

2244

BERTHA L. HIGGINS,

Complainant,

vs.

Certain lands described as follows:
Lots 6 and 7 in Block 11 of Gulf-Bays
Tract, as per Plat thereof on file in
the Office of the Judge of Probate of
Baldwin County, Alabama, in Miscellan-
eous Book 1, pages 256-7, in Baldwin
County, Alabama; Daniel Vis, George A.
Vis, Dan Vis and Margaret E. Vis, and
their unknown heirs at law, devisees and
grantees, and any and all other persons,
firms and corporations claiming any
interest in the above described lands.

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

Respondents.

It having been made to appear from the Affidavit of John Chason, one of the Solicitors of Record for the Complainant in the above styled cause that all of said Respondents above named are believed to be dead and if any of them are living that they are believed to be non-residents of the State of Alabama, and over the age of twenty-one years; that the names, ages and Post Office addresses of the unknown heirs at law, devisees and grantees of the above named Respondents are unknown to the Complainant after diligent search and inquiry made by her but such unknown heirs, devisees and grantees are believed to be over the age of twenty-one years and non-residents of the State of Alabama, a more particular address being unknown to Complainant.

NOTICE IS HEREBY GIVEN to Daniel Vis, George A. Vis, Dan Vis and Margaret E. Vis and their unknown heirs, devisees and grantees and to any and all other persons, firms and corporations claiming any interest in the lands herein described, that on the 3rd day of March, 1949, Bertha L. Higgins filed her Bill of Complaint in the Circuit Court of Baldwin County, Alabama, in Equity, against the above named Respondents and the following described lands situated in Baldwin County, Alabama, to-wit:-

Lots 6 and 7 of Block 11 of Gulf-Bays Tract, as per Plat thereof on file in the Office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1, pages 256-7,

and you are hereby notified to appear and plead, answer or demur to said Bill of Complaint within thirty days from the 11th day of April, 1949, or a decree pro confesso will be rendered against you.

The Bill of Complaint alleges that the Complainant claims to own the entire fee simple title to said lands having acquired the same by Deed from the State of Alabama, dated December 31, 1936, which deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 61, page 465; that Bill of Complaint also alleges that the title to said land stands on the records of the Probate Court of Baldwin County, Alabama, in the name of the Complainant and that no suit is pending to test Complainant's title to, interest in or right to possession of said land.

It is further alleged in said Bill of Complaint that the Complainant is in the quiet, actual, peaceable and adverse possession of the above described land claiming to own the same in her own right in fee simple and using the same in every way that such lands are susceptible to use and that she has been in such possession and has assessed and paid taxes on said lands for more than ten years next immediately preceding the filing of said Bill of Complaint and that no other person, firm or corporation has been in possession of said land or any part thereof or has paid taxes on said land during that period of time.

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

Witness my hand and seal this 3rd. day of March, 1949.

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

HYBART, CHASON & STONE
Solicitors for Complainant.

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Daniel Vis, George A. Vis, Dan Vis and Margaret L. Vis, to appear and plead, answer or demur within thirty days from the service hereof to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, in which Bill of Complaint, Bertha L. Higgins is Complainant and the above named parties, their unknown heirs and certain lands therein described, are the Respondents.

Witness my hand and seal this 3rd day of March, 1949.

Alice J. Wicks
Register.

BERTHA L. HIGGINS,

Complainant,

vs.

Certain lands described as follows:
Lots 6 and 7 in Block 11 of Gulf-Bays
Tract, as per Plat thereof on file in
the Office of the Judge of Probate of
Baldwin County, Alabama, in Miscellan-
eous Book 1, pages 256-7, in Baldwin
County, Alabama; Daniel Vis, George A.
Vis, Dan Vis and Margaret E. Vis, and
their unknown heirs at law, devisees
and grantees, and any and all other persons
firms and corporations claiming any
interest in the above described lands,

Respondents.

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

Comes the Complainant, Bertha L. Higgins, and brings this
her Bill of Complaint against the following described land situated
in Baldwin County, Alabama, viz:

Lots 6 and 7 in Block 11 of Gulf-Bays Tract,
as per Plat thereof on file in the Office of
the Judge of Probate of Baldwin County,
Alabama, in Miscellaneous Book 1, pages
256-7.

and against any and all persons, firms and corporations claiming
any title to, interest in, lien or encumbrance upon said land or
any part thereof and especially against Daniel Vis, George A. Vis,
Dan Vis and Margaret E. Vis, and their unknown heirs, devisees and
grantees and Complainant shows unto your Honor as follows:

FIRST:

That she is in the actual, peaceable and adverse possess-
ion of all of the lands above described, claiming to own the same
in her own right in fee simple and using the same in every way
that such lands are susceptible to use.

SECOND:

That no suit is pending to test Complainant's title to,
interest in or right to possession of said land.

THIRD:

Complainant further shows that she claims the entire fee
simple title in and to said lands having acquired the same by
Deed from the State of Alabama, dated December 31, 1936, which
deed is recorded in the Office of the Judge of Probate of Baldwin

County, Alabama, in Deed Book 61, page 465.

FOURTH:

Complainant further shows that the title to said lands stands on the records in the Probate Court of Baldwin County, Alabama, in the name of the Complainant. Complainant further shows unto your Honor that she and all of the Respondents are over the age of twenty-one years; that the Complainant is a non-resident of the State of Alabama, her Post Office address being, 4726 Mercier Street, Kansas City 2, Missouri; that all of the Respondents are non-residents of the State of Alabama, and according to information given your Complainant, all of them are now dead; that your Complainant has been unable to ascertain and names and Post Office addresses of their heirs at law and next of kin; that she has made a diligent effort to ascertain the names and addresses of such heirs; that in this search and inquiry your Complainant has had a complete Abstract of Title prepared from the records and she has made inquiry in the neighborhood of said lands.

FIFTH:

Your Complainant further shows unto your Honor that the above named Respondents or their heirs, devisees or grantees are reputed to claim some right, title, interest in, or encumbrance upon said land, and your Complainant calls upon each of them to set forth and specify their title, claim, interest or encumbrance upon said lands and how and by what instrument the same is derived and created. Your Complainant further shows unto your Honor that she has assessed and paid taxes on said land above described, continuously, for more than ten years next immediately preceding the filing of this Bill of Complaint and that no other person, firm or corporation has assessed or paid taxes on said lands during that period of time, except that the Lot Book shows that Margaret Vis assessed said land for 1946, but the Abstractor was unable to find the assessment on file in the Tax Assessor's Office nor was it entered in the Office of the Tax Collector, nor was taxes paid by her on said land for that year; your Complainant further shows unto your Honor that she has been in the actual, quiet and peaceable possession of said land for more than ten years next preceding the

filing of this Bill of Complaint and during that period of time no other person, firm or corporation has had possession of said land or any part thereof.

PRAYER FOR PROCESS

To the end therefore, that equity may be had in the premises, Complainant prays that your Honor will cause the usual Writ or process to issue to the following named Respondents: Daniel Vis, George A. Vis, Dan Vis and Margaret E. Vis, and to their unknown heirs, devisees or grantees and any other person, firm or corporation claiming any interest in the above described land, according to the usual form and practice of this Court requiring them to answer, plead or demur to the same within the time allowed by law and the practice of this Court and that your Honor will also cause notice to be published of the proceeding instituted by the filing of this Bill of Complaint as required by the Laws of the State of Alabama, authorizing the quieting of title by proceeding in rem; that your Honor will also order that notice be given of the filing of this Bill of Complaint to aforesaid Respondents by publication in some newspaper published in Baldwin County, Alabama, making them parties Respondents to this Bill of Complaint and requiring them to plead, answer or demur to the same within the time required by law.

PRAYER FOR RELIEF

Complainant further prays that on a hearing of this cause that your Honor will establish Complainant's right or title to the lands herein described and will decree that the Complainant is the owner of said land in fee simple and that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said land or any part thereof and especially that the following named persons, viz: Daniel Vis, George A. Vis, Dan Vis and Margaret E. Vis, and their unknown heirs, devisees and grantees have no right, title, interest in, lien or encumbrance upon said land or any part thereof and that in said decree your Honor will cause a certified copy of said decree to be filed in the Probate Office of Baldwin County, Alabama, and to be recorded therein and that in said decree your Honor will direct in whose name it shall be indexed

in the direct and indirect indexes of the records thereof of said Probate Court of Baldwin County, Alabama, and Complainant further prays for such other, further and different and general relief as in equity may seem just and meet and Complainant will every pray. ✓

Hyppolite Chason & Stone
Solicitors for Complainant.

STATE OF ALABAMA

BALDWIN COUNTY,

Before me, Lila S. Glaner, a Notary Public, in and for said State and County, personally appeared John Chason, who is known to me and who after being by me first duly and legally sworn, doth depose and say under oath as follows:

That he is one of the Solicitors of Record for the Complainant in the above styled cause; that the Complainant has had a diligent search and inquiry made to ascertain whether Daniel Vis, George A. Vis, Dan Vis and Margaret E. Vis are dead and according to the information that Complainant received they are all dead and Complainant has had a diligent search and inquiry made to ascertain the names and Post Office addresses of their unknown heirs at law, devisees and grantees of said Respondents and whether they are over the age of twenty-one years and on such search and inquiry Complainant was informed that they believed to be over the age of twenty-one years and non-residents of the State of Alabama, their names and Post Office addresses being unknown.

Sworn to and subscribed before
me, a Notary Public, this 3
day of March, 1949.

Lila S. Glaner
Notary Public, Baldwin County,
Alabama.

BERTHA L. HIGGINS,

Complainant,

vs.

Certain lands described as follows:
Lots 6 and 7 in Block 11 of Gulf-Bays
Tract, as per Plat thereof on file in
the Office of the Judge of Probate of
Baldwin County, Alabama, in Miscellan-
eous Book 1, pages 256-7, in Baldwin
County, Alabama; Daniel Vis, George A.
Vis, Dan Vis and Margaret E. Vis, and
their unknown heirs at law, devisees
and grantees, and any and all other
persons, firms and corporations claim-
ing any interest in the above described
lands,

Respondents.

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

It being made to appear in the above styled cause from the
Bill of Complaint and the Affidavit of John Chason, who is one of
the Solicitors of Record for the Complainant in said cause, that
Daniel Vis, George A. Vis, Dan Vis and Margaret E. Vis, are all
believed to be dead and if not dead to be non-residents of the State
of Alabama and over the age of twenty-one years, and that the names,
ages and Post Office addresses of their unknown heirs at law and
next of kin are unknown to the Complainant and the Complainant has
requested that the Court enter an appropriate order of publication
making such Respondents and the lands described in said Complaint
Defendants in said cause and notifying them to appear and plead,
answer or demur to the Bill of Complaint filed in said cause, be-
fore a date named therein; it is therefore ordered and decreed
that such notice be prepared and published in the Baldwin Times, a
newspaper published in Bay Minette, Alabama, once a week for four
(4) consecutive weeks and that a copy of such notice be posted at
the Court house door in Bay Minette, Alabama; that in said notice
that said Respondents be required to appear and plead to or answer
said Bill of Complaint, before the 11th day of April, 1949.

Witness my hand and seal this 3 day of March, 1949.

Alice J. Hush
Register.

2244

ORDER OF PUBLICATION

BERTHA L. HIGGINS,

Complainant,

vs.

Certain lands and Daniel
Vis, et al,

Respondents,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

Filed March 3rd., 1949.

Alice J. Wicks
Register.

BERTHA L. HIGGINS,

Complainant,

vs.

Certain lands described as follows:
Lots 6 and 7 in Block 11 of Gulf-Bays
Tract, as per Plat thereof on file in
the Office of the Judge of Probate of
Baldwin County, Alabama, in Miscellan-
eous Book 1, pages 256-7, in Baldwin
County, Alabama; Daniel Vis, George A.
Vis, Dan Vis and Margaret E. Vis, and
their unknown heirs at law, devisees
and grantees, and any and all other
persons, firms and corporations claim-
ing any interest in the above describ-
ed lands.

Respondents.

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

This cause coming on to be heard was submitted for final decree upon the Summons and Bill of Complaint, together with the Order of Publication, Notice, Affidavit of Publication, Certificate as to Publication, Decree Pro Confesso on Publication and the Testimony of Mrs. Tillie Smith, and it appearing to the Court that Bertha L. Higgins is in the actual, peaceable and adverse possession of the lands herein described, claiming to own the same in her own right in fee simple and using such lands in every way that such lands are susceptible to use; and it further appearing to the Court that no suit is pending to test Complainant's title to, interest in or right to possession of said lands.

And it further appearing to the Court that all of the parties interested in said land, together with the Respondents whose names are set forth in the Bill of Complaint have had due notice of these proceedings by publication for the length of time prescribed by law and the rules of this Court and the Court understanding the same is of the opinion that the Complainant is entitled to the relief prayed for in her Bill of Complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Complainant is the owner in fee simple of the following described lands situated in Baldwin County, Alabama, to-wit:-

Lots 6 and 7 in Block 11 of Gulf Bays-Tract, as per Plat thereof on file in the Office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1, pages 256-7.

and that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said land or any part thereof and especially is this true as to the Respondents hereinafter named.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any claim, title to, interest in or encumbrance upon the aforesaid land or any part thereof that Daniel Vis, George A. Vis, Dan Vis, Margaret E. Vis and their unknown heirs at law, devisees, grantees and any and all other persons, firms or corporation claiming any interest in the above described lands hold or claim to hold are a cloud upon the title of the Complainant in this cause as to the above described lands and that their title to, interest in, lien or encumbrance upon said land or any part thereof is hereby declared to be null and void and as such are removed as a cloud upon the title of the Complainant to the aforesaid land and said Respondents have no further interest in, title to, lien or encumbrance upon the same.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, and that said decree shall be indexed in the names of the Respondents named in the caption of this decree on the direct indexes and shall be indexed in the name of Bertha L. Higgins on the indirect indexes of such records and that such certified copy of this decree shall be filed in such Office within thirty days from the rendition thereof and that the Register of this Court shall see that such certified copy is so filed, the cost of recording the same to be taxed as a part of the costs of this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Bertha L. Higgins be and she hereby is taxed with the costs of this proceeding for which execution may issue.

Dated this 14th day of June, 1949.

Jeffrey J. Madbury, Jr.
Judge.

BERTHA L. HIGGINS

vs. Complainant

CERTAIN LANDS and DANIEL VIS.

et al

THE STATE OF ALABAMA
Baldwin CountyIN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint,
Summons, Order or Publication, Notice to Non-residents, Affidavit
of Publication, Decree Pro Confesso on Publication and Testimony
of Mrs. Tillie Smith

and in behalf of Defendant upon

Alice L. Welch
Register.
by [Signature] 5 Dec to Court.

No. 22141

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

BERTHA L. HEGGINS,

Complainant

vs.

CERTAIN LANDS and DANIEL

VIS, ET AL,

Respondents.

NOTE OF TESTIMONY

Filed in Open Court this 14th day

of June, 1949

Register.

Printed By The Baldwin Times

THE STATE OF ALABAMA }
Baldwin County }

Circuit Court of Baldwin County, Alabama,
(In Equity)

BERTHA L. HIGGINS COMPLAINANT

vs.

CERTAIN LANDS and DANIEL VIS, et al RESPONDENT

I, Alice L. Miller

~~as Register and Commissioner~~

have called and caused to come before me Mrs. Tillie Smith

witness named in the requirement for Oral Examination, on the 13 day of June

19449, at the office of Hybart, Chason & Stone

in Bay Minette, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said Tillie Smith

doth depose and say as follows:

I, Alice L. Miller as ~~Register~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness and read over to her and she signed the same in the presence of myself and John Chason

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof made before me of the identity of said witness; that I am not of counsel or of kin to any of the parties to said 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 13th day of June 1949.

Alice L. Miller (L. S.)

No. 2244

Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

BERTHA L. HIGGINS

COMPLAINANT

vs.

CERTAIN LANDS and DANIEL

VIS, et al.

RESPONDENT

ORAL DEPOSITION

Filed 6-14, 1949

Alice J. Leuck, Register.
RECORDED IN

Record

Vol. _____ Page _____

_____, Register

TESTIMONY OF

Mrs. Tillie Smith

My name is Mrs. Tillie Smith; I am over the age of 21 years and a resident citizen of Baldwin County, Alabama, where I have resided for more than 35 years. I am personally acquainted with Bertha L. Higgins, the Complainant in that certain suit filed against Lot 6 and 7 in Block 11 of Gulf-Bays Tract, in the Circuit Court of Baldwin County, Alabama, in Equity. She is over the age of 21 years and a non-resident of the State of Alabama; her post office address being 4726 Mercier Street, Kansas City, Missouri. I was personally acquainted with Daniel Vis, George A. Vis, Dan Vis and Margaret E. Vis, all of whom are non-residents of the State of Alabama and over the age of 21 years. I do not know whether they are all still living and if they are dead, I do not know the names of the heirs at law and next of kin or devisees of such persons. I have known the above described land for many years. Bertha L. Higgins is now and was at the time of the filing of her Bill of Complaint in this cause in the actual, peaceable and adverse possession of said land claiming to own the same in her own right in fee simple and using the same in every way that such lands are susceptible to use. No suit is pending to test the Complainant's title to, interest in or right to possession of said land. Bertha L. Higgins claims the entire fee simple title to said lands having acquired the same by deed from the State of Alabama on December 31, 1936, which deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 61, page 465. The said Bertha L. Higgins has been in the actual, peaceable and adverse possession of said lands for more than 10 years immediately preceding the filing of her Bill of Complaint in said cause and she has assessed and paid taxes on said lands during that period of time. No other person, firm or corporation has been in possession of said lands during the last 10 years immediately preceding the filing of the Bill of Complaint in said cause nor has any such other person,

firm or corporation paid taxes on said lands during that period of time.

I am not related to the said Bertha L. Higgins in any way and have no interest in said proceeding.

Mrs. Tillie Smith

THE STATE OF ALABAMA, }
BALDWIN COUNTY.

Circuit Court

TO: Alice L. Miller

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 Mrs. Tillie Smith

as witness in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Bertha L. Higgins

, Complainant
and Certain lands and Daniel Vis, et al

Respondent S

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

Witness 13th day of June, 1949

Alice L. Miller
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 2244

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

BERTHA L. HIGGINS

Complainant

VS.

CERTAIN LANDS and DANIEL

VIS, ET AL.

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

IN EQUITY.

BERTHA L. HIGGINS,

Complainant,
vs.

Certain lands described as follows: Lots 6 and 7 in Block 11 of Gulf-Bays Tract, as per Plat thereof on file in the Office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1, pages 256-7, in Baldwin County, Alabama; Daniel Vis, George A. Vis, Dan Vis and Margaret E. Vis, and their unknown heirs at law, devisees and grantees, and any and all other persons, firms and corporations claiming any interest in the above described lands.

Respondents.

It having been made to appear from the Affidavit of John Chason, one of the Solicitors of Record for the Complainant in the above styled cause that all of said Respondents above named are believed to be dead and if any of them are living that they are believed to be non-residents of the State of Alabama, and over the age of twenty-one years; that the names, ages and Post Office addresses of the unknown heirs at law, devisees and grantees of the above named Respondents are unknown to the Complainant after diligent search and inquiry made by her but such unknown heirs, devisees and grantees are believed to be over the age of twenty-one years and non-residents of the State of Alabama, a more particular address being unknown to Complainant.

NOTICE IS HEREBY GIVEN to Daniel Vis, George A. Vis, Dan Vis and Margaret E. Vis and their unknown heirs, devisees and grantees and to any and all other persons, firms and corporations claiming any interest in the lands herein described, that on the 3rd day of March, 1949, Bertha L. Higgins filed her Bill of Complaint in the Circuit Court of Baldwin County, Alabama, in Equity, against the above named Respondents and the following described lands situated in Baldwin County, Alabama, to-wit:-

Lots 6 and 7 of Block 11 of Gulf-Bays Tract, as per Plat thereof on file in the Office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1, pages 256-7,

and you are hereby notified to appear and plead, answer or demur to said Bill of Complaint within thirty days from the 11th day of April, 1949, or a decree pro confesso will be rendered against you.

The Bill of Complaint alleges that the Complainant claims to own the entire fee simple title to said lands having acquired the same by Deed from the State of Alabama, dated December 31, 1935, which deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 61, page 465; that Bill of Complaint also alleges that the title to said land stands on the records of the Probate Court of Baldwin County, Alabama, in the name of the Complainant and that no suit is pending to test Complainant's title to, interest in or right to possession of said land.

It is further alleged in said Bill of Complaint that the Complainant is in the quiet, actual, peaceable and adverse possession of the above described land claiming to own the same in every way that such lands are susceptible to use and that she has been in such possession and has assessed and paid taxes on said lands for more than ten years next immediately preceding the filing of said Bill of Complaint and that no other person, firm or corporation has been in possession of said land or any part thereof or has paid taxes on said land during that period of time.

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

Witness my hand and seal this 3rd day of March, 1949.

ALICE J. DUCK

As Register of the Circuit Court
of Baldwin County, Alabama, in
Equity.

HYBART, CHASON & STONE
Solicitors for Complainant.

7-41c.

JIMMY FAULKNER

EDITOR AND PUBLISHER

the BALDWIN TIMES

ST COUNTY'S- BEST NEWSPAPER
BAY MINETTE, ALABAMA

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

Bertha L. Higgins

vs.

Certain Lands

COST STATEMENT

669 WORDS @ 4 1/2 cents --- \$ 30.11

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 Mar. 10, 1949 Vol. 60 No. 7

Date of 2nd publication Mar. 17, 1949 Vol. 60 No. 8

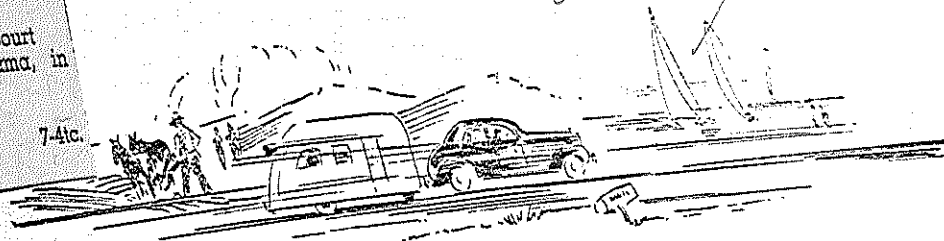
Date of 3rd publication Mar. 24, 1949 Vol. 60 No. 9

Date of 4th publication Mar. 31, 1949 Vol. 60 No. 10

Subscribed and sworn before the undersigned this 1 day of Apr., 1949.

Marie B. Bryare
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.



THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 2244, Term, 1949BERTHA L. HIGGINS

Complainant

Vs.

CERTAIN LANDS and DANIEL VIS, ET ALDefendant S

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 10th day of March, 1949, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 10th day of March 1949 and

And it now further appearing to the Register Alice J. Duck that the said Daniel Vis, George A. Vis, Dan Vis and Margaret E. Vis, and their unknown heirs at law, devisees and grantees.

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Daniel Vis, George A. Vis, Dan Vis and Margaret E. Vis and their unknown heirs at law, devisees and grantees.

This 10th day of June 1949

Alice J. Duck Register.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 2244, Term, 19__

BERTHA L. HIGGINS

Complainant

Vs.

CERTAIN LANDS and DANIEL VIS, ET AL.

Defendant

Motion is hereby made for a Decree Pro Confesso against Daniel Vis, George A. Vis,

Dan Vis and Margaret E. Vis

Defendant

in the annexed stated cause. on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 9th day of June 19 49

746 Code

By [Signature] Stone Solicitor.

No. 2244

Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

BERTHA L. HIGGINS

Complainant _____

Vs.

CERTAIN LANDS and DANIEL VIS,

ET AL.

Defendant _____

Motion for Decree Pro Confesso
on Publication

Filed 6-9 1949

Alvin J. Smith
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

002 214
BERTHA L. HIGGINS,

Complainant,

vs.

Certain lands described as follows:
Lots 6 and 7 in Block 11 of Gulf-Bays
Tract, as per Plat thereof on file in
the Office of the Judge of Probate of
Baldwin County, Alabama, in Miscellan-
eous Book 1, pages 256-7, in Baldwin
County, Alabama; Daniel Vis, George A.
Vis, Dan Vis and Margaret E. Vis, and
their unknown heirs at law, devisees and
grantees, and any and all other persons,
firms and corporations claiming any
interest in the above described lands.

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

Respondents.

It having been made to appear from the Affidavit of John Chason, one of the Solicitors of Record for the Complainant in the above styled cause that all of said Respondents above named are believed to be dead and if any of them are living that they are believed to be non-residents of the State of Alabama, and over the age of twenty-one years; that the names, ages and Post Office addresses of the unknown heirs at law, devisees and grantees of the above named Respondents are unknown to the Complainant after diligent search and inquiry made by her but such unknown heirs, devisees and grantees are believed to be over the age of twenty-one years and non-residents of the State of Alabama, a more particular address being unknown to Complainant.

NOTICE IS HEREBY GIVEN to Daniel Vis, George A. Vis, Dan Vis and Margaret E. Vis and their unknown heirs, devisees and grantees and to any and all other persons, firms and corporations claiming any interest in the lands herein described, that on the 3rd day of March, 1949, Bertha L. Higgins filed her Bill of Complaint in the Circuit Court of Baldwin County, Alabama, in Equity, against the above named Respondents and the following described lands situated in Baldwin County, Alabama, to-wit:-

Lots 6 and 7 of Block 11 of Gulf-Bays Tract, as per Plat thereof on file in the Office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1, pages 256-7,

and you are hereby notified to appear and plead, answer or demur to said Bill of Complaint within thirty days from the 11th day of April, 1949, or a decree pro confesso will be rendered against you.

The Bill of Complaint alleges that the Complainant claims to own the entire fee simple title to said lands having acquired the same by Deed from the State of Alabama, dated December 31, 1936, which deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 61, page 465; that Bill of Complaint also alleges that the title to said land stands on the records of the Probate Court of Baldwin County, Alabama, in the name of the Complainant and that no suit is pending to test Complainant's title to, interest in or right to possession of said land.

It is further alleged in said Bill of Complaint that the Complainant is in the quiet, actual, peaceable and adverse possession of the above described land claiming to own the same in her ownright in fee simple and using the same in every way that such lands are susceptible to use and that she has been in such possession and has assessed and paid taxes on said lands for more than ten years next immediately preceding the filing of said Bill of Complaint and that no other person, firm or corporation has been in possession of said land or any part thereof or has paid taxes on said land during that period of time.

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

Witness my hand and seal this 3rd day of March, 1949.

Alice J. Wicks
As Register of the Circuit Court
of Baldwin County, Alabama, in
Equity.

HYBART, CHASON & STONE
Solicitors for Complainant.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 3-3-49 8 AM

Recorded Lis Pend. Book 21 page 214-15

W. C. Stuart
Judge of Probate 1-1