

Testimony - 866 2511

FOLMAR FLINN CORPORATION, a
Deleware Corporation, having its
principal place of business in
Montgomery, Alabama, and J. H.
FAULKNER,

Complainants,

VS.

SOUTHERN PLANTATION DEVELOPMENT
COMPANY, a Corporation, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 2512.

TESTIMONY TAKEN AT HEARING ON JANUARY 4, 1951

APPEARED: For Complainants,

Hon. J. B. Blackburn

J. H. FAULKNER, having been first duly and legally sworn,
testified as follows:

ON DIRECT EXAMINATION

By Mr. Blackburn

Q. Are you Mr. J. H. Faulkner?

A. Yes.

Q. Are you one of the complainants in this suit?

A. Yes.

Q. Are you over twenty-one years of age and a resident of Baldwin
County, Alabama?

A. Yes.

Q. At the time this suit was filed and on this date was the
Folmar Flinn Corporation, a Deleware Corporation, with its
principal place of business in Montgomery, Alabama?

A. Yes.

Q. Mr. Faulkner, what interest do you own in this tract of land?

A. A one-third interest.

Q. And what interest does Folmar-Flinn own?

A. Two-thirds.

Q. Are the individual respondents named in this suit, that is,
namely: C. N. Souther, P. G. Baker, E. F. Winegar, Floyd R.
Perkins, Allan G. Gilmour and Lily Gilmour, if living, each
over the age of twenty-one years?

A. Yes sir.

Q. Now, at the time this suit was filed, I will ask you if you were able to get any information whatever relative to the addresses of those people except that Pearl G. Baker lived formerly in Chicago?

A. That's all.

Q. Did the complainants at the time this suit was filed, and on this date own the lands involved in this proceeding, namely: Northwest Quarter of Northeast Quarter, East Half of Northwest Quarter, South Half of Northeast Quarter, North Half of Southeast Quarter, Northeast Quarter of Southwest Quarter, in Section 18, Township 6 South, Range 5 East, of St. Stephens Meridian; East Half of Northeast Quarter, in Section 13, Township 6 South, Range 4 East, of St. Stephens Meridian, in their own right, absolutely and in fee simple?

A. We did.

Q. Were you in the possession of that property at the time this suit was filed?

A. Yes.

Q. Mr. Faulkner, I will ask you that if the complainants in this case and those through whom you claim title have held color of title and have been in the actual, continuous and undisputed possession of all the property for more than ten years prior to the filing of this suit?

A. Right.

Q. Was any suit pending to test your title to test your title to, interest in, or right to possession of the said lands, or any part thereof?

A. Not to my knowledge.

Q. You did have an investigation made?

A. That's right.

Q. From whom did the present owners acquire title to this property?

A. Thurman Eugene Cantt, T. E. Cantt.

MR. BLACKBURN: We offer in evidence, certified copy of Patent from the United States to the State of Alabama, dated September 10, 1869, recorded in Deed Book 5 N. S. at pages 219-22, Baldwin County, Alabama Records, and ask that it be identified as Complainants' Exhibit "1".

(Certified copy of patent admitted and is as follows)

Complainant's Exhibit "1"

No. 1

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME-Greeting.

Whereas by the Act of Congress approved September 28, 1850, entitled "An Act to enable the State of Arkansas and other States to reclaim the "Swamp Lands" within their limits", it is provided that all the "Swamp and Overflowed Lands," made unfit thereby for cultivation within the State of Alabama, which remained unsold at the passage of said act, shall be granted to said State:

AND WHEREAS, in pursuance of instructions from the General Land Office of the United States, the several tracts or parcels of land hereinafter described have been selected as swamp and overflowed lands, inuring to said State under the act aforesaid being situated in the District of Lands subject to sale at Mobile, formerly at Elba, Alabama, to-wit:

Township One South of Range five East.

The East Half of the north east quarter, and the east half of the south east quarter of Section six; all of fractional sections eight and twenty; and the east fractional half of section thirty; containing in all eight hundred and thirty four acres and thirty three hundredths of an acre.

Township two South of Range five East.

All of fractional section six; containing ninety-four acres and thirty eight hundredths of an acre.

Township three South of Range five East.

The southeast quarter of the south east quarter of section six; all of section twenty-two; all of fractional section twenty-six the north half of the north east quarter of section twenty-eight; the south half of the south east quarter of section thirty four; the east fractional half, the west half of the north west quarter and the south west quarter of section thirty-five; and all of fractional section thirty-six; containing in all one thousand seven hundred and seventy eight acres and nineteen hundredths of an acre.

Township five South of Range five East.

The South west quarter and the east half of section one; the west half of the north east quarter, the east half of the north west quarter, the south east quarter, and the east half of the south west quarter of section two; the south west quarter of the northeast quarter, the north west quarter, the north half of the southwest quarter and the south west quarter of the south west quarter of section three; the south half of the north east quarter and the south east quarter of section four; the west half of the north east quarter and the west half of section five; the south west quarter of the north east quarter, the north west quarter, the south east quarter and the north west quarter of the south west quarter of section six; the north east quarter and the north half of the south east quarter of section seven; the south west quarter of the north east quarter, the north west quarter, the north west quarter of the south east quarter, the south half of the south east quarter and the north half of the south west quarter of section eight; the east half of section nine; the south half of section ten; the north east quarter the east half of the northwest quarter and the south half of section eleven; the south half of section twelve; all of sections thirteen and fourteen; the north east quarter of the north west quarter, the west half of the north west quarter, the south west quarter and the east half of section fifteen; the south half of section seventeen; the southwest quarter of the north east quarter, and the south half of section eighteen; all of section nineteen; the north half, the west half of the south east quarter, the north east quarter of the south west quarter, and the south west quarter of the south west quarter of section twenty; the north east quarter, the north half of the north west quarter, the south east quarter of the north west quarter, the south west quarter of the south east quarter; and the north east quarter of the south west quarter of section twenty-one; the north west quarter of section

twenty-two; the east half of the south west quarter; the south east quarter, and the north half of section twenty three; all of section twenty-four; the north west quarter, the south east quarter, the east half of the south west quarter, and the north west quarter of the south west quarter of section twenty-five; the north east quarter, the west half of the south east quarter, the north east quarter of the south west quarter, and the south west quarter of the south west quarter of section twenty six; the south east quarter of the north west quarter, the south east quarter, the north east quarter of the south west quarter, and the south west quarter of the south west quarter of section twenty-seven; the south east quarter of section twenty eight; the west half of the north east quarter, the north west quarter, the north east quarter of the south west quarter and the south west quarter of the south west quarter of section twenty-nine; the north east quarter, the north east quarter of the north west quarter, the north west quarter of the south east quarter, and the south half of the south east quarter of section thirty; the south west quarter of the north east quarter, the south half of the north west quarter the north west quarter of the south east quarter and the south west quarter of section thirty one; the west half of the north east quarter, and the south east quarter of section thirty-three; all of section thirty-four; the north east quarter and the west half of section thirty-five; the east half, the south half of the north west quarter, and the north half of the south west quarter of section thirty six; containing in all thirteen thousand, eight hundred and eleven acres and fifteen hundredths of an acre.

Township six South of Range five east.

The south west quarter, and the east half of section one; the south half of section two; the north west quarter, and the south half of the southeast quarter of section three; all of section four; the south west quarter of the north east quarter; the north half of the north west quarter and the south half of section six; the west half of the north west quarter, and the south west quarter of section seven; the north west quarter of the south east quarter and the south west quarter of section eight; the south west quarter of section nine; the north half of the north east quarter, the south west quarter of the north east quarter, and the east half of the south east quarter of section ten; the north west quarter of the north east quarter, the south half of the north east quarter, the north west quarter of the south west quarter, and the south half of the south west quarter of section eleven; the east half, and the west half of the north-west quarter of section twelve; the north west quarter of the south east quarter, the south half of the south east quarter, the north east quarter of the south west quarter, and the south half of the south west quarter of section thirteen; the west half of the north east quarter, the east half of the north west quarter, the south west quarter of the north west quarter, the west half of the south east quarter, and the east half of the south west quarter of section fourteen; the south half of the north east quarter; and the north half of the south east quarter of section fifteen, the south west quarter of the north east quarter, the south east quarter, and the west half of section seventeen; all of sections eighteen, nineteen, and twenty; the west half of the north east quarter, the south east quarter, and the west half of section twenty-one; the south west quarter of section twenty-two; the west half of the northeast quarter, the south east quarter of the north east quarter, the north half of the south east quarter, and the north east quarter of the south west quarter of section twenty-three; all of section twenty four and twenty five; the south half of the north east quarter; and the south half of section twenty-six; the south east quarter, and the west half of section twenty-seven; all of sections twenty-eight, twenty-nine and thirty; the north east quarter of the north west quarter and the west half of section thirty one; the north east quarter, and the west half of section thirty-two, the east half of section thirty-three and all of sections thirty-four, thirty-five and thirty-six, containing in all fourteen thousand nine hundred and eighty acres, and ninety-nine hundredths of an acre.

Township seven south of Range five East.

All of sections one, two and three; the south east quarter of the north west quarter, the south west quarter and the east half of section four; the south east quarter and the west half of section five; all of section six; the north east quarter of the north east quarter, the west half of the north east quarter, the west half of the south east quarter, and the west half of section seven; the east half of section eight; all of section nine, ten, eleven and twelve; the north half of the south east quarter, the south west quarter, and the north half of section thirteen; all of sections fourteen and fifteen; the north east quarter, the south half of the north west quarter, and the south west quarter of section seventeen; the west half of the north east quarter, the south east quarter of the north east quarter, the south east quarter, and the west half of section eighteen; all of section nineteen; the west half of the north east quarter; the south east quarter and the west half of section twenty; all of section twenty-one; the south west quarter of the south west quarter, and the north half of section twenty-two; the north half of the south west quarter, the south east quarter, and the north half of section twenty-three; the north west quarter of the south west quarter, the south east quarter, and the north half of section twenty-four; all of section twenty-five; the south half of the north east quarter, the south half of the north west quarter, and the south half of section twenty-six; all of sections twenty-seven, twenty-eight, twenty-nine, thirty, and thirty-one; the east half of the south east quarter, and the north half of section thirty-two; all of section thirty-three; the south west quarter of the north east quarter, the south east quarter, and the west half of section thirty-four; the north half of the south east quarter, and the west half of section thirty-five; and the north half of section thirty six, containing in all nineteen thousand, six hundred and fifty-four acres and ninety hundredths of an acre.

Township eight South of Range five East.

The North west quarter of the north east quarter, the east half of the north west quarter, and the north west quarter of the south west quarter of section two; the north west quarter of the south east quarter, the south west quarter, and the north half of section three; all of section four; the west half of the north east quarter of section five; the north east quarter of section eight; the north half of section nine; the south east quarter of the north west quarter, the north west quarter of the south east quarter, and the south west quarter of the south west quarter of section ten; the north west quarter of the north west quarter, and the north west quarter of the south west quarter of section eleven; all of section nineteen; the north west quarter of the north east quarter or the north half of lot numbered one, and the north west quarter of the south east quarter, or the north half of lot numbered six of section twenty-one; all of sections thirty and thirty one; containing in all three thousand, four hundred and eighty-one acres and fifty-nine hundredths of an acre.

Township nine South of Range five East.

All of fractional sections one and three; the south fractional half of section four; the south half of section five; all of section six and seven; the north east quarter and the west half of section eight; the south east fractional quarter, and the north half section nine; all of fractional sections ten and eleven; containing in all three thousand two hundred and ninety seven acres and eighteen hundredths of an acre.

Township four south of Range six East.

All of fractional section six; the east half of the south west quarter, and the east half of section seven; all of fractional sections eight, nine, fourteen and fifteen; all of sections seventeen, eighteen, nineteen and twenty; the east half of section twenty-one; all of section twenty-two; all of fractional sections twenty-three; twenty-four and twenty-five, the north east quarter and the south half of the south west quarter of section twenty-six; the northwest quarter and

the east half of section twenty-seven; all of section twenty-nine and thirty; the east half of the south east quarter, the north west quarter of the south east quarter, and the north half of section thirty-one; the west half of the south east quarter, the south west quarter, and the north half of section thirty-two the south half of section thirty-three; the south west quarter and the east half of section thirty-four; and all of sections thirty-five and thirty-six; containing in all eleven thousand and sixty three acres, and forty-six hundredths of an acre.

Township five South of Range six East.

The South east quarter of section one; the south east quarter of section two; the North half of the south east quarter, the south west quarter and the north half of section three; all of sections four, five, six, seven and eight; the south west quarter and the north half of section nine; the south half of the north east quarter and the west half of section ten; the north east quarter of section eleven; the south half of the north west quarter, and the east half of the south east quarter of section twelve; the south half of the north east quarter, and the west half of the south east quarter of section thirteen; the south west quarter of section fifteen; the north half of section seventeen; the north west quarter of the south east quarter, the south west quarter, and the north half of section eighteen, all of sections nineteen, twenty, and twenty-one; the west half of the south east quarter, and the west half of section twenty-two, the north west quarter of the north west quarter, and the south east quarter of section twenty-three; the south half of the north east quarter, the south east quarter, the west half of the south west quarter, and the south east quarter of the south west quarter of section twenty-four; all of sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four and thirty-five and all of fractional section thirty six, containing in all sixteen thousand, eight hundred and nine acres, and seventy hundredths of an acre.

Township six South of Range six East.

All of fractional sections one and two; all of sections three and four; the south half of the northeast quarter, the south half of the north west quarter, and the north half of the southwest quarter of section five; all of section six, seven, eight, nine and ten; all of fractional section eleven; the south west quarter and the north half of section fifteen; the north half of the south east quarter, the south half of the south west quarter, and the north half of section seventeen; the south half of the south east quarter, the south west quarter, and the north half of section eighteen; all of section nineteen; the north west quarter of the north east quarter the south half of the north east quarter, the south east quarter, and the west half of section twenty; the south half of the north-west quarter, and the south half of section twenty-one; the North half of the north-west quarter, and the south west quarter of the south west quarter of section twenty-two; all of fractional section twenty-six; all of section twenty-seven; the west half of the north east quarter, the west half of the south east quarter, the south east quarter of the south east quarter and the west half of section twenty eight; all of sections twenty-nine, thirty, thirty-one, thirty-two, thirty-three and thirty-four; and all of fractional section thirty-five; containing in all fourteen thousand, three hundred and forty-seven acres and sixty three hundredths of an acre.

Township seven South of Range six East.

All of fractional sections one and two; all of sections three, four, five, six, seven, and eight; the north half of section nine; all of sections ten and eleven; the east fractional half of section twelve; the north half of the south west quarter, the south east quarter and the north half of section thirteen; the north half of the south east quarter, the south west quarter, and the north half of section fourteen; the south east quarter and the north half of section fifteen; the south west quarter and the north half of section seventeen; all of sections eighteen and nineteen; the south east quarter and the west half of section twenty; the north east quarter of section twenty-two; the north west quarter or lots numbered three and four of section twenty-three; the northeast quarter, and the south half of section twenty-four; the west half of the north east quarter of section twenty-nine; and the north half of section thirty; containing in all eleven thousand

one hundred and twenty acres and fifty six hundredths of an acre.

Township four south of Range seven East.

All of fractional sections thirty and thirty-one; containing in all five hundred and thirty six acres and twenty-four hundredths of an acre.

Township five South of Range seven East.

All of fractional sections six and seven; all of section eighteen; the south half or lot "B" of fractional section nineteen; and all of fractional section thirty; containing in all one thousand nine hundred and twenty-five acres and forty one hundredths of an acre.

Township seven South of Range seven East.

All of fractional sections seven, eight, seventeen, and nineteen; containing in all four hundred and eighty-seven acres and seventy-five hundredths of an acre, and containing in the aggregate one hundred and fourteen thousand; two hundred and thirty-one acres and forty-six hundredths of an acre, according to official plats of survey of said lands returned to the general Land Office by the Surveyor General and for which the governor of the said State of Alabama, did, on the 21st day of August 1869 request a patent to be issued to the said state, as required in the aforesaid act.

Now therefore know ye that the United States of America, in consideration of the premises and in conformity with the act of congress aforesaid, have given and granted, and by these presents do give and grant, unto the said state of Alabama, in fee simple subject to the disposal of the Legislature thereof, the tracts of land above described.

To have and to hold the same together with all the rights, privileges, immunities, and appurtenances thereunto belonging unto the said State of Alabama in fee simple and to its assigns forever.

In Testimony whereof, I, Ulysses S. Grant, President of the United States of America, have caused these letters to be made patent and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the city of Washington, the tenth day of September in the year of our Lord one thousand eight hundred and sixty-nine, and of the independence of the United States the ninety-fourth.

By the President: U. S. Grant,

By J. N. Burgett, Secretary

J. N. Granger, Recorder of the General Land Office

M.L. 128314

E. M.

DEPARTMENT OF THE INTERIOR.
GENERAL LAND OFFICE.

Washington, D. C. June 9, 1902.

K.

R. C. L.

I, Binger Herman Commissioner of the General Land Office, do hereby certify that the annexed paper being a copy of Alabama Swamp Land Patent No. 1, Mobile Series, issued September 10, 1869, is a true and literal exemplification of the record of the original patent in this office.

In Testimony whereof I have hereunto subscribed my name and caused the seal of this office to be affixed at the City of Washington, on the day and year above written.

Binger Herman

Commissioner of the General Land Office

(Seal)

Filed for record June 16th, 1902 at 10:15 A. M.,
Recorded June 18th, 1902.

Chas Hall, Judge of Probate.

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 Deed Patent from United States - State of Alabama as the same appears of record in my office in Deed Book No. 5 Page 219-22.

Given under my hand and seal of office, this 3 day of Jan. 1951.

/s/ W. R. Stuart

Judge of Probate

By: Lila S. Glover, Chief Clerk

(Seal)

MR. BLACKBURN: Next we offer in evidence Certified Copy of Deed from Thurman Eugene Gantt to Folmar Flinn Corporation, a Delaware Corporation, and J. H. Faulkner, dated February 20, 1950, recorded in Deed Book 149 at pages 241-2, Baldwin County, Alabama Records, and ask that it be identified as the Complainant's Exhibit "2".

(Deed admitted, identified as Complainant's Exhibit "2" and is as follows)

COMPLAINANT'S EXHIBIT "2"

WARRANTY DEED

STATE OF ALABAMA,)

BALDWIN COUNTY.)

THIS INDENTURE, made and entered into on this the 20th day of February, 1950, by and between Thurman Eugene Gantt, unmarried, hereinafter referred to as the party of the first part, and Folmar-Flinn Corporation, a Delaware Corporation, having its principal place of business in Montgomery, Alabama, and J. H. Faulkner, hereinafter referred to as the parties of the second part, WITNESSETH:

The party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to him this day in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged has and by these presents does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Folmar-Flinn Corporation, a Delaware Corporation, having its principal place of business in Montgomery, Alabama, a two-thirds interest, and unto J. H. Faulkner a one-third interest in and to the following described real property situated in Baldwin County, Alabama, to-wit:

East Half of Northeast Quarter of Section 13, Township 6 South, Range 4 East; South Half of Northeast Quarter; Northwest Quarter of Northeast Quarter; East Half of Northwest Quarter; North Half of Southeast Quarter and Northeast Quarter of Southwest Quarter of Section 18, Township 6 South, Range 5 East.

All that part of the Southeast Quarter of Section 13, and the Southwest Quarter of the Northeast Quarter of Section 13, lying North and East of Blackwater River, Township 6 South, Range 4 East.

West Half of the Northwest Quarter; Northwest Quarter of the Southwest Quarter of Section 18, Township 6 South, Range 5 East.

All that portion of the South Half of Section 13, except the Southwest Quarter of the Southwest Quarter, lying South and West of the Blackwater River, and also that part of the Southwest Quarter of the Northeast Quarter lying South and West of said River, all in Section 13, Township 6 South, Range 4 East.

The Northeast Quarter of the Northeast Quarter of Section 24, Township 6 South, Range 4 East.

The above described property contains eight hundred eighty (880) acres, more or less.

TO HAVE AND TO HOLD unto the said parties of the second part, their heirs, successors and assigns, forever.

The party of the first part for himself, his heirs, executors and administrators, hereby covenant and warrant to and with the said parties of the second part, their heirs, successors and assigns, that he is seized of an indefeasible estate in and to the said property; that he has a good right to convey the same as herein contained; that he will guarantee the peaceable possession thereof; that the said property is free of and from all liens and encumbrances, except taxes for 1950 and the mineral interests and reservations contained in the deeds by which the party of the first part acquired title to the above described property, and that he and his heirs and assigns, executors and administrators shall otherwise forever warrant and defend the same unto the said parties of the second part, their heirs, successors, and assigns, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and affixed his seal on this the day and year first above written.

/s/ THURMAN EUGENE GANTT (SEAL)

STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, J. B. Blackburn, the undersigned authority, within and for said County in said State hereby certify that Thurman Eugene Gantt, unmarried, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 20th day of February, 1950.

/s/ J. B. BLACKBURN

Notary Public, State of Alabama at
Large

(SEAL)

STATE OF ALABAMA, BALDWIN COUNTY
Filed 2/20/50
Recorded Deed Book 149 Page 241-2
and I certify that the following Privilege
Tax has been paid.
Deed Tax \$18.00
Mortgage Tax _____

W. R. Stuart
Judge of Probate
By G.

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 Deed Thurman Eugene Gantt - Polmar-Flinn Corporation et al as the same appears of record in my office in Deed Book No. 149 Page 241-2.

Given under my hand and seal of office, this 3 day of Jan, 1951.

/s/ W. R. Stuart
Judge of Probate
By: Lila S. Glover, Chief Clerk

(Seal)

MR. BLACKBURN: Mr. Faulkner, have the Complainants in this case and those through whom they claim title, assessed and paid taxes on this property for the past ten years?

A. Yes sir.

Q. Have you caused an examination of the records to be made to determine if anyone else has assessed and paid taxes on this property for the past ten years? Or made any claim to it?

A. That's right.

Q. Were there any adverse claimants or assessments?

A. There wasn't.

Q. Before this suit was filed what did you and the other Complainants do in connection with getting information about the names, ages and places of address of all parties who were made parties defendant here? Did you have an abstract prepared?

A. Had an abstract prepared and examined by you, a lawyer, and I believe Mrs. Teeter or Mr. Teeter made the abstract, or part of it, there were two abstracts I believe, and publication was made.

Q. Prior to the publication did you also have the records examined down in the Probate Office and the Tax Collector's Office and the Tax Assessor's?

A. We did.

Q. Did you make inquiry in the community where the land was located?

A. We did.

Q. I will ask you if your efforts did not continue from the time you bought the property in February, up until the time suit was filed in July?

A. Yes.

Q. Is the information which you secured about these defendants at are set out; all other information you were able to secure correctly set out in this bill?

A. That's right.

Q. I believe you have read over this bill of complaint?

A. Yes.

Q. Are all the facts state in it true?

A. That's right.

Q. Mr. Faulkner, I don't believe I asked you this, at the time this suit was filed and at this time, were the complainants in the actual possession of all of the property described in this bill of complaint and each and every interest therein and every part thereof?

A. Right. We have been selling timber off of it for several months. That's all.

Mr. J. S. Lowrey, being first duly and legally sworn,
testified as follows:

ON DIRECT EXAMINATION

By Mr. Blackburn

Q. Are you Mr. J. S. Lowrey?

A. Yes sir.

Q. Mr. Lowrey, what business are you engaged in?

A. Real estate business.

Q. Are you familiar with the tract of land described in this suit and involved in this suit?

A. Yes sir.

Q. You at one time owned part of the tract?

A. About four hundred acres, owned the Gilmore tract.

Q. In your dealings with the Gilmores, they were over twenty-one years of age were they not?

A. Yes sir.

Q. Now, when this suit was filed in July, July 20, 1950, were you familiar with this property?

A. Yes.

Q. Were the complainants, Folmar-Flinn Corporation, and Mr. Faulkner in possession?

A. Yes sir.

Q. Did they claim to own it?

A. Yes.

Q. Had anyone else except the complainants and those through whom they claim title had any possession of the property for the past ten years before this suit was filed?

A. No.

Q. Had you heard of anyone except the complainants and those through whom they claim title making any claim to the property or any part of it or any interest in it during the past ten years?

A. No.

That's all.

I, Ora S. Nelson, Court Reporter, hereby certify that the above and foregoing is a true and correct transcript of the evidence given in the above styled cause on the 4th day of January, 1951, when a hearing of said cause was had before Judge Telfair J. Mashburn, Jr.

Dated and filed this 15th day of January, 1951.

Ora S. Nelson
Court Reporter

FOLMAR-FLINN CORPORATION, a)	
Delaware Corporation, having its)	IN THE CIRCUIT COURT OF
principal place of business in)	
Montgomery, Alabama, and J. H.)	BALDWIN COUNTY, ALABAMA
FAULKNER,)	
Complainants,)	
VS.)	IN EQUITY.
)	
SOUTHERN PLANTATION DEVELOPMENT)	
COMPANY, a Corporation, ET ALS,)	
)	
Respondents.)	

DECREE PRO CONFESSO.

In this cause it being made to appear to the Register that the Notice of Pendency of the Bill of Complaint in this cause dated July 20, 1950, was published once a week for four consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, the said notice appearing in the issues of said paper on July 20, July 27, August 3 and August 10, 1950, that on July 20, 1950, a copy of the said notice was filed for record in the office of the Judge of Probate of Baldwin County, Alabama and a copy thereof posted at the front door of the courthouse of Baldwin County, Alabama, in Bay Minette, Alabama, and that to date hereof the Respondents, Southern Plantation Development Company, a Corporation, the officers, directors and stockholders of the Southern Plantation Development Company, a Corporation, C. N. Souther, P. G. Baker, Floyd R. Perkins, E. F. Winegar, Allan G. Gilmour, Lily Gilmour, and the heirs and devisees of such of the said parties as may be dead, and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the following described property situated in Baldwin County, Alabama, to-wit:

Northwest Quarter of Northeast Quarter, East Half of the Northwest Quarter, South Half of the Northeast Quarter, North Half of the Southeast Quarter, Northeast Quarter of Southwest Quarter, in Section 18, Township 6 South Range 5 East of St. Stephens Meridian;

East Half of the Northeast Quarter, in Section 13, Township 6 South, Range 4 East, of St. Stephens Meridian,

have to date hereof failed to appear and plead, answer or demur to the Bill of Complaint filed against them herein:

ORDERED, ADJUDGED AND DECREED on this the 2nd day of
January, 1951.

Wm. J. French
Register of the Circuit Court of Baldwin County, Alabama, Sitting in Equity.

DECREE PRO CONFESSO

FOLMAR-FLINN CORPORATION, a
Delaware Corporation, having its
principal place of business in
Montgomery, Alabama, and J. H.
FAULKNER,

Complainants,

VS.

SOUTHERN PLANTATION DEVELOPMENT
COMPANY, a Corporation, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FOLMAR-FLINN CORPORATION, a
Delaware Corporation, having
its principal place of business
in Montgomery, Alabama, and
J. H. FAULKNER,

Complainants,

VS.

SOUTHERN PLANTATION DEVELOPMENT
COMPANY, a Corporation, the
officers, directors and stock-
holders of the Southern Planta-
tion Development Company, a
Corporation, C. N. SOUTHER,
E. F. WINEGAR, ALLAN G. GILMOUR
and LILY GILMOUR,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

FINAL DECREE

This cause coming on to be heard on this date is submitted for final decree on the original Bill of Complaint, Notice of Pendency of Bill of Complaint, Proof of Publication of Notice of Pendency of Bill of Complaint, Motion for Decree Pro Confesso against Respondents, Decree Pro Confesso against Respondents, Decree ordering testimony taken in this case, as required by Equity Rule Number 56, as amended, the testimony of complainants' witnesses taken in open court, as provided by Equity Rule Number 56, as amended, and Note of Submission, upon consideration of all of which, it appears to the Court 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 as follows:

1. The Complainants, Folmar-Flinn Corporation, a Delaware Corporation, and J. H. Faulkner, are the true and lawful owners in fee simple of the following described real property situated in Baldwin County, Alabama, to-wit:

Northwest Quarter of Northeast Quarter;
East Half of Northwest Quarter;
South Half of Northeast Quarter;
North Half of Southeast Quarter;
Northeast Quarter of Southwest Quarter,
In Section 18, Township 6 South, Range 5 East
of St. Stephens Meridian;

East Half of Northeast Quarter in Section 13,
Township 6 South, Range 4 East of St. Stephens
Meridian.

The absolute fee simple title to the said lands and to each and every part thereof, and all interest therein, is in the said complainants, Folmar-Flinn Corporation and J. H. Faulkner, 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. The said complainants shall have and they are hereby given judgment against the said lands and against any and all persons claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof.

2. The complainants' title to the said lands and to each and every part thereof and each and every interest therein is hereby quieted against Southern Plantation Development Company, C. N. Souther, E. F. Winegar, Allan G. Gilmour and Lily Gilmour, and against the heirs, devisees and personal representatives of each of the said parties as may be dead, and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, and such claim or claims are hereby Adjudged and Decreed to be invalid, groundless and of no effect.

3. The Register of this court shall file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama and tax the expense of such recording as a part of the costs of this proceeding.

4. 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 Southern Plantation Development Company, C. N. Souther, E. F. Winegar, Allan G. Gilmour and Lily Gilmour, and shall index the same in the indirect or reverse index of the said records in the names of Folmar-Flinn Corporation and J. H. Faulkner.

5. The title hereby decreed to be in the said complainants, Folmar-Flinn Corporation and J. H. Faulkner, shall inure to the benefit of all persons who derive title to the said lands or any

part thereof, or any interest therein, from or through the said Folmar-Flinn Corporation and J. H. Faulkner, and such title or interest shall be at all times treated and considered as though it had been established in favor of the persons so procuring or deriving title from the said complainants.

6. The costs of this proceeding are hereby taxed against the said complainants, Folmar-Flinn Corporation and J. H. Faulkner, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 2nd day of December, 1952.

Walter J. Maschery, Jr.
Judge.

FOLMAR-FLINN CORPORATION, a
Delaware Corporation, having
its principal place of busi-
ness in Montgomery, Alabama,
and J. H. FAULKNER,

Complainants,
VS.

SOUTHERN PLANTATION DEVELOP-
MENT COMPANY, a Corporation,
ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

NOTE OF SUBMISSION

This cause coming on to be heard on this date is submitted for final decree on the original Bill of Complaint, Notice of Pendency of Bill of Complaint, Proof of Publication of Notice of Pendency of Bill of Complaint, Motion for Decree Pro Confesso against Respondents, Decree Pro Confesso against Respondents, Decree Ordering Testimony taken in this case, as required by Equity Rule Number 56, as amended, and the testimony of complainants' witnesses taken in open court, as provided by Equity Rule Number 56, as amended.

Dated this the 2nd day of December, 1952.

Reece L. Smith
Register.

J. B. Blackburn
Solicitor for Complainants

By John R. Smith

NOTE OF SUBMISSION

FOLMAR-FLINN CORPORATION, a
Delaware Corporation, having its
principal place of business in
Montgomery, Alabama, and J. H.
FAULKNER,

VS. Complainants,

SOUTHERN PLANTATION DEVELOPMENT
COMPANY, a Corporation, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

DEC 2 1952

ALICE J. DUCK, Clerk

NOTICE OF PENDENCY OF BILL OF COMPLAINT.

FOLMAR-FLINN CORPORATION, a
Delaware Corporation, having its
principal place of business in
Montgomery, Alabama, and J. H.
FAULKNER,
Complainants,

VS.

SOUTHERN PLANTATION DEVELOPMENT
COMPANY, a Corporation, officers,
directors and stockholders of the
Southern Plantation Development
Company, a Corporation, C. N.
SOUTHER, P. G. BAKER, FLOYD R.
PERKINS, E. F. WINEGAR, ALLAN G.
GILMOUR, and LILY GILMOUR,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

Notice is hereby given to Southern Plantation Development Company, a Corporation, officers, directors and stockholders of the Southern Plantation Development Company, a Corporation, C. N. Souther, P. G. Baker, Floyd R. Perkins, E. F. Winegar, Allan G. Gilmour, Lily Gilmour, and the heirs and devisees 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 20th day of July, 1950, the said Complainants, Folmar-Flinn Corporation, a Delaware Corporation, having its principal place of business in Montgomery, Alabama, and J. H. Faulkner, 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:

Northwest Quarter of Northeast Quarter,
East Half of the Northwest Quarter,
South Half of the Northeast Quarter,
North Half of the Southeast Quarter,
Northeast Quarter of Southwest Quarter, in
Sections 18, Township 6 South, Range 5 East
of St. Stephens Meridian;

East Half of the Northeast Quarter, in
Section 13, Township 6 South, Range 4 East,
of St. Stephens Meridian,

and against Southern Plantation Development Company, a Corporation, officers, directors and stockholders of the Southern Plantation

Development Company, a Corporation, C. N. Souther, P. G. Baker, Floyd R. Perkins, E. F. Winegar, Allan G. Gilmour, Lily Gilmour, and the heirs and devisees 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 their 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 Probate Judge of Baldwin County, Alabama, the County where the said lands are situated, to-wit:

A. Patent from United States to State of Alabama, dated September 10, 1869, recorded in Deed Book 5 N.S. at pages 219-22.

B. Deed from Thurman Eugene Gantt to Folmar-Flinn Corporation, a Delaware Corporation, having its principal place of business in Montgomery, Alabama, and J. H. Faulkner, dated February 20, 1950, recorded in Deed Book 149, at pages 241-42.

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 in, or right to 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 the Complainants to have had any possession of the said lands, or any part thereof, within ten years next prior to the filing of the said Bill of Complaint, that no persons, firms or corporations, other than the Complainants and those through whom they claim title,

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; that the Complainants together with those through whom they claim title to the said lands, have held color of title thereto, and have been in the actual, peaceable, continuous and undisputed possession of all of the said property for more than ten years next preceding the filing of this Bill of Complaint.

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 the 19th day of September, 1950, 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 20th day of July, 1950.

Reid J. Leach
Register of the Circuit Court of Baldwin County, Alabama, in Equity.

J. B. BLACKBURN,
Solicitor for Complainants.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 7-20-50
Recorded 7-20-50
Judge of Probate

FOLMAR-FLINN CORPORATION, a
Delaware Corporation, having its
principal place of business in
Montgomery, Alabama, and J. H.
FAULKNER,
Complainants,

VS.

SOUTHERN PLANTATION DEVELOPMENT
COMPANY, a Corporation, officers,
directors and stockholders of the
Southern Plantation Development
Company, a Corporation, C. N.
SOUTHER, P. G. BAKER, FLOYD R.
PERKINS, E. F. WINEGAR, ALLAN G.
GILMOUR, and LILY GILMOUR,
Respondents.

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

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Orators, Folmar-Flinn Corporation, a Delaware
Corporation, having its principal place of business in Montgomery,
Alabama, and J. H. Faulkner, present this Bill of Complaint against
the following described property situated in Baldwin County, Ala-
bama, to-wit:

Northwest Quarter of Northeast Quarter,
East Half of the Northwest Quarter,
South Half of the Northeast Quarter,
North Half of the Southeast Quarter,
Northeast Quarter of Southwest Quarter, in
Section 18, Township 6 South, Range 5 East
of St. Stephens Meridian;

East Half of the Northeast Quarter, in
Section 13, Township 6 South, Range 4 East,
of St. Stephens Meridian,

and against Southern Plantation Development Company, a Corporation,
the officers, directors and stockholders of the Southern Plantation
Development Company, a Corporation, C. N. Souther, P. G. Baker,
Floyd R. Perkins, E. F. Winegar, Allan G. Gilmour, Lily Gilmour,
and against the heirs and devisees 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, thereupon your Orators complain and
show unto the Court and your Honor as follows:

1. Your Orators, Folmar-Flinn Corporation, is a Delaware Corporation, having its principal place of business in Montgomery, Alabama; your Orator, J. H. Faulkner, is over twenty-one years of age and is a resident of Baldwin County, Alabama.

2. The Respondents are, if living, over the age of twenty-one years, but their places of residence and post office addresses are unknown, and cannot be ascertained after diligent effort and inquiry to ascertain the facts with regard thereto, except P. G. Baker, whose last known address was Chicago, Illinois.

3. Your Orators own the said lands in Baldwin County, Alabama, namely, Northwest Quarter of Northeast Quarter, East Half of Northwest Quarter, South Half of Northeast Quarter, North Half of Southeast Quarter, Northeast Quarter of Southwest Quarter, in Section 18, Township 6 South, Range 5 East, of St. Stephens Meridian; East Half of Northeast Quarter, in Section 13, Township 6 South, Range 4 East, of St. Stephens Meridian, in their own right, absolutely and in fee simple, and are in the actual, peaceable, possession of all of the said property. Your Orators, together with those through whom they claim title to the said lands have held color of title thereto, and have been in the actual, peaceable, continuous and disputed possession of all of the said property for more than ten years next preceding the filing of this Bill of Complaint; no suit is pending to test your Orators title to, interest in, or right to possession of the said lands, or any part thereof. Wherefore, your Orators file this their verified Bill of Complaint in the Circuit Court of Baldwin County, Alabama, in Equity, the County where the said lands are situated, against the said lands, and against any and all persons, firms or corporations claiming any title to, interest in, ~~including the said Respondents~~ ^{including the said Respondents} lien or encumbrances on the said lands, or any part thereof, to establish their title to the said lands, and to clear up all doubts and disputes concerning the same.

4. Your Orators have and claim to have the absolute fee simple title to all of the said described property. The title so held and claimed by your Orators in and through all of the said lands was obtained from the persons and through the instruments as

will hereinafter appear. Your Orators further show that the title to all of the said lands stands upon the records of the Probate Court of Baldwin County, Alabama, the County where the said lands are situated, in the name of your Orators, that no persons, firms or corporations other than your Orators and those through whom they claim title to the said lands, have at any time within the ten years next preceding the filing of this Bill of Complaint paid any taxes upon the said lands, or any part thereof, or any interest therein, nor has any other person, firm or corporation other than your Orators, and those through whom they claim title to the said lands, had any possession of the said lands, or any part thereof, for more than ten years next preceding the filing of this Bill of Complaint.

5. Your Orators claim the absolute fee simple title to all of the said lands under, by and through the following instruments of writing, all of which are recorded in the Probate Records of Baldwin County, Alabama, the County where the said lands are situated, to-wit:

- A. Patent from United States to State of Alabama, dated September 10, 1869, recorded in Deed Book 5 N.S., at pages 219-22.
- B. Deed from Thurman Eugene Gantt to Folmar-Flinn Corporation, a Delaware Corporation, having its principal place of business in Montgomery, Alabama, and J. H. Faulkner, dated February 20, 1950, recorded in Deed Book 149, at pages 241-42.

Your Orators aver that they have made and caused to be made a diligent search to ascertain the names, ages and addresses of all of the parties named herein, who are now deceased, and also ascertain if anyone is making any claim to the said property, or any part thereof. These said inquiries have continued for more than five months next preceding the filing of this Bill of Complaint.

Your Orators have examined and have employed an attorney to examine the records in the office of the Probate Judge, the Tax Collector and the Tax Assessor of Baldwin County, Alabama, and to ascertain to whom the records show to have any claim to or encumbrance on the said property; that they have made and caused a thorough inquiry to be made in the community where the said lands are situated for the

purpose of ascertaining any claimants to it, or any other information having any bearing on the title to the said property; that these efforts by your Orators, their agents and attorney have continued faithfully and diligently for the long period of time, and all of the information so secured as to the said heirs, prior ownership and possession of the said property is set out in this Bill of Complaint.

PRAYER FOR PROCESS.

Your Orators pray that the lands hereinabove described, the Respondents named herein and the unknown heirs, devisees, personal representatives and next of kin of the Respondents named herein who are dead, and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, be made parties Respondent to this Bill of Complaint, and be brought into Court by the usual and proper process.

PRAYER FOR RELIEF.

Your Orators pray that each and all of the Respondents named herein, the unknown heirs, devisees, legal representatives and next of kin of such of the Respondents herein named who are dead, and any and all persons, firms or corporations who claim to own the said lands, or any part thereof, or any interest therein, or any lien or encumbrance thereon, be required to set fourth and specify such claim, title, right, interest, lien or encumbrance and how and by what instrument the same is derived and created; and that upon the final hearing of this cause it be Ordered, Adjudged and Decreed that your Orator, at the time of the filing of this Bill of Complaint, had the legal title to all of the above described lands and that none of the Respondents herein specifically named, or any other person, firm or corporation has any right, title or interest therein, or any part thereof, or any lien or encumbrance thereon, and that all doubts and disputes concerning the said property may be cleared up and that your Orators' title to the said

lands be fully and completely quieted. Your Orators further pray for such other, further and general relief as they may be entitled to, the premises considered.

J. B. Blum
J. H. Faulkner
Solicitor for ~~one of~~ the Complainants.

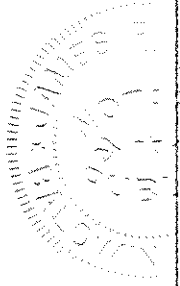
STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, the undersigned authority, within and for said County in said State, personally appeared J. H. Faulkner, who, after being by me first duly and legally sworn, deposes and says: that he is one of the Complainants named in the above entitled cause; that he has read the foregoing Bill of Complaint, and that the facts stated therein are true.

J. H. Faulkner

Sworn to and subscribed before me
on this the 20th day of July, 1950.

James R. Allen
Notary Public, Baldwin County, Ala.



FOLMAR-FLINN CORPORATION, a
Delaware Corporation, having
its principal place of business
in Montgomery, Alabama, and
J. H. FAULKNER,

VS. Complainants,

SOUTHERN PLANTATION DEVELOPMENT
COMPANY, a Corporation, the
officers, directors and stock-
holders of the Southern Planta-
tion Development Company, a
Corporation, C. N. SOUTHER,
E. F. WINEGAR, ALLAN G. GILMOUR
and LILY GILMOUR,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

FINAL DECREE

This cause coming on to be heard on this date is submitted for final decree on the original Bill of Complaint, Notice of Pendency of Bill of Complaint, Proof of Publication of Notice of Pendency of Bill of Complaint, Motion for Decree Pro Confesso against Respondents, Decree Pro Confesso against Respondents, Decree ordering testimony taken in this case, as required by Equity Rule Number 56, as amended, the testimony of complainants' witnesses taken in open court, as provided by Equity Rule Number 56, as amended, and Note of Submission, upon consideration of all of which, it appears to the Court 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 as follows:

1. The Complainants, Folmar-Flinn Corporation, a Delaware Corporation, and J. H. Faulkner, are the true and lawful owners in fee simple of the following described real property situated in Baldwin County, Alabama, to-wit:

Northwest Quarter of Northeast Quarter;
East Half of Northwest Quarter;
South Half of Northeast Quarter;
North Half of Southeast Quarter;
Northeast Quarter of Southwest Quarter,
In Section 18, Township 6 South, Range 5 East
of St. Stephens Meridian;

East Half of Northeast Quarter in Section 13,
Township 6 South, Range 4 East of St. Stephens
Meridian.

The absolute fee simple title to the said lands and to each and every part thereof, and all interest therein, is in the said complainants, Folmar-Flinn Corporation and J. H. Faulkner, 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. The said complainants shall have and they are hereby given judgment against the said lands and against any and all persons claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof.

2. The complainants' title to the said lands and to each and every part thereof and each and every interest therein is hereby quieted against Southern Plantation Development Company, C. N. Souther, E. F. Winegar, Allan G. Gilmour and Lily Gilmour, and against the heirs, devisees and personal representatives of each of the said parties as may be dead, and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, and such claim or claims are hereby Adjudged and Decreed to be invalid, groundless and of no effect.

3. The Register of this court shall file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama and tax the expense of such recording as a part of the costs of this proceeding.

4. 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 Southern Plantation Development Company, C. N. Souther, E. F. Winegar, Allan G. Gilmour and Lily Gilmour, and shall index the same in the indirect or reverse index of the said records in the names of Folmar-Flinn Corporation and J. H. Faulkner.

5. The title hereby decreed to be in the said complainants, Folmar-Flinn Corporation and J. H. Faulkner, shall inure to the benefit of all persons who derive title to the said lands or any

part thereof, or any interest therein, from or through the said Folmar-Flinn Corporation and J. H. Faulkner, and such title or interest shall be at all times treated and considered as though it had been established in favor of the persons so procuring or deriving title from the said complainants.

6. The costs of this proceeding are hereby taxed against the said complainants, Folmar-Flinn Corporation and J. H. Faulkner, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 2nd day of December, 1952.

(s) TELFAIR J. MASHBURN, JR.

Judge.

STATE OF ALABAMA)
BALDWIN COUNTY)

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, hereby certify that the above and foregoing is a true and correct copy of the final decree rendered by the Judge of the Circuit Court of Baldwin County, Alabama, in Equity, in the case of Folmar-Flinn Corporation, a Delaware Corporation, and J. H. Faulkner, Complainants, vs. Southern Plantation Development Company, a Corporation et als, Respondents, as the same appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 2nd day of December, 1952.

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

STATE OF ALABAMA, BALDWIN COUNTY

Filed 12-3-52 10:20 AM

Recorded deed book 188 page 315 7

McIntire
Judge of Probate

2

BOOK 188 PAGE 387

(COPY)

The map shows the northern Adriatic coastline of Italy. Sampling stations are numbered 1 through 10. Station 1 is located near the Gulf of Genoa. Stations 2 through 10 are distributed along the coast from Liguria to the Marche region. The map includes latitude lines (44°N, 45°N) and longitude lines (10°E, 12°E). A scale bar at the bottom indicates distances from 0 to 100 km.

VS.

R. 2.00.
H. R. R. R.

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[illegible]

FOLMAR-FLINN CORPORATION, a Delaware Corporation, having its principal place of business in Montgomery, Alabama, and J. H. FAULKNER,)	IN THE CIRCUIT COURT OF
)	
Complainants,)	BALDWIN COUNTY, ALABAMA
)	
VS.)	IN EQUITY.
)	
SOUTHERN PLANTATION DEVELOPMENT COMPANY, a Corporation, ET ALS,)	
)	
Respondents.)	

DECREE ORDERING ORAL EXAMINATION OF WITNESSES

This cause coming on to be heard on this date is submitted on the written motion of the Complainants for an order requesting that the testimony of the Complainants' witnesses in this cause, namely, J. H. Faulkner and J. S. Lowrey, be taken orally, reduced to writing and filed in this cause in the manner provided by Equity Rule Number 56 as amended, upon consideration of all of which it is, therefore, Ordered, Adjudged and Decreed by the Court as follows: The testimony of the Complainants' witnesses, namely, J. H. Faulkner and J. S. Lowrey, shall be taken orally at 10 o'clock A. M. on January 4, 1951, reduced to writing and filed in this cause in the manner provided by Equity Rule Number 56 as amended.

ORDERED, ADJUDGED and DECREED on this the 4th day of January, 1951.

Jeffrey G. Mablebury, Jr.
Judge.

IN WITNESS

IN THE CIRCUIT COURT OF

Montgomery,

COMPLAINANTS' WITNESSES, AND J. H. FAULKNER, HAVING ITS PRINCIPAL PLACE OF BUSINESS IN MONTGOMERY, ALABAMA, AND J. H. FAULKNER,

AS

WITNESSES,

Complainants,

SOUTHERN PLANTATION DEVELOPMENT COMPANY, A CORPORATION, ET AL., AS RESPONDENTS.

FILED IN MONTGOMERY, ALABAMA, JANUARY 4, 1951.

DECREE ORDERING ORAL EXAMINATION OF WITNESSES.

FOLMAR-FLINN CORPORATION, a Delaware Corporation, having its principal place of business in Montgomery, Alabama, and J. H. FAULKNER,

Complainants,

VS.

SOUTHERN PLANTATION DEVELOPMENT COMPANY, a Corporation, ET ALS,

Respondents.

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

Judge.

James H. McLaughlin

January, 1927.

ORDERED, ADJUDGED AND DECREED on the 4th day of
January, 1927, provided by Equity Rule number 26 as amended.
A. H. on January 4, 1927, required to writing and filed in this
J. H. Faulkner and J. G. Lowrey, shall be taken orally at 10 o'clock
as follows: the testimony of the Complainants, witnesses, namely,
which is in the records, ordered, adjudge and decreed by the Court
of Equity Rule number 26 as amended, upon consideration of all of
records to writing and filed in this cause in the manner provided
cause, namely, J. H. Faulkner and J. G. Lowrey, be taken orally,
dusting that the testimony of the Complainants, witnesses in this
mitted on the written motion of the Complainants for an order re-
The cause coming on to be heard on this date is and

DECREED ORDERING ORAL EXAMINATION OF WITNESSES

Respondents.

COMPLAINANTS' S CORPORATIONS, ET AL,
SOUTHERN PLANTATION DEVELOPMENT

AS

Complainants,

J. H. FAULKNER, J. G. LOWREY, and J.
in Montgomery, Alabama, and J.
the principal place of business
Delaware Corporation, having
FOLMAR-FLINN CORPORATION, a

BALDWIN COUNTY, ALABAMA

IN THE CIRCUIT COURT OF

IN EQUITY.

Complainants,

BALDWIN COUNTY, ALABAMA

IN EQUITY.

Respondents.

Now come the Complainants by their Solicitor and move the Court to take the testimony of the Complainants' witnesses, namely, J. H. Faulkner and J. S. Lowrey, orally, have it reduced to writing and filed in this cause as required by Equity Rule Number 56 as amended.

Solicitor for Complainants.

Solicitor for Complainants.

RECORDED

Complainants

SOUTHERN PLANTATION DEVELOPMENT
COMPANY, a Corporation, ET ALS,
Respondents.

[illegible]

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[illegible]

$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 $\frac{1}{4} \times \frac{1}{4} = \frac{1}{16}$
 $\frac{1}{16} \times \frac{1}{16} = \frac{1}{256}$

COPIES TO BE DESTROYED

[illegible]

THE UNIVERSITY OF CHICAGO

FOLMAR-FLINN CORPORATION, a)	
Delaware Corporation, having its)	IN THE CIRCUIT COURT OF
principal place of business in)	
Montgomery, Alabama, and J. H.)	BALDWIN COUNTY, ALABAMA
FAULKNER,)	
Complainants)	
)	IN EQUITY.
VS.)	
)	
SOUTHERN PLANTATION DEVELOPMENT)	
COMPANY, a Corporation, ET ALS,)	
)	
Respondents.)	

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a Decree Pro Confesso against the Respondents, Southern Plantation Development Company, a Corporation, the officers, directors and stockholders of the Southern Plantation Development Company, a Corporation, C. N. Souther, P. G. Baker, Floyd R. Perkins, E. F. Winegar, Allan G. Gilmour, and Lily Gilmour, and against the heirs and devisees 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 following described property situated in Baldwin County, Alabama, to-wit:

Northwest Quarter of Northeast Quarter, East Half of the Northwest Quarter, South Half of the Northeast Quarter, North Half of the Southeast Quarter, Northeast Quarter of Southwest Quarter, in Section 18, Township 6 South Range 5 East of St. Stephens Meridian;

East Half of the Northeast Quarter, in Section 13, Township 6 South, Range 4 East, of St. Stephens Meridian,

on the ground that the order of publication in this cause was published once a week for four consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, the said notice appearing in the issues of said paper of July 20, July 27, August 3, and August 10, 1950, and on the further grounds that on July 20, 1950, a copy of the said Notice of Pendency of the said Bill of Complaint was filed for record in the office of the Judge of Probate of Baldwin County, Alabama, and a copy thereof posted at the front door of the courthouse of Baldwin County, Ala-

bama, in Bay Minette, Alabama, and that to the said date the Respondents have failed to appear and plead, answer or demur to the Bill of Complaint filed against them in this cause.

WHEREFORE, Complainants pray that Decrees Pro Confesso be made and entered against the said Respondents and each of them, and any and all persons, firms or corporations claiming any right, title or interest in, lien or encumbrance on the above described property, or any part thereof.

L. B. Blackburn

RECORDED
, MOTION FOR DECREE PRO CONFESSO
FOLMAR-FLINN CORPORATION, a
Delaware Corporation, and J. H.
FAULKNER,

Complainants,

VS.

SOUTHERN PLANTATION DEVELOPMENT
COMPANY, a Corporation, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Filed 1-2-51
Alice J. Leuck
Registra

The BALDWIN Times

ALABAMA'S BEST COUNTY'S- BEST NEWSPAPER

LEGAL NOTICE

NOTICE OF PENDENCY OF BILL OF COMPLAINT

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, IN EQUITY.
FOLMAR-FLINN CORPORATION, a De-
laware Corporation, having its principal
place of business in Montgomery, Ala-
bama, and J. H. FAULKNER, Complain-
ants,

VS.
SOUTHERN PLANTATION DEVELOP-
MENT COMPANY, a Corporation, officers,
directors and stockholders of the Southern
Plantation Development Company, a Cor-
poration, C. N. SOUTHER, P. G. BAKER,
FLOYD R. PERKINS, E. F. WINEGAR,
ALLAN G. GILMOUR, and LILY GILMOUR,
Respondents.

Notice is hereby given to Southern
Plantation Development Company, a Cor-
poration, officers, directors and stock-
holders of the Southern Plantation De-
velopment Company, a Corporation, C. N.
Souther, P. G. Baker, Floyd R. Perkins,
E. F. Winegar, Allan G. Gilmour, Lily
Gilmour, and the heirs and devisees of
such of the said parties as may be dead,
and any and all persons, firms or corpo-
rations claiming any title to, interest in, lien
or encumbrance on the lands hereinafter
described, that on the 20th day of July,
1950, the said Complainants, Folmar-
Flinn Corporation, a Delaware Corpora-
tion, having its principal place of busi-
ness in Montgomery, Alabama, and J. H.
Faulkner, 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:

Northwest Quarter of Northeast Quar-
ter, East Half of the Northeast Quar-
ter, South Half of the Northeast Quar-
ter, North Half of the Southeast Quar-
ter, Northeast Quarter of Southwest
Quarter, in Sections 18, Township 6
South, Range 5 East of St. Stephens
Meridian;
East Half of the Northeast Quarter,
in Section 13, Township 6 South,
Range 4 East of St. Stephens Meri-
dian,

and against Southern Plantation Develop-
ment Company, a Corporation, officers,
directors and stockholders of the Southern
Plantation Development Company, a Cor-
poration, C. N. Souther, P. G. Baker,
Floyd R. Perkins, E. F. Winegar, Allan G.
Gilmour, Lily Gilmour, and the heirs and
devisees 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 encum-
brance on the said lands or any part
thereof, the said Bill of Complaint hav-
ing been filed for the purpose of estab-
lishing 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 con-
cerning their 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 conveyance, all of which are record-
ed in the office of the Probate Judge of
Baldwin County, Alabama, the County
where the said lands are situated, to-
wit:

A. Patent from United States to State
of Alabama, dated September 10,
1869, recorded in Deed Book 5 N.
S. at pages 219-22.

B. Deed from Thurman Eugene Gantt
to Folmar-Flinn Corporation, a De-
laware Corporation, having its
principal place of business in
Montgomery, Alabama, and J. H.
Faulkner, dated February 20, 1950,
recorded in Deed Book 149, at
pages 241-42.

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 posses-
sion of all of the said lands; that title
to the said lands stands upon the re-
cords 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 in, or right to 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 the
Complainants to have had any possession
of the said lands, or any part thereof,
within ten years next prior to the filing
of the said Bill of Complaint, that no
persons, firms or corporations, other than
the Complainants and those through whom
they claim title, 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; that the Complainants to-
gether with those through whom they
claim title to the said lands, have held
color of title thereto, and have been in
the actual, peaceable, continuous and
undisputed possession of all of the said
property for more than ten years next
preceding the filing of this Bill of Com-
plaint.

The said parties named above and all
persons, firms or corporations claiming
any title to, interest in, lien or encum-
brance 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 the 19th day of
September, 1950, 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 20th day of July, 1950.

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

J. B. BLACKBURN,
Solicitor for Complainants.

26-4tc.

ATION

A.

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

- Flinn Corp. vs.
ern Plantation

COST STATEMENT

ORDS @ 4 1/2 cents — — — \$ 42 44

this is correct, due and unpaid (paid).

Jimmy Faulkner
Publisher.

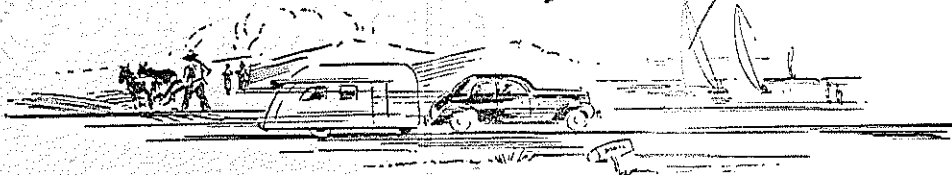
newspaper for 4 consecutive weeks in the following issues:

on <u>July 20</u>	19 <u>50</u> Vol. <u>61</u> No. <u>26</u>
on <u>July 27</u>	19 <u>50</u> Vol. <u>61</u> No. <u>27</u>
on <u>Aug. 3</u>	19 <u>50</u> Vol. <u>61</u> No. <u>28</u>
on <u>Aug. 10</u>	19 <u>50</u> Vol. <u>61</u> No. <u>29</u>

orn before the undersigned this 11 day of Aug., 1950

Dorothy Martin
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.



FOLMAR-FLINN CORPORATION, a
Delaware Corporation, having its
principal place of business in
Montgomery, Alabama, and J. H.
FAULKNER,
Complainants.

Complainants,

VS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

SOUTHERN PLANTATION DEVELOPMENT
COMPANY, a Corporation, ET ALS,

Respondents.

CERTIFICATE AS TO SERVICE.

I, Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, Sitting in Equity, do hereby certify that Notice of Pendency of Bill of Complaint filed in this cause, dated July 20, 1950, was published once a week for four consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, the said notice appearing in the issues of said paper on July 20, July 27, August 3, and August 10, 1950.

I further certify that I did on July 20, 1950, file a copy of the said notice for record in the office of the Judge of Probate of Baldwin County, Alabama, and post a copy thereof at the front door of the courthouse of Baldwin County, Alabama, in Bay Minette, Alabama.

Dated on this the 30th day of October, 1950.

Alice L. Duck

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

CERTIFICATE AS TO SERVICE

FOLMAR-FLINN CORPORATION, a
Delaware Corporation, and
J. H. FAULKNER,

Complainants,

VS.

SOUTHERN PLANTATION DEVELOPMENT
COMPANY, a Corporation, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

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