## J. H. FEIST, COMPLAINANT

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BESSIE NEWELL HALL, JESSE CARL HALL, MARY HALL, SARAH SHIRLEY AND NEWELL HALL RESPONDENTS IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.

Comes the defendants Jesse Carl Hall, Mary Hall, Sarah Shirley and Newell Hall, and answering the complainant's bill of complaint says:

#### FIRST:

They admit the allegations of paragraphs 1 and 2 of complainant's bill of complaint.

## SECOND:

They deny the allegations of paragraphs 3, 4 and 5 of the said bill of complaint.

#### THIRD:

And further answering said bill of complaint the defendants, and each of them, say that they do not claim any interest in the land described in the bill of complaint, or any portion thereof, that they are not now and never have been in possession of the same.

And now having fully answered said bill of complaint they pray they may go hence with their reasonable costs in this behalf expended.

Solicitor for Defendants

RECORDED

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W. C. BEEBE LAWYER BAY MINETTE, ALA. J. H. FEIST,

Complainant,

VS.

BESSIE NEWELL HALL, JESSE CARL HALL, MARY HALL, SARAH SHIRLEY and NEWELL HALL,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

#### LIS PENDENS

## TO WHOM IT MAY CONCERN:

Notice is hereby given that the Complainant in this case did, on this date, file in the Circuit Court of Baldwin County, Alabama, Equity Side, a Bill of Complaint against the Respondents, Bessie Newell Hall, Jesse Carl Hall, Mary Hall, Sarah Shirley and Newell Hall, to quiet title to the following described real property situated in Baldwin County, Alabama, to-wit:

Northwest Quarter of the Southeast Quarter of Section 5, Township 2 North, Range 3 East, except the following:

Beginning at the Southwest corner of the North-west Quarter of the Southeast Quarter of Section 5, Township 2 North, Range 3 East, and run thence North 8.5 chains to a point; run thence East 8.5 chains to a point; run thence South 8.5 chains to a point; run thence West 8.5 chains to the point or place of beginning.

All persons are cautioned against purchasing the said property, except subject to the rights of the Complainant in this suit. Dated the day of October, 1949.

J. H. FEIST.

As his Solicitor.

STATE OF ALABAMA, BALDWIN COUNTY. Filed 10-7-49 30 M

Recorded Les Oudbook. 2, page 6 4 Judge of Probate

LIS PENDENS

10-7-49

J. H. FEIST, /7

Complainant,

VS.

BESSIE NEWELL HALL, JESSE CARL HALL, MARY HALL, SARAH SHIRLEY and NEWELL HALL,

Respondents.

2-264

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,

IN EQUITY.

B.5

mrs. Duck

# STATE OF ALABAMA BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA - CREETINGS:

WE COMMAND YOU, that you summon J. H. FEIST, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, in equity, within thrity days after the service of summons, and there to answer, plead or demur, without oath, to a bill of complaint lately exhibited by BESSTE NEWELL HALL against the said J. H. FEIST and further to do and perform what said Judge shall order and direct in that behalf, and this the Defendant shall in no wise mmit, under penalty of the law; and we further command that you return this writ with your endorsement thereof, to our said Court immediately upon the execution thereof.

WITNESS, ALICE J. DUCK, Register of said Circuit Court, this 27 day of Ectober, 1949.

Register

J. H. FEIST, COMPLAINANT

٧S

BESSIE NEWELL HALL, JESSE CARL HALL, MARY HALL, SARAH SHIRLEY AND NEWELL HALL RESPONDENTS IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

Comes the defendant, Bessie N. Hall, in the above styled cause and answering the complainant's bill of complaint says:

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#### FIRST:

She admits the allegations in paragraphs 1 and 2 of the said complaint.

#### SECOND:

She denies that complainant owns the portions of the lands set-out in said bill of complaint described as follows:

Beginning at the Southeast corner of Northwest quarter of Section 5, Township 2 North, Range 3 East, running thence South 594 feet for a beginning corner, thence East 517.6 feet, to the public road, thence Southwest along said public road to a point 1030.5 feet South from the Southeast corner of the Northwest quarter aforesaid, thence North 486.5 feet to the point of beginning.

And further answering she alleges that she is the owner of said lands above described and is in the actual, peaceable possession of the same, claiming to own the same, and that she derives her title by the following instruments, viz: Patent from the United States Government to Joseph Booth, Sr., April 10, 1848, recorded in the office of the Judge of Probate of Baldwin County in Deed Book 87 NS, page 535, deed from Joseph Booth, Sr., to John M. Calvert dated May 30, 1855, recorded in the office of the Judge of Probate of Baldwin County in Deed Book "G", pages 120-21, deed from John M. Calvert to David P. English dated February 9th, 1870, recorded in said Probate office in Deed Book "K", pages 277-78, deed from David P. English to A. Feist dated June 6th, 1871, recorded in said office in Deed Book "I", page 569, deed from Adolphus Feist and Sarah Feist, his wife, to the Worshipful Master, Wardens and Members of Tensaw Lodge No. 221 F & A

Masons, dated July 23rd, 1887, recorded in said office in Deed Book "O", pages 510-11, deed from Grand Lodge A. F. & A. M., of the State of Alabama, to defendant, Bessie N. Hall, dated January 7, 1946, recorded in said office in Deed Book 103 NS, pages 347-8.

#### THIRD:

Answering the allegations of paragraph 4 of the said bill of complaint, defendant says that complainant, claims to own the lands described in this answer and further says that complainant is not in the actual, quiet, and peaceable possession of the same or any portion thereof. Defendant further says that she is the owner of the same, under the aforesaid instruments, and is in possession of the same.

## FOURTH:

Answering paragraph 5 of the said bill of complaint, defendant says that Jesse Carl Hall, Mary Hall, Sarah Shirley and Newell Hall do not claim any interest in the said lands but that she is the sole owner thereof.

And now having fully answered all of the allegations in said bill of complaint, defendant and cross-complainant calls upon the complainant to set forth and specify what right, title, interest in, claim, lien or encumbrance on the lands described in this cross-bill he has, or claims to have, and how and by what instrument or instruments the same is created or derived; and she prays that this be taken as her cross-bill and she further alleges that she is informed and believes and upon such information and belief says that the complainant, J. H. Feist, claims some right, title or interest in the lands described in this answer and cross-bill or some portion thereof; that she is the owner of the same and in the quiet and peaceable possession of the same; that no suit other than this is pending to try or test the right, title or interest or reputed right, title or interest of the said J. H. Feist to the said lands.

Wherefore complainant prays that the said J. H. Feist be made party defendant to this answer and cross-bill and by appropriate process be required to plead, answer or demur to the

same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

And defendant further prays that upon the hearing of the cause made by this answer and cross-bill, this Honorable Court will make and enter a decree adjudging and decreeing that J. H. Feist has no right, title or interest in, claim, lien or encumbrance upon the lands herein described or any portion thereof, and vesting, quieting and establishing the title to the said lands in this cross-complaint as against the said J. H. Feist, and that the said J. H. Feist be enjoined from claiming, or attempting to claim, any right, title, or interest in, lien, claim or encumbrance upon the said lands or any portion thereof, and from interferring with the possession or use of the same by this cross-complaint.

And defendant further prays for such other, further or different relief as in equity and good conscience she shall be entitled to receive in the premises.

Solicitor for Defendant

I, J. B. Blackburn, Solicitor of record for Complainant in the above styled case do hereby accept service of the answer and cross-bill, and on behalf of the complainant waives further service.

This the 28th day of October, 1949.

Solicitor for Complainant

JH Frist Bessie M Hall Ž. V. answer Hass 1.3 FILED
OCT 27 1949
NUCK, Register

> W. C. BEEBE LAWYER BAY MINETTE, ALA.

J. H. FEIST,	Q	INTHE CIRCUIT COURT OF
COMPLAINANT,	Ď	BALDWIN COUNTY, ALABAMA
VS	Ş	IN EQUITY
BESSIE NEWELL HALL, JESSE	Ž.	
CARL HALL, MARY HALL, SARAH SHIRLEY and NEWELL HALL,	ù	
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TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Now comes Peter Benjamin McConnell, Sr., as executor of the last will and testament of the Plaintiff, J. H. Feist, deceased, and shows unto the Court that the Plaintiff, J. H. Feist, departed this life on, to-wit: Othor John and Peter Benjamin McConnell, Sr., has been duly appointed executor of the last will and testament of the said J. H. Feist, deceased, and has qualified as such.

Wherefore, Peter Benjamin McConnell, Sr., as executor aforesaid, moves that this cause be revived as to J. K. Feist by the substitution of Peter Benjamin McConnell, Sr., as executor of the last will and testament of J. H. Feist, deceased, as Plaintiff.

Teter Benjamin M Commelle Executor of Last will and Testament of C. H. Feist, Deceased.

J. H. FEIST,

COMPLAINANT

٧S

ESSIE NEWELL HALL, JESSE CARL HALL, MARY HALL, SARAH SHIRLEY and NEWELL HALL,

RESPONDENTS.



FILED
3-25-5-3
ALICE J. DUCK, Rogisto

(2367)

ETTA MAE DARBY,

Complainant,

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN EQUITY

-VS-

-: -:

A. E. DARBY.

Respondent.

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, Sitting in Equity:

Your complainant, Etta Mae Darby, respectfully represents and shows unto your Honor:-

- 1. That complainant is over the age of twenty-one years and is a resident of said State and County, and has been a bona fide resident of said Statefor more than one year next preceding the filing of this Bill of Complaint; that A. E. Darby is over the age of twenty-one years and is not a resident of Baldwin County, Alabama, and whose place of residence is unknown to your complainant.
- 2. That your complainant and respondent were lawfully married on or about, to-wit, April 18, 1947.
- 3. Complainant further avers that said respondent voluntarily abandoned the bed and board of complainant on or about, to-wit, the 10th day of December, 1947, since which time complainant and respondent have not lived together nor in anyway recognized each other as husband and wife, and that there were no children born of this marriage.

## PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED: Your complainant prays that A. E. Darby be made a party defendant to this cause by the usual process of this Honorable Court requiring him to plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the statutes in such cases made and provided; that service be had upon the said respondent by publication as is provided by law in the case of non-resident defendants; that upon a final hearing of this cause, that your complainant be granted a divorce from said respondent. Should your complainant be mistaken in the relief prayed for, that there be granted to her such other, different and general relief to which she may be entitled and as in duty bound she will ever pray.

ompiainant

C. G. C.

## BILL OF COMPLAINT

ETTA MAE DARBY,

Complainant,

-VS-

A. E. DARBY,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Tiled Oct. 7, 1949 alice J. Wuck

CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA

THE STATE OF ALABAMA	Circuit C	ourt
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s witnesses in behalf of <u>Etta Mae</u>	larby in a	cause pending in ou
Circuit Court in Baldwin County, of said State, w	horoin - Etta Mac Day	*N=*
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		——, Complainant
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	ETTA MAE DARBY Vs.	———— Complainant—
· · · · · · · · · · · · · · · · · · ·	A. E. DARBY	Defendant
In this cause it a	appears to the Register Alice J. Duck	
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THE STATE	OF ALABAMA, )	CIRCUIT (	COURT, IN	EQUITY
BALDW	IN COUNTY	No		-, Term, 19
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	ETTA MAE DARBY	7		_ Complainant
		Vs.		
	A. E. DARBY			Defendant
	:			
			Name of the same o	Defendant
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ETTA MAE DARBY,

Complainant,

-VS-

A. E. DARBY,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Respondent.

In this cause it being made to appear to the Clerk of this Court by the affidavit of Etta Mae Darby, the complainant, that the defendant, A. E. Darby, is a non-resident of the State of Alabama and that his post office address is unknown and cannot be ascertained; it being further shown by said affidavit that the defendant is over the age of twenty-one years; it is therefore ordered, that publication be made in the Fairhope Courier, a newspaper published in Fairhope, Baldwin County, Alabama, once a week for four consecutive weeks, requiring the said A. E. Darby to plead, answer or demur to the Bill of Complaint filed in this cause by the 5th day of December, 1949, or after thirty days thereafter a decree pro confesso may be taken against him.

C. G. CHASON, Attorney for Complainant Alice J. Duck Register

(capy muchele Hearthop Couries)

## ORDER OF PUBLICATION

ETTA MAE DARBY,

Complainant,

~VS~

A. E. DARBY,

Respondent,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Filef Oct. 7, 1949 Olice). Duck RECORPE STATE OF ALABAMA
BALDWIN COUNTY

Before me, Cecil G. Chason, a Notary Public in and for said County in said State, personally appeared Etta Mae Darby, who is known to me, and who after being by me first duly and legally sworn, deposes and says under oath as follows:

That her name is Etta Mae Darby; that she is over the age of twenty-one years are a resident of Baldwin County, Alabama; that she was married to A. E. Darby on the 18th day of April, 1947; that he left her on or about the 10th day of December, 1949; that to the best of her knowledge and belief he departed from the State of Alabama; that she has made repeated efforts to learn his present post office address or to learn where he is residing and that all of these efforts have failed, however, she is informed and believes, and so states, that he is not a resident of the State of Alabama; that his place of residence and post office address are believed by your affiant to be unattainable; that this affidavit is made for the purpose of securing service by publication on the said A. E. Darby.

Letta mae Dorly

Sworn to and subscribed before me, a Notary Public, on this 5th day of October, 1949.

Notary Public, Fidwin County State of Alabama

No		:	
	STATE OF Baldwin (	1 1	AMA
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А.	E. DARBY	Y	
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RECORDER

# THE STATE OF ALABAMA ) Baldwin County

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

	ETTA MAE DARBY	COMPLAINANT	
	vs.	•	
	A. E. DARBY	RESPONDENT	
I, <u>Lorna Und</u>	erwood		
as Register and Commissio	oner in chancery		
	come before me		
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and the property of the control of t	requirement for Oral Examinatio	on, on the 21st day of	anuary
n Foley	———, Alabama, and having fir		
and the first of the control of the	nothing but the truth, the said — doth depose		este
ESTIMONY OF ETTA	MAE DARBY:	en en <del>en en</del> en	

My name is Etta Mae Darby; I am over the age of twenty-one years and a resident of Summerdale, Baldwin County, Alabama; I married A. E. Darby on April 18, 1947, and he voluntarily abandoned my bed and board on or about the 10th day of December, 1947, and without any cause and we have not lived together nor in any way recognized each other as husdand and wife since that time; we have no children; when he left I except that he is believed by me to be a non-resident; I have made repeated efforts to learn his address but all of these efforts have

## TESTIMONY OF GLADYS SCHAFF:

My name is Gladys Schaff; I am over the age of twenty-one years and a resident of Foley, Baldwin County, Alabama; I am personally acquained with Etta Mae Darby and A. E. Darby; they were married in April of 1947 and were living with me in my home in December of 1947; on or about the Darby with no cause and they have not lived together as husband and wife since that time; he did not inform us where he was going at the or post office address and do not believe that he has communicated with Etta Mae Darby in any way.

Blady Schaff

Etta Mas Dorby.

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	CIRCUIT COURT, IN EQUITY
· · ·	ETTA MAE DARBY
	COMPLAINA
	vs. A. E. DARBY
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–, Register

## 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 published in Fairhope Courier, a newspaper published in Fairhope, Baldwin County on the dates of Oct. 13, 20, 27, and Nov. 3, 1949.

Shances I. beaufor

State of Alabama Baldwin County

Subscribed and sworm to this 10th day of November, 1949, before me.

Wotary Rubic, Baldwin County, Alabama,

ETTA MAE DARBY,

Complainant,

-VS-

A. E. DARBY,

Respondent.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

## MOTION FOR SERVICE ON NON-RESIDENT DEFENDANT BY PUBLICATION

Comes the complainant in the above entitled cause and shows unto this Honorable Court that affidavit has been made as required by law showing the respondent to be a non-resident of the State of Alabama and showing his place of residence to be unknown, wherefore, motion is hereby made and complainant prays that the Court will make and enter an order of publication authorizing and directing service upon said non-resident defenant through publication once a week for four consecutive weeks in the Fairhope Courier, a newspaper published in Baldwin County, Alabama, and shall order a copy of said notice to be posted at the door of the Courthouse of Baldwin County, Alabama, all as provided by law in such cases.

Solicitor for Complainant

## MOTION FOR SERVICE ON NON-RESIDENT DEFENANT BY PUB-LICATION

ETTA MAE DARBY,

Complainant,

~VS≕

A. E. DARBY,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

OCT 7 1949 NUCE J. DYCK, Rogister

# The State of Alabama, Baldwin County

## CIRCUIT COURT, IN EQUITY

	ETTA MAE DARBY	, Complainant	
	vs.		
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	A. E. DARBY	Respondent	Sevel 15 juganoseer
This cause coming on to	be heard was submitted	ted upon Bill of Complaint, Decree Pro Confes	sso
on Publication	and To	estimony as noted by the Register, and up	on
•		t the Complainant is entitled to the relief pray	
It is therefore ordered, a	ljudged and decreed b	by the Court that the bonds of matrimony her	re-
tofore existing between the Com	plainant and Defenda	ant be, and the same are hereby, dissolved, a	nđ
that the said Etta	Mae Darby	is forever divorced from t	the
A E Dam	Ďv	for and an apparent of	
said A. E. Dal	<del></del>	for and on account of	
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except to each other until sixty de	ays after the rendition o	at neither party to this suit shall again mar of this decree, and that if appeal is taken with h other during the pendency of said appeal.	•
again contract marriage upon the I			to
It is further ordered that—  COMPLAINANT			_
20 0 0 0 0 0 0	pay the cost herein to l	be taxed, for which execution may issue.	
This 2.4th day of _	Samory	5 <u>, 19</u> 50.	
	<u>Je</u>	Judge Circuit Court, In Equity	en -
I,		Register of the Circu	- 
*,	foregoing is a correct	County, Alabama, do hereby certify that the ct copy of the original decree rendered by the Court in the above stated cause, which said d	he he
	Witness my har	nd and seal this theda	ay
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<b>b</b>		Register of Circuit Court, In Equity.	Z.

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No.——— Page———
The State of Alabama BALDWIN COUNTY
In Circuit Court, In Equity
-
ETTA MAE DARBY
Complainant
vs.
A. E. DARBY
Respondent
DIVORCE DECREE

FILED
JAN 25 1950
ALICE J. DUCK, Register

TOORDED