

TOM I. GREY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN,
ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2824

AMENDED FINAL DECREE

This cause coming on to be heard is submitted upon the petition of the Complainant, Tom I. Grey, to amend the original decree heretofore on December 12, 1952, made and entered in this cause, a copy of which is of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 190 pages 124-5-6;

The court after considering and understanding the motion is of the opinion that the Complainant is entitled to the relief prayed for, and that the error in the description as contained in the final decree in this cause was a clerical error.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, by the court that the decree heretofore rendered in this cause be amended so that the same shall read as follows:

"This cause coming on to be heard was submitted for final decree upon the pleadings, decree pro confesso and proof as noted by the Register, and it appearing to the satisfaction of the court that the Complainant is the owner in fee simple of, is now and was at the time of the filing of the bill of complaint in this cause, in the actual and peaceable possession of the said land, and each and every part and parcel thereof; that the respondents, Louis Patrick Shanahan, J. J. Townsend and John Townsend, if living, are non-residents of the State of Alabama, and over twenty-one years of age, and that if dead their heirs, devisees, grantees, personal representatives and assigns are non-residents of the State of Alabama, and over twenty-one years of age; that service was perfected upon the Respondents herein by publication in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, for four consecutive weeks commencing on the 19th day of June, 1952; that service was also

perfected by publication in the Baldwin Times, a newspaper published at Bay Minette, Alabama, in Baldwin County, Alabama, for four consecutive weeks commencing on the 19th day of June, 1952, against the unknown heirs, devisees, grantees, personal representatives and assigns of Louis Patrick Shanahan, J. J. Townsend, John Townsend, and any and all other persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land, or any part or parcel thereof; that notice of the pendency of said suit was given by the filing of a lis pendens notice in the office of the Probate Judge of Baldwin County, Alabama, and by posting at the court house door in Bay Minette, Alabama; that the Respondent and each of them, having failed to appear and plead, answer or demur to the bill of complaint, as required by law, a decree pro confesso was entered against them and each of them; that O. LeNoir Thompson, a practicing attorney at law, in Bay Minette, Baldwin County, Alabama, was appointed as Guardian ad Litem to represent the Respondents whose names were unknown, and duly filed his appearance agreeing to act as Guardian ad litem, and filed answer denying all the material allegations of the Complaint, and appeared and cross examined the witnesses for the Complainant; that the title of the Complainant has been duly and legally established by legal and competent evidence, the court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, by the court, that the Respondents, Louis Patrick Shanahan, J. J. Townsend, John Townsend, the unknown heirs, devisees, grantees, personal representatives and assigns of Louis Patrick Shanahan, J. J. Townsend, John Townsend, and also any and all persons, firms or corporations claiming any right, title to, interest, in, lien or encumbrance upon the said land, or any part or parcel thereof, have no right, title, estate, claim, interest in or encumbrance upon the following described lands or any part or parcel thereof in Baldwin County, Alabama, to-wit:

Southeast quarter of Northwest quarter of Section 27,
Township 5 South, Range 4 East, containing 40 acres,
more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the full fee simple title to the said land in Baldwin County, Alabama, to-wit:

Southeast quarter of Northwest quarter of Section 27,
Township 5 South, Range 4 East, containing 40 acres,
more or less,

is vested absolutely in the Complainant, Tom I. Gray.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that a certified copy of this decree be recorded in the office of the Probate Judge of Baldwin County, Alabama, in the direct index in the names of Louis Patrick Shanahan, J. J. Townsend, John Townsend, and in the indirect index in the name of Tom I. Gray.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the Register shall within thirty days from the rendition of this decree file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama, and that the costs thereof be taxed in the costs of this cause.

IT IS FURTHER ORDERED that the Complainant pay the costs of this proceeding for which let execution issue.

Dated at Bay Minette, Baldwin County, Alabama, this the 8th day of January, 1953.

Jeffrey A. Marshall, Jr.
JUDGE

M
Tom D Grey
Vs

Louis Patrick Shanahan
Et al

FILED

1-8-53

ALICE L. DECK, Register

TOM I. GREY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN,
ET AL.

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2824

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

Now comes the Complainant, Tom I. Grey and respectfully represents
and shows unto Your Honor and to This Honorable Court as follows:

1.

That he as Complainant filed his bill of complaint in this court on
June 13, 1952, against Louis Patrick Shanahan, and others as Respondents
to quiet title to the following described lands situated in Baldwin County,
Alabama, to-wit:

Southeast quarter of Northwest quarter of Section 27,
Township 5 South, Range 4 East, containing 40 acres,
more or less.

2.

That a Lis Pendens Notice was duly filed and placed of record in the
office of the Probate Judge of Baldwin County, Alabama, in Lis Pendens Book
No. 2, page 378, and also a notice was published at the Front door of the
Court House in Baldwin County, Alabama, in which the land was described as
Southeast quarter of Northwest quarter of Section 27, Township 5 South,
Range 4 East, containing 40 acres, more or less.

3.

That publication was perfected in the Baldwin Times, a newspaper pub-
lished at Bay Minette, in Baldwin County, Alabama, for four consecutive
weeks in the issues of June 19, June 26, July 3, July 10, 1952, in which
the land was described as Southeast quarter of Northwest quarter of Section
27, Township 5 South, Range 4 East, containing 40 acres, more or less.

4.

That a motion for decree pro confesso on publication was filed on August
22, 1952, in which the land was correctly described as Southeast quarter of
Northwest quarter of Section 27, Township 5 South, Range 4 East, containing
40 acres, more or less.

5.

That a decree pro confesso on publication was rendered against all the Respondents on August 25, 1952.

6.

That after the request for appoint of Commissioner, Notice of time of taking testimony, Commission issued to Evelyn Watts, as Commissioner to take the testimony, the appointment and acceptance of C. LeNoir Thompson as guardian ad Litem, Testimon of Tom I. Grey, and J. J. Lancaster was taken on November 22, 1952, in which depositions the land was correctly described as the Southeast quarter of Northwest quarter of Section 27, Township 5 South, Range 4 East, containing 40 acres, more or less.

7.

That a note of testimony was duly filed on November 24, 1952.

8.

That in drafting the final decree, a certified copy of which is of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 190 pages 114-516, filed for record on December 17, 1952, the land through a clerical error was incorrectly described as the South half of Southwest quarter of Northeast quarter of Northwest quarter of Section 27, Township 5 South, Range 4 East, Baldwin County, Alabama.

WHEREFORE the premises considered, your Petitioner prays that the original decree as herein set out be amended nunc pro tunc so as to correctly describe the lands, the subject of this proceeding as described in the original bill of complaint and all proceedings and being the Southeast quarter of Northwest quarter of Section 27, Township 5 South, Range 4 East, Baldwin County, Alabama.



Solicitor for the Complainant

RECORDED

Filed 1-8-53.
Alice French
clerk.

TOM I. GRAY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN,
ETAL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. _____

FINAL DECREE

This cause coming on to be heard was submitted for final decree upon the pleadings, decree pro confesso and proof as noted by the Register, and it appearing to the satisfaction of the court that the Complainant is the owner in fee simple of, is now and was at the time of the filing of the bill of complaint in this cause, in the actual and peaceable possession of the said land, and each and every part and parcel thereof; that the Respondents, Louis Patrick Shanahan, J. J. Townsend and John Townsend, if living, are non-residents of the State of Alabama, and over twenty-one years of age, and that if dead their heirs, devisees, grantees, personal representatives and assigns are non-residents of the State of Alabama, and over twenty-one years of age; that service was perfected upon the Respondents herein by publication in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, for four consecutive weeks commencing on the 19th day of June, 1952; that service was also perfected by publication in the Baldwin Times, a newspaper published at Bay Minette, Alabama, in Baldwin County, Alabama, for four consecutive weeks commencing on the 19th day of June, 1952, against the unknown heirs, devisees, grantees, personal representatives and assigns of Louis Patrick Shanahan, J. J. Townsend, John Townsend, and any and all other persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land, or any part or parcel thereof; that notice of the pendency of said suit was given by the filing of a lis pendens notice in the office of the Probate Judge of Baldwin County, Alabama, and by posting at the court house door in Bay Minette, Alabama; that the Respondent and each of them, having failed to appear and plead, answer or demur to the bill of complaint, as required by law, a decree pro confesso was entered against them and each of them; that C. LeNair Thompson, a practicing attorney at law, in Bay Minette, Baldwin County, Alabama, was appointed as Guardian ad Litem to represent the Respondents whose names

were unknown, and duly filed his appearance agreeing to act as Guardian ad litem, and filed answer denying all the material allegations of the Complaint, and appeared and cross-examined the witnesses for the complainant; that the title of the Complainant has been duly and legally established by legal and competent evidence, the court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, by the court, that the Respondents, Louis Patrick Shanahan, J. J. Townsend John Townsend, the unknown heirs, devisees, grantees, personal representatives and assigns of Louis Patrick Shanahan, J. J. Townsend, John Townsend, and also any and all persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land, or any part or parcel thereof, have no right, title, estate, claim, interest in or encumbrance upon the following described lands or any part or parcel thereof in Baldwin County, Alabama, to-wit:

South half of Southwest quarter of Northeast quarter of
Northwest quarter of Section 27, Township 5 South, Range
1 East.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the full fee simple title to the said land in Baldwin County, Alabama, to-wit:

South half of Southwest quarter of Northeast quarter of
Northwest quarter of Section 27, Township 5 South, Range
1 East,

is vested absolutely in the Complainant, Tom I. Gray.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that a certified copy of this decree be recorded in the office of the Probate Judge of Baldwin County, Alabama, in the direct index in the names of Louis Patrick Shanahan, J. J. Townsend, John Townsehd, and in the indirect index in the name of Tom I. Gray.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the Register shall within thirty days from the rendition of this decree file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama, and that the costs thereof be taxed in the costs of this cause.

IT IS FURTHER ORDERED that the Complainant pay the costs of this cause for which execution may issue.

Dated at Bay Minette, Baldwin County, Alabama, this the 12th day
of ~~November~~ ^{December}, 1952.

Julian J. Mashberry, Jr.
JUDGE

TOM I. GRAY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN, ET AL,

RESPONDENTS

FINAL DECREE

FILED

DEC 13 1952

ALICE J. DICK, Register

TOM I. GREY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2824

It having been made to appear in the above styled cause by proper affidavit that Louis Patrick Shanahan, J.J. Townsend, John Townsend, if living are over twenty-one years of age and non-residents of the State of Alabama, or if dead, their heirs, devisees, grantees, personal representatives and assigns are over twenty-one years of age and non-residents of the state of Alabama, and that their addresses cannot be ascertained after a diligent search and inquiry; that Tom I. Grey, the Complainant, is over twenty-one years of age, and a resident of Baldwin County, Alabama, and the owner in fee simple of and in the actual possession of the following described lands situated in Baldwin County, Alabama, to-wit:

Southeast quarter of the Northwest quarter of Section 27, Township 5 South, Range 4 East, containing 40 acres, more or less.

That your Complainant acquired title to said land by conveyances from: Callie D. Grey, a widow on November 20, 1948, and of record in Deed Book 136 NS pages 425-6; deed from Frank J. Grey and wife, dated September 13, 1949, and of record in Deed Book 115 NS pages 159-60; that no person is known to have paid any taxes on said land or to have been in possession thereof within ten years next preceding the filing of the bill of complaint other than your Complainant.

It is therefore ordered and notice is hereby given that the said Louis Patrick Shanahan, J.J. Townsend, John Townsend, the unknown heirs, devisees, grantees, personal representatives and assigns of Louis Patrick Shanahan, J. J. Townsend, John Townsend, and any other persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon said land or any part thereof, to appear in the Circuit Court of Baldwin County, Alabama, in Equity, and plead, answer or demur to this bill of complaint on or before the 21 day of July, 1952, or upon their having failed to do so, upon the expiration of thirty days from said date a decree pro confesso shall be taken against them and this cause shall be at issue.

It is further ordered that this order and notice be published in the Baldwin Times, Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF, I, Alice J. Duck, Register, of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 13 day of June, 1952.

Alice J. Duck
Register

H.M. HALL
Solicitor for the Complainant

STATE OF ALABAMA
BALDWIN COUNTY

I, ALICE J. DUCK, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the foregoing is a full, true, correct and complete copy of notice given by publication in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, in the cause of Tom I. Grey, Complainant, vs Louis Patrick Shanahan, et al, Respondents, and filed for record in the office of the Judge of Probate of Baldwin County, Alabama, the county in which said land lies, in accordance with the provisions of the laws of the State of Alabama.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office on this the 13 day of June, 1952.

Alice J. Duck
Register

STATE OF ALABAMA, BALDWIN COUNTY
Filed 6-17-52.....8a.m.
Recorded Lia. Pend. book 2...page 378-9
W.R. Bryant
Judge of Probate 2

#2824

1-12-52

TOM I. GREY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN, ET AL,

RESPONDENTS

J. J. Townsend

JOHN

LIS PENDENS NOTICE

2-378-9

R 1.15

Mrs. Duck

FILED

Jun 13 1952

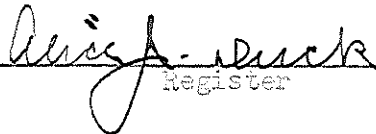
ALICE A. DUCK, Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons LOUIS PATRICK SHANAHAN, J. J. TOWNSEND, JOHN TOWNSEND, the unknown heirs, devisees, grantees, personal representatives and assigns of LOUIS PATRICK SHANAHAN, J. J. TOWNSEND, JOHNTOWNSEND 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, by TOM I. GREY, as Complainant, and against Louis Patrick Shanahan, J. J. Townsend, John Townsend, the unknown heirs, devisees, grantees, personal representatives and assigns of Louis Patrick Shanahan, J. J. Townsend and John Townsend, as Respondents.

Witness my hand this the 13 day of June, 1952.


Register

TOM I. GREY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN, ETAL,

RESPONDENTS

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

TO HONORABLE THEATRE J. MASHEURN, JR., JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY:

Your Complainant, Tom I. Grey, presents this his bill of complaint against the following described land situated in Baldwin County, Alabama, to-wit:

Southeast quarter of the Northwest quarter of Section 27, Township 5 South, Range 1 East, containing 40 acres, more or less.

and also against Louis Patrick Shanahan, J. J. Townsend, John Townsend, if they be living, or if they be dead, against the unknown heirs, devisees, grantees, personal representatives and assigns of Louis Patrick Shanahan, J. J. Townsend, John Townsend, and also against any other person, firm or corporation claiming any title to, right, interest in, lien or encumbrance upon the said land, herein described, or any part or parcel thereof and respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant, Tom I. Grey, is over twenty-one years of age and a bona fide resident of Baldwin County, Alabama.

2.

That Louis Patrick Shanahan, J. J. Townsend, John Townsend, if living, are over twenty-one years of age and non-residents of the State of Alabama, and if dead their heirs, devisees, grantees, personal representatives and assigns are non-residents of the State of Alabama, and over twenty-one years of age; that an abstract has been made of the records of Baldwin County, Alabama, to ascertain, if possible, the addresses of the several respondents and also inquiries have been made in and around Robertsdale, and in the vicinity in which said land lies, and from all information obtainable the best address of the respondents to be obtained is that they were at one time residents of Cook County, Illinois; that their street addresses cannot be ascertained; that from all information obtainable none of the said Respondents are in the military service of the United States.

3.

That your Complainant is the owner in fee simple and in the actual possession of the lands herein described situated in Baldwin County, Alabama, to-wit:

Southeast quarter of the Northwest quarter of Section 27, Township 5 South, Range 1 East, containing 40 acres, more or less.

4.

That no suit is pending to test your Complainant's title to, interest in, or right of possession to said land; that your Complainant therefore calls upon the Respondent and each of them separately and severally to set forth and specify what right, title, interest in, lien or encumbrance the said respondents and each of them have in and to said lands and by what instrument or instruments the same is derived and/or created.

5.

That your Complainant acquired title to said lands by the following conveyances: Callie D. Grey, a widow on November 20, 1948, and of record in Deed Book 136 NS pages 425-6; Deed from Frank J. Grey and wife dated September 13, 1949, and of record in Deed Book 145 NS pages 159-60.

6.

That the title to the said lands stand upon the records of Baldwin County, Alabama, in the name of your Complainant, Tom I. Grey.

7.

That no one has at any time within ten years next preceding the filing of this bill of complaint paid taxes upon the said land or had any possession thereof other than your Complainant, Tom I. Grey:

8.

That the only persons by the records of Baldwin County, Alabama, to have any claim against said land or any part thereof are Louis Patrick Shanahan, J. J. Townsend John Townsend, and your Complainant, Tom I. Grey.

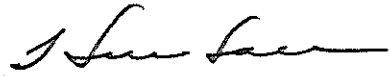
WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said Louis Patrick Shanahan, J. J. Townsend, John Townsend, the unknown heirs, devisees, grantees, personal representatives and assigns of Louis Patrick Shanahan, J. J. Townsend, John Townsend, and any and all persons, firms or corporations claiming any right, title, interest in, lien or encumbrance upon the said lands, herein described in Baldwin County, Alabama, to-wit:

Southeast quarter of the Northwest quarter of Section 27, Township 5 South, Range 4 East, containing 40 acres, more or less.

or any part or parcel thereof party respondent to this bill of complaint and require them and each of them to appear and plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a final hearing hereof Your Honor will make and enter a decree ascertaining and determining that the fee simple title free from all liens and encumbrances to the lands herein described and to each part and parcel thereof is vested in your Complainant, Tom I. Grey, and that neither Louis Patrick Shanahan, J. J. Townsend, John Townsend, the unknown heirs, devisees, grantees, personal representatives and assigns of Louis Patrick Shanahan, J. J. Townsend, John Townsend, nor any other person, firm or corporation has any right, title to, interest in, lien or encumbrance upon the said land or any part or parcel thereof, and that any and all doubts and disputes concerning the said land may be cleared up.

Your Complainant prays for such, other, further, different or general relief as he may be in equity and good conscience entitled to receive.



Solicitor for the Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me the undersigned authority, in and for said County, in said state, personally appeared H. M. Hall, who is known to me and who having been by me first duly sworn, deposes and says: That from all information obtainable the facts contained in the foregoing bill of complaint are true, and correct.



Sworn to and subscribed before me on this the 13 day of June, 1952.

Notary Public, Baldwin County, Alabama

#2824

RECORDED

TOM I. GREY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN, ET AL.

RESPONDENTS

BILL OF COMPLAINT

FILED

JUN 13 1952

Atty. & Clerk, Register

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

LEGAL NOTICE

TOM I. GREY, Complainant
Vs.
LOUIS PATRICK SHANAHAN, ET AL.
Respondents
In The Circuit Court of
Baldwin County, Alabama,
In Equity

It having been made to appear in the above styled cause by proper affidavit that Louis Patrick Shanahan, J. J. Townsend, John Townsend, if living are over twenty-one years of age and non-residents of the State of Alabama, or if dead, their heirs, devisees, grantees, personal representatives and assigns are over twenty-one years of age and non-residents of the State of Alabama, and that their addresses cannot be ascertained after a diligent search and inquiry; that Tom I. Grey, the Complainant, is over twenty-one years of age, and a resident of Baldwin County, Alabama, and the owner in fee simple of and in the actual possession of the following described lands situated in Baldwin County, Alabama, to-wit:

Southeast quarter of the Northwest quarter of Section 27, Township 5 South, Range 4 East, containing 40 acres, more or less.

That your Complainant acquired title to said land by conveyances from Callie D. Grey, a widow on November 20, 1948, and of record in Deed Book 136 NS pages 425-6; deed from Frank J. Grey and wife, dated September 13, 1949, and of record in Deed Book 145 NS pages 159-60; that no person is known to have paid any taxes on said land or to have been in possession thereof within ten years next preceding the filing of the bill of complaint other than your Complainant.

It is therefore ordered and notice is hereby given that the said Louis Patrick Shanahan, J. J. Townsend, John Townsend, the unknown heirs, devisees, grantees, personal representatives and assigns of Louis Patrick Shanahan, J. J. Townsend, John Townsend, and any other persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon said land or any part thereof, to appear in the Circuit Court of Baldwin County, Alabama, in Equity, and plead, answer or demur to this bill of complaint on or before the 21 day of July, 1952, or upon their having failed to do so, upon the expiration of thirty days from said date a decree pro confesso shall be taken against them and this cause shall be at issue.

It is further ordered that this order and notice be published in the Baldwin Times, Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF, I, Alice J. Duck, Register, of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 13 day of June, 1952.

ALICE J. DUCK,
Register.

H. M. Hall,

Solicitor for the Complainant. 22-4tc.

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

Tom I. Grey vs.

Louis Shanahan

COST STATEMENT

453 WORDS @ 6 1/2 cents --- \$ 29 44
I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner
S.M. Publisher.

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

Date of 1st publication June 19, 1952 Vol. 63 No. 22

Date of 2nd publication June 26, 1952 Vol. 63 No. 23

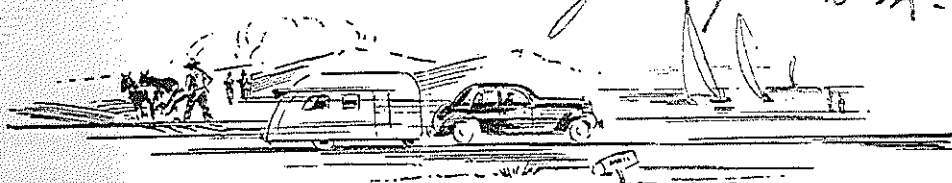
Date of 3rd publication July 3, 1952 Vol. 63 No. 24

Date of 4th publication July 10, 1952 Vol. 63 No. 25

Subscribed and sworn before the undersigned this 23 day of July, 1952.

Secretary Martin
Notary Public, Baldwin County.

Jimmy Faulkner
S.M. Publisher.



TOM I. GREY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

MOTION FOR DECREE PRO CONFESSO ON PUBLICATION

Comes the Complainant in the above styled cause and shows unto the Court that an order of publication was made on the 13th day of June, 1952, which was duly published in the Baldwin Times, a newspaper published in Bay Minette, Alabama, in its issues of June 19, June 26, July 3, July 10, 1952, and was directed to Louis Patrick Shanahan, J. J. Townsend, John Townsend, the unknown heirs, devisees, personal representatives and assigns of Louis Patrick Shanahan, J. J. Townsend, John Townsend, and any other persons, firms or corporations claiming any title to, right, interest in, lien or encumbrances upon the following described lands situated in Baldwin County, Alabama, to-wit:

Southeast quarter of Northwest quarter of Section 27,
Township 5 South, Range 4 East, containing 40 acres,
more or less.

As Respondent, which required the said Respondent to answer or demur to the bill of complaint within thirty days after the 21 day of July, 1952, which said respondents have to this day failed to do.

WHEREFORE, the Complainant moves the court to grant a decree pro confesso against the said Respondents.

Dated this the 22 day of August, 1952.


Solicitor for the Complainant

RECORDED

TOM I. GREY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN, ET AL,

RESPONDENTS

MOTION FOR DECREE PRO
COMPRESSO ON PUBLICATION

Filed Aug 22, 1952

*Wm. J. French
Register*

TOM I. GRAY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

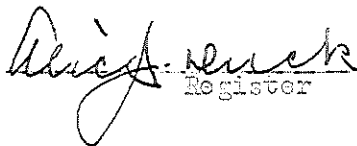
NO. 2824

DECREE PRO CONFESSO ON PUBLICATION

In this cause it appearing to the court that the order of publication heretofore made in this cause was published for four consecutive weeks commencing on the 19th day of June, 1952, in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama; that a copy of said order was posted at the Court House door in Baldwin County, Alabama, on the 19th day of June, 1952, and it now further appearing to the court that the said Louis Patrick Shanahan, J. J. Townsend, John Townsend, the unknown heirs, devisees, grantees, personal representatives, and assigns of Louis Patrick Shanahan, J. J. Townsend, John Townsend, respondents have to date hereof failed to plead, answer or demur to this bill of complaint in this cause.

It is therefore, on motion of the Complainant, ordered and decreed, by the court, that the said bill of complaint be and it is hereby, in all things taken as confessed against the Respondents named in this cause.

Witness my hand this the 28 day of August, 1952.


Register

RECORDED

TOM I. GREY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN, ET AL,

RESPONDENTS

Filed Aug 25, 1952

America's
Register

TOM I. GRAY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

It appearing to the court that some of the Respondents in the above styled cause are unknown, and that their names and addresses cannot be ascertained after a diligent search and inquiry;

IT IS THEREFORE ordered, adjudged and decreed, by the court, that C. LeNoir Thompson, a practicing attorney at Bay Minette, Baldwin County, Alabama, be and he is hereby appointed guardian ad litem to represent and protect the interest of the Respondents, in the above styled cause, whose names and addresses are unknown, and cannot be ascertained after a diligent search and inquiry.

IT IS FURTHER ORDERED that the said C. LeNoir Thompson be notified of his appointment, and of the time fixed to take testimony in the cause.

Dated this the 19th day of November, 1952.

David French

I hereby consent to act as guardian ad litem in the above styled cause for all parties whose names and addresses are unknown and cannot be ascertained after a diligent search and inquiry. I, as guardian ad litem for the unknown respondents deny all the material allegations contained in the bill of complaint and demand strict proof of the same.

Dated this the 19th day of November, 1952

C. LeNoir Thompson

RECORDED

TOM I. GRAY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN, ET AL,

RESPONDENTS

DEPARTMENT OF PROBATION AND
LITEM AND ACCEPTANCE

Filed Nov 19, 1952
Alfred J. Menecke
Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Evelyn Watts

KNOW YE: that we, having full faith in your prudence and competency, have appointed you
Commissioner, and by these presents do authorize you, at such time and place as you may appoint,
to call before you and examine Tom I. Gray and J. A. Lancaster

as witnesses in behalf of Complainant in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein Tom I. Gray

Complainant
and Louis Patrick Sheehan, et al.

Respondent
on oath, to be by you administered, upon Tom I. Gray and J. A. Lancaster
to take and certify the deposition of the witness and return the same to our Court, with all
convenient speed, under your hand.

Witness 10 day of Nov, 1955

Alvin J. Hensley

Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Tom L. Gray

Complainant—

vs.

Louis Patrick Shanahan, et al,

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

WITNESSES:

Filed Nov 19, 1952
Reichle
Reynolds

TOM I. GRAY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN, ET AL,

RESPONDENTS

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

REQUEST FOR APPOINTMENT OF COMMISSIONER

TO: Mrs. Alice J. Duck, Register of the Circuit Court of Baldwin County,
Alabama:

The Complainant wish to take orally, on behalf of the Complainant,
the testimony of the following witnesses:

Tom I. Gray

Robertsdale, Alabama

J. A. Lancaster

Robertsdale, Alabama.

It is hereby requested that they be given proper and legal notice
and that Evelyn Watts be appointed as special commissioner, to take
testimony of said witnesses, and that due and legal notice be given as
required by law.

Dated this the 10 day of November, 1952.


Solicitor for the Complainant

TOM I. GRAY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN, ET AL,

RESPONDENTS

REQUEST FOR APPOINTMENT
OF COMMISSIONER

Filed Nov 10, 1952

*Wm. J. Wier
Register*

TOM I. GRAY

COMPLAINANT

VS

LOUISPATRICK SHANAHAN, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALEWIN COUNTY, ALABAMA,

IN EQUITY

NOTICE OF TIME OF TAKING TESTIMONY

TO: Louis Patrick Shanahan, J. J. Townsend, and John Townsend.

Notice is hereby given that the Complainant will on the 22nd day of November, 1952, before Evelyn Watts, as special commissioner take the testimony of the following witnesses:

Tom I. Gray

Robertsdale, Alabama.

J. A. Lancaster

Robertsdale, Alabama.

Dated this the 20th day of November, 1952.


Solicitor for the Complainant


Special Commissioner

TOM I. GRAY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN, ET AL,

RESPONDENTS

NOTICE OF TIME OF TAKING TESTIMONY

Filed Nov 10, 1952.

Wm. J. French
Register

TOM I. GRAY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN, ET AL,

RESPONDENTS

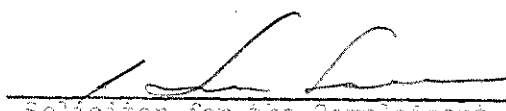
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY

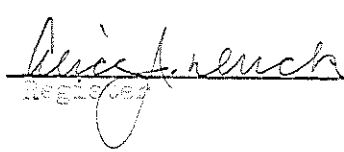
NOTE OF TESTIMONY

This cause is submitted on behalf of the Complainant upon the following:

1. Original summons and complaint.
2. Lis Pendens filed for record in the Probate Office.
3. Proof of publication of notice in the Baldwin Times.
4. Decree pro confesso by publication.
5. Request for appointment of Commissioner
6. Appointment of Commissioner.
7. Commissioner to take deposition.
8. Notice of time of taking testimony.
9. Appointment of Guardian ad Litem and acceptance.
10. Oral depositions of Tom I. Gray and J. A. Lancaster, with exhibits attached.

Dated this the 24th day of November, 1952.


Solicitor for the Complainant


Registered

TOM I. GRAY

COMPLAINANT

VS

LOUIS PATRICK SHANAHAN, ET AL,

RESPONDENTS

NOTE OF TESTIMONY

Filed Nov 24, 1902

*Alfred A. Smith
Register*

100-114

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BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 5

FINAL DECREE

This cause coming on to be heard was submitted for final decree upon the pleadings, decree pro confesso and proof as noted by the Register, and it appearing to the satisfaction of the court that the Complainant is the owner in fee simple of, is now and was at the time of the filing of the bill of complaint in this cause, in the actual and peaceable possession of the said land, and each and every part and parcel thereof; that the Respondents, Louis Patrick Shanahan, J. J. Townsend and John Townsend, if living, are non-residents of the State of Alabama, and over twenty-one years of age, and that if dead their heirs, devisees, grantees, personal representatives and assigns are non-residents of the State of Alabama, and over twenty-one years of age; that service was perfected upon the Respondents herein by publication in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, for four consecutive weeks commencing on the 19th day of June, 1952,; that service was also perfected by publication in the Baldwin Times, a newspaper published at Bay Minette, Alabama, in Baldwin County, Alabama, for four consecutive weeks commencing on the 19th day of June, 1952, against the unknown heirs, devisees, grantees, personal representatives and assigns of Louis Patrick Shanahan, J. J. Townsend, John Townsend, and any and all other persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land, or any part or parcel thereof; that notice of the pendency of said suit was given by the filing of a lis pendens notice in the office of the Probate Judge of Baldwin County, Alabama, and by posting at the court house door in Bay Minette, Alabama; that the Respondent and each of them, having failed to appear and plead, answer or demur to the bill of complaint, as required by law, a decree pro confesso was entered against them and each of them; that C. LeNoir Thompson, a practicing attorney at law, in Bay Minette, Baldwin County, Alabama, was appointed as Guardian ad Litem to represent the Respondents whose names

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CIT 154 087

were unknown, and duly filed his appearance agreeing to act as Guardian ad litem, and filed answer denying all the material allegations of the Complaint, and appeared and cross examined the witnesses for the complainant; that the title of the Complainant has been duly and legally established by legal and competent evidence, the court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, by the court, that the Respondents, Louis Patrick Shanahan, J. J. Townsend John Townsend, the unknown heirs, devisees, grantees, personal representatives and assigns of Louis Patrick Shanahan, J. J. Townsend, John Townsend, and also any and all persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land, or any part or parcel thereof, have no right, title, estate, claim, interest in or encumbrance upon the following described lands or any part or parcel thereof in Baldwin County, Alabama, to-wit:

South half of Southwest quarter of Northeast quarter of
Northwest quarter of Section 27, Township 5 South, Range
4 East.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the full fee simple title to the said land in Baldwin County, Alabama, to-wit:

South half of Southwest quarter of Northeast quarter of
Northwest quarter of Section 27, Township 5 South, Range
4 East,

is vested absolutely in the Complainant, Tom I. Gray.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that a certified copy of this decree be recorded in the office of the Probate Judge of Baldwin County, Alabama, in the direct index in the names of Louis Patrick Shanahan, J. J. Townsend, John Townsehd, and in the indirect index in the name of Tom I. Gray.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the Register shall within thirty days from the rendition of this decree file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama, and that the costs thereof be taxed in the costs of this cause.

IT IS FURTHER ORDERED that the Complainant pay the costs of this cause for which execution may issue.

Dated at Bay Minette, Baldwin County, Alabama, this the 12th day
December
of December, 1952.

Telfair J. Mashburn, Jr
JUDGE

STATE OF ALABAMA
BALDWIN COUNTY

I, ALICE J. ENCK, Register of the Circuit Court of Baldwin County,
Alabama, hereby certify that the foregoing and attached is a full, true,
correct and complete copy of the final decree in the matter of Tom I.
Gray, Complainant vs. Louis Patrick Shanahan, et al, Respondents, the original
of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office on
this the 12th day of December, 1952.

Alice J. Enck
Register

STATE OF ALABAMA, BALDWIN COUNTY

Filed 12-17-52 P. M.

Recorded Lead book 149 page 114-16

M. Stunt
Judge of Probate

2

[illegible]

Figure 1 illustrates the construction of a 2D lattice from a 1D chain. The diagrams are arranged in two columns of six. The left column shows the initial 1D chain with sites labeled 1, 2, 3, 4, 5, 6. The right column shows the corresponding 2D lattice with sites labeled 1, 2, 3, 4, 5, 6. The diagrams show the addition of new sites and the evolution of the lattice structure.

TOM I. GRAY

COMPLAINANT

ys

Direct

LOUIS PATRICK SHANAHAN, ET AL,

J. J. Townsenc

JOHN RESPONDENTS

FINAL DECREE

140-114-10

R-7.75

7/11/18
Mrs. Dick

THE

[illegible][illegible]

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Tom I. Gray

Complainant

VS.

Louis Patrick Shanahan, et al

Respondent

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me Tom I. Gray and J. A. Lancaster

witnesses named in the Requirement for Oral Examination, on the 22 day of November 1945, at the office of Hubert M. Hall

in Bay Minette

Alabama, and having first sworn said Witnesses to speak the truth, the whole truth, and nothing but the truth, the said Tom I. Gray and J. A. Lancaster doth depose and say as follows:

My name is Tom I. Gray. I am a bona fide resident of Baldwin County, Alabama, and over twenty-one years of age. I am the owner in fee simple and am now and was at the time of the filing of the suit in this cause in the actual possession of the Southeast quarter of Northwest quarter of Section 27, Township 5 South, Range 1 East, containing 40 acres, more or less, in Baldwin County, Alabama. I acquired title to the said lands by conveyance from Callie D. Gray, a widow, dated November 20, 1948, and of record in Deed Book 136 MS pages 425-6, from Frank J. Gray and wife on September 13, 1949, and of record in Deed Book 315 MS pages 159-60. I immediately after acquiring title to the said land went into the actual possession thereof and have been continuously since this time. My father, W. H. Gray, through whom I hold title acquired title to the land in 1912, and he went into the actual possession thereof and he and those through whom he claims and I have been in the actual possession since that time.

There is no suit pending to test my title to or interest in and to said lands. The title stands upon the records of Baldwin County, Alabama, in my name. No one has at any time within ten years next preceding the filing of this bill of complaint had any possession of said land or paid any taxes on it other than me.

I have made inquiries in and around the vicinity in which the land is located and also have had made an abstract of title of the records of Baldwin County, Alabama, and the only ones that might have any claim to the said land are Louis Patrick Shanahan, J. J. Townsend, and John Townsend. These parties are all non-residents of the State of Alabama, and over twenty-one years of age if living and if dead their heirs are non-residents of the State of Alabama, and so far as I can ascertain over twenty-one years of age. Neither of the parties mentioned have ever lived in Baldwin County so far as I know or have been able to ascertain.

I am attaching to my testimony the conveyances under which I hold.

Cross examination by C. LeNoir Thompson, as guardian ad litem for the unknown Respondents:

I have never known any of the respondents. I have known the lands since 1927 living within a mile thereof. During the time that I have known the land neither of the persons named in this suit nor any other person has had the actual possession of the said lands other than my father, W. H. Gray, and his heirs, through whom I hold. The land has been under fence by my father and his heirs continuously since 1930.

Tom I. Gray

ORAL EXAMINATION.

I, Evelyn Watts, as Register and Commissioner hereby certify that the foregoing depositions on Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself and Hubert A. Hall

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witness es; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 22 day of November, 1945

Evelyn Watts (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Tom I. Crey

vs. Complainant

Louis Patrick Shanahan et al

Respondent.

Oral Deposition

Filed 12-9, 1945

Missfleur, Register.

Recorded in

Record

Vol. _____ Page _____

Register.

J. A. Lancaster, a witness for the Complainant being first duly sworn, deposes and says:

My name is J. A. Lancaster. I live near the land under consideration in this cause, and have lived there since 1935. I know that since 1935 no one other than W. H. Gray and his heirs including the Complainant in this case has had any possession of the land involved in this suit. I know none of the parties named as Respondents, however, do know that none of them have been there since 1935.

No cross examination by Guardian ad litem.

J. A. Lancaster

PROBATE JUDGE

2648

No.

Bay Minette, Ala., 12-17, 1952

Received of.

[illegible]

FOR RECORD

TOTAL \$

42434 MARSHALL & BRUCE-NASHVILLE

Judge of Probate.