

\$5.00

2800

J. B. LAND,

Complainant

VS.

CERTAIN LANDS, ET AL.

Respondents.

NORBONNE R. STONE, REPRESENTING
COMPLAINANT

J. CONNER OWEN, GUARDIAN AD LITEM

TESTIMONY TAKEN ORALLY BEFORE HON. HUBERT M. HALL, JUDGE
OF THE 28th JUDICIAL CIRCUIT OF ALABAMA, ON APRIL 16, 1953.

FILED

4-21-53

ALICE L. OWEN, Register

MR. J. B. LAND, THE COMPLAINANT, BEING FIRST DULY SWORN,
TESTIFIED AS FOLLOWS:

Direct Examination by Mr. Stone.

Q. Is this Mr. J. B. Land?

A. Yes, sir.

Q. Mr. Land, are you the complainant in the suit of J. B. Land vs. Certain lands, and Ada LaCoste, et al., pending in the Circuit Court of Baldwin County, Alabama?

A. I am.

Q. Are you over 21 years of age, Mr. Land?

A. Yes, sir.

Q. Where do you live?

A. Montgomery Alabama.

Q. Mr. Land, are you familiar with the following described property, situated in Baldwin County, Alabama: Commencing at the Southeast corner of Section 36, Townshi; 8 South, Range 3 East, run thence due West 905.5 feet to a point; run thence run north 39 degrees 9 minutes east 395 feet to a point, which point is the point of beginning of the property herein described; thence continue north 39 degrees 9 minutes East 36.4 feet to a point, thence run north 37 degrees 36 minutes west 2,862 feet to a point; run thence north 66 degrees 55 minutes west 330 feet to a point on the East or south margin of Bon Secour River; thence run south 29 degrees 57 minutes West along the

East margin of said River 151.5 feet to a point; run thence South 67 degrees 29 minutes East 350.85 feet to a point; run thence south 39 degrees 28 minutes East 2797.49 feet to the point of beginning, containing \pm 6.59 acres, more or less, and also known as Lot 1 of the John LaCoste Estate, according to a plat and survey dated December 23, 1908, in the division of the Estate of John LaCoste, Sr.; are you familiar with that property, the description of which I have just read?

A. Yes, sir.

Q. Is that the property which is also known as Lot 1 of the John LaCoste estate?

A. That is right.

Q. Where is that land situated?

A. It is situated on Bon Secour River.

Q. Is that land in Baldwin County, Alabama?

A. Oh yes.

Q. Mr. Land, from whom did you acquire this land?

A. From the State of Alabama.

MR. STONE: Judge, I would like to introduce this certified copy of a tax deed from the State of Alabama, acting by and through the State Land Commissioner of Alabama, By: Henry S. Long, State Land Commissioner, and approved by Bubb Graves, Governor, dated March 8, 1937, and Recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 63 N. S. at page 121-2, and ask that it be identified as Complainant's Exhibit 1.

Which said deed conveys the following described property: Begn at the SW cor. Lot 5 Div. of Odell Cook estate, thence N. 68 deg. W. 6 chs. to Bank of Bon Secour River, thence down said river 1.98 chs. to begn. being part of the Cook Grant, t8s, r3e. Lot 1 in John Cook grant on South side of Bon Secour river, Sec. 4 Tps. 8 & 9 S., which Tax is to J. B. Land, and which was filed for record in the office of the Judge of Probate of Baldwin County Alabama, on September 27, 1937 at 9:35 P. M.

Q.

Mr. Land, you heard me read the description in this tax deed. Is that the same land, the description of which I read to you a few minutes ago? Is the land contained in this deed the land the description of which I just read to you?

A. Yes, sir.

Q. Did you have that land surveyed, Mr. Land?

A. I did.

Q. Who surveyed that land for you?

A. Mr. Irby from Mobile.

Q. This long description, which I just read, is the description he furnished you of the property?

A. Yes, sir.

Q. Mr. Land, are you in possession of this property?

A. Yes, sir.

- Q. How long have you been in possession of the property, Mr. Land?
- A. Well I think, Mr. Stone, that I have been in possession of it since about 1932.
- Q. Even before you got your tax deed?
- A. Yes, sir. I had a certificate for it for a certain length of time.
- Q. Has that possession been peaceable?--Has anybody interfered with your possession of that land?
- A. None what-so-ever.
- Q. During the whole period of time?
- A. No, sir.
- Q. Do you claim to own the land, the description of which I have just read?
- A. Yes, sir.
- Q. Is there any suit pending, Mr. Land, against you to test your title to this land?
- A. No, sir.
- Q. Now, Mr. Land, just what has your possession consisted of? By that I mean, how often have you been on this land in the last 16 or 17 years?
- A. I would say on an average of four or five times a year.
- Q. Have you had the lands fenced?
- A. Yes, sir.
- Q. Who did that for you?
- A. Mr. Ewing.
- Q. R. E. EWING?

A. Yes, sir.

Q. Have you ever given any rights of way to any public utilities?

A. Yes, when the REA furnished electric power down there I gave them an easement on this property.

Q. Is there a road through this property?

A. Yes, sir.

Q. Did you give the County Governing body a right of way?

A. I did.

Q. Was that the original right of way or one to increase the width of the road?

A. I think it was one to increase the width of the road.

Q. Have you paid the taxes on this land since you got the land?

A. Yes, sir.

Q. Have you assessed the property?

A. Yes, sir.

Q. Has any other person, firm or corporation, to your knowledge, paid any taxes on the property for the last 16 years?

A. No, sir.

Q. To your knowledge has anybody else assessed the property for the purpose of taxation?

A. Not as I know of.

Q. Have you ever sold any timber off of this property, Mr. Land?

A. Yes, sir.

Q. When did you sell the timber?

A. In 1952, off of a part of it.

Q. On just a part of it?

A. Yes, sir.

Q. Now, Mr. Land, this is a long narrow piece of land, is that right?

A. Yes, sir.

Q. With about 151 feet on Bon Secour River, extending back into the swamp for a good deal more than a half mile, is that right?

A. Yes, sir.

Q. And you have been claiming this land since you acquired the tax deed and the certificate from the State Land Commissioner?

A. Yes, sir.

Q. In 1932?

A. I have.

NO QUESTIONS BY J. CONNER OWENS, GUARDIAN AD LITEM.

THE COURT: You have some unknown Respondents, don't you?

MR. STONE: That is right.

Q. MR. LAND, do you know Mr. Earl Dewey King?

A. I do not.

Q. Do you know whether or not he is reputed to claim some interest in this land?

A. I don't remember the date, Mr. Stone, it was several years after I bought it - after I had the tax deed from the State that I had a letter from his Attorney; I don't remember who that was, at that time setting out that he did have some claim. Just what the correspondence was, I don't recall, but I think the best I remember that I replied to the letter and stated that I had spent more on it by some little bit than I paid for it - than the property originally cost, and that I would want to settle it rather than give up my tax deed.

Q. Have you made any inquiry to find out the heirs of the parties that might have some interest in this property?

A. Yes, sir.

Q. Did your daughter make any search relative to the heirs of John LaCoste?

A. Yes, sir, my daughter found Joe LaCoste at a rest home in Mobile when we were trying to divide up the property inherited from my wife's father and got some affidavits from Mr. LaCoste.

Q. You had an abstract of the title made to this property, didn't you, Mr. Land?

A. Yes, I did.

Q. Do you know whether or not all of the heirs at law of John LaCoste are living, and if living, where they live? Do you know any particular names?

A. No, sir.

Q. And addresses of all of the heirs?

A. I don't know the name of the heirs, and I don't know the address of any of them; I understand that Joe LaCoste is dead; he is the only one I knew..

MR. R. E. EWING, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED:

Direct examination by Mr. Stone.

Q. Is this Mr. R. E. Ewing?

A. Yes, sir.

Q. Mr. Ewing, where do you live?

A. Bon Secour.

Q. You heard Mr. Land testify, did you not?

A. Yes, sir.

Q. Are you familiar with the land about which he was testifying?

A. Yes, sir.

Q. Where do you live in relation to that land?

A. On Judge Carter's land which joins this land.

Q. On the north or south?

A. South.

Q. On the land immediately south of the land of Mr. Land?

A. Yes, sir.

Q. How long have you lived there, Mr. Ewing?

A. Since '42.

Q. Since 1942?

A. Yes, sir.

Q. About 11 years?

A. Yes, sir, that is right.

Q. Do you know whether or not Mr. Land has been in the actual possession of that property during that time?

A. Yes, sir.

Q. Has he been in possession of it?

A. Yes, sir.

Q. Has any other person, firm or Corporation, to your knowledge, been in possession of that land, or any part of it, during the last 11 years?

A. No, sir - sure haven't.

Q. Have you ever done any work for Mr. Land on this property?

A. Nothing other than to fence it. I fenced it for him.

Q. Did you put a fence on part of the property?

A. Yes, sir.

Q. How many years ago?

A. Several years ago.

Q. In your best judgment, how many years would you say that fence was put there?

A. Seven years ago.

Q. Now have you ever secured any rights from Mr. Land on this land such as the right to use it for pasture or something of that sort?

A. Yes, sir.

Q. Did you put some cows on it?

A. That is right.

Q. With the permission of Mr. Land?

A. Yes, sir.

Q. Do you know whether or not there has been any timber cut off of this land recently?

A. No, sir. Not since Mr. Land had the timber cut.

Q. There was some timber cut off of the back of the land recently was there not?

A. There was some cut by Mr. Land.

Q. Now do you see this land about every day, Mr. Ewing?

A. About every day, yes, sir.

Q. And to your knowledge no other person, firm or corporation

has had any possession of this land for - or any part of it - for the last 11 years, is that right?

A. That is right.

Q. Do you know Mr. Earl Dewey King?

A. No, sir, I don't.

Q. Do you know whether or not anybody else other than Mr. Land has claimed this property?

A. I have not heard a word; Mr. Land has always owned it as far as I know.

NO CROSS EXAMINATION BY THE GUARDIAN AD LITEM.

I hereby certify that the foregoing is a true and correct transcript of the testimony as taken by me in this cause on the 16th day of April, 1953, before Judge Hubert M.

H:all in open Court in Bay Minette, Alabama.

Dated this 16th day of April, 1953.

Lense Dusenbury
Official Court Reporter

THE STATE OF ALABAMA

KNOW ALL MEN BY THESE PRESENTS: THAT WHEREAS, on 9th day of May, A. D. 1932, 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 E. D. King 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 13th day of June, 1932, 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 the State Land Commissioner and the State Land Commissioner of the State of Alabama, with the approval of the Governor, has fixed the price of said land, and ascertained that the sum of Forty two and no/100 (\$42.00) 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 have accrued against said lands, as provided for by law.

AND WHEREAS, application has been made to the State Land Commissioner of the State of Alabama by J. B. Land to purchase said lands, and said sum of Forty two and no/100 (\$42.00) dollars therefor has been paid into the State Treasury.

NOW THEREFORE, The State Land Commissioner of the State of Alabama, by virtue of and in accordance with the authority in him vested by law, with the approval of Governor of Alabama, and in consideration of the premises above set out, has this day granted, bargained sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said J. B. LAND, without warranty or covenants 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:

Begin. at SW cor. lot 5 div. of Odell Cook estate, thence N 63 deg., W 6 chs. to bank of Bon Secour river, thence down said river 1.98 chs., S 68 deg., W 22.30 chs., E 1.98 chs. to begin. being part of Cook grant, t8s, r3e. Lot 1 in John Cook grant on S. side of Bon Secour river, Sec. 4, tps. 8 & 9 S, r5e.

lying and being situate 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 J. B. Land and his heirs and assigns forever.

In testimony whereof I have hereunto set my hand and seal this the 8th day of March, 1937.

STATE LAND COMMISSIONER OF ALABAMA
BY: HENRY S. LONG, State Land Commissioner.

APPROVED:
BIBB GRAVES, Governor

THE STATE OF ALABAMA MONTGOMERY COUNTY

I, Mrs. Clay Willingham, a Notary Public in and for said County, in said State, hereby certify that Henry S. Long, whose name is signed to the foregoing conveyance as State Land Commissioner, 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 Land Commissioner, executed the same voluntarily on the day the same bears date.

Given under my hand this the 8th day of March, 1937.

MRS. CLAY WILLINGHAM, Notary Public.

STATE OF ALABAMA PROBATE COURT
BALDWIN COUNTY

Filed in office this 27 day of Sept. 1937 at 9:35 A M and duly recorded in Deed Book 63 N. S. pages 121-2; and I certify that \$--- cts 50 Deed tax has been paid as required by law.

G. W. Robertson, Judge of Probate

G. W. Robertson, Judge of Probate

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 _____ pages

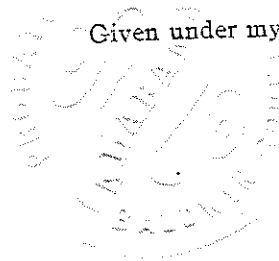
contain a full, true and complete copy of the Tax Deed from E. D. King, as last

known owner, to J. B. Land

as the same appears of record in my office in _____ Deed _____ Book No. 63

Page 121-2

Given under my hand and seal of office, this 31st day of March, 1953



W. R. Stuart
Judge of Probate.
By: Lee S. Glavin
Chief Clerk

J. B. LAND,

Complainant,

vs.

The following described real property situated in Baldwin County, Alabama, to-wit:- Commencing at the Southeast corner of Section 36, Township 8 South, Range 3 East, run thence due West 905.5 feet to a point; run thence North 39 degrees 9 minutes East 395 feet to a point, which point is the point of beginning of the property herein described; thence continue North 39 degrees 9 minutes East 36.4 feet to a point; thence run North 37 degrees 36 minutes West 2,862 feet to a point; run thence North 66 degrees 55 minutes West 330 feet to a point on the East or South margin of Bon Secour River; thence run South 29 degrees 57 minutes West along the East margin of said River 151.5 feet to a point; run thence South 67 degrees 29 minutes East 350.85 feet to a point; run thence South 39 degrees 28 minutes East 2797.49 feet to the point of beginning, containing 6.59 acres, more or less, and also known as Lot 1 of the John LaCoste Estate, according to a plat and survey dated December 23, 1908, in the division of the Estate of John LaCoste, Sr.; and Ada LaCoste, Leo Remy, Levine Remy, Troy Remy, Ethel Remy, Leroy Remy, Nellie Remy, J. N. Remy, and Earl Dewey King, and the unknown heirs at law, next of kin and devisees of the above named parties and any and all persons, firms or corporations claiming any interest in the above described property,

Respondents.

FINAL DECREE

This cause coming on to be heard is submitted for final decree on behalf of the Complainant upon the original Bill of Complaint, Order of Publication, Notice by Publication, Affidavit of Publication, Order Appointment Guardian ad Litem, and Testimony of J. B. Land and R. E. Swing, taken in open court and recorded by the Court Reporter and on behalf of the Respondents upon the Answer of Earl Dewey King and the Answer and Acceptance of J. Connor Owens as Guardian ad Litem for the unknown Respondents and it appearing to the Court that J. B. Land is in the actual, peaceable and adverse

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

possession of the lands described in the Bill of Complaint, claiming to own the same in his own right in fee simple and using the same in every way that such lands are susceptible to use and that no suit is pending to test the title to, interest in or right to possession of said lands of the complainant. And it further appearing to the Court that the said J. B. Land claims the entire fee simple title to said lands having acquired the same by Tax Deed from the state Land Commissioner of the state of Alabama on March 8, 1937, which deed is recorded in Deed Book 63 N. S., at pages 121-22 in the Office of the Judge of Probate of Baldwin County, Alabama.

And it further appearing to the Court that the title to said lands stands on the records in the Office of the Judge of Probate of Baldwin County, Alabama, in the name of the said J. B. Land, who is over the age of twenty-one years and who is a resident citizen of Montgomery, Alabama. And it further appearing to the Court that the said J. B. Land has assessed and paid taxes on said lands and has been in the open, notorious and exclusive and adverse possession of said lands for more than ten years immediately preceding the filing of said Bill of Complaint in said cause and that no other person, firm or corporation has assessed or paid taxes on said lands, or any part thereof, or has had possession of said lands or any part thereof, during that period of time. And it further appearing to the Court that the said J. B. Land is entitled to the relief prayed for in his Bill of Complaint and that the Guardian ad Litem has appeared for the unknown Respondents on this day on the taking of said testimony and that this cause admits, in all respects, of a final decree, it is therefore,

ORDERED, ADJUDGED AND DECREED by the Court that J. B.

Land is the owner in fee simple of the following described real property situated in Baldwin County, Alabama, to-wit:-

Commencing at the southeast corner of Section 36, Township 8 South, Range 3 East, run thence due West 905.5 feet to a point; run thence North 39 degrees 9 minutes East 395 feet to a point, which point is the point of beginning of the property herein described; thence continue North 39 degrees 9 minutes East 36.4 feet to a point; run thence North 37 degrees 36 minutes West 2,062 feet to a

point; run thence North 66 degrees 55 minutes West 330 feet to a point on the East or South margin of Bon Secour River; run thence South 29 degrees 57 minutes West along the East margin of said River 151.5 feet to a point; run thence South 67 degrees 29 minutes East 350.85 feet to a point; run thence South 39 degrees 28 minutes East 2,797.49 feet to the point of beginning, containing 6.59 acres, more or less, and also known as Lot 1 of the John LaCoste Estate, according to a plat and survey dated December 23, 1908, in the division of the Estate of John LaCoste, Sr.

and that no other person firm or corporation has any title to, interest in, lien or encumbrance upon said land or any part thereof.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Register of this Court shall, within thirty days from the rendition of this decree, file a certified copy of the same for record in the Probate Court of Baldwin County, Alabama, and tax the expense thereof as a part of the cost of this proceeding and will direct the Probate Judge to record said certified copy in the same book and manner in which deeds are recorded, and that the same shall be indexed in the name of the Respondents, Ada LaCoste, Leo Remy, Levine Remy, Troy Remy, Ethel Remy, Leroy Remy, Nello Remy, J. N. Remy and Earl Dewey King in the Direct Indexes and in the name of the Complainant, J. B. Land, in the Reverse Indexes to said records.

And it further appearing to the Court that Alice J. Duck as Register of the Circuit Court of Baldwin County, Alabama, did, on the 11th day of August, 1952, enter an order under the provisions of Title 7, Section 117 (1) of the Code of Alabama of 1940, appointing J. Connor Owens, a practicing Attorney in the City of Bay Minette, Alabama, to act as Guardian ad Litem for the unknown Respondents in this cause and that said Guardian ad Litem did accept said appointment and file his Answer denying all of the allegations of the Bill of Complaint and that he did examine the Abstract of Title covering the lands described above and was present this day in open court at the taking of the testimony in this cause and that as such, he is entitled to reasonable compensation for the services rendered by him, it is therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the Register of this Court pay to the said J. Connor Owens the sum of \$25.00 as the said Guardian ad Litem fee and that said amount be, and the same is hereby taxed as a part of the costs of this proceeding.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, J. B. Land be, and he is hereby taxed with the costs of this proceeding, for which execution may issue.

It is further ORDERED, ADJUDGED AND DECREED by the Court that all proceedings herein be recorded.

Done this 17th day of April, 1953.

(Signed) Hubert M. Hall
Hubert M. Hall, Judge of the
28th Judicial Circuit of Baldwin
County, Alabama.

STATE OF ALABAMA
BALDWIN COUNTY

SS:

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, In Equity, do hereby certify that the foregoing is a true and correct copy of that certain decree rendered on April 17, 1953, in that certain cause in the Circuit Court of Baldwin County, Alabama, In Equity, wherein J. B. Land was the Complainant and Certain Lands and Ada La Coste et al. were the Respondents.

WITNESS my hand and the Seal of the Circuit Court of Baldwin County, Alabama, In Equity, on this the 22nd day of April in the Year of Our Lord One Thousand Nine Hundred and Fifty-three at Bay Minette, Alabama.

Alice J. Duck
Alice J. Duck, Register
Circuit Court of Baldwin County, Ala.
In Equity

STATE OF ALABAMA, BALDWIN COUNTY

Filed 4-23-53 2:20 P.M.

Recorded 4-23-53 book 195 page 5-8

W. P. R. Hunt
Judge of Probate

ES

J. B. LANDComplainant,vs.CERTAIN LANDS AND ADA LaCOSTE,
ET AL.,Respondents.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, the
Answer of Earl D. King, Order Appointing Guardian ad Litem, Acceptance
& Answer of Guardian ad Litem, Order of Publication, Notice by Pub-
lication, Affidavit of Publication, and Testimony of J. B. Land,
and R. E. Ewing taken in open court and recorded by the Court
Reporter

and in behalf of Defendant upon Answer of E. D. King and the Answer of J.
Connor Owens as Guardian ad Litem, for the unknown Respondents.

CHASON & STONE

BY: Marlene StoneAlvin F. Smith
Register.

No. 2800

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

J. B. LAND

Complainant,

vs.

CERTAIN LANDS AND ADA LaCOSTE,

ET AL.,

Respondents.

NOTE OF TESTIMONY

Filed in Open Court this 17th

day of April, 1945

W. J. French
Register.

Printed By The Baldwin Times

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

J. B. LAND, Complainant
Vs.

The following described real property situated in Baldwin County, Alabama, to-wit: Commencing at the Southeast corner of Section 36, Township 8 South, Range 3 East, run thence due West 905.5 feet to a point; run thence North 39 degrees 9 minutes East 395 feet to a point which point is the point of beginning of the property herein described; thence continue North 39 degrees 9 minutes East 36.4 feet to a point; thence run North 37 degrees 36 minutes West 2,862 feet to a point; run thence North 65 degrees 55 minutes West 330 feet to a point on the East or South margin of Bon Secour River; run thence South 29 degrees 57 minutes West along the East margin of said River 151.5 feet to a point; run thence South 67 degrees 29 minutes East 350.85 feet to a point; run thence South 39 degrees 28 minutes East 2797.49 feet to the point of beginning, containing 6.59 acres, more or less, and also known as Lot 1 of the John LaCoste Estate, according to a plat and survey dated December 23, 1908, in the division of the Estate of John LaCoste, Sr.; and Ada LaCoste, Leo Remy, Levine Remy, Troy Remy, Ethel Remy, Leroy Remy, Nello Remy, J. N. Remy, and Earl Dewey King, and the unknown heirs at law, next of kin and devisees of the above named parties and any and all persons, firms or corporations claiming any interest in the above described property.

It having been made to appear from the affidavit of Norborne C. Stone, one of the Solicitors of record for the complainant in the above styled cause that Ada LaCoste, Leo Remy, Levine Remy, Troy Remy, Ethel Remy, Leroy Remy, Nello Remy and J. N. Remy are non-residents of the State of Alabama or their residences are unknown and cannot be ascertained after reasonable effort:

NOTICE IS HEREBY GIVEN to Ada LaCoste, Leo Remy, Levine Remy, Troy Remy, Ethel Remy, Leroy Remy, Nello Remy and J. N. Remy, and to their unknown heirs at law, next of kin, devisees and grantees and to any and all persons, firms and corporations claiming any interest in the lands described above, that on the 23rd day of April, 1952, J. B. Land filed a Bill of Complaint in the Circuit Court of Baldwin County, Alabama, In Equity, against all of the above named Respondents and against the lands described above and you are hereby notified to appear and plead, answer or demur to said Bill of Complaint by June 2, 1952, or a decree pro confesso will be rendered against you.

The Bill of Complaint alleges that the Complainant claims to own the entire fee simple title to said lands, having acquired the same by deed from the State of Alabama, dated March 8, 1937, and that the State of Alabama acquired the title to said lands by virtue of a Tax Sale dated June 13, 1932, for the collection of taxes then due from E. D. King; the Bill of Complaint also alleges that the title to said lands stands in the name of the Complainant on the records of the Probate Court of Baldwin County, Alabama, and that no suit is pending to test the Complainant's title to, interest in or right to possession of said lands.

It is further alleged in said Bill of Complaint that the Complainant is in the quiet, actual, peaceable and adverse possession of all of the land therein described, claiming to own the same in his own right in fee simple and using the same in every way that such lands are susceptible to use and that he and are under whom he claims have been in such possession and have assessed in said taxes for more than ten years and immediately preceding the filing next said Bill of Complaint and that no of said Bill of Complaint and that no other person, firm or corporation has had possession of said lands or any part thereof or has assessed or paid taxes on the same during that period of time.

It is further alleged in said Bill of Complaint that such suit is filed for the purpose of establishing the title of said Complainant to said lands and for the purpose of clearing up all doubts and disputes concerning the same.

Witness my hand and seal this 23rd day of April, 1952.

ALICE J. DUCK
As Register of the Circuit

JIMMY FAULKNER
EDITOR AND PUBLISHER

The BALDWIN COUNTY'S-*Times* BEST NEWSPAPER BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.
BALDWIN COUNTY.

Jimmy Faulkner, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

J. B. Land vs. Lands

COST STATEMENT

772 WORDS @ 6 1/2 cents --- \$ 50 ¹⁶

I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner
D.M. Publisher.

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

Date of 1st publication May 1, 1952 Vol. 62 No. 15

Date of 2nd publication May 8, 1952 Vol. 62 No. 16

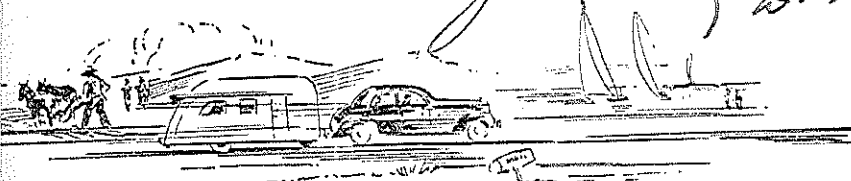
Date of 3rd publication May 15, 1952 Vol. 62 No. 17

Date of 4th publication May 22, 1952 Vol. 62 No. 18

Subscribed and sworn before the undersigned this 22 day of May, 1952

Secretary Martin
Notary Public, Baldwin County.

Jimmy Faulkner
D.M. Publisher.



J. B. LAND,

Complainant,

vs.

The following described real property situated in Baldwin County, Alabama, to-wit:- Commencing at the Southeast corner of Section 36, Township 8 South, Range 3 East, run thence due West 905.5 feet to a point; run thence North 39 degrees 9 minutes East 395 feet to a point which point is the point of beginning of the property herein described; thence continue North 39 degrees 9 minutes East 36.4 feet to a point; thence run North 37 degrees 36 minutes West 2,862 feet to a point; run thence North 66 degrees 55 minutes West 330 feet to a point on the East or South margin of Bon Secour River; run thence South 29 degrees 57 minutes West along the East margin of said River 151.5 feet to a point; run thence South 67 degrees 29 minutes East 350.85 feet to a point; run thence South 39 degrees 28 minutes East 2797.49 feet to the point of beginning, containing 6.59 acres, more or less, and also known as Lot 1 of the John LaCoste Estate, according to a plat and survey dated December 23, 1908, in the division of the Estate of John LaCoste, Sr.; and Ada LaCoste, Leo Remy, Levine Remy, Troy Remy, Ethel Remy, Leroy Remy, Nello Remy, J. N. Remy, and Earl Dewey King, and the unknown heirs at law, next of kin and devisees of the above named parties and any and all persons, firms or corporations claiming any interest in the above described property,

Respondents.

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

It having been made to appear from the Affidavit of Norborne C. Stone, one of the Solicitors of record for the Complainant in the above styled cause that Ada LaCoste, Leo Remy, Levine Remy, Troy Remy, Ethel Remy, Leroy Remy, Nello Remy and J. N. Remy are non-residents of the State of Alabama or their residences are unknown and cannot be ascertained after reasonable effort;

NOTICE IS HEREBY GIVEN to Ada LaCoste, Leo Remy, Levine Remy, Troy Remy, Ethel Remy, Leroy Remy, Nello Remy and J. N. Remy, and to their unknown heirs at law, next of kin, devisees and grantees


and to any and all persons, firms and corporations claiming any interest in the lands described above, that on the _____ day of April, 1952, J. B. Land filed a Bill of Complaint in the Circuit Court of Baldwin County, Alabama, In Equity, against all of the above named Respondents and against the lands described above and you are hereby notified to appear and plead, answer or demur to said Bill of Complaint ^{by} June 2, 1952, or a a decree pro-confesso will be rendered against you.

The Bill of Complaint alleges that the Complainant claims to own the entire fee simple title to said lands, having acquired the same by deed from the State of Alabama, dated March 8, 1937, and that the State of Alabama acquired the title to said lands by virtue of a Tax Sale dated June 13, 1932, for the collection of taxes then due from E. D. King; the Bill of Complaint also alleges that the title to said lands stands in the name of the Complainant on the records of the Probate Court of Baldwin County, Alabama, and that no suit is pending to test the Complainant's title to, interest in or right to possession of said lands.

It is further alleged in said Bill of Complaint that the Complainant is in the quiet, actual, peaceable and adverse possession of all of the land therein described, claiming to own the same in his own right in fee simple and using the same in every way that such lands are susceptible to use and that he and those under whom he claims have been in such possession and have assessed and paid taxes for more than ten years next immediately preceding the filing of said Bill of Complaint and that no other person, firm or corporation has had possession of said lands or any part thereof or has assessed or paid taxes on the same during that period of time.

It is further alleged in said Bill of Complaint that such suit is filed for the purpose of establishing the title of said Complainant to said lands and for the purpose of clearing up all doubts and disputes concerning the same.

Witness my hand and seal this 24th day of April, 1952.


As Register of the Circuit Court of
Baldwin County, Alabama.

Chason & Stone
Solicitors for Complainant.

J. B. LAND,

Complainant,

vs.

CERTAIN LANDS and ADA
LACOSTE, ET AL.,

Respondents.

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

ORDER APPOINTING GUARDIAN AD LITEM

It having been made to appear from the Bill of Complaint heretofore filed in this cause that some of the Respondents therein named are unknown and that a guardian ad litem should be appointed to represent and defend the interest of said unknown parties in this proceeding under the provisions of Title 7, Section 1117 (1) of the Code of Alabama of 1940. And it further appearing that J. Connor Owens is a practicing attorney in the City of Bay Minette, Alabama, and is, in all respects, a suitable person to act as such guardian ad litem.

It is therefore, ORDERED that J. Connor Owens be, and he is hereby appointed, as guardian ad litem to represent and defend the interests of the unknown parties in this proceeding.

Dated this 11th day of August, 1952.

Alice J. Duck
Alice J. Duck, Register.

RECORDED

ORDER APPOINTING GUARDIAN
AD LITEM

J. B. LAND,

Complainant,

vs.

CERTAIN LANDS and ADA
LACOSTE, ET AL.,

Respondents.

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

FILED

AUG 11 1952

ALICE J. JACK, Register

J. B. LAND,

Complainant,

vs.

The following described real property situated in Baldwin County, Alabama, to-wit:- Commencing at the Southeast corner of Section 36, Township 8 South, Range 3 East, run thence due West 905.5 feet to a point; run thence North 39 degrees 9 minutes East 395 feet to a point, which point is the point of beginning of the property herein described; thence continue North 39 degrees 9 minutes East 36.4 feet to a point; thence run North 37 degrees 36 minutes West 2,862 feet to a point; run thence North 66 degrees 55 minutes West 330 feet to a point on the East or South margin of Bon Secour River; thence run South 29 degrees 57 minutes West along the East margin of said River 151.5 feet to a point; run thence South 67 degrees 29 minutes East 350.85 feet to a point; run thence South 39 degrees 28 minutes East 2797.49 feet to the point of beginning, containing 6.59 acres, more or less, and also known as Lot 1 of the John LaCoste Estate, according to a plat and survey dated December 23, 1908, in the division of the Estate of John LaCoste, Sr.; and Ada LaCoste, Leo Remy, Levine Remy, Troy Remy, Ethel Remy, Leroy Remy, Nello Remy, J. N. Remy, and Earl Dewey King, and the unknown heirs at law, next of kin and devisees of the above named parties and any and all persons, firms or corporations claiming any interest in the above described property,

Respondents.

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

F I N A L D E C R E E

This cause coming on to be heard is submitted for final decree on behalf of the Complainant upon the original Bill of Complaint, Order of Publication, Notice by Publication, Affidavit of Publication, Order Appointment Guardian ad Litem, and Testimony of J. B. Land and R. E. Ewing, taken in open court and recorded by the Court Reporter and on behalf of the Respondents upon the Answer of Earl Dewey King and the Answer and Acceptance of J. Connor Owens as Guardian ad Litem for the unknown Respondents and it appearing to the Court that J. B. Land is in the actual, peaceable and adverse

possession of the lands described in the Bill of Complaint, claiming to own the same in his own right in fee simple and using the same in every way that such lands are susceptible to use and that no suit is pending to test the title to, interest in or right to possession of said lands of the Complainant. And it further appearing to the Court that the said J. B. Land claims the entire fee simple title to said lands having acquired the same by Tax Deed from the State Land Commissioner of the State of Alabama on March 8, 1937, which deed is recorded in Deed Book 63 N. S., at pages 121-22 in the Office of the Judge of Probate of Baldwin County, Alabama.

And it further appearing to the Court that the title to said lands stands on the records in the Office of the Judge of Probate of Baldwin County, Alabama, in the name of the said J. B. Land, who is over the age of twenty-one years and who is a resident citizen of Montgomery, Alabama. And it further appearing to the Court that the said J. B. Land has assessed and paid taxes on said lands and has been in the open, notorious and exclusive and adverse possession of said lands for more than ten years immediately preceding the filing of said Bill of Complaint in said cause and that no other person, firm or corporation has assessed or paid taxes on said lands, or any part thereof, or has had possession of said lands or any part thereof, during that period of time. And it further appearing to the Court that the said J. B. Land is entitled to the relief prayed for in his Bill of Complaint and that the Guardian ad Litem has appeared for the unknown Respondents on this day on the taking of said testimony and that this cause admits, in all respects, of a final decree, it is therefore,

ORDERED, ADJUDGED AND DECREED by the Court that J. B. Land is the owner in fee simple of the following described real property situated in Baldwin County, Alabama, to-wit:-

Commencing at the Southeast corner of Section 36, Township 8 South, Range 3 East, run thence due West 905.5 feet to a point; run thence North 39 degrees 9 minutes East 395 feet to a point, which point is the point of beginning of the property herein described; thence continue North 39 degrees 9 minutes East 36.4 feet to a point; run thence North 37 degrees 36 minutes West 2,862 feet to a

point; run thence North 66 degrees 55 minutes West 330 feet to a point on the East or South margin of Bon Secour River; run thence South 29 degrees 57 minutes West along the East margin of said River 151.5 feet to a point; run thence South 67 degrees 29 minutes East 350.85 feet to a point; run thence South 39 degrees 28 minutes East 2,797.49 feet to the point of beginning, containing 6.59 acres, more or less, and also known as Lot 1 of the John LaCoste Estate, according to a plat and survey dated December 23, 1908, in the division of the Estate of John LaCoste, Sr.

and that no other person firm or corporation has any title to, interest in, lien or encumbrance upon said land or any part thereof.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Register of this Court shall, within thirty days from the rendition of this decree, file a certified copy of the same for record in the Probate Court of Baldwin County, Alabama, and tax the expense thereof as a part of the cost of this proceeding and will direct the Probate Judge to record said certified copy in the same book and manner in which deeds are recorded, and that the same shall be indexed in the name of the Respondents, Ada LaCoste, Leo Remy, Levine Remy, Troy Remy, Ethel Remy, Leroy Remy, Nello Remy, J. N. Remy and Earl Dewey King in the Direct Indexes and in the name of the Complainant, J. B. Land, in the Reverse Indexes to said records.


And it further appearing to the Court that Alice J. Duck as Register of the Circuit Court of Baldwin County, Alabama, did, on the 11th day of August, 1952, enter an order under the provisions of Title 7, Section 117 (1) of the Code of Alabama of 1940, appointing J. Connor Owens, a practicing Attorney in the City of Bay Minette, Alabama, to act as Guardian ad Litem for the unknown Respondents in this cause and that said Guardian ad Litem did accept said appointment and file his Answer denying all of the allegations of the Bill of Complaint and that he did examine the Abstract of Title covering the lands described above and was present this day in open court at the taking of the testimony in this cause and that as such, he is entitled to reasonable compensation for the services rendered by him, it is therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the Register of this Court pay to the said J. Connor Owens the sum of \$25.00 as the said Guardian ad Litem fee and that said amount be, and the same is hereby taxed as a part of the costs of this proceeding.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, J. B. Land be, and he is hereby taxed with the costs of this proceeding, for which execution may issue.

It is further ORDERED, ADJUDGED AND DECREED by the Court that all proceedings herein be recorded.

Done this 17th day of April, 1953.


Hubert M. Hall, Judge of the
28th Judicial Circuit of Baldwin
County, Alabama.

J. B. LAND,

Complainant,

vs.

CERTAIN LANDS AND ADA
La COSTE, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

MOTION TO STRIKE

Comes now the Complainant, J. B. Land, by his attorneys, and moves this Honorable Court to strike paragraph "6" of the answer heretofore filed in this cause on May 27, 1952, by Earl Dewey King, one of the Respondents herein and in support of said motion assigns the following separate and several grounds, viz:

1. That said paragraph "6" does not meet the requirements of Title 7, Section 1111 of the Code of Alabama of 1940.
2. That paragraph "6" of the said answer fails to specify and set forth the claim of the Respondent, Earl Dewey King to the land described in the Bill of Complaint.
3. That said answer is insufficient.
4. That in and by said answer the Respondent attempts to admit allegations which are not found in the Bill of Complaint.
5. That the Complaint does not allege that the Respondent Earl Dewey King is the owner of the said land and that the title thereto is vested in him absolutely.
6. That the Respondent, Earl Dewey King in and by paragraph "6" of his answer, has neither admitted nor denied the allegations of paragraph "Sixth" of the Bill of Complaint.
7. That said answer does not comply with the requirements of Equity Rule 25, Title 7, Code of Alabama, appendix.

Respectfully submitted,

CHASON & STONE

By: M. J. Stone
Attorneys for Complainant.

RECORDED

MOTION TO STRIKE

J. B. LAND,

Complainant,

vs.

CERTAIN LANDS AND ADA LACOSTE,
ET AL.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

No. 2800.

Filed

6-3-52

Alice J. Ruck
Register

J. B. LAND,

Complainant,

vs.

CERTAIN LANDS and ADA
LACOSTE, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

It being made to appear in the above styled cause from the Bill of Complaint and Affidavit of Norborne C. Stone, one of the Solicitors of record for the Complainant, that Ada LaCoste, Leo Remy, Levine Remy, Troy Remy, Ethel Remy, Leroy Remy, Nello Remy, J. N. Remy are non-residents of the State of Alabama and are over the age of twenty-one years, if living and whose addresses are unknown to the Complainant and said Complainant having requested that this court enter an appropriate order of publication, making such Respondents parties to this cause and requiring them to answer or plead to the Bill of Complaint filed in said cause before a date to be named in said order of publication;

It is therefore, ORDERED AND DECREED that such notice be prepared and published in the Baldwin Times, a newspaper of general circulation published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks and that a copy of such notice be posted at the Court House door in Bay Minette, Alabama; that in said notice that the said Respondents be required to answer or plead to said Bill of Complaint before June 2, 1952.

WITNESS my hand and seal this 23rd day of April, 1952.

David L. Remy
Register.

ORDER OF PUBLICATION

J. B. LAND,

Complainant,

vs.

CERTAIN LANDS and ADA
LaCOSTE, ET AL.,

Respondents,

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

FILED
APR 23 1952
ALICE J. DUCK, Register

J. B. LAND,

Complainant,

vs.

CERTAIN LANDS and ADA
LACOSTE, ET AL.,

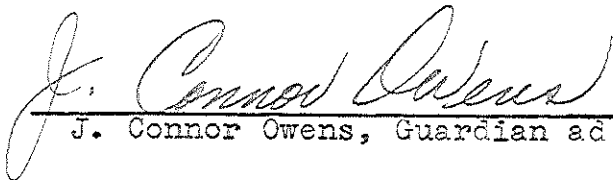
Respondents.

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

ACCEPTANCE AND ANSWER OF GUARDIAN AD LITEM

Now comes J. Connor Owens as Guardian ad Litem heretofore appointed by this Court to represent and defend the interests of the unknown parties to this proceeding and denies each and every allegation of the Bill of Complaint heretofore filed in this cause and demands strict proof of the same, with leave to file any further additional pleadings which may be necessary in order to properly represent and defend the interests of the unknown parties.

Dated this 11th day of August, 1952.



J. Connor Owens, Guardian ad Litem.

RECORDED
RECORDED
ANSWER

J. B. LAND,

Complainant,

vs.

CERTAIN LANDS and ADA
LACOSTE, ET AL.,

Respondents.

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

FILED

AUG 11 1952

ALICE J. DUCK, Register

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Ada LaCoste, Leo Remy, Levine Remy, Troy Remy, Ethel Remy, Leroy Remy, Nello Remy, J. N. Remy and Earl Dewey King, to appear and plead, answer or demur within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, in which Bill of Complaint J. B. Land is the Complainant and the above named parties and their unknown heirs and certain lands therein described are the Respondents.

Witness my hand and seal on this the 23rd day of April, 1952.

Archie J. French
Register.

J. B. LAND,

Complainant,

vs.

The following described real property situated in Baldwin County, Alabama, to-wit:- Commencing at the Southeast corner of Section 36, Township 8 South, Range 3 East, run thence due West 905.5 feet to a point; run thence North 39 degrees 9 minutes East 395 feet to a point which point is the point of beginning of the property herein described; thence continue North 39 degrees 9 minutes East 36.4 feet to a point; thence run North 37 degrees 36 minutes West 2,862 feet to a point; run thence North 66 degrees 55 minutes West 330 feet to a point on the East or South margin of Bon Secour River; run thence South 29 degrees 57 minutes West along the East margin of said River 151.5 feet to a point; run thence South 67 degrees 29 minutes East 350.85 feet to a point; run thence South 39 degrees 28 minutes East 2797.49 feet to the point of beginning, containing 6.59 acres, more or less, and also known as Lot 1 of the John LaCoste Estate, according to a plat and survey dated December 23, 1908, in the division of the Estate of John LaCoste, Sr.; and Ada LaCoste, Leò Remy, Levine Remy, Troy Remy, Ethel Remy, Leroy Remy, Nello Remy, J. N. Remy, and Earl Dewey King, and the unknown heirs at law, next of kin and devisees of the above named parties and any and all persons, firms or corporations claiming any interest in the above described property,

Respondents.

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND
TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE THEREOF:

Comes your Complainant, J. B. Land, and files this, his Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:-

Commencing at the Southeast corner of Section 36, Township 8 South, Range 3 East, run thence due West 905.5 feet to a point; run thence North 39 degrees 9 minutes East 395 feet to a point, which point is the point of beginning of the property herein described; thence continue North 39 degrees 9 minutes East 36.4 feet to a point; run thence North 37 degrees 36 minutes West 2,862 feet to a point; run thence North 66 degrees 55 minutes West 330 feet to a point on the East or South margin of Bon Secour River; run thence South 29 degrees 57 minutes West along the East margin of said River 151.5 feet to a point; run thence South 67 degrees 29 minutes East 350.85 feet to a point; run thence South 39 degrees

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

28 minutes East 2797.49 feet to the point of beginning, containing 6.59 acres, more or less, and also known as Lot 1 of the John LaCoste Estate, according to a plat and survey dated December 23, 1908 in the division of the Estate of John LaCoste, Sr.

and against any and all persons firms and corporations claiming any title to, interest in, lien or encumbrance upon said land or any part thereof and against Ada LaCoste, Leo Remy, Levine Remy, Troy Remy, Ethel Remy, Leroy Remy, Nello Remy, J. N. Remy and Earl Dewey King, and the unknown heirs at law, next of kin, devisees and grantees of the above named persons, and respectfully represents and shows unto your Honor as follows:

FIRST:

That his name is J. B. Land and that he is over the age of twenty-one years and a resident citizen of Montgomery County, Alabama, his more particular address being 501 Chisholm Street, Montgomery, Alabama.

SECOND:

That he is in the actual, peaceable and adverse possession of all the lands above described, claiming to own the same in his own right in fee simple and using the same in every way that such lands are susceptible to use.

THIRD:

That no suit is pending to test your Complainant's title to, interest in or right to possession of said lands.

FOURTH:

That your Complainant claims the entire fee simple title in and to said lands and that the title thereto stands in his name upon the Probate Records of Baldwin County, Alabama. That he acquired title to said lands by a Tax Deed dated March 8, 1937, from the State of Alabama, by Henry S. Long, State Land Commissioner, which deed is recorded in Deed Book 63 N. S. at pages 121-2 in the Office of the Judge of Probate of Baldwin County, Alabama; and that the State of Alabama acquired its interest in the lands by virtue of a Tax Sale dated June 13, 1932, and which is recorded in Sales Book 9 at page 211 in the Office of the Judge of Probate of Baldwin County, Alabama, for taxes then due from E. D. King, one of the Respondents herein named.

FIFTH:

That your Complainant has been in possession of said lands for more than ten (10) years next preceding the filing of this Bill of Complaint and that no other person, firm or corporation has been in possession of said lands or any part thereof during said period. That your Complainant has paid the taxes on said lands during the whole of said period and that no other person, firm or corporation has paid any taxes on said lands during said period.

SIXTH:

Your Complainant further shows that the aboved named Respondents or their heirs at law, next of kin, devisees or grantees claim or are reputed to claim some right, title or interest in said land or a lien or encumbrance upon the same and your Complainant calls upon each of them to set forth and specify their title, claim, interest or encumbrance and how and by what instruments the same is derived and created.

SEVENTH:

Your Complainant further shows unto your Honor that all of the Respondents are over the age of twenty-one years, if living and that the Respondent, Earl Dewey King is a resident citizen of Georgiana, Alabama; that your Complainant does not know and has not been able to ascertain, after a diligent search or inquiry, whether or not the other named Respondents are living or dead, and if dead, the names, ages and Post Office addresses of their heirs at law, next of kin, devisees or grantees; but your Complainant is informed and believes and upon such information and belief alleges that all of the other named Respondents are non-residents of the State of Alabama, if living, and that their heirs at law, next of kin and devisees are non-residents of the State of Alabama. That the diligent search and inquiry which your Complainant made in order to ascertain whether or not any of the above named Respondents, other than Earl Dewey King, were living or dead, or their addresses, or if dead, the names and Post Office addresses of their heirs at law, next of kin and devisees, consisted of having a complete Abstract of Title to the above described property prepared according to the records on file in the Office of the Judge of Probate of Baldwin County,

Alabama, together with numerous and repeated inquiries among the people who live in the neighborhood of this land and also inquiries made of one of the uncles of the said Respondents who is now living in Baldwin County, Alabama.

PRAYER FOR PROCESS

To the end therefore, that equity may be had in the premises, your Complainant prays that this court will cause the usual writ of process to issue against all of the Respondents named herein and to their unknown heirs at law, next of kin, devisees and grantees and any and all persons, firms and corporations claiming any interest in the above described lands or encumbrance upon the same, according to the statutes of the State of Alabama and to the rules and practices of this Honorable Court requiring them to plead, answer or demur to this Bill of Complaint within the time required by law and that this court will also cause notice to be published of the institution of this proceeding and the filing of this Bill of Complaint as required by the Laws of the State of Alabama, authorizing the quieting of title to real estate by proceedings in rem. That an appropriate order of publication be entered against all of the Respondent except Earl Dewey King, requiring them and their unknown heirs at law, next of kin and devisees to answer or plead to this Bill of Complaint before a date to be named in said order not less than thirty (30) nor more than fifty (50) days from the making thereof.

PRAYER FOR RELIEF

Your Complainant further prays that on a hearing of this cause that your Honor will establish Complainant's right or title to the lands herein described and will enter an appropriate order or decree that the Complainant is the owner of said lands in fee simple and that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said lands or any part thereof and especially that the following named persons, viz: Ada LaCoste, Leo Remy, Levine Remy, Troy Remy, Ethel Remy, Leroy Remy, Nello Remy, J. N. Remy and Earl Dewey King, and their unknown heirs at law, next of kin, devisees and grantees have no right, title, interest in, lien or encumbrance upon said lands or any part thereof and that in

said decree your Honor will order that a certified copy thereof be filed for record in the Office of the Probate Judge of Baldwin County, Alabama, to be recorded therein, with directions as to whose name it shall be indexed in the direct and indirect indexes of said records in the Office of the Judge of Probate of Baldwin County, Alabama; and your Complainant prays for such other, further, different and general relief as in equity will be meet and proper.

CHASON & STONE

By: Norborne C. Stone
Solicitors for Complainant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Alice L. Miller, a Notary Public in and for said State and County, personally appeared Norborne C. Stone, who is known to me, and who, after being by me first duly and legally sworn did depose and say under oath as follows:

That his name is Norborne C. Stone and that he is one of the Solicitors for the Complainant in the above styled cause and that his name is signed to the Bill of Complaint as such; that the Complainant, J. B. Land, has had a diligent search and inquiry made to ascertain whether any of the Respondents named in the foregoing Bill of Complaint are dead and if dead, the names, ages and Post Office addresses of their heirs at law and next of kin; that the allegations contained in the foregoing Bill of Complaint are true and correct and that said Respondents, if living, are over the age of twenty-one years.

Sworn to and subscribed before
me this 23RD day of April,
1952.

Alice L. Miller
Notary Public, Baldwin County, Ala.

J. B. LAND

COMPLAINANT

VS

EARL DEWEY KING, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BARDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2800

Now comes the Respondent, Earl Dewey King, and for answer to the
Complainant's bill of complaint says:

1.

He admits the allegations contained in paragraph First.

2.

He denies the allegations contained in paragraph Second, and demands
strict proof of the same.

3.

He admits the allegations contained in paragraph Third.

4.

He knows nothing as to the allegations contained in paragraph Fourth
and therefore denies the same and demands strict proof thereof.

5.

He denies the allegations contained in paragraph Fifth and demands
strict proof of the same.

6.

He admits that he is the owner of the said land and that the title
thereto is vested in him absolutely.

7.

He knows nothing as to the allegations contained in paragraph Seventh
and therefore neither denies nor admits the same.


Attorney for respondent

2800

RECORDED

J. B. LAND

COMPLAINANT

VS

EARL DEWEY KING, ET AL,

RESPONDENTS

ANSWER

Index 572782
Arc French
[Signature]