

NATIONAL BUTANE COMPANY OF ALABAMA,	:	IN THE CIRCUIT COURT OF
	:	BALDWIN COUNTY, ALABAMA.
Complainant,	:	IN EQUITY - NO. 3662
Versus	:	
CERTAIN LANDS, et al.,	:	Alice J. Duck, Register
Respondents.	:	

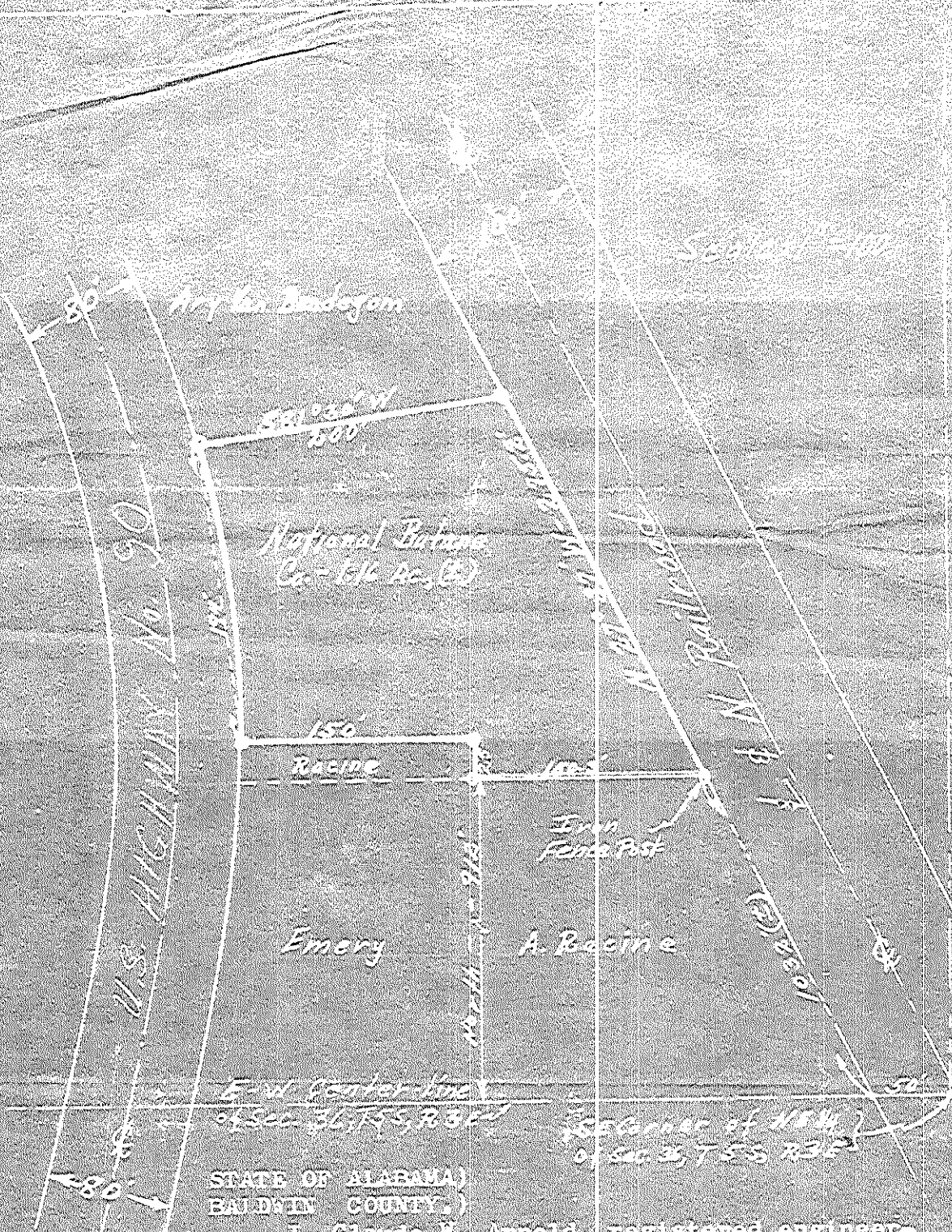
DECREE PRO CONFESSO

In this cause, it appearing to the Register that notice of the pendency of this cause has been given by publication, once a week for four consecutive weeks, commencing on the 14 day of July, 1956, in the Baldwin Times, a newspaper published in Baldwin County, Alabama, and that a copy of said notice was posted at the door of the Court House of Baldwin County, and further that a copy of said notice certified by the Register as being correct was filed for record as a lis pendens in the office of the Probate Judge of Baldwin County, Alabama, and that sixty (60) days have expired since the first publication of said notice and the filing of the certified copy of said notice in the Probate Court of Baldwin County, Alabama;

AND NOW IT FURTHER APPEARING to the Register that C. M. Seever and his heirs or devisees if deceased, Lizzie Ward Seever and her heirs or devisees if deceased, and the directors, stockholders and successors of Sanford Orchards Company, Inc., and all unknown persons, firms and corporations claiming any interest in the land described in the bill of complaint having, to the date hereof, failed to appear, plead to, answer or demur to said Bill of Complaint; IT IS THEREFORE, upon motion of complainant ordered by the Register that the allegations of said Bill of Complaint be, and hereby are, taken as confessed against the named parties in the Bill of complaint, and any other parties claiming any interest therein.

Dated this 24th day of January, 1956.

Alice J. Duck
Register



STATE OF ALABAMA
BALDWIN COUNTY.)

I, Claude V. Arnold, registered engineer-Surveyor of Fairhope, Alabama, hereby certify that the above is a correct map of my survey of the following described property: Begin at the Southeast corner of the NE $\frac{1}{4}$ of Sec. 36, T5S, R3E, run West 50 ft. to pt. on W. side IAN Railroad ROW; thence N 27° 37' W along RR ROW, 1032 ft. more or less to a point 912 ft. Due North from the E-W $\frac{1}{2}$ -Section line of said Sec. 36, the NE corner of Racine property, for a Point of Beginning; thence S 27° 37' W along RR ROW, 275.2 ft.; thence S 81° 30' W, 200 ft. to pt. on E. side Highway #90; thence Southerly along East side of highway, 194 ft. to Racine NW corner; thence East 150 ft.; thence South 25 feet; thence East 150.3 feet to the point of beginning. Lot contains 1.16 acres, more or less, and lies in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 36, T5S, R3E, Baldwin County, Alabama.

According to my Survey; dated at Fairhope, Alabama, this June 27, 1955.

(NOTE: NO INFORMATION OF RECORD furnished me for this survey; made from information given by Mr. Van Bendegom.)

Claude V. Arnold
C.E. & L.S., Ala. #1276

(Revised 5/12/56 to correct error in

STATE OF ALABAMA, BALDWIN COUNTY
Filed 7-29-55 8:AM
Recorded Recd book 222 page 366-7
and I certify that the following Privilege Tax
has been paid.

STATE OF ALABAMA,
COUNTY OF BALDWIN.

Deed Tax 2.50
Mortgage Tax _____
Judge of Probate
By W. R. Stuart

KNOW ALL MEN BY THESE PRESENTS, that Ary

VanBendegom, hereinafter called the grantor, and Saberey V. VanBendegom, his wife, for and in consideration of the sum of Twenty-five Hundred and no/100 (\$2,500.00) Dollars, cash to said grantor in hand paid by National Butane Company of Alabama, Inc., a corporation, hereinafter called the grantee, receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto said grantee the following property situated in Baldwin County, Alabama:

Begin at the southeast corner of the northeast quarter of Section 36, Township 5 South, Range 4 East and run thence westwardly along the quarter section line 50 feet to a point on the west line of the right-of-way of the L & N Railroad; run thence north 27 degrees 37 minutes west along the west line of said right-of-way 1032 feet, more or less, to a point which is 912 feet due north of the south line of the said northeast quarter of Section 36, Township 5 South, Range 4 East for a point of beginning, at which point there is an iron fence post; from said point of beginning run due west along the north line of property heretofore transferred to Emery A. Racine 150.3 feet to a point; thence run due north along the east line of property heretofore transferred to Charles N. Taylor and wife 25 feet to a point; thence run due west along the north line of said property heretofore transferred to Taylor 150 feet to a point on the east side of U. S. Highway No. 90; thence run northwardly along the curve of the east line of said Highway to a point which is 194 feet from the preceding point, measured along a straight line; thence run north 81 degrees 30 minutes east 200 feet to a point on the west line of the right-of-way of the L & N Railroad; thence run south 27 degrees 37 minutes east along the west line of said right-of-way 275.2 feet to the point of beginning.

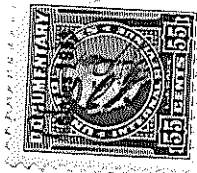
TOGETHER with all and singular the rights, members, privileges and appurtenances thereunto belonging or in anywise appertaining.

BOOK 222 PAGE 366

TO HAVE AND TO HOLD the above described property unto the said grantee, its successors and assigns, FOREVER.

And with the exception of current taxes not yet due, which are assumed by the grantee, the grantor for himself, his heirs and personal representatives, does hereby covenant to and with the said grantee, its successors and assigns, that he is seized of an indefeasible estate in fee simple in and to said property; that he is in peaceful possession thereof and has a perfect right to sell and convey the same; that the same is free from all encumbrances and that he will forever warrant and defend the title to and possession of said property unto the said grantee, its successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF the said Ary VanBendegom and Saberey V. VanBendegom, his wife, have hereunto set their hands and seals this the 12 day of July, 1955.



Ary Van Bendegom
Saberey V. Van Bendegom

STATE OF ALABAMA,
COUNTY OF BALDWIN.

I, John J. Gasus, a Notary Public in and for said State and County, hereby certify that Ary VanBendegom and Saberey V. VanBendegom, his wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 12 day of July, 1955.

John J. Gasus
Notary Public, Baldwin County, Ala.

My term expires on Monday after the
second Tuesday in January, 1959.

My term expires on Monday after the
second Tuesday in January, 1959.

BOOK 223 PAGE 367

STATE OF ALABAMA,
COUNTY OF BALDWIN.

KNOW ALL MEN BY THESE PRESENTS, that,
WHEREAS, Ary VanBendegom and Saberey V. VanBendegom transferred certain property to National Butane Company of Alabama, Inc., a corporation, by deed dated July 12, 1955, and recorded in Deed Book 223, page 366 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama, and, WHEREAS, in said deed said property was described as being in Section 36, Township 5 South, Range 4 East, and said property is actually in Section 36, Township 5 South, Range 3 East, and, WHEREAS, it is the desire of the parties to correct said mistake;

NOW, THEREFORE, Ary VanBendegom, hereinafter called the grantor, and Saberey V. VanBendegom, his wife, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to said grantor in hand paid by National Butane Company of Alabama, Inc., a corporation, hereinafter called the grantee, receipt of which are hereby acknowledged, do hereby grant, bargain, sell and convey unto said grantee the following property situated in Baldwin County, Alabama:

Begin at the southeast corner of the northeast quarter of Section 36, Township 5 South, Range 3 East and run thence westwardly along the quarter section line 50 feet to a point on the west line of the right-of-way of the L & N Railroad; run thence north 27 degrees 37 minutes west along the west line of said right-of-way 1032 feet, more or less, to a point which is 912 feet due north of the south line of the said northeast quarter of Section 36, Township 5 South, Range 3 East for a point of beginning, at which point there is an iron fence post; from said point of beginning run due west along the north line of

property heretofore transferred to Emery A. Racine 150.3 feet to a point; thence run due north along the east line of property heretofore transferred to Charles N. Taylor and wife 25 feet to a point; thence run due west along the north line of said property heretofore transferred to Taylor 150 feet to a point on the east side of U. S. Highway 90; thence run northwardly along the curve of the east line of said Highway to a point which is 194 feet from the preceding point, measured along a straight line; thence run north 81 degrees 30 minutes east 200 feet to a point on the west line of the right-of-way of the L & N Railroad; thence run south 27 degrees 37 minutes east along the west line of said right-of-way 275.2 feet to the point of beginning.

TOGETHER with all and singular the rights, members, privileges and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property unto the said grantee, its successors and assigns, FOREVER.

And with the exception of current taxes not yet due, which are assumed by the grantee, the grantor for himself, his heirs and personal representatives, does hereby covenant to and with the said grantee, its successors and assigns, that he is seized of an indefeasible estate in fee simple in and to said property; that he is in peaceful possession thereof and has a perfect right to sell and convey the same; that the same is free from all encumbrances and that he will forever warrant and defend the title to and possession of said property unto the said grantee, its successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Ary VanBendegom and Saberey V. VanBendegom, his wife, have hereunto set their hands and seals this the 20 day of February, 1956.

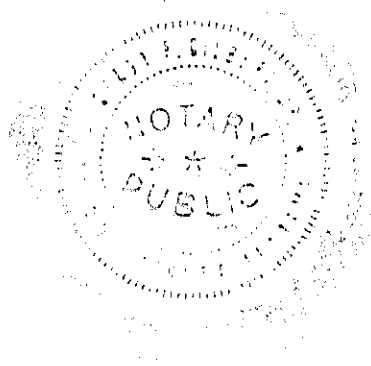
Ary Van Bendegom SEAL
Saberey V. Van Bendegom SEAL

STATE OF ALABAMA,
COUNTY OF BALDWIN.

I, Cady Gilbert Jr., a Notary Public in and for said State and County, hereby certify that Ary VanBendegom and Saberey V. VanBendegom, his wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal
this the 20 day of February, 1956.

Cady Gilbert Jr.
Notary Public, Baldwin County, Ala.



STATE OF ALABAMA, BALDWIN COUNTY.
Filed 4-16-56 4 P.M.
Recorded and book 237 page 391-3
and I certify that the following Privilege Tax
has been paid.
Deed Tax 2.50
Mortgage Tax
Judge of Probate
By h

BOOK 237
PAGE 393

FILED
JUN 18 1957

Arg Van Bando gon

Saboray V.
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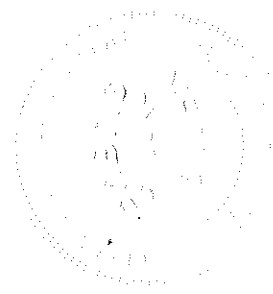
Nat'l. Butane Co. of Ala.

53

737-391-3

D-250
R-212
500

National Butane Co
R. Dale



Quit Claim Deed

Be It Known, That Fred L. Sanford and Carrie Sanford, his wife, parties of the first part, for and in consideration of the sum of One & 00/100 (\$1.00) Dollars to them in hand paid by Ary Van Bendegom party of the second part, the receipt whereof is hereby acknowledged, do remise, release, quit claim and convey unto the said Ary Van Bendegom his heirs and assigns, forever, All and singular, the following described real property, situated in the County of Baldwin, State of Alabama, to-wit:

Begin at the Southeast Corner of the Northeast quarter of Section 36, at a point 50 feet West of the Louisville and Nashville Railroad and running thence West 706 feet and 6 inches, thence North 2 Degrees and 24 minutes West 844 feet for a beginning point; thence East 282 feet to a point which is 50 feet West of Louisville and Nashville Railroad; thence in a Northwesterly direction paralleling said railroad 821 feet to a point; thence in a Southeasterly direction on a degree curve a distance of 501 feet, thence South 2 degrees and 24 minutes East 247.7 feet to the point of beginning, containing 2 acres, more or less. Said tract of land lying and being in the Northeast quarter of Section 36, Township 5 South, range 3 East of St. Stephens Meridian.

To Have And To hold the same forever.

In Witness Whereof, we have hereunto set our hand and seal this 20th day of September, 1944.

Signed, sealed and delivered
in presence of

Fred L. Sanford
Carrie J. Sanford

Seal
Seal

Margaret Sowell
Harold W. Ginnis
The State of Florida
County

I, Margaret Sowell, a Notary Public in and for said State and County, hereby certify that Fred L. Sanford and Carrie Sanford, his wife; whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me, on this day, that being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this 23rd day of September, A. D., 1944.

Margaret Sowell
Notary Public

My commission expires May 1, 1945.

Seal

State of Alabama
Baldwin County

Filed Sept. 25, 1944 at 2:20 P.M. and recorded in Deed Book 86 at page 193, I certify that \$3.50 Deed Tax has been paid as required by law.

G. W. Robertson, Judge of Probate.

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The State of Alabama,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing One photostatic pages

contain a full, true and complete copy of the Deed from Fred L. Sanford, et al
to Ary Van Bendegom,

as the same appears of record in my office in Deed Book No. 86

page 193.

Given under my hand and seal of office, this 21st day of May, 1957.

W.R. Stuart
Judge of Probate

Complaint Exhibit #4

FILED

JUN 18 1957

ALICE J. DICK, Register



THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO:

Dorothy Barnes

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine *Jack Ballala, and*

Ray Van Beekeson

a witnesses in behalf of *Natl Butane Co. & alain* a cause pending in our Circuit Court in Baldwin County, of said State, wherein *Natl Butane Co. & alain is*

Complainant
and *Certain Lands, et al is*

Respondent
on oath, to be by you administered, upon *them*
to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness *24* day of *May*, 195*7*

Reice J. Duck
Register.

Commissioner's Fee, \$

Witness' Fees, \$

NATIONAL BUTANE COMPANY OF	:	IN THE CIRCUIT COURT OF
ALABAMA, INC.	:	
	:	BALDWIN COUNTY, ALABAMA.
Complainant.	:	
	:	IN EQUITY NO. 3662
Versus	:	
	:	
CERTAIN LANDS, et al.	:	
	:	
Respondents.	:	

DECREE

This cause coming on to be heard is submitted for final decree upon the bill of complaint as amended, decree pro confesso and proof as noted, and it appears to the court and the court finds that the bill of complaint in this cause complies in all respects with the statutory requirements for proceedings in rem to establish title to land, and that the lis pendens filed in the Probate Court and the notice published in this cause complies in all respects with the statutory requirements for such lis pendens and notice; that at the time of the filing of the bill of complaint, National Butane Company of Alabama, Inc., a corporation, was and now is in the actual peaceable possession of the property described in the bill of complaint as amended, and every part and parcel thereof, claiming to own the same in its own right in fee simple; that the complainant made a diligent search and inquiry in regard to the heirs or devisees of C. M. Seever and Lizzie Ward Seever and in regard to the directors, stockholders and successors of Sanford Orchards Company, Inc., a dissolved corporation, and was unable, after reasonably diligent inquiry to locate any heirs of said C. M. Seever or Lizzie Ward Seever, or the directors, stockholders or successors of said Sanford Orchards Company, Inc.; that the complainant and its predecessor in title have been in the actual, open, notorious, adverse and continuous possession of said property for more than ten years immediately preceeding the filing of the bill of complaint in this cause, and that complainant after diligent inquiry knew of no other person who has had possession of said land, or any part thereof, within said ten years, nor of any person who claims said lands, or any part thereof, nor of any person who has at any-

time within ten years next preceeding the filing of the bill, assessed or paid any taxes upon said lands or any interest therein; and that the evidence shows that there has been no such person in possession or person who assessed or paid taxes within said period; that there is no suit pending to test the complainant's title to, interest in or right to the possession of said property, or to enforce or test the validity of the title, claim, lien or encumbrance of any of the respondents in, to, or upon said property; that J. A. Hendrix was duly appointed guardian ad litem for all unknown defendants in this cause and was also appointed attorney ad litem for any of the defendants who might be in the armed forces of the United States of America or its allies, within the meaning of the Soldiers and Sailors Relief Act, and that he did represent in this cause all such persons; that the complainant has established by legal evidence that it is the owner in its own right in fee simple of said property.

Now, therefore, it is ordered, adjudged and decreed by the court as follows:

The complainant, National Butane Company of Alabama, Inc., a corporation, is the owner in its own right in fee simple of the following property and every part and parcel thereof:

Begin at the southeast corner of the northeast quarter of Section 36, Township 5 South, Range 3 East and run thence westwardly along the quarter section line 50 feet to a point on the west line of the right-of-way of the L & N Railroad; run thence north 27 degrees 37 minutes west along the west line of said right-of-way 1032 feet, more or less, to a point which is 912 feet due north of the south line of the said northeast quarter of Section 36, Township 5 South, Range 3 East for a point of beginning, at which point there is an iron fence post; from said point of beginning run due west along the north line of property heretofore transferred to Emery A. Racine 150.3 feet to a point; thence run due north along the east line of property heretofore transferred to Charles N. Taylor and wife 25 feet to a point; thence run due west along the north line of said property heretofore transferred to Taylor 150 feet to a point on the east side of U. S. Highway No. 90; thence run northwardly along the curve of the east line of said Highway to a point which is 194 feet from the preceding point, measured along a

straight line; thence run north 81 degrees 30 minutes east 200 feet to a point on the west line of the right-of-way of the L & N Railroad; thence run south 27 degrees 37 minutes east along the west line of said right-of-way 275.2 feet to the point of beginning, all as per plat of survey made by Claude W. Arnold, dated June 27, 1955, revised May 12, 1956, and recorded in Map Book 4, page 218 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama;

That C. M. Seever and Lizzie Ward Seever and their heirs or devisees and the directors, stockholders and successors of Sanford Orchards Company, Inc., a dissolved corporation, have no title to, interest in, lien or encumbrance on said property or any part thereof.

It is further ordered and decreed that a certified copy of this decree be recorded in the office of the Judge of the Probate Court of Baldwin County; that the same be indexed in the direct index in the name of heirs of C. M. Seever and Lizzie Ward Seever and Sanford Orchards Company, Inc., and that it be indexed in the indirect index in the name of National Butane Company of Alabama, Inc. It is further ordered, adjudged and decreed that the costs of this cause, including a reasonable fee to the guardian ad litem and the attorney ad litem, J. A. Hendrix, which the court finds to be the sum of \$ 100⁰⁰, be taxed against the complainant, for which let execution issue.

Dated at Bay Minette, Alabama, this 19 day of June,
1957.

Ludus M. Wall
Circuit Judge.

NATIONAL BUTANE COMPANY OF ALABAMA,

Complainant,

VS.

CERTAIN LANDS, ET AL.,

Respondents.

IN THE

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA.

IN EQUITY

NO. 3662


This cause being regularly called, on this a regular day for the calling of the docket of this Court, and the parties not answering,

IT IS ORDERED by the Court that this cause be continued until May 9th 1956.

IT IS FURTHER ORDERED that this cause be, and it is hereby set down for the taking of testimony, and submission for final decree on May 9th 1956, at 10 o'clock A. M. At the Courthouse in Bay Minette, Alabama.

IT IS FURTHER ORDERED that a copy of this order be mailed to the respective Solicitors of Record for the parties to this cause.

This 17th day of April, 1956.


Judge, 28th Judicial Circuit of
Alabama.

FILED

APR 18 1956

ALICE J. BOCK, Register

NATIONAL BUTANE COMPANY OF
ALABAMA, a corporation,

Complainant,
No. 3662 VS.

CERTAIN LANDS, et al.,

Respondents.

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

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof
as noted.

Dated,

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:

FOR COMPLAINANT

FILED,

Register

1. Bill of complaint as amended;
2. Lis pendens recorded in the Probate Court of Baldwin County, Alabama;
3. Certificate of publication;
4. Decree pro confesso
5. Acceptance of appointment & answer of guardian ad litem & attorney ad litem
6. Testimony of Ary van Bendegom
7. Testimony of Jack C. Gallalee
8. Exhibit "A" deed from Van Bendegom to National Butane Co.
9. Exhibit "B" correction deed from Van Bendegom to National Butane Co.
10. Exhibit "C" plat made by Claude W. Arnold
11. Exhibit "D" deed from Sanford & wife to Van Bendegom.

CAFFEY, GALLALEE & CAFFEY,

By *[Signature]*
Solicitors for Respondent
Complainant.

FOR RESPONDENTS

[Signature]
Guardian ad Litem and Attorney
ad Litem.

[Signature]
Register

LEGAL NOTICE

Notice is hereby given to C. M. Seever and his heirs or devisees, if deceased; Lizzie Ward Seever and her heirs or devisees, if deceased; the directors, stockholders and successors of Sanford Orchards Company, Inc., a dissolved corporation, and to all unknown persons, firms and corporations claiming any title to, interest in, lien or encumbrance upon the lands described below, or any part thereof, that on the 28th day of November, 1955, National Butane Company of Alabama, Inc., a corporation, filed a verified bill of complaint in the Circuit Court of Baldwin County, Alabama, in Equity, No. 3662 against the following lands in Baldwin County, Alabama:

Begin at the southeast corner of the northeast quarter of Section 36, Township 5 South, Range 4 East and run thence westwardly along the quarter section line 50 feet to a point on the west line of the right-of-way of the L & N Railroad; run thence north 27 degrees 37 minutes west along the west line of said right-of-way 1032 feet, more or less, to a point which is 912 feet due north of the south line of the said northeast quarter of Section 36, Township 5 South, Range 4 East for a point of beginning, at which point there is an iron fence post; from said point of beginning run due west along the north line of property heretofore transferred to Emery A. Racine 150.3 feet to a point; thence run due north along the east line of property heretofore transferred to Charles N. Taylor and wife 25 feet to a point; thence run due west along the north line of said property heretofore transferred to Taylor 150 feet to a point on the east side of U. S. Highway No. 90; thence run northwardly along the curve of the east line of said Highway to a point which is 194 feet from the preceding point, measured along a straight line; thence run north 81 degrees 30 minutes east 200 feet to a point on the west line of the right-of-way of the L & N Railroad; thence run south 27 degrees 37 minutes east along the west line of said right-of-way 275.2 feet to the point of beginning, all as per plat of survey made by Claude W. Arnold, dated June 27, 1955, and recorded in Deed Book 223, page 367 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama;

And against the above mentioned C. M. Seever and his

BOOK 104 PAGE 393

heirs or devisees, if deceased; Lizzie Ward Seever and her heirs or devisees, if deceased; the directors, stockholders and successors of Sanford Orchards Company, Inc., a dissolved corporation; and all unknown parties claiming any title thereto, or interest therein, or lien or encumbrances upon said lands or any part thereof.

Complainant in said bill of complaint claims title to said lands in its own right, in fee simple, and complainant prays therein that the Court will decree that C. M. Seever and his heirs or devisees, if deceased, Lizzie Ward Seever, and her heirs or devisees, if deceased, the directors, stockholders and successors of Sanford Orchards Company, Inc., and those made respondents as unknown parties have no title to, interest in, or lien or encumbrance upon said lands and that the court will establish complainant's title thereto and clear up all doubts and disputes concerning the same.

Complainant claims title to said lands under and by virtue of a deed from Ary VanBendegom and Saberey V. VanBendegom to complainant, dated July 12, 1955 and recorded in Deed Book 223, page 366 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama; adverse possession by Ary VanBendegom of said property from September 20, 1944 to July 12, 1955; and deed from Fred L. Sanford and Carrie Sanford to Ary VanBendegom, dated September 20, 1944 and recorded in Deed Book 86, page 193 of said records. Complainant alleges that it knows of no one who has paid taxes on said lands or who has been in possession of the same or any part thereof within the ten (10) years next preceding the filing of the bill of complaint and that the title to said lands stands in complainant's name (and also in the name of said Sanford Orchards Company, Inc.) on the records of the Probate Court of Baldwin County, Alabama.

It is ORDERED that the said C. M. Seever and his heirs or devisees, if deceased, Lizzie Ward Seever, and her heirs

BROW
100
PAM 234

or devisees, if deceased, the directors, stockholders and successors of Sanford Orchards Company, Inc. and any and all persons, firms and corporations claiming any title to, interest in, lien or encumbrance upon said lands or any part thereof, plead, answer or demur to the bill of complaint in this cause filed against them and against said lands on or before the 28th day of December 195 , or suffer decrees pro confesso rendered against them.

WITNESS my hand this the 28th day of Nov.,
1955.

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

CAFFEY, GALLALEE & CAFFEY,
Solicitors for Complainant

STATE OF ALABAMA, BALDWIN COUNTY

Filed 11-30-55 11:45 A.M.

Recorded Lis Denis Book 4 page 233-5

J. R. D. Hunt
Judge of Probate 4

3662.

C. M. Seever

Lizette Ward 11

Sanford Orchards Co., Inc.

3

vs.

Natl. Butane Co.

53 4-233-5

R175
Mrs. Duck

FILED

NOV 28 1935

ALICE J. RUCK, Clerk

NATIONAL BUTANE COMPANY OF
ALABAMA, a corporation,

Complainant,
No. 3662 VS.

CERTAIN LANDS, et al.,

Respondents.

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

ORDER OF SUBMISSION

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as noted.

Dated,

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FOR COMPLAINANT

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9. Exhibit "2" correction deed from Van Bendegom to National Butane Co.
10. Exhibit "3" plat made by Claude W. Arnold
11. Exhibit "4" deed from Sanford & wife to Van Bendegom.

CAFFEY, GALLALEE & CAFFEY,

By *[Signature]*
Solicitors for Respondents
Complainant.

FOR RESPONDENTS

[Signature]
Guardian ad Litem and Attorney
ad Litem.

[Signature]
Register

No. _____

Vs.

**ORDER OF SUBMISSION
NOTE OF EVIDENCE**

Filed 6-29-57 Terms, 19
19
Ent. Min. No. _____, Page _____

FOR (COMPLAINT)

JOHN O. BALDWIN

Date

Page

ORDER OF SUBMISSION

JOHN O. BALDWIN

JOHN O. BALDWIN

JOHN O. BALDWIN

JOHN O. BALDWIN

JOHN O. BALDWIN

JOHN O. BALDWIN

National Butane Company of Complainant,
Alabama, Inc., a corporation

No. 3662 VS.

CERTAIN LANDS, et al.,

Defendants

BALDWIN COUNTY
CIRCUIT COURT OF/~~MOBILE COUNTY~~
IN EQUITY

DEMAND FOR ORAL EXAMINATION

The State of Alabama, {
Mobile County }

The complainant requests the oral examination of the following named witnesses

on its behalf, viz: Ary Van Bendegom who resides at Robertsdale, Baldwin
County, Alabama, and Jack C. Gallalee, who resides at Mobile, Mobile
County, Alabama.

~~said witnesses reside in the County of~~ ~~State of Alabama~~

who resides at Robertsdale, Alabama,

is suggested as a suitable person to be appointed Commissioner to take deposition
of said witnesses on such oral examination.

Filed.....

~~XXXXXX~~, Register

CAFFEY, GALLALEE & CAFFEY,

By

Jack C. Gallalee
Solicitors for Complainant.

National Butane Company of Complainant,
Alabama, Inc., a corporation

No. 3662 VS.

CERTAIN LANDS, et al.,

Defendants

BALDWIN COUNTY

CIRCUIT COURT OF ~~THE UNITED STATES~~

IN EQUITY

DEMAND FOR ORAL EXAMINATION

The State of Alabama,
Mobile County

The complainant requests the oral examination of the following named witnesses

on its behalf, viz: Ary Van Bendegom who resides at Robertsdale, Baldwin County, Alabama, and Jack C. Gallalee, who resides at Mobile, Mobile County, Alabama.

~~And witnesses reside in the County of _____ State of Alabama~~

who resides at **Robertsdale, Alabama,**

is suggested as a suitable person to be appointed Commissioner to take deposition of said witnesses on such oral examination.

Filed.....

CAFFEY, GALLALEE & CAFFEY.

By John C. Sullivan
Solicitor for Complainant.

No.....

Circuit Court of Mobile County

Mobile, Alabama

IN EQUITY

VS.

DEMAND FOR ORAL EXAMINATION

FILED
JUN 18 1957
ALICE J. DUCK, Register

NATIONAL BUTANE COMPANY OF	:	IN THE CIRCUIT COURT OF
ALABAMA, INC., a corporation,	:	BALDWIN COUNTY, ALABAMA.
Complainant,	:	IN EQUITY - NO. 3662.
Versus	:	
CERTAIN LANDS, ET AL.,	:	
Respondents.	:	

MOTION FOR DECREE PRO CONFESSO AND
APPOINTMENT OF GUARDIAN AD LITEM
AND ATTORNEY AD LITEM.

Now comes National Butane Company of Alabama Inc., a corporation, complainant herein, and shows unto the Court that in this cause notice has been given to all parties re-
 respondent by publication, and that proof of publication is on file herein, and that the time has elapsed within which any such parties may plead, answer or demur, but that none of them have done so.

WHEREFORE, complainant moves the Court to render a decree pro confesso against all respondents.

Complainant further moves the Court for the appointment of a guardian ad litem for all the unknown defendants in this cause and an attorney ad litem for any of the defendants that may be in the Armed Forces of the United States of America, or its Allies, within the meaning of the Soldiers and Sailors Relief Act.

CAFFEY, GALLALEE & CAFFEY,

By Josh L. Gallalee
 Solicitors for Complainant.

CAFFEY, GALLALEE & CAFFEY

ATTORNEYS AT LAW

715-719 FIRST NATIONAL BANK BUILDING

MOBILE 3, ALABAMA

WILLIAM G. CAFFEY
JACK C. GALLALEE
WILLIAM G. CAFFEY, JR.

November 25, 1955

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

Dear Mrs. Duck:-

Enclosed are a bill of complaint to quiet title in rem to property in Baldwin County, an original and two copies of a notice to be given in connection with said bill, and an affidavit regarding the unknown residence of two of the respondents. Will you please file the bill and take the necessary steps to record the notice as a lis pendens and have the notice published as required by the statutes for in rem title proceedings.

If you have questions, or if there is any thing that you want handled in a different way from what we have done, please call me or write and we will straighten the matter out. If any possible questions or doubts arise in your mind about the proceedings I will really appreciate your getting in touch with me so that we can straighten them out now rather than having to wait until after the notice has been published. Your cooperation will be very much appreciated.

Yours very truly,

CAFFEY, GALLALEE & CAFFEY,

By 

Enc.
JCG:od

CAFFEY, GALLALEE & CAFFEY
ATTORNEYS AT LAW
715-719 FIRST NATIONAL BANK BUILDING
MOBILE 3, ALABAMA

WILLIAM G. CAFFEY
JACK C. GALLALEE
WILLIAM G. CAFFEY, JR.

December 31, 1956

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

Dear Mrs. Duck:-

Thank you for your letter of December 19th, with the decree pro confesso. I note that the decree recites that the order of publication was published for four (4) consecutive weeks commencing on the 12th day of December, 1956, and that a copy of the order was posted at the Court House door on the 12th day of December, 1956. This hardly appears possible, since the publication took place way back in July, or thereabouts. I don't have the exact dates of publication.

Therefore, for your convenience, I have drafted and enclose herewith, a form of order of decree pro confesso which recites the publication and posting, and also the recording in the Probate Court, but have left the dates blank. When you have looked this over I will appreciate it if you will see if you think it is satisfactory and if so have the one drafted by me substituted for the one which you executed on the 18th of December.

I have also drafted a form of appointment of guardian ad litem, as you requested, and it is enclosed herewith. I forgot the name of the man about whom we were talking, and therefore left it blank.

I certainly hope that you and all who are dear to you had a nice Christmas and will have a fine year in 1957.

Yours very truly,

CAFFEY, GALLALEE & CAFFEY,

BY 

Encs
JCG:od

NATIONAL BUTANE COMPANY OF
ALABAMA,

Complainant,

Vs.

CERTAIN LANDS, et al,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3662

ANSWER OF GUARDIAN AD LITEM FOR UNKNOWN MINORS
AND INSANE PERSONS, AND AS ATTORNEY FOR ANY
UNKNOWN PERSONS INTERESTED IN THIS PROCEEDING
WHO MAY BE IN THE MILITARY SERVICE OF THE
UNITED STATES.

I, JAMES A. HENDRIX, having been heretofore appointed
as guardian ad litem to represent any unknown minors or insane
persons interested in this proceeding, and as attorney to
represent any unknown parties interested in this proceeding
who may be in the military service of the United States,
for answer to the Bill of Complaint filed in said cause, do

herby deny each and all of the allegations thereof and
demand strict proof of the same.

Dated this 3rd day of January, 1956.

James A. Hendrix
AS GUARDIAN ad LITEM AS AFORESAID,
AND AS ATTORNEY TO REPRESENT PER-
SONS IN MILITARY SERVICE AS
AFORESAID.

NATIONAL BUTANE COMPANY OF
ALABAMA, INC., a corporation,

Complainant,

Versus

CERTAIN LANDS, et al.,

Respondents.

: IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

: IN EQUITY - NO. 3662.

:

:

:

Now comes National Butane Company of Alabama, Inc., a corporation, complainant herein, and amends its bill of complaint heretofore filed in said cause by striking therefrom the description of property in Baldwin County, Alabama, and substituting therefor the following:-

Begin at the southeast corner of the northeast quarter of Section 36, Township 5 South, Range 3 East and run thence westwardly along the quarter section line 50 feet to a point on the west line of the right-of-way of the L & N Railroad; run thence north 27 degrees 37 minutes west along the west line of said right-of-way 1032 feet, more or less, to a point which is 912 feet due north of the south line of the said northeast quarter of Section 36, Township 5 South, Range 3 East for a point of beginning, at which point there is an iron fence post; from said point of beginning run due west along the north line of property heretofore transferred to Emery A. Racine 150.3 feet to a point; thence run due north along the east line of property heretofore transferred to Charles N. Taylor and wife 25 feet to a point; thence run due west along the north line of said property heretofore transferred to Taylor 150 feet to a point on the east side of U. S. Highway No. 90; thence run northwardly along the curve of the east line of said Highway to a point which is 194 feet from the preceding point, measured along a straight line; thence run north 81 degrees 30 minutes east 200 feet to a point on the west line of the right-of-way of the L & N Railroad; thence run south 27 degrees 37 minutes east along the west line of said right-of-way 275.2 feet to the point of beginning, all as per plat of survey made by Claude W. Arnold, dated June 27, 1955, revised May 12, 1956, and recorded in Map Book 4, page 218 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama.

-2-

And complainant further amends said bill of complaint by striking the period at the end of paragraph 2 thereof, substituting a semicolon for said period, and adding to the end of said paragraph 2 the following:

"correction deed from said Ary VanBendegom and Saberey V. VanBendegom to complainant, dated February 20, 1956 and recorded in Deed Book 237, page 391 of said records."

CAFFEY, GALLALEE & CAFFEY,

By Jack C. Gallalee

Solicitors for Complainant

STATE OF ALABAMA,
COUNTY OF MOBILE.

Personally appeared before me, the undersigned authority, Jack C. Gallalee, who, upon oath, deposes and says that he is one of the solicitors for complainant in the above styled cause, that he is informed and believes and upon such information and belief states, that the facts stated in the above and foregoing bill of complaint as amended are true and correct.

Jack C. Gallalee
Subscribed and sworn to before me
this the 6th day of July, 1956.

Olive M. Drago
Notary Public, Mobile County, Alabama.

LEGAL NOTICE

Notice is hereby given to C. M. Seever and his heirs or devisees, if deceased; Lizzie Ward Seever and her heirs or devisees, if deceased; the directors, stockholders and successors of Sanford Orchards Company, Inc., a dissolved corporation, and to all unknown persons, firms and corporations claiming any title to, interest in, lien or encumbrance upon the lands described below, or any part thereof, that on the 7th day of July, 1956, National Butane Company of Alabama, Inc., a corporation, filed an amended verified bill of complaint in the Circuit Court of Baldwin County, Alabama, in Equity, No. 3662 against the following lands in Baldwin County, Alabama:

Begin at the southeast corner of the northeast quarter of Section 36, Township 5 South, Range 3 East and run thence westwardly along the quarter section line 50 feet to a point on the west line of the right-of-way of the L & N Railroad; run thence north 27 degrees 37 minutes west along the west line of said right-of-way 1032 feet, more or less, to a point which is 912 feet due north of the south line of the said northeast quarter of Section 36, Township 5 South, Range 3 East for a point of beginning, at which point there is an iron fence post; from said point of beginning run due west along the north line of property heretofore transferred to Emery A. Racine 150.3 feet to a point; thence run due north along the east line of property heretofore transferred to Charles N. Taylor and wife 25 feet to a point; thence run due west along the north line of said property heretofore transferred to Taylor 150 feet to a point on the east side of U. S. Highway No. 90; thence run northwardly along the curve of the east line of said Highway to a point which is 194 feet from the preceding point, measured along a straight line; thence run north 81 degrees 30 minutes east 200 feet to a point on the west line of the right-of-way of the L & N Railroad; thence run south 27 degrees 37 minutes east along the west line of said right-of-way 275.2 feet to the point of beginning, all as per plat of survey made by Claude W. Arnold, dated June 27, 1955, revised May 12, 1956, and recorded in Map Book 4, page 218 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama;

And against the above mentioned C. M. Seever and his heirs or devisees, if deceased; Lizzie Ward Seever and her heirs or devisees, if deceased; the directors, stockholders and successors of Sanford Orchards Company, Inc., a dissolved corporation; and all unknown parties claiming any title thereto, or interest therein, or lien or encumbrances upon said lands or any part thereof. Complainant in said bill of complaint claims title to said lands in its own right, in fee simple, and complainant prays therein that the Court will decree that C. M. Seever and his heirs or devisees, if deceased, Lizzie Ward Seever, and her heirs or devisees, if deceased, the directors, stockholders and successors of Sanford Orchards Company, Inc., and those made respondents as unknown parties have no title to, interest in, or lien or encumbrance upon said lands and that the Court will establish complainant's title thereto and clear up all doubts and disputes concerning the same.

Complainant claims title to said lands under and by virtue of a deed from Ary VanBendegom and Saberey V. VanBendegom to complainant, dated July 12, 1955 and recorded in Deed Book 223, page 366 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama; correction deed from said Van Bendegoms to complainant dated February 20, 1956 and recorded in Deed Book 237, page 391 of said records; adverse possession by Ary VanBendegom of said property from September 20, 1944 to July 12, 1955; and deed from Fred L. Sanford and Carrie Sanford to Ary VanBendegom, dated September 20, 1944 and recorded in Deed Book 86, page 193 of said records. Complainant alleges that it knows of no one who has paid taxes on said lands or who has been in possession of the same or any part thereof within the ten (10) years next preceding the filing of the bill of complaint and that the title to said lands stands in complainant's name (and also in the name of said Sanford Orchards Company, Inc.) on the records of the Probate Court of Baldwin County, Alabama.

It is ORDERED that the said C. M. Seever and his heirs or devisees, if deceased, Lizzie Ward Seever, and her heirs or devisees, if deceased, the directors, stockholders and successors of Sanford Orchards Company, Inc. and any and all persons, firms and corporations claiming any title to, interest in, lien or encumbrance upon said lands or any part thereof, plead, answer or demur to the bill of complaint as amended in this cause filed against them and against said lands on or before the 7th day of August, 1956, or suffer decrees pro confesso rendered against them.

WITNESS my hand this the 7th day of

July, 1956.

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

CAFFEY, GALLALEE & CAFFEY,
Solicitors for Complainant.

NATIONAL BUTANE COMPANY OF ALABAMA,	:	IN THE CIRCUIT COURT OF
	:	BALDWIN COUNTY, ALABAMA.
Complainant,	:	IN EQUITY - NO. 3662
Versus	:	
CERTAIN LANDS, et al.,	:	Alice J. Duck, Register
Respondents.	:	

DECREE PRO CONFESSO

In this cause, it appearing to the Register that notice of the pendency of this cause has been given by publication, once a week for four consecutive weeks, commencing on the 12 day of July, 1956, in the Baldwin Times, a newspaper published in Baldwin County, Alabama, and that a copy of said notice was posted at the door of the Court House of Baldwin County, and further that a copy of said notice certified by the Register as being correct was filed for record as a lis pendens in the office of the Probate Judge of Baldwin County, Alabama, and that sixty (60) days have expired since the first publication of said notice and the filing of the certified copy of said notice in the Probate Court of Baldwin County, Alabama;

AND NOW IT FURTHER APPEARING to the Register that C. M. Seever and his heirs or devisees if deceased, Lizzie Ward Seever and her heirs or devisees if deceased, and the directors, stockholders and successors of Sanford Orchards Company, Inc., and all unknown persons, firms and corporations claiming any interest in the land described in the bill of complaint having, to the date hereof, failed to appear, plead to, answer or demur to said Bill of Complaint; IT IS THEREFORE, upon motion of complainant ordered by the Register that the allegations of said Bill of Complaint be, and hereby are, taken as confessed against the named parties in the Bill of complaint, and any other parties claiming any interest therein.

Dated this 3 day of June, 1957.

Alice J. Duck
Register

THE STATE OF ALABAMA)
BALDWIN COUNTY)

Circuit Court of Baldwin County, Alabama
(in Equity)

NATIONAL BUTANE COMPANY OF ALABAMA, INC. Complainant.

vs.

CERTAIN LANDS, et al Respondent

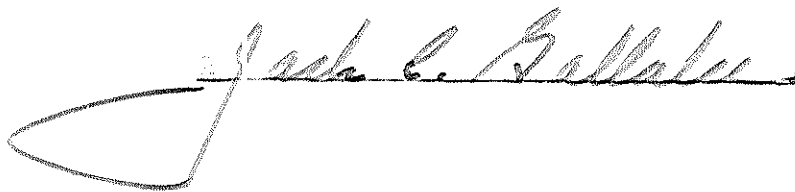
I, Dorothy Barnes, as Commissioner, have called and caused to come before me Ary VanBendegom and Jack Gallalee, witnesses named in the requirement for Oral Examination, on the 24th day of May, 1957, at the office of James A. Hendrix, in Robertsdale, Alabama, and having first sworn said witnesses to speak the truth, the whole truth, and nothing but the truth, the said Ary VanBenderom and Jack Gallalee doth depose and says as follows:

TESTIMONY OF JACK GALLALEE

My name is Jack Gallalee. I am an attorney practicing in Mobile, Alabama, representing National Butane Company, of Alabama, Inc., the Complainant in this case; the Complainant is a corporation organized under the laws of the State of Alabama, with its principal place of business in Mobile, Alabama, and with a branch office in Robertsdale, Baldwin County, Alabama. As attorney for the Complainant, I have investigated the public records of Baldwin County, Alabama, in regard to the property which is the subject matter of this suit. I find that the title to the property stands in the Complainant's name on the records of the Probate Court of Baldwin County, Alabama, and also in the name of Sanford Orchards Company, Inc. I further find that no one other than the Complainant and Ary VanBendegom have paid any taxes on said property within the ten years next preceding the filing of the Bill of Complaint.

I have further investigated to try to determine the whereabouts of the Respondent's, C. M. Seever and Lizzie Ward Seever, and have also tried to determine whether either of the Seevers is deceased and if so, where are their heirs or devisees. I have also investigated to try to determine who were the directors, stock holders or successors of Sanford Orchards Company, Inc. My investigation discloses that Sanford Orchards Company, Inc., is a dissolved corporation, but I am unable to ascertain who, other than the two Seevers, named above, and Fred L. Sanford and Carrie Sanford, were its directors, stock holders or successors. In making search for the whereabouts of the said Seevers, I have made inquiry among various residents of Baldwin County, Alabama, who knew them and have also inquired of the sheriff and Probate Judge of Baldwin County, Alabama, but I cannot find anyone who knows whether the said Seevers are dead or alive or what happened to them. In addition I have examined, or had examined, the records of the Probate and other courts, of records of Baldwin County, Alabama, in regard to the said corporation, its directors, stock holders or successors and in regard to the said Seevers, and I cannot obtain any better information than is given above. The reputation in Baldwin County, and particular Robertsdale, Alabama, is that Sanford Orchards Company, Inc., was owned by Fred L. Sanford at the time of its dissolution.

There is no suit pending to test the title interest or right of National Butane Company, to the property which is the subject matter of this suit, or to enforce or test the validity of the title, claim, lien or encumbrance of the Respondent or any of them into or upon said property. At the time this action was filed, and at the present time the Complainant was and is in the actual peaceable possession of the property which is the subject matter of this suit, and every part and parcel thereof, claiming to own the same in its own right and in fee simple.

A handwritten signature in dark ink, appearing to read "Jack C. Gallalee", is written over a horizontal line. The signature is stylized with a large, sweeping initial 'J'.

TESTIMONY OF ARY VANBENDEGOM

My name is Ary VanBendegom. I am 84 years old and live one mile North of Robertsdale, Alabama, on U.S. Highway # 90 and have lived there since 1945. I am familiar with the property described in this action; this property lies between U.S. Highway # 90 and the L. & M. Railroad, it is immediately South of my present home and just North of the property which I sold to Charles R. Taylor. I bought this property from Fred L. Sanford on September 20, 1944; I built my present home on a portion of the property which I bought from Fred L. Sanford, in 1945, and since building my home, I have lived in it continuously up to and including the present day. I sold the property which is involved in this action to the National Butane Company, of Alabama, Inc., a corporation, by a Warranty Deed on July 12, 1955, however, there was an error in description on this deed and I gave them another deed to correct the error in the first deed, on February 20, 1956. After I bought this property (now I'm talking about the property involved in this suit) I farmed it every year until I sold it in 1955, I put a fence around it and kept my cow in it; and just generally used it continuously from the time I bought it until I sold it to National Butane Company, Inc., a corporation. This land is clearly visible from U.S. Highway # 90 and the tanks which National Butane installed can be seen by a passer-by from U.S. Highway # 90. I know of my own personal knowledge that the National Butane Company is now in possession of this property, that they have installed Butane tanks thereon, that they have put new fences all around this property and are now using all of it for their own use.

During the time that I owned this property, no one but me was ever in possession of any of it or ever claimed the right to possession of any of it and to my knowledge no other person or persons, firms or corporations, has had possession of any part of this property other than National Butane Company since I sold it to them. During the time I owned this property, I paid the taxes on it every year and no one else other than me and National Butane Company have paid any taxes on this land since 1944 to my knowledge, and I annually assessed this property until I sold it to National Butane Company, in 1955.

Ary Van Bendegom

STATE OF ALABAMA)

BALDWIN COUNTY)

I, Dorothy Barnes, as Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witnesses and read over to them and they signed the same in the presence of myself and James A. Hendrix, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this the 17th day of June, 1957.

Dorothy Barnes (L. S.)

Legal Notice

Notice is hereby given to C. M. Seever and his heirs or devisees, if deceased; Lizzie Ward Seever and her heirs or devisees, if deceased; the directors, stockholders and successors of Sanford Orchards Company, Inc., a dissolved corporation, and to all unknown persons, firms and corporations claiming any title to, interest in, lien or encumbrance upon the lands described below, or any part thereof, that on the 7th day of July, 1956, National Butane Company of Alabama, Inc., a corporation, filed an amended verified bill of complaint in the Circuit Court of Baldwin County, Alabama, in Equity, No. 3662 against the following lands in Baldwin County, Alabama:

Begin at the southeast corner of the northeast quarter of Section 36, Township 5 South, Range 3 East and run thence westwardly along the quarter section line 50 feet to a point on the west line of the right-of-way of the L & N Railroad; run thence north 27 degrees 37 minutes west along the west line of said right-of-way 1032 feet, more or less, to a point which is 912 feet due north of the south line of the said northeast quarter of Section 36, Township 5 South, Range 3 East for a point of beginning, at which point there is an iron fence post; from said point of beginning run due west along the north line of property heretofore transferred to Emery A. Racine 150.3 feet to a point; thence run due north along the east line of property heretofore transferred to Charles N. Taylor and wife 25 feet to a point; thence run due west along the north line of said property heretofore transferred to Taylor 150 feet to a point on the east side of U.S. Highway No. 90; thence run northwardly along the curve of the east line of said Highway to a point which is 194 feet from the preceding point, measured along a straight line; thence run north 81 degrees 30 minutes east 200 feet to a point on the west line of the right-of-way of the L & N Railroad; thence run south 27 degrees 37 minutes east along the west side of said right-of-way 275.2 feet to the point of beginning, all as per plat of survey made by Claude W. Arnold, dated June 27, 1955, revised May 12, 1956, and recorded in Map Book 4, page 218 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama;

And against the above mentioned C. M. Seever and his heirs or devisees, if deceased; Lizzie Ward Seever and her heirs or devisees, if deceased; the directors, stockholders and successors of Sanford Orchards Company, Inc., and any persons, firms and corporations claiming any title to, interest in, lien or encumbrance upon said lands or any part thereof, plead answer or demur to the bill of complaint as amended in this cause filed against them and against said lands on or before the 7th day of August, 1956, or suffer decrees pro confesso rendered against them.

It is ORDERED that the said C. M. Seever and his heirs or devisees, if deceased; Lizzie Ward Seever, and her heirs or devisees, if deceased, the directors, stockholders and successors of Sanford Orchards Company, Inc., and any persons, firms and corporations claiming any title to, interest in, lien or encumbrance upon said lands or any part thereof, plead answer or demur to the bill of complaint as amended in this cause filed against them and against said lands on or before the 7th day of August, 1956, or suffer decrees pro confesso rendered against them.

WITNESS my hand this the 7th day of July, 1956.
Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama.
Caffey, Gallalee & Caffey, Solicitors for Complainant.

26-4tc

STATE OF ALABAMA.
BALDWIN COUNTY.

E. R. Morrisette Jr. being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Seever vs. National Butane

COST STATEMENT

1030 WORDS @ 6 1/2 cents \$ 66 95
I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette Jr. Editor.

was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication	<u>July 12</u>	195 <u>6</u>	Vol. <u>67</u>	No. <u>26</u>
Date of 2nd publication	<u>July 19</u>	195 <u>6</u>	Vol. <u>67</u>	No. <u>27</u>
Date of 3rd publication	<u>July 26</u>	195 <u>6</u>	Vol. <u>67</u>	No. <u>28</u>
Date of 4th publication	<u>Aug. 2</u>	195 <u>6</u>	Vol. <u>67</u>	No. <u>29</u>

Subscribed and sworn before the undersigned this 15 day of Aug, 1956.

Barthley Munter
Notary Public, Baldwin County.

E. R. Morrisette Jr. Editor.

BALDWIN TIMES
COUNTY

's Best Newspaper

ALABAMA

E. R. MORRISSETTE, JR.
EDITOR-MANAGER

FIDAVIT OF PUBLICATION

No. 3662

LEGAL NOTICE

Notice is hereby given to C. M. Seever and his heirs or devisees, if deceased; Lizzie Ward Seever and her heirs or devisees, if deceased; the directors, stockholders and successors of Sanford Orchards Company, Inc., a dissolved corporation, and to all unknown persons, firms and corporations claiming any title to, interest in, lien or encumbrance upon the lands described below, or any part thereof, that on the 7th day of July, 1956, National Butane Company of Alabama, Inc., a corporation, filed an amended verified bill of complaint in the Circuit Court of Baldwin County, Alabama, in Equity, No. 3662 against the following lands in Baldwin County, Alabama:

Begin at the southeast corner of the northeast quarter of Section 36, Township 5 South, Range 3 East and run thence westwardly along the quarter section line 50 feet to a point on the west line of the right-of-way of the L & N Railroad; run thence north 27 degrees 37 minutes west along the west line of said right-of-way 1032 feet, more or less, to a point which is 912 feet due north of the south line of the said northeast quarter of Section 36, Township 5 South, Range 3 East for a point of beginning, at which point there is an iron fence post; from said point of beginning run due west along the north line of property heretofore transferred to Emery A. Racine 150.3 feet to a point; thence run due north along the east line of property heretofore transferred to Charles W. Taylor and wife 25 feet to a point; thence run due west along the north line of said property heretofore transferred to Taylor 150 feet to a point on the east side of U. S. Highway No. 90; thence run northwardly along the curve of the east line of said Highway to a point which is 194 feet from the preceding point, measured along a straight line; thence run north 81 degrees 30 minutes east 200 feet to a point on the west line of the right-of-way of the L & N Railroad; thence run south 27 degrees 37 minutes east along the west line of said right-of-way 275.2 feet to the point of beginning, all as per plat of survey made by Claude W. Arnold, dated June 27, 1955, revised May 12, 1956, and recorded in Map Book 4, page 218 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama;

STATE OF ALABAMA, BALDWIN COUNTY

Filed

7-7-56

10:40 AM

book

4

page

273-5

1

W. R. Stewart

Judge of Probate

for

And against the above mentioned C. M. Seever and his heirs or devisees, if deceased; Lizzie Ward Seever and her heirs or devisees, if deceased; the directors, stockholders and successors of Sanford Orchards Company, Inc., a dissolved corporation; and all unknown parties claiming any title thereto, or interest therein, or lien or encumbrances upon said lands or any part thereof. Complainant in said bill of complaint claims title to said lands in its own right, in fee simple, and complainant prays therein that the Court will decree that C. M. Seever and his heirs or devisees, if deceased, Lizzie Ward Seever, and her heirs or devisees, if deceased, the directors, stockholders and successors of Sanford Orchards Company, Inc., and those made respondents as unknown parties have no title to, interest in, or lien or encumbrance upon said lands and that the Court will establish complainant's title thereto and clear up all doubts and disputes concerning the same.

Complainant claims title to said lands under and by virtue of a deed from Ary VanBendegom and Saberey V. VanBendegom to complainant, dated July 12, 1955 and recorded in Deed Book 223, page 366 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama; correction deed from said Van Bendegoms to complainant dated February 20, 1956 and recorded in Deed Book 237, page 391 of said records; adverse possession by Ary VanBendegom of said property from September 20, 1944 to July 12, 1955; and deed from Fred L. Sanford and Carrie Sanford to Ary VanBendegom, dated September 20, 1944 and recorded in Deed Book 86, page 193 of said records. Complainant alleges that it knows of no one who has paid taxes on said lands or who has been in possession of the same or any part thereof within the ten (10) years next preceding the filing of the bill of complaint and that the title to said lands stands in complainant's name (and also in the name of said Sanford Orchards Company, Inc.) on the records of the Probate Court of Baldwin County, Alabama.

It is ORDERED that the said C. M. Seever and his heirs or devisees, if deceased, Lizzie Ward Seever, and her heirs or devisees, if deceased, the directors, stockholders and successors of Sanford Orchards Company, Inc. and any and all persons, firms and corporations claiming any title to, interest in, lien or encumbrance upon said lands or any part thereof, plead, answer or demur to the bill of complaint as amended in this cause filed against them and against said lands on or before the 7th day of August, 1956, or suffer decrees pro confesso rendered against them.

WITNESS my hand this the 7th day of July, 1956.

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

CAFFEY, GALLALEE & CAFFEY,
Solicitors for Complainant.

FILED
JUL 10 1956
CLERK OF THE COURT
BALDWIN COUNTY, ALABAMA

6/2/56

6/2/56

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, SITTING IN EQUITY:

Now comes National Butane Company of Alabama, Inc., a corporation, and brings this bill of complaint against the following described land in Baldwin County, Alabama:

Begin at the southeast corner of the northeast quarter of Section 36, Township 5 South, Range 4 East and run thence westwardly along the quarter section line 50 feet to a point on the west line of the right-of-way of the L & N Railroad; run thence north 27 degrees 37 minutes west along the west line of said right-of-way 1032 feet, more or less, to a point which is 912 feet due north of the south line of the said northeast quarter of Section 36, Township 5 South, Range 4 East for a point of beginning, at which point there is an iron fence post; from said point of beginning run due west along the north line of property heretofore transferred to Emery A. Racine 150.3 feet to a point; thence run due north along the east line of property heretofore transferred to Charles N. Taylor and wife 25 feet to a point; thence run due west along the north line of said property heretofore transferred to Taylor 150 feet to a point on the east side of U. S. Highway No. 90; thence run northwardly along the curve of the east line of said Highway to a point which is 194 feet from the preceding point, measured along a straight line; thence run north 81 degrees 30 minutes east 200 feet to a point on the west line of the right-of-way of the L & N Railroad; thence run south 27 degrees 37 minutes east along the west line of said right-of-way 275.2 feet to the point of beginning, all as per plat of survey made by Claude W. Arnold, dated June 27, 1955, and recorded in Deed Book 223, page 367 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama;

And also against C. M. Seever and his heirs or devisees, if deceased; Lizzie Ward Seever and her heirs or devisees, if deceased; the directors, stockholders and successors of Sanford Orchards Company, Inc., a dissolved corporation; and against the following unknown parties, viz., any and all persons

whomsoever claiming, or reputed to claim, any title to, interest in, lien or encumbrance upon said lands, or any part thereof; or who, within ten (10) years next before the filing of this bill, have assessed or paid taxes on said lands or any part thereof; or who within said period have had possession of said lands or any part thereof;

And for grounds of complaint respectfully shows unto the Court as follows:

1. The complainant is a corporation organized under the laws of the State of Alabama, with its principal place of business in Mobile, Alabama, and with a branch office in Robertsdale, Baldwin County, Alabama.

2. Complainant is in the actual, peaceable possession of said lands, and every part and parcel thereof, claiming to own the same in its own right, in fee simple. Complainant's title to said lands was acquired as follows: By deed from Fred L. Sanford and Carrie Sanford, his wife, to Ary VanBendegom, dated September 20, 1944 and recorded in Deed Book 86, page 193 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama; adverse possession by Ary VanBendegom from September 20, 1944 to July 12, 1955; deed from Ary VanBendegom and Saberey V. VanBendegom to complainant dated July 12, 1955 and recorded in Deed Book 223, page 366 of said records.

3. Complainant has caused diligent search and inquiry to be made in regard to the respondents, C. M. Seever and Lizzie Ward Seever by an examination of the Court records of Baldwin County, Alabama, inquiry among public officials of Baldwin County, Alabama, and inquiry among residents of Baldwin County, Alabama, who formerly knew the said respondents. Despite such inquiry the complainant has been unable to determine whether or not the said respondents, C. M.

Seever and Lizzie Ward Seever are deceased, or not. Complainant has made diligent search and inquiry in regard to Sanford Orchards Company, Inc. and is informed and believes and upon such information and belief alleges that the said Sanford Orchards Company, Inc. has been continuously and completely inactive as a corporation since, to-wit 1931, and has not filed a return or paid franchise tax or permit fee to the State of Alabama since said time, and that said corporation has been dissolved by operation of law. Complainant has made diligent inquiry to determine who were the directors, stockholders or successors of the said Sanford Orchards Company, Inc. at the time of such dissolution by having the records of the Probate and other Courts of record of Baldwin County, Alabama, examined and by making inquiry among persons who were formerly interested in said corporation, but complainant has been unable, after such inquiry to ascertain with certainty who were such directors and stockholders, although complainant is informed and believes, and on such information and belief alleges that Fred L. Sanford was the major or sole stockholder of said corporation at the time of its dissolution.

4. Complainant alleges that it and its predecessor in title, Ary VanBendegom, have been in the actual, open, notorious and adverse possession of said lands since September 20, 1944, and it does not know of any other person who has had possession of said lands, or any part thereof, within ten (10) years next preceding the filing of this bill; nor does complainant know of any person who claims said lands, or any part thereof, or any interest therein, whether such interest be present, future, contingent, reversionary or otherwise; nor does complainant know of any person who has, at any time within ten (10) years next preceding the filing of this bill, assessed or

-4-

paid any taxes upon said lands, or any interest therein; but if there are any persons who claim any title to, interest in, lien or encumbrance on said lands, or any part thereof, or who during said ten (10) year period have assessed or paid taxes thereon, or have had any possession thereof, all such unknown parties are made parties respondent to this bill of complaint as unknown parties.

5. Complainant avers that there is no suit pending to test its title to, interest in, or right to the possession of said lands, or to enforce or test the validity of the title, claim, lien or encumbrance of the respondents or any of them in, to or upon said parcel of land. The title to said lands stands in complainant's name (and also in the name of Sanford Orchards Company, Inc.) on the records of the Probate Court of Baldwin County, Alabama.

6. Complainant calls upon each of the respondents to specify his, her or its title, claim, interest in, lien or encumbrance upon said property, and how and by what instrument the same is derived or created.

PRAYER FOR PROCESS

The premises considered, complainant respectfully prays that C. M. Seever and his heirs or devisees, if deceased, Lizzie Ward Seever and her heirs or devisees, if deceased, the directors, stockholders and successors of Sanford Orchards Company, Inc., and all unknown parties claiming or reputed to claim any title to, interest in, lien or encumbrance upon said property or any part thereof, be made parties respondent to this bill of complaint and that process and notice in accordance with the course and practice in proceedings in rem to quiet title, be issued to, served upon or given them, and each of them.

PRAYER FOR RELIEF

And complainant further prays that upon final hearing of this cause the Court will decree that complainant is the owner in its own right, in fee simple, of the property described above, and every part and parcel thereof; that C. M. Seever and his heirs or devisees, if deceased, Lizzie Ward Seever and her heirs or devisees, if deceased, the directors, stockholders and successors of Sanford Orchards Company, Inc., as well as those made parties respondent hereto as unknown parties, have no title to, interest in, lien or encumbrance upon said lands, or any part thereof, and that this Court by its decree will establish right and title in complainant to said lands, and clear up all doubts and disputes concerning the same; and complainant prays for such other, further and different relief to which it may be entitled the premises considered.

CAFFEY, GALLALEE & CAFFEY,

By

Jack C. Gallalee
Solicitors for Complainant.

STATE OF ALABAMA,
COUNTY OF MOBILE.

Personally appeared before me, the undersigned authority, Jack C. Gallalee, who upon oath deposes and says that he is one of the solicitors for complainant in the above styled cause, that he is informed and believes, and upon such information and belief states, that the facts stated in the above and foregoing bill of complaint are true and correct.

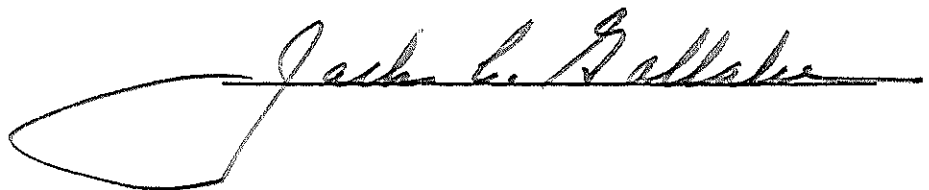
Jack C. Gallalee
Subscribed and sworn to before me
this the 25th day of November, 1955.

Oliver M. Drago
Notary Public, Mobile County, Alabama.

NATIONAL BUTANE COMPANY : IN THE CIRCUIT COURT OF
 OF ALABAMA, INC., :
 Complainant, : BALDWIN COUNTY, ALABAMA.
 Versus : IN EQUITY - NO. _____
 LANDS DESCRIBED IN BILL, et al., :
 Respondents. :

STATE OF ALABAMA,
 COUNTY OF MOBILE.

Personally appeared before me, the under-
 signed authority, Jack C. Gallalee, who being duly sworn
 deposes and says that he is one of the solicitors for the
 complainant in the above styled cause; that he is informed
 and believes and on such information and belief states, that
 the residences of C. M. Seever and Lizzie Ward Seever, who are
 respondents in the above styled cause, are unknown and cannot
 be ascertained after reasonable effort. Affiant further
 states that he is informed and believes and on such informa-
 tion and belief states that the said respondents are over the
 age of 21 years, if they are yet living.



Subscribed and sworn to before me
 this the 25th day of November, 1955.


 Notary Public, Mobile County, Alabama.

NATIONAL BUTANE COMPANY OF	:	IN THE CIRCUIT COURT OF
ALABAMA, INC., a corporation,		BALDWIN COUNTY, ALABAMA.
Complainant,	:	IN EQUITY - NO. 3662.
Versus	:	
CERTAIN LANDS, ET AL.,	:	
Respondents.	:	

MOTION FOR DECREE PRO CONFESSO AND
APPOINTMENT OF GUARDIAN AD LITEM
AND ATTORNEY AD LITEM.

Now comes National Butane Company of Alabama Inc., a corporation, complainant herein, and shows unto the Court that in this cause notice has been given to all parties respondent by publication, and that proof of publication is on file herein, and that the time has elapsed within which any such parties may plead, answer or demur, but that none of them have done so.

WHEREFORE, complainant moves the Court to render a decree pro confesso against all respondents.

Complainant further moves the Court for the appointment of a guardian ad litem for all the unknown defendants in this cause and an attorney ad litem for any of the defendants that may be in the Armed Forces of the United States of America, or its Allies, within the meaning of the Soldiers and Sailors Relief Act.

CAFFEY, GALLALEE & CAFFEY,

By Josh C. Gallalee
Solicitors for Complainant.

National Butane Company of Alabama,	:	IN THE CIRCUIT COURT OF
	:	BALDWIN COUNTY, ALABAMA.
Complainant,	:	IN EQUITY - No. 3662
Versus	:	
CERTAIN LANDS, et al.,	:	
Respondents.	:	

ORDER APPOINTING GUARDIAN AD LITEM AND ATTORNEY AD LITEM

This cause being submitted upon the motion of the Complainant for the appointment of a Guardian ad litem and the appointment of an Attorney ad litem, and said motion being fully considered by the Court, it is ORDERED and DECREED that J. A. Hendrix, who is an Attorney and practicing member of the Baldwin County Bar, be and hereby is appointed Guardian ad litem for all Respondents who are unknown and for all Respondents who may be minors and for all Respondents who may be persons of unsound mind, and that he be and is hereby also appointed as Attorney ad litem for any of the Respondents, whether they be known or unknown, who may be in the armed forces or military service of the United States of America, or its Allies.

Dated this 30th day of January, 1956

Hubert M. Hall
Circuit Judge

I, James A. Hendrix, hereby accept the above appointment as Guardian Ad Litem & Attorney ad Litem, & consent to act as such in the above cause.
Witness my hand this 30th day
Jan. 1956
James A. Hendrix