

Testimony

\$ 260

W. V. ELLISON,

Complainant,

V.

LANDS HEREINAFTER DESCRIBED
AND JOHN JOHNSON, et al,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 2826.

TESTIMONY TAKEN IN THE ABOVE STYLED CASE ON
SEPTEMBER 22, 1952, BEFORE HONORABLE TELFAIR
J. MASHBURN, JR., JUDGE

APPEARED: For Complainant,

J. B. Blackburn

Mr. W. V. Ellison, having been first duly and legally sworn
testified as follows:

ON DIRECT EXAMINATION

By Mr. Blackburn

Q. Are you Mr. W. V. Ellison?

A. Yes sir.

Q. Mr. Ellison, are you the Complainant in this suit?

A. Yes sir.

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

A. Yes sir.

Q. At the time this suit was filed I will ask you if John Johnson,
Anna Johnson, Arthur R. Helm and Margaret A. Guyton, if living,
were over twenty-one years of age?

A. Yes sir.

Q. Now, Mr. Ellison, you were not able to get their respective
places of residence and post office addresses were you?

A. No sir.

Q. You did make an effort to get that, did you not?

A. Yes sir.

Q. I will ask you if you were in possession and claimed to own the
land involved in this suit which is the Southeast Quarter of the
Northeast Quarter of Section 3, Township 5 South Range 4 East,

Baldwin County, Alabama, when this suit was filed on June 19th, of this year?

A. Yes sir.

Q. Now, I will ask you if you didn't get a tax deed to this land in 1935, Mr. Ellison?

A. Yes sir.

Q. And did you fence the land, or part of it, immediately after you got the deed?

A. Yes sir, I did.

Q. More than seventeen years prior to the filing of the Bill of Complaint/^{were} you in possession of this property?

A. Yes sir.

Q. During that period of time did anyone else have any possession of that property?

A. No sir.

Q. Did you pay taxes on it during the seventeen years you had possession of it?

A. Yes.

Q. Did anyone else pay taxes on it during that period of time?

A. No sir.

Q. No suit was pending to test title to or possession of this property when this suit was filed?

A. No sir.

Q. I believe you say you claim to own the property by virtue of your possession and by deeds as set out in your Bill of Complaint?

A. Yes sir.

MR. BLACKBURN: We offer in evidence and ask that it be identified as Complainant's Exhibit "1", Certified Copy of the Patent of the United States of America to George W. Robinson, dated October 30, 1882 and recorded in Deed Book Number 2 N. S. at page 34.

Reporter's Note: Certified Copy of Patent identified as Complainant's Exhibit "1" and is attached to and made a part of this transcript.

MR. BLACKBURN: Next we offer in evidence and ask that it be identified as Complainant's Exhibit "2", Certified Copy of Deed from Southern States Lumber Company to Southern Plantation Development Company, dated December 3, 1913 and recorded in Deed Book 20 N. S. at pages 663-4.

Reporter's Note: The above described instrument identified as Complainant's Exhibit "2" and is attached to and made a part of this transcript.

MR. BLACKBURN: Next, we offer in evidence Certified Copy of Deed from Southern Plantation Development Company to John Johnson dated April 27, 1914, and recorded in Deed Book 22 at pages 199-200, and ask that it be identified as Complainant's Exhibit "3".

Reporter's Note: The above described instrument identified as Complainant's Exhibit "3" and is attached to and made a part of this transcript.

MR. BLACKBURN: Next, we offer in evidence Certified Copy of Deed from John Johnson and Anna Johnson, his wife to Robert O. Johnson, dated November 13, 1929 and recorded in Deed Book 48 at pages 281-2, and ask that it be identified as Complainant's Exhibit "4".

Reporter's Note: The above described instrument identified as Complainant's Exhibit "4" and is attached to and made a part of this transcript.

MR. BLACKBURN: Next, we offer in evidence Certified Copy of Deed from Richard O. Johnson and Lizette C. Johnson, his wife to Arthur R. Helm, dated December 11, 1929 and recorded in Deed Book 47 at pages 498-9, and ask that it be identified as Complainant's Exhibit "5".

Reporter's Note: The above described instrument identified as Complainant's Exhibit "5" and is attached to and made a part of this transcript.

MR. BLACKBURN: Next, we offer in evidence Certified Copy of Deed from Arthur R. Helm to Margaret A. Guyton, dated February 4, 1930, and recorded in Deed Book 48 at page 417, and ask that it be identified as Complainant's Exhibit "6".

Reporter's Note: The above described instrument identified as Complainant's Exhibit "6" and is attached to and made a part of this transcript.

MR. BLACKBURN: Next, we offer in evidence Certified Copy of Tax Deed from the State Tax Commission of Alabama to W. V. Ellison, dated March 21, 1935 and recorded in Deed Book 58 at page 201, and ask that it be identified as Complainant's Exhibit "7".

Reporter's Note: The above instrument identified as Complainant's Exhibit "7" and is attached to and made a part of this transcript.

MR. BLACKBURN: Q. Mr. Ellison, before filing this suit, I will ask if you had an abstract of title prepared to your land?

A. Yes.

Q. Did you employ me to examine this abstract?

A. Yes sir.

Q. And did you and I make an investigation in the community for the purpose of determining if anyone might have claims to the property or might live on it?

A. We did.

Q. Did those operations extend over a period of several months?

A. Yes sir.

Q. Are all the facts that we were able to get set out in your Bill of Complaint in this suit?

A. They are.

Q. I will ask if all of the allegations of the Bill of Complaint Which you filed in this suit are true?

A. Yes sir.

That's all

Mr. Carl Ellison, having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Blackburn

Q. Mr. Ellison, are you familiar with the property involved in this suit, which is the Southeast Quarter of the Northeast Quarter of Section 3, Township 5 South Range 4 East, in Baldwin County, Alabama?

A. Yes sir.

Q. Have you known this land since Mr. W. V. Ellison got a tax title to it in 1935?

A. Yes sir.

Q. I will ask you whether or not he fenced the land shortly after he got the tax deed?

A. Yes.

Q. It has been under fence and in cultivation since that time?

A. Yes sir.

Q. Has anyone else been in possession of it?

A. No sir.

- - - - -

I, Ora S. Nelson, Official Court Reporter of and for the Twenty-eighth Judicial Circuit of Alabama, hereby certify that the above and foregoing is a true and correct transcript of the testimony given on a hearing of the above styled cause on September 22, 1952 before Honorable Telfair J. Mashburn, Jr., Judge.

Transcribed and filed this 23rd day of September, 1952.

Ora S. Nelson
Reporter

The United States of America
do hereby certify that the following

3 The said George W. Robinson of Escambia
County Florida, has deposited in the General Land Office
of the United States a Certificate of the Register of the Land
Office at Montgomery Alabama, whereby it appears that
full payment has been made by the said George W.
Robinson according to the provisions of the Act of Congress
of the 24th of April 1820, entitled "An Act making
further provisions for the sale of the Public Lands," and
the Acts supplemental thereto, for the North half of Section
three in Township five South of Range one east
of St Stephens Meridian in Alabama, containing
three hundred and twenty acres and sixteen
hundredths of an acre according to the Official
Map of the Survey of the said Lands, returned to
the General Land Office by the Surveyor General
which said Tract has been purchased by the said
George W. Robinson.

Now Know Ye, that the United States of America in
consideration of the premises, and in conformity with
the several acts of Congress in such case made and
extended, have given and granted, and by these presents
do give and grant unto the said George W. Robinson
and to his heirs the said Tract above described
to them and to their heirs forever with all
the rights, privileges, immunities and appurtenances
of whatever nature, hereto belonging
unto the said George W. Robinson and to his heirs
and assigns forever.

In Testimony whereof I Charles A. Arthur President
of the United States of America have caused these Letters
to be made Patent, and the seal of the General Land
Office to be hereunto affixed.

Given under my hand at the City of Washington the thirtieth
day of October, in the year of our Lord one thousand
eight hundred and eighty two, and of the Independence of
the United States the one hundred and seventh.

By the President Charles A. Arthur

W. Clark Recorder of the General Land Office.
Records Vol. 446 Page 100.
Alabama Vol.

Filed for Record July 17th 1900.
Recorded July 21st 1900.

Chas Hall
Judge of Probate.

The State of Alabama, { PROBATE COURT
Baldwin County

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 Patent from the United States of
America to George W. Robinson

as the same appears of record in my office in _____ Deed _____ Book No. 2

Page 34

Given under my hand and seal of office, this 21st day of June, 1952

W. R. Stuart
Judge of Probate

W. V. ELLISON,)	
)	
VS.	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
THE LANDS HEREINAFTER DESCRIBED,	)	IN EQUITY
and JOHN JOHNSON, ET ALS,	)	NO. 2826
)	
Respondents.)	

FINAL DECREE

This cause coming on to be heard on this date is submitted for final decree on the original Bill of Complaint: Notice of Pendency of Bill of Complaint: Proof of Publication of Notice of Pendency of Bill of Complaint: Motion for Decree Pro Confesso against Respondents: Decree Pro Confesso against Respondents: Decree ordering testimony taken in this case, as required by Equity Rule Number 56, as amended: and the testimony of complainant's witnesses taken in open court, as provided by Equity Rule Number 56, as amended, upon consideration of all of which, it appears to the Court that the complainant is entitled to the relief prayed for by him in his said Bill of Complaint, WHEREUPON, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The complainant, W. V. Ellison, is the true and lawful owner in fee simple of the following described real property situated in Baldwin County, Alabama, to-wit:

Southeast Quarter of Northeast Quarter of Section 3, Township 5 South, Range 4 East,

The absolute fee simple title to the said lands and to each and every part thereof and all interest therein is in the said complainant, W. V. Ellison, free and clear of and from the claim or claims of any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, or any interest therein. The said complainant shall have and he is hereby given judgment against the said lands and against any and all persons claiming any title to, interest in, lien or encumbrances on the said lands, or any part thereof.

2. The complainant's title to the said lands and to each and every part thereof and each and every interest therein is hereby quieted against John Johnson, Anna Johnson, Arthur R. Helm and

Margaret A. Guyton, and against the heirs, devisees and personal representatives of such of the said parties as may be dead, and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, and any and all such claim or claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

3. The Register of this court shall file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama and tax the expense of such recording as a part of this proceeding.

4. The Judge of Probate of Baldwin County, Alabama shall record the said certified copy of this decree in the same book and manner in which deeds are recorded and shall index the same in the direct index in the names of John Johnson, Anna Johnson, Arthur R. Helm and Margaret A. Guyton, and shall index the same in the indirect or reverse index of the said records in the name of W. V. Ellison.

5. The title hereby decreed to be in the said complainant, W. V. Ellison, shall inure to the benefits of all persons who derive title to the said lands, or any part thereof, or any interest therein, from or through the said W. V. Ellison, and such title or interest shall be at all times treated and considered as though it had been established in favor of the persons so procuring or deriving title from the said complainant.

6. The costs of this proceeding are hereby taxed against the said complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the _____ day of October, 1952.

(Signed) TELFAIR J. MASHBURN, JR.

Judge.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, hereby certify that the above and foregoing instrument is a true and correct copy of the final decree rendered by the Judge of the Circuit Court of Baldwin County, Alabama, in Equity, in the case of W. V. Ellison, complainant, vs. Certain Lands and John Johnson, et als, respondents, as the same appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 31st day of October, 1952.

Alice J. Duck

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

STATE OF ALABAMA, BALDWIN COUNTY

Filed 11-8-52 9:31 A.M.

Recorded Deed book 188 page 15-17

W. R. Strait
Judge of Probate

2.

BOOK 188 PAGE 17

W. V. ELLISON,)	
Complainant,)	
VS.	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
THE LANDS HEREINAFTER DES-)	
CRIBED, and JOHN JOHNSON,	)	IN EQUITY
ET AL,)	
Respondents.)	

DECREE ORDERING ORAL EXAMINATION OF WITNESSES

The complainant in this cause having filed his written request that the testimony of the complainant, W. V. Ellison, and his witnesses, Carl. Ellison and _____ be taken orally in open court, as provided by Equity Rule Number 56, as last amended, it is hereby ORDERED, ADJUDGED AND DECREED that the testimony of the said witnesses be taken orally, as provided in and by the said rule on this date.

ORDERED, ADJUDGED AND DECREED on this the 22nd day of Sept., 1952.

Julius J. Middleberry, Jr.
Judge.

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

Your Orator, W. V. Ellison, presents this Bill of Com-

plaint against the following described real property situated in

Baldwin County, Alabama, to-wit:

Southeast Quarter of the Northeast Quarter of Section 3, Township 5 South, Range 4 East,

and against John Johnson, Anna Johnson, Arthur R. Helm and Margaret

A. Guyton and their heirs or devisees, if deceased, and against any

and all persons, firms or corporations claiming any title to, in-

terest in, lien or encumbrance on the said lands, or any part there-

of, and, thereupon, your Orator complains and shows unto the Court

and your Honor as follows:

1. Your Orator is over twenty-one years of age and a res-

ident of Baldwin County, Alabama.

2. The said respondents, John Johnson, Anna Johnson,

Arthur R. Helm and Margaret A. Guyton, are, if living, over the

age of twenty-one years, but their respective places of residence

and post office addresses are unknown and cannot be ascertained

after the exercise of reasonable diligence to ascertain the facts

with regard thereto.

3. Your Orator claims, in his own right, to own the said

lands and is in the actual, peaceable possession thereof.

Your Orator has held color of title to the said lands and

has been in the actual, peaceable, continuous and undisputed pos-

session of all of the said property for more than seventeen (17)

years before the filing of this Bill of Complaint, during all of

which time the said property, or a part thereof, has been under

fence and in cultivation.

No persons, firms or corporations, other than your Orator,

have had possession of the said property, or any part thereof, and

no persons, firms or corporations, other than your Orator, have

paid any taxes on the said lands, or any part thereof, or any in-

terest therein, for more than seventeen (17) years next preceding

the filing of this Bill of Complaint.

No suit is pending to test your Orator's title to, interest in or right to the possession of the said lands, or any part thereof.

4. Your Orator has and claims to have the absolute fee simple title to all of the above described property by virtue of his possession of the said lands for more than seventeen (17) years prior to the filing of this Bill of Complaint and because of the conveyances hereinafter listed. The title so held and claimed by your Orator in and to all of the said lands was obtained from the person and through the instruments as will hereinafter appear, and the title to all of the said lands stands upon the records in the office of the Judge of Probate of Baldwin County, Alabama, the county where the said lands are situated, in the name of your Orator.

5. Your Orator claims the absolute fee simple title to all of the said lands under, by and through the following instruments of writing, all of which have been filed for record and recorded in the office of the Judge of Probate of Baldwin County, Alabama, the county where the said lands are situated, to-wit:

- A. Patent, United States of America to George W. Robinson, dated October 30, 1882 and recorded in Deed Book 2 N. S. at page 34.
- B. Warranty deed, Southern States Lumber Company, a corporation, to Southern Plantation Development Company, dated December 3, 1913, recorded in Deed Book 20 N. S. at pages 663-4.
- C. Deed, Southern Plantation Development Company, a corporation, to John Johnson, dated April 27, 1914, recorded in Deed Book 22 N. S. at pages 199-200.
- D. Deed, John Johnson and Anna Johnson, his wife, to Robert O. Johnson, dated November 13, 1929, recorded in Deed Book 48 N. S. at pages 281-2.
- E. Deed, Robert O. Johnson and Lizette C. Johnson, his wife, to Arthur R. Helm, dated December 11, 1929, recorded in Deed Book 47 N. S. at pages 498-9.
- F. Deed, Arthur R. Helm to Margaret A. Guyton, dated February 4, 1930, recorded in Deed Book 48 N. S. at page 417.
- G. Tax deed, State Tax Commissioner of Alabama to W. V. Ellison, dated March 21, 1935 and recorded in Deed Book 58 N. S. at page 201.

Your Orator has made and has caused a diligent search to be made to ascertain the names, ages and addresses of all of the parties named herein and to ascertain if the said parties are living or dead, and also to ascertain and determine if any other persons, firms or corporations are making any claim to the said property or any part thereof. These inquiries have continued since your Orator first acquired title to the said property and, particularly, during the last several months next preceding the filing of this Bill of Complaint. In December, 1951 your Orator had an Abstract of Title made to the said property, employed an attorney to examine the abstract and the records in the office of the Judge of Probate, Tax Assessor and Tax Collector of Baldwin County, Alabama, and to ascertain to whom the records show to have any claim to or encumbrance on the said property, or any part thereof, or any interest therein. Your Orator has caused a thorough inquiry to be made in the community where the lands are situated for the purpose of ascertaining any claimants to it or any other information having any bearing on the title to the said property. All of the information so secured as to prior ownership and possession of the said property and the names, ages and places of residence of all of the respondents named above is fully and completely set out in this Bill of Complaint.

PRAYER FOR PROCESS

Your Orator prays that the lands hereinabove described, the respondents named herein, their heirs and devisees, if deceased, and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, be made parties respondent to this Bill of Complaint and be brought into court by the usual and proper process.

PRAYER FOR RELIEF

Your Orator prays that each and all of the respondents herein named, their heirs or devisees, if deceased, and all other persons, firms or corporations who claim to own the said lands, or any part thereof, or any interest therein, or any lien or encumbrance thereon, be required to set forth and specify such claim, title, right, interest, lien or encumbrance and how and by what instrument the same is derived or created, and that upon a final hearing of this cause it be Ordered, Adjudged and Decreed that your Orator, at the time of the filing of this Bill of Complaint, had the full and complete legal title to all of the above described lands and that none of the respondents herein specifically named, their heirs or devisees, if deceased, or any other person, firm or corporation has any title to, interest in, lien or encumbrances on the said lands or any part thereof, and that all doubts and disputes concerning the said property be cleared up and your Orator's title to the said lands fully and completely quieted.

Your Orator further prays for such other, further and general relief as he may be equitably entitled to, the premises considered.

J. B. Blashum

Solicitor for Complainant.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared W. V. ELLISON, who, after being by me first duly and legally sworn, deposes and says: That he is the complainant named in the foregoing Bill of Complaint; that he has read over the said Bill of Complaint and that the facts stated therein are true.

W. V. Ellison

W. V. Ellison

Sworn to and subscribed before me
on this the 16th day of June, 1952.

Mary Lou Blalock

Notary Public, Baldwin County, Alabama.

NOTICE OF PENDENCY OF BILL OF COMPLAINT

W. V. ELLISON,)	
)	
Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
	)	IN EQUITY
THE LANDS HEREINAFTER DESCRIBED)	
and JOHN JOHNSON, ET AL,)	
Respondents.)	

Notice is hereby given to John Johnson, Anna Johnson, Arthur R. Helm, Margaret A. Guyton, the heirs and devisees of such of the said parties as may be dead, and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands hereinafter described, that on the 19th day of June, 1952 the said complainant filed in the Circuit Court of Baldwin County, Alabama, Equity Side, a Bill of Complaint against the following described property situated in Baldwin County, Alabama, to-wit:

Southeast Quarter of Northeast Quarter of Section 3,
Township 5 South, Range 4 East,

and against John Johnson, Anna Johnson, Arthur R. Helm and Margaret A. Guyton and the heirs and devisees of such of said parties as may be deceased, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, the said Bill of Complaint having been filed for the purpose of establishing the title of the complainant to all of the said lands for the purpose of quieting his title thereto and to clear up all doubts and disputes concerning the title to the said property.

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

Patent, United States of America to George W. Robinson, dated October 30, 1882 and recorded in Deed Book 2 N. S. at page 34.

Warranty deed, Southern States Lumber Company, a corporation, to Southern Plantation Development Company, dated December 3, 1913, recorded in Deed Book 20 N. S. at pages 663-4.

Deed, Southern Plantation Development Company, a corporation, to John Johnson, dated April 27, 1914, recorded in Deed Book 22 N. S. at pages 199-200.

Deed, John Johnson and Anna Johnson, his wife, to Robert O. Johnson, dated November 13, 1929, recorded in Deed Book 48 N. S. at pages 281-2.

Deed, Robert O. Johnson and Lizette C. Johnson, his wife, to Arthur R. Helm, dated December 11, 1929, recorded in Deed Book 47 N. S. at pages 498-9.

Deed, Arthur R. Helm to Margaret A. Guyton, dated February 4, 1930, recorded in Deed Book 48 N. S. at page 417.

Tax deed, State Tax Commissioner of Alabama to W. V. Ellison, dated March 21, 1935 and recorded in Deed Book 58 N. S. at page 201.

The complainant, in and by his said Bill of Complaint, alleges and avers that the Respondents, John Johnson, Anna Johnson, Arthur R. Helm and Margaret A. Guyton, are, if living, over the age of twenty-one years, but their respective places of residence and post office addresses are unknown and cannot be ascertained after the exercise of reasonable diligence to ascertain the facts with regard thereto; that he owns the said lands in his own right; that he is in the actual, peaceable possession thereof; that he has held color of title to the said lands and has been in the actual, peaceable, continuous and undisputed possession of the said property for more than seventeen (17) years before the filing of this Bill of Complaint, during all of which time the said property, or a part thereof, has been under fence and in cultivation; that no suit is pending to test his title to, interest in or right to possession of the said lands or any part thereof, and that no persons, firms or corporations, other than the complainant, have had possession of the said property or any part thereof, and that no persons, firms or corporations, other than the complainant, have paid any taxes on the said lands, or any part thereof, or any interest therein, for more than seventeen (17) years next preceding the filing of the Bill of Complaint.

The parties named above, the heirs and devisees of such of the said parties as may be dead, and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on

the said lands, or any part thereof, must appear in this court and plead, answer or demur to the Bill of Complaint filed in this cause before the 19th day of August, 1952, or on the said date Decrees Pro Confesso will be taken against them, testimony taken and the cause submitted for a final decree quieting the complainant's title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the seal of the said court on this the 19th day of June, 1952.

Alvin J. Leuck

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

J. B. BLACKBURN,
Solicitor for Complainant.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 6-19-52 10:45 AM
Recorded L. P. book 2 page 380-2
Judge of Probate *W. S. Stuart* *G*

W. V. ELLISON,)
Complainant,) IN THE CIRCUIT COURT OF
VS.) BALDWIN COUNTY, ALABAMA
THE LANDS HEREINAFTER DESCRIBED,) IN EQUITY
and JOHN JOHNSON, ET AL,)
Respondents.)

REQUEST FOR ORAL EXAMINATION OF WITNESSES

Now comes the complainant, by his Solicitor, and moves the Court to take the testimony of the complainant and his witness, Carl Ellison, orally, as provided by Equity Rule Number 56, as last amended.

Respectfully submitted,

J. B. Blackburn
Solicitor for Complainant.

W. V. ELLISON,)	
)	
Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
)	
THE LANDS HEREINAFTER DESCRIBED,	)	IN EQUITY
and JOHN JOHNSON, ET AL,)	
)	
Respondents.)	

DECREE PRO CONFESSO

In this cause it being made to appear to the Register that the respondents, John Johnson, Anna Johnson, Arthur R. Helm and Margaret A. Guyton, are, if living, over the age of twenty-one years and their respective places of residence and post office addresses are unknown and cannot be ascertained after diligent inquiry, or are non-residents of the State of Alabama, whose exact places of residence and post office addresses are unknown; that a copy of the Notice of Pendency of the Bill of Complaint in this cause, dated June 19, 1952, was published once a week for four successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, the first of said notices being published on June 19, 1952, the second of said notices being published on June 26, 1952, the third of said notices being published on July 3, 1952, and the fourth of said notices being published on July 10, 1952; and that copies thereof were posted at the front door of the courthouse in Baldwin County, Alabama and filed for record in the office of the Judge of Probate of Baldwin County, Alabama on June 19, 1952, and that to date hereof each of the said respondents and their heirs or devisees, if deceased, and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the following described property situated in Baldwin County, Alabama, to-wit:

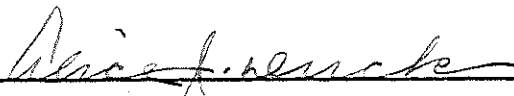
Southeast Quarter of Northeast Quarter of Section 3,
Township 5 South, Range 4 East,

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

It is, therefore, on motion of the complainant, ORDERED, ADJUDGED AND DECREED by the Register that the said Bill of Complaint

be and it hereby is in all things taken as confessed against each and all of the above named respondents and their heirs or devisees, if deceased, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands above described, or any part thereof.

ORDERED, ADJUDGED AND DECREED on this the 21st day of August, 1952.


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

2826

DECREE PRO CONFESSO

W. V. ELLISON,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED,
and JOHN JOHNSON, ET AL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

filed: Aug. 21, 1952
Alice J. Duck, Register

W. V. ELLISON,)	
)	
VS.	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
THE LANDS HEREINAFTER DESCRIBED,	)	IN EQUITY NO. 2826
and JOHN JOHNSON, ET ALS,)	
)	
Respondents.)	

FINAL DECREE

This cause coming on to be heard on this date is submitted for final decree on the original Bill of Complaint; Notice of Pendency of Bill of Complaint; Proof of Publication of Notice of Pendency of Bill of Complaint; Motion for Decree Pro Confesso against Respondents; Decree Pro Confesso against Respondents; Decree ordering testimony taken in this case, as required by Equity Rule Number 56, as amended; and the testimony of complainant's witnesses taken in open court, as provided by Equity Rule Number 56, as amended, upon consideration of all of which, it appears to the Court that the complainant is entitled to the relief prayed for by him in his said Bill of Complaint, WHEREUPON, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The complainant, W. V. Ellison, is the true and lawful owner in fee simple of the following described real property situated in Baldwin County, Alabama, to-wit:

Southeast Quarter of Northeast Quarter of Section 3, Township 5 South, Range 4 East,

The absolute fee simple title to the said lands and to each and every part thereof and all interest therein is in the said complainant, W. V. Ellison, free and clear of and from the claim or claims of any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, or any interest therein. The said complainant shall have and he is hereby given judgment against the said lands and against any and all persons claiming any title to, interest in, lien or encumbrances on the said lands, or any part thereof.

2. The complainant's title to the said lands and to each and every part thereof and each and every interest therein is hereby quieted against John Johnson, Anna Johnson, Arthur R. Helm and

Margaret A. Guyton, and against the heirs, devisees and personal representatives of such of the said parties as may be dead, and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, and any and all such claim or claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

3. The Register of this court shall file a certified copy of this decree for record in the office of the Judge of Probate of Baldwin County, Alabama and tax the expense of such recording as a part of this proceeding.

4. The Judge of Probate of Baldwin County, Alabama shall record the said certified copy of this decree in the same book and manner in which deeds are recorded and shall index the same in the direct index in the names of John Johnson, Anna Johnson, Arthur R. Helm and Margaret A. Guyton, and shall index the same in the indirect or reverse index of the said records in the name of W. V. Ellison.

5. The title hereby decreed to be in the said complainant, W. V. Ellison, shall inure to the benefits of all persons who derive title to the said lands, or any part thereof, or any interest therein, from or through the said W. V. Ellison, and such title or interest shall be at all times treated and considered as though it had been established in favor of the persons so procuring or deriving title from the said complainant.

6. The costs of this proceeding are hereby taxed against the said complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 28th day of October, 1952.

Walter J. Maddebery, Jr.
Judge.

J. B. Blackburn.
Solicitor for Complainant.

2826

MOTION FOR DECREE PRO CONFESSO

W. V. ELLISON,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED,
and JOHN JOHNSON, ET AL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

*Filed: Aug: 21, 1952.
Alice J. Duck, Register*

2826

Know all Men by these Presents, That the Southern States Lumber Company, a corporation of the State of Florida, for and in consideration of the sum of One (\$1.00) 00/100 Dollar and other valuable considerations to it in hand paid by the Southern Plantation Development Company, its successors and assigns, forever, the following described property, to-wit:

Southeast quarter of Northeast quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) Sec. Three (3), Southwest quarter of Southwest quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) Sec. Twenty (20) and Southwest quarter of Northwest quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) Sec. Thirty-six (36), in Township Five (5) South, Range Four (4) East.-
Southwest quarter of Northwest quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) Sec. Four (4), Southeast quarter of Southwest quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) Sec. Twenty-one (21), Southwest quarter of Northeast quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$) Sec. Twenty-seven (27), Southeast quarter of Northeast quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) Sec. Twenty-eight (28), Northwest quarter of Northeast quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) Sec. Thirty-three (33) and Southwest quarter of Southwest quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) Sec. Thirty-six (36), in Township Six (6) South, Range Four (4) East.-
Northwest quarter of Northwest quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) and Southwest quarter of Southeast quarter (SW $\frac{1}{4}$ of SE $\frac{1}{4}$) Sec. Four (4), Northwest quarter of Southeast quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) Sec. Eight (8), Northeast quarter of Northwest quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$) and Southeast quarter of Southwest quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) Sec. Nine (9), Northeast quarter of Northwest quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$), South half of Southwest quarter of Northeast quarter (S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$) and South half of Northeast quarter of Southeast quarter (S $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$) Sec. Fifteen (15), and South half of Southwest quarter (S $\frac{1}{2}$ of SW $\frac{1}{4}$) Sec. Thirty-six (36), in Township Six (6) South, Range Five (5) East.-

Southeast quarter of Northwest quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) and Southeast quarter of Southwest quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) Sec. Thirty-five (35), in Township Eight (8) South, Range Four (4) East.-
All in Baldwin County, State of Alabama, and containing Eight Hundred (800) 00/100 Acres, more or less.-

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, free from all exemptions and right of homestead.

And it covenants that it is well seized of the said property, and has a good right to convey the same; that it is free from incumbrance and that it, its successors and assigns, the said grantee, its successors and assigns, in the quiet and peaceable possession and enjoyment thereof, against all persons lawfully claiming the same, shall and will forever warrant and defend.

In witness whereof, The said Southern States Lumber Company has caused its President to sign its name and to procure its seal to be affixed hereto this 3rd day of December A.D. 1913.

(Corporate Seal)
Attest: F. F. Bingham, Secretary.

By

Southern States Lumber Company,
P. K. Yonge President.

Signed, sealed and delivered in the presence of
J. C. Long.
W. O. Jones.

State of New York,
County of New York)

The Knickerbocker Trust Company, trustee under a deed of trust made June 1st, 1908, by the Southern States Lumber Company to it, embracing the land conveyed by the foregoing deed, in consideration of the written request of the said Southern States Lumber Company, and of its being informed and satisfied that the said land is not necessary to or required for the use of said Company for the prosecution or operation of its business or for its corporate purposes, and that the sale thereof will be advantageous to said Company and does not impair or diminish the security of the holders of bonds issued under said mortgage or deed of trust dated June 1st, 1908, does hereby release to the said purchaser the said land from the lien and operation of the said trust deeds.

In witness whereof, The said Knickerbocker Trust Company has caused its Vice-President to sign its name and to procure its seal to be affixed hereto this 10th day of December A.D. 1913.

(Corporate Seal)

Attest: J. Wiggins, Secretary.

Columbia Knickerbocker Trust Company,
Successor by Merger to Knickerbocker Trust Co.
By B. L. Allen Vice-President.

Signed, sealed and delivered in the presence of
Frank K. Stringer.
John A. Burns.

State of Florida,
County of Escambia)

I, Henry M. Yonge, a Notary Public in and for said State and County, hereby certify that P. K. Yonge, whose name is signed to the foregoing conveyance, and who is known to me to be the individual described, and to be the President of the Southern States Lumber Company, a corporation of the State of Florida, acknowledged before me on this date that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date as and for the act and deed for the said Southern States Lumber Company and by authority of the Board of Directors thereof.

Given under my hand and seal this 3rd day of December, A.D. 1913.
(Seal)

Henry M. Yonge Notary Public, State of Florida at
Large. My Commission expires Aug. 9, 1917.

State of New York,
County of New York)

I, John A. Burns, a Notary Public in and for said State and County, hereby certify that B. L. Allen, whose name is signed to the foregoing conveyance, and who is known to me to be the individual described, and to be a Vice-President of the Columbia Knickerbocker Trust Company, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date, as and for the act and deed of the said Columbia Knicker-

int
copy

The State of Alabama, { PROBATE COURT
Baldwin County

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 Deed from Southern States Lumber Co.

to Southern Plantation Development Company

as the same appears of record in my office in Deed Book No. 20

Page 663-4

Given under my hand and seal of office, this 21st day of June, 1952

W. R. Stuart
Judge of Probate

-----000000000000-----
Complainant *E. L. Keith*
Chas. S. Nelson - Cook County
State of Alabama,)
County of Baldwin)

Know all men by these presents, That for and in consideration of the sum of One (\$1.00) dollar and other valuable considerations Dollars, to us in hand paid by John Johnson the receipt of which is hereby acknowledged, the Southern Plantation Development Company, does hereby grant, bargain, sell and convey unto the said John Johnson the following described land situated in Baldwin County, Alabama, to wit:

Farm eight (8) being the south east one quarter of the north east one quarter (SE $\frac{1}{4}$ of the NE $\frac{1}{4}$) of section three (3) township five (5) south, range four (4) east containing forty (40) acres more or less.

The said Southern Plantation Development Company reserves the right to open at any time such highways as may be necessary to give free access to the public to and from each forty (40) acre tract, same to be opened on either section or half section lines.

To have and to hold to the said John Johnson his heirs and assigns forever, and the said Southern Plantation Development Company, a corporation, does hereby covenant with the said John Johnson that it is seized in fee of the above described premises; that it has the right to sell and convey the same; that the said premises are free from all incumbrance and that it will, and its

successors and assigns will forever warrant and defend the same to the said John Johnson his heirs and assigns against the lawful claims of all persons whomsoever.

In witness whereof the said Southern Plantation Development Company, a corporation, has caused these presents to be signed by its President and Secretary duly authorized thereto and its corporate seal attached this 27th day of April A.D. 1914.

(Corporate Seal)

In Presence of.

E M Anderson.

Chas Kelly.

Southern Plantation Development Company.

By

C N Souther, President.

P G Baker, Secretary.

State of Illinois,) ss.

County of Cook.)

I, C L Keith a notary public in and for said county in said state, hereby certify that C N. Souther and P G Baker whose names as Pres. and Sec'y of the Southern Plantation Development Company, a corporation, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they as such officers and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this 27th day of April 1914.

(Seal)

C L Keith, Notary Public. (In and for Cook County, Illinois. My commission expires Feb. 7, 1916.

Filed for record May 1st 1914.

Recorded May 1st 1914.

J H H Smith, Judge of Probate, per J M S.

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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 Deed from Southern Plantation Development
Company to John Johnson

as the same appears of record in my office in Deed Book No. 22

Page 199-200

Given under my hand and seal of office, this 21st day of June, 1952---

W. R. Stuart
Judge of Probate

STATE OF ALABAMA.
COUNTY.

KNOW ALL MEN BY THESE PRESENTS, That John Johnson and Anna Johnson, his wife, for and in consideration of Ten dollars and other valuable considerations to them paid in hand by Robert O. Johnson the receipt whereof is hereby acknowledged, do grant, bargain, sell and convey unto the said Robert O. Johnson, the following described property, to wit:

Farm eight (8) being the South East one quarter of the North East one quarter (S/E/1/4 of the N.E. 1/4) of Section three (3), Township five (5) south, Range four (4) East, containing forty (40) acres more or less.

Subject to all taxes levied for the year 1928 and subsequent years.

situated, lying and being in the County of Baldwin and State of Alabama.

To Have and to Hold the same unto the said Robert O. Johnson, his heirs and assigns, forever. And we do for ourselves and our heirs, executors, and administrators, covenant with the said Robert O. Johnson, his heirs and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all incumbrance; that we have a good right to sell and convey the said property; that we will, and our heirs, executors, and administrators shall, warrant and defend the same to said Robert O. Johnson, his heirs, executors, and assigns, forever, against the lawful claims of all persons whatsoever.

Given under our hands and seals, this 13th day of November, A. D. 1929.

John Johnson (L.S.)
Anna Johnson (L.S.)

STATE OF ILLINOIS.
COOK COUNTY.

I, U. S. Hedberg, a Notary Public in and for said County, do hereby certify that John Johnson whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that being informed of the contents of the conveyance, he executed the same voluntarily, on the day the same bears date.

Given under my hand, this 5th day of December, A. D. 1929.

(SEAL)

U. S. Hedberg

STATE OF ALABAMA.
MOBILE COUNTY.

I, Jos. S. Lynch a Notary Public in and for the County and State aforesaid, do hereby certify that on the 15th day of November, 1929, came before me the within named Anna Johnson, known or made known to me to be the wife of the within named John Johnson, who being examined separate and apart from the husband touching her signature to the within Deed, acknowledged that she signed the same of her own free will and accord, and without fear, constraints, or threats on the part of the husband.

In witness whereof, I hereunto set my hand, this 15th day of November, 1929.

(SEAL)

Jos. S. Lynch
Notary Public.

THE STATE OF ALABAMA.
BALDWIN COUNTY. PROBATE COURT.

Filed in office this 13 day of Jan. 1930--8 A. M. and duly recorded in Deed Book No. 48 N. S. pages 281-2; and I certify that \$ cts 50 license or privilege tax, paid as required by an Act of the Legislature, approved September 14, 1923;

G. W. Humphries, Judge of Probate, by J. L. Kessler, Clerk.

G. W. Humphries, Judge of Probate.

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stv
-82

The State of Alabama, { **PROBATE COURT**
Baldwin County

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 Deed from John Johnson and Anna Johnson

Johnson to Robert O. Johnson

as the same appears of record in my office in Deed Book No. 48

Page 281-2

Given under my hand and seal of office, this 21st day of June, 1952

W R Stuart

Judge of Probate

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WARRANTY DEED.

THIS INDENTURE WITNESSETH, That the Grantors Robert O. Johnson and Lizette C. Johnson, his wife, of the City of Evanston in the County of Cook and State of Illinois for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations in hand paid, convey and warrant to Arthur R. Helm, of the City of Chicago County of Cook and State of Illinois the following described real estate, to-wit:

Farm Eight (8) being the Southeast one quarter (SE $\frac{1}{4}$) of the Northeast one quarter (NE $\frac{1}{4}$) of Section Three (3), Township Five (5) South, Range Four (4) East, containing Forty (40) acres, more or less, situate in the county of Baldwin in the state of Alabama, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Alabama. Subject to all unpaid taxes and special assessments, if any.

Dated this 11th. day of December A. D. 1929.

Signed, sealed and delivered in the presence of : F. E. McCammon
W. F. Eberhardt.

Robert O. Johnson (SEAL)
Lizette C. Johnson (SEAL)

STATE OF ILLINOIS
COUNTY OF COOK SS

I, U. S. Hedberg, a Notary Public in and for the said County, in the State aforesaid do hereby certify that Robert O. Johnson, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and Notarial Seal this 11th. day of December A. D. 1929.

U. S. Hedberg, Notary Public

(SEAL)

My commission expires Nov 14, 1931.

STATE OF ILLINOIS
COUNTY OF COOK SS

I, U. S. Hedberg, a Notary Public in and for the County, and State aforesaid, do hereby certify that on the 11th. day of December, 1929, came before me the within named Lizette C. Johnson, known or made known to me to be the wife of the within named Robert O. Johnson, who being examined separate and apart from the husband touching her signature to the within Deed, acknowledged that she signed the same of her own free will and accord, and without fear, constraints, or threats on the part of the husband.

IN WITNESS WHEREOF, I hereunto set my hand, this 11th. day of December, 1929.

U. S. Hedberg, Notary Public

(SEAL) My commission expires Nov. 14, 1931.

The State of Alabama Probate Court
Baldwin County

Filed in office this 14 day of Jan. 1930 at 8:00 A. M. and duly recorded in Deed Book No. 47 N. S. pages 498-9; and I certify that \$- cts 50 license or privilege tax paid as required by an Act of the Legislature, approved September 14, 1923; G. W. Humphries, Judge of Probate by J. L. Kessler, Clerk.

G. W. Humphries, Judge of Probate

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The State of Alabama,

Baldwin County

PROBATE COURT

21
1952

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 Deed from Robert O. Johnson and

Lizette C. Johnson to Arthur R. Helm

as the same appears of record in my office in Deed Book No. 47

Page 498-9

Given under my hand and seal of office, this 21st day of June, 1952

W. R. Stuart

Judge of Probate

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WARRANTY DEED.

Exhibit 6
See S. Illinois Court Report

THIS INDENTURE WITNESSETH, That the Grantor Arthur R. Helm of the City of Chicago in the County of Cook and State of Illinois for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations Dollars, in hand paid, CONVEY and WARRANT to Margaret A. Guyton of the City of Chicago County of Cook and State of Illinois the following described Real Estate, to-wit:

Farm eight (8) being the Southeast one quarter (S.E. $\frac{1}{4}$) of the Northeast one quarter (N.E. $\frac{1}{4}$) of Section Three (3) Township Five (5) South, Range Four (4) East, containing (40) acres more or less.

situate in the County of Baldwin in the State of Alabama hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Alabama. Subject to all unpaid taxes & special assessments, if any

Dated this 4th day of February A. D. 1930.

Arthur R. Helm (Seal)

STATE OF Illinois.
County of Cook. ss.

I, George Neal in and for the said County, in the State aforesaid, do hereby certify that Arthur R. Helm, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and Notarial seal this 5th day of February A. D. 1930.

George Neal
Notary Public.

(SEAL)
THE STATE OF ALABAMA.
BALDWIN COUNTY. PROBATE COURT.

Filed in office this 28 day of Mar. 1930--8 A. M. and duly recorded in Deed Book No. 48 N. S. pages 417; and I certify that \$1.00 license or privilege tax, paid as required by an Act of the Legislature, approved September 14, 1923.
G. W. Humphries, Judge of Probate, by J. L. Kessler, Clerk.
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The State of Alabama, { PROBATE COURT
Baldwin County

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 Deed from Arthur R. Helm to Margaret A.

Guyton

as the same appears of record in my office in _____ Deed _____ Book No. 48

Page 417

Given under my hand and seal of office, this 21st day of June, 1952

W. R. Stuart

Judge of Probate

Complaints Exhibit "7"

201

On S. Nelson, County Reporter

7-22-35

C-19

Original

No. 285

THE STATE OF ALABAMA

Know All Men By These Presents:

That Whereas, on 21st day of April, A. D. 1930, 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 John Johnson 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 26th day of May, 1930, 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 Tax Commission, and the State Tax Commission of the State of Alabama, with the approval of the Governor, has fixed the price of said land, and ascertained that the sum of Eighty-two and 50/100 (\$82.50) 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 officer's 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 Tax Commission of the State of Alabama by W. V. Ellison to purchase said lands, and said sum of EIGHTY-TWO and 50/100 (\$82.50) Dollars therefor has been paid into the State Treasury.

NOW THEREFORE, The State Tax Commission of the State of Alabama, by virtue of and in accordance with the authority in it vested by law, with the approval of the 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 W. V. Ellison, without warranty or covenant of any kind on the part of the State, express or implied, all right and title of the State of Alabama in and to said lands, described as follows:

SE $\frac{1}{4}$ of "E $\frac{1}{2}$ Sec 3 Tp 5s R 4e,

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 W. V. Ellison and his heirs and assigns forever.

In testimony whereof I have hereunto set my hand and seal this the 21st day of March 1935

Approved

STATE TAX COMMISSION OF ALABAMA

By Bibb Graves

By: Henry S. Long
President.

THE STATE OF ALABAMA,
MONTGOMERY COUNTY.

I, Julia Klinge, 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 President of the State Tax Commission, 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 executed the same voluntarily on the day the same bears date.

Given under my hand this the 21st day of March 1935.

Julia Klinge, Notary Public.

State of Alabama Probate Court
Baldwin County

Filed in office this 9 day of November AD 1935, at 9:40 AM and duly recorded in Deed Book No. 58 NS at page 201, and I certify that \$____ cts, 50 Deed tax has been paid as required by law.

The State of Alabama, { PROBATE COURT
Baldwin County

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 John Johnson as owner
of Lands, by State Tax Commission of Alabama to W. V. Ellison

as the same appears of record in my office in _____ Deed _____ Book No. 58

Page 201

Given under my hand and seal of office, this 21st day of June, 1952

W R Stuart
Judge of Probate

NOTICE OF PENDENCY
OF BILL OF COMPLAINT
W. V. ELLISON, Complainant,
Vs.

THE LANDS HEREINAFTER DESCRIBED
and JOHN JOHNSON, ET AL, Respondents,
In The Circuit Court of
Baldwin County, Alabama
In Equity

Notice is hereby given to John Johnson, Anna Johnson, Arthur R. Helm, Margaret A. Guyton, the heirs and devisees of such of the said parties as may be dead, and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands hereinafter described, that on the 19th day of June, 1952 the said complainant filed in the Circuit Court of Baldwin County, Alabama, Equity Side, a Bill of Complaint against the following described property situated in Baldwin County, Alabama, to-wit:

Southeast Quarter of Northeast
Quarter of Section 3, Township 5
South, Range 4 East.

and against John Johnson, Anna Johnson, Arthur R. Helm and Margaret A. Guyton and the heirs and devisees of such of said parties as may be deceased, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, the said Bill of Complaint having been filed for the purpose of establishing the title of the complainant to all of the said lands for the purpose of quieting his title thereto and to clear up all doubts and disputes concerning the title to the said property.

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

Patent, United States of America to George W. Robinson, dated October 30, 1882 and recorded in Deed Book 2 N.S. at page 34.

Warranty deed, Southern States Lumber Company, a corporation, to Southern Plantation Development Company, dated December 3, 1913, recorded in Deed Book 20 N.S. at pages 663-4.

Deed, Southern Plantation Development Company, a corporation, to John Johnson, dated April 27, 1914, recorded in Deed Book 22 N.S. at pages 199-200.

Deed, John Johnson and Anna Johnson, his wife, to Robert O. Johnson, dated November 13, 1929, recorded in Deed Book 48 N.S. at pages 281-2.

Deed, Robert O. Johnson and Lizette C. Johnson, his wife, to Arthur R. Helm, dated December 11, 1929, recorded in Deed Book 47 N.S. at pages 498-9.

Deed, Arthur R. Helm to Margaret A. Guyton, dated February 4, 1930, recorded in Deed Book 48 N.S. at page 417.

Tax deed, State Tax Commissioner of Alabama to W. V. Ellison, dated March 21, 1935 and recorded in Deed Book 58 N.S. at page 201.

The complainant, in and by his said Bill of Complaint, alleges and avers that the Respondents, John Johnson, Anna Johnson, Arthur R. Helms and Margaret A. Guyton, are, if living, over the age of twenty-one years, but their respective places of residence and post office addresses are unknown and cannot be ascertained after exercise of reasonable diligence to ascertain the facts with regard thereto; that he owns the said lands in his own right; that he is in the actual, peaceable possession thereof; that he has held color of title to the said lands and has been in the actual, peaceable, continuous and undisputed possession of the said property for more than seventeen (17) years before the filing of this Bill of Complaint, during all of which time the said property, or a part thereof, has been under fence and in cultivation; that no suit is pending to test his title to, interest in or right to possession of the said lands or any part thereof, and that no persons, firms or corporations, other than the complainant, have had possession of the said property or any part thereof, and that no persons, firms or corporations, other than the complainant, have paid any taxes on the said lands, or any part thereof, or any interest therein, for more than seventeen (17) years next preceding the filing of the Bill of Complaint.

The parties named above, the heirs and devisees of such of the said parties as may be dead, and all persons, firms

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

W. V. Ellison Vs.

Certain Lands

COST STATEMENT

922 WORDS @ 6¹/₂ cents ——— \$ 10⁴⁶/₁₀₀ ^{59.93}

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

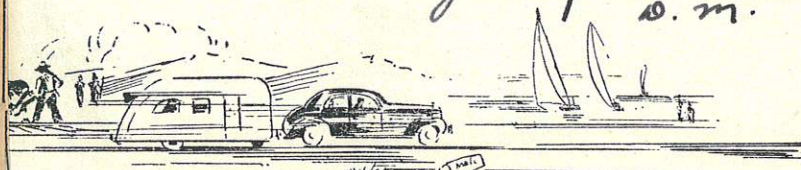
Date of 3rd publication July 3, 1952 Vol. 63 No. 24

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.



PROBATE JUDGE

Bay Minette, Ala., 6-19, 1952

Received of Mrs. H. C. H.

TOTAL \$ 1,000.00

FOR RECORD

Judge of Probate.