

C. S. FAIRCLOTH,

Complainant,

VS.

CERTAIN LANDS, et al

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 2827.

TESTIMONY TAKEN ON HEARING OF ABOVE STYLED CAUSE BEFORE
HONORABLE TELFAIR J. MASHBURN, JR., CIRCUIT JUDGE, ON
DECEMBER 15, 1952.

Appeared: For Complainant,

Hon. John Chason
Hon. Norborne C. Stone

Guardian Ad Litem,

Hon. T. M. Brantley

Mr. C. S. Faircloth, having been first duly and legally
sworn, testified as follows:

ON DIRECT EXAMINATION
By Mr. Chason

Q. Is this Mr. C. S. Faircloth?

A. It is.

Q. Are you the Complainant in the suit brought in the Circuit Court of Baldwin County, Alabama, in Equity, against the Southeast quarter of the Northeast Quarter ; the South Half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 25, Township 6 South Range 5 East, save and except an undivided one-half interest in the oil, gas and minerals reserved by Wade H. Leonard in that certain deed to C. S. Faircloth dated December 16, 1946, recorded in Deed Book 116 at pages 1-2 of Baldwin County Records and against W. S. Kimmell and his unknown heirs, devisees and grantees and all persons claiming any interest in this land? You are the Complainant in that suit?

A. That's right, yes.

Q. Mr. Faircloth, are you in the actual, peaceable and adverse possession of the above described lands?

A. I am.

Q. Do you claim to own it in your own right and in fee simple?

A. I do, yes.

- Q. Are you using this land in every way that it's susceptible to use?
- A. I am.
- Q. Is there any suit pending, or was there any suit pending at the time you filed this suit, to test your title to, interest in or right to possession of such land?
- A. Not that I know of.
- Q. How did you acquire title to this land, Mr. Faircloth?
- A. Mr. Leonard and I, in 1941 bought a tax title to it.
- Q. Is that Mr. W. H. Leonard?
- A. W. H., yes.
- Q. Is the tax deed that you refer to to you and Mr. Wade H. Leonard dated December 17, 1941?
- A. To the best of my knowledge that's the date, yes sir.
- Q. This suit was filed by you on June 23, 1952 was it not?
- A. That's right.
- Q. So at the time you filed suit to quiet this title and Mr. Leonard had been the owners of this land for more than ten years had you not?
- A. That's right.
- Q. Now, did you receive a deed from Wade H. Leonard and Julia W. Leonard, his wife, for Mr. Leonard's undivided one-half interest on December 16, 1946?
- A. I did, yes sir.
- Q. Now, in that deed did Mr. Leonard reserve a part of the minerals?
- A. Half of the oil and mineral rights, yes sir.
- Q. Now, Mr. Faircloth when you first bought the tax deed to this land did you and Mr. Leonard go into the actual possession of the land?
- A. We did, turpentine it, yes sir.
- Q. You worked it for turpentine purposes. Did you protect it against trespassers?
- A. We did.
- Q. Did you immediately begin to assess and pay taxes on this land?
- A. We did.
- Q. Had you assessed and paid taxes on such land for more than ten years prior to the filing of this suit?

A. I have, yes.

Q. Has any other person, firm or corporation assessed or paid any taxes on this land within ten years prior to the filing of this suit other than you and Mr. Leonard?

A. Not to my knowledge, no.

Q. Has there been anyone else in possession of this land or any part of it other than you and Mr. Leonard within the last ten years prior to the filing of this suit?

A. No sir.

Q. Now, did you make a diligent search and inquiry to ascertain the place of residence and post office address of Mr. W. S. Kimmell?

A. Yes.

Q. Were you able to find where he now lives or where he lived at the time suit was filed?

A. No sir.

Q. Do you know whether he is living or dead?

A. No, I do not know.

Q. Did you have an abstract of title made from the records of Baldwin County, Alabama?

A. I did.

Q. Who prepared that abstract for you?

A. John Chason.

Q. Now, do you believe Mr. Kimmell to be a non-resident of the State of Alabama and over the age of twenty-one years and of sound mind?

A. I think so.

Q. Now, where do you live, Mr. Faircloth?

A. At the present time I live in Tolbert County, Georgia.

Q. At the time this suit was filed were you a resident citizen of Juniper, Georgia?

A. I was, yes.

Q. Now, is W. S. Kimmell or his heirs, devisees or grantees, are they supposed to have had some claim or title to this land at one time?

A. I think so, yes.

Q. The tax deed that you secured was atax sale; no, that was a previous tax sale under W. S. Kimmell; now, just tell the Court as you were telling me about the title; I believe you said it sold under

W. S. Kimmell to Porter and Russ, Jr?

A. Yes.

Q. All right, then they secured a tax deed from the State of Alabama?

A. That's right.

Q. And you have secured a Quit Claim Deed, I understand, from Porter and wife and Russ, Jr., and wife, have you not, for this land?

A. That's right, yes sir.

Q. Now, the tax sale under which you secured the title dated back, your tax deed back in 1941, that was a tax sale under Porter and Russ, was it not?

A. That's right.

Q. But neither Porter or Russ or Kimmell have assessed or paid taxes on this land or been in possession of any part of it for more than ten years prior to the time of the filing of the suit?

A. That's right.

Q. And you said you have had full possession and enjoyment of this land during that period of time?

A. That's right. I sold timber off of it twice and nobody ever said anything about it.

Q. And you worked it for turpentine purposes?

A. Yes.

Q. And used it in every way that the land was susceptible to use?

A. That's right.

ON CROSS EXAMINATION

By Mr. Brantley

Q. How long did you turpentine this land, over how long a period of time?

A. Three years.

Q. Three years? You say you cut the timber off of it two different times?

A. Yes.

Q. When did you cut it or have it cut, Mr. Faircloth?

A. I couldn't tell you exactly. It was about, the last time was about three years ago.

Q. And then how long before then was it that you cut it before three years ago?

- A. Let's see, we got the land in '41; we worked it about two years after we bought it; worked it under lease for awhile and Porter had a lease; bought his tract of land out, worked it about three years, then sold it, sold the timber?
- Q. Sold the timber off of it?
- A. Yes.
- Q. Well was the entire tract or the big bulk of the tract turpented?
- A. All of it, yes.
- Q. And when the timber was cut, the timber was cut from substantially all of the land?
- A. From all of it, yes.
- Q. And you have never heard of anyone claiming title to this land?
- A. No sir.
- Q. Nobody objected to your cutting the timber or turpentineing it?
- A. No sir.

Mr. L. W. Brannan, Jr., being first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Chason

- Q. What are your initials?
- A. L. W.
- Q. L. W. Brannan, Jr.?
- A. Yes.
- Q. Mr. Brannan, are you familiar with the land involved in this suit that was brought by Mr. Faircloth that you've just heard him testify about?
- A. I am.
- Q. When did you first know this land?
- A. I've known this particular tract since about 1935.
- Q. Were you familiar with it in about 1941?
- A. I was, yes sir.
- Q. Did you know about the title that Mr. Leonard and Mr. Faircloth acquired to this land in 1941?
- A. I did, yes sir.

- Q. The fact is you had made an application to buy this land along about that time had you not?
- A. I did, yes sir.
- Q. Now did Mr. Leonard and Mr. Faircloth go into possession of this land immediately after they acquired title to it?
- A. Yes sir, they did.
- Q. Have they worked it for turpentine purposes?
- A. Yes sir.
- Q. Have Mr. Leonard and Mr. Faircloth and then Mr. Faircloth since he acquired full title cut the timber on this land?
- A. He has, yes sir.
- Q. Has anyone else to your knowledge, any other person, firm or corporation other than Mr. Leonard and Mr. Faircloth been in possession of this land or any part thereof or assessed or paid taxes on this land within ten years prior to the filing of this suit on June 23, 1952?
- A. As far as I know they haven't.
- Q. And you've been familiar with that land during that period of time?
- A. Yes sir.
- Q. Has Mr. Faircloth claimed to be the owner of this land in fee simple?
- A. He has represented himself as to be the owner of it.

ON CROSS EXAMINATION

By Mr. Brantley

- Q. Mr. Brannan, do you know of anyone questioning Mr. Faircloth's title?
- A. No sir, I do not.
- Q. When did he turpentine this land, do you remember?
- A. From '41 on two or three years.
- Q. Then, when did he cut the timber?
- A. I judge he cut the timber the first time, must have been around 1944.
- Q. When was the last time you saw this tract of land?
- A. I see it about once or twice a month.

Q. Did you see any evidence of anyone else exercising possession over this land?

A. No sir, I have not.

THE COURT: I was just wondering about a certified copy of the patent and the deeds, tax title.

MR. CHASON: Judge, I never have introduced them. We have in this abstract; what this abstract is by the way, we started off and showed the patents and then picked the title up about 1911 or 12. In other words, we didn't run all that lengthy Southern States chain. It came through Southern States Lumber Company. I might state here for the record that Patent from the United States to the State of Alabama is dated July 11, 1870 and is recorded in Deed Book 5 N.S. pages 219-22 for all of Section 25, Township 6 South Range 5 East.

There was a State Patent by the State of Alabama to Robert F. Queal, Orin H. Queal and Sarah K. Scott for the lands involved in this suit dated February 20, 1872, recorded in Deed Book J, page 406. Then you will remember that those patents that were bad and later confirmed in Perdido Bay Lumber Company and we have one of those confirmation patents from the State of Alabama to Perdido Bay Lumber Company dated May 9, 1905, recorded in Deed Book 8, pages 669-70 for the lands involved in this suit. Then we pick up the title with Southern States Lumber Company in January 22, 1912 and bring our abstract from there. They were successors; they held under the patentees through a large number and then we have abstract of title from there on down. So you have Judge, as I understand the law in a suit to quiet title, where you have the full control of it and no one else, no one questioning our title, I never have gone back and introduced certified copies of patents, and so forth. I didn't think it was necessary.

THE COURT: Of course, I leave it up to the lawyer but it seemed to me you've got your record in better shape when you have it.

MR. CHASON: Well, the record will show that they are there.--

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 taken on hearing of the above styled cause on December 15, 1952.

Transcribed and filed this 15th day of December, 1952.

Ora S. Nelson
Reporter

FILED
DEC 18 1952
ALICE J. DUCK, Register

C. S. FAIRCLOTH,

Complainant,

vs.

CERTAIN LANDS DESCRIBED AS FOLLOWS:

The Southeast Quarter of the Northeast Quarter (SE of NE) and the South half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE of SE of NE of NE) of Section Twenty-five (25) Township Six (6) South, Range Five (5) East, situated in Baldwin County, Alabama, SAVE AND EXCEPT, an undivided one-half interest in the oil, gas and other minerals in, on or under the above described land, which were reserved by Wade H. Leonard and wife in that certain deed to C. S. Faircloth, dated December 16, 1946, and recorded in Deed Book 116 N.S., pages 1-2 of the Probate Records of Baldwin County, Alabama, and W. S. KIMMELL, and his unknown heirs at law, devisees and grantees, and any and all other persons, firms and corporations claiming any interest in the above described land,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

It having been made to appear from the affidavit of John

Chason, one of the Solicitors of Record for the Complainant in the above styled cause, that W. S. Kimmell is a non-resident of the State of Alabama, and is over the age of twenty-one years, his Post Office address being unknown to the Complainant and that it is unknown to Complainant whether the said W. S. Kimmell is dead or living, and if dead, the names and ages of his heirs at law and devisees and their Post Office addresses, after diligent search and inquiry by such complainant;

NOTICE IS HEREBY GIVEN to W. S. Kimmell and to his unknown heirs at law and devisees and to any and all other persons, firms and corporations claiming any interest in the above described lands, that on the 23rd day of June, 1952, the said C. S. Faircloth filed his Bill of Complaint in the Circuit Court of Baldwin County, Alabama, in Equity, against the above named Respondents and the following described lands situated in Baldwin County, Alabama, to-wit:-

002 PMA 383

The Southeast Quarter of the Northeast Quarter (SE of NE) and the South half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE of SE of NE of NE) of Section Twenty-five (25), Township Six (6) South, Range Five (5) East, SAVE AND EXCEPT, an undivided one-half interest in the oil, gas and other minerals in, on or under the above described land, which were reserved by Wade H. Leonard and wife in that certain deed to C. S. Faircloth, dated December 16, 1946, and recorded in Deed Book 116 N. S., pages 1-2, of the Probate Records of Baldwin County, Alabama.

and you are hereby notified to appear and plead, answer or demur to the Bill of Complaint on or before August 6, 1952, or a decree pro confesso will be rendered against you.

The Bill of Complaint alleges that the complainant claims to own the entire fee simple title to said land, having acquired such lands by Tax Deed from C. W. Robertson, Judge of Probate, Baldwin County, Alabama, dated December 17, 1941, which said deed is recorded in Deed Book 76 page 370, said deed being to Wade H. Leonard and C. S. Faircloth, and by deed from Wade H. Leonard and Julia W. Leonard, his wife, to the said C. S. Faircloth, dated December 16, 1946, said deed being recorded in Deed Book 116 N.S., pages 1-2, which said deeds are recorded in the Office of the Judge of Probate of Baldwin County, Alabama. The Bill of Complaint also alleges that the title to said land stands in the name of the Complainant on the records in the Office of the Judge of Probate of Baldwin County, Alabama, and that no suit is pending to test complainant's title to, interest in, or right to possession of said lands.

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

It is further alleged in said Bill of Complaint that such suit is filed for the purpose of establishing the title of said

Complainant to said lands and for the purpose of clearing up all doubts and disputes concerning the same.

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

Alice J. Duck
As Register of the Circuit Court of
Baldwin County, Alabama.

CHASON & STONE
Solicitors for Complainant.

I, Alice J. Duck, Register of Circuit Court of Baldwin County, Alabama do hereby certify that the foregoing instrument is a true and correct copy of the notice by publication published in the above styled cause.

Dated this June 23rd, 1952.

Alice J. Duck
Register

STATE OF ALABAMA, BALDWIN COUNTY

Filed 6-23-52 2:30 PM

Lia Pond Book 2 page 283-5

Judge of Probate

KEABO
KIMBLE, EL VT.
GEBELIN IVINS AND M.

AS

C. S. EVANS

NOTICE

IN EQUITY

BUTLER COMEX, VIVIAN
IN THE CIRCUIT COURT OF

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J. G. ...
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BK 002 PAGE 385

22 File in Probate Office

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NOTICE

C. S. FAIRCLOTH,
Complainant,
vs.
CERTAIN LANDS AND W.
KIMMELL, ET AL.,
Respondents.

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

R.I. 75
Mrs. Duck

FILED ON VIVIAN BALDWIN COUNTY
1925-5-27
J. P. Duck

REGISTER
J. P. Duck

Dated this 19th day of May, 1925.

of the notice of application submitted in the above styled cause,
heretofore filed, and the foregoing instrument is a true and correct copy
I, Alice A. Duck, Register of Circuit Court of Baldwin County, Alabama do

Witness my hand and seal of office at Baldwin County, Alabama
this 19th day of May, 1925.

REGISTER OF BALDWIN COUNTY, ALABAMA
Alice A. Duck

It is hereby ordered that the balance of the above styled cause be
dismissed with costs to the complainant.

C. S. FAIRCLOTH,

Complainant,

vs.

CERTAIN LANDS DESCRIBED AS FOLLOWS:

The Southeast Quarter of the Northeast Quarter (SE of NE) and the South half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE of SE of NE of NE) of Section Twenty-five (25), Township Six (6) South, Range Five (5) East, situated in Baldwin County, Alabama, SAVE AND EXCEPT, an undivided one-half ($\frac{1}{2}$) interest in the oil, gas and other minerals in, on or under the above described land, which were reserved by Wade H. Leonard and wife, in that certain deed to C. S. Faircloth, dated December 16, 1946, and recorded in Deed Book 116 N. S., pages 1-2, of the Probate Records of Baldwin County, Alabama, and W. S. KIMMELL, and his unknown heirs at law, devisees and grantees, and any and all other persons, firms and corporations, claiming any interest in the above described land,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

NO. 2827.

ORDER APPOINTING GUARDIAN AD LITEM

It having been made to appear from the Bill of Complaint heretofore filed in this cause that some of the Respondents therein named are unknown and that a Guardian ad Litem should be appointed to represent and defend the interests of said unknown parties in this proceeding under the provisions of Title 7, Section 1117 (1) of the Code of Alabama of 1940, and it further appearing that Albert M. Brantley, is a practicing Attorney in the City of Bay Minette, Alabama, and has no interest in this matter and is, in all respects, a competent and suitable person to act as such Guardian ad Litem for such unknown parties,

It is therefore, ORDERED, that Albert M. Brantley be and he hereby is appointed as Guardian ad Litem to represent and defend the interests of the unknown parties in this proceeding.

Dated this 5th day of December, 1952.

Alice J. Duck
Alice J. Duck, Register.

ORDER APPOINTING GUARDIAN
AD LITEM

C. S. FAIRCLOTH,
Complainant,

vs.

CERTAIN LANDS and W. S. KIMMELL,
ET AL.

Respondents.

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

Filed: December 5, 1952.

Amie French
Register.

THE STATE OF ALABAMA, }

Baldwin County }

CIRCUIT COURT, IN EQUITY

No. 2728 December, Term, 1952C. S. Faircloth

Complainant

Vs.

W. S. Kimmell et al.

Defendant

Motion is hereby made for a Decree Pro Confesso against W. S. Kimmell

Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 5th day of December, 19 52.

746 Code

Chas. A. Stone
By [Signature] Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

C. S. Faircloth

Complainant _____

Vs.

W. S. Kimmell et al.

Defendant _____

Motion for Decree Pro Confesso
On Publication

Filed 12-5, 1952

W. J. Kimmell
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

C. S. FAIRCLOTH,

Complainant,

vs.

CERTAIN LANDS DESCRIBED AS FOLLOWS:

The Southeast Quarter of the Northeast Quarter (SE of NE) and the South half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter ($\frac{1}{4}$ of SE of NE of NE) of Section Twenty-five (25), Township Six (6) South, Range Five (5) East, situated in Baldwin County, Alabama, SAVE AND EXCEPT an undivided one-half ($\frac{1}{2}$) interest in the oil, gas and other minerals in, on or under the above described land, which were reserved by Wade H. Leonard and wife, in that certain deed to C. S. Faircloth, dated December 16, 1946, and recorded in Deed Book 116 N.S., pages 1-2 of the Probate Records of Baldwin County, Alabama, and W. S. KIMMELL, and his unknown heirs at law, devisees and grantees, and any and all other persons, firms and corporations claiming any interest in the above described land,

Respondents.

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

It being made to appear in the above styled cause from the affidavit of John Chason, who is one of the Solicitors of Record in said cause that W. S. Kimmell, and his unknown heirs at law and devisees, are believed to be non-residents of the State of Alabama, and if the said W. S. Kimmell is dead the names, ages and addresses of his said heirs at law and devisees are unknown to the complainant and that the said W. S. Kimmell is over the age of twenty-one years and the complainant has requested that the court enter an appropriate order of publication, making the said W. S. Kimmell, and his unknown heirs at law and devisees, and any and all other persons, firms or corporations claiming any interest in the above described lands parties Respondents and requiring them to appear and plead, answer or demur to the Bill of Complaint filed in said cause before a date named therein;

It is therefore ORDERED AND DECREED that such notice be prepared and published in the Baldwin Times, a newspaper published in Bay Minette, Alabama, of Baldwin County, once a week for four consecutive weeks and that a copy of such notice be posted at the

Courthouse door in Bay Minette, Alabama; that in said notice that said Respondents be required to appear and plead to or answer said Bill of Complaint before the 6th day of August, 1952.

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

Henry J. Leach
Register.

702827

ORDER OF PUBLICATION

C. S. FAIRCLOTH,

Complainant,

vs.

CERTAIN LANDS and W. S. KIMMELL,
ET AL.,

Respondents.

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

Filed 6-23-52
A. J. Jenkins
Registrar

STATE OF ALABAMA)

BALDWIN COUNTY)

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon W. S. KIMMELL, and his unknown heirs and devisees, to appear and plead, answer or demur within thirty days from the service thereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, in which Bill of Complaint C. S. Faircloth is the Complainant, and the above named party and his unknown heirs and devisees and certain lands therein described are the Respondents.

WITNESS my hand and seal on this the 23rd day of June, 1952.

Alice J. Smith
Register.

C. S. FAIRCLOTH,

Complainant,

vs.

CERTAIN LANDS DESCRIBED AS FOLLOWS:

The Southeast Quarter of the Northeast Quarter (SE of NE) and the South half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter ($S\frac{1}{2}$ of SE of NE of NE) of Section Twenty-five (25), Township Six (6) South, Range Five (5) East, situated in Baldwin County, Alabama, SAVE AND EXCEPT, an undivided one-half ($\frac{1}{2}$) interest in the oil, gas and other minerals in, on or under the above described land, which were reserved by Wade H. Leonard and wife, in that certain deed to C. S. Faircloth, dated December 16, 1946, and recorded in Deed Book 116 N. S., pages 1-2 of the Probate Records of Baldwin County, Alabama, and W. S. KIMMELL, and his unknown heirs at law, devisees and grantees, and any and all other persons, firms and corporations, claiming any interest in the above described land.

Respondents.

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

Comes the Complainant, C. S. Faircloth, and brings this his Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:-

The Southeast Quarter of the Northeast Quarter and the South half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 25, Township 6 South, Range 5 East, SAVE AND EXCEPT, an undivided one-half ($\frac{1}{2}$) interest in the oil, gas and other minerals in, on or under the above described land, which were reserved by Wade H. Leonard and wife in that certain deed to C. S. Faircloth, dated December 16, 1946, and recorded in Deed Book 116 N.S., pages 1-2 of the Probate Records of Baldwin County, Alabama;

and against any and all persons, firms and corporations claiming any title to, interest in, lien or encumbrance upon said land or any part thereof, and especially against W. S. Kimmell, and his unknown heirs, devisees and grantees, and Complainant shows unto your Honor as follows:

FIRST:

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

SECOND:

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

THIRD:

Complainant further shows that he claims the entire fee simple title to said lands having acquired the same by Tax Deed from G. W. Robertson, Judge of Probate, Baldwin County, Alabama, dated December 17, 1941, which said deed is recorded in Deed Book 76 page 370, said deed being to Wade H. Leonard and C. S. Faircloth and by deed from Wade H. Leonard and Julia W. Leonard, his wife to the said C. S. Faircloth, dated December 16, 1946, said deed being recorded in Deed Book 116, pages 1-2, which said deeds are recorded in the Office of the Judge of Probate of Baldwin County, Alabama.

FOURTH:

Complainant further shows that the title to said lands stands on the records in the Office of the Judge of Probate of Baldwin County, Alabama, in the name of your Complainant. Complainant further shows unto your Honor that he is over the age of twenty-one years and is a resident citizen of Juniper, Georgia; that the Respondent, W. S. Kimmell, is a non-resident of the State of Alabama and over the age of twenty-one years, his Post Office address being unknown to the Complainant; that your complainant does not know whether the said W. S. Kimmell is living or dead and if he is dead the names and addresses of his heirs at law and devisees are unknown to your complainant but he believes that they are over the age of twenty-one years and non-residents of the State of Alabama; that your Complainant has made a diligent search and inquiry to ascertain whether the said W. S. Kimmell is living or dead and the names, ages and addresses of his heirs at law and devisees, but he has been unable to ascertain such facts. That in such search and inquiry your complainant has had a complete Abstract of Title made of such real estate from the records of Baldwin County, Alabama, and he has made inquiry in the neighborhood of such lands in an attempt to ascertain such facts.

FIFTH:

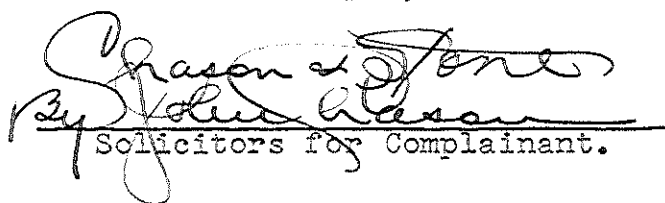
Your Complainant further shows unto your Honor that the above named W. S. Kimmell, or his heirs, devisees or grantees are reputed to claim some right, title or interest in or encumbrance upon said land and your complainant calls upon each of them to set forth and specify their title, claim, interest or encumbrance upon said land and how and by what instrument the same is derived and created. The complainant further shows unto your Honor that he and those under whom he claims, have assessed and paid taxes on said land above described, continuously for more than ten years next immediately preceeding the filing of this Bill of Complaint and that no other person, firm or corporation has assessed or paid taxes on said land during that period of time; your complainant further shows unto your Honor that he and those under whom he claims have been in the actual, quiet and peaceable possession of said land for more than 10 years next preceeding the filing of this Bill of Complaint and during that time no other person, firm or corporation has had possession of said land or any part thereof.

PRAYER FOR PROCESS

To the end therefore, that equity may be had in the premises complainant prays that your Honor will cause the usual writ of process to issue to the said W. S. Kimmell, and to his unknown heirs, devisees and grantees any any and all persons, firms and corporations, claiming any interest in the above described land, according to the usual form and practice of this Honorable Court, requiring them to plead, answer or demur to the same within the time required by law and the practice of this Honorable Court and that your Honor will also cause notice to be published of the proceeding instituted by the filing of this Bill of Complaint as required by the laws of the State of Alabama authorizing the quieting of title by proceedings in rem; that your Honor will also order that notice be given of the filing of this Bill of Complaint to the said W. S. and his unknown heirs and devisees Kimmell/by publication in some newspaper published in Baldwin County, Alabama, making him party Respondent to this Bill of Complaint and requiring him to plead, answer or demur to the same within the time required by law.

PRAYER FOR RELIEF:

Complainant further prays that on a hearing of this cause that your Honor will establish Complainant's right of title to the lands herein described and will decree that the Complainant is the owner of said land in fee simple and that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said lands or any part thereof and especially that W. S. Kimmell and his unknown heirs, devisees and grantees, have no right, title interest in, lien or encumbrance upon said lands or any part thereof and that in said decree your Honor will cause a certified copy of said decree to be filed in the Probate Office of Baldwin County, Alabama, and to be recorded therein and that in said decree your Honor will direct in whose name it shall be indexed and in the direct and indirect indexes of the records thereof in said Probate Court of Baldwin County, Alabama, and the complainant further prays for such other, further, different and general relief as in equity may seem just and mete, and complainant will ever pray.


Solicitors for Complainant.

STATE OF ALABAMA

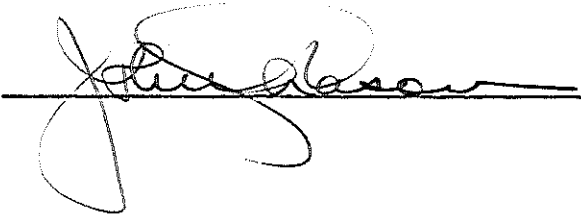
BALDWIN COUNTY

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

That he is one of the Solicitors of Record for the Complainant in the above styled cause; that such Complainant has had a diligent search and inquiry made to ascertain whether the Respondent named in the foregoing Bill of Complaint is dead and if dead, the names, ages and addresses of his heirs at law, and next of kin; that such complainant has been unable to ascertain whether the said W. S. Kimmell is dead or living, and if dead, the names, ages, and addresses of his heirs at law and devisees, but your complainant is inform-

ed and believes, and upon such information and belief affiant says: that the said W. S. Kimmell is a non-resident of the State of Alabama, and is over the age of twenty-one years; that if the said W. S. Kimmell is dead the names, ages and addresses of his heirs at law and next of kin are unknown to your Complainant after diligent search and inquiry, but affiant believes such heirs at law, and next of kin to be non-residents of the State of Alabama, and over the age of twenty-one years; that all of the other allegations contained in the Bill of Complaint are true and correct.

Sworn to and subscribed before
me this 23rd day of June, 1952.


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

C. S. FAIRCLOTH,

Complainant,

vs.

CERTAIN LANDS DESCRIBED AS FOLLOWS:
The Southeast Quarter of the North-
east Quarter (SE of NE) and the South
half of the Southeast Quarter of the
Northeast Quarter of the Northeast
Quarter (S½ of SE of NE of NE) of
Section Twenty-five (25) Township
Six (6) South, Range Five (5) East,
situated in Baldwin County, Alabama,
SAVE AND EXCEPT, an undivided one-
half interest in the oil, gas and
other minerals in, on or under the
above described land, which were re-
served by Wade H. Leonard and wife in
that certain deed to C. S. Faircloth,
dated December 16, 1946, and recorded
in Deed Book 116 N.S., pages 1-2 of
the Probate Records of Baldwin County,
Alabama, and W. S. KIMMELL, and his
unknown heirs at law, devisees and
grantees, and any and all other per-
sons, firms and corporations claim-
ing any interest in the above des-
cribed land,

Respondents.

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

It having been made to appear from the affidavit of John Chason, one of the Solicitors of Record for the Complainant in the above styled cause, that W. S. Kimmell is a non-resident of the State of Alabama, and is over the age of twenty-one years, his Post Office address being unknown to the Complainant and that it is unknown to Complainant whether the said W. S. Kimmell is dead or living, and if dead, the names and ages of his heirs at law and devisees and their Post Office addresses, after diligent search and inquiry by such complainant;

NOTICE IS HEREBY GIVEN to W. S. Kimmell and to his unknown heirs at law and devisees and to any and all other persons, firms and corporations claiming any interest in the above described lands, that on the 23rd day of June, 1952, the said C. S. Faircloth filed his Bill of Complaint in the Circuit Court of Baldwin County, Alabama, in Equity, against the above named Respondents and the following described lands situated in Baldwin County, Alabama, to-wit:-

The Southeast Quarter of the Northeast Quarter (SE of NE) and the South half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter ($S\frac{1}{2}$ of SE of NE of NE) of Section Twenty-five (25), Township Six (6) South, Range Five (5) East, SAVE AND EXCEPT, an undivided one-half interest in the oil, gas and other minerals in, on or under the above described land, which were reserved by Wade H. Leonard and wife in that certain deed to C. S. Faircloth, dated December 16, 1946, and recorded in Deed Book 116 N. S., pages 1-2, of the Probate Records of Baldwin County, Alabama.

and you are hereby notified to appear and plead, answer or demur to the Bill of Complaint on or before August 6, 1952, or a decree pro confesso will be rendered against you.

The Bill of Complaint alleges that the complainant claims to own the entire fee simple title to said land, having acquired such lands by Tax Deed from G. W. Robertson, Judge of Probate, Baldwin County, Alabama, dated December 17, 1941, which said deed is recorded in Deed Book 76 page 370, said deed being to Wade H. Leonard and C. S. Faircloth, and by deed from Wade H. Leonard and Julia W. Leonard, his wife, to the said C. S. Faircloth, dated December 16, 1946, said deed being recorded in Deed Book 116 N.S., pages 1-2, which said deeds are recorded in the Office of the Judge of Probate of Baldwin County, Alabama. The Bill of Complaint also alleges that the title to said land stands in the name of the Complainant on the records in the Office of the Judge of Probate of Baldwin County, Alabama, and that no suit is pending to test complainant's title to, interest in, or right to possession of said lands.

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

It is further alleged in said Bill of Complaint that such suit is filed for the purpose of establishing the title of said

Complainant to said lands and for the purpose of clearing up all doubts and disputes concerning the same.

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

Alicia H. Hensley
As Register of the Circuit Court of
Baldwin County, Alabama.

CHASON & STONE
Solicitors for Complainant.

707827

NOTICE

C. S. FAIRCLOTH,

Complainant,

vs.

CERTAIN LANDS AND W. S.
KIMMELL, ET AL.,

Respondents.

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

Filed 6-23-82
Alicia J. Smith
Registrar

C. S. FAIRCLOTH,

Complainant,

vs.

CERTAIN LANDS DESCRIBED AS FOLLOWS:

The Southeast Quarter of the North-east Quarter (SE of NE) and the South half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter ($S\frac{1}{2}$ of SE of NE of NE) of Section Twenty-five (25), Township Six (6) South, Range Five (5) East, situated in Baldwin County, Alabama, SAVE AND EXCEPT, an undivided one-half ($\frac{1}{2}$) interest in the oil, gas and other minerals in, on or under the above described land, which were reserved by Wade H. Leonard and wife, in that certain deed to C. S. Faircloth, dated December 16, 1946, and recorded in Deed Book 116 N. S., pages 1-2 of the Probate Records of Baldwin County, Alabama, and W. S. KIMMELL, and his unknown heirs at law, devisees and grantees, and any and all other persons, firms and corporations, claiming any interest in the above described land,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

No. 2827.

Respondents.

ACCEPTANCE AND ANSWER OF GUARDIAN AD LITEM

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

Dated this 6th day of December, 1952.

Robert M. Brantley
Guardian ad Litem.

ACCEPTANCE AND ANSWER OF
GUARDIAN AD LITEM

C. S. FAIRCLOTH,

Complainant,

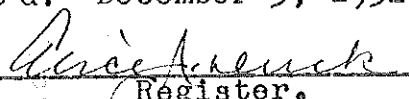
vs:

CERTAIN LANDS and W. S. KIMMELL
ET AL.

Respondents.

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

Filed: December 5, 1952.


Register.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 2827 December, Term, 1952C. S. Faircloth

Complainant

Vs.

W. S. Kimmell, et al.

Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 26th day of June, 1952, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 26th day of June, 1952 and

And it now further appearing to the Register Alice J. Duck, that the said

W. S. Kimmell

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said W. S. Kimmell

This _____ day of December, 1952

Alice J. Duck Register.

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

C. S. Faircloth

Vs.

W. S. Kimmell et al.

Decree Pro Confesso of Publication

Issued 12-5 1952

Amie J. Kimmell
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

C. S. FAIRCLOTH,

Complainant,

vs.

CERTAIN LANDS DESCRIBED AS FOLLOWS:

The Southeast Quarter of the North-east Quarter ($SE\frac{1}{4}$ of $NE\frac{1}{4}$) and the South half of the Southeast Quarter of the Northeast Quarter of the North-east Quarter ($S\frac{1}{2}$ of $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section Twenty-five (25), Township Six (6) South, Range Five (5) East, situated in Baldwin County, Alabama, SAVE AND EXCEPT, an undivided one-half ($\frac{1}{2}$) interest in the oil, gas and other minerals in, on or under the above described lands, which were reserved by Wade H. Leonard and wife, in that certain deed to C. S. Faircloth, dated December 16, 1946, and recorded in Deed Book 116 N. S. pages 1-2 of the Probate Records of Baldwin County, Alabama, and W. S. KIMMELL, and his unknown heirs at law, devisees and grantees, and any and all other persons, firms and corporations, claiming any interest in the above described land.

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.
NO. 2827.

This cause coming on to be heard is submitted for final decree upon the Bill of Complaint, Order of Publication, Notice, Affidavit of Publication, Decree Pro Confesso against W. S. Kimmell, Appointment, Acceptance and Answer of Guardian ad Litem, and testimony of C. S. Faircloth and L. W. Brannan, taken orally before the Court.

And it appearing to the Court that C. S. Faircloth is in the actual, peaceable and adverse possession of all of the lands described in the Bill of Complaint, claiming to own the same in his own right in fee simple, and using the same in every way that such lands are susceptible to use and that no suit is pending to test his title to, interest in or right to possession of said lands. And it further appearing to the Court that the said C. S. Faircloth claims the entire fee simple title to said lands having acquired the same by Tax Deed from G. W. Robertson, Judge of Probate of Baldwin County, Alabama, dated December 17, 1941, which said deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 76 page 370, said deed conveying said lands to Wade H.

Leonard and C. S. Faircloth and that he further claims title to said lands by a deed from Wade H. Leonard and wife to the said C. S. Faircloth, dated December 16, 1946, which said deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 116, pages 1-2.

And it further appearing to the Court that the title to said lands stands on the records in the Office of the Judge of Probate of Baldwin County, Alabama, in the name of the said C. S. Faircloth who is over the age of twenty-one years and a resident citizen of Juniper, Georgia. And it further appearing to the court that the said C. S. Faircloth assessed and paid taxes on said lands and was in the open, notorious and exclusive and adverse possession of said lands for more than ten years immediately preceding the filing of his Bill of Complaint in said cause and that no other person, firm or corporation assessed or paid taxes on said lands, or any part thereof, or had possession of said lands or any part thereof during that period of time. And it further appearing to the Court that the said C. S. Faircloth is entitled to the relief prayed for in his Bill of Complaint, it is therefore,

ORDERED, ADJUDGED AND DECREED by the Court that C. S. Faircloth is the owner in fee simple of the following described lands situated in Baldwin County, Alabama, to-wit:-

The Southeast Quarter of the Northeast Quarter and the South half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 25, Township 6 South, Range 5 East, SAVE AND EXCEPT, an undivided one-half ($\frac{1}{2}$) interest in the oil, gas and other minerals in, on or under the above described lands, which were reserved by Wade H. Leonard and wife in that certain deed to C. S. Faircloth, dated December 16, 1946, and recorded in Deed Book 116 N. S. pages 1-2 of the Probate Records of Baldwin County, Alabama.

And that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said lands or any part thereof and especially is this true as to W. S. Kimmell and his unknown heirs at law, devisees and grantees.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Register of this Court shall, within thirty days from the

rendition of this decree, file a certified copy of the same for record in the Probate Court of Baldwin County, Alabama, and tax the expense thereof as part of the costs of this proceeding and the said decree shall be recorded in the same book and manner in which deeds are recorded, and shall be indexed in the name of the Respondent, W. S. Kimmell in the direct index and in the name of the Complainant, C. S. Faircloth, in the reverse index.

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

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

Done this 16th day of December, 1952.

Telfair J. Mashburn, Jr.
Telfair J. Mashburn, Jr., Judge,
Circuit Court of Baldwin County,
Alabama, In Equity.

921 190 176
C. S. FAIRCLOTH,

Complainant,

vs.

CERTAIN LANDS DESCRIBED AS FOLLOWS:
The Southeast Quarter of the North-
east Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) and the
South half of the Southeast Quarter
of the Northeast Quarter of the North-
east Quarter (S $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$)
of Section Twenty-five (25), Township
Six (6) South, Range Five (5) East,
situated in Baldwin County, Alabama,
SAVE AND EXCEPT, an undivided one-
half ($\frac{1}{2}$) interest in the oil, gas and
other minerals in, on or under the
above described lands, which were re-
served by Wade H. Leonard and wife,
in that certain deed to C. S. Fair-
cloth, dated December 16, 1946, and
recorded in Deed Book 116 N. S. pages
1-2 of the Probate Records of Baldwin
County, Alabama, and W. S. KIMMELL,
and his unknown heirs at law, de-
visees and grantees, and any and all
other persons, firms and corporations,
claiming any interest in the above
described land.

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

NO. 2827.

Respondents.

This cause coming on to be heard is submitted for final
decree upon the Bill of Complaint, Order of Publication, Notice,
Affidavit of Publication, Decree Pro Confesso against W. S. Kimmell,
Appointment, Acceptance and Answer of Guardian ad Litem, and
testimony of C. S. Faircloth and L. W. Brannan, taken orally before
the Court.

And it appearing to the Court that C. S. Faircloth is in the
actual, peaceable and adverse possession of all of the lands des-
cribed in the Bill of Complaint, claiming to own the same in his
own right in fee simple, and using the same in every way that such
lands are susceptible to use and that no suit is pending to test
his title to, interest in or right to possession of said lands.
And it further appearing to the Court that the said C. S. Faircloth
claims the entire fee simple title to said lands having acquired the
same by Tax Deed from G. W. Robertson, Judge of Probate of Baldwin
County, Alabama, dated December 17, 1941, which said deed is record-
ed in the Office of the Judge of Probate of Baldwin County, Alabama,
in Deed Book 76 page 370, said deed conveying said lands to Wade H.

Leonard and C. S. Faircloth and that he further claims title to said lands by a deed from Wade H. Leonard and wife to the said C. S. Faircloth, dated December 16, 1946, which said deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 116, pages 1-2.

And it further appearing to the Court that the title to said lands stands on the records in the Office of the Judge of Probate of Baldwin County, Alabama, in the name of the said C. S. Faircloth who is over the age of twenty-one years and a resident citizen of Juniper, Georgia. And it further appearing to the court that the said C. S. Faircloth assessed and paid taxes on said lands and was in the open, notorious and exclusive and adverse possession of said lands for more than ten years immediately preceding the filing of his Bill of Complaint in said cause and that no other person, firm or corporation assessed or paid taxes on said lands, or any part thereof, or had possession of said lands or any part thereof during that period of time. And it further appearing to the Court that the said C. S. Faircloth is entitled to the relief prayed for in his Bill of Complaint, it is therefore,

ORDERED, ADJUDGED AND DECREED by the Court that C. S. Faircloth is the owner in fee simple of the following described lands situated in Baldwin County, Alabama, to-wit:-

The Southeast Quarter of the Northeast Quarter and the South half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 25, Township 6 South, Range 5 East, SAVE AND EXCEPT, an undivided one-half ($\frac{1}{2}$) interest in the oil, gas and other minerals in, on or under the above described lands, which were reserved by Wade H. Leonard and wife in that certain deed to C. S. Faircloth, dated December 16, 1946, and recorded in Deed Book 116 N. S. pages 1-2 of the Probate Records of Baldwin County, Alabama.

And that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said lands or any part thereof and especially is this true as to W. S. Kimmell and his unknown heirs at law, devisees and grantees.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Register of this Court shall, within thirty days from the

15886

rendition of this decree, file a certified copy of the same for record in the Probate Court of Baldwin County, Alabama, and tax the expense thereof as part of the costs of this proceeding and the said decree shall be recorded in the same book and manner in which deeds are recorded, and shall be indexed in the name of the Respondent, W. S. Kimmell in the direct index and in the name of the Complainant, C. S. Faircloth, in the reverse index.

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

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

Done this 16th day of December, 1952.

Telfair J. Mashburn, Jr.
Telfair J. Mashburn, Jr., Judge,
Circuit Court of Baldwin County,
Alabama, In Equity.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and recorded in my office.
WITNESS MY HAND AND SEAL THIS 16th day of Dec 1952

Alice J. Duck
Register of Circuit Court, in Equity

FILED

COMPLAINANT

COMPLAINANT

RESPONDENT

RESPONDENT

STATE OF ALABAMA, BALDWIN COUNTY
CIRCUIT COURT OF EQUITY

NO. 12-20-52
FILED 12-20-52 8:45 A.M.
W. R. Stewart
Judge of Probate

FINAL DECREE

Complainant,

CERTAIN LANDS and W. S.
KIMMEL, ET AL.,

Respondents,

170-126-8

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

NO. 2827

WITNESS MY HAND AND SEAL THIS 12th DAY OF JANUARY 1882.

John C. Kimmell
 John C. Kimmell, Clerk of the Court.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 12th day of January 1882.

John C. Kimmell
 John C. Kimmell, Clerk of the Court.

1st Alice J. Dock, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of said Court in the above entitled cause, which said decree is of the date and content therein expressed.

John C. Kimmell
 John C. Kimmell, Clerk of the Court.

Witness, in Edith.
 Circuit Court of Belgium County,
 District of Maryland, &c., in and
 for the County of Maryland, &c.

Don't write to me until after 12 noon, 12/25.

recovered and altered accordingly. In the preceding portion he recovered.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that with the costs of this proceeding, for which execution may issue, that the Complainant C. S. Katsiotou, be, and he hereby is, taxed

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the court
the complaint of C. E. Bickel, Jr. in the reverse index.

Respondent, W. S. Kimmel in the direct index and in the name of deeds are recorded, and shall be indexed in the name of the said decree shall be recorded in the same book and manner in which expenses thereof are part of the costs of this proceeding and the record in the Probate Court of Baldwin County, Alabama, and the rendition of ~~this decree~~, file a certified copy of the same for

282

40434 MARSHALL & BRUCE-NASHVILLE

PROBATE JUDGE

Bay Minette, Ala., June 22, 1972

22.04.2016

[illegible]

Legal Notice

LEGAL NOTICE

C. S. FAIRCLOTH, Complainant
vs.

CERTAIN LANDS DESCRIBED AS FOL-
LOWS: The Southeast Quarter of the
Northeast Quarter (SE of NE) and the
South half of the Southeast Quarter
of the Northeast Quarter of the
Northeast Quarter (SE of NE of NE of
NE) of Section Twenty-five (25) Town-
ship six (6) South, Range Five (5)
East, situated in Baldwin County, Ala-
bama, SAVE AND EXCEPT, and un-
divided one-half interest in the oil,
gas and other minerals in, on or
under the above described land,
which were reserved by Wade H.
Leonard and wife in that certain
deed to C. S. Faircloth, dated
December 16, 1946, and recorded in
Deed Book 116 N.S., pages 1-2 of the
Probate Records of Baldwin County,
Alabama, and W. S. KIMMELL, and
his unknown heirs at law, devisees
and grantees, and any and all other
persons, firms and corporations
claiming any interest in the above
described land, Respondents.

In The Circuit Court Of
Baldwin County, Alabama
In Equity

It having been made to appear from
the affidavit of John Chason, one of
the Solicitors of Record for the Com-
plainant in the above styled cause, that
W. S. Kimmell is a non-resident of the
State of Alabama, and is over the age of
twenty-one years, his Post Office address
being unknown to the Complainant and
that it is unknown to Complainant
whether the said W. S. Kimmell is dead
or living, and if dead, the names and
ages of his heirs at law and devisees
and their Post Office addresses, after
diligent search and inquiry by such
complainant;

NOTICE IS HEREBY GIVEN to W. S.
Kimmell and to his unknown heirs at
law and devisees and to any and all
other persons, firms and corporations
claiming any interest in the above de-
scribed lands, that on the 23rd day of
June, 1952, the said C. S. Faircloth filed
his Bill of Complaint in the Circuit Court
of Baldwin County, Alabama, in Equity,
against the above named Respondents
and the following described lands situat-
ed in Baldwin County, Alabama, to-wit:

The Southeast Quarter of the North-
east Quarter (SE of NE) and the South
half of the Southeast Quarter of the
Northeast Quarter of the Northeast
Quarter (SE of NE of NE of NE) of
Section Twenty-five (25), Township
Six (6) South, Range Five (5) East,
SAVE AND EXCEPT, an undivided
one-half interest in the oil, gas and
other minerals in, on or under the
above described land, which were
reserved by Wade H. Leonard and
wife in that certain deed to C. S.
Faircloth, dated December 16, 1946,
and recorded in Deed Book 116 N.S.,
pages 1-2, of the Probate Records of
Baldwin County, Alabama.

and you are hereby notified to appear
and plead, answer or demur to the Bill
of Complaint on or before August 6,
1952, or a decree pro confesso will be
rendered against you.

The Bill of Complaint alleges that the
complainant claims to own the entire
fee simple title to said land, having ac-
quired such lands by Tax Deed from
G. W. Robertson, Judge of Probate, Bald-
win County, Alabama, dated December
17, 1941, which said deed is recorded
in Deed Book 76 page 370, said deed
being to Wade H. Leonard and C. S.
Faircloth, and by deed from Wade H.
Leonard and Julia W. Leonard, his wife,
to the said C. S. Faircloth, dated Decem-
ber 16, 1946, said deed being recorded
in Deed Book 116 N.S., pages 1-2, which
said deeds are recorded in the Office
of the Judge of Probate of Baldwin Coun-
ty, Alabama. The Bill of Complaint also
alleges that the title to said land stands
in the name of the Complainant on the
records in the Office of the Judge of
Probate of Baldwin County, Alabama,
and that no suit is pending to test com-
plainant's title to, interest in, or right
to possession of said lands.

It is further alleged in said Bill of
Complaint that the complainant is in the
quiet, actual, peaceable and adverse
possession of all of the lands therein
described, claiming to own the same
in his own right in fee simple and using
the same in every way that such lands
are susceptible to use and that he and
those under whom he claims have been
in such possession and have assessed
and paid taxes on such land for more
than ten years next immediately pre-
ceding the filing of said Bill of Com-
plaint and that on other person, firm
or corporation has had possession of
said land or any part thereof, or has
assessed or paid taxes on the same dur-
ing that period of time.

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

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

ALICE J. DUCK

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

CHASON & STONE
Solicitors for Complainant.

23-4tc.

JIMMY FAULKNER
EDITOR AND PUBLISHER

The BALDWIN COUNTY'S- 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 pub-
lished at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

C. S. Faircloth vs.

Certain Lands

COST STATEMENT

879 WORDS @ 62 cents — — — \$ 57¹³

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

Jimmy Faulkner
P.M. Publisher.

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Date of 2nd publication July 3, 1952 Vol. 63 No. 24

Date of 3rd publication July 10, 1952 Vol. 63 No. 25

Date of 4th publication July 17, 1952 Vol. 63 No. 26

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

Dorothy Martin

Notary Public, Baldwin County.

Jimmy Faulkner
P.M. Publisher.

