

2571

F. A. RACINE,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED  
and THE AMERICAN NATIONAL BANK OF  
PENSACOLA, FLORIDA, a Corporation,  
ET ALS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

DECREE PRO CONFESSO

In this cause it being made to appear to the Register that the Respondent, The American National Bank of Pensacola, Florida is a non-resident corporation, whose address is Pensacola, Florida; that the Respondents, Axel Loftman, Elizabeth McGregor, P. J. Neeley, William A. Peterson, Anna E. Peterson, John D. Ragland and J. D. Ragland, are, if living, over the age of twenty-one years and their respective places of residence and post office addresses are unknown and cannot be ascertained after diligent inquiry, or are non-residents of the State of Alabama, whose exact places of residence and post office addresses are unknown: that a copy of the Notice of Pendency of the Bill of Complaint in this cause, dated November 24, 1950, was published once a week for four (4) successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, the first of said notices being published on November 30, 1950, the second of said notices being published on December 7, 1950, the third of said notices being published on December 14, 1950 and the fourth of said notices being published on December 21, 1950: and that copies thereof were posted at the front door of the courthouse in Baldwin County, Alabama and filed for record in the office of the Judge of Probate of Baldwin County, Alabama on November 30, 1950, and that to date hereof each of the said Respondents and the heirs, devisees and personal representatives of such of 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 following described property situated in Baldwin County, Alabama, to-wit:

South Half of the South Half of the Southeast  
Quarter of the Southeast Quarter of the North-  
west Quarter of Section 7, Township 6 South,  
Range 4 East,

have failed to appear and plead, answer or demur to the Bill of Com-  
plaint filed against them in this cause.

It is, therefore, on motion of the Complainant, Ordered,  
Adjudged and Decreed by the Register that the said Bill of Complaint  
be and it is hereby in all things taken as confessed against each  
and all of the above named Respondents and the heirs, devisees and  
personal representatives of such 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 lands above des-  
cribed, or any part thereof.

ORDERED, ADJUDGED AND DECREED on this the 31<sup>st</sup> day of  
January, 1951.

W. J. L. L. L.  
Register.

DECREE PRO CONFESSO

F. A. RACINE,

**RECORDED**  
Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED  
and THE AMERICAN NATIONAL BANK  
OF PENSACOLA, FLORIDA, a Cor-  
poration, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

1-31-51

F. A. RACINE,	)	IN THE CIRCUIT COURT OF
	Complainant	)
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
THE LANDS HEREINAFTER DESCRIBED	)	IN EQUITY.
and THE AMERICAN NATIONAL BANK	)	
OF PENSACOLA, FLORIDA, a Corpora-	)	
tion, ET ALS.,	)	
	Respondents.)	

DISCLAIMER.

Now comes Dr. H. C. Jordan and disclaims all right, title and interest to the property involved in this suit, namely:

South Half of the South Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section Seven (7), Township Six (6) South, Range Four (4) East, in Baldwin County, Alabama.

Dated on this the 6<sup>th</sup> day of January, 1951 ~~December, 1950.~~

H. C. Jordan, Jr.

STATE OF ALABAMA )  
BALDWIN COUNTY. )

I, Grady P. Gilbert Jr., a Notary Public within and for said County in said State, hereby certify that Dr. H. C. Jordan, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 6<sup>th</sup> day of December, 1950.  
January 1951

Grady P. Gilbert Jr.

Notary Public, Baldwin County, Alabama.

My Comm expires 5/31/53

F. A. RACINE,	)	IN THE CIRCUIT COURT OF
Complainant	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
THE LANDS HEREINAFTER DESCRIBED	)	IN EQUITY.
and THE AMERICAN NATIONAL BANK	)	
OF PENSACOLA, FLORIDA, a Corpora-	)	
tion, ET ALS.,	)	
Respondents.	)	

DISCLAIMER.

Now comes J. W. Jordan and disclaims all right, title and interest to the property involved in this suit, namely:

South Half of the South Half of the Southeast Quarter of the Southeast Quarter of the North-west Quarter of Section Seven (7), Township Six (6) South, Range Four (4) East, in Baldwin County, Alabama.

Dated on this the 23 day of December, 1950.

J. W. Jordan

STATE OF Texas  
COUNTY OF El Paso

I, Clarence A. Jones, a Major of the United States of America, hereby certify that J. W. Jordan a member of the Armed Forces of the United States of American, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand on this the 23<sup>rd</sup> day of December 1950.

Clarence A. Jones  
Major Varty  
226<sup>th</sup> AAA Group

F. A. RACINE, )  
 Complainant )  
 VS. )  
 BALDWIN COUNTY, ALABAMA )  
 )  
 THE LANDS HEREINAFTER DESCRIBED )  
 and THE AMERICAN NATIONAL BANK )  
 OF PENSACOLA, FLORIDA, a Corpora- )  
 tion, ET ALS., )  
 Respondents. )

IN EQUITY.

DISCLAIMER.

Now comes Marvel Jordan Gwaltney and disclaims all right, title and interest to the property involved in this suit, namely:

South Half of the South Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section Seven (7), Township Six (6) South, Range Four (4) East, in Baldwin County, Alabama.

Dated on this the 6<sup>th</sup> day of ~~December~~ <sup>January</sup>, 1951, 1950.

Marvel Jordan Gwaltney

STATE OF ALABAMA )  
 BALDWIN COUNTY. )

I, Grady P. Gilbert Jr., a Notary Public within and for said County in said State, hereby certify that Marvel Jordan Gwaltney, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 6<sup>th</sup> day of ~~December~~, 1950. <sup>January</sup> 1951

Grady P. Gilbert Jr.  
 Notary Public, Baldwin County, Alabama.

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2571

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon American National Bank of Pensacola, Florida

Et Als

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

Certain Lands, American National Bank of Pensacola, Fla. et als \_\_\_\_\_, Defendant.---

by F. A. RAGINE \_\_\_\_\_, Plaintiff.---

Witness my hand this 21st day of November 1950

Alice J. [Signature] Clerk

No. \_\_\_\_\_ Page \_\_\_\_\_

**THE STATE OF ALABAMA**

BALDWIN COUNTY

**CIRCUIT COURT**

Plaintiffs

vs.

Defendants

**SUMMONS and COMPLAINT**

Filed \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

, 19\_\_\_\_

, Sheriff

I have executed this summons

this \_\_\_\_\_, 19\_\_\_\_

by leaving a copy with

Sheriff

Deputy Sheriff



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

Your Orator, F. A. Racine, presents this Bill of Complaint against the following described land situated in Baldwin County, Alabama, to-wit:

South Half of the South Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 7, Township 6 South, Range 4 East,

and against the American National Bank of Pensacola, Florida, a Corporation; the heirs of Minnie E. Jordan, namely: J. W. Jordan, H. C. Jordan and Mrs. Marvel Jordan Gwaltney; Axel Loftman; Elizabeth McGregor; P. J. Neeley; William A. Peterson; Anna E. Peterson; John D. Ragland; J. D. Ragland and the heirs and devisees of such of 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 land or any part thereof, and thereupon your Orator complains and shows unto the Court and your Honor as follows:

1. Your Orator is over twenty-one years of age and a resident of Baldwin County, Alabama.

2. The Respondent, the American National Bank of Pensacola, Florida is a corporation now or formerly doing business in Pensacola, Florida; the Respondent, J. W. Jordan, is over twenty-one years of age and a non resident of the State of Alabama, whose present address is Hdq. 226B, A.A.A. Group, Fort Bliss, El Paso, Texas; The Respondent, H. C. Jordan, is over twenty-one years of age and a resident of Baldwin County, Alabama, whose post office address is Fairhope, Alabama; Mrs. Marvel Jordan Gwaltney is over twenty-one years of age and a resident of Baldwin County, Alabama, whose post office address is Robertsdale, Alabama; the Respondents, Axel Loftman, Elizabeth McGregor, P. J. Neeley, William A. Peterson, Anna E. Peterson, John D. Ragland, J. D. Ragland, are each, if living, over twenty-one years of age, but their respective places of residence and post office addresses are unknown and cannot be

ascertained after diligent efforts and the making of diligent inquiry to ascertain the facts with regard thereto;

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

4. Your Orator has and claims to have the absolute, unencumbered, fee simple title to all of the real property hereinabove described by and through the following instruments of writing all of which are recorded in the Probate Office of Baldwin County, Alabama, the county where the said land is situated, to-wit:

A. Patent, United States to Elizabeth B. Rupert, dated May 10, 1861, recorded in Deed Book 8 N. S., at pages 495-6.

B. Tax Deed, State of Alabama, by S. H. Blan, State Auditor, to Amos Garrett, dated August 12, 1930, recorded in Deed Book 49 N. S., at pages 292-3.

C. Deed, Amos Garrett and wife, to F. A. Racine, dated January 28, 1933, recorded in Deed Book 53 N. S., at page 320.

Your Orator has made a diligent search and has caused a diligent search to be made to ascertain the names, ages and places of address of all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said land, or any part thereof. These inquiries have continued faithfully and diligently for the past three years and approximately six months ago your Ora-

tor employed an abstractor to make an examination of the records of Baldwin County, Alabama, and prepare an Abstract of Title to all of the said property. He employed an attorney to examine the said abstract and records in the court house at Bay Minette, Alabama, and to make inquiry about the ages, addresses and heirs of any persons interested in the said property; your Orator has made and caused a thorough inquiry to be made in the community where the said property is situated, for the purpose of ascertaining any claimants to it and for the purpose of securing any information having any bearing on the title to the said property and all of the 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 Orator prays that the land 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 all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said land, or any part thereof, be made parties respondent to this Bill of Complaint and brought into Court by the usual and proper processes.

#### PRAYER FOR RELIEF

Your Orator prays that each and all of the Respondents named herein, the unknown heirs, devisees, legal representatives and next of kin of such of the Respondents named herein who are dead and any and all other persons, firms or corporations who claim to own the said land, 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 Orator, at the time of the filing of this Bill of Complaint, had the fee simple title to all of the above described

land and that none of the Respondents herein specifically named, or any other person, firm or corporation has any right or title to, or interest therein or any part thereof, or any lien or encumbrance thereon and that all doubts and disputes concerning the said property be cleared up and that your Orator's title to the said land be fully and completely quieted. Your Orator prays for such other, further and general relief as he may be equitably entitled to, the premises considered.

J. B. Blackburn

STATE OF ALABAMA )  
BALDWIN COUNTY. )

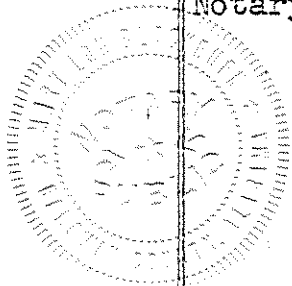
Before me, the undersigned authority within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says: That he is attorney for the Complainant, F. A. Racine, that he has read over the said Bill of Complaint and that the facts stated therein are true.

J. B. Blackburn

Sworn to and subscribed before me  
on this 21<sup>st</sup> day of November, 1950.

Mary Lee Blackburn

Notary Public, Baldwin County, Alabama



F. A. RACINE,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED,  
and THE AMERICAN NATIONAL BANK  
OF PENSACOLA, FLORIDA, a Corpor-  
ation, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

#### MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a decree pro confesso against the Respondents, American National Bank of Pensacola, Florida, a Corporation, Axel Loftman, Elizabeth McGregor, P. J. Neeley, William A. Peterson, Anna E. Peterson, John D. Ragland, J. D. Ragland and the heirs and devisees of such 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 following described property situated in Baldwin County, Alabama, to-wit:

South Half of the South Half of the Southeast  
Quarter of the Southeast Quarter of the North-  
west Quarter of Section 7, Township 6 South,  
Range 4 East,

on the ground that the Notice of Pendency of the Bill of Complaint in this cause was published once a week for four (4) successive 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 November 30th, December 7th, December 14th and December 21, 1950, requiring the said Respondents to appear and plead, answer or demur to the Bill of Complaint filed against them in this cause before January 30, 1951, or on the said date decrees pro confesso would be taken against them, a copy of which was filed for record in the office of the Judge of Probate of Baldwin County, Alabama on November 30, 1950, and that on November 30, 1950 a copy of the said notice was posted at the front door of the courthouse of Baldwin County, Alabama at Bay Minette, Alabama and the said parties and each of them have failed to date to appear and plead, answer or demur to the Bill of Complaint filed against them in this cause.

WHEREFORE, Complainant moves the Court to make and enter a decree pro confesso against all of the said Respondents and each of them.

Dated this 30th day of January, 1951.

J. B. Blackman  
Solicitor for Complainant.

RECEIVED FOR RECORDING AND INDEXING

A. V. BROWN

RECORDED

Complaint

THE VERNON AVIATION, INC.  
AND THE VERNON AVIATION, INC.  
AND THE VERNON AVIATION, INC.

FILED  
JAN 31 1951  
CLERK OF COURT

MOTION FOR DECREE PRO CONFESSO

F. A. RACINE, **RECORDED**

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED  
and THE AMERICAN NATIONAL BANK

Filed 1-31-37

Alice J. French  
Register

F. A. RACINE,

Complainant,

VS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

THE LANDS HEREINAFTER DESCRIBED  
and THE AMERICAN NATIONAL BANK  
OF PENSACOLA, FLORIDA, a Corpor-  
ation, ET ALS,

Respondents.

REGISTER'S CERTIFICATE AS  
TO SERVICE.

I, Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama in Equity, do hereby certify that the Notice of Pendency of Bill of Complaint in this cause was published once a week for four (4) successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, the said notice appearing in the issues of the said paper of November 30th, December 7th, December 14th and December 21, 1950.

I further certify that on November 30, 1950 a copy of the said notice was posted at the front door of the courthouse of Baldwin County, Alabama at Bay Minette, Alabama and that on November 30, 1950 a copy thereof was filed for record in the office of the Judge of Probate of Baldwin County, Alabama.

I further certify that all of the Respondents named above and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands involved in this suit have failed to date hereof to appear and plead, answer or demur to the Bill of Complaint filed against them in this cause.

Dated on this the 30th day of January, 1951.

Alice J. Duck  
Register.



F. A. RACINE, **RECORDED**  
Comptroller,  
VS

THE LANDS HEREINAFTER DESCRIBED  
and THE AMERICAN NATIONAL BANK  
OF PENSACOLA, FLORIDA, a Corpor-  
ation, ET AL'S,

## Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

17-30-57

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On January 20 the City of London Ref. Vires advised from the Council that the staff have visited during the period to assess and discuss the situation of the hospital and the type of accommodation on the large hospital site and that they have been advised that the hospital is in a very poor state of repair and that the hospital is in a very poor state of repair and that the hospital is in a very poor state of repair.

[illegible]

# IN REAL

**Abstract**

[illegible][illegible][illegible][illegible][illegible]

F. A. RACINE,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED  
and THE AMERICAN NATIONAL BANK  
OF PENSACOLA, FLORIDA, a Corpo-  
ration, ET ALS.,

Respondents.

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

DECREE ORDERING ORAL EXAMINATION OF WITNESSES

In this cause it appears to the court that all of the Respondents named in the Bill of Complaint filed in this cause have either disclaimed interest in the property involved in this suit, or Decrees Pro Confesso have been rendered against them, that the case is now at issue and ready for trial.

It is Ordered, Adjudged and Decreed by the court that the testimony of the Complainant and any witnesses, which he desires to use in this cause, be taken in open court in the manner provided by Equity Rule Number 56, as amended, at 9:30 o'clock A. M. on February 1, 1951.

ORDERED, ADJUDGED AND DECREED on this the 1st day of February, 1951.

Telfair J. Marbleberry Jr.  
Judge.

DECREE ORDERING ORAL EXAMINATION  
OF WITNESSES.

RECORDED

F. A. RACINE,  
VS. Complainant,

THE LANDS HEREINAFTER DESCRIBED  
and THE AMERICAN NATIONAL BANK  
OF PENSACOLA, FLORIDA, a Corpo-  
ration, ET ALS.,

Respondents.

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

*Testimony \$425*

F. A. RACINE,

Complainant,

VS.

CERTAIN LANDS AND AMERICAN  
NATIONAL BANK OF PENSACOLA,  
FLORIDA, A CORPORATION, et als

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 2571.

TESTIMONY TAKEN IN OPEN COURT ON FEBRUARY 1, 1950

Mr. F. A. Racine, having been first duly and legally sworn,  
testified as follows:

ON DIRECT EXAMINATION

By Mr. J. B. Blackburn

Q. Are you Mr. F. A. Racine?

A. Yes sir.

Q. Mr. Racine, are you the complainant in this suit?

A. Yes sir.

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

A. Yes sir.

Q. Do you claim to own the property involved in this suit which  
is described as the:

South Half of South Half of Southeast Quarter  
of Southeast Quarter of Northwest Quarter of  
Section 7, Township 6 South Range 4 East, in  
Baldwin County, Alabama?

A. Yes sir.

Q. Were you claiming that at the time this suit was filed?

A. Yes sir.

Q. Were you in possession of that land?

A. Yes sir.

Q. How long, Mr. Racine, have you been in possession of that land?

A. Since '32.

Q. What date in '32?

A. December.

Q. December, 1932?

A. Yes sir.

Q. Did you know Mrs. Minnie E. Jordan, Dr. Jordan's wife?

A. Yes sir.

Q. Is she living or dead?

A. She is dead.

Q. Is Dr. Jordan dead?

A. Dr. Jordan is dead.

Q. Who did Mrs. Jordan leave for her heirs? That is, who were her children?

A. Claude is the oldest and Wilbur.

Q. That is H. C.?

A. I think so.

Q. And the other is J. W.?

A. Yes sir.

Q. Mrs. Marvel Jordan Gwaltney:

A. Yes sir.

Q. Was the American National Bank of Pensacola a non-resident corporation at the time this suit was filed?

A. Yes sir.

Q. Mr. Racine, since you have been in possession of this property, that is, since you got the deed, have you regularly assessed and paid taxes on it?

A. I have.

Q. Anyone else assessed or paid taxes on it?

A. No sir.

Q. At the time this suit was filed was any other suit pending to test title to or your right to possession of the property?

A. No sir.

Q. Now, the other defendants named in this case, Axel Loftman, Elizabeth McGregor, P. J. Neeley, William A. Peterson, Anna E. Peterson, John D. Ragland and J. D. Ragland; did you know any of those people personally?

A. No, I did not.

Q. Before this suit was filed, I will ask you if you had an abstract prepared covering this tract?

A. No, I didn't.

Q. Did you get an abstract?

A. I have one now.

Q. This one is dated the 26th of October, 1950, you delivered that to me?

A. Yes sir.

Q. Requested that I examine it?

A. Yes.

Q. Did you make inquiry in the community where this land is located for the purpose of finding out about these people named as defendants in this suit?

A. I have.

Q. Is all of the information you were able to get correctly set out in this bill of complaint?

A. Yes sir.

Q. You have read the bill of complaint?

A. Yes sir.

Q. The facts stated in it are true?

A. Yes sir.

MR. BLACKBURN: We would like to offer in evidence and ask that it be identified as Complainant's Exhibit "1", Certified copy of Patent from the United States to Elizabeth B. Rupert, dated May 10, 1861, which was filed for record in Baldwin County, Alabama on April 17, 1905, which is recorded in Deed Book 8 at pages 495-6, and ask that it be identified as Complainant's Exhibit "1".

(Patent admitted, identified as Complainant's Exhibit "1" and is as follows:)

COMPLAINANT'S EXHIBIT "1"

"Graduation S & C

Certificate No. 15473. THE UNITED STATES OF AMERICA, To all to whom these presents shall come, Greeting.

Whereas, Elizabeth B. Rupert of Baldwin County, Alabama, has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at St. Stephens, whereby it appears that full payment has been made by the said Elizabeth B. Rupert, according to the provisions of the Act of Congress of the 24th of April, 1820, entitled, "An Act making further provision for the sale of the Public Lands," for the Northwest quarter of Section Seven; The South half of the Southwest quarter and the West half of the Southeast quarter of section six in township six south of range four east in the District of lands subject to sale at St. Stephens, Alabama, containing three hundred and twenty one acres and twenty hundredths of an acre, according to the official plat of the survey of the said lands, returned to the General Land Office by the Surveyor General, which said tracts

have been purchased by the said Elizabeth B. Rupert.

Now, know ye, that the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said Elizabeth B. Rupert, and to her heirs, the said tract above described; To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Elizabeth B. Rupert, and to her heirs and assigns forever.

In Testimony Whereof, I, Abraham Lincoln, 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 thereunto affixed.

Given under my hand, at the City of Washington, the tenth day of May, in the year of our Lord one thousand eight hundred and sixty one, and of the Independence of the United States the eighty fifth.

L. S. By the President: Abraham Lincoln,

By W. O. Stoddard, Secretary.

J. M. Cranger, Recorder of the  
General Land Office.

Recorded Alabama, Vol. 157, Page 479.

158541. B. M. F. H. Department of the Interior, General Land Office,  
Washington, D. C., April 6, 1905.

I hereby certify that the annexed copy of patent is a true and literal exemplification from the record in the 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.

(Seal)

U. H. Brush, Recorder of the General Land  
Office.

Filed for record April 17, 1906, at 10 A. M.

Recorded April 27, 1905.

J. H. M. Smith, Judge of Probate

.....0000.....

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 2 pages contain a full, true and complete copy of the Patent United States to Elizabeth B. Rupert as the same appears of record in my office in Deed Book No. 8 Page 495-6.

Given under my hand and seal of office, this 1 day of February, 1951.

/s/ W. R. Stuart

Judge of Probate

(Seal)

By Lila S. Clover, Chief Clerk"

MR. BLACKBURN: Then we offer in evidence, certified copy of Tax Deed from S. H. Blan, State Auditor, to Amos Garrett, dated August 12, 1930 and recorded in Deed Book 49 at pages 292-3, and ask that it be identified as the Complainant's Exhibit "2".

(Deed admitted, identified as Complainant's Exhibit "2" and is set out below)

#### COMPLAINANT'S EXHIBIT "2"

"NO. 5774

ORIGINAL

THE STATE OF ALABAMA-REVENUE DEPARTMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, on the 25 day of April, A. D. 1927, the Probate Court of Baldwin County rendered a decree for the sale of lands hereinafter described and conveyed, for the payment of State and County taxes then due from P. J. Neeley the owner of said lands, and for the payment of the fees, costs, and expenses of and under said decree, and the sale had in execution thereof.

AND WHEREAS, thereafter, to-wit: on the 30 day of May, 1927, under and in pursuance of said decree said lands were regularly offered for sale by the Tax Collector of Baldwin County for said taxes, fees, costs, and expenses, and no person having bid a sufficient sum for said lands to pay the same, said lands were bid in for the State for the sum of said taxes, fees, costs, and expenses.

AND WHEREAS, the time allowed by law for the redemption of said lands has elapsed since said sale, and the same not having been redeemed, the title thereto under said sale is still in the State.

AND WHEREAS, said lands having been entered upon the books of this Department, and the Auditor and Treasurer of this State, with the approval of the Governor, have fixed the price of said land, and ascertained that the sum of Thirty & No/100 (\$30.00) dollars is sufficient to cover and satisfy all claims of the State and County against said lands for or on account of taxes, interest, fees, and costs, and officers' fees which were due upon or having accrued against said lands, as provided for in Chapter 58, Article 8, of the Code of Alabama of 1923.

AND WHEREAS, application has been made to the Auditor of the State by Amos Garrett to purchase said lands, and said sum of Thirty & No/100 (\$30.00) dollars therefor has been paid into the State Treasury.

NOW THEREFORE, I, S. H. Blan, as Auditor of the State of Alabama, by virtue of and in accordance with the provisions of said Chapter 58, Article 8, of the Code of Alabama of 1923, with the approval of the Governor of Alabama, and in consideration of the premises above set out, have this day granted, bargained, sold, and conveyed, and by these presents do grant, bargain, sell, and convey unto the said Amos Garrett, without warranty or covenant of any kind on the part of the State, express or implied, all right and title of the State of Alabama in and to said lands, described as follows:

S $\frac{1}{2}$  of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 7, Township  
6 South, Range 4 E.

lying and being situated in said County and State, to have and to hold the same, the said right and title of the State in the lands aforesaid, unto Amos Garrett and his heirs and assigns forever.

In Testimony whereof I have hereunto set my hand and seal this the 12 day of August, 1930.

(SEAL)

S. H. Blan, State Auditor

STATE OF ALABAMA  
MONTGOMERY COUNTY

I, Langdon C. Parker, a Notary Public in and for said County, in said State, hereby certify that S. H. Blan, whose name as State Auditor 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 this conveyance, he, in his capacity as such State Auditor, executed the same voluntarily on the day the same bears date.

Given under my hand this the 12 day of August, 1930.

(SEAL)

Langdon C. Parker, Notary Public

The State of Alabama Probate Court  
Baldwin County  
Filed in office this 26 day of Sept. 1930 at 9:50 A. M. and duly  
recorded in Deed Book No. 49 N. S. pages 292-3; and I certify that



§--cts 50 license or privilege tax, paid as required by an Act of the Legislature, approved September 14, 1923; G. W. Humphries, Judge of Probate by J. L. Kessler, Clerk.

G. W. Humphries, Judge of Probate

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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 2 pages contain a full, true and complete copy of the Tax Deed State of Alabama-Amos Garrett as the same appears of record in my office in Deed Book No. 49, page 292-3.

Given under my hand and seal of office, this 1 day of February, 1951.

/s/ W. R. Stuart  
Judge of Probate

By: Lila S. Clover, Chief Clerk

(Seal) "

MR. BLACKBURN: Next, we offer in evidence certified copy of deed from Amos Garrett and wife to F. A. Racine dated January 28, 1933 and recorded in Deed Book 53 at pages 320-21, Baldwin County, Alabama Records, and ask that it be identified as Complainant's Exhibit "3".

(Deed admitted, identified as Complainant's Exhibit "3" and is set out below:)

COMPLAINANT'S EXHIBIT "3"

"QUIT CLAIM DEED

STATE OF ALABAMA,     )  
COUNTY OF BALDWIN.    )

KNOW-ALL-MEN BY THESE PRESENTS: That for and in consideration of the sum of One Dollar and other good and valuable considerations to us (Amos Garrett and Sara Garrett, his wife) in hand paid by F. A. Racine, the receipt whereof is hereby acknowledged, we do remise, release, quitclaim and convey to the said F. A. Racine all our right, title, interest and claim in or to the following described land situate in the county of Baldwin and state of Alabama, to-wit:

The South Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (S $\frac{1}{2}$  of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) Section Seven (7), Township Six (6) South, Range Four (4) East.

This is not the homestead of Amos Garret and Sara Garrett, his wife.

Witness our hands and seals this the 28th day of Jan. 1933.

Amos Garrett           (SEAL)  
Sara Garrett           (SEAL)

STATE OF ALABAMA,     )  
COUNTY OF BALDWIN.    )

I, John J. Ganus, a Notary Public in and for said County and State, do hereby certify that Amos Garrett and Sara Garrett, his wife, whose names are signed to the foregoing conveyance and who are known to me acknowledged before me on this day, that being informed of the contents of the said conveyance, they executed the same voluntarily

on the day the same bears date.

Given under my hand and official seal, this 28th day of Jan. 1933.

John J. Ganus  
Notary Public, Baldwin County, Alabama.  
My Commission expires Jan. 19th, 1935.

SEAL

THE STATE OF ALABAMA     )  
BALDWIN COUNTY            )     PROBATE COURT

Filed in office this 31 day of Jan., 1931, 11:20 A. M. and duly re-  
corded in Deed Book No. 53, N. S., pages 320-21; and I certify that  
\$ -- cts 50 license or privilege tax, paid as required by an  
Act of the Legislature, approved September 14, 1923.  
G. W. Humphries, Judge of Probate By J. L. Kessler, Clerk.  
G. W. Humphries, 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  
2 pages contain a full, true and complete copy of the Deed Amos  
Garrett and wife - F. A. Racine as the same appears of record in  
my office in Deed Book No. 53 Pages 320-1.

Given under my hand and seal of office, this 1 day of February,  
1931.

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

Seal."

No Question by Defendants.

Dr. Amos Garrett, having been first duly and legally  
sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. J. B. Blackburn

Q. Dr. Garrett, you at one time owned the property involved in this  
suit?

A. Yes sir, through a tax deed.

Q. Is that the deed which was just introduced?

A. Yes sir.

Q. You sold it to Mr. Racine according to the deed?

A. Sold it to Red, Red handled the deal.

Q. That was in 1933? Did he take possession of that property  
prior to the time the deed was made?

A. No sir, when I sold it made a trade with old man Wilks to furnish  
the lumber to build a house on it.

Q. Mr. Racine has been in possession of the property since that deed

to him was made?

A. Yes sir, went right to work on it and built his house.

Q. Lived on it?

A. Lived on it.

Q. During all the period of time since you made the deed to him in 1933 has anyone else been in possession of the property?

A. No sir.

That's all

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I, Ora S. Nelson, Court Reporter of and for Baldwin County, Alabama, hereby certify that the above and foregoing is a true and correct copy of the evidence as taken and transcribed by me on this date, in the above styled cause.

This 1st day of February, 1951.

Ora S. Nelson  
Court Reporter

NOTICE OF PENDENCY OF BILL OF COMPLAINT.

F. A. RACINE,	)	IN THE CIRCUIT COURT OF
Complainant	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
THE LANDS HEREINAFTER DESCRIBED	)	IN EQUITY.
and THE AMERICAN NATIONAL BANK	)	
OF PENSACOLA, FLORIDA, a Corpora-	)	
tion, ET ALS.,	)	
Respondents.	)	

Notice is hereby given to the American National Bank of Pensacola, Florida, a Corporation; the heirs of Minnie E. Jordan namely: J. W. Jordan; H. C. Jordan, Mrs. Marvel Jordan Gwaltney and H. W. Jordan; Axel Loftman; Elizabeth McGregor; P. J. Neeley; William A. Peterson; Anna E. Peterson; John D. Ragland; J. D. Ragland 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 land hereinafter described; that on the 21st day of November, 1950, the said Complainant, F. A. Racine, filed in the Circuit Court of Baldwin County, Alabama, Equity Side, a verified Bill of Complaint against the following described land situated in Baldwin County, Alabama, to-wit:

South Half of the South Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 7, Township 6 South, Range 4 East,

and against the American National Bank of Pensacola, Florida, a Corporation; the heirs of Minnie E. Jordan, namely: J. W. Jordan, H. C. Jordan, Mrs. Marvel Jordan Gwaltney and H. W. Jordan; Axel Loftman; Elizabeth McGregor; P. J. Neeley; William A. Peterson; Anna E. Peterson; John D. Ragland; J. D. Ragland and the heirs and devisees of such of 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 land, 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

land, for the purpose of quieting his 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 land under, from, 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 land is situated, to-wit:

1. Patent, United States to Elizabeth B. Rupert, dated May 10, 1861, recorded in Deed Book 8 N. S., at pages 495-6.

2. Tax Deed, State of Alabama, by S. H. Blan, State Auditor, to Amos Garrett, dated August 12, 1930, recorded in Deed Book 49 N. S., at pages 292-3.

3. Deed, Amos Garrett and wife to F. A. Racine, dated January 28, 1933, recorded in Deed Book 53, N.S. at page 320.

The Complainant, in and by his said Bill of Complaint, alleges and avers that he owns the said land in his own right, absolutely and in fee simple; that he is in the actual, peaceable possession of all of the said land; that the title to the said land stands upon the records of the Probate Court of Baldwin County, Alabama, the county where the said land is situated, in the name of the Complainant; that no suit is pending to test the Complainant's title to, interest in, or right to the possession of the said land, or any part thereof; that no persons, firms or corporations, other than the Complainant and those through whom he claims title, are known to Complainant to have had any possession of the said land, or any part thereof, within ten years next prior to the filing of the said Bill of Complaint and that no persons, firms or corporations, other than the Complainant and those through whom he claims title to the said land, are known to the Complainant to have paid any taxes on the said land, or any part thereof, or any interest therein, within ten years next prior to the filing of the said Bill of Complaint.

Any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said land, or

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any part thereof, must appear in this Court and plead, answer or demur to the said Bill of Complaint before January 30, 1951, or on the said date Decrees Pro Confesso will be taken against them, testimony will be thereafter taken and the said cause submitted for Final Decree, quieting Complainant's title to the said land.

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 24th day of November, 1950.

*Alice J. Drake*

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

J. B. BLACKBURN,  
Solicitor for Complainant.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 11-28-50

8am

Recorded

*Lia Pen*

Book 2

page 329-331

*DRB*  
Judge of Probate

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