is 0. W. Lyles. I am in the tusiness of buying and selling timber and lands thoughout Baldwin County. In the summer of 1950 I was employed by S. M. Adams Inc., and in May of that year I purchased the timber on Mr. Grange's land for S. M. Adams. I am familiar with the lands involved in this case and I know that it is generally recognized in and around Gateswood, where this land lies, that Fred S. Grange is the owner. I do not know of any one who has disputed his title to this land. I have  | and the second of the second o |  | and the second s |  |  |  |
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|  | n <u>Bay Minette</u><br>ruth, the whole truth, and noth  | , Alabama,   | and having first the said  |  |  | to speak the                                       |
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The Complainant offers in evidence a certified copy of a deed from S. S. Grange to Fred S. Grange dated May 3, 1912, and recorded in Deed Book 62, page 69, covering the following described lands in Paldwin County, Alabama, to-wit:

Northwest quarter of Southeast quarter of Section 7, Township 4 South, Range 5 East.

Commissioned Walls

## THE STATE OF ALABAMA

## Baldwin County

## Circuit Court

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| to take and certify the deposition of the  | e witness        | and retur     | n the sa                              | me to our (                           | Jourt, With                           | an con-                               |
| venient speed, under your hand.            |                  |               |                                       |                                       |                                       | <u> </u>                              |
|  | March            |               |                                       |                                       |                                       | ,                                     |
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Register

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PRED S. GRANGE

COMPLAINANT

VS

VIRGINIA DAW, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
No. 3655

## LIS PENDENS NOTICE

It having been made to appear, in the above styled cause by proper affidavit that Laverne Waters is a resident of this state and whose address is believed to be 2723 N. Thompson Drive, Mobile, Alabama; that Edwin Q. Waters is a resident of Alabama, and whose address is believed to be 842 Chestnut Street, Gadsden, Alabama; that Martha Owen is a resident of the State of Alabama, whose address is believed to be 58 South Washington Avenue, Mobile, Alabama; that Catherine Helnnick is a resident of Foley, Baldwin County, Alabama; that Virginia Daw, LaVon Waters, Mrs. Elmer Peterson, are residents of Gateswood, Baldwin County, Alabama; that Weston Waters is a non-resident of the State of Alabama, and whose address is believed to be 729 North 61st Street, Pensacola, Florida; that QuincyWaters is a non-resident of the State of Alabama, and whose address is believed to be Cantonement, Florida; that Susie Waters Wilders is a non-resident of the State of Alabama and whose residence is believed to be in the State of Ohio, and that after having exercised reasonable diligence your Complainant has been unable to ascertain more particularly her address; that Herbert B. Waters is a nonresident of the State of Alabama, and whose residence is believed to be in New York, New York, and that after exercising reasonable diligence your Complainant has been unable to ascertain more particularly his address; that all the above respondents are over the age of twenty-one years; That your Complainant is over the age of twenty-one years and a resident of Rutheen, Iowa, and is the owner in fee simple of and in the actual possession of the following described lands situated in Baldwin County, Alabama, to-wit:

The Northwest quarter of Southeast quarter of Section 7, Township 4 South, Range 5 East, containing 40 acres, more or less, in Baldwin County, Alabama.

That your Complainant acquired title to the said lands by a conveyance from S. S. Grange, dated May 3, 1912, and recorded in the office of the

Probate Judge of Baldwin County, Alabama, in Deed Book 62 NS, page 69. That no one has at any time within ten years next preceding the filing of this Bill of Complaint, paid any taxes upon said lands, or had any possession thereof other than your Complainant.

It is therefore ordered and notice is hereby given that the said Virginia Daw, widow of S. M. Waters, Herbert B. Waters, Quincy Waters, Susie WatersWilders, Weston Waters, Laverne Waters, LaVon Waters, Edwin Q. Waters Mrs. Elmer Peterson, Martha Owen, and Catherine Helmnick, the unknown heirs, devisees, personal representatives, grantees, successors, and resigns of Virginia Daw, widow of S. M. Waters, Herbert B. Waters, Quincy Waters, Susic Waters Wilders, Weston Waters, Laverne Waters, Lavon Waters, Edwin Q. Waters, Mrs. Elmer Peterson, Martha Owen, and Catherine Helmnick, and any other person, firms or corporations claiming any title to, interest in, lien or encumbrances upon said lands, or any part thereof, to appear in the Circuit Court of Baldwin County, Alabama, in Equity, and plead, answer or demur to the bill of complaint on or before the 19 day of 1955, or upon their having failed to do so, upon the expiration of thirty days from said date, a decre pro confesso shall be taken against them, and that this cause shall be at issue.

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, Bay Minette, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF, I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 14 day of November, 1955.

Alred Agues Register

WILTERS & ERANTLEY Solicitors for the Complainant.

STATE OF ALABAM BALDWIN COUNTY

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the foregoing is a full, true, correct and complete copy of notice given by publication in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, in the cause of Fred S. Grange, Complainant, VS Virginia Daw, et al, Respondents, and filed for record in the office of the Judge of Probate of Baldwin County, Alabama, the county in which said lands lie, in accordance with the provisions of the laws of the State of Alabama.

In Witness Whereof, I have hereunto set my hand and seal of office on this the 14 day of November, 1955.

STATE OF ALADAMA, BALDWIN COUNTY Filed 11-14-55 4P. 14 Recorded Tis Render book 4 Judge of Probate

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