

2226

ALEX BARNES,

Complainant,

VS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

THE LANDS HEREINAFTER DES-
CRIBED, R. M. McCrory, R. M.
McCrory and R. M. McCreary
ET ALS,

IN EQUITY.

Respondents.

DEMAND FOR ORAL EXAMINATION OF WITNESSES

TO ALICE J. DUCK, REGISTER OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, IN EQUITY:

You are hereby notified that the Complainant will
require and therefore demands an oral examination of the following
witnesses: Alex Barnes and Adelle Barnes.

The examination of the said witnesses is to be taken
before the Commissioner to be appointed by this Court at 9.00 a.m.
o'clock ~~AM~~ on the 6th day of May, 1949 at Bay Minette,
Alabama.

Edna Earl Hughey is suggested as Commissioner to
take the testimony of the said witnesses.

Dated this the 2nd day of May, 1949.

J. B. Blasdel
Solicitor for Complainant.

STATE OF ALABAMA
BALDWIN COUNTY

A Decree Pro Confesso having been rendered against
all of the Respondents named herein, it is ordered that notice of
the foregoing application be given for three days by spreading a
copy on the Order Book of the Register.

Dated this the 2nd day of May, 1949.

Alice J. Duck
Register.

DEMAND FOR ORAL EXAMINATION OF
WITNESSES.

ALEX BARNES,

Complainant,

VS.

CERTAIN LANDS and R. M. McCRORY,
R. M. McCRARY and R. M. McCREARY,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

take the testimony of the said witnesses.

Dated this 2nd day of May, 1909.

Collector for Complainant.

All of the respondents named herein, it is ordered that notice be

the foregoing application be given for three days of spreading a

copy on the order book of the Register.

Dated this 2nd day of May, 1909.

Register.

Filed 5-2-49
Deputy Clerk
Register

ALEX BARNES,

VS.

Complainant,

THE LANDS HEREINAFTER DESCRIBED, R. M. McCrory, R. M. McCrory and R. M. McCreary ET ALS,

Respondents.

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

NOTE OF TESTIMONY

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

1. Original Bill of Complaint.
2. Notice of Pendency of Bill of Complaint.
3. Proof of publication of Notice of Pendency of Bill of Complaint.
4. Motion for Decree Pro Confesso.
5. Decree Pro Confesso.
6. Demand for Oral Examination of witnesses and order granting same.
7. Oral examination of Alex Barnes taken before Edna Earl Hughey, as Commissioner.
8. Oral examination of Adelle Barnes taken before Edna Earl Hughey, as Commissioner.

Dated this 6th day of May, 1949.

W. J. Duck
Register.

J. T. Blane
Attorney for
complainant.

NOTE OF TESTIMONY

ALEX BARNES,

Complainant,

VS.

CERTAIN LANDS and R. M. McCRORY,
R. M. McCRARY and R. M. McCREARY,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Register.

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ALEX BARNES,

VS.

Complainant,

THE LANDS HEREINAFTER DESCRIBED, R. M. McCrory, R. M. McCrary and R. M. McCreary ET ALS,

Respondents.

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

DECREE PRO CONFESSO

In this cause it being made to appear to the Register that the Respondents, R. M. McCrory, R. M. McCrary and R. M. McCreary, are, if living, over twenty-one years of age and that their respective places of residence and post office addresses are unknown and cannot be ascertained after diligent inquiry, or are non-residents of the State of Alabama, whose exact places of residence and post office addresses are unknown; that a copy of the Notice of Pendency of Bill of Complaint filed in this cause, dated January 27, 1949, was published once a week for four (4) successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, the first publication of said notice being on January 27, 1949, and that copies thereof were on the said date posted at the front door of the courthouse of Baldwin County, Alabama and filed for record in the office of the Judge of Probate of Baldwin County, Alabama and that to date hereof each of the said Respondents and the heirs, devisees and personal representatives of such of said parties as may be dead and any or all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the following described property situated in Baldwin County, Alabama, to-wit:

Lots Numbered Ten (10) and Eleven (11) in Block Numbered Six (6) in the Highways Addition to Loxley, Alabama, according to the official map or plat of the said subdivision, which is recorded in Map Book 1 at page 91, Baldwin County, Alabama Records,

have failed to appear and plead, answer or demur to the Bill of Complaint filed against them in this cause.

ORDERED, ADJUDGED AND DECREED this 2nd day of May,
1949.

Register.

DECREE PRO CONFESSO

ALEX BARNES,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED,
R. M. McCRORY, R. M. McCRARY and
R. M. McCREARY ET ALS,

Respondents.

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

Filed 5-2-49
Official Record
Register

retained

1070

ORDERED, ADJUDGED AND DECREED THIS 5th DAY OF MAY,

1949, that the Respondents

do hereby acknowledge the title to the lands described

in the foregoing complaint as being the lands of the

Respondents, and that the Respondents do hereby

acknowledge the title to the lands described in the

complaint as being the lands of the Respondents, and

that the Respondents do hereby acknowledge the title

to the lands described in the complaint as being the

lands of the Respondents, and that the Respondents

do hereby acknowledge the title to the lands described

in the complaint as being the lands of the Respondents,

and that the Respondents do hereby acknowledge the title

to the lands described in the complaint as being the

lands of the Respondents, and that the Respondents

ALEX BARNES,

VS.

Complainant,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

THE LANDS HEREINAFTER DES-
CRIBED, R. M. McCrory, R. M.
McCrory and R. M. McCreary
ET ALS,

IN EQUITY.

Respondents.

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a Decree Pro Confesso against the Respondents, R. M. McCrory, R. M. McCrory and R. M. McCreary, and the heirs and devisees of such parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the following described property situated in Baldwin County, Alabama:

Lots Numbered Ten (10) and Eleven (11) in Block Numbered Six (6) in the Highways Addition to Loxley, Alabama, according to the official map or plat of the said subdivision, which is recorded in Map Book 1 at page 91, Baldwin County, Alabama Records,

the address of the said parties being unknown and on the ground that the Notice of Pendency of the Bill of Complaint filed in this cause on the 27th day of January, 1949, which is dated January 27, 1949, was published once a week for four (4) successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, the first of which said notices appeared in the issue of said paper published on January 27, 1949, and that on the said date a copy thereof was posted at the front door of the courthouse of Baldwin County, Alabama and another copy was filed for record in the office of the Judge of Probate of Baldwin County, Alabama, and each and all of the said parties have failed to appear and plead, answer or demur to the Bill of Complaint filed against them in this cause.

WHEREFORE, the Complainant moves the Register to make and enter a Decree Pro Confesso against each and all of the above named Respondents.

Dated this ^{2nd} day of May, 1949.

J. B. Blackburn
Solicitor for Complainant.

MOTION FOR DECREE PRO CONFESSO

ALEX BARNES,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED,
R. M. McCrory, R. M. McCrory and
R. M. McCreary ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

MOTION FOR DECREE PRO CONFESSO

Respondents.

Complainant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

named Respondents.

Dated this 12th day of May, 1949.

Attorney for Complainant.

Filed 3-27-49
Alex. J. Leuch
Register

TESTIMONY OF ALEX BARNES

My name is Alex Barnes. I am over twenty-one years of age and a resident of Baldwin County, Alabama, and the Complainant named in this suit.

The Respondents, R. M. McCrory, R. M. McCrary and R. M. McCreary, are, if living, over twenty-one years of age, but their places of residence and post office addresses are unknown and cannot be ascertained after diligent effort and inquiry to ascertain the facts with regard thereto.

I am now, and was when this suit was filed, in the actual, peaceable possession of Lots Numbered 10 and 11 in Block Numbered 6 in the Highway's Addition to Loxley, Alabama, according to the official map or plat of the said Subdivision, which is recorded in Map Book 1 at page 91, Baldwin County, Alabama Records, and claim to own the said property when this suit was filed and at this time in my own right absolutely and in fee simple. Title to all of the said property stands upon the records of Baldwin County, Alabama, the County where the said land is situated, in my name. No suit is now pending, and no suit was pending at the time this suit was filed to test my title or right to possession of the said lands or any part thereof. No persons, firms or corporations other than me and those through whom I claim title to the property are known to me to have had any possession of the said lands or any part thereof, within ten years next prior to the filing of this suit. No persons other than me and those through whom I claim title to the said lands have at any time within ten years prior to the filing of this suit paid any taxes on the said property or any interest therein or any part thereof.

More than three years prior to the filing of this suit I constructed a residence on the said property and since the said residence was built it has been constantly occupied by me or my tenants.

I have, and claim to have, the absolute, unencumbered fee simple title to all of the above described property by and through the following instruments of writing, all of which are recorded in the office of the Judge of Probate of Baldwin County

Alabama, the County where the said lands are situated.

I offer in evidence and ask that it be identified as Exhibit 1 to my testimony a certified copy of the deed from Robert M. Mahler and Anna C. Mahler, his wife, to R. M. McCrory, dated April 27, 1929, filed for record, March 31, 1930, and recorded in Deed Book 49 N.S. at pages 14-15, Baldwin County, Alabama Records.

I introduce in evidence and ask that it be identified as Exhibit 2 to my testimony a certified copy of the tax deed from the State Land Commissioner of Alabama to D. S. Comstock, dated April 5, 1944, filed for record April 17, 1944, and recorded in Deed Book 82 N. S. at pages 449-50, Baldwin County, Alabama Records.

I offer in evidence and ask that it be identified as Complainant's Exhibit 3 a certified copy of the deed from D. S. Comstock and Olive M. Comstock, his wife, to H. T. Childress, dated September 9, 1944, filed for record September 15, 1944, and recorded in Deed Book 86 at page 152, Baldwin County, Alabama Records.

I offer in evidence and ask that it be identified as Complainant's Exhibit 4 a certified copy of the deed from H. T. Childress and Dovie Childress, his wife, to me, Alex Barnes, dated January 17, 1945, filed for record October 24, 1945, and recorded in Deed Book 98 at pages 429-30, Baldwin County, Alabama Records.

Before filing this suit I made and caused a diligent search to be made in the community where the said property is located, and in Baldwin County, Alabama, to ascertain the names, ages, and places of address of all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on, the said lands or any part thereof.

These inquiries have continued faithfully and diligently for more than a year prior to the filing of this suit and, in fact, ever since I purchased the property in January, 1945. Approximately sixty days before filing this suit I employed an abstractor to make an examination of the records of Baldwin County, Alabama, for the

purpose of securing all possible information about the title to the said property. An attorney was also employed to examine the records of Baldwin County, Alabama, and make inquiry about the title to the property and all persons claiming any interest therein, their ages and places of address. All information having any bearing on the title to the said property, and all information so secured as to prior ownership and possession of the property, the ages and places of residence of the individual Respondents named herein is as set out and described in the Bill of Complaint which I filed in this cause.

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

Alex Barnes

TESTIMONY OF ADELLE BARNES

I reside near Loxley in Baldwin County, Alabama, where I have resided for many years. I know the property involved in this suit and have known it for much more than three years prior to the filing of this suit.

More than three years before this suit was filed the Complainant, Alex Barnes, erected a residence on the said property, and since this residence was completed it has been continuously occupied by the said Alex Barnes or his tenant.

Adelle Barnes

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Alex Barnes,

Complainant

VS.

Certain Lands and R. M. McCrory et al

Respondent

I, Edna Earl Hughey

as ~~Register~~ and Commissioner

have called and caused to come before me Alex Barnes and Adelle Barnes

witnesses named in the Requirement for Oral Examination, on the 6th day of May
1949, at the office of J. B. Blackburn
in Bay Minette, Alabama, and having first sworn said Witnesses to speak the
truth, the whole truth, and nothing but the truth, the said Alex Barnes and Adelle
Barnes doth depose and say as follows:

ORAL EXAMINATION.

I, Edna Earl Hughey, as ~~Register~~ Commissioner hereby certify that the foregoing deposition—on Oral Examination was taken down by me in writing in the words of the witnessES and read over to them and they signed the same in the presence of myself and J. B. Blackburn

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnessES or had proom 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 6th day of May, 1942.

Edna Earl Hughey (L. S.)

NO. _____	PAGE _____
THE STATE OF ALABAMA BALDWIN COUNTY	
IN CIRCUIT COURT, IN EQUITY.	
ALEX BARNES	
vs.	Complainant
CERTAIN LANDS and R. M. McCRORY, et al,	
	Respondent.
Oral Deposition	
Filed _____	, 194 _____
_____	, Register.
Recorded in _____	
Record _____	
Vol. _____	Page _____
_____	, Register.

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Edna Earl Hughey

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

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Alex Barnes is

Complainant
and Certain Lands and R. M. McCrory, et al, are

Respondent S

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 6th day of May, 1949

Adelle Barnes
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

ALEX BARNES

Complainant

VS.

CERTAIN LANDS and R. M. Mc
McCRORY, et al

Defendants

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Edna Earl Hughey

WITNESSES:

Alex Barnes and Adelle

Barnes

the BALDWIN

ALABAMA'S BEST COUNTY'S-

BEST NEWSPAPER

BAY MINETTE, ALABAMA

NOTICE OF PENDENCY OF
BILL OF COMPLAINT
IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, IN EQUITY.
ALEX BARNES, Complainant,
VS.

THE LANDS HEREINAFTER DESCRIBED
and R. M. McCrory and R. M. McCrory
and R. M. McCrory, ET AL'S.
Respondents.

Notice is hereby given to R. M. McCrory and R. M. McCrory and R. M. McCrory and the heirs, devisees and personal representatives of such of the said parties as may be dead, and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands hereinafter described that on the 27th day of January, 1949 the said Complainant, Alex Barnes, filed in the Circuit Court of Baldwin County, Alabama, Equity Side, a verified Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

Jimmy Faulkner being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Alex Barnes

vs.

Certain Lands

COST STATEMENT

785 WORDS @ 4 1/2 cents --- \$ 35.33

I hereby certify this is correct, due and unpaid (~~paid~~).

Jimmy Faulkner
Publisher.

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

Date of 1st publication Jan. 27, 1949 Vol. 60 No. 1

Date of 2nd publication Feb. 3, 1949 Vol. 60 No. 2

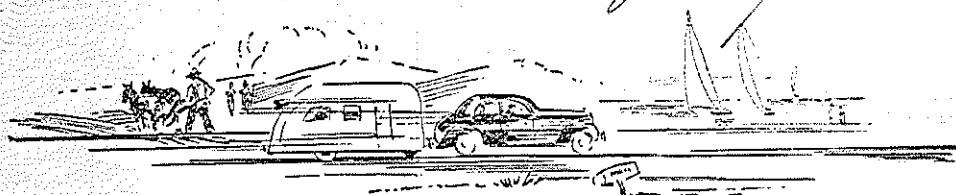
Date of 3rd publication Feb. 10, 1949 Vol. 60 No. 3

Date of 4th publication Feb. 17, 1949 Vol. 60 No. 4

Subscribed and sworn before the undersigned this 18 day of Feb., 1949

Marie B. Bryars
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.



Phone 56 - At U.S. 90
H. ENGLAND LI
PLY
-1-
OAK FT
ASPA
5-V-Crimp
Aluminum Roofing
Thick Butt Shingle
210-Pound
(Snow Wh)

STATE OF ALABAMA,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of the Probate Court in and for said State and County, hereby certify
that the within and foregoing _____ pages
contain a full, true and complete copy of the deed

as the same appears of record in my office in Deed Book No. 98
Page 429-30

Given under my hand and seal of office, this 4 day of May, 1949

W. R. Stuart

Judge of Probate.

By Lila S. Glauert, chief clerk

Quit Claim Deed.

Moore Printing Co., Bay Minette

The State of Alabama,

Baldwin County

BOOK 098 PAGE 429

THIS DEED made this 17th day of January 1945
between H. T. Childress and Dovie Childress, his wife
_____ of the first part, and
Alex Barnes

_____ of the second part
WITNESSETH, that the parties _____ of the first part, in consideration of
One Dollar and other considerations DOLLARS
to _____ in hand paid by the party _____ of the second part, the receipt of which is hereby
acknowledged, have remised, released and quit-claimed and by these presents do remise, release
and forever quit-claim unto the said parties _____ of the second part, Alex Barnes
heirs and assigns forever, all the real property in Baldwin County, Alabama,
described as follows to-wit: Lots Ten (10) and Eleven (11) in Block Six (6) of the
"HIGHWAYS" an Addition to Loxley, Alabama, according to the recorded plat thereof.

TO HAVE AND TO HOLD the said released premises unto the said Alex Barnes
_____ heirs and assigns forever; So that neither the party of
the first part _____ heirs or assigns nor any other person in trust for _____
or in _____ name shall or will, can or may, by any ways or
means whatsoever, hereafter, have or claim any right or title thereto; BUT THAT the said part _____ of
the first part _____ heirs and assigns, each and every one of them from all estate, right, title, interest or claim,
and demand whatsoever, in or to the said premises, or any part thereof, are, is, and shall be, by these
presents, FOREVER EXCLUDED AND DEBARRED.
IN WITNESS WHEREOF, the parties _____ of the first part have hereunto set their _____ hand
and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

H. T. Childress (SEAL)Dovie Childress (SEAL)

BOOK 098 PAGE 430
State of Alabama, Baldwin County.

I, A. G. Allegri, Jr., a Notary Public
in and for said County and State, hereby certify that H. T. Childress and Dovie Childress,
his wife whose name s 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 17 day of January, A. D., 1945

A. G. Allegri, Jr.
Notary Public, Baldwin County
My commission expires April 1, 1946

State of Alabama, Baldwin County.

I, A. G. Allegri, Jr., a Notary Public
in and for said County and State, do hereby certify that on the 17 day of January 1945
came before me the within named Dovie Childress

known to me to be the wife of the within named H. T. Childress
who being examined separate and apart from her husband, touching her signature to the within conveyance
acknowledged that she signed the same of her own free will and accord, and without fear, constraint or
threats on the part of the husband.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 17th day of
January 1945

A. G. Allegri, Jr.
Notary Public, Baldwin County
My commission expires April 1, 1946

State of Alabama, Baldwin County.

I, _____ subscribing
in and for said County and State, hereby certify that _____ witness to the foregoing conveyance, known to me appeared before me this day, and being sworn stated
that _____ voluntarily
executed the same in his presence, and in the presence of other subscribing witness on the _____ day the same
bears date: that he attested the same in the presence of the grantor _____ and _____ of the other
witness, and that such other witness subscribed his name as witness in his presence.

Given under my hand and seal this the _____ day of _____ 19____

STATE OF ALABAMA, BALDWIN COUNTY	FILED	1-17-45	12 PM
Recorded	book	page	
and I certify that the following Privilege Tax has been paid.			
Deed Tax			
Mortgage Tax			
Judge of Probate			

Quit-Claim Deed

FROM

45- 1-17-45

H. T. Childress and wife

TO

Alex. Barnes, Jr.

STATE OF ALABAMA

COUNTY.

OFFICE OF JUDGE OF PROBATE

I hereby certify that the within Deed was

filed in this office for record on the _____ day

of _____ A. D. 19____

at _____ o'clock _____ M., and duly re-

corded in Book _____ of Mortgages, page

and examined.

Judge of Probate

Alex. Barnes, Jr.
125

BILL OF COMPLAINT

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Orator, Alex Barnes, presents this Bill of Complaint against the following described real property, situated in Baldwin County, Alabama, to-wit:

Lots Numbered Ten (10) and Eleven (11) in Block Numbered Six (6) in the Highways Addition to Loxley, Alabama, according to the official map or plat of the said subdivision, which is recorded in Map Book 1 at page 91, Baldwin County, Alabama Records,

and against R. M. McCrory and R. M. McCrary and R. M. McCreary and the heirs, devisees and personal representatives of such of the said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, and thereupon your Orator complains and shows unto the Court and your Honor as follows:

1. Your Orator is over twenty-one years of age and a resident of Baldwin County, Alabama.

2. The Respondents, R. M. McCrory and R. M. McCrary, and R. M. McCreary, are, if living, over twenty-one years of age, but their places of residence and post office address are unknown and cannot be ascertained after diligent effort and inquiry to ascertain the facts with regard thereto.

3. Your Orator is in the actual, peaceable possession of all of the above described real property and claims to own the said property in his own right, absolutely and in fee simple; title to all of the said lands stands upon the records of Baldwin County, Alabama, the county where the lands are situated, in the name of your Orator; no suit is pending to test your Orator's title to or right to possession of the said lands or any part thereof. No persons, firms or corporations, other than your Orator and those through whom he claims title to the said property, are known to your Orator to have any possession of the said lands, or any part thereof, within ten years next prior to the filing of this Bill of Complaint and no persons, firms or corporations, other than your Orator and those through whom he claims title to the said lands, have paid any taxes

on the said lands, or any part thereof, or any interest therein within ten (10) years next preceding the filing of this Bill of Complaint.

4. Your Orator has and claims to have the absolute, unencumbered fee simple title to all of the said real property hereinabove described by and through the following instruments of writing, all of which are recorded in the office of the Probate Judge of Baldwin County, Alabama, the county where the said lands are situated, to-wit:

- A. Deed, R. M. Mahler and wife to R. M. McCrory, dated April 27, 1929, filed March 31, 1930 and recorded in Deed Book 49, pages 14-15.
- B. Tax Deed, State Land Commissioner of Alabama to D. S. Comstock, dated April 5, 1944, filed April 17, 1944 and recorded in Deed Book 82 N. S. at pages 449-50.
- C. Deed, D. S. Comstock and Olive M. Comstock, his wife, to H. T. Childress, dated September 9, 1944, filed September 15, 1944 and recorded in Deed Book 86 at page 152.
- D. Deed, H. T. Childress and Dovie Childress, his wife, to Alex Barnes, dated January 17, 1945, filed October 24, 1945 and recorded in Deed Book 98 at pages 429-30.

Your Orator has made and has caused a diligent search to be made in the community where the said property is located and in Baldwin County, Alabama to ascertain the names, ages and places of address of all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof. These inquiries have continued faithfully and diligently for the past year and approximately sixty days ago your Orator employed an abstractor to make an examination of the records of Baldwin County, Alabama for the purpose of securing all possible information about the title to the said property. He employed an attorney to also examine the records of Baldwin County, Alabama and to make inquiry about the title to the said property and all persons, claiming any interest therein, their ages and places of address. All information having any bearing on the title to the said property and all information so secured as to prior ownership and possession of the said


property, the ages and places of residence of the individual respondents named herein, is as hereinabove set out.

PRAYER FOR PROCESS

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

PRAYER FOR RELIEF

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


Solicitor for Orator.

STATE OF ALABAMA X
BALDWIN COUNTY X

Before me, the undersigned authority, within and for said County in said State, personally appeared Alex Barnes, who, after being by me first duly and legally sworn, deposes and says: That he has read over the foregoing Bill of Complaint and that the facts stated therein are true.

Alex Barnes

Sworn to and subscribed before me on this the 24th day of January, 1949.

J. B. Blackman

Notary Public.

NOTICE OF PENDENCY OF BILL OF COMPLAINT.

ALEX BARNES,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
and R. M. McCrory and R. M. McCrary
and R. M. McCreary, ET ALS,

Respondents.

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

Notice is hereby given to R. M. McCrory and R. M. McCrary and R. M. McCreary and the heirs, devisees and personal representatives of such of the said parties as may be dead, and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands hereinafter described that on the 27th day of January, 1949 the said Complainant, Alex Barnes, filed in the Circuit Court of Baldwin County, Alabama, Equity Side, a verified Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

Lots Numbered Ten (10) and Eleven (11) in Block Numbered Six (6) in the Highways Addition to Loxley, Alabama, according to the official map or plat of the said subdivision which is recorded in Map Book 1 at page 91, Baldwin County, Alabama Records,

and against R. M. McCrory and R. M. McCrary and R. M. McCreary, the heirs, devisees and personal representatives of such of the said parties as may be dead, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, the said Bill of Complaint having been filed for the purpose of establishing the title of the said Complainant to all of the said lands, for the purpose of quieting his title thereto and to clear up all doubts and disputes concerning the title to the said property.

The Complainant claims the absolute, fee simple title in and to all of the said lands under, by and through the following conveyances, all of which are recorded in the office of the Judge of Probate of Baldwin County, Alabama, the county where the said lands are situated, to-wit:

1. Deed, R. M. Mahler and wife to R. M.

McCrary, dated April 27, 1929, filed March 31, 1930 and recorded in Deed Book 49, pages 14-15.

2. Tax Deed, State Land Commissioner of Alabama to D. S. Comstock, dated April 5, 1944, filed April 17, 1944 and recorded in Deed Book 82 N. S. at pages 449-50.
3. Deed, D. S. Comstock and Olive M. Comstock, his wife, to H. T. Childress, dated September 9, 1944, filed September 15, 1944 and recorded in Deed Book 86 at page 152.
4. Deed, H. T. Childress and Dovie Childress, his wife, to Alex Barnes, dated January 17, 1945, filed October 24, 1945 and recorded in Deed Book 98 at pages 429-30.

The Complainant, in and by his said Bill of Complaint, alleges and avers that he owns the said lands in his own right, absolutely and in fee simple; that he is in the actual, peaceable possession of all of the said lands; that title to the said lands stands upon the records of Baldwin County, Alabama, the county where the said lands are situated, in the name of the Complainant; that no suit is pending to test Complainant's title to, interest or right to the possession of the said lands, or any part thereof; that no persons, firms or corporations, other than the Complainant and those through whom he claims title, are known to the Complainant to have any possession of the said lands, or any part thereof, within ten years next prior to the filing of the said Bill of Complaint and that no persons, firms or corporations, other than the Complainant and those through whom he claims title to the said lands, are known to the Complainant to have paid any taxes on the said lands, or any part thereof, or any interest therein, within ten years next prior to the filing of the said Bill of Complaint.

The said parties named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, must appear in this Court and plead, answer or demur to the said Bill of Complaint before March 29, 1949, or on the said date Decrees Pro Confesso will be taken against them, testimony will be thereafter taken and the said cause submitted for a final decree quieting Complainant's title to the said lands.

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IN WITNESS WHEREOF, I have hereunto set my hand, as
Register of the Circuit Court of Baldwin County, Alabama, in Equity,
and affixed the seal of the said Court on this the 27th day of
January, 1949.

Alice J. Duck

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

J. B. BLACKBURN,
Solicitor for Complainant.

STATE OF ALABAMA, BALDWIN COUNTY

Filed *Jan. 27, 1949* 9 a. M.

Recorded *Lio. Prob.* ... book. *2* ... page. *208* - 10

W. S. Stuart
Judge of Probate *2*

ALEX BARNES,

Complainant,

VS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

THE LANDS HEREINAFTER DESCRIBED, R. M. McCORRY, R. M. McCRARY and R. M. McCREARY ET ALS,

IN EQUITY.

Respondents.

FINAL DECREE

This cause coming on to be heard on this date is submitted for Final Decree on behalf of the Complainant upon the original Bill of Complaint, Notice of Pendency of Bill of Complaint, Proof of Publication of Notice of Pendency of Bill of Complaint, Motion for Decree Pro Confesso, Decree Pro Confesso, Demand for Oral Examination of witnesses and order granting same, and Testimony as noted by the Register, upon consideration of all of which, the Court is of the opinion that the Complainant is entitled to the relief prayed for by him in his said Bill of Complaint; WHEREUPON, it is, therefore, Ordered, Adjudged and Decreed by the Court:

1. That the Complainant, Alex Barnes, is the lawful owner of, in fee simple, the following described lands situated in Baldwin County, Alabama, to-wit:

Lots Numbered Ten (10) and Eleven (11) in Block Numbered Six (6) in the Highways Addition to Loxley, Alabama, according to the official map or plat of the said subdivision, which is recorded in Map Book 1 at page 91, Baldwin County, Alabama Records;

that the absolute fee simple title to the said lands and to each and every part thereof and all interest therein is in the said Complainant, free and clear of and from the claim or claims of any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, or any interest therein; that the said Complainant has and is hereby given judgment against the said lands and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof. The Complainant's title to the said lands is hereby quieted against

R. M. McCrory, R. M. McCrary and R. M. McCreary and the heirs and devisees of such of said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, and any and all such claim or claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

2. The Register of this Court shall, within thirty days from the rendition of this Decree, file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama for record therein and tax the cost of such recording as a part of the costs of this proceeding.

3. The Judge of Probate of Baldwin County, Alabama shall record the said certified copy of this Decree in the same book and manner in which deeds are recorded and shall index the same in the direct index in the names of R. M. McCrory, R. M. McCrary and R. M. McCreary and shall index the same in the indirect or reverse index of said records in the name of Alex Barnes.

4. The title hereby adjudged and decreed to be in the said Complainant, Alex Barnes, shall enure to the benefit of all persons who derived title to the said lands, or any part thereof, or any interest therein, from or through the said Complainant and such title or interest shall be at all times treated and considered as though it had been established in favor of the person or persons so procuring or deriving title from the said Complainant.

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

ORDERED, ADJUDGED AND DECREED this 6th day of May, 1949.

Julius J. Madhury Jr.
Judge.