

SUMMONS AND COMPLAINT

Moore Printing Co.

CIRCUIT COURT, BALDWIN COUNTY

THE STATE OF ALABAMA,

BALDWIN COUNTY

No. 2550

TERM, 1919

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ~~Mrs. Laura W. Powe, W. Earl Derr, and Wm. Peter Derr~~

~~Peter Derr~~

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against ~~Mrs. Laura W.~~

~~Powe, R. Earl Derr, and Wm. Peter Derr~~, Defendant.

by ~~Thomas J. Postaler and Harold Postaler~~

Plaintiffs.

Witness my hand this ~~25th~~ day of ~~September~~ 19 ~~19~~

~~Miss J. Houch~~, Clerk

No. _____ Page _____

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS and COMPLAINT

Filed _____, 19 _____

_____, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

_____, 19 _____

_____, Sheriff

I have executed this summons

this _____, 19 _____

by leaving a copy with

_____, Sheriff

_____, Deputy Sheriff

NOTICE OF PENDENCY OF BILL OF COMPLAINT

THOMAS J. DOSTALER and HAZEL
DOSTALER,

Complainants,

VS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

THE LANDS HEREINAFTER DESCRIBED
and MRS. LAURA M. POWE, ALABAMA
TOBACCO COMPANY, A CORPORATION,
H. EARL DERR and NINA ETTER DERR,
and THE SOUTHERN PLANTATION DE-
VELOPMENT COMPANY, A CORPORATION,
ET ALS,

Respondents.

Notice is hereby given to Mrs. Laura M. Powe, Alabama Tobacco Company, a Corporation, and the officers, directors and stockholders of the Alabama Tobacco Company, a Corporation, H. Earl Derr and Nina Etter Derr, and the Southern Plantation Development Company, a Corporation, and the officers, directors and stockholders of the Southern Plantation Development Company, a Corporation, and the heirs, assigns, devisees and personal representatives of such of the said parties as may be dead, and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands hereinafter described, that on the 22nd day of September, 1949, the said Complainants, Thomas J. Dostaler and Hazel Dostaler, filed in the Circuit Court of Baldwin County, Alabama, Equity Side, a verified Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

The North Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter and the West Half of the Northeast Quarter of the Southwest Quarter in Section 5, Township 6 South, Range 5 East, subject to that certain mortgage from Thomas J. Dostaler and Hazel Dostaler to Baldwin County Savings and Loan Association, dated July 15, 1949 and recorded in Mortgage Book 156 at page 414, Baldwin County, Alabama Records,

and against Mrs. Laura M. Powe, Alabama Tobacco Company, a Corporation, and the officers, directors and stockholders of the Alabama Tobacco Company, a Corporation, H. Earl Derr and Nina Etter Derr, and the Southern Plantation Development Company, a Corporation, and the officers, directors and stockholders of the Southern Plantation Development Company, a Corporation, the heirs, assigns, devisees and personal representatives of such of the said parties as may be dead,

and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, the said Bill of Complaint having been filed for the purpose of establishing the title of the said Complainants to all of the said lands, for the purpose of quieting their title thereto and to clear up all doubts and disputes concerning the title to the said property.

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

1. Deed from Mrs. Laura M. Pove to Thomas J. Dostaler and Hazel Dostaler, dated March 16, 1944, filed March 27, 1944 and recorded in Deed Book 82, page 370.
2. Deed from Carl A. Gearhart and Mary S. Gearhart, his wife, and Earl W. Stroock, a single man, to H. Earl Derr and Mina Etter Derr, his wife, dated May 15, 1920, filed September 11, 1920 and recorded in Deed Book 30, page 99.
3. Deed from H. Earl Derr and Mina Etter Derr, husband and wife, to Thomas J. Dostaler, dated May 5, 1943, filed August 3, 1943 and recorded in Deed Book 80, page 176.
4. Affidavit by Thomas J. Dostaler, dated July 15, 1949, filed July 20, 1949 and recorded in Deed Book 143, page 322.
5. Affidavit by Alfred Duchesneau, dated July 15, 1949, filed July 20, 1949 and recorded in Deed Book 143, page 319.
6. Deed from Thomas J. Dostaler and Hazel Dostaler to Alfred Duchesneau, dated August 11, 1949, filed August 18, 1949 and recorded in Deed Book 144, page 143.
7. Deed from Alfred Duchesneau and Eva Duchesneau, to Thomas J. Dostaler and Hazel Dostaler, dated August 18, 1949, filed August 19, 1949 and recorded in Deed Book 144, page 223.

The Complainants, in and by their said Bill of Complaint, allege and aver that they own the said lands in their own right, absolutely and in fee simple; that they are in the actual, peaceable possession of all of the said lands; that title to the said lands stands upon the records of Baldwin County, Alabama, the County where the said lands are situated, in the name of the Complainants; that no suit is pending to test Complainants' title to, interest or right to the possession of the said lands, or any part thereof; that no

persons, firms or corporations, other than the Complainants and those through whom they claim title, are known to have any possession of the said lands, or any part thereof, within ten years next prior to the filing of the said Bill of Complaint and that no persons, firms or corporations, other than the Complainants and those through they claim title to the said lands, are known to the Complainants to have paid any taxes on the said lands, or any part thereof, or any interest therein, within ten years next prior to the filing of the said Bill of Complaint; and for ten years next preceding the filing of this Bill of Complaint the Complainants and those through whom they claim have legally assessed and paid taxes on the said property.

The said parties named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, must appear in this Court and plead, answer or demur to the said Bill of Complaint before November 22, 1949, or on the said date Decrees Pro Confesso will be taken against them, testimony will be thereafter taken and the said cause submitted for a final decree quieting Complainants' title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the Seal of the said Court on this the 22nd day of September, 1949.

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

J. B. BLACKBURN,
Solicitor for Complainants.

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2759----

-----TERM, 1949

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ~~Mrs. Laura M. Powe, H. Earl Derr, and Nina~~

~~Etter Derr~~

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against ~~Mrs. Laura M.~~

~~Powe, H. Earl Derr, and Nina Etter Derr~~, Defendant.

by ~~Thomas J. Postaler and Hazel Postaler~~

, Plaintiffs.

Witness my hand this 24th day of September 1949.

Alice J. Neuch, Clerk

Deputy Sheriff

NOTICE OF PENDENCY OF BILL OF COMPLAINT

THOMAS J. DOSTALER and HAZEL
DOSTALER,

Complainants,

VS.

THE LANDS HEREINAFTER DESCRIBED
and MRS. LAURA M. POWE, ALABAMA
TOBACCO COMPANY, A CORPORATION,
H. EARL DERR and NINA ETTER DERR,
and THE SOUTHERN PLANTATION DE-
VELOPMENT COMPANY, A CORPORATION,
ET ALS,

Respondents.

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

Notice is hereby given to Mrs. Laura M. Powe, Alabama Tobacco Company, a Corporation, and the officers, directors and stockholders of the Alabama Tobacco Company, a Corporation, H. Earl Derr and Nina Etter Derr, and the Southern Plantation Development Company, a Corporation, and the officers, directors and stockholders of the Southern Plantation Development Company, a Corporation, and the heirs, assigns, devisees and personal representatives of such of the said parties as may be dead, and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands hereinafter described, that on the 22nd day of September, 1949, the said Complainants, Thomas J. Dostaler and Hazel Dostaler, filed in the Circuit Court of Baldwin County, Alabama, Equity Side, a verified Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

The North Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter and the West Half of the Northeast Quarter of the Southwest Quarter in Section 5, Township 6 South, Range 5 East, subject to that certain mortgage from Thomas J. Dostaler and Hazel Dostaler to Baldwin County Savings and Loan Association, dated July 15, 1949 and recorded in Mortgage Book 156 at page 414, Baldwin County, Alabama Records,

and against Mrs. Laura M. Powe, Alabama Tobacco Company, a Corporation, and the officers, directors and stockholders of the Alabama Tobacco Company, a Corporation, H. Earl Derr and Nina Etter Derr, and the Southern Plantation Development Company, a Corporation, and the officers, directors and stockholders of the Southern Plantation Development Company, a Corporation, the heirs, assigns, devisees and personal representatives of such of the said parties as may be dead,

and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, the said Bill of Complaint having been filed for the purpose of establishing the title of the said Complainants to all of the said lands, for the purpose of quieting their title there-to and to clear up all doubts and disputes concerning the title to the said property.

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

1. Deed from Mrs. Laura M. Powe to Thomas J. Dostaler and Hazel Dostaler, dated March 16, 1944, filed March 27, 1944 and recorded in Deed Book 82, page 370.
2. Deed from Carl A. Gearhart and Mary S. Gearhart, his wife, and Earl W. Strock, a single man, to H. Earl Derr and Nina Etter Derr, his wife, dated May 15, 1920, filed September 11, 1920 and recorded in Deed Book 30, page 99.
3. Deed from H. Earl Derr and Nina Etter Derr, husband and wife, to Thomas J. Dostaler, dated May 5, 1943, filed August 3, 1943 and recorded in Deed Book 80, page 178.
4. Affidavit by Thomas J. Dostaler, dated July 15, 1949, filed July 20, 1949 and recorded in Deed Book 143, page 322.
5. Affidavit by Alfred Duchesneau, dated July 15, 1949, filed July 20, 1949 and recorded in Deed Book 143, page 319.
6. Deed from Thomas J. Dostaler and Hazel Dostaler to Alfred Duchesneau, dated August 11, 1949, filed August 18, 1949 and recorded in Deed Book 144, page 143.
7. Deed from Alfred Duchesneau and Eva Duchesneau, to Thomas J. Dostaler and Hazel Dostaler, dated August 18, 1949, filed August 19, 1949 and recorded in Deed Book 144, page 223.

The Complainants, in and by their said Bill of Complaint, allege and aver that they own the said lands in their own right, absolutely and in fee simple; that they are in the actual, peaceable possession of all of the said lands; that title to the said lands stands upon the records of Baldwin County, Alabama, the County where the said lands are situated, in the name of the Complainants; that no suit is pending to test Complainants' title to, interest or right to the possession of the said lands, or any part thereof; that no

persons, firms or corporations, other than the Complainants and those through whom they claim title, are known to have any possession of the said lands, or any part thereof, within ten years next prior to the filing of the said Bill of Complaint and that no persons, firms or corporations, other than the Complainants and those through whom they claim title to the said lands, are known to the Complainants to have paid any taxes on the said lands, or any part thereof, or any interest therein, within ten years next prior to the filing of the said Bill of Complaint; and for ten years next preceding the filing of this Bill of Complaint the Complainants and those through whom they claim have legally assessed and paid taxes on the said property.

The said parties named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, must appear in this Court and plead, answer or demur to the said Bill of Complaint before November 22, 1949, or on the said date Decrees Pro Confesso will be taken against them, testimony will be thereafter taken and the said cause submitted for a final decree quieting Complainants' title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the Seal of the said Court on this the 22nd day of September, 1949.

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

J. E. BLACKBURN,
Solicitor for Complainants.

the BALDWIN TIMES

ALABAMA'S BEST COUNTY'S- BEST NEWSPAPER
BAY MINETTE, ALABAMA

Legal Notice

NOTICE OF PENDENCY OF BILL OF BILL OF COMPLAINT THOMAS J. DOSTALER and HAZEL DOST- TALER, Complainants, VS.

THE LANDS HEREINAFTER DESCRIBED
AND MRS. LAURA M. POWE, ALABAMA
TOBACCO COMPANY, A CORPORATION,
H. EARL DERR and NINA ETTER DERR,
and THE SOUTHERN PLANTATION DE-
VELOPMENT COMPANY, A CORPORA-
TION, ET ALS, Respondents.

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

Notice is hereby given to Mrs. Laura
M. Powe, Alabama Tobacco Company, a
Corporation, and the officers, directors
and stockholders of the Alabama Tobac-
co Company, a Corporation, H. Earl Derr
and Nina Etter Derr, and the Southern
Plantation Development Company, a Cor-
poration, and the officers, directors and
stockholders of the Southern Plantation
Development Company, a Corporation, and
the heirs, assigns, devisees and per-
sonal representatives of such of the said
parties as may be dead, and any and
all persons, firms or corporations claim-
ing any title to, interest in, lien or encum-
brance on the lands hereinafter described,
that on the 22nd day of September, 1949,
er and Hazel Dostaler, filed in the Circuit
Court of Baldwin County, Alabama, Equity
Side, a verified Bill of Complaint
against the following described lands sit-
uated in Baldwin County, Alabama, to-
wit:

The North Half of the Southeast
Quarter of the Southeast Quarter of the
Northwest Quarter and the West Half
of the Northeast Quarter of the South-
west Quarter in Section 5, Township 6
South, Range 5 East, subject to that
certain mortgage from Thomas J. Dos-
taller and Hazel Dostaler to Baldwin
County Savings and Loan Association,
dated July 15, 1949 and recorded in
Mortgage Book 156 at page 414, Bal-
win County, Alabama Records,
and against Mrs. Laura M. Powe, Alabama
Tobacco Company, a Corporation, and the
officers, directors and stockholders of the
Alabama Tobacco Company, a Corpora-
tion, H. Earl Derr and Nina Etter Derr
and the Southern Plantation Development Com-
pany, a Corporation, and the officers, di-
rectors and stockholders of the Southern
Plantation Development Company, a Cor-
poration, the heirs, assigns, devisees and
personal representatives of such of the
said parties as may be dead, and against
any and all persons, firms or corpora-
tions claiming any title to, interest in, lien
or encumbrance on the said lands, or any
part thereof, the said Bill of Complaint
having been filed for the purpose of es-
tablishing the title of the said Complain-
ants to all of the said lands, for the pur-
pose of quieting their title thereto and to
clear up all doubts and disputes con-
cerning the title to the said property.

The Complainants claim the absolute,
fee simple title in and to all of the said
lands under, by and through the follow-
ing conveyances, all of which are recorded

in the office of the Judge of Probate of
Baldwin County, Alabama, the County
where the said lands are situated, to-
wit:

1. Deed from Mrs. Laura M. Powe to
Thomas J. Dostaler and Hazel Dostal-
er, dated March 16, 1944, filed March
27, 1944 and recorded in Deed Book
82, page 370.
2. Deed from Carl A. Gearhart and Ma-
ry S. Gearhart his wife, and Earl W.
Strock, a single man, to H. Earl Derr
and Nina Etter Derr, his wife, dated
May 15, 1920, filed September 11,
1920 and recorded in Deed Book 30,
page 99.
3. Deed from H. Earl Derr and Nina Et-
ter Derr, husband and wife, to Tho-
mas J. Dostaler, dated May 5, 1943, filed
August 3, 1943 and recorded in Deed
Book 80, page 178.
4. Affidavit by Thomas J. Dostaler, dated
July 15, 1949, filed July 20, 1949
and recorded in Deed Book 143, page
322.
5. Affidavit by Alfred Duchesneau, dated
July 15, 1949, filed July 20, 1949 and
recorded in Deed Book 143, page 319.
6. Deed from Thomas J. Dostaler and
Hazel Dostaler to Alfred Duchesneau,
dated August 11, 1949, filed August
18, 1949 and recorded in Deed Book
144, page 143.
7. Deed from Alfred Duchesneau and
Eva Duchesneau, to Thomas J. Dos-
taller and Hazel Dostaler, dated Au-
gust 18, 1949, filed August 19, 1949
and recorded in Deed Book 144, page
223.

The Complainants, in and by their said
Bill of Complaint, allege and aver that
they own the said lands in their own
right, absolutely and in fee simple; that
they are in the actual, peaceable pos-
session of all of the said lands; that title
to the said lands stands upon the records
of Baldwin County, Alabama, the County
where the said lands are situated, in the
name of the Complainants; that no suit
is pending to test Complainants' title to,
interest or right to the possession of the
said lands, or any part thereof; that no
persons, firms or corporations, other than
the Complainants and those through whom
they claim title, are known to have any
possession of the said lands, or any part
thereof, within ten years next prior to
the filing of the said Bill of Complaint
and that no persons, firms or corpora-
tions, other than the Complainants and
those through whom they claim title to
the said lands, are known to the Com-
plainants to have paid any taxes on the
said lands, or any part thereof, or any
interest therein, within ten years next prior
to the filing of the said Bill of Complaint;
and for ten years next preceding the fil-
ing of this Bill of Complaint the Com-
plainants and those through whom they
claim have legally assessed and paid
taxes on the said property.

The said parties named above and all
persons, firms or corporations claiming any
title to, interest in, lien or encumbrance
on the said lands, or any part thereof,
must appear in this Court and plead, an-
swer or demur to the said Bill of Complaint
before November 22, 1949, or on the said
date Decrees Pro Confesso will be taken

against them, testimony will be thereaf-
ter taken and the said cause submitted
for a final decree quieting Complainants'
title to the said lands.

IN WITNESS WHEREOF, I have hereun-
to set my hand, as Register of the Cir-
cuit Court of Baldwin County, Alabama,
in Equity, and affixed the Seal of the
said Court on this the 22nd day of Sep-

tember, 1949.

ALICE J. DUCK,
Register of the Circuit Court of
Baldwin County, Alabama,
in Equity.
J. B. BLACKBURN,
Solicitor for Complainants.

35-4tc.

IA.

Faulkner being duly sworn, deposes and says
SHER of THE BALDWIN TIMES, a Weekly Newspaper pub-
lished in Baldwin County, Alabama; that the notice hereto attached of

Thomas J. Dostaler vs.
Tobacco Co.

COST STATEMENT

ORDS @ 4 1/2 cents — — — \$ 42.98

this is correct, due and unpaid (paid).

Jimmy Faulkner
Publisher.

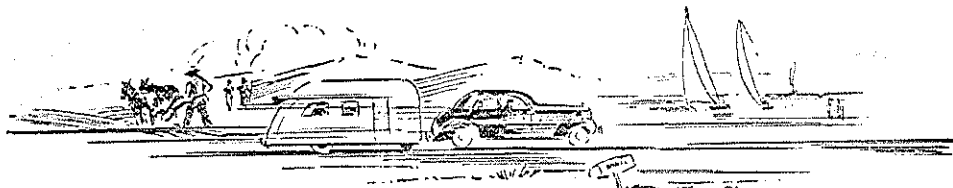
newspaper for 4 consecutive weeks in the following issues:

on Sept. 22, 1949 Vol. 60 No. 35
on Sept. 29, 1949 Vol. 60 No. 36
on Oct. 6, 1949 Vol. 60 No. 37
on Oct. 13, 1949 Vol. 60 No. 38

rn before the undersigned this 14 day of Oct, 1949

By Martin
in County.

Jimmy Faulkner
Publisher.



THOMAS J. DOSTALER AND
HAZEL DOSTALER,

Complainants,

VS.

CERTAIN LANDS AND MRS. LAURA
M. POWE, et als,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 2359.

Original transcript of evidence (Dated December 5, 1949)...\$1.10.
(Filed in Circuit Court in Equity)

Copy furnished Messrs. J. B. Blackburn & James F.

McMurphy......55

Total.....\$1.65

Ora L. Nelson Reporter

THOMAS J. DOSTALER AND
HAZEL DOSTALER,

Complainants,

VS.

THE LANDS HEREINAFTER DESCRIBED
AND MRS. LAURA M. POWE, ALABAMA
TOBACCO COMPANY, A CORPORATION,
AND EARL DERR AND NINA ETTER DERR
AND SOUTHERN PLANTATION DEVELOP-
MENT COMPANY, A CORPORATION, et
als,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 2359.

TESTIMONY TAKEN IN OPEN COURT
ON DECEMBER 5, 1949

MR. ALFRED DUCHESNEAU, after first having been duly
and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Hon. James F. McMurphy

Q. What is your name?

A. Alfred Duchesneau.

Q. Do you know Thomas J. Dostaler and Hazel Dostaler?

A. Yes.

Q. Are they over the age of twenty-one years and do they reside
at 10323 NW 35th Avenue, Miami, Florida?

A. Yes.

Q. Are they husband and wife?

A. That's right.

Q. Do you know Mrs. Laura M. Powe, and Earl Derr and Nina Etter
Derr and are they each living and over twenty-one years of age?

A. They are.

Q. Are you familiar with the following described real property
situated in Baldwin County, Alabama: North Half of Southeast
Quarter of Southeast Quarter of Northwest Quarter and West
Half of Northeast Quarter of Southwest Quarter in Section Five
Township Six South Range Five East, subject to that certain

mortgage from Thomas J. Dostaler and Hazel Dostaler to Baldwin County Savings and Loan Association, dated July 15, 1949 and recorded in Mortgage Book 156 at page 414 Baldwin County, Alabama Records?

A. Yes, I know that.

Q. Are Mr. and Mrs. Dostaler now, and were they at the time this bill of complaint was filed, in the actual peaceable possession of all of that property?

A. Yes sir.

Q. Did they at that time and do they now own and claim to own that property in their own right, absolutely and in fee simple?

A. Yes sir.

Q. Was the title to all of this land at the time this bill of complaint was filed and now, in Thomas J. Dostaler and Hazel Dostaler, according to the records of Baldwin County, Alabama?

A. That's right.

Q. Was any suit pending at the time this bill of complaint was filed, or is any suit now pending except this suit to test Mr. and Mrs. Dostaler's title to, or right to possession of this land?

A. No sir.

Q. Have any other persons, firms or corporations other than Mr. and Mrs. Dostaler and those through whom they claim title, had any possession of any of this property within ten years next preceding the filing of this bill of complaint?

A. No.

Q. Have Mr. and Mrs. Dostaler made and have caused to be made a diligent search in the community where the property is located and in Baldwin County, Alabama, to ascertain the names, ages and places of residence of all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on this property?

A. I don't quite understand.

Q. Have Mr. and Mrs. Dostaler investigated in order to find all information concerning this property?

A. That's right.

Q. Did they employ an abstractor to make an abstract of the property?

A. They did.

Q. Did they employ an attorney to find out everything he could about the property?

A. Yes sir.

Q. Was everything that they have been able to find out included in this bill of complaint?

A. Yes.

40
30

MR. EDMUND S. TUNSTALL, HAVING BEEN FIRST
DULY AND LEGALLY SWORN, TESTIFIED AS FOLLOWS:

ON DIRECT EXAMINATION

BY Hon. James F. McMurphy

Q. What is your name?

A. Edmund S. Tunstall.

Q. Are you Tax Assessor of Baldwin County, Alabama?

A. Yes sir.

Q. Have you made a search of the records of your office to determine who paid the taxes on the North Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter and the West Half of the Northeast Quarter of the Southwest Quarter of Section 5, Township 6 South, Range 5 East, for ten years next preceding September 7, 1949?

A. Well, yes. It's being assessed. I didn't check the payments but it doesn't show any sale.

Q. Was this property at any time during that period of time assessed by any other persons except Laura M. Powe, H. Earl Derr, Nina Etter Derr, Thomas J. Dostaler and Hazel Dostaler?

A. No. Nobody else assessed it.

Q. Those those persons regularly assessed this land during that period of time?

A. Yes sir.

Q. If either of the assessments of taxes were not paid during this period of time would you have been notified of this?

A. Through the Sales Docket, yes.

Q. Were you notified of any non-payment of taxes?

A. No sir.

MR. McMURPHY: We want to introduce in evidence

Deed from Laura M. Powe to Thomas J. Dostaler and Hazel Dostaler, dated March 16, 1944, filed March 27, 1944 and recorded in Deed Book 82 at page 370, and ask that it be marked Complainants' Exhibit "1".

Certified copy of Deed from Carl A. Gearhart and Mary S. Gearhart, his wife, and Earl W. Strock, a single man, to H. Earl Derr and Nina Etter Derr, his wife, dated May 15, 1920, filed September 11, 1920 and recorded in Deed Book 30 at page 99, and ask that it be marked Complainants' Exhibit "2".

Deed from H. Earl Derr and Nina Etter Derr, husband and wife, to Thomas J. Dostaler, dated May 5, 1943, filed August 3, 1943 and recorded in Deed Book 80 at page 178 and ask that it be marked Complainants' Exhibit "3".

Affidavit by Thomas J. Dostaler dated July 15, 1949, filed July 20, 1949 and recorded in Deed Book 143 at page 322 and ask that it be marked Complainants' Exhibit "4".

Affidavit by Alfred Duchesneau dated July 15, 1949, filed July 20, 1949 and recorded in Deed Book 143 at page 319, and ask that it be marked Complainants' Exhibit "5".

Deed from Thomas J. Dostaler and Hazel Dostaler to Alfred Duchesneau dated August 11, 1949, filed August 18, 1949 and recorded in Deed Book 144 at page 143 and ask that it be marked Complainants' Exhibit "6".

Deed from Alfred Duchesneau and Eva Duchesneau, his wife, to Thomas J. Dostaler and Hazel Dostaler dated August 18, 1949, filed August 19, 1949 and recorded in Deed Book 144 at page 223 and ask that it be marked Complainants' Exhibit "7".

Dated this 5th day of December, 1949.

Ora S. Nelson
Reporter

THE STATE OF ALABAMA, Baldwin County

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of
One dollar and other valuable consideration

to me in hand paid by Thomas J Dostaler and Hazel Dostaler

the receipt whereof is hereby acknowledged Mrs Laura M Powe

do grant, bargain, sell and convey unto the said

Thomas J Dostaler and Hazel Dostaler

the following described lands situated in Baldwin County, Alabama, to-wit:

North half of South East quarter of South East quarter of North
west quarter Section Five Township Six S R 5 E

TO HAVE AND TO HOLD to the said Thomas J Dostaler and Hazel Dostaler

their heirs and assigns forever.

And I do covenant with the said Thomas J Dostaler and Hazel Dostaler

that I am seized in fee of the above

described premises; that I have the right to sell and convey the same; that the said

premises are free from all incumbrances; and that I will, and my heirs

executors and administrators shall forever WARRANT AND DEFEND the same to the said

Thomas J Dostaler and Hazel Dostaler

heirs and assigns, against the lawful claims of all persons whomsoever.

Witness my hand and seal this 16 day of March, 19 XX

WITNESS:

Margaret Hawthorn

(Mrs) Laura M. Powe L. S.

_____ L. S.

_____ L. S.

Complainant's Exhibit "1"

Ora S. Newman Reporter

MS-21-
Pace

North Carolina
State of ~~Alabama~~ Buncombe County

I, Margaret Matthews, a Notary Public
in and for said County and State, hereby certify that (Mrs.) Laura M. Pove
whose name S signed to the foregoing conveyance and who
known to me, acknowledged before me, on this day, that being informed of the contents
of the conveyance she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 16 day of March A. D. 1944

My comm exp. July 6 - 1944 Margaret Matthews N.P.

State of Alabama, _____ County.

I, _____, a _____
in and for said County and State, do hereby certify that on the _____ day of _____, 194____
came before me the within named _____
known to me to be the wife of the within named _____
who, being examined separate and apart from her husband, touching her signature to the within convey-
ance, acknowledged that she signed the same of her own free will and accord, and without fear, constraint
or threats on the part of the husband.

In Witness Whereof, I hereunto set my hand and official seal this _____ day of _____, 194____

Warranty Deed

FROM 3-16-44

Mrs. Laura M. Pove

79

TO

Thomas J. Hostalder
+ wife

THE STATE OF ALABAMA

COUNTY

OFFICE OF JUDGE OF PROBATE

hereby certify that the within deed was
filed in this office for record on the _____ day
of _____, A. D. 194____

at _____ M., and duly

recorded in Book _____ of Mortgages, page _____

and examined.

Recorded in Book _____ of Mortgages, page _____

and I certify that the foregoing deed has been paid

Deed Tax and

Judge of Probate

Thos Hostalder
3-30-44
106/5
Pace

Complainants' Exhibit "1"

Ara L. Nelson
Reporter

STATE OF ALABAMA,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of the Probate Court in and for said State and County, hereby certify
that the within and foregoing Deed pages

contain a full, true and complete copy of the

Carl W. Gearhart et al - H. Earl Deuel et al

as the same appears of record in my office in Deed Book No. 30

Page 99-100

Given under my hand and seal of office, this 5 day of December, 1949

W R Stuart
Judge of Probate.

Know all Men by these Presents

That, We, H. Earl Derr and Nina Etter Derr, husband and wife

, the Grantor s,
for the consideration of One Dollar and other valuable consideration
/Dollars. (\$ 1.00) received to our full satisfaction of

Thomas J. Dostaler

Give, Grant, Bargain, Sell and Convey unto the said Grantee , the Grantee , do
his
heirs and assigns, the following described premises, situated in the Alabama
, County of Baldwin and State of Ohio:

And known as and being all that real property described as follows:
The West half ($W\frac{1}{2}$) of the Northeast quarter ($NE\frac{1}{4}$) of the Southwest
quarter ($SW\frac{1}{4}$); and North half ($N\frac{1}{2}$) of Northeast quarter ($NE\frac{1}{4}$) of
the Northeast quarter ($NE\frac{1}{4}$) of Southwest quarter ($SW\frac{1}{4}$); and the
South half ($S\frac{1}{2}$) of the South half ($S\frac{1}{2}$) of the Southeast quarter
($SE\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) all located in the Section
Five (5), Township Six (6), South Range Five East (5) in Baldwin
County, Alabama and containing thirty-five (35) Acres,

be the same more or less, but subject to all legal highways.

Complainant's Exhibit "3"

Ora S. Nelson, Reporter

To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto the said Grantee, his heirs and assigns forever.

And we, H. Earl Derr and Nina Etter Derr, husband and wife, the said Grantors, do for ourselves and our heirs, executors and administrators, covenant with the said Grantee, his heirs and assigns, that at and until the ensembling of these presents, we are well seized of the above described premises, as a good and indefeasible estate in FEE SIMPLE, and have good right to bargain and sell the same in manner and form as above written, and that the same are free from all incumbrances whatsoever

and that we will Warrant and Defend said premises, with the appurtenances thereunto belonging, to the said Grantee, his heirs and assigns, against all lawful claims and demands whatsoever

And for valuable consideration We, H. Earl Derr and Nina Etter Derr, each for ourselves do hereby remise, release and forever quit-claim unto the said Grantee, his heirs and assigns, all our right and expectancy of ~~Power~~ in the above described premises.

In Witness Whereof we have hereunto set our hands, the Fifth day of May, in the year of our Lord one thousand nine hundred and Forty Three

Signed and acknowledged in presence of

Althea Lice
J. E. Taylor

H Earl Derr
Mina Etter Derr.

State of Ohio

Wayne County, } ss. *Before me, a Notary Public*
in and for said County and State, personally appeared
the above named H. Earl Derr and Nina Etter Derr, husband and
wife, Grantors herein

who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at Wooster, Ohio
this 5th day of May, A. D. 1943

A. E. TAYLOR, Notary Public
My Commission Expires Jan. 13, 1945.

Notary Public

H. Earl Derr
and
Nina Etter Derr

Thomas J. Dostaler

DECEMBER

五

COUNTY AUDITOR

County of BALDWIN State of Mississippi

County of Alameda State of California
 I, John J. McLaughlin, County Clerk of said County, do hereby certify that the following book pages have been recorded in the office of the County Clerk of said County, to-wit:

Book	Page	Filed
<u>10</u>	<u>112</u>	<u>1903</u>

Witness my hand and the seal of said County, at San Francisco, California, this 10th day of April, 1903.

John J. McLaughlin
 County Clerk

COUNTY RECORDER.

東亞學報

Mrs. J. Dostaler-
Rd. 144 Adams

Complainants' Exhibit "3"

Ara L. Nelson
Reporter

BOOK 143 p. 322
STATE OF Alabama
COUNTY OF Baldwin

Before me, Mary Lou Blackburn, a Notary
Public in and for said County and State, personally appeared
Thomas J. Postaler, who is known to me and who, being
duly sworn by me according to law, deposes and says:

1. My name is Thomas J. Postaler. I am
45 years of age, and I live at 10323 NW 35th Ave, Miami, Fla.

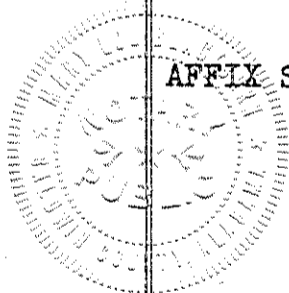
2. From my personal knowledge I know that on May 5,
1943, the following described real property was not the homestead
of H. Earl Derr and Nina Etter Derr:

The West Half of the Northeast Quarter of the South-
west Quarter, and the North Half of the Northeast
Quarter of the Northeast Quarter of the Southwest
Quarter, and the South Half of the South Half of the
Southwest Quarter of the Northeast Quarter of Section
5, Township 6 South, Range 5 East.

Thomas J. Postaler

Sworn to and subscribed before me on
this the 15th day of July, 1949.

Mary Lou Blackburn
Notary Public, Baldwin County, Alabama



AFFIX SEAL.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 7-20-49.....9 M

Recorded Dec 1.....book 143..page. 322

Orl Street
Judge of Probate

Complainant's Exhibit "4"

Ora S. Nelson, Reporter

NOTICE OF PENDENCY OF BILL OF COMPLAINT

THOMAS J. DOSTALER and HAZEL
DOSTALER,

Complainants,

VS.

THE LANDS HEREINAFTER DESCRIBED
and MRS. LAURA M. POWE, ALABAMA
TOBACCO COMPANY, A CORPORATION,
H. EARL DERR and NINA ETTER DERR,
and THE SOUTHERN PLANTATION DE-
VELOPMENT COMPANY, A CORPORATION,
ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Notice is hereby given to Mrs. Laura M. Powe, Alabama Tobacco Company, a Corporation, and the officers, directors and stockholders of the Alabama Tobacco Company, a Corporation, H. Earl Derr and Nina Etter Derr, and the Southern Plantation Development Company, a Corporation, and the officers, directors and stockholders of the Southern Plantation Development Company, a Corporation, and the heirs, assigns, devisees and personal representatives of such of the said parties as may be dead, and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands hereinafter described, that on the 22nd day of September, 1949, the said Complainants, Thomas J. Dostaler and Hazel Dostaler, filed in the Circuit Court of Baldwin County, Alabama, Equity Side, a verified Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

The North Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter and the West Half of the Northeast Quarter of the Southwest Quarter in Section 5, Township 6 South, Range 5 East, subject to that certain mortgage from Thomas J. Dostaler and Hazel Dostaler to Baldwin County Savings and Loan Association, dated July 15, 1949 and recorded in Mortgage Book 156 at page 414, Baldwin County, Alabama Records,

and against Mrs. Laura M. Powe, Alabama Tobacco Company, a Corporation, and the officers, directors and stockholders of the Alabama Tobacco Company, a Corporation, H. Earl Derr and Nina Etter Derr, and the Southern Plantation Development Company, a Corporation, and the officers, directors and stockholders of the Southern Plantation Development Company, a Corporation, the heirs, assigns, devisees and personal representatives of such of the said parties as may be dead,

and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, the said Bill of Complaint having been filed for the purpose of establishing the title of the said Complainants to all of the said lands, for the purpose of quieting their title there- to and to clear up all doubts and disputes concerning the title to the said property.

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

1. Deed from Mrs. Laura M. Powe to Thomas J. Dostaler and Hazel Dostaler, dated March 16, 1944, filed March 27, 1944 and recorded in Deed Book 82, page 370.
2. Deed from Carl A. Gearhart and Mary S. Gearhart, his wife, and Earl W. Strock, a single man, to H. Earl Derr and Nina Etter Derr, his wife, dated May 15, 1920, filed September 11, 1920 and recorded in Deed Book 30, page 99.
3. Deed from H. Earl Derr and Nina Etter Derr, husband and wife, to Thomas J. Dostaler, dated May 5, 1943, filed August 3, 1943 and recorded in Deed Book 80, page 178.
4. Affidavit by Thomas J. Dostaler, dated July 15, 1949, filed July 20, 1949 and recorded in Deed Book 143, page 322.
5. Affidavit by Alfred Duchesneau, dated July 15, 1949, filed July 20, 1949 and recorded in Deed Book 143, page 319.
6. Deed from Thomas J. Dostaler and Hazel Dostaler to Alfred Duchesneau, dated August 11, 1949, filed August 18, 1949 and recorded in Deed Book 144, page 143.
7. Deed from Alfred Duchesneau and Eva Duchesneau, to Thomas J. Dostaler and Hazel Dostaler, dated August 18, 1949, filed August 19, 1949 and recorded in Deed Book 144, page 223.

The Complainants, in and by their said Bill of Complaint, allege and aver that they own the said lands in their own right, absolutely and in fee simple; that they are in the actual, peaceable possession of all of the said lands; that title to the said lands stands upon the records of Baldwin County, Alabama, the County where the said lands are situated, in the name of the Complainants; that no suit is pending to test Complainants' title to, interest or right to the possession of the said lands, or any part thereof; that no

persons, firms or corporations, other than the Complainants and those through whom they claim title, are known to have any possession of the said lands, or any part thereof, within ten years next prior to the filing of the said Bill of Complaint and that no persons, firms or corporations, other than the Complainants and those through they claim title to the said lands, are known to the Complainants to have paid any taxes on the said lands, or any part thereof, or any interest therein, within ten years next prior to the filing of the said Bill of Complaint; and for ten years next preceding the filing of this Bill of Complaint the Complainants and those through whom they claim have legally assessed and paid taxes on the said property.

The said parties named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, must appear in this Court and plead, answer or demur to the said Bill of Complaint before November 22, 1949, or on the said date Decrees Pro Confesso will be taken against them, testimony will be thereafter taken and the said cause submitted for a final decree quieting Complainants' title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the Seal of the said Court on this the 22nd day of September, 1949.

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

J. B. BLACKBURN,
Solicitor for Complainants.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 9-23-49 821 M
Recorded *L. P. Paul* book 21 page 257-59
W. R. Stewart
Judge of Probate *H*

Complainants' Exhibit "4"

Osma L. Nelson
Reporter

STATE OF Alabama
COUNTY OF Baldwin

BOOK 143 PAGE 319

Before me, Mary Lou Blackburn, a Notary

Public in and for said County and State, personally appeared
Alfred Duchesneau, who is known to me and who, being
duly sworn by me according to law, deposes and says:

1. My name is Alfred Duchesneau. I am
60 years of age, and I live at Robertsdale, Alabama.

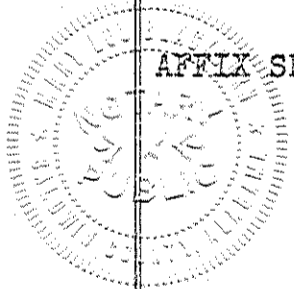
2. From my personal knowledge I know that on May 5,
1943, the following described real property was not the homestead
of H. Earl Derr and Nina Etter Derr:

The West Half of the Northeast Quarter of the South-
west Quarter, and the North Half of the Northeast
Quarter of the Northeast Quarter of the Southwest
Quarter, and the South Half of the South Half of the
Southwest Quarter of the Northeast Quarter of Section
5, Township 6 South, Range 5 East.

Alfred Duchesneau

Sworn to and subscribed before me on
this the 15th day of July, 1949.

Mary Lou Blackburn
Notary Public, Baldwin County, Alabama



AFFIX SEAL.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 7-20-49 9:41 A.M.
Recorded Deed book 143, page 319 ..
M. L. Stewart
Judge of Probate 2

Complainant's Exhibit "5"

Ora S. Nelson, Reporter

Complainants' Exhibit "5"

Ora L. Nelson
Reporter

STATE OF ALABAMA
BALDWIN COUNTY

THIS INDENTURE, made and entered into on this the 11 day of August, 1949, by and between Thomas J. Dostaler and Hazel Dostaler, his wife, hereinafter referred to as the parties of the first part, and Alfred Duchesneau, hereinafter referred to as the party of the second part, WITNESSETH:

The parties of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to them this day in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, have and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part, the following described real property situated in Baldwin County, Alabama, to-wit:

The North Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter, and the West Half of the Northeast Quarter of the Southwest Quarter, in Section 5, Township 6 South, Range 5 East.

TO HAVE AND TO HOLD unto the said party of the second party, his heirs and assigns, forever.

The parties of the first part, for themselves, their heirs, executors and administrators, hereby covenant and warrant to and with the said party of the second part, his heirs and assigns, that they are seized of an indefeasible estate in and to the said property; that they have a good right to convey the same as herein contained; that they will guarantee the peaceable possession thereof; that the said property is free from all liens and encumbrances and that they will and their heirs, executors, and administrators shall forever warrant and defend the same unto the said party of the second part, his heirs and assigns against the lawful claims of all persons.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and affixed their seals on this the day and year first above written.

Thomas J. Dostaler (SEAL)
Hazel Dostaler (SEAL)

STATE OF FLORIDA
DADE COUNTY

I, O. R. Haller, a Notary Public, within and for said County in said State, hereby certify that Thomas J. Dostaler and Hazel Dostaler, his wife, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

I further certify that on the 11 day of August, 1949, came before me the within named Hazel Dostaler, known to me to be the wife of the within named Thomas J. Dostaler, who, being examined separate and apart from her husband, touching her signature to the foregoing conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraints or threats on the part of her husband.

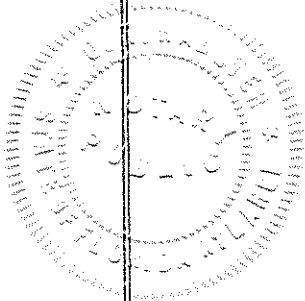
Compliments Exhibit 6"
Ora S. Nelson, Reporter

BOOK 144 PAGE 144 Given under my hand and official seal on this the 11
day of August, 1949.

O R Hallier
Notary Public, Dade County, Florida.

AFFIX SEAL.

Notary Public, State of Florida at Large
My Commission Expires Sept. 4, 1951.



STATE OF ALABAMA, BALDWIN COUNTY
Filed 8/12/49 1:30 P.M.
Recorded Reed book 144 page 143-144
and I certify that the following Privilege Tax
has been paid.

Deed Tax 50

Mortgage Tax _____

W R Hunt

Judge of Probate

By S

Complainants' Exhibit "6"

Ara L. Nelson
Reporter

WARRANTY DEED

STATE OF ALABAMA

BOOK 144 PAGE 223

BALDWIN COUNTY

THIS INDENTURE, made and entered into on this the 18th day of August, 1949, by and between Alfred Duchesneau and Eva Duchesneau, his wife, hereinafter referred to as the parties of the first part, and Thomas J. Dostaler and Hazel Dostaler, hereinafter referred to as the parties of the second part, WITNESSETH:

The parties of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to them this day in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, have and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said parties of the second part during their joint lives and upon the death of either of them, then to the survivor of them in fee simple and to the heirs and assigns of such survivor, forever, the following described real property situated in Baldwin County, Alabama, to-wit:

The North Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter, and the West Half of the Northeast Quarter of the Southwest Quarter, in Section 5, Township 6 South, Range 5 East.

TO HAVE AND TO HOLD unto the said Thomas J. Dostaler and Hazel Dostaler during their joint lives and upon the death of either of them, then to the survivor of them in fee simple and to the heirs and assigns of such survivor, forever.

The parties of the first part, for themselves, their heirs, executors and administrators, hereby covenant and warrant to and with the said parties of the second part, their heirs and assigns, that they are seized of an indefeasible estate in and to the said property; that they have a good right to convey the same as herein contained; that they will guarantee the peaceable possession thereof; that the said property is free from all liens and encumbrances and that they will and their heirs, executors and administrators shall forever warrant and defend the same unto the said parties of the second part, their heirs and assigns, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and affixed their seals on this the day and year first above written.

Alfred Duchesneau

Eva Duchesneau (SEAL)

STATE OF ALABAMA

BALDWIN COUNTY

I, Grady P. Giebel, a Notary Public, within and for said County in said State, hereby certify that Alfred Duchesneau and Eva Duchesneau, his wife, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Complainants Exhibit "7"

Ora L. Nelson, Reporter

BOOK

144 PAGE 224

I further certify that on the 18th day of August, 1949, came before me the within named Eva Duchesneau, known to me to be the wife of the within named Alfred Duchesneau, who, being examined separate and apart from her husband, touching her signature to the foregoing conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraints or threats on the part of her husband.

Given under my hand and seal on this the 18th day of August, 1949.

Grady P. Gee

Notary Public, Baldwin County, Alabama.

My Comm. expires 4/9/52

STATE OF ALABAMA, BALDWIN COUNTY

Filed 8/19/49 2 P. M.
Recorded Deed book 144 page 223-4
and I certify that the following Privilege Tax
has been paid.

Deed Tax

Mortgage Tax

50

W. B. Stewart
Judge of Probate

By *W*

Complainants' Exhibit "7"

Ann L. Nelson
Reporter

Complainants' Exhibit "2"

Osro. L. Nelson
Reporter

NOTICE OF PENDENCY OF BILL OF COMPLAINT

THOMAS J. DOSTALER and HAZEL
DOSTALER,

Complainants,

VS.

THE LANDS HEREINAFTER DESCRIBED
and MRS. LAURA M. POWE, ALABAMA
TOBACCO COMPANY, A CORPORATION,
H. EARL DERR and NINA ETTER DERR,
and THE SOUTHERN PLANTATION DE-
VELOPMENT COMPANY, A CORPORATION,
ET ALS,

Respondents.

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

Notice is hereby given to Mrs. Laura M. Powe, Alabama Tobacco Company, a Corporation, and the officers, directors and stockholders of the Alabama Tobacco Company, a Corporation, H. Earl Derr and Nina Etter Derr, and the Southern Plantation Development Company, a Corporation, and the officers, directors and stockholders of the Southern Plantation Development Company, a Corporation, and the heirs, assigns, devisees and personal representatives of such of the said parties as may be dead, and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands hereinafter described, that on the 22nd day of September, 1949, the said Complainants, Thomas J. Dostaler and Hazel Dostaler, filed in the Circuit Court of Baldwin County, Alabama, Equity Side, a verified Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

The North Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter and the West Half of the Northeast Quarter of the Southwest Quarter in Section 5, Township 6 South, Range 5 East, subject to that certain mortgage from Thomas J. Dostaler and Hazel Dostaler to Baldwin County Savings and Loan Association, dated July 15, 1949 and recorded in Mortgage Book 156 at page 414, Baldwin County, Alabama Records,

and against Mrs. Laura M. Powe, Alabama Tobacco Company, a Corporation, and the officers, directors and stockholders of the Alabama Tobacco Company, a Corporation, H. Earl Derr and Nina Etter Derr, and the Southern Plantation Development Company, a Corporation, and the officers, directors and stockholders of the Southern Plantation Development Company, a Corporation, the heirs, assigns, devisees and personal representatives of such of the said parties as may be dead,

and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, the said Bill of Complaint having been filed for the purpose of establishing the title of the said Complainants to all of the said lands, for the purpose of quieting their title thereto and to clear up all doubts and disputes concerning the title to the said property.

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

1. Deed from Mrs. Laura M. Powe to Thomas J. Dostaler and Hazel Dostaler, dated March 16, 1944, filed March 27, 1944 and recorded in Deed Book 82, page 370.
2. Deed from Carl A. Gearhart and Mary S. Gearhart, his wife, and Earl W. Strock, a single man, to H. Earl Derr and Nina Etter Derr, his wife, dated May 15, 1920, filed September 11, 1920 and recorded in Deed Book 30, page 99.
3. Deed from H. Earl Derr and Nina Etter Derr, husband and wife, to Thomas J. Dostaler, dated May 5, 1943, filed August 3, 1943 and recorded in Deed Book 80, page 178.
4. Affidavit by Thomas J. Dostaler, dated July 15, 1949, filed July 20, 1949 and recorded in Deed Book 143, page 322.
5. Affidavit by Alfred Duchesneau, dated July 15, 1949, filed July 20, 1949 and recorded in Deed Book 143, page 319.
6. Deed from Thomas J. Dostaler and Hazel Dostaler to Alfred Duchesneau, dated August 11, 1949, filed August 18, 1949 and recorded in Deed Book 144, page 143.
7. Deed from Alfred Duchesneau and Eva Duchesneau, to Thomas J. Dostaler and Hazel Dostaler, dated August 18, 1949, filed August 19, 1949 and recorded in Deed Book 144, page 223.

The Complainants, in and by their said Bill of Complaint, allege and aver that they own the said lands in their own right, absolutely and in fee simple; that they are in the actual, peaceable possession of all of the said lands; that title to the said lands stands upon the records of Baldwin County, Alabama, the County where the said lands are situated, in the name of the Complainants; that no suit is pending to test Complainants' title to, interest or right to the possession of the said lands, or any part thereof; that no

persons, firms or corporations, other than the Complainants and those through whom they claim title, are known to have any possession of the said lands, or any part thereof, within ten years next prior to the filing of the said Bill of Complaint and that no persons, firms or corporations, other than the Complainants and those through whom they claim title to the said lands, are known to the Complainants to have paid any taxes on the said lands, or any part thereof, or any interest therein, within ten years next prior to the filing of the said Bill of Complaint; and for ten years next preceding the filing of this Bill of Complaint the Complainants ^{and those} through whom they claim have legally assessed and paid taxes ^{on the} said property.

The said parties named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, must appear in this Court and plead, answer or demur to the said Bill of Complaint before November 22, 1949, or on the said date Decrees Pro Confesso will be taken against them, testimony will be thereafter taken and the said cause submitted for a final decree quieting Complainants' title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the Seal of the said Court on this the 22nd day of September, 1949.

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

J. B. BLACKBURN,
Solicitor for Complainants.

THOMAS J. DOSTALER and HAZEL
DOSTALER, Complainants,
VS.

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

THE LANDS HEREINAFTER DESCRIBED
and MRS. LAURA M. POWE, ALABAMA
TOBACCO COMPANY, A CORPORATION,
H. EARL DERR AND NINA ETTER DERR,
and the SOUTHERN PLANTATION DE-
VELOPMENT COMPANY, A CORPORATION,
ET ALS.

Respondents.

FINAL DECREE.

This cause coming on to be heard on this day is submitted for final decree on behalf of the Complainants upon the original Bill of Complaint, Notice of Pendency of Bill of Complaint, Proof of publication of Notice of Pendency of Bill of Complainant, Motion for Decree Pro Confesso, Decree Pro Confesso, Decree ordering Testimony to be taken orally before the Court, and Testimony taken orally before the Court and the same being considered and understood by the Court, the Court is of the opinion that the allegations contained in the Bill of Complaint are true and that due notice has been given in this proceeding according to law, and that the Complainants are entitled to the relief prayed for by them in their said Bill of Complaint, whereupon it is therefore ordered, adjudged and decreed by the court;

1. That the Complainants, Thomas J. Dostaler and Hazel Dostaler, are the lawful owners of, in fee simple, the following described lands situated in Baldwin County, Alabama, to-wit:

The North Half of the Southeast Quarter of Southeast Quarter of the Northwest Quarter and the West Half of the Northeast Quarter of Southwest Quarter in Section 5, Township 6 South, Range 5 East, subject to that certain mortgage from Thomas J. Dostaler and Hazel Dostaler to Baldwin County Savings and Loan Association, dated July 15, 1949, and recorded in Mortgage Book 156 at page 414, Baldwin County, Alabama records;

that the absolute fee simple title to the said lands and to each and every part thereof and all interest therein is in the said Com-

plainants, free and clear of and from the claim or claims of any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, or any interest therein; that the said Complainants have and are hereby given judgment against the said lands and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof. The said Complainants' title to the said lands is hereby quieted against Laura M. Powe, Alabama Tobacco Company, a Corporation, and the officers, directors and stockholders of the Alabama Tobacco Company, a Corporation, H. Earl Derr, Nina Etter Derr, and the Southern Plantation Development Company, a Corporation, and the officers, directors and stockholders of the Southern Plantation Development Company, a Corporation, and the heirs, assigns, devisees and personal representatives of such of the said parties that may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, and any and all such claims or claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

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

3. The Judge of Probate of Baldwin County, Alabama shall record the said certified copy of this Decree in the same book and manner in which deeds are recorded and shall index the same in the direct index in the names of Mrs. Laura M. Powe, Alabama Tobacco Company, a Corporation, H. Earl Derr, Nina Etter Derr, and the Southern Plantation Development Company, a Corporation, and shall index the same in the indirect or reverse index of said records in the names of Thomas J. Dostaler and Hazel Dostaler.

4. The title hereby adjudged and decreed to be in

the said Complainants, Thomas J. Dostaler and Hazel Dostaler, shall enure to the benefit of all persons who derived title to the said lands, or any part thereof, or any interest therein, from or through the said Complainants and such title or interest shall be at all times treated and considered as though it had been established in favor of the person or persons so procuring or deriving title from the said Complainants.

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

ORDERED, ADJUDGED AND DECREED this 8th day of December, 1949.

Julian F. Moslibury, Jr.
Judge.

THOMAS J. DOSTALER and HAZEL
DOSTALER,
Complainants,
VS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

THE LANDS HEREINAFTER DESCRIBED
and MRS. LAURA M. POWE, ALABAMA
TOBACCO COMPANY, A CORPORATION,
H. EARL DERR and NINA ETTER DERR,
and the SOUTHERN PLANTATION DE-
VELOPMENT COMPANY, A CORPORATION,
ET ALS,
Respondents.

IN EQUITY.

DECREE ORDERING TESTIMONY TO BE TAKEN ORALLY:

In this cause a Decree Pro Confesso having been rendered against Laura M. Powe, Alabama Tobacco Company, a Corporation, and the officers, directors and stockholders of the Alabama Tobacco Company, a Corporation, H. Earl Derr, Nina Etter Derr, and the Southern Plantation Development Company, a Corporation, and the officers, directors and stockholders of the Southern Plantation Development Company, a Corporation, and the heirs, assigns, devisees and personal representatives of such of the said parties that may be dead, and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance of the following described property situated in Baldwin County, Alabama, to-wit:

The North Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter and the West Half of the Northeast Quarter of the Southwest Quarter in Section 5, Township 6 South, Range 5 East, subject to that certain mortgage from Thomas J. Dostaler and Hazel Dostaler to Baldwin County Savings and Loan Association, dated July 15, 1949, and recorded in Mortgage Book 156 at page 414, Baldwin County, Alabama records,

the Court hereby orders that the Testimony in this cause be taken orally before the Court.

Ordered, Adjudged, and Decreed this 5th day of December, 1949.

J. Fair J. Maddalena, Jr.
Probate Judge.

THOMAS J. DOSTALER and HAZEL
DOSTALER,

Complainants,

VS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

THE LANDS HEREINAFTER DESCRIBED
and MRS. LAURA M. POWE, ALABAMA
TOBACCO COMPANY, A CORPORATION,
H. EARL DERR and NINA ETTER DERR,
and the SOUTHERN PLANTATION DE-
VELOPMENT COMPANY, A CORPORATION,
ET ALS,

Respondents.

IN EQUITY.

NOTE OF TESTIMONY.

This cause is submitted for final decree on behalf of
the Complainants upon the following:

1. Original Bill of Complaint.
2. Notice of Pendency of Bill of Complaint.
3. Proof of publication of Notice of Pendency of
Bill of Complaint.
4. Motion for Decree Pro Confesso.
5. Decree Pro Confesso.
6. Decree ordering Testimony to be taken orally be-
fore the Court.
7. Testimony taken orally before the Court.

Dated this 6th day of December, 1949.

J. B. Blackburn
by *James P. Murphy*
Solicitor for Complainants.

Alfred Leach
Registrar

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2359

-----TERM, 1949

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Mrs. Laura M. Powe, E. Earl Derr, and Nina

Etter Derr

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against Mrs. Laura M.

Powe, E. Earl Derr, and Nina Etter Derr

, Defendant-----

by Thomas J. Dostaler and Hazel Dostaler

, Plaintiff-----

Witness my hand this

22nd

day of

September

1949

Archie Dostaler, Clerk

NOTICE OF PENDENCY OF BILL OF COMPLAINT

THOMAS J. DOSTALER and HAZEL
DOSTALER,

Complainants,

VS.

THE LANDS HEREINAFTER DESCRIBED
and MRS. LAURA M. POWE, ALABAMA
TOBACCO COMPANY, A CORPORATION,
H. EARL DERR and MINA ETTER DERR,
and THE SOUTHERN PLANTATION DE-
VELOPMENT COMPANY, A CORPORATION,
ET ALS,

Respondents.

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

Notice is hereby given to Mrs. Laura M. Powe, Alabama Tobacco Company, a Corporation, and the officers, directors and stockholders of the Alabama Tobacco Company, a Corporation, H. Earl Derr and Mina Etter Derr, and the Southern Plantation Development Company, a Corporation, and the officers, directors and stockholders of the Southern Plantation Development Company, a Corporation, and the heirs, assigns, devisees and personal representatives of such of the said parties as may be dead, and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands hereinafter described, that on the 22nd day of September, 1949, the said Complainants, Thomas J. Dostaler and Hazel Dostaler, filed in the Circuit Court of Baldwin County, Alabama, Equity Side, a verified Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

The North Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter and the West Half of the Northeast Quarter of the Southwest Quarter in Section 5, Township 6 South, Range 5 East, subject to that certain mortgage from Thomas J. Dostaler and Hazel Dostaler to Baldwin County Savings and Loan Association, dated July 15, 1949 and recorded in Mortgage Book 156 at page 414, Baldwin County, Alabama Records,

and against Mrs. Laura M. Powe, Alabama Tobacco Company, a Corporation, and the officers, directors and stockholders of the Alabama Tobacco Company, a Corporation, H. Earl Derr and Mina Etter Derr, and the Southern Plantation Development Company, a Corporation, and the officers, directors and stockholders of the Southern Plantation Development Company, a Corporation, the heirs, assigns, devisees and personal representatives of such of the said parties as may be dead,