

2348

|  |   |                      |
|--|---|----------------------|
| The Protestant Episcopal Church              | ) |                      |
| in the Diocese of Alabama, a                 | ) |                      |
| Corporation,                                 | ) | NO. _____            |
| Complainant,                                 | ) |                      |
|  | ) | IN THE CIRCUIT COURT |
| -vs-   | ) | FOR BALDWIN COUNTY,  |
|  | ) | ALABAMA, IN EQUITY.  |
| John J. McDermaid, Isabella                  | ) |                      |
| McDermaid, and Fred Heathershaw,             | ) |                      |
| if they be living; and the unknown heirs of) | ) |                      |
| John J. McDermaid, Isabella McDermaid        | ) |                      |
| and Fred Heathershaw, if they be dead,       | ) |                      |
| Respondents.                                 | ) |                      |

TO THE HONORABLE TELFAIR J. MASHBURN, JR. JUDGE OF SAID COURT,  
in Equity Sitting.

Your Orator, The Protestant Episcopal Church in the Diocese  
of Alabama, a Corporation, would respectfully show the following  
facts:

1. That your orator is a corporation organized and exist-  
ing under the laws of the State of Alabama; that the Respondents,  
John J. McDermaid, Isabella McDermaid and Fred Heathershaw are over  
the age of twenty-one years, if they be living, and their addresses  
are unknown to your orator; that the names, ages, and residences  
of the unknown heirs of John J. McDermaid, Isabella McDermaid and  
Fred Heathershaw, if they be dead, are unknown to your orator and  
cannot be ascertained after reasonable effort.

2. That your orator is in the peaceable possession and  
has been in such possession continuously for more than the past twenty  
years, of the following described real estate, situated in the Town  
of Fairhope, Baldwin County, Alabama, claiming to own said real estate  
in its own right:

From the Southwest corner of the intersection  
of Fairhope Avenue and Summitt Street in the  
Town of Fairhope, Baldwin County, Alabama, run  
South along the West side of Summitt Street  
225 feet to the line dividing the lands of  
the Fairhope Single Tax Corporation and the  
lands conveyed to Fred Heathershaw by Sarah  
Tatum on March 25, 1899; thence run West along  
said line 170.5 feet for a point of beginning;  
thence run West along said line 83.5 feet;  
thence South 9 feet; thence East 48 feet;  
thence South 180 feet to the North boundary of  
of St. James Street; thence East along said  
North boundary 35.5 feet; thence North 189  
feet to the point of beginning.

3. That your orator is informed and believes, and upon  
such information and belief avers the facts to be, that the afore-  
said John J. McDermaid, Isabella McDermaid and Fred Heathershaw,

if they be living; and the unknown heirs of John J. McDermaid, Isabella McDermaid and Fred Heathershaw, if they be dead, claim, or are reputed to claim, some right, title or interest in or encumbrance upon the aforesaid real estate;

4. That no suit is pending to enforce or test the validity of such title, claim or encumbrance.

5. That your orator now calls upon each of the aforementioned persons to set forth and specify his or her title, claim, interest or encumbrance and how and <sup>by</sup> what instrument the same is derived and created.

Wherefore, premises considered, your orator prays that the aforesaid John J. McDermaid, Isabella McDermaid and Fred Heathershaw, if they be living, be made parties respondent to this bill of complaint; that the heirs of said John J. McDermaid, Isabella McDermaid and Fred Heathershaw, if they be dead be made parties respondent to this bill and proper process may issue from your Honor's Court requiring said respondents to plead, answer or demur to this bill in the time required by law, and the rules of your Honor's Court. That said respondents be required to set forth and specify their title, claim, interest in or encumbrance upon said lands, and how and by what instrument the same is derived and created. That your Honor will by decree determine such title, claim, interest or encumbrance and will by said decree vest the title to the above described lands in your orator, and if in any way your oratrix is mistaken as to the relief to which she is entitled your orator prays for such other, further and different relief as to your Honor may seem meet and proper.

J. Jefferson Bennett  
Solicitor for Complainant.

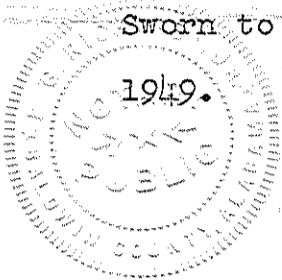
STATE OF ALABAMA )  
BALDWIN COUNTY )

Before me, [Signature] a Notary Public  
in and for said County and State, personally appeared J. Jefferson  
Bennett, who is known to me and who being by me first duly sworn,

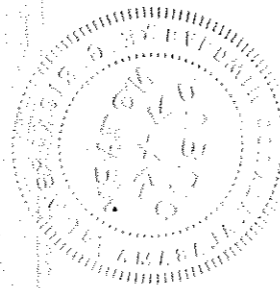
deposes and says that he is the Attorney of record for the Complainant in the above styled cause, that he has read the above bill, knows the contents thereof, and that the statement of facts contained therein are true.

Jefferson Bennett  
Solicitor for Complainant.

Sworn to and subscribed to before me this the 7 day of September,



[Signature]  
NOTARY PUBLIC.



NO. 2348

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

The Protestant Episcopal  
Church in the Diocese of  
Alabama, a corporation,  
Complainant,

-VS-

John J. McDermaid, Isabella  
McDermaid, and Fred Heathershaw,  
if they be living; and the un-  
known heirs of John J. McDermaid  
Isabella McDermaid, and Fred  
Heathershaw, if they be dead,  
Respondents.

BILL OF COMPLAINT

FILED  
SEP 7 1949  
ALICE J. DUCK, Register

-----  
J. Jefferson Bennett  
Attorney at Law  
Fairhope, Ala.

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 2348 Fall, Term, 1949

The Protestant Episcopal Church in The Diocese of Alabama,  
a corporation Complainant

Vs.

John J. McDermaid, Isabella McDermaid, & Fred Heathshaw, if they be  
living, and the unknown heirs of John J. McDermaid Isabella  
McDermaid and Fred Heathshaw, if they be dead. Defendant

Motion is hereby made for a Decree Pro Confesso against John J. McDermaid, Isabella McDermaid  
& Fred Heathshaw, if they be living, and the unknown heirs of John J.  
McDermaid, Isabella McDermaid & Fred Heathshaw, if they be dead, Defendants

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 31<sup>st</sup> day of October 1949

746 Code

J. J. Hester Bennett Solicitor.

No. 2348

Page \_\_\_\_\_

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Complainant \_\_\_\_\_

Vs.

Defendant \_\_\_\_\_

Motion for Decree Pro Confesso  
on Publication

Filed 10-31 1949

*W. J. Welch*  
Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

The Protestant Episcopal Church  
in the Diocese of Alabama, a  
corporation,

Complainant,

-vs-

John J. McDermaid, Isabella  
McDermaid, and Fred Heathershaw,  
if they be living; and the unknown  
heirs of John J. McDermaid, Isabella  
McDermaid and Fred Heathershaw,  
if they be dead,

Respondents.

NO. 2348

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

#### ORDER OF PUBLICATION

In this cause it is made to appear to the Court by the affidavit on file of J. Jefferson Bennett, the Solicitor of Record for the Complainant, that the residences and addresses of the Respondents to the bill, John J. McDermaid, Isabella McDermaid and Fred Heathershaw are unknown and, being further shown therein that the Respondents to this bill, who are the heirs and distributees of the estates of John J. McDermaid, Isabella McDermaid, and Fred Heathershaw, if deceased, are unknown both as to their names, ages, and places of residence and can not be ascertained, after reasonable effort; that the bill of complaint is filed to quiet the title to the following described lands situated in Baldwin County, State of Alabama, to-wit:

From the Southwest corner of the intersection of Fairhope Avenue and Summitt Street in the Town of Fairhope, Baldwin County, Alabama, run South along the West side of Summitt Street 225 feet to the line dividing the lands of the Fairhope Single Tax Corporation and the lands conveyed to Fred Heathershaw by Sarah Tatum on March 25, 1899; thence run West along said line 170.5 feet for a point of beginning; thence run West along said line 83.5 feet; thence South 9 feet; thence East 48 feet; thence South 180 feet to the North boundary of St. James Street; thence East along said North boundary 35.5 feet; thence North 189 feet to the point of beginning.

It is therefore ordered by the Court that publication be made in the Fairhope Courier, a newspaper published in Fairhope, Baldwin County, Alabama once a week for four successive weeks requiring each of them, John J. McDermaid, Isabella McDermaid, and Fred Heathershaw, if living and if they be dead, the heirs of said John J. McDermaid, Isabella McDermaid, and Fred Heathershaw to plead, answer or demur to the bill in the above cause by the 7th day of October,

1949 or in thirty days thereafter a decree pro confesso may be taken against each of them in said cause.

Done this the 7th day of September, 1949.

Alfred J. Ulrich  
Register.

NO. 2348

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

The Protestant Episcopal Church  
in the Diocese of Alabama, a  
corporation,  
Complainant,

-VS-

John J. McDermaid, Isabella  
McDermaid, and Fred Heathershaw,  
if they be living; and the un-  
known heirs of John J. McDermaid,  
Isabella McDermaid and Fred  
Heathershaw, if they be dead,  
Respondents.

ORDER OF PUBLICATION

FILED

SEP 7 1949

ALICE J. DUCK, Register

J. Jefferson Bennett  
Attorney at Law  
Fairhope, Ala.

The Protestant Episcopal Church  
in the Diocese of Alabama, a  
Corporation,

Complainant,

-vs-

John J. McDermaid, Isabella  
McDermaid, and Fred Heathershaw,  
if they be living; and the unknown  
heirs of John J. McDermaid, Isabella  
McDermaid and Fred Heathershaw, if  
they be dead,

Respondents.

NO. 2348

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

#### FINAL DECREE

This cause coming on to be heard is submitted for final decree upon the pleadings and proof as noted by the Register; and upon consideration thereof the Court is of opinion that the Complainant is entitled to the relief prayed for in her Bill of Complaint. It is, therefore, ordered, adjudged and decreed by the Court:

(1) That the Complainant, The Protestant Episcopal Church in the Diocese of Alabama, a Corporation, is the owner of the real estate described in the original Bill in this cause and which real estate is situated in the County of Baldwin, State of Alabama; and more particularly described as follows:

From the Southwest corner of the intersection of Fairhope Avenue and Summitt Street in the Town of Fairhope, Baldwin County, Alabama, run South along the West side of Summitt Street 225 feet to the line dividing the lands of the Fairhope Single Tax Corporation and the lands conveyed to Fred Heathershaw by Sarah Tatum on March 25, 1899; thence run West along said line 170.5 feet for a point of beginning; thence run West along said line 83.5 feet; thence South 9 feet; thence East 48 feet; thence South 180 feet to the North boundary of St. James Street; thence East along said North boundary 35.5 feet; thence North 189 feet to the point of beginning.

(2) That John J. McDermaid, Isabella McDermaid and Fred Heathershaw, if they be living, the Defendants in this cause, have no right, title, interest in, or encumbrance upon such lands above described, or any part thereof,

(3) That the heirs of John J. McDermaid, Isabella McDermaid and Fred Heathershaw, if they be deceased, the Defendants in this cause, have no right, title or interest in, or encumbrance upon such

lands above described, or any part thereof,

(4) That the Register, within thirty days from this date, file a certified transcript of this decree for record in the Probate Court of Baldwin County, Alabama, the County in which said land lies; and that the Probate Judge record and index said decrees as required by Code 1940, Tit. 7, Sect. 1113.

(5) That the Complainant pay the costs of this suit to be taxed by the Register, for which let execution issue.

Done this 3rd day of November, 1949.

J. J. Madison, Jr.  
Circuit Judge.

# 2348

In Equity

The Protestant Episcopal  
Church in The Diocese  
of Alabama, a Corp.  
Complainant.

vs

John J. McDermaid, et al,  
Respondents.

Final Decree

Filed 11-3-49  
Alice J. Duck  
Clerk

Jefferson Bennett,  
Solicitor for Complainant.

FILED

NOV 3 1949

ALICE J. DUCK, Register

The Protestant Episcopal Church  
in the Diocese of Alabama, a  
Corporation,

Complainant,

-vs-

John J. McDermaid, Isabella  
McDermaid, and Fred Heathershaw,  
if they be living; and the unknown  
heirs of John J. McDermaid, Isabella McDermaid  
and Fred Heathershaw, if they be dead,  
Respondents.

NO. 2348

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

DECREE PRO CONFESSO

In this cause it being made to appear to the Court that the order of publication heretofore made in this cause was published for four consecutive weeks, commencing on the 8th day of September, 1949, in the Fairhope Courier, a newspaper published in the County of Baldwin, State of Alabama, and that a copy of said order was posted at the Court House door in the ~~County~~ County of Baldwin, on the 8th day of September, 1949, and it further appearing to the Court that the said John J. McDermaid, Isabella McDermaid, and Fred Heathershaw, if they be living; and the unknown heirs of the aforesaid John J. McDermaid, Isabella McDermaid, and Fred Heathershaw, if they be dead, have to this date, failed to plead, answer, or demur to the Bill of Complaint in this cause, it is therefore on motion of Complainant ordered and decreed by the Court that the said Bill of Complaint be and the same is hereby in all things taken as confessed against said John J. McDermaid, Isabella McDermaid and Fred Heathershaw, if they be living; and the unknown heirs of the aforesaid John J. McDermaid, Isabella McDermaid and Fred Heathershaw, if they be dead.

Done this the 31<sup>st</sup> day of Oct, 1949.

Archie J. Leach  
Registrar Judge

# 2348

The Circuit Court For  
Baldwin County, Ala.,  
In Equity.

---

Decree Pro  
Confessa.

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FILED

OCT 31 1949

ALICE J. DUCK, Register

The Protestant Episcopal Church  
in the Diocese of Alabama, a  
Corporation,

Complainant,

-vs-

John J. McDermaid, Isabella  
McDermaid, and Fred Heathershaw,  
if they be living; and the unknown  
heirs of John J. McDermaid, Isabella  
McDermaid and Fred Heathershaw, if  
they be dead,

Respondents.

NO. 2348

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

#### NOTE OF SUBMISSION

Cause submitted for final decree upon pleadings and proof  
Complainant, being called, offers the following testimony,  
to-wit:

1st. Original Bill of Complaint and affidavit of Complainant  
thereto.

2nd. Order of Publication against Defendants, John J.  
McDermaid, Isabella McDermaid and Fred Heathershaw, if they be living;  
and the unknown heirs of the aforesaid John J. McDermaid, Isabella  
McDermaid and Fred Heathershaw, if they be dead.

3rd. Decree Pro Confesso on publication against Defendants,  
John J. McDermaid, Isabella McDermaid and Fred Heathershaw, if they  
be living; and the unknown heirs of the aforesaid John J. McDermaid,  
Isabella McDermaid and Fred Heathershaw, if they be dead.

Defendant, being also called, offers nothing.

I hereby certify that the above Note of Submission is correct,  
this 1<sup>st</sup> day of November A.D., 1949.

Arice J. Resnick  
Register.

Jefferson Bennett  
Solicitor for Complainant.

The Protestant Episcopal Church  
in the Diocese of Alabama, a  
Corporation,  
Complainant,

-vs-

John J. McDermaid, Isabella  
McDermaid, and Fred Heathershaw,  
if they be living; and the unknown heirs of  
John J. McDermaid, Isabella McDermaid  
and Fred Heathershaw, if they be dead,  
Respondents.

NO. 2348  
IN THE CIRCUIT COURT  
FOR BALDWIN COUNTY,  
ALABAMA, IN EQUITY.

TO THE HONORABLE TELFAIR J. MASHEURN, JR. JUDGE OF SAID COURT,  
in Equity Sitting.

Your Orator, The Protestant Episcopal Church in the Diocese  
of Alabama, a Corporation, would respectfully show the following  
facts:

1. That your orator is a corporation organized and exist-  
ing under the laws of the State of Alabama; that the Respondents,  
John J. McDermaid, Isabella McDermaid and Fred Heathershaw are over  
the age of twenty-one years, if they be living, and their addresses  
are unknown to your orator; that the names, ages, and residences  
of the unknown heirs of John J. McDermaid, Isabella McDermaid and  
Fred Heathershaw, if they be dead, are unknown to your orator and  
cannot be ascertained after reasonable effort.

2. That your orator is in the peaceable possession and  
has been in such possession continuously for more than the past twenty  
years, of the following described real estate, situated in the Town  
of Fairhope, Baldwin County, Alabama, claiming to own said real estate  
in its own right:

From the Southwest corner of the intersection  
of Fairhope Avenue and Summitt Street in the  
Town of Fairhope, Baldwin County, Alabama, run  
South along the West side of Summitt Street  
225 feet to the line dividing the lands of  
the Fairhope Single Tax Corporation and the  
lands conveyed to Fred Heathershaw by Sarah  
Tatum on March 25, 1899; thence run West along  
said line 170.5 feet for a point of beginning;  
thence run West along said line 83.5 feet;  
thence South 9 feet; thence East 48 feet;  
thence South 180 feet to the North boundary of  
of St. James Street; thence East along said  
North boundary 35.5 feet; thence North 189  
feet to the point of beginning.

3. That your orator is informed and believes, and upon  
such information and belief avers the facts to be, that the afore-  
said John J. McDermaid, Isabella McDermaid and Fred Heathershaw,

deposes and says that he is the Attorney of record for the Complainant in the above styled cause, that he has read the above bill, knows the contents thereof, and that the statement of facts contained therein are true.

Jefferson Bennett  
Solicitor for Complainant.

Sworn to and subscribed to before me this the 7 day of September,



[Signature]  
NOTARY PUBLIC.

# THE FAIRHOPE COURIER

E. B. GASTON ESTATE, PUBLISHER

A PROGRESSIVE PAPER FOR PROGRESSIVE PEOPLE

ESTABLISHED 1894

FAIRHOPE, ALABAMA

This is to certify that the  
attached legal notice appeared  
in the Fairhope Courier, a newspaper  
published in Fairhope, Baldwin  
County on the dates of  
Sept. 8, 15, 22, and 29, 1949.

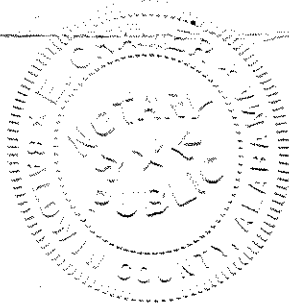
*James H. Crawford*  
Editor

State of Alabama

Baldwin County

Subscribed and sworn to this 1st day of  
October, 1949, before me.

*E. C. Craver*  
Notary Public, Baldwin County, Ala.



## Legal Notice

THE PROTESTANT EPISCOPAL  
CHURCH IN THE DIOCESE OF  
ALABAMA, A CORPORATION,

COMPLAINANT,

vs.

JOHN J. MCDERMAID, ISABELLA  
MCDERMAID, AND FRED HEA-  
THERSHAW, IF THEY BE LIV-  
ING; AND THE UNKNOWN  
HEIRS OF JOHN J. MCDERMAID,  
ISABELLA MCDERMAID AND  
FRED HEATHERSHAW, IF THEY  
BE DEAD,

RESPONDENTS.

In The Circuit Court for Baldwin  
County, Alabama, In Equity.

No. 2348

### ORDER OF PUBLICATION

In this cause it is made to ap-  
pear to the Court by the affidavit  
on file of J. Jefferson Bennett, the  
Solicitor of Record for the Compla-  
inant, that the residence and ad-  
dresses of the Respondents to the  
bill, John J. McDermaid, Isabella  
McDermaid and Fred Heathershaw  
are unknown and, being further  
shown therein that the Respond-  
ents to this bill, who are the heirs  
and distributees of the estates of  
John J. McDermaid, Isabella Mc-  
Dermaid, and Fred Heathershaw,  
if deceased, are unknown both as  
to their names, ages, and places  
of residence and can not be ascer-  
tained, after reasonable effort;  
that the bill of complaint is filed  
to quiet the title to the following  
described lands situated in Bald-  
win County, State of Alabama, to-  
wit:

From the Southwest corner of  
the intersection of Fairhope Ave.  
and Summit Street in the Town  
of Fairhope, Baldwin County, Ala-  
bama, run South along the West  
side of Summit Street 225 feet to  
the line dividing the lands of the  
Fairhope Single Tax Corporation  
and the lands conveyed to Fred  
Heathershaw by Sarah Tatum on  
March 25, 1899; thence run West  
along said line 170.5 feet for a  
point of beginning; thence run W.  
along said line 83.5 feet; thence  
South 9 feet; thence East 48 feet  
thence South 180 feet to the North  
Boundary of St. James Street;  
thence East along said North bound-  
ary 35.5 feet; thence North 189  
feet to the point of beginning.

It is therefore ordered by the

Court that publication be made in  
the Fairhope Courier, a newspaper  
published in Fairhope, Baldwin  
County, Alabama once a week for  
four successive weeks requiring  
each of them, John J. McDermaid,  
Isabella McDermaid, and Fred  
Heathershaw, if living and if they  
be dead, the heirs of said John J.  
McDermaid, Isabella McDermaid,  
and Fred Heathershaw to plead,

answer or demur to the bill in the  
above cause by the 7th day of  
October 1949 or in thirty days  
thereafter a decree pro confesso  
may be taken against each of them  
in said cause.

Done this the 7th day of Sept.,  
1949