

2825

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2825

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 Respondent James C. Anderson, if living, is a non-resident of the State of Alabama, and over twenty-one years of age, and that if dead his 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, against the unknown heirs, devisees, grantees, personal representatives and assigns of James C. Anderson, 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 Respondents 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. LeMoire Thompson, a practicing attorney at law, in Bay Minette, Baldwin County, Alabama, was appointed to act 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, James C. Anderson, the unknown heirs, devisees, grantees, personal representatives and assigns of James C. Anderson, 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 estate, claim, interest in or encumbrance upon the following described lands or any part or parcel thereof in Baldwin County, Alabama, to-wit:

Commencing at a point 13 chains South of dividing line between Sections 29 and 32, Township 3 South, Range 2 East and 40 chains West in said Section line from Southeast corner of Section 29, running East 17 chains, thence South 16 chains, thence West 17 chains, North 16 chains to point of beginning, Section 32, Township 3 South, Range 2 East. Beginning at South corner of Northeast quarter Section 32, run East 20 chains, North 8.20 chains, West 20 chains to a post in a branch, thence South 8.20 chains to a log in the water Section 32, Township 3 South, Range 2 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:

Commencing at a point 13 chains South of dividing line between Sections 29 and 32, Township 3 South, Range 2 East and 40 chains West in said Section line from Southeast corner of Section 29, running East 17 chains, thence South 16 chains, thence West 17 chains, North 16 chains to point of beginning, Section 32, Township 3 South, Range 2 East. Beginning at South corner of Northeast quarter Section 32, run East 20 chains, North 8.20 chains, West 20 chains to a post in a branch, thence South 8.20 chains to a log in the water section 32, Township 3 South, Range 2 East.

is vested absolutely in the Complainant, Walter Johnson.

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 name of James C. Anderson, and in the indirect index in the name of Walter Johnson.

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 24th day of
September, 1952.

Jeffrey H. Mashburn, Jr.
JUDGE

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, ET AL,

RESPONDENT

~~FINAL DECREE~~

FILED

SEP 24 1952

ALICE J. DUCK, Register

Recorded in Probate.

Recd. Book 186. Page 483-5

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons JAMES C. ANDERSON, the unknown heirs, devisees, grantees, personal representatives and assigns of James C. Anderson, and each of them 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 WALTER JOHNSON, as Complainant, and against James C. Anderson, the unknown heirs, devisees, grantees, personal representatives and assigns of James C. Anderson, as Respondents.

WITNESS my hand this the 13th day of June, 1952.


REGISTER

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, AND
the unknown heirs, devisees,
Grantees, personal Represent-
atives and assigns of James
C. Anderson,

RESPONDENTS

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

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

Your Complainant, Walter Johnson, presents this his bill of complaint
against the following described land situated in Baldwin County, Alabama, to-wit:

Commencing at a point 13 chains South of dividing line between
Sections 29 and 32, Township 3 South, Range 2 East and 40 chains
West in said Section line from Southeast corner of Section 29,
running East 17 chains, thence South 16 chains, thence West 27
chains, North 16 chains to point of beginning, Section 32,
Township 3 South, Range 2 East. Beginning at South corner of
Northeast quarter Section 32, run East 20 chains, North 8.20
chains, West 20 chains to a post in a branch, thence South 8.20
chains to a log in the water Section 32, Township 3 South,
Range 2 East.

and also against James C. Anderson, if he be living, or if he be dead,
against the unknown heirs, devisees, grantees, personal representatives
and assigns of James C. Anderson, 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 represent and shows unto your Honor and this Honorable Court
as Follows:

1.

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

2.

That James C. Anderson, if living, is over twenty-one years of age and a non-resident of the State of Alabama, and if dead, his heirs, devisees, grantees, personal representatives, and assigns are non-residents of the State of Alabama, and over twenty-one years of age; that a diligent search and inquiry has been made and caused to be made to ascertain the address of James C. Anderson, if he be living, or if he be dead his heirs, devisees, grantees, personal representatives and assigns and from all information obtainable the said parties are all non-residents of the State of Alabama, and over twenty-one years of age and that their post office addresses cannot be ascertained; that from all information obtainable none of them are in the military service of the United States; that an examination has been made of the land and tax records in Bay Minette, Alabama, the county seat of Baldwin County, the county in which said land lies, and also inquiries have been made of persons in and around Bromley, the vicinity in which the lands are located, and no information can be obtained as to the addresses of the individuals herein named as respondents.

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:

Commencing at a point 13 chains South of dividing line between Sections 29 and 32, Township 3 South, Range 2 East, and 40 chains West in said Section line from Southeast corner of Section 29, running East 17 chains, thence South 16 chains, thence West 17 chains, North 16 chains to point of beginning, Section 32, Township 3 South, Range 2 East. Beginning at South corner of Northeast quarter Section 32, run East 20 chains, North 8.20 chains, West 20 chains to a post in a branch, thence South 8.20 chains to a log in the water Section 32, Township 3 South, Range 2 East.

4.

That no suit is pending to test your Complainant's title to, interest in, or rights 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 land by deed from the State Land Commissioner of Alabama dated April 14, 1938.

6.

That the title to the said land stands upon the records of Baldwin County, Alabama, in the name of your Complainant, Walter Johnson.

7.

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

8.

That the only person shown by the records of Baldwin County, Alabama, to have any claim against said land or any part thereof are James C. Anderson, and your Complainant, Walter Johnson.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said James C. Anderson, the unknown heirs, devisees, grantees, personal representatives and assigns of James C. Anderson, 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:

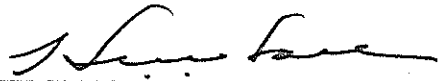
Commencing at a point 13 chains South of dividing line between Sections 29 and 32, Township 3 South, Range 2 East and 40 chains West in said Section line from Southeast corner of Section 29, running East 17 chains, thence South 16 chains, thence West 17 chains, North 16 chains to point of beginning, Section 32, Township 3 South, Range 2 East. Beginning at South corner of Northeast quarter of Section 32, run East 20 chains, North 8.20 chains, West 20 chains to a post in a branch, thence South 8.20 chains to a log in the water Section 32, Township 3 South, Range 2 East.

or any part or parcel thereof party Respondent to this bill of complaint and require them and each of them to appear 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, Walter Johnson, and that neither James C. Anderson, the unknown heirs,

devisees, grantees, personal representatives and assigns of James C. Anderson nor any other person, firm or corporation has any right, title, 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

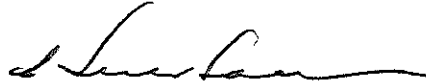
STATE OF ALABAMA

BALDWIN COUNTY

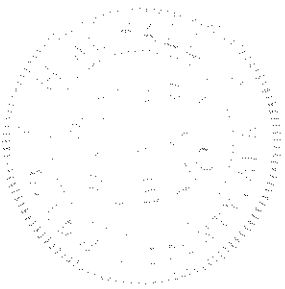
Before me the undersigned authority in and for said County, in said state, personally appeared Walter Johnson, who is known to me and who having been by me first duly sworn, deposes and says: that from all information obtainable the facts contained in the foregoing bill of complaint are true and correct.



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



Notary Public, Baldwin County, Alabama



RECORDED

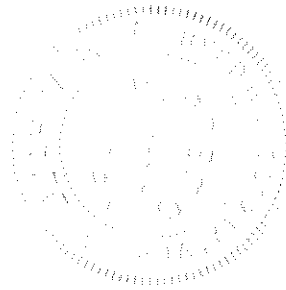
No. 2825

Walter Johnson

vs.

James Anderson et al

Summit Complaint



Filed 6-13-52

Alvin J. Duck
By

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. _____

It having been made to appear in the above styled cause by proper affidavit that James C. Anderson, if living is over twenty-one years of age and a non-resident of the State of Alabama, or if dead his 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 Walter Johnson 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:

Commencing at a point 13 chains South of dividing line between Sections 29 and 32, Township 3 South, Range 2 East and 40 chains West in said Section line from Southeast corner of Section 29, running East 17 chains, thence South 16 chains, thence West 17 chains, North 16 chains to point of beginning, Section 32, Township 3 South, Range 2 East. Beginning at South corner of Northeast quarter Section 32, run East 20 chains, North 8.20 chains, West 20 chains to a post in a branch, thence South 8.20 chains to a log in the water Section 32, Township 3 South, Range 2 East.

That your Complainant acquired title to said land by conveyance from the State Land Commissioner of Alabama dated April 14, 1936; 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 James C. Anderson, the unknown heirs, devisees, grantees, personal representatives and assigns of James C. Anderson, 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 "alter Johnson, Complainant vs James C. Anderson, 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 provision 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 8 a.m.
Recorded Lis. Pend. book 2 ... page 376 ?
M. B. Smith
Judge of Probate

17
2823
46-13-12
WALTER JOHNSON
COMPLAINANT

VS

JAMES C. ANDERSON, ET AL,
RESPONDENTS

2-376-7
PENDING NOTICE

R.I.V.
Mrs. Duck

FILED

JUN 13 1952

ALICE J. DUCK, Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons JAMES C. ANDERSON, the unknown heirs, devisees, grantees, personal representatives and assigns of James C. Anderson, and each of them 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 WALTER JOHNSON, as Complainant, and against James C. Anderson, the unknown heirs, devisees, grantees, personal representatives and assigns of James C. Anderson, as Respondents.

WITNESS my hand this the 12 day of June, 1952.

REGISTER

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, AND
the unknown heirs, devisees,
Grantees, personal Represent-
atives and assigns of James
C. Anderson,

RESPONDENTS

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

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

Your Complainant, Walter Johnson, presents this his bill of complaint
against the following described land situated in Baldwin County, Alabama, to-wit:

Commencing at a point 13 chains South of dividing line between
Sections 29 and 32, Township 3 South, Range 2 East and 40 chains
West in said Section line from Southeast corner of Section 29,
running East 17 chains, thence South 16 chains, thence West 17
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Township 3 South, Range 2 East. Beginning at South corner of
Northeast quarter Section 32, run East 20 chains, North 8.20
chains, West 20 chains to a post in a branch, thence South 8.20
chains to a log in the water Section 32, Township 3 South,
Range 2 East.

and also against James C. Anderson, if he be living, or if he be dead,
against the unknown heirs, devisees, grantees, personal representatives
and assigns of James C. Anderson, 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 represent and shows unto your Honor and this Honorable Court
as Follows:

1.

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

2.

That James C. Anderson, if living, is over twenty-one years of age and a non-resident of the State of Alabama, and if dead, his heirs, devisees, grantees, personal representatives, and assigns are non-residents of the State of Alabama, and over twenty-one years of age; that a diligent search and inquiry has been made and caused to be made to ascertain the address of James C. Anderson, if he be living, of if he be dead his heirs, devisees, grantees, personal representatives and assigns and from all information obtainable the said parties are all non-residents of the State of Alabama, and over twenty-one years of age and that their post office addresses cannot be ascertained; that from all information obtainable none of them are in the military service of the United States; that an examination has been made of the land and tax records in Bay Minette, Alabama, the county seat of Baldwin County, the county in which said land lies, and also inquiries have been made of persons in and around Bromley, the vicinity in which the lands are located, and no information can be obtained as to the addresses of the individuals herein named as respondents.

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:

Commencing at a point 13 chains South of dividing line between Sections 29 and 32, Township 3 South, Range 2 East, and 40 chains West in said Section line from Southeast corner of Section 29, running East 17 chains, thence South 16 chains, thence West 17 chains, North 16 chains to point of beginning, Section 32, Township 3 South, Range 2 East. Beginning at South corner of Northeast quarter Section 32, run East 20 chains, North 8.20 chains, West 20 chains to a post in a branch, thence South 8.20 chains to a log in the water Section 32, Township 3 South, Range 2 East.

4.

That no suit is pending to test your Complainant's title to, interest in, or rights 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 land by deed from the State Land Commissioner of Alabama dated April 14, 1938.

6.

That the title to the said land stands upon the records of Baldwin County, Alabama, in the name of your Complainant, Walter Johnson.

7.

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

8.

That the only person shown by the records of Baldwin County, Alabama, to have any claim against said land or any part thereof are James C. Anderson, and your Complainant, Walter Johnson.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said James C. Anderson, the unknown heirs, devisees, grantees, personal representatives and assigns of James C. Anderson, 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:

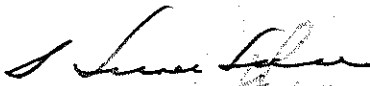
Commencing at a point 13 chains South of dividing line between Sections 29 and 32, Township 3 South, Range 2 East and 40 chains West in said Section line from Southeast corner of Section 29, running East 17 chains, thence South 16 chains, thence West 17 chains, North 16 chains to point of beginning, Section 32, Township 3 South, Range 2 East. Beginning at South corner of Northeast quarter of Section 32, run East 20 chains, North 8.20 chains, West 20 chains to a post in a branch, thence South 8.20 chains to a log in the water Section 32, Township 3 South, Range 2 East.

or any part or parcel thereof party Respondent to this bill of complaint and require them and each of them to appear 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, Walter Johnson, and that neither James C. Anderson, the unknown heirs,

devisees, grantees, personal representatives and assigns of James C. Anderson nor any other person, firm or corporation has any right, title, 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

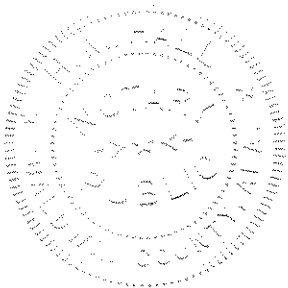
BALDWIN COUNTY

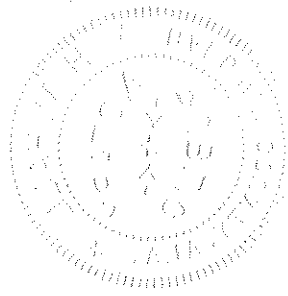
Before me the undersigned authority in and for said County, in said state, personally appeared Walter Johnson, who is known to me and who having been by me first duly sworn, deposes and says: that from all information obtainable the facts contained in the foregoing bill of complaint are true and correct.



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


Notary Public, Baldwin County, Alabama





Shown to and subscribed before me on this the 13 day of June, 1925.

ROBERT WOLFE, BALDWIN COUNTY, ALABAMA

Robert Wolfe

and correct.

720 2825

operator the facts contained in the foregoing bill of complaint are true
been by me first duly sworn, deposed and said: that from all information
state, personally observed writer, Joseph, who is known to me and who having
before me the undersigned sufficient in and for said County in said
BALDWIN COUNTY
STATE OF ALABAMA

James G. Duke
James G. Duke
Regist.

Collector for Baldwin County

from Complaint made for such other, further, different or better
and any other person, firm or corporation has and right, title, interest in
then an endorsement upon the said land or any part or parcel thereof and that
not, and other person, firm or corporation has and right, title, interest in
gasoline, business, personal relationships and estates of James C. Anderson

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2825

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 16 day of September, 1952.

Walter Johnson

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 demands strict proof of the same.

Dated this 16 day of September, 1952.

C. LeNoir Thompson

RECORDED

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, ET AL,

RESPONDENTS

APPOINTMENT OF GUARDIAN AD LITEM
AND ACCEPTANCE

Filed Sept 16, 1952

*Alice J. Henck
Regist*

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, ET AL.

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

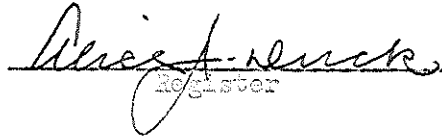
NO. 2825

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 James C. Anderson, the unknown heirs, devisees, grantees, personal representatives, and assigns of James C. Anderson, 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 Respondent named in this cause.

Witness my hand this the 25 day of August, 1952.


Register

RECORDED

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, ETAL,

RESPONDENTS

DECREE PRO CONFESSIO ON PUBLICATION

Filed Aug. 25, 1952
Amey J. French
Register

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2825

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 15th 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 James C. Anderson, the unknown heirs, devisees, personal representatives and assigns of James C. Anderson, 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:

Commencing at a point 15 chains South of dividing line between Sections 29 and 32, Township 3 South, Range 2 East, and 40 chains West in said Section line from Southeast corner of Section 29, Running East 17 chains, thence South 16 chains, thence West 17 chains, North 16 chains to point of beginning, Section 32, Township 3 South, Range 2 East, Beginning at South corner of Northeast quarter of Section 32, run East 20 chains, North 8.20 chains, West 20 chains to a post in a branch, thence South 8.20 chains to a log in the water Section 32, Township 3 South, Range 2 East;

as Respondents, which required the said Respondents to answer or demur to the bill of complaint within thirty days after the 21st 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 Respondent.

Dated this the 22 day of August, 1952.

Solicitor for the Complainant

RECORDED

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, ET AL,

RESPONDENTS

MOTION FOR DECREE DIS
CLOSED ON PUBLICATION

Filed: Aug. 22, 1952
Alice J. Jones
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 Walter Johnson and Sarah Johnson

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Walter Johnson

Complainant
and James C. Anderson, et al,

Respondent
on oath, to be by you administered, upon Walter Johnson and Sarah Johnson
to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 12 day of Sept, 1952

Alvin W. Smith
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Walter Johnson

Complainant—

vs.

James C. Anderson et al

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Evelyn Watts

WITNESSES:

Walter Johnson

Sarah Johnson

Jesse Sykes Jr. 1902
Miss French
R. H. [unclear]

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 2825

NOTICE OF TIME OF TAKING TESTIMONY

TO: James C. Anderson.

Notice is hereby given that the Complainant will on the 20th day of September, 1952, before Evelyn Watts, as Special Commissioner take the testimony of the following witnesses:

Walter Johnson

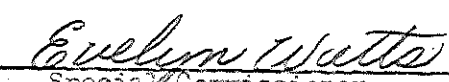
Bay Minette, Alabama,

Sarah Johnson

Bay Minette, Alabama.

Dated this the 9 day of Sept, 1952.


Solicitor for the Complainant


Special Commissioner

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, ET AL,

RESPONDENTS

NOTICE OF TIME OF TAKING TESTIMONY

Filed by 9.19.52

Alice French
Ry

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 2825

REQUEST FOR APPOINTMENT OF COMMISSIONER

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

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

Walter Johnson

Bay Minette, Alabama

Sarah Johnson

Bay Minette, 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 9 day of Sept, 1952.

Walter Johnson
Solicitor for the Complainant

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, ET AL,

RESPONDENTS

REQUEST FOR APPOINTMENT
OF COMMISSIONER

Filed Sep 9. 1954

Alfred French
[Signature]

NOTE OF TESTIMONY

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 2825

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. Commission to take depositions.
7. Notice of time of taking testimony.
8. Oral depositions of Walter Johnson and Sarah Johnson with exhibits attached.

Dated this the 21 day of Sept, 1952.

1. M. Lee
Solicitor for the Complainant

W. J. H. H. H.
Register

WALTER JOHNSON

COMPLAINANT

VS

JAMES C. ANDERSON, ET AL,

RESPONDENTS

NOTE OF TESTIMONY

Filed Sept 21 1952
Walter French
Reg.

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Walter Johnson

Complainant

VS.

James C. Anderson, et al.

Respondent

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me Walter Johnson and Sara Johnson

witnesses named in the Requirement for Oral Examination, on the 20 day of September 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 Walter Johnson and Sara Johnson doth depose and say as follows:

My name is Walter Johnson. I am over twenty-one years of age and a bona fide resident of Baldwin County, Alabama.

I am the owner in fee simple now and was at the time this suit was filed in the actual possession of the land described in the bill of complaint in this cause. I acquired title to the said land by deed from the State Land Commissioner of Alabama dated April 14, 1938. The title under which I own the said land was under a sale in the name of James C. Anderson to the State of Alabama, on September 1, 1933. I was at the time I acquired title to the said land in the actual possession thereof and living thereon and have continued to live thereon until this day. I have a home and approximately 8 acres in cultivation and under fence.

I remember knowing James C. Anderson when I was young which was over thirty years ago and about that time he left here and I have heard nothing from him since that time. I have inquired of people around Bromley, the vicinity of said land and none know his whereabouts and whether or not he is living. I know that if he is dead, then his heirs are non-residents of the State of Alabama. No one has claimed or attempted to claim any right, title, or interest in or rights of possession to the said land for more than 15 or 20 years to my personal knowledge. There is no suit pending to test my title to, interest in or rights of possession to said land.

The title to said land stands upon the records of Baldwin County, Alabama, in my name. No one has at any time within ten years next preceeding the filing of this bill of complaint paid any taxes upon the said land or had any possession thereof other than myself. I have caused a search of the records to be made and the only claimant against the said land is the said James C. Anderson.

Cross examination by C. LeNoir Thompson, Guardian ad litem:

I have heard nothing from James C. Anderson for more than thirty years. I do not know and am unable to find out whether or nor he is living or dead. I know that no one has claimed or attempted to claim any title or rights of possession to said lands for more than thirty years. I have inquired as to James C. Anderson and no body knows anything about him.

Walter Johnson

Sarah Johnson, a witness for the Complainant being first duly sworn, deposes and says: I am personally acquainted with the land described in the bill of complaint in this cause. I have actually, with my husband and family, lived on the land for more than 14 years. I have known the property all of my life. I have lived in the vicinity of these lands all of my life. I did not know James C. Anderson. He left here before I was big enough to remember. I know that no one other than the Complainant in this cause has exercised any rights of possession, adversely to the Complainant for more than thirty years. I have inquired as to James C. Anderson but no one knows his whereabouts.

ORAL EXAMINATION.

I, Evelyn Watts, as Register and Commissioner hereby certify that the foregoing deposition 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 M. 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 20 day of September, 1945

Evelyn Watts (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Walter Johnson

vs. Complainant

James C. Anderson, et al.

Respondent.

Oral Deposition

Filed Sep 21, 1945

Chas. Leuch Register.

Recorded in

Record

Vol. _____ Page _____

Register.

Cross examination by C. LeNeir Thompson, guardian ad litem.

I do not know whether or not James C. Anderson had any children. I do know, however, that there have been none of them here for more than thirty years on the property involved in this suit. I have made inquiries and nobody knows the whereabouts of James C. Anderson and where he went when he left Baldwin County.

Sara Johnson

PROBATE JUDGE

Bay Minette, Ala., 7-27, 1952

[illegible]

FOR RECORD

TOTAL \$ 1.20

49434 MARSHALL & BRUCE-NASHVILLE

Judge of Probate.

PROBATE JUDGE

26

No.

Bay Minette, Ala., 6-11, 1922

Received of.

Mr. Duck

[illegible]

49434 MARSHALL & BRUCE-NASHVILLE

ALABAMA'S BEST COUNTY'S-

The **BALDWIN**

BEST NEWSPAPER

BAY MINETTE, ALABAMA

LEGAL NOTICE

WALTER JOHNSON, Complainant

Vs.

JAMES C. ANDERSON, ET AL.

Debtors

Circuit Court Of

Baldwin County, Alabama,

Equity

It having been made to appear in the above styled case by proper affidavit that James C. Anderson, if living is over twenty-one years of age and a non-resident of the State of Alabama; or if dead his heirs, devisees, grantees, personal representatives and assigns are residents of the State of Alabama, and over twenty-one years of age and non-resident that their address cannot be ascertained after a diligent search and inquiry; that Walter Johnson, 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:

Commencing at a point 13 chains South of dividing line between Sections 29 and 32, Township 3 South, Range 2 East and 40 chains West in said Section line from Southeast corner of Section 29, running East 17 chains, thence South 18 chains, thence West 17 chains, North 18 chains to point of beginning, Section 32, Township 3 South, Range 2 East. Beginning at South corner of Northeast quarter Section 32, run East 20 chains, North 8.20 chains, West 20 chains to a post in a branch, thence South 8.20 chains to a log in the water Section 32, Township 3 South, Range 2 East.

That your Complainant acquired title to said land by conveyance from the State Land Commissioner of Alabama dated April 14, 1938; 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 James C. Anderson, the unknown heirs, devisees, grantees, personal representatives and assigns of James C. Anderson, 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 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

Walter Johnson vs.James Anderson

COST STATEMENT

544 WORDS @ 6 1/2 cents --- \$ 35 ³⁶
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 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.

Dorothy Martin

Notary Public, Baldwin County.

Jimmy Faulkner
D.M. Publisher.

