

2225

CHARLES WENZEL and ANNIE WENZEL,
husband and wife,

Complainants

vs.

THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF
THE SOUTHEAST QUARTER (SE $\frac{1}{4}$),
SECTION TWENTY FOUR (24), TOWN-
SHIP EIGHT (8) SOUTH, RANGE THREE
(3) EAST, BALDWIN COUNTY, ALABAMA,
ROBERT INGRAM, ET AL.,

Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

BILL OF COMPLAINT

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF SAID COURT SITTING IN EQUITY:

Come your Complainants, Charles Wenzel and Annie Wenzel, husband and wife,
and bring this Bill of Complaint against the following described property,
situated in the County of Baldwin, State of Alabama, to wit:

The Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$),
Section Twenty-four (24), Township Eight (8) South, Range
Three (3) East....

Complainants further bring this Bill of Complaint against any and all persons,
firms or corporations claiming any title to, interest in, lien or encumbrance
upon the above described lands or any part thereof and especially brings this
Bill of Complaint against Robert Ingram, Harry S. Sutton, Dee Garst, Grace Cook,
Robert Cook, J. E. Kittinger, Delia A. Kittinger, J. D. Kittinger, Edna Kittinger,
Locia Green, J. G. Green, Malissa Johnson, J. M. Johnson, Mary Kirkland, W. A.
Kirkland, Karl Kittinger, C. F. Kittinger, Bettie Kittinger, R. W. Kittinger,
May Kittinger, Florence Kittinger, Estell Garst, Ezra Garst, Evelyn Garst,
Hazel Garst Dickerson, Lige Dickerson, Gertie Garst Basham, Floyd Basham, and
Mrs. A. M. or A. N. Clark, if they be living, and if dead, against their unknown
heirs, devisees, grantees and assigns, and Complainants respectfully show unto
your Honor as follows:

FIRST:

That your Complainants are over twenty-one years of age and are resident
citizens of Baldwin County, Alabama.

SECOND:

That they are in the actual, peaceable, adverse possession of the lands
described above, claiming to own the same in their own right in fee simple and
using the same in every way that it is susceptible to use.

THIRD:

That no suit is pending to test Complainants' title to, interest in or right to possession of said lands.

FOURTH:

Complainants further show that they claim the entire fee simple title in and to said lands, having acquired the same in the following manner:

(1) From George Wenzel, a single man, by warranty deed dated March 8, 1947, and filed for record in the office of the Judge of Probate of Baldwin County, Alabama, on April 29, 1947, in Deed Book 119 NS, pages 411-412.

(2) That the said George Wenzel obtained title to this property by warranty deed from Fred R. Redmond and Laura Garst (Garst) Redmond on December 10, 1942, which deed is filed for record in the office of the Judge of Probate of Baldwin County, Alabama, on March 8, 1943, in Deed Book 78 NS, page 539.

(3) That said Fred R. Redmond obtained said property by warranty deed dated May____, 1939, from Estell Garst, an unmarried person, Ezra Garst and Evelyn Garst, husband and wife, Hazel Garst Dickerson and Lige Dickerson, her husband, and Gertie Garst Basham and Floyd Basham, her husband. This deed and the acknowledgments were not in Alabama form.

(4) Also the said Fred R. Redmond was conveyed this land by warranty deed dated March 20, 1939, by Mrs. Delia A. Kittinger, a widow, J. D. Kittinger and Edna Kittinger, his wife, Lodia Green and J. G. Green, her husband, Malissa Johnson and J. M. Johnson, her husband, Mary Kirkland and W. A. Kirkland, her husband, and Karl Kittinger, a single man, C. F. Kittinger and Bettie Kittinger, his wife, R. W. Kittinger and May Kittinger, his wife, and Florence Kittinger, a single woman, which deed was filed for record on September 25, 1939, and is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 70 NS, pages 365-366. This deed and the acknowledgments were not in Alabama form.

FIFTH:

The Complainants further aver that all the Respondents are over the age of twenty-one years and non-residents of the State of Alabama, and that their places of residences and post office addresses are unknown, other than that Robert Ingram and Harry S. Sutton, both of whose addresses are unknown to your Complainants; Dee Garst, who is believed to be deceased and whose heirs are believed to be Grace Cook and Robert Cook, her husband, whose addresses

are unknown; J. E. Kittinger, who is believed to be deceased and whose heirs or devisees are believed to be Delia A. Kittinger, a widow, J. D. Kittinger and Edna Kittinger, his wife, Locia Green and J. G. Green, her husband, Malissa Johnson and J. M. Johnson, her husband, Mary Kirkland and W. A. Kirkland, her husband, and Karl Kittinger, all of whom are believed to have resided in Rumsey, McLean County, Kentucky, in the year 1939;

C. F. Kittinger and Bettie Kittinger, his wife, who are believed to have resided at Owensboro, Daviess County, Kentucky, in the year 1939; R. W. Kittinger and May Kittinger, his wife, who are believed to have resided at Cromwell, Ohio County, Kentucky, in the year 1939; Florence Kittinger, who was believed to have resided at Louisville, Jefferson County, Kentucky, in the year 1939; Estell Garst, unmarried, Ezra Garst, and Evelyn Garst, his wife, Hazel Garst Dickerson and Lige Dickerson, her husband, Gertie Garst Basham and Floyd Basham, her husband, all of whom are believed to have resided in McLean County, Kentucky, possibly at Rumsey, in the year 1939; and Mrs. A. M. or A. N. Clark, who is believed to be deceased, and whose heirs or devisees are unknown.

Each of the other individuals who are specifically named within, are, if living, over the age of twenty-one years, but their respective places of residences and post office addresses are unknown and cannot be ascertained after making diligent inquiries to ascertain the facts with regard thereto and your Complainants further allege that they have resided near this land in excess of forty (40) years and have, since they obtained title to this property in the year 1947, made diligent inquiries to ascertain the facts with regard thereto and your Complainants and their attorney have made faithful and diligent inquiries to ascertain the names, ages and addresses of all persons, firms or corporations who claim any title to said lands or any part thereof or any interest therein, or any lien or encumbrance thereon; that they have employed an abstractor to examine the records of Baldwin County, Alabama, and have employed an attorney to examine said abstract, and that they have been unable to obtain any more information than is herein set out.

SIXTH:

That your Complainants claim to own the said lands described in this Bill of Complaint in fee simple and are in the actual, peaceable possession of the said lands and that the Complainants, together with those through whom they claim, have held color of title to said land for a period of ten consecutive years.

SEVENTH:

That the fee simple title to said lands stands in the names of your Complainants, jointly, with the right of survivorship, upon the records of the Probate Court of Baldwin County, Alabama.

EIGHTH:

That no one is known to your Complainants to claim said lands or any part thereof or any interest therein, except your Complainants and the Respondents to this proceeding as hereinabove named, and Complainants call upon the several persons hereinabove named as Respondents, or anyone else interested, to set forth or specify his or her or its claim, title, interest in or encumbrance upon said lands, and how and by what instrument or otherwise the same is derived or created.

PRAYER FOR PROCESS

TO THE END, THEREFORE, that equity may be had in the premises, Complainants pray that your Honor will cause the usual writ of process to issue to the following named Respondents, viz: Robert Ingram, Harry S. Sutton, Dee Garst, Grace Cook, Robert Cook, J. E. Kittinger, Delia A. Kittinger, J. D. Kittinger, Edna Kittinger, Lodia Green, J. G. Green, Malissa Johnson, J. M. Johnson, Mary Kirkland, W. A. Kirkland, Karl Kittinger, C. F. Kittinger, Bettie Kittinger, R. W. Kittinger, May Kittinger, Florence Kittinger, Estell Garst, Ezra Garst, Evelyn Garst, Hazel Garst Dickerson, Lige Dickerson, Gertie Garst Basham, Floyd Basham, and Mrs. A. M. or A. N. Clark, if they be living and if dead to the unknown heirs and devisees of them and each of them, and to any and all other persons, firms or corporations, claiming any interest in, right, or title to said lands, in the usual form and according to the practice of this Honorable Court, requiring them to plead, answer or demur to the same within the time required by law and the practice of this Honorable Court, and that your Honor will also cause notice to be published of the proceedings instituted

by the filing of this Bill of Complaint, as required by the law of the State of Alabama, authorizing the quieting of title of proceedings in rem; that your Honor will also order that notice be given of the filing of this Bill of Complaint, to the aforesaid Respondents by registered mail, prepaid, marked "for delivery to addressee only", and by publication in some newspaper published in Baldwin County, Alabama, by posting at the Courthouse door and by filing a lis pendens notice in the office of the Judge of Probate, Baldwin County, Alabama, making them parties to this Bill of Complaint, requiring them to plead, answer or demur to the same within the time as required by law.

PRAYER FOR RELIEF

Your Complainants further pray that on a hearing of this cause that your Honor will establish Complainants' rights and title to said land and will decree that the Complainants are the owners in fee simple of the land herein described and that no other person, firm or corporation has any title to, interest in, or lien or encumbrance upon said lands or any part thereof, and especially Robert Ingram, Harry S. Sutton, Dee Garst, Grace Cook, Robert Cook, J. E. Kittinger, Delia A. Kittinger, J. D. Kittinger, Edna Kittinger, Lodia Green, J. G. Green, Malissa Johnson, J. M. Johnson, Mary Kirkland, W. A. Kirkland, Karl Kittinger, C. F. Kittinger, Bettie Kittinger, R. W. Kittinger, May Kittinger, Florence Kittinger, Estell Garst, Ezra Garst, Evelyn Garst, Hazel Garst Dickerson, Lige Dickerson, Gertie Garst Basham, Floyd Basham, and Mrs. A. M. or A. N. Clark, if living and if dead the unknown heirs, devisees and assigns of them and each of them have no right, title, interest in, or lien or encumbrance upon said lands; that in said Decree your Honor will cause a certified copy of the Decree to be filed in the Probate Court 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 in said Probate Court of Baldwin County, Alabama, and Complainants further pray for such other, further, different and general relief as in equity may seem just and meet, and Complainants will ever pray.


Solicitor for Complainants

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, Gus Schultz, a Notary Public in and for said County and State, personally appeared Forest A. Christian, who upon oath deposes and says:

That he is the agent of, and the attorney for the complainants in the above styled cause and is therefore duly authorized to make this oath; that in the belief of the affiant all of the respondents named in the foregoing Bill of Complaint are over the age of twenty-one years and non-residents of the State of Alabama, their last known places of residences being as set out in said Bill of Complaint and are otherwise unknown to your affiant; that the Complainants and your affiant have made diligent inquiries to ascertain the same and have been unable to do so; that if any of the above named Respondents are dead, the names of their heirs, devisees, grantees, or assigns are unknown and affiant has made diligent inquiry to ascertain the same and that their residences as he believes are not in this state; that all the other matters and facts stated in the foregoing Bill of Complaint upon information and belief, and verily believes, and so states, that the same are true.

Forest A. Christian
Affiant

Sworn to and subscribed before me, a Notary Public, whose seal is hereto affixed by me, this the 24th day of May, 1949.

My commission expires:

1-24-53

Gus Schultz
Notary Public

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

CHARLES WENZEL and ANNIE WENZEL, husband and wife Complainant

VS.

Certain Lands, Robert Ingram, et al., Respondent

I, Alica A. Christian
as ~~Register and~~ Commissioner
have called and caused to come before me Charles Wenzel and Annie Wenzel

witness ~~es~~ named in the Requirement for Oral Examination, on the 2nd day of August
1949, at the office of Forest A. Christian
in Foley, Alabama, and having first sworn said Witness ~~es~~ to speak the
truth, the whole truth, and nothing but the truth, the said Charles Wenzel and Annie Wenzel
doth depose and say as follows:

My name is Charles Wenzel. I am the husband of Annie Wenzel; we are the complainants in a case filed in the Circuit Court of Baldwin County, Alabama, to quiet title to 40 acres of land in Baldwin County, Alabama, described as

the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$),
Section Twenty-four (24), Township Eight (8) South, Range Three
(3) East...

My wife and I have been resident citizens of Baldwin County, Alabama, all of our lives, and we are over the age of twenty-one years. No suit is now pending to test our title to, interest in or right of possession of said lands. We acquired title to these lands from my brother, George Wenzel, a single man, by warranty deed dated March 8, 1947, which deed is recorded in the office of the Judge of Probate in Deed Book 119 NS, page 411-412. I know that George Wenzel obtained title to these lands by warranty deed from Fred Redmond and Laura Garst Redmond in 1942, Fred R. Redmond obtained said property by warranty deed in 1939 from Estell Garst, an unmarried person, Ezra Garst and Evelyn Garst, Hazel Garst Dickerson and Lige Dickerson, and Gertie Garst Basham and Floyd Basham.

Also Fred R. Redmond obtained title to this land by warranty deed in March 1939, from Mrs. Delia A. Kittinger, a widow, J. D. Kittinger, and Edna Kittinger Locia Green and J. G. Green, Malissa Johnson and J. M. Johnson, Mary Kirkland and W. A. Kirkland, Karl Kittinger, a single man, C. F. Kittinger and Bettie Kittinger, R. W. Kittinger and May Kittinger and Florence Kittinger, a single woman, this deed is on file in the office of the Judge of Probate of Baldwin County in Deed Book 70 NS, page 365-366. Both of these deeds and the acknowledgments were not in Alabama form.

I have lived across the road from this property all of my life, and I am 49 years of age. I remember that about 40 years ago this property was owned by Dee Garst, and at that time he lived on this property. Dee Garst died and it was then owned by the Garst Estate until about 1939, when Fred R. Redmond and Laura Garst Redmond bought it and had possession of it until 1942. In 1942 my brother, George bought this land, paid taxes on it and used it in every way that it could be used, until the year 1947, when he sold it to my wife and me. Since that time we have cultivated part of it, and used the other part of it for pasture. It has been under fence since George Wenzel bought it in the year 1942.

My wife and I claim to own this 40 acres of land described in the bill of complaint in fee simple and are in the actual and peaceable possession of the land; and that we, together with those under whom we claim have held color of title for a period of ten consecutive years; and that the land now stands in the names of Charles Wenzel and Annie Wenzel, husband and wife, jointly, with the right of survivorship on the records of the Probate Office in Baldwin County, Alabama.

ORAL EXAMINATION.

I, Alica A. Christian, as ~~Register~~ Commissioner hereby certify that the foregoing deposition s on Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself and Forest A. Christian

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witness es; 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 2nd day of August, 194 9.

Alica A. Christian (T.S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

CHARLES WENZEL & ANNIE WENZEL

vs. Complainant

CERTAIN LANDS, ROBERT INGRAM ET AL.

Respondent.

Oral Deposition

Filed _____, 194 _____

_____, Register.

Recorded in

Record

Vol. _____ Page _____

_____, Register.

Deposition of Charles Wenzel
Page # 2.

No one is known to claim the lands or any part of them, or any interest in, except us and the respondents named in the bill of complaint of this proceeding.

We and those under whom we claim title have paid taxes on this land for the past ten years, except that Mrs. A. N. Clark assessed the property in the years 1939 and 1940. The abstract makes the following comment about this:

"On the following page is shown a tax sale in the name of Mrs. A. M. Clark. This abstracter has made search for anything conveying title into Mrs. A. N. Clark, and finds nothing. A number of years ago, the tax assessments was made out in the name of "Mrs. A. N. Clark, agent for D. Garst" and it was necessary, because of assessment regulations to assess same in some name and the assessments finally were made out in the name of "Mrs. A. N. Clark."

"D. Garst" owned this land from 1915 to his death and the conveyors of the land to Redmond in 1939, were D. Garst's heirs.

Alice A. Christian
Commissioner

Charles Wenzel
Charles Wenzel

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

CHARLES WENZEL and ANNIE WENZEL, husband and wife Complainant

VS.

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as ~~Register and~~ Commissioner

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witnesses named in the Requirement for Oral Examination, on the 2nd day of August 1949, at the office of Forest A. Christian in Foley, Alabama, and having first sworn said Witnesses to speak the truth, the whole truth, and nothing but the truth, the said Charles Wenzel and Annie Wenzel doth depose and say as follows:

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I have lived across the road from this property all of my married life which has been almost sixteen years. When we were first married it was owned by and in the possession of the Garst Estate until about 1939 when Fred Redmond and Laura Garst Redmond bought it and were in possession of it from 1939 until 1942, when George Wenzel, my husband's brother, bought. He paid taxes on it and used it in every way he could use it. Since that time, we purchased it in 1947 and have cultivated part of it and used the other part of it for pasture. George Wenzel has had this land under fence since he bought it in the year 1942.

My husband and I claim to own this 40 acres of land in fee simple and are in the actual and peaceable possession of the land; and that we together with those under whom we claim have held color of title for a period of ten consecutive years; and that the land now stands in the names of Charles Wenzel and Annie Wenzel, husband and wife, jointly, with the right of survivorship on the records in the Probate office of Baldwin County, Alabama.

ORAL EXAMINATION.

I, Alice A. Christian, as Register and Commissioner hereby certify that the foregoing deposition s 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 Forest A. Christian

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witness es; 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 2nd day of August, 1949.

Alice A. Christian (L.S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

CHARLES WENZEL & ANNIE WENZEL

vs. Complainant

CERTAIN LANDS, ROBERT INGRAM, ET AL.

Respondent.

Oral Deposition

Filed _____, 194_____

_____, Register.

Recorded in

_____ Record

Vol. _____ Page _____

_____, Register.

Deposition of Charles Wenzel
Page # 2.

No one is known to claim the lands or any part of them, or any interest in, except us and the respondents named in the bill of complaint of this proceeding.

We and those under whom we claim title have paid taxes on this land for the past ten years, except that Mrs. A. N. Clark assessed the property in the years 1939 and 1940. The abstract makes the following comment about this:

"On the following page is shown a tax sale in the name of Mrs. A. M. Clark. This abstracter has made search for anything conveying title into Mrs. A. N. Clark, and finds nothing. A number of years ago, the tax assessments was made out in the name of "Mrs. A. N. Clark, agent for D. Garst" and it was necessary, because of assessment regulations to assess same in some name and the assessments finally were made out in the name of "Mrs. A. N. Clark."

"D. Garst" owned this land from 1915 to his death and the conveyors of the land to Redmond in 1939, were D. Garst's heirs.

Alice A. Christman
Commissioner

Charles Wenzel
Charles Wenzel

Deposition of Annie Wenzel
Page # 2.

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Alia A. Christian
Commissioner

Annie Wenzel
Annie Wenzel

[illegible]

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG). The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG).

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1. *Pharmaceutical Innovation and the Role of the State*
 2. *The Impact of Patent Law on Drug Development*
 3. *The Role of Government in Regulating Pharmaceuticals*
 4. *The Impact of Health Insurance on Drug Access*
 5. *The Role of the Pharmaceutical Industry in Public Health*
 6. *The Impact of Globalization on Drug Markets*
 7. *The Role of the Pharmaceutical Industry in Developing Countries*
 8. *The Impact of Intellectual Property on Drug Innovation*
 9. *The Role of the Pharmaceutical Industry in Health Care Reform*
 10. *The Impact of the Pharmaceutical Industry on the Environment*

ORAL DEPOSITIONS

CHARLES WENZEL and ANNIE WENZEL

COMPLAINANTS

VS.

CERTAIN LANDS, ROBERT INGRAM, et al.

RESPONDENTS

*Filed 8-3-49
Alice French
Register*

James H. Ingram

James H. Ingram

These facts are true and correct as stated by the complainants and respondents and the court is satisfied that the same are true and correct.

Witness my hand and seal of office this 3rd day of August 1949.

CHARLES WENZEL and ANNIE WENZEL,
husband and wife,

Complainants

vs.

THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF
THE SOUTHEAST QUARTER (SE $\frac{1}{4}$),
SECTION TWENTY FOUR (24), TOWN
SHIP EIGHT (8) SOUTH, RANGE THREE
(3) EAST, BALDWIN COUNTY, ALABAMA,
ROBERT INGRAM, ET AL.,

Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

BILL OF COMPLAINT

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF SAID COURT SITTING IN EQUITY:

Come your Complainants, Charles Wenzel and Annie Wenzel, husband and wife,
and bring this Bill of Complaint against the following described property,
situated in the County of Baldwin, State of Alabama, to wit:

The Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$),
Section Twenty-four (24), Township Eight (8) South, Range
Three (3) East....

Complainants further bring this Bill of Complaint against any and all persons,
firms or corporations claiming any title to, interest in, lien or encumbrance
upon the above described lands or any part thereof and especially brings this
Bill of Complaint against Robert Ingram, Harry S. Sutton, Dee Garst, Grace Cook,
Robert Cook, J. E. Kittinger, Delia A. Kittinger, J. D. Kittinger, Edna Kittinger,
Locia Green, J. G. Green, Malissa Johnson, J. M. Johnson, Mary Kirkland, W. A.
Kirkland, Karl Kittinger, C. F. Kittinger, Bettie Kittinger, R. W. Kittinger,
May Kittinger, Florence Kittinger, Estell Garst, Ezra Garst, Evelyn Garst,
Hazel Garst Dickerson, Lige Dickerson, Gertie Garst Basham, Floyd Basham, and
Mrs. A. M. or A. N. Clark, if they be living, and if dead, against their unknown
heirs, devisees, grantees and assigns, and Complainants respectfully show unto
your Honor as follows:

FIRST:

That your Complainants are over twenty-one years of age and are resident
citizens of Baldwin County, Alabama.

SECOND:

That they are in the actual, peaceable, adverse possession of the lands
described above, claiming to own the same in their own right in fee simple and
using the same in every way that it is susceptible to use.

THIRD:

That no suit is pending to test Complainants' title to, interest in or right to possession of said lands.

FOURTH:

Complainants further show that they claim the entire fee simple title in and to said lands, having acquired the same in the following manner:

(1) From George Wenzel, a single man, by warranty deed dated March 8, 1947, and filed for record in the office of the Judge of Probate of Baldwin County, Alabama, on April 29, 1947, in Deed Book 119 NS, pages 411-412.

(2) That the said George Wenzel obtained title to this property by warranty deed from Fred R. Redmond and Laura Garst (Garst) Redmond on December 10, 1942, which deed is filed for record in the office of the Judge of Probate of Baldwin County, Alabama, on March 8, 1943, in Deed Book 78 NS, page 539.

(3) That said Fred R. Redmond obtained said property by warranty deed dated May____, 1939, from Estell Garst, an unmarried person, Ezra Garst and Evelyn Garst, husband and wife, Hazel Garst Dickerson and Lige Dickerson, her husband, and Gertie Garst Basham and Floyd Basham, her husband. This deed and the acknowledgments were not in Alabama form.

(4) Also the said Fred R. Redmond was conveyed this land by warranty deed dated March 20, 1939, by Mrs. Delia A. Kittinger, a widow, J. D. Kittinger and Edna Kittinger, his wife, Lodia Green and J. G. Green, her husband, Malissa Johnson and J. M. Johnson, her husband, Mary Kirkland and W. A. Kirkland, her husband, and Karl Kittinger, a single man, C. F. Kittinger and Bettie Kittinger, his wife, R. W. Kittinger and May Kittinger, his wife, and Florence Kittinger, a single woman, which deed was filed for record on September 25, 1939, and is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 70 NS, pages 365-366. This deed and the acknowledgments were not in Alabama form.

FIFTH:

The Complainants further aver that all the Respondents are over the age of twenty-one years and non-residents of the State of Alabama, and that their places of residences and post office addresses are unknown, other than that Robert Ingram and Harry S. Sutton, both of whose addresses are unknown to your Complainants; Dee Garst, who is believed to be deceased and whose heirs are believed to be Grace Cook and Robert Cook, her husband, whose addresses

are unknown; J. E. Kittinger, who is believed to be deceased and whose heirs or devisees are believed to be Delia A. Kittinger, a widow, J. D. Kittinger and Edna Kittinger, his wife, Lodia Green and J. G. Green, her husband, Malissa Johnson and J. M. Johnson, her husband, Mary Kirkland and W. A. Kirkland, her husband, and Karl Kittinger, all of whom are believed to have resided in Rumsey, McLean County, Kentucky, in the year 1939;

C. F. Kittinger and Bettie Kittinger, his wife, who are believed to have resided at Owensboro, Daviess County, Kentucky, in the year 1939; R. W. Kittinger and May Kittinger, his wife, who are believed to have resided at Cromwell, Ohio County, Kentucky, in the year 1939; Florence Kittinger, who was believed to have resided at Louisville, Jefferson County, Kentucky, in the year 1939; Estell Garst, unmarried, Ezra Garst, and Evelyn Garst, his wife, Hazel Garst Dickerson and Lige Dickerson, her husband, Gertie Garst Basham and Floyd Basham, her husband, all of whom are believed to have resided in McLean County, Kentucky, possibly at Rumsey, in the year 1939; and Mrs. A. M. or A. N. Clark, who is believed to be deceased, and whose heirs or devisees are unknown.

Each of the other individuals who are specifically named within, are, if living, over the age of twenty-one years, but their respective places of residences and post office addresses are unknown and cannot be ascertained after making diligent inquiries to ascertain the facts with regard thereto and your Complainants further allege that they have resided near this land in excess of forty (40) years and have, since they obtained title to this property in the year 1947, made diligent inquiries to ascertain the facts with regard thereto and your Complainants and their attorney have made faithful and diligent inquiries to ascertain the names, ages and addresses of all persons, firms or corporations who claim any title to said lands or any part thereof or any interest therein, or any lien or encumbrance thereon; that they have employed an abstracter to examine the records of Baldwin County, Alabama, and have employed an attorney to examine said abstract, and that they have been unable to obtain any more information than is herein set out.

SIXTH:

That your Complainants claim to own the said lands described in this Bill of Complaint in fee simple and are in the actual, peaceable possession of the said lands and that the Complainants, together with those through whom they claim, have held color of title to said land for a period of ten consecutive years.

SEVENTH:

That the fee simple title to said lands stands in the names of your Complainants, jointly, with the right of survivorship, upon the records of the Probate Court of Baldwin County, Alabama.

EIGHTH:

That no one is known to your Complainants to claim said lands or any part thereof or any interest therein, except your Complainants and the Respondents to this proceeding as hereinabove named, and Complainants call upon the several persons hereinabove named as Respondents, or anyone else interested, to set forth or specify his or her or its claim, title, interest in or encumbrance upon said lands, and how and by what instrument or otherwise the same is derived or created.

PRAYER FOR PROCESS

TO THE END, THEREFORE, that equity may be had in the premises, Complainants pray that your Honor will cause the usual writ of process to issue to the following named Respondents, viz: Robert Ingram, Harry S. Sutton, Dee Garst, Grace Cook, Robert Cook, J. E. Kittinger, Delia A. Kittinger, J. D. Kittinger, Edna Kittinger, Locia Green, J. G. Green, Malissa Johnson, J. M. Johnson, Mary Kirkland, W. A. Kirkland, Karl Kittinger, C. F. Kittinger, Bettie Kittinger, R. W. Kittinger, May Kittinger, Florence Kittinger, Estell Garst, Ezra Garst, Evelyn Garst, Hazel Garst Dickerson, Lige Dickerson, Gertie Garst Basham, Floyd Basham, and Mrs. A. M. or A. N. Clark, if they be living and if dead to the unknown heirs and devisees of them and each of them, and to any and all other persons, firms or corporations, claiming any interest in, right, or title to said lands, in the usual form and according to the practice of this Honorable Court, requiring them to plead, answer or demur to the same within the time required by law and the practice of this Honorable Court, and that your Honor will also cause notice to be published of the proceedings instituted

by the filing of this Bill of Complaint, as required by the law of the State of Alabama, authorizing the quieting of title of proceedings in rem; that your Honor will also order that notice be given of the filing of this Bill of Complaint, to the aforesaid Respondents by registered mail, prepaid, marked "for delivery to addressee only", and by publication in some newspaper published in Baldwin County, Alabama, by posting at the Courthouse door and by filing a lis pendens notice in the office of the Judge of Probate, Baldwin County, Alabama, making them parties to this Bill of Complaint, requiring them to plead, answer or demur to the same within the time as required by law.

PRAYER FOR RELIEF

Your Complainants further pray that on a hearing of this cause that your Honor will establish Complainants' rights and title to said land and will decree that the Complainants are the owners in fee simple of the land herein described and that no other person, firm or corporation has any title to, interest in, or lien or encumbrance upon said lands or any part thereof, and especially Robert Ingram, Harry S. Sutton, Dee Garst, Grace Cook, Robert Cook, J. E. Kittinger, Delia A. Kittinger, J. D. Kittinger, Edna Kittinger, Licia Green, J. G. Green, Malissa Johnson, J. M. Johnson, Mary Kirkland, W. A. Kirkland, Karl Kittinger, G. F. Kittinger, Bettie Kittinger, R. W. Kittinger, May Kittinger, Florence Kittinger, Estell Garst, Ezra Garst, Evelyn Garst, Hazel Garst Dickerson, Lige Dickerson, Gertie Garst Basham, Floyd Basham, and Mrs. A. M. or A. N. Clark, if living and if dead the unknown heirs, devisees and assigns of them and each of them have no right, title, interest in, or lien or encumbrance upon said lands; that in said Decree your Honor will cause a certified copy of the Decree to be filed in the Probate Court 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 in said Probate Court of Baldwin County, Alabama, and Complainants further pray for such other, further, different and general relief as in equity may seem just and meet, and Complainants will ever pray.


Solicitor for Complainants

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, Gus Schultz, a Notary Public in and for said County and State, personally appeared Forest A. Christian, who upon oath deposes and says:

That he is the agent of, and the attorney for the complainants in the above styled cause and is therefore duly authorized to make this oath; that in the belief of the affiant all of the respondents named in the foregoing Bill of Complaint are over the age of twenty-one years and non-residents of the State of Alabama, their last known places of residences being as set out in said Bill of Complaint and are otherwise unknown to your affiant; that the Complainants and your affiant have made diligent inquires to ascertain the same and have been unable to do so; that if any of the above named Respondents are dead, the names of their heirs, devisees, grantees, or assigns are unknown and affiant has made diligent inquiry to ascertain the same and that their residences as he believes are not in this state; that all the other matters and facts stated in the foregoing Bill of Complaint upon information and belief, and verily believes, and so states, that the same are true.

Forest A. Christian
Affiant

Sworn to and subscribed before me, a Notary Public, whose seal is hereto affixed by me, this the 24th day of May, 1949.

My commission expires:

1-24-53

Gus Schultz
Notary Public