

SALOME LOFTUS,

Complainant,

VS.

CERTAIN LANDS and CYRUS  
SIBLEY, et al,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3380

## FINAL DECREE

This cause coming on to be heard on this the 3rd day of January, 1955, is submitted for a final decree upon complainant's verified Bill of Complaint, upon the Decree Pro Confesso rendered on the 28th day of December, 1954, Order Designating Newspaper in Which Notice of Pendency of Bill of Complaint Shall Be Published, Notice of Pendency of Bill of Complaint, Order Setting a different date for the first publication of Notice of Pendency of Bill of Complaint, Proof of Publication of Notice of Pendency of Bill of Complaint, Notice of Appointment and Acceptance of Appointment of Guardian Ad Litem, and the testimony of H. W. Graham taken orally in open court which is as noted by the Register and it appearing to the satisfaction of the court:

1. That the Complainant, Salome Loftus, at the time of the filing of the Bill of Complaint in this cause, claimed in her own right a fee simple title to and also was in the actual peaceable possession of the following described lands situated in Baldwin County, Alabama, to-wit:

Begin at the Southwest corner of Block or Square Eight (8) in the Village of Montrose, according to the official map or plat thereof, which is recorded in Book "E" at page 388, Baldwin County, Alabama Records, and run thence Eastwardly along the South side of the said Block or Square 625.58 feet to a point, which is the Southeast corner of the said Block or Square; thence Northwardly along the East line of the said Block or Square 312.84 feet to a point; thence Westwardly and parallel with Lee Street 377.12 feet to a point; thence Southwardly and parallel with Main Street 104.28 feet to a point; thence Westwardly and parallel with Lee Street 248.56 feet, more or less, to a point on the West line of the said Block or Square Eight (8); thence Southwardly along the West line of the said Block or Square 208.56 feet to the point or place of beginning.

Begin at the Northwest corner of Block or Square Eight (8) in the Village of Montrose, according to the of-

official map or plat thereof, which is recorded in Book "E", at page 388, Baldwin County, Alabama Records, and run thence Southwardly along the West line of the said Block or Square 3.16 chains to a point; thence Eastwardly and parallel with Gabel Street 3.16 chains to a point; thence Northwardly and parallel with Main Street 3.16 chains to a point on the North line of the said Block or Square Eight (8); thence Southwardly along the North line of the said Block or Square 3.16 chains to the point or place of beginning.

2. That at the time of the filing of the said Bill of Complaint no suit was pending to test her title to, interest in, or the right to the possession of the said lands.

3. That her said Bill of Complaint was and is duly verified and was filed against said lands and against any and all persons claiming any title to, interest in, lien or encumbrance on said lands, or any part thereof, and was to establish the right or title to such land, and to clear all doubts or disputes concerning the same.

4. That the present places of residence or addresses of none of the parties respondent to this cause are known to the complainant and it further appears to the court that the complainant has exercised due diligence in trying to locate said places of residence and addresses and also to locate any other parties claiming any interest in the above described property.

5. That Notice of Pendency of the said Bill of Complaint was signed by the Register of this court and the said Register did have such notice published once a week for four successive weeks in the Baldwin Times, a newspaper having general circulation and published in Baldwin County, Alabama. It further appears to the court that the first publication of said notice was on October 21, 1954, and that the said Baldwin Times omitted the publication of said notice on the following week to-wit, October 28, 1954, and that this court did on November 1, 1954, make and enter a order changing the date of the first publication of said notice until November 4, 1954. By entering the aforesaid order the time for the respondents to plead, answer or demur was extended from December

14, 1954, to December 28, 1954.

6. That the original Notice of Pendency of Bill of Complaint, signed by the Register, was recorded as Lis Pendens in the office of the Probate Judge of Baldwin County, Alabama, and that a copy of the said notice was posted at the front door of the Courthouse in Baldwin County, Alabama on to-wit, October 15, 1954.

7. That more than thirty days have expired since the perfection of service on all of the said respondents named in the said Bill of Complaint and the filing of the said notice in office of the Probate Judge of said County.

8. That no persons, firms or corporations have intervened in this cause.

9. It is, therefore, Ordered, Adjudged and Decreed:

1. That the Complainant is entitled to the relief prayed for in her Bill of Complaint and that the fee simple title to the said property described herein is in the complainant, Salome Loftu

2. That the complainant is the owner of the said lands and has a fee simple title thereto, free of all liens and encumbrances, and that her said title thereto be and it is hereby established and is forever quieted against Cyrus Sibley, his heirs or devisees, if deceased, L. A. McCleskey, his heirs or devisees, if deceased, Emily Lee McCleskey, her heirs or devisees, if deceased, Mereneo Mattreoa, her heirs or devisees, if deceased, A. Strause, his heirs or devisees, if deceased, and Alexander Strause, his heirs or devisees, if deceased, and against their heirs or devisees, if deceased, and against any and all other persons, firms or corporations and all of the said Respondents are without right, title or interest in the said land or any part thereof, and have and hold no encumbrance on the said property or any part thereof, or any interest therein, and they are hereby perpetually enjoined from asserting or attempting to assert any claim to the said property or any part thereof, or any interest therein, or from claiming any lien on the said property or any part thereof, or interest therein.

3. That a certified copy of this decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama, within thirty days of the rendition of this decree, and that it be indexed in the name of Salome Loftus on both the direct indexes and the indirect indexes of the records thereof.

4. That the Complainant pay the cost of these proceedings including a guardian ad litem fee of \$ 35.00 to Floyd Swearingen, as such guardian ad litem.

ORDERED, ADJUDGED AND DECREED on this the 3rd day of January, 1955.

HUBERT M. HALL

Judge.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and enrolled in my office.

WITNESS MY HAND AND SEAL THIS THE 3rd day of Jan, 1955

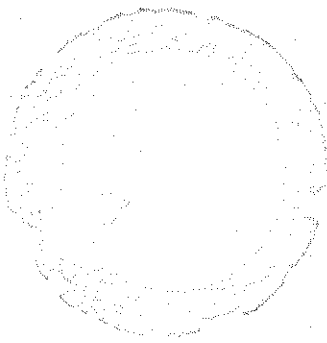
Alice J. Duck  
Register of Circuit Court, in Equity

STATE OF ALABAMA, BALDWIN COUNTY

Filed 2-5-55 10 a.m.

Recorded Sub book 217 page 372-3

W. H. Stuart  
Judge of Probate ph.





3380

SALOME LOFTUS,	)	
	)	
Complainant,	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
CERTAIN LANDS and CYRUS	)	IN EQUITY
SIBLEY, et al,	)	NO. 3380
	)	
Respondents.	)	

FINAL DECREE

This cause coming on to be heard on this the 3rd day of January, 1955, is submitted for a final decree upon complainant's verified Bill of Complaint, upon the Decree Pro Confesso rendered on the 28th day of December, 1954, Order Designating Newspaper in Which Notice of Pendency of Bill of Complaint Shall Be Published, Notice of Pendency of Bill of Complaint, Order setting a different date for the first publication of Notice of Pendency of Bill of Complaint, Proof of Publication of Notice of Pendency of Bill of Complaint, Notice of Appointment and Acceptance of Appointment of Guardian Ad Litem, and the testimony of H. W. Graham taken orally in open court which is as noted by the Register and it appearing to the satisfaction of the court:

1. That the Complainant, Salome Loftus, at the time of the filing of the Bill of Complaint in this cause, claimed in her own right a fee simple title to and also was in the actual peaceable possession of the following described lands situated in Baldwin County, Alabama, to-wit:

Begin at the Southwest corner of Block or Square Eight (8) in the Village of Montrose, according to the official map or plat thereof, which is recorded in Book "E" at page 388, Baldwin County, Alabama Records, and run thence Eastwardly along the South side of the said Block or Square 625.68 feet to a point, which is the Southeast corner of the said Block or Square; thence Northwardly along the East line of the said Block or Square 312.84 feet to a point; thence Westwardly and parallel with Lee Street 377.12 feet to a point; thence Southwardly and parallel with Main Street 104.28 feet to a point; thence Westwardly and parallel with Lee Street 248.56 feet, more or less, to a point on the West line of the said Block or Square Eight (8); thence Southwardly along the West line of the said Block or Square 208.56 feet to the point or place of beginning.

Begin at the Northwest corner of Block or Square Eight (8) in the Village of Montrose, according to the of-

official map or plat thereof, which is recorded in Book "E", at page 388, Baldwin County, Alabama Records, and run thence Southwardly along the West line of the said Block or Square 3.16 chains to a point; thence Eastwardly and parallel with Gabel Street 3.16 chains to a point; thence Northwardly and parallel with Main Street 3.16 chains to a point on the North line of the said Block or Square Eight (8); thence Southwardly along the North line of the said Block or Square 3.16 chains to the point or place of beginning.

2. That at the time of the filing of the said Bill of Complaint no suit was pending to test her title to, interest in, or the right to the possession of the said lands.

3. That her said Bill of Complaint was and is duly verified and was filed against said lands and against any and all persons claiming any title to, interest in, lien or encumbrance on said lands, or any part thereof, and was to establish the right or title to such land, and to clear all doubts or disputes concerning the same.

4. That the present places of residence or addresses of none of the parties respondent to this cause are known to the complainant and it further appears to the court that the complainant has exercised due diligence in trying to locate said places of residence and addresses and also to locate any other parties claiming any interest in the above described property.

5. That Notice of Pendency of the said Bill of Complaint was signed by the Register of this court and the said Register did have such notice published once a week for four successive weeks in the Baldwin Times, a newspaper having general circulation and published in Baldwin County, Alabama. It further appears to the court that the first publication of said notice was on October 21, 1954, and that the said Baldwin Times omitted the publication of said notice on the following week to-wit, October 28, 1954, and that this court did on November 1, 1954, make and enter a order changing the date of the first publication of said notice until November 4, 1954. By entering the aforesaid order the time for the respondents to plead, answer or demur was extended from December

14, 1954, to December 28, 1954.

6. That the original Notice of Pendency of Bill of Complaint, signed by the Register, was recorded as Lis Pendens in the office of the Probate Judge of Baldwin County, Alabama, and that a copy of the said notice was posted at the front door of the Courthouse in Baldwin County, Alabama on to-wit, October 15, 1954.

7. That more than thirty days have expired since the perfection of service on all of the said respondents named in the said Bill of Complaint and the filing of the said notice in office of the Probate Judge of said County.

8. That no persons, firms or corporations have intervened in this cause.

It is, therefore, Ordered, Adjudged and Decreed:

1. That the Complainant is entitled to the relief prayed for in her Bill of Complaint and that the fee simple title to the said property described herein is in the complainant, Salome Loftus

2. That the complainant is the owner of the said lands and has a fee simple title thereto, free of all liens and encumbrances, and that her said title thereto be and it is hereby established and is forever quieted against Cyrus Sibley, his heirs or devisees, if deceased, L. A. McCleskey, his heirs or devisees, if deceased, Emily Lee McCleskey, her heirs or devisees, if deceased, Mereneo Mattreea, her heirs or devisees, if deceased, A. Strause, his heirs or devisees, if deceased, and Alexander Strause, his heirs or devisees, if deceased, and against their heirs or devisees, if deceased, and against any and all other persons, firms or corporations and all of the said Respondents are without right, title or interest in the said land or any part thereof, and have and hold no encumbrance on the said property or any part thereof, or any interest therein, and they are hereby perpetually enjoined from asserting or attempting to assert any claim to the said property or any part thereof, or any interest therein, or from claiming any lien on the said property or any part thereof, or interest therein.

3. That a certified copy of this decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama, within thirty days of the rendition of this decree, and that it be indexed in the name of Salome Loftus on both the direct indexes and the indirect indexes of the records thereof.

4. That the Complainant pay the cost of these proceedings including a guardian ad litem fee of \$35<sup>00</sup> to Floyd Swearingen, as such guardian ad litem.

ORDERED, ADJUDGED AND DECREED on this the 3rd day of January, 1955.

Hubert M. Hall

Judge.

SALOME LOFTUS,

VS.

CERTAIN LANDS and CYRUS  
SIBLEY, et al,

Complainant,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3380

ORDER DESIGNATING NEWSPAPER IN WHICH NOTICE OF  
PENDENCY OF BILL OF COMPLAINT SHALL BE PUBLISHED.

In this cause application having been made to the court by complainant's solicitor for an order to be made pursuant to Title 7, Section 1119 of the 1940 Code of Alabama, designating the newspaper in which the notice of the pendency of the Bill of Complaint in this cause shall be published, and the same being considered and understood by the court, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court that the Notice of Pendency of Bill of Complaint in this cause shall be published once a week for four consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, and the first publication of such notice shall be made in the issue of the said paper to be published on October 21, 1954.

ORDERED, ADJUDGED AND DECREED on this the 15<sup>th</sup> day of October, 1954.

Hubert M. Tamm  
Judge

SALOME LOFTUS,

Complainant,

VS.

CERTAIN LANDS and CYRUS  
SIBLEY, et al,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO \_\_\_\_\_

ORDER

In this cause, it appearing to the Court that the notice heretofore ordered to be published in the Baldwin Times once a week for 4 consecutive weeks beginning with the issue of said paper to be published on October 21, 1954, was omitted from the issue of said newspaper which was published on October 28, 1954, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the Notice of Pendency of Bill of Complaint in this cause shall be published once a week for 4 consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, and the first publication of such notice shall be made in the issue of said paper to be published on November 4, 1954.

ORDERED, ADJUDGED AND DECREED on this the 1 day of  
November, 1954.

Hubert M. Hall  
Judge

SALOME LOFTUS,

Complainant,

VS.

THE LAND HEREINAFTER DESCRIBED,  
CYRUS SIBLEY, ET ALS.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3380

ORDER

It is ordered in this cause that the testimony in said  
cause be taken orally in open court on January 3, 1955, at 10:00 A.M.

Hubert M. Hall  
Judge.

FILED  
DEC 28 1954  
ALICE J. DECK, Register



SALOME LOFTUS,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED,  
CYRUS SIBLEY, ET ALS.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3380

DECREE PRO CONFESSO

It appearing to the court in this cause that the order of publication directed to Cyrus Sibley, L. A. McCleskey, Emily Lee McCleskey, Mereneo Mattreea, A. Strause, Alexander Strause and their heirs and devisees, if deceased, heretofore made in this cause was published for four consecutive weeks, commencing on the 4th day of November, 1954, in the Baldwin Times, a newspaper of general circulation and published in Baldwin County, Alabama, and that a copy of said order was posted at the Courthouse door in Baldwin County, Alabama, on the 15th day of October, 1954, and it further appearing to the court that the said Respondents and each of them, to the date hereof failed to plead, answer or demur to the Bill of Complaint in this cause, it is, therefore, on motion of Complainant,

ORDERED, ADJUDGED AND DECREED by the court, that the said Bill of Complaint be and it is hereby in all things taken on confessed against the said Respondents, Cyrus Sibley, L. A. McCleskey, Emily Lee McCleskey, Mereneo Mattreea, A. Strause, Alexander Strause and their heirs or devisees, if deceased.

ORDERED, ADJUDGED AND DECREED on this the 28th day of December, 1954.

*Hubert M. Hall*

Judge.

DECREE PRO CONFESSO

SALOME LOFTUS,

Complainant,

VS.

THE LAND HEREINAFTER DESCRIBED,  
CYRUS SIBLEY, ET ALS.,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 3380

FILED  
DEC 28 1954

AME L. DUCK, CLERK

SALOME LOFTUS,

Complainant,

VS.

CERTAIN LANDS and CYRUS  
SIBLEY, et al,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3380

NOTE OF TESTIMONY

This cause coming on to heard on this date is submitted for a final decree on behalf of the Complainant on the following:

1. Bill of Complaint.
2. Notice for Decree Pro Confesso.
3. Decree Pro Confesso.
4. Order Designating Newspaper in Which Said Notice of Pendency of Bill of Complaint Shall Be Published.
5. Notice of Pendency of Bill of Complaint.
6. Order Setting a Different Date for First Publication of Notice of Pendency of Bill of Complaint.
7. Proof of Publication of Notice of Pendency of Bill of Complaint.
8. Notice of Appointment and Acceptance of Appointment of Guardian Ad Litem.
9. Testimony of H. W. Graham taken orally in open Court.
10. Certificate of Register.
11. Complainant's Exhibits 1, 2 and 3 & 4.

Reisef. Duck  
Register.

B. Black  
Solicitor for Complainant

#5.00

SALOME LOFTUS,  
Complainant,  
VS.  
CERTAIN LANDS, ET AL.,  
Respondents.

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

TESTIMONY TAKEN IN OPEN COURT, BEFORE HON. HUBERT M. HALL, JUDGE  
OF SAID COURT:

JAMES R. OWEN, REPRESENTING THE COMPLAINANT.

FLOYD SWEARINGER, GUARDIAN AD LITEM.

MR. OWEN: First we would like to introduce in evidence Warranty deed from Mary Loftus and Clara Loftus, to Salome Loftus, the complainant in this case, which is dated March 24, 1947 and Recorded in Deed Book 156 at page 323, Probate office of Baldwin County, Alabama, and ask that the same be identified as Complainant's Exhibit 1.

Second, we would like to introduce in evidence, a deed from Sisters of the Visitation, a body Corporate, to Salome Loftus, dated October 14, 1946, and recorded in Deed Book 156 at page 321-22, Probate Office of Baldwin County, Alabama, and ask that the same be identified as Complainant's Exhibit 2.

Third, we would like to introduce a deed -Warranty deed -from Sister Aimee de Chantal Loftus, Nee Clara Loftus, to Salome Loftus, dated 12th day of May, 1950 and recorded in Deed Book 155 at page 17, Probate Office of Baldwin County, Alabama, and ask that the same be identified as Complainant's Exhibit 3.

Fourth, we introduce in evidence a Warranty deed from Mary Loftus and Clara Loftus to Salome Loftus, dated March 7, 1940, and recorded in Deed Book 108 page 292, Probate Office of Baldwin County, Alabama, as Complainant's Exhibit 4.

MR. H. W. GRAHAM, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

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Direct examination by Mr. Owen.

Q. Is this Mr. H. W. Graham?

A. Right.

Q. You are familiar with the property which is described in the bill of complaint in this cause, are you not?

A. Yes.

Q. How long have you known that property?

A. For over 50 years.

Q. Have you surveyed this property?

A. Yes.

Q. When did you make that survey, if you recall?

A. 1946.

Q. You had known the property and something about the lines long before that time, had you not?

A. Yes, sir, for many, many years before.

Q. Do you know the Complainant in this cause, Salome Loftus?

A. Yes.

Q. Is she over 21 years of age?

A. Very much over 21.

Q. Does she reside - Where does she reside?

A. Visitation.

Q. Where is that?

A. Mobile County, Alabama.

Q. Did you know Mary Loftus and Clara Loftus, the sisters of Salome Loftus, the Complainants in this cause, and the daughters of Thomas Loftus?

A. Very slightly.

Q. You knew them?

A. Very slightly; they were away.

Q. Do you know whether or not Mary Loftus, Clara Loftus and Salome Loftus were the only children of Thomas Loftus, Sr.?

A. There was a Thomas Loftus, Jr.

Q. Do you know where he is?

A. He is dead.

Q. Was he ever married?

A. No.

Q. Do you know who has been in the actual, peaceable possession of this property for the last 20 years, Mr. Graham?

a. Well, no one has been in possession of it in conflict with the Loftus claim; they were in possession for many, many years and then, of course-

Q. There is no house on the property?

A. No, and there is no encroachment whatever on any part of it;

Q. They were in possession at one time and there has been no one in possession of it since that time?

A. That is correct.

EXAMINATION BY GUARDIAN AD LITEM:

Q. Is there a fence around that property?

A. No.

Q. What were the improvements on the property previously?

A. I remember of no visible improvements, except on the one acre lot in the Northwest corner of the block - I couldn't definitely state that it was used for a garden, but I believe it was under cultivation when I was a boy.

Q. Is there any timber on the land?

A. Some.

Q. Any evidence of any having been cut?

A. No.

Q. Has the under-brush been cleared back any?

A. No, it is very thick; it is all together uncleared.

The corners were all marked with iron markers, and I had occasion to go in there a few days ago and survey the lot adjoining it on the south, and I recovered the old marks along the south line of the Loftus tract; there are no conflicts in the description.

Q. No conflicts in the description?

A. No, sir; it is surrounded by 60 feet streets all around and no chance for a conflict and there are no encroachments.

ON RE DIRECT EXAMINATION BY MR. OWEN:

Q. This one acre that you recall being in cultivation is a part of the whole? - All of this property you describe is in one piece? What I mean, there is not one piece here and another here, but it is all in one block?

A. The Northwest corner is separated by a one acre store lot; there are three one acre lots along the highway and the center of those is a store lot.

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JAMES R. OWEN, BEING FIRST DULY SWORN, TESTIFIED:

My name is James R. Owen; I am associated in the practice of law with Mr. J. B. Blackburn, who is the Solicitor for the Complainant in this cause. Several years ago when I first started practicing law with Mr. Blackburn in January of 1950, we had this file in the office and at that time we got the file and discussed everything that happened with the idea of bringing a suit to quiet title. At that time there was nothing done; however I do recall that we made inquiries with various people in the community where the property is situated about the ages and addresses of the Respondents in this complaint. This consisted of talking to Mr. H. W. Graham, who was a witness here today; Mr. J. H. Arnold, an abstractor and surveyor of Fairhope and several real estate agents in Baldwin County; I do recall that there was some correspondence with Mr. Richard Scott and Mrs. Hazel Council, Real Estate agents, relative to any one claiming title to this property, and as to the names and addresses of the respondents in this cause; we did go to quite some trouble searching the records for any claimants and had an abstract made, or rather it was already made and we have had it continued up to date, and we searched the records as to the payment of taxes for the last 20 years and

found that no one other than Salome Loftus and those through who she claims title, have paid any taxes on said lands in the last 20 years.

I will testify further that the Complainant, who claims the absolute, unincumbered fee simple title to all of said property described in the bill of complaint through the several patents and deeds listed therein, and all information that we have been able to gather about the title to the property and the claimants' names and addresses in this suit, are as set out in the bill of complaint.

EXAMINATION BY THE GUARDIAN AD LITEM:

Q. You say that Salome Loftus and those through whom she claims title, have paid taxes on the land in the bill of complaint for the past 20 years?

A. Yes, and no one else has paid any taxes.

Q. Claiming under color of title and the payment of taxes?

HA. And the possession; we claim that possession of a part is possession of the whole, and possession once started, continues until ousted.

Q. They have claimed possession of the whole and not of a part?

YA. That is right.

Q. You know of no other claimants?

A. None other than those we have listed in the Bill of Complaint. Of course, I could not testify that they are all dead, but their transactions are so long ago I feel sure that they are all dead now.

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I hereby certify that the foregoing is a true and correct transcript of the testimony as taken by me in open Court, in the above styled cause.

This 3rd day of January, 1955.

Louise Dusenbury  
Court Reporter



WARRANTY DEED

STATE OF ALABAMA )  
COUNTY OF BALDWIN)

KNOW ALL MEN BY THESE PRESENTS, That, for and in consideration of the sum of ONE DOLLAR to us in hand paid by MISS SALOME LOFTUS, the receipt whereof is hereby acknowledged, We, MARY LOFTUS and CLARA LOFTUS, being together with the Grantee the sole and only heirs to the Estate of Thomas Loftus, Deceased, do grant, bargain, sell and convey unto the said SALOME LOFTUS, the following described property, situated in the Village of Montrose, Baldwin County, Alabama, to-wit:-

*Compliment 20  
Exhibit 1  
1-3-55  
Lester D. Dandridge*

Our undivided two thirds interest in Lot No. 1, and the South half of that part of Lot No. 2 which lies East of the old abandoned road, formerly running North and South through Block No. 8, according to the Plat of Montrose as Recorded in Deed Book "E", Page 388, and otherwise described as beginning at the Southwest corner of Block No. 8, at the intersection of Main and Lee Streets, as per aforesaid Plat; thence running N 76° 0' E, 625.68 feet to a corner; thence N 14° 0' W, 312.84 feet to a corner; thence S 76° 0' W, 417.12 feet to a corner; thence S 14° 0' E, 104.28 feet to a corner; thence run S 76° 0' W, 208.56 feet to a corner; thence S 14° 0' E, 208.56 feet to the beginning corner, containing 4 acres.

Together with all appurtenances thereunto belonging.

TO HAVE AND TO HOLD unto the said SALOME LOFTUS and to her heirs or assigns forever.

AND WE DO COVENANT with the said SALOME LOFTUS that we are seized in fee of the above described premises; that we have the right to sell and convey the same, and that the said premises are free from all encumbrances, and that we will and our heirs, executors and administrators shall forever WARRANT AND DEFEND the same to the said SALOME LOFTUS and to her heirs or assigns, against the lawful claims of all persons whomsoever.

WITNESS our hands and seals this 24<sup>th</sup> day of March, 1947.

Mary Loftus SEAL.  
Clara Loftus SEAL.

STATE OF ALABAMA )  
COUNTY OF MOBILE)

I, Willena Boyd, a Notary Public, within and for said State and County, do hereby certify that MARY LOFTUS and CLARA LOFTUS, both unmarried, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this date, that, being informed of the contents of the said conveyance, they executed the same voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I hereunto set my hand and Official Seal, this 24<sup>th</sup> day of March, 1947.

Willena Boyd  
Notary Public, Mobile County, Alabama.

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 8/22/50 8:30 P.M. Commission Expires October, 1948

Recorded Deed Book 156 page 323  
and I certify that the following Privilege Tax has been paid.

Deed Tax 50  
Mortgage Tax \_\_\_\_\_

W. B. Dandridge  
Judge of Probate

By W. B. Dandridge



WARRANTY DEED

STATE OF ALABAMA )  
COUNTY OF BALDWIN)

KNOW ALL MEN BY THESE PRESENTS, That, for and in consideration of the sum of ONE DOLLAR to us in hand paid by MISS SALOME LOFTUS, the receipt whereof is hereby acknowledged, We, MARY LOFTUS and CLARA LOFTUS, being together with the Grantee the sole and only heirs to the Estate of Thomas Loftus, Deceased, do grant, bargain, sell and convey unto the said SALOME LOFTUS, the following described property, situated in the Village of Montrose, Baldwin County, Alabama, to-wit:-

*Compliments  
Exhibit 1  
1-3-55  
Home Downburst*

Our undivided two thirds interest in Lot No. 1, and the South half of that part of Lot No. 2 which lies East of the old abandoned road, formerly running North and South through Block No. 8, according to the Plat of Montrose as Recorded in Deed Book "B", Page 368, and otherwise described as beginning at the Southwest corner of Block No. 8, at the intersection of Main and Lee Streets, as per aforesaid Plat; thence running N 76° 0' E, 625.68 feet to a corner; thence N 14° 0' W, 312.84 feet to a corner; thence S 76° 0' W, 417.12 feet to a corner; thence S 14° 0' E, 104.28 feet to a corner; thence run S 76° 0' W, 208.56 feet to a corner; thence S 14° 0' E, 208.56 feet to the beginning corner, containing 4 acres.

Together with all appurtenances thereunto belonging.

TO HAVE AND TO HOLD unto the said SALOME LOFTUS and to her heirs or assigns forever.

AND WE DO COVENANT with the said SALOME LOFTUS that we are seized in fee of the above described premises; that we have the right to sell and convey the same, and that the said premises are free from all encumbrances, and that we will and our heirs, executors and administrators shall forever WARRANT AND DEFEND the same to the said SALOME LOFTUS and to her heirs or assigns, against the lawful claims of all persons whomsoever.

WITNESS our hands and seals this 24<sup>th</sup> day of March, 1947.

Mary Loftus SEAL.

Clara Loftus SEAL.

STATE OF ALABAMA )  
COUNTY OF MOBILE)

I, Dwaine Bayl, a Notary Public, within and for said State and County, do hereby certify that MARY LOFTUS and CLARA LOFTUS, both unmarried, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this date, that, being informed of the contents of the said conveyance, they executed the same voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I hereunto set my hand and Official Seal, this 24<sup>th</sup> day of March, 1947.

Dwaine Bayl

Notary Public, Mobile County, Alabama.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 8/22/50

8:30 P.M.

My Commission Expires

October, 1948

Recorded Deed Book 156 Page 323  
and I certify that the foregoing Privilege Tax has been paid.

Deed Tax

50

Mortgage Tax

W.R. Post  
Judge of Probate

By \_\_\_\_\_



KNOW ALL MEN BY THESE PRESENTS, That "SISTERS OF THE VISITATION", a body corporate created by Act of the Legislature of Alabama approved March 1, 1848, for and in consideration of ONE DOLLAR cash in hand paid by SALOME LOFTUS, the receipt whereof is hereby acknowledged, do hereby remise, release, quitclaim and convey unto the said Salome Loftus all and singular the following described real property in the County of Baldwin, State of Alabama, more particularly described as follows:

The South half of all that portion or square No. 8 on the plat or survey of Gavin B. Yuille which lies east of the trail or public road, North by the part of said square belonging to H. D. Froliestein, East and South by street not known and containing two and one-half acres, more or less. Being the same property conveyed to said Thomas Loftis by Merinio Motrees on the first day of May, 1866.

Also that piece or parcel of land situated in said Montrose, Baldwin County, Alabama, commencing at the northeast intersection of Main Street and Lee Street, thence running along the line of Main Street in a northerly direction one hundred and fifty feet to a point, thence in an easterly direction two hundred and ten feet, more or less to a certain public road, thence running in a southerly direction along the line of said public road one hundred and fifty feet, more or less, to Lee Street, thence running in a westerly direction along the line of Lee Street two hundred and ten feet, more or less, to the place of beginning. Bounded North by property of A. Strause (now or formerly his), South by Lee Street, East by a public road, and West by Main Street, and being a portion of the land conveyed by L. A. McKluskey and wife to A. Strause on the 8th day of July, 1863, and the same property conveyed by said A. Strause to Thomas Loftis on the 13th day of January, 1866;

Together with all and singular, the rights, tenements, hereditaments, privileges and appurtenances thereunto belonging or in anywise appertaining.

The purpose of this quitclaim deed is to cancel that certain mortgage dated February 2, 1893 and recorded in Deed Book 8, pages 442-5, made by Thomas Loftis and Nora Anne Loftis, his wife, to Mother M. Stanislaus Campbell of the Sisters of the Visitation, which mortgage and the note therein described were the property of the said Body Corporate.

*Complainant's Exhibit 2  
1-3-55  
Lester Dunsberry*

BOOK 156 PAGE 321



IN WITNESS WHEREOF, the "Sisters of the Visitation"  
a corporation, has hereunto set its hand and corporate  
seal, on this 14<sup>th</sup> day of October, 1946, by Sister Agnes  
Stanislaus Cullum, Superioress, hereunto duly authorized.

SISTERS OF THE VISITATION

(SEAL)

By Agnes Stanislaus Cullum, Superi-  
Agnes Stanislaus Cullum, Superioress. *ress*

STATE OF ALABAMA, )

MOBILE COUNTY. )

I, Blanche M. Dwyer, a notary public  
in and for said County in said State, hereby certify that  
Sister Stanislaus Cullum, Superioress, whose name as Super-  
ioress of "Sisters of the Visitation", a corporation, 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 said conveyance, she, as such officer  
and with full authority, executed the same voluntarily  
and affixed the corporate seal, for and as the act of said  
corporation, on the day the same bears date.

Given under my hand, this 14<sup>th</sup> day of October, A. D.,  
1946.

Blanche M. Dwyer  
Notary Public, Mobile County, Alabama.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 8/22/50 8:30 AM

Recorded Deed book 156 page 321-2

and I certify that the following Privilege Tax  
has been paid.

Deed Tax 50

Mortgage Tax

W. S. Smith  
Judge of Probate

By W. S. Smith



Compliments  
Exhibit 3- 1-3-55  
Lance Dancinberry

STATUTORY WARRANTY DEED

BOOK 155 PAGE 17

STATE OF ALABAMA )  
BALDWIN COUNTY )

THIS INDENTURE, made and entered into on this the 12 day of May, 1950, by and between Sister Aimee de Chantal Loftus, unmarried, hereinafter referred to as the party of the first part, and Salome Loftus, hereinafter referred to as the party 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 her in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has GRANTED, BARGAINED AND SOLD and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part all her right, title and interest in and to the following described property situated in Baldwin County, Alabama, to-wit:

Begin at the Southwest corner of Block or Square Eight (8) in the Village of Montrose, according to the official map or plat thereof, which is recorded in Book "E" at page 388, Baldwin County, Alabama Records, and run thence Eastwardly along the South side of the said Block or Square 625.68 feet to a point, which is the Southeast corner of the said Block or Square; thence Northwardly along the East line of the said Block or Square 312.84 feet to a point; thence Westwardly and parallel with Lee Street 377.12 feet to a point; thence Southwardly and parallel with Main Street 104.28 feet to a point; thence Westwardly and parallel with Lee Street 248.56 feet, more or less, to a point on the West line of the said Block or Square Eight (8); thence Southwardly along the West line of the said Block or Square 208.56 feet to the point or place of beginning.

Begin at the Northwest corner of Block or Square Eight (8) in the Village of Montrose, according to the official map or plat thereof, which is recorded in Book "E" at page 388, Baldwin County, Alabama Records, and run thence Southwardly along the West line of the said Block or Square 3.16 chains to a point; thence Eastwardly and parallel with Gabel Street 3.16 chains to a point; thence Northwardly and parallel with Main Street 3.16 chains to a point on the North line of the said Block or Square Eight (8); thence Southwardly along the North line of the said Block or Square 3.16 chains to the point or place of beginning.

TO HAVE AND TO HOLD unto the said party of the second part, her heirs and assigns, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

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

*Sister Aimee de Chantal Loftus* (SEAL)  
*Salome Loftus*

Witness:  
*Sister Mary Vincent Walsh Supr.*



64K 155 MAY 18

STATE OF ALABAMA )  
MOBILE COUNTY )

I, J. B. Blackburn, a Notary Public, within and for the State of Alabama at Large, hereby certify that Sister Aimee de Chantal Loftus, 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, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 12<sup>th</sup> day of May, 1950.

J. B. Blackburn  
Notary Public, State of Alabama at Large.

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 6-23-50 3 P. M.  
Recorded \_\_\_\_\_ book \_\_\_\_\_ page \_\_\_\_\_  
and I certify that the following Privilege Tax  
has been paid.  
Deed Tax \_\_\_\_\_ 50 \_\_\_\_\_  
Mortgage Tax \_\_\_\_\_

M. R. [Signature]  
Judge of Probate  
By \_\_\_\_\_

THE 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 Two photostatic pages  
contain a full, true and complete copy of the Deed from Sisters of the Visitation  
to Salome Loftus,

as the same appears of record in my office in Deed Book No. 156  
Page 321-2.

Given under my hand and seal of office, this 30th day of December, 1954.

W. R. Stuart

Judge of Probate.

By: Lila S. Glover  
Chief Clerk

THE 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 Two photostatic pages

contain a full, true and complete copy of the Deed from Sister Aimee de Chantal Loftus  
to Salome Loftus,

as the same appears of record in my office in Deed Book No. 155

Page 17-18.

Given under my hand and seal of office, this 30th day of December, 1954.

*W. R. Stuart*

Judge of Probate.

*By: Lila D. Glown  
Chief Clerk*



THE STATE OF ALABAMA, I  
BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of One Dollar and other valuable considerations to us in hand paid by SALOME LOFTUS, THE RECEIPT WHEREOF, is hereby acknowledged, we Mary Loftus, and Clara Loftus do grant, bargain, sell and convey unto the said SALOME LOFTUS, the following described land, situated in Baldwin County, State of Alabama, to-wit:

*Compliments  
of Alabama  
1365  
Louisiana*

All of our undivided two-thirds interest in that certain piece or lot of land situated in the Village of Montrose in said County and embracing the two-thirds part of Square No. Eleven of the recorded Plat of said Village, being bounded as follows, to-wit: North East intersection of Lee and Second Streets and running thence North 14 degrees West six chains and 32 links to a point, thence North 76 degrees East nine chains and 48 links to Third Street, thence South 14 degrees East, six chains and 32 links to Lee Street and thence westwardly on the north line of Lee Street to place of beginning, and containing 6 acres, more or less.

TO HAVE AND TO HOLD, to the said SALOME LOFTUS, her heirs and assigns forever.

103 292

And we do covenant with the said SALOME LOFTUS, that we are seized in fee of the above described premises; that we have the right to sell and convey the same, that the said premises are free from all encumbrances; and that we will, and our heirs, executors and administrators shall forever WARRANT AND DEFEND the same to the said SALOME LOFTUS, her heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS our hands and seals this 10th day of March 1940.

Witnesses:

Jean Schluter  
Clara Mullins

Mary Loftus (L.S.)  
Clara Loftus (L.S.)

STATE OF ALABAMA, BALDWIN COUNTY

Filed March 14, 1940 100.00  
Recorded book 202  
and I certify that the following Privilege Tax has been paid  
Deed tax 50  
Mortgage tax 50  
W. B. Stewart  
Judge of Probate  
By L. G.



STATE OF ALABAMA :  
MOBILE COUNTY. : SS.

I, Blauche M. Dempsey, a Notary Public, in and for said County, do hereby certify that Mary Loftus and Clara Loftus whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me, on this day, that being informed of the contents of the said conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 9th day of March A.D., 1940.

Blauche M. Dempsey  
Notary Public Mobile Co.  
Ala.

THE 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 Two photostatic pages  
contain a full, true and complete copy of the Deed from Mary Loftus and Clara Loftus  
to Salome Loftus,

as the same appears of record in my office in Deed Book No. 108  
Page 291-2.

Given under my hand and seal of office, this 30th day of December, 1954.

*W. R. Stuart*

Judge of Probate.

*By: Lila D. Glavin*  
*Clerk*

SALOME LOFTUS,

COMPLAINANT,

VS

THE LAND HEREINAFTER DESCRIBED,  
CYRUS SIBLEY, ET ALS.

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 3380

Comes F. G. Swearingen, guardian ad litem heretofore  
appointed in the above styled cause by this Honorable Court on  
the 29 day of December, 1954, and answering the said  
bill of complaint denies each and every allegation therein made  
and demands strict proof of the same.

FILED

1-3-55

ALICE J. DUCK, Register

*F. G. Swearingen*  
Guardian ad litem

SALOME LOFTUS,

Complainant,

VS.

THE LAND HEREINAFTER DESCRIBED,  
CYRUS SIBLEY, ET ALS.,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 3380

# APPOINTMENT OF GUARDIAN AD LITEM

In this cause it appearing to the Court that the identity of some of the Respondents is unknown, Floyd Swearingen an Attorney at Law is hereby appointed guardian ad litem to represent interests of said unknown Respondents and such of the said Respondents as may be in the military service.

ORDERED, ADJUDGED AND DECREED on this the 28 day of December, 1954.

Hubert M Hall  
Judge

# ACCEPTANCE OF GUARDIAN AD LITEM

Comes Floyd Swearingen, and accepts the appointment as guardian ad litem for such of the said Respondents in this cause that are unknown and for any of the Respondents as may be in the military service and consents to act as such guardian ad litem.

Floyd Swearingen  
Guardian ad litem

FILED

12-28-54

ALICE J. DUCK, Register

SALOME LOFTUS,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED,  
CYRUS SIBLEY, ET ALS.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3380

MOTION FOR DECREE PRO CONFESSO

Now comes the Complainant in the above styled cause and shows unto the court that an order of publication was made on the 15th day of October, 1954, and a supplementary order was made on the 1st day of November, 1954, which ordered that the Notice of Pendency of Bill of Complaint in this cause be published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks commencing on the 4th day of November, 1954, and which was directed to Cyrus Sibley, L. A. McCleskey, Emily Lee McCleskey, Mereneo Matttreea, A. Strause, Alexander Strause and their heirs or devisees, if deceased, Respondents in said cause, which required the said Respondents to plead, answer or demur to the Bill of Complaint in this cause by the 28th day of December, 1954, which the said Respondents have to this date failed to do, wherefore the Complainant moves the court to grant a Decree Pro Confesso against the said Respondents.

Dated this the 28th day of December, 1954.

FILED

12-28-54

ALICE J. DUCK, Register

*J. B. Blush*

Solicitor for Complainant

SALOME LOFTUS,	)	
Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
CERTAIN LANDS and CYRUS	)	IN EQUITY NO. 3380
SIBLEY, et al,	)	
Respondents.	)	

REGISTER'S CERTIFICATE

I, Alice J. Duck, register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that a copy of the Notice of Pendency of Bill of Complaint in this cause was filed for record in the office of the Probate Judge of Baldwin County, Alabama, on October 15, 1954; that a copy of said Notice was posted at the front door of the Courthouse in Baldwin County, Alabama, on October 15, 1954; that a copy of said notice was published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, on October 21, 1954, and that said notice was omitted from the said newspaper on October 28, 1954 and that it appeared in the said newspaper in the issues of November 4, November 11, November 18 and November 25, 1954.

Dated this 31 day of December, 1954.

Alice J. Duck  
Register

THE 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 One photostatic pages

contain a full, true and complete copy of the Deed from Mary Loftus and Clara Loftus  
to Salome Loftus,

as the same appears of record in my office in Deed Book No. 156

Page 323.

Given under my hand and seal of office, this 30th day of December, 1954.

*W. R. Stuart*

Judge of Probate.

By: *Lila A. Glover*  
*Clary Clark*



## NOTICE OF PENDENCY OF BILL OF COMPLAINT

SALOME LOFTUS,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED, and  
 CYRUS SIBLEY, L. A. McCLESKEY, EMILY  
 LEE McCLESKEY, MERENEO MATTREEA, A.  
 STRAUSE, and ALEXANDER STRAUSE,

Respondents.

IN THE CIRCUIT COURT OF  
 BALDWIN COUNTY, ALABAMA

IN EQUITY

No 3380

Notice is hereby given to Cyrus Sibley, L. A. McCleskey, Emily Lee McCleskey, Mereneo Mattreea, A. Strause, Alexander Strause and their heirs or devisees if deceased, and any and all persons, or corporations claiming any title to, interest in, lien or encumbrance on the lands hereinafter described, that on the 15<sup>th</sup> day of October, 1954, the said Complainant, Salome Loftus, 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:

Begin at the Southwest Corner of Block or Square Eight (8) in the Village of Montrose, according to the official map or plat thereof, which is recorded in Book "E" at page 388, Baldwin County, Alabama Records, and run thence Eastwardly along the South side of the said Block or Square 625.68 feet to a point, which is the Southeast corner of the said Block or Square; thence Northwardly along the East line of the said Block or Square 312.84 feet to a point; thence Westwardly and parallel with Lee Street 377.12 feet to a point; thence Southwardly and parallel with Main Street 104.28 feet to a point; thence Westwardly and parallel with Lee Street 248.56 feet, more or less, to a point on the West line of the said Block or Square Eight (8); thence Southwardly along the West line of the said Block or Square 208.56 feet to the point of place of beginning.

Begin at the Northwest corner of Block or Square Eight (8) in the Village of Montrose, according to the official map or plat thereof, which is recorded in Book "E", at page 388, Baldwin County, Alabama Records, and run thence Southwardly along the West line of the said Block or Square 3.16 chains to a point; thence Eastwardly and parallel with Gabel Street 3.16 chains to a point; thence Northwardly and parallel with Main Street 3.16 chains to a point on the North line of the said Block or Square Eight (8); thence Southwardly along the North line of the said Block or Square 3.16 chains to the point or place of beginning,

and against Cyrus Sibley, L. A. McCleskey, Emily Lee McCleskey, Mereneo Mattreea, A. Strause, Alexander Strause, and their heirs or

STATE OF ALABAMA, BALDWIN COUNTY

Filed 10-15-54 9:30 A.M.Recorded Lis. Pend. book 74 page 110-12

[Signature]  
 Judge of Probate

51

devisees if deceased, 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 Complainant to all of the said lands, for the purpose of quieting her title thereto, and to clear up all doubts and disputes concerning the title to the said property.

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

- a. Patent from United States of America to Cyrus Sibley, dated October 10, 1840, recorded in deed Book "S", page 480.
- b. Patent from United States of America to Cyrus Sibley, dated October 10, 1840, recorded in Deed Book 39 N. S., page 109.
- c. Patent from United States of America to Cyrus Sibley, dated October 10, 1840, recorded in Deed Book 37 N. S., page 53.
- d. Patent from United States of America to Cyrus Sibley, dated October 10, 1840, recorded in Deed Book 37 N. S., page 678.
- e. Deed from Sister Aimee de Chantal Loftus to Salome Loftus, dated May 12, 1950, recorded in Deed Book 155 N. S., pages 17-18.
- f. Warranty deed from Mary Loftus and Clara Loftus to Salome Loftus, dated March 24, 1947, which was filed for record August 22, 1950.
- g. Deed from Sisters of the Visitation, a Corporation, to Salome Loftus, dated October 14, 1947, which was filed for record August 22, 1950.

The Complainant, in and by her said Bill of Complaint, alleges and avers that she owns the said lands in her own right, absolutely and in fee simple; that she is 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 Complainant; that no suit is pending to test Complainant's title to, interest in, or right to the possession of the said lands, or any part thereof;

that no persons, firms or corporations, other than the Complainant and those through whom she claims title, are known to the Complainant and to have any possession of the said lands, or any part thereof, within twenty (20) years next prior to the filing of the said Bill of Complaint, and that no persons, firms or corporations, other than the Complainant and those through whom she claims title to the said lands, are known to the Complainant to have paid any taxes on the said lands, or any part thereof, or any interest therein, within twenty (20) years next prior to the filing of the said 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 December 14, 1954, 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 Complainant's 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 15<sup>th</sup> day of October, 1954.

Bessie J. Haskett  
Register of the Circuit Court of Baldwin County, Alabama, in Equity.

J. B. BLACKBURN,  
Solicitor for Complainant.

FILED  
OCT 15 1954

ALICE L. DUCK, Register

## BILL OF COMPLAINT

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Complainant, Salome Loftus, presents this Bill of  
Complaint against the following described real property situated in  
Baldwin County, Alabama, to-wit:

Begin at the Southwest corner of Block or Square Eight  
(8) in the Village of Montrose, according to the of-  
ficial map or plat thereof, which is recorded in Book  
"E" at page 388, Baldwin County, Alabama Records, and  
run thence Eastwardly along the South side of the said  
Block or Square 625.68 feet to a point, which is the  
Southeast corner of the said Block or Square; thence  
Northwardly along the East line of the said Block or  
Square 312.84 feet to a point; thence Westwardly and  
parallel with Lee Street 377.12 feet to a point; thence  
Southwardly and parallel with Main Street 104.28 feet  
to a point; thence Westwardly and parallel with Lee  
Street 248.56 feet, more or less, to a point on the  
West line of the said Block or Square Eight (8); thence  
Southwardly along the West line of the said Block or  
Square 208.56 feet to the point or place of beginning.

Begin at the Northwest corner of Block or Square Eight  
(8) in the Village of Montrose, according to the of-  
ficial map or plat thereof, which is recorded in Book  
"E", at page 388, Baldwin County, Alabama Records, and  
run thence Southwardly along the West line of the said  
Block or Square 3.16 chains to a point; thence East-  
wardly and parallel with Gabel Street 3.16 chains to  
a point; thence Northwardly and parallel with Main  
Street 3.16 chains to a point on the North line of the  
said Block or Square Eight (8); thence Southwardly along  
the North line of the said Block or Square 3.16 chains  
to the point or place of beginning.

and against Cyrus Sibley, L. A. McCleskey, Emily Lee McCleskey,  
Mereneo Mattreea, A. Strause, Alexander Strause, and against their  
heirs or devisees, if deceased, and against any and all persons,  
firms or corporations claiming any title to, interest in, lien or  
encumbrance on the said lands, or any part thereof, and thereupon  
your Complainant complains and shows unto the Court and your Honor  
as follows:

1. Your Complainant is over the age of twenty-one years  
and is a resident of Mobile County, Alabama.
2. The Respondents are, if living, over the age of  
twenty-one years, but their places of residence and post office ad-  
dresses are unknown, and cannot be ascertained after diligent effort  
and inquiry to ascertain the facts with regard thereto.

3. Your Complainant is in the actual peaceable possession of all of the above described real property, and owns and claims to own the said property in her own right, absolutely and in fee simple; title to all of said lands stands upon the records of Baldwin County, Alabama, the County where the said lands are situated, in the name of your Complainant; no suit is pending to test your Complainant's title to, or the right to possession of the said land or any part thereof, no persons, firms or corporations, other than your Complainant and those through whom she claims title to the said property, are known to your Complainant to have any possession of the said lands, or any part thereof, within twenty (20) years next preceding the filing of this Bill of Complaint, and no persons, firms or corporations, other than your Complainant and those through whom she claims title to the said lands, have paid any taxes on the said lands, or any part thereof, or any interest therein, within twenty (20) years next preceding the filing of this Bill of Complaint.

4. Your Complainant has and claims to have the absolute, unencumbered fee simple title to all of the said real property, hereinabove described by and through the following instruments of writing, 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 of America to Cyrus Sibley, dated October 10, 1840, recorded in Deed Book "S", page 480.
- b. Patent from United States of America to Cyrus Sibley, dated October 10, 1840, recorded in Deed Book 39 N. S., page 109.
- c. Patent from United States of America to Cyrus Sibley, dated October 10, 1840, recorded in Deed Book 37 N. S., page 53.
- d. Patent from United States of America to Cyrus Sibley, dated October 10, 1840, recorded in Deed Book 37 N. S., page 678.
- e. Deed From Sister Aimee de Chantal Loftus to Salome Loftus, dated May 12, 1950, recorded in Deed Book 155 N. S., pages 17-18.

- f. Warranty deed from Mary Loftus and Clara Loftus to Salome Loftus, dated March 24, 1947, which was filed for record August 22, 1950.
- g. Deed from Sisters of the Visitation, a Corporation, to Salome Loftus, dated October 14, 1947, which was filed for record August 22, 1950.

Your Complainant has made and has caused a diligent search to be made in the community where the said property is located and in Baldwin County, Alabama, to ascertain the names, ages and places of residence of all persons, firms and corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof. These inquiries have continued faithfully and diligently for the past two years, and approximately four years ago your Complainant employed an abstracter to make an examination of the records of Baldwin County, Alabama, for the purpose of securing all possible information about the title to the said property. She employed an attorney to also examine the records of Baldwin County, Alabama, and to make inquiry about the title to said property and all persons claiming any interest therein, their ages and places of residence. All information having any bearing on the title to the said property and all information so secured as to prior ownership and possession of the said property, the ages and places of residence of the individual Respondents named herein is as hereinabove set out.

#### PRAYER FOR PROCESS.

Your Complainant prays that the lands hereinabove described, the Respondents named herein and the unknown heirs or devisees of the Respondents named herein who are deceased, 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 brought into Court by the usual and proper process.

#### PRAYER FOR RELIEF

Your Complainant prays that each and all of the Respondents named herein, the unknown heirs or devisees, of such of the

Respondents named herein who are deceased, 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 forth and specify such claim, right, title, interest, lien or encumbrance and how and by what instrument the same is derived and created; that upon the final hearing of this cause it be Ordered, Adjudged and Decreed that your Complainant has the fee simple 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 or title to, interest in, lien or encumbrance thereon; that all doubts and disputes concerning the said property be cleared up and that your Complainant's title to the said lands be fully and completely quieted. Your Complainant prays for such other, further and general relief as she may be equitably entitled to, the premises considered. *Salome Loftus*

*Salome Loftus*

Solicitor for Complainant.

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

Before me, the undersigned authority, within and for said County in said State, personally appeared Salome Loftus, who, after being by me first duly and legally sworn, deposes and says: That she has read over the foregoing Bill of Complaint and that the facts stated therein are true. *Salome Loftus*

*Salome Loftus*

Sworn to and subscribed before me on this the 13<sup>th</sup> day of October, 1954.

*Bert H. Harris*

Notary Public, Mobile County, Alabama

FILED

10-15-54

JOE J. DUCK, Register





George Duck of Bay Minette  
udly displays an eight-point  
k that he baged just south of  
ekton on his first day out. It  
a short hunt for Duck, as  
kill was made within 15 minu-  
of the time he loosed his dogs.

### ore Scouters

Cont'd from page One

he announcement of the final  
alts of the annual fund raising  
paign will be made at the  
quet. Also reports of activi-  
and progress made by Bald-  
County Scouters and Scout  
anizations will be heard at  
t time.  
he program will commence at  
5 p.m.

### Seminole News

Those reported on the sick list  
Mrs. W. R. Mitchell, Mrs. Leon

ADVER

ly and parallel with Lee Street  
248.56 feet, more or less, to a  
point on the West line of the said  
Block or Square Eight (8); thence  
Southwardly along the West line  
of the said Block or Square 208.56  
feet to the point of place of be-  
ginning.

Begin at the Northwest corner  
of Block or Square Eight (8) in  
the Village of Montrose, accord-  
ing to the official map or plat  
hereof, which is recorded in  
Book "E", at page 388, Baldwin  
County, Alabama Records, and  
run thence Southwardly along the  
West line of the said Block or  
Square 3.16 chains to a point;  
thence Eastwardly and parallel  
with Gabel Street 3.16 chains to a  
point; thence Northwardly and  
parallel with Main Street 3.16  
chains to a point on the North line  
of the said Block or Square Eight  
(8); thence Southwardly along the  
North line of the said Block or  
Square 3.16 chains to the point or  
place of beginning.

And against Cyrus Sibley, L. A.  
McCleskey, Emily Lee McCleskey,  
Mereneo Mattreea, A. Strause,  
Alexander Strause, and their heirs  
or devisees if deceased, and  
against any and all persons, firms,  
or corporations claiming any title  
to, interest in, lein or encumbrance  
on the said lands, or any part  
thereof, the said Bill of Com-  
plaint having been filed for the  
purpose of establishing the title  
of the said Complainant to all of  
the said lands, for the purpose of  
quieting her title thereto, and to  
clear up all doubts and disputes  
concerning the title to the said  
property.

The Complainant claims the ab-  
solute, fee simple title in and to  
all of the said lands under, by and  
through the following convey-  
ances, all of which are recorded  
in the office of the Judge of Pro-  
bate of Baldwin County, Alaba-  
ma, the County where the said  
lands are situated, to-wit:

a. Patent from United States of  
America to Cyrus Sibley, dated  
October 10, 1840, recorded in  
deed Book "S", page 480.

b. Patent from United States of  
America to Syrus Sibley, dated  
October 10, 1840, recorded in  
Deed Book 39 N. S., page 109.

c. Patent from United States of  
America to Cyrus Sibley, dated  
October 10, 1840, recorded in  
Deed Book 37 N. S., page 53.

d. Patent from United States of

# THE BALDWIN TIMES

## BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.  
BALDWIN COUNTY.

E. R. Monisette, Jr., being duly sworn, deposes and says  
that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper pub-  
lished at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Salome Loftus v. C. C. Landa.

#### COST STATEMENT

105-1 WORDS @ 6 1/2 cents — — — \$ 68 <sup>32</sup>  
I hereby certify this it correct, due and unpaid (paid).

E. R. Monisette, Jr.  
Editor Publisher.

was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication Nov - 4, 1954 Vol. 65 No. 42

Date of 2nd publication Nov - 11, 1954 Vol. 65 No. 43

Date of 3rd publication Nov 18, 1954 Vol. 65 No. 44

Date of 4th publication Nov - 25, 1954 Vol. 65 No. 45

Subscribed and sworn before the undersigned this 24 day of Nov, 1954

Dorothy Hunter  
Notary Public, Baldwin County.

E. R. Monisette, Jr.  
Editor Publisher.



# NOTICE OF PENDENCY OF BILL OF COMPLAINT

Salome Loftus, complainant vs. The Lands Hereinafter Described, and Cyrus Sibley, L. A. McCleskey, Emily Lee McCleskey, Mereneo Mattreeta, A. Strause, and Alexander Strause, Respondents, In the Circuit Court of Baldwin County, Alabama. In Equity.

Notice is hereby given to Cyrus Sibley, L. A. McCleskey, Emily Lee McCleskey, Mereneo Mattreeta, A. Strause, Alexander Strause and their heirs or devisees if deceased, 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 15th day of October, 1954, the said Complainant, Salome Loftus, 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:

Begin at the Southwest Corner of Block or Square Eight (8) in the Village of Montrose, according to the official map or plat thereof, which is recorded in Book "E" at page 388, Baldwin County, Alabama Records, and run thence Eastwardly along the South side of the said Block or Square 625.68 feet to a point, which is the Southeast corner of the said Block or Square; thence Northwardly along the East line of the said Block or Square 312.84 feet to a point; thence Westwardly and parallel with Lee Street 377.12 feet to a point; thence Southwardly and parallel with Main Street 104.28 feet to a point; thence Westwardly and parallel with Lee Street 248.56 feet, more or less, to a point on the West line of the said Block or Square Eight (8); thence Southwardly along the West line of the said Block or Square 208.56 feet to the point of place of beginning.

Begin at the Northwest corner of Block or Square Eight (8) in the Village of Montrose, according to the official map or plat thereof, which is recorded in Book "E", at page 388, Baldwin County, Alabama Records, and run thence Southwardly along the West line of the said Block or Square 3.16 chains to a point; thence Eastwardly and parallel with Gabel Street 3.16 chains to a point; thence Northwardly and parallel with Main Street 3.16 chains to a point on the North line of the said Block or Square Eight (8); thence Southwardly along the North line of the said Block or Square 3.16 chains to the point or place of beginning.

And against Cyrus Sibley, L. A. McCleskey, Emily Lee McCleskey, Mereneo Mattreeta, A. Strause, Alexander Strause, and their heirs or devisees if deceased, 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 Complainant to all of the said lands, for the purpose of quieting her title thereto, and to clear up all doubts and disputes concerning the title to the said property.

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

- Patent from United States of America to Cyrus Sibley, dated October 10, 1840, recorded in deed Book "S", page 480.
- Patent from United States of America to Syrus Sibley, dated October 10, 1840, recorded in Deed Book 39 N. S., page 109.
- Patent from United States of America to Cyrus Sibley, dated October 10, 1840, recorded in Deed Book 37 N. S., page 53.
- Patent from United States of America to Cyrus Sibley, dated October 10, 1840, recorded in Deed Book 37 N. S., page 678.
- Deed from Sister Aimee de Chantal Loftus to Salome Loftus, dated May 12, 1950, recorded in Deed Book 155 N. S., pages 17-18.
- Warranty deed from Mary

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 Complainant; that no suit is pending to test Complainant's title to, interest in, or right to the possession of the said lands, or any part thereof; that no persons, firms or corporations, other than the Complainant and those through whom she claims title, are known to the Complainant to have any possession of the said lands, or any part thereof, within twenty (20) years next prior to the filing of the said Bill of Complaint, and that no persons, firms or corporations, other than the Complainant and those through whom she claims title to the said lands, are known to the Complainant to have paid any taxes on the said lands, or any part thereof, or any interest therein, within twenty (20) years next prior to the filing of the said 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 December 28, 1954, 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 Complainant's 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 15th day of October, 1954.

ALICE J. DUCK,

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

J. B. Blackburn, Solicitor for Complainant. 42-4tc

**BALDWIN TIMES**  
**COUNTY**  
ty's Best Newspaper  
ALABAMA

## AFFIDAVIT OF PUBLICATION

AMA.  
Y.

Missella J. being duly sworn, deposes and says that she is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Baldwin County, Alabama; that the notice hereto attached is a true and correct copy of the same.

Loftus v. C. C. Land

### COST STATEMENT

WORDS @ 6 1/2 cents — — — \$ 68 <sup>32</sup>  
this it correct, due and unpaid (paid).

E. R. Monisette  
Editor Publisher.

was published in said newspaper for 4 consecutive weeks in the following

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Date of 3rd publication Nov 18, 1954 Vol. 65 N

Date of 4th publication Nov - 25, 1954 Vol. 65 N

Subscribed and sworn before the undersigned this 24 day of Nov

Dorothy Muntz  
Notary Public, Baldwin County.

E. R. Monisette  
Editor Publisher.



In the Circuit Court of Baldwin County, Alabama. In Equity.  
Notice is hereby given to Cyrus Sibley, L. A. McCleskey, Emily Lee McCleskey, Mereneo Mattreea, A. Strause, Alexander Strause and their heirs or devisees if deceased, 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 15th day of October, 1954, the said Complainant, Salome Loftus, 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:

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And against Cyrus Sibley, L. A. McCleskey, Emily Lee McCleskey, Mereneo Mattreea, A. Strause, Alexander Strause, and their heirs or devisees if deceased, 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 Complainant to all of the said lands, for the purpose of quieting her title thereto, and to clear up all doubts and disputes concerning the title to the said property.

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

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f. Warranty deed from Mary Loftus and Clara Loftus to Salome Loftus, dated March 24, 1947, which was filed for record August 22, 1950.

g. Deed from Sisters of the Visitation, a Corporation, to Salome Loftus, dated October 14, 1947, which was filed for record August 22, 1950.

The Complainant, in and by her said Bill of Complaint, alleges and avers that she owns the said lands in her own right, absolutely and in fee simple; that she is in the actual, peaceable possession of all

persons, firms or corporations, other than the Complainant and those through whom she claims title to the said lands, are known to the Complainant to have paid any taxes on the said lands, or any part thereof, or any interest therein, within twenty (20) years next prior to the filing of the said 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 December 28, 1954, 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 Complainant's 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 15th day of October, 1954.

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

J. B. Blackburn, Solicitor for Complainant. 42-4tc

ALABAMA

## AFFIDAVIT OF PUBLICATION

AMA.  
Y.

Misselle J., being duly sworn, deposes and says that she is the Editor of THE BALDWIN TIMES, a Weekly Newspaper published at Baldwin County, Alabama; that the notice hereto attached is published in said newspaper for 4 consecutive weeks in the following manner:

Loftus v. C. C. Land

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Notary Public, Baldwin County.

E. R. Monisette  
Editor Publisher