

4141

A. G. SUMMERLIN AND ROSA LEE SUMMERLIN, LUTHER J. SHIVER AND VERDA MAE SHIVER,	0	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
COMPLAINANTS	1	IN EQUITY

VERSUS

BARTIS C. STANTON, MILLIE F. STANTON, O. E. SUMMERLIN, IDA SUMMERLIN, PATON L. FINCHER, CORENE FINCHER, MINNIE FINCHER, CLARENCE L. SUMMERLIN, EMILY SUMMERLIN, CONNIE FINCHER SMITH, RILEY SMITH, MARIE FINCHER WRIGHT, EUGENE WRIGHT, HATTIE FINCHER CASTLOW, if living, or their heirs and devisees, if dead, and the following described property situated in Baldwin County, Alabama, to-wit:

Beginning at the Northeast Corner of Section 29, T4S, R2E, run West 407 feet; thence South 1880 feet, more or less; thence West 203 feet; thence South 431 feet to a stake, for a point of beginning. From this point go South 329 feet; thence East 203 feet; thence North 329 feet; thence West 203 feet to the place of beginning, containing 1 1/2 acres, more or less;

and any and all other persons claiming any title to or interest in the real property described above,

RESPONDENTS

FINAL DECREE

This cause coming on to be heard this the 9th day of December, 1957, is submitted for final decree upon Complainants verified Bill of Complaint and upon the decree pro confesso rendered therein, and the answer of the Guardian Ad Litem, and the testimony of A. G. Summerlin, Luther J. Shiver and A. W. Clark, taken orally before the Commissioner duly appointed by the Register, and the pleadings and proof, as noted by the Register; and it appearing to the satisfaction of the Court:

1. That the Complainants, A. G. Summerlin and Rosa Lee Summerlin, at the time of filing their Bill of Complaint in this cause, claimed in their own right a fee simple title to, and were, in actual, peaceful possession of the following described lands lying and being situated in the County of Baldwin, State of Alabama, and more particularly described as follows:

Beginning at the Northeast corner of Section 29, T4S, R2E, run West 407 feet; thence South 1880 feet, more or less; thence West 203 feet; thence South 431 feet to a stake, for a point of beginning. From this point go South 329 feet; thence East 203 feet; thence North 329 feet; thence West 203 feet to the place of beginning, containing 1½ acres, more or less.

Except that portion of the above described land, however, set out below and the Complainants, Luther J. Shiver and Verda Mae Shiver, at the time of filing of this Bill of Complaint in this cause, claimed in their own right a fee simple title to, and were, in the actual, peaceful possession of that part more particularly described as follows:

Beginning at the Northeast corner of Section 29, T4S, R2E, run West 407 feet; thence South 1880 feet, more or less; thence West 203 feet; thence South 631 feet to a stake for the point of beginning; thence South 109 feet to a stake; thence East 203 feet to a stake; thence North 109 feet to a stake; thence West 203 feet to point of beginning.

Beginning at the Northeast corner of Section 29, T4S, R2E, run West 407 feet; thence South 1860 feet, more or less; thence West 203 feet; thence South 521 feet for point of beginning; continue South 110 feet; thence East 203 feet; thence North 110 feet; thence West 203 feet to the point of beginning.

2. That at the time of the filing of said Bill of Complaint no suit was pending to test their title to, interest in, or their right to the possession of said lands.

3. That their said Bill of Complaint was and is duly verified and was filed against said lands, and was to establish the right or title to such lands or interest in and to clear up all doubts or disputes concerning the same, and that said Bill of Complaint did in all respects comply with the provisions of Article 2 of Title 7 of the 1940 Code of Alabama, as amended.

4. That the Complainants executed diligent efforts to ascertain the facts with regard to the Defendants and to give notice of the pendency of the said Bill of Complaint.

5. That notice of the pendency of said Bill of Complaint was drawn and signed by the Register of the Court and said Register did have said notice published once a week for four (4) consecutive weeks in the Fairhope Courier, a newspaper having general circulation and published in the County of Baldwin, State of Alabama, and authorized by order made in this cause.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 12-17-57 8A-M
Recorded *[Signature]* book 261 page 26-8
Judge of Probate *[Signature]*

6. That a copy of said notice certified by the Register of this Court as being correct was recorded as a Lis Pendens in the Office of the Judge of Probate of said County, and said notice being in strict accord and compliance with the law.

7. That it has been more than sixty (60) days since the first publication of said notice and the filing of a certified copy of said notice in the Office of the Judge of Probate of said County where the said lands lie.

8. That no person has intervened in said cause.

9. That a Guardian Ad Litem and an Attorney Ad Litem have been appointed and accepted service and filed an answer in said cause to protect the rights of appropriate parties in said matter.

10. That the Complainants have established, as shown by legal evidence, that they are the owners in fee simple title of the said lands.

11. That all the allegations of fact contained in Complainants Bill of Complaint are true.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the Complainants are entitled to the relief prayed for in this said Bill of Complaint, and that the fee simple title claimed by the Complainants in and to the above described lands has been duly proven.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Complainants are the owners of said lands and have the fee simple title thereto, free of all liens and encumbrances, and that all doubts and disputes concerning the same are hereby cleared up.

It is further ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, and that it be indexed in the names of A. G. SUMMERLIN and ROSA LEE SUMMERLIN, LUTHER J. SHIVER and VERDA MAE SHIVER in both the Direct Index and the Indirect Index of the Records thereof.

DONE this the 9th day of December, 1957.

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 enrolled in my office.

Hubert M. Hall
CIRCUIT JUDGE

WITNESS MY HAND AND SEAL THIS THE 10 day of Dec, 1957

Alice J. Duck
Register of Circuit Court, in Equity



Register of Circuit Court in Equity
[Signature]

REGISTERED BY HAND AND SENT INTO THE RECORDS OF THE CLERK OF THE COURT OF THE COUNTY OF BALDWIN, ALABAMA, THIS 12th DAY OF DECEMBER, 1923.
H. W. [Signature]

EMILY M. HEAL

FILED THIS 26th DAY OF DECEMBER 1923

BOOK INDEX OF THE RECORDS PRESENT

DECEMBER AND ALIXA AND EMILY IN BOOK THE DIRECT INDEX AND THE INDEX IN THE NAME OF A. G. SUMNERLIN AND JOHN W. SUMNERLIN, ESTATE OF

JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, AND THAT IT BE INDEXED & CERTIFIED COPY OF THIS DECREE BE RECORDED IN THE OFFICE OF THE

CLERK OF THE COUNTY OF BALDWIN, ALABAMA, AND THAT THE CLERK OF THE

2.50
Mrs. Deck

4141

FINAL DECREE

Walter T. Shiver
Verdaman 1

A. G. SUMNERLIN, et al,
Rosa Lee v.
Complainants

versus

BARTIS C. STANTON, et al,
and CERTAIN LANDS,
Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY
D. L. Sumnerlin vs
The
Emilie F.
Riley Smith
Cornelia F. S.
Eugene Wright
Minnie F. v.

1. That all the allegations of fact contained in the petition are true and correct and that the respondents are guilty of the same.

2. That the respondents have wrongfully and unlawfully taken possession of the certain lands described in the petition and that they are entitled to the same.

3. That the respondents have wrongfully and unlawfully taken possession of the certain lands described in the petition and that they are entitled to the same.

4. That the respondents have wrongfully and unlawfully taken possession of the certain lands described in the petition and that they are entitled to the same.

5. That the respondents have wrongfully and unlawfully taken possession of the certain lands described in the petition and that they are entitled to the same.

6. That the respondents have wrongfully and unlawfully taken possession of the certain lands described in the petition and that they are entitled to the same.

7. That the respondents have wrongfully and unlawfully taken possession of the certain lands described in the petition and that they are entitled to the same.

8. That the respondents have wrongfully and unlawfully taken possession of the certain lands described in the petition and that they are entitled to the same.

9. That the respondents have wrongfully and unlawfully taken possession of the certain lands described in the petition and that they are entitled to the same.

State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

No. _____ Term, 19 57

A. G. SUMMERLIN, et al Complainant S

BARTIS C. STANTON, et al Defendant S

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 12th day of September, 19 57, in the Fairhope Courier a newspaper published in Baldwin County, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the _____ day of _____ 19 57, and

for four consecutive weeks thereafter

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

Bartis C. Stanton, Millie F. Stanton, O. E. Summerlin, Ida Summerlin, Paton L. Fincher, Corene Fincher, Minnie Fincher, Clarence L. Summerlin, Emily Summerlin, Connie Fincher Smith, Riley Smith, Marie Fincher Wright, Eugene Wright, Hattie Fincher Castelow, or no other person

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 S, 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 Bartis C. Stanton and other parties named above

This 30th day of November 19 57

Alice J. Duck Register.

No. ----- Page -----

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

Vs.

Decree Pro Confesso of Publication

Issued 11-30 1957

W. J. ...
Register.

Recorded in ----- Record

Vol. ----- Page -----

Register.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19 57

A. G. SUMMERLIN, et al Complainant S

Vs.

BARTIS C. STANTON, et al Defendant S

Motion is hereby made for a Decree Pro Confesso on Publication

(all Defendants named in the Bill of Complaint) Defendant S

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 29th day of November 19 57

746 Code

[Signature] Solicitor.

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

A. G. SUMMERLIN, et al

Complainant - s

Vs.

BARTIS C. STANTON, et al
and Certain Lands

Defendant - s

Motion for Decree Pro Con
on Publication

Filed 11-29 1957

Archie J. ...
Register.

Recorded in _____ Record

Vol. _____ Page _____

Re _____

A. G. SUMMERLIN, et al,
Complainants

-vs-

BARTIS C. STANTON, et al
and CERTAIN LANDS,

Respondents

¶
¶
¶
¶

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER OF GUARDIAN AD LITEM

Come all unknown minors and insane parties, as well as all parties who might be in the military services of the United States, by their Guardian Ad Litem, Robert V. Duck, and for answer to the Bill of Complaint filed in the above mentioned cause, denies each and every allegation of said Bill and demand strict proof.

Robert V. Duck
Guardian Ad Litem and Attorney representing parties in the military services

CERTIFICATE

I do hereby certify that I have served a copy of the above on Ernest M. Bailey, Attorney for the Complainants, by delivery, on this the 7th day of October, 1957.

filed Oct. 9, 1957
Walter J. Duck, Register

Robert V. Duck
Guardian Ad Litem and Attorney representing parties in the military services

4141

A. G. Summerlin, et al
Complainant

vs

Bartis C. Stanton, et al
Respondent

Present by
Gambler Hel Fitem

FILED

OCT 9 1957

ALICE J. DUCK, Register

A.G. SUMMERLIN, et al,
Complainants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

- vs -

BARTIS C. STANTON, et al
and CERTAIN LANDS,
Respondents

APPOINTMENT OF GUARDIAN AD LITEM

In this cause it is made to appear to the Register by the Complainants, A. G. Summerlin, that the Defendants may be unknown minors, insane parties or parties in the military services; and it further appearing that John Duck, an Attorney at Law, is in all respects a suitable person to act as Guardian Ad Litem for such parties; and the said John Duck, having filed his consent in writing to act as such;

It is therefore ordered by the Register of said Court that said John Duck be and the same hereby is appointed Guardian Ad Litem in this cause for the said parties.

Witness my hand this the 3 day of Oct, 1957.

Reis. Duck
REGISTER

CONSENT TO ACT

I, John D. Duck, hereby accept the above appointment as Guardian Ad Litem, and consent to act as such in the above cause.

Witness my hand this the 7th day of October, 1957.

123

John D. Duck

123

A. C. Gummerlin et al
Complainant

vs

Barton C. Stanton et al.

Appointing
Guardian ad Litem

A. G. SUMMERLIN and
ROSA LEE SUMMERLIN,
LUTHER J. SHIVER and
VERDA MAE SHIVER,

↓

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

↓

COMPLAINANTS

IN EQUITY

versus

↓

CASE NUMBER _____

BARTIS C. STANTON, MILLIE
F. STANTON, O. E. SUMMERLIN,
IDA SUMMERLIN, PATON L. FINCHER,
CORENE FINCHER, MINNIE FINCHER,
CLARNECE L. SUMMERLIN, EMILY
SUMMERLIN, CONNIE FINCHER SMITH,
RILEY SMITH, MARIE FINCHER WRIGHT,
EUGENE WRIGHT, HATTIE FINCHER
CASTELOW or their heirs and de-
visees and the following described
property situated in Baldwin County,
Alabama, to-wit:

Beginning at the Northeast Corner
of Section 29, T4S, R2E, run West
407 feet; thence South 1880 feet,
more or less; thence West 203 feet;
thence South 431 feet to a stake,
for a point of beginning. From
this point go South 329 feet; thence
East 203 feet; thence North 329 feet;
thence West 203 feet to the place of
beginning, containing 1 1/2 acres,
more or less;

and any and all other persons claim-
ing any title to or interest in the
real property described above,

RESPONDENTS

NOTICE

Notice is hereby given to Bartis C. Stanton, Millie F. Stanton,
O. E. Summerlin, Ida Summerlin, Paton L. Fincher, Corene Fincher,
Minnie Fincher, Clarence L. Summerlin, Emily Summerlin, Connie
Fincher Smith, Riley Smith, Marie Fincher Wright, Eugene Wright,
Hattie Fincher Castelow, their heirs or devisees, and to all un-
known persons, firms and corporations claiming any title to, in-
terest in, lien or encumbrances upon, the lands described below,
or any part thereof, that in the Circuit Court of Baldwin County,
Alabama, in Equity, there is pending a verified Bill of Complaint
filed by A. G. Summerlin, Rosa Lee Summerlin, Luther J. Shiver and
Verda Mae Shiver against the following described lands:

Beginning at the Northeast Corner of Section 29,
T4S, R2E, run West 407 feet; thence South 1880
feet, more or less; thence West 203 feet; thence

South 431 feet to a stake, for a point of beginning. From this point go South 329 feet; thence East 203 feet; thence North 329 feet; thence West 203 feet to the place of beginning, containing 1 1/2 acres, more or less.

And against any and all persons claiming any title thereto or interest therein or lien or encumbrance upon the said lands or any part thereof, said Bill being filed to establish the right or title to such lands and to clear up all doubts or disputes concerning the same.

The Complainants claim title to said lands under and by virtue of a deed of conveyance from Paton L. Fincher and Corene Fincher which deed is recorded in Deed Book 204 at page 200 of the Probate Records of Baldwin County, Alabama. Complainants allege that they know of no one who has paid taxes on said lands, or who have been in possession of the same or any part thereof within the ten (10) years next preceding the filing of the Bill of Complaint, except Complainants and their predecessors in title within the said period.

It is therefore ordered that publication of this notice be made in The Fairhope Courier, a newspaper published and having a general circulation in Baldwin County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and any and all persons claiming any title to, interest in, or lien or encumbrance upon the above described real estate, or any part thereof, be, and they are hereby required to plead, answer or demur to the Bill of Complaint within the time required by law in this cause.

It is further ordered that a copy of this notice certified by the Register, as being correct, shall also be recorded as a lis pendens in the Office of the Judge of Probate of Baldwin County, Alabama.

Done this the 4th day of September, 1957 at my office.

/S/ ALICE J. DUCK
Alice J. Duck, Register

Ernest M. Bailey
Attorney for Complainants

*filed - 9-4-57
Alice J. Duck, Register*

STATE OF ALABAMA)
)
BALDWIN COUNTY)

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the above and foregoing is a true and correct copy of the notice to be published to the Respondents in the above and foregoing cause.

Witness my hand and seal of office this the 14th day of September, 1957.

Alice J. Duck

Alice J. Duck, Register

#141

A. G. Summerlin et al
vs Complainant

Bart's C. Stanton, et al
Respondents

Notice

Filed 9-4-57
Deane J. Newell
Registrar

The Fairhope Courier



ESTABLISHED 1894

E. B. GASTON ESTATE, PUBLISHERS

TELEPHONE 5201

FAIRHOPE, ALABAMA

"On Mobile Bay"

This is to certify that the attached legal notice appeared in The Fairhope Courier, a weekly newspaper published in the City of Fairhope, County of Baldwin, State of Alabama on the dates of Sept. 12 - 19 - 26 and Oct. 3.

Francis D. Crawford
Editor

State of Alabama
County of Baldwin

Sworn to and subscribed this 7th day of Oct A.D. 1957, before me.

Alice J. Duck
Notary Public, Baldwin County

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

Case Number
A. G. Summerlin and Rosa Lee Summerlin, Luther J. Shiver and Verda Mae Shiver, Complainants
versus

Bartis C. Stanton, Millie F. Stanton, O. E. Summerlin, Ida Summerlin, Paton L. Fincher, Corene Fincher, Minnie Fincher, Clarence L. Summerlin, Emily Summerlin, Connie Fincher Smith, Riley Smith, Marie Fincher Wright, Eugene Wright, Hattie Fincher Castelow or their heirs and devisees and the following described property situated in Baldwin County, Alabama, to-wit:

Beginning at the Northeast Corner of Section 29, T4S, R2E, run West 407 feet; thence South 1880 feet, more or less; thence West 203 feet; thence South 431 feet to a stake, for a point of beginning. From this point go South 329 feet; thence East 203 feet; thence North 329 feet; thence West 203 feet to the place of beginning, containing 1½ acres more or less; And any and all other persons claiming any title to or interest in the real property described above, Respondents.

NOTICE

Notice is hereby given to Bartis C. Stanton, Millie F. Stanton, O. E. Summerlin, Ida Summerlin, Paton L. Fincher, Corene Fincher, Minnie Fincher, Clarence L. Summerlin, Emily Summerlin, Connie Fincher Smith, Riley Smith, Marie Fincher Wright, Eugene Wright, Hattie Fincher Castelow, their heirs or devisees, and to all unknown persons, firms and corporations claiming any title to, interest in, lien or encumbrance upon the above described lands, and they are hereby required to plead, answer or demur to the Bill of Complaint within the time required by law in this cause.

It is further ordered that a copy of this notice certified by the Register, as being correct, shall also be recorded as a lis pendens in the office of the Judge of Probate of Baldwin County, Alabama.

Done this the 4th day of September, 1957 at my office.

/S/ Alice J. Duck

Bill of Complaint filed by G. Summerlin, Rosa Lee Summerlin, Luther J. Shiver and Verda Mae Shiver against the following described lands:

Beginning at the Northeast Corner of Section 29, T4S, R2E, run West 407 feet; thence South 1880 feet, more or less; thence West 203 feet; thence South 431 feet to a stake, for a point of beginning. From this point go South 329 feet; thence East 203 feet; thence North 329 feet; thence West 203 feet to the place of beginning containing 1½ acres, more or less.

And against any and all persons claiming any title thereto or interest therein or lien or encumbrance upon the said lands or any part thereof, said Bill being filed to establish the right or title to such lands and to clear up all doubts or disputes concerning the same.

The Complainants claim title to said lands under and by virtue of a deed of conveyance...

Records of Baldwin County, Alabama. Complainants allege that they know of no one who has paid taxes on said lands, or who have been in possession of the same or any part thereof within the ten (10) years next preceding the filing of the Bill of Complaint, except Complainants and their predecessors in title within the said period.

It is therefore ordered that publication of this notice be made in The Fairhope Courier, a newspaper published and having a general circulation in Baldwin County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and any and all persons claiming...

FILED

OCT 9 1957

ALICE J. DUCK, Register

The Fairhope Courier

E. B. GASTON ESTATE, PUBLISHER

P. O. BOX 268

Telephone WA8-5201 Established 1894



Fairhope, Alabama October 5, 1957

Mrs. Alice J. Duck

Bay Minette

Alabama

Legal Notice - 645 words

A. G. Summerlin and Rosa Summerlin and
Verda Mae Shiver versus Bartis C. Stanton,
Millie F. Stanton, O. E. Summerlin, Ida
Summerlin, Paton L. Fincher, Corene
Fincher, Minnie Fincher, Clarence L.
Summerlin, Emily Summerlin, Connie Fincher
Smith, Riley Smith, Marie Fincher Wright,
Eugene Wright, Hattie Fincher Castelow
Sept. 12 - 19 - 26 - Oct. 3.

41 93

A. G. Summerlin et al,

vs.

Bartis C. Stanton, et al, and
Certain Lands

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint,
and Oral Testimony of A. G. Summerlin, Luther J. Shiver and
A. W. Clark, taken before Commissioner

and in behalf of Defendant upon ~~Answer of Guardian Ad Litem and Decree~~
~~Pro Confesso~~

Edmund H. Bailey
Attorney for Plaintiffs

Archie J. Duck
Register.

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

A. G. Summerlin, et al,

Complainants

versus

vs.

Bartis C. Stanton, et al

and certain lands

Respondents

NOTE OF TESTIMONY

Filed in Open Court this

day of, 194

FILED

DEC 6 1957

ALICE J. DICK, Register.

A. G. SUMMERLIN and
ROSA LEE SUMMERLIN,
LUTHER J. SHIVER and
VERDA MAE SHIVER,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

COMPLAINANTS

versus

CASE NUMBER 4141

BARTIS C. STANTON, MILLIE
F. STANTON, O. E. SUMMERLIN,
IDA SUMMERLIN, PATON L. FINCHER,
CORENE FINCHER, MINNIE FINCHER,
CLARENCE L. SUMMERLIN, EMILY
SUMMERLIN, CONNIE FINCHER SMITH,
RILEY SMITH, MARIE FINCHER WRIGHT,
EUGENE WRIGHT, HATTIE FINCHER
CASTELOW or their heirs and de-
visees and the following described
property situated in Baldwin County,
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Beginning at the Northeast Corner
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407 feet; thence South 1880 feet,
more or less; thence West 203 feet;
thence South 431 feet to a stake,
for a point of beginning. From
this point go South 329 feet; thence
East 203 feet; thence North 329 feet;
thence west 203 feet to the place of
beginning, containing 1 1/2 acres,
more or less;

and any and all other persons claim-
ing any title to or interest in the
real property described above,

RESPONDENTS

NOTICE

Notice is hereby given to Bartis C. Stanton, Millie F. Stanton,
O. E. Summerlin, Ida Summerlin, Paton L. Fincher, Corene Fincher,
Minnie Fincher, Clarence L. Summerlin, Emily Summerlin, Connie
Fincher Smith, Riley Smith, Marie Fincher Wright, Eugene Wright,
Hattie Fincher Castelow, their heirs or devisees, and to all un-
known persons, firms and corporations claiming any title to, in-
terest in, lien or encumbrances upon, the lands described below,
or any part thereof, that in the Circuit Court of Baldwin County,
Alabama, in Equity, there is pending a verified Bill of Complaint
filed by A. G. Summerlin, Rosa Lee Summerlin, Luther J. Shiver and
Verda Mae Shiver against the following described lands:

Beginning at the Northeast Corner of Section 29,
T4S, R2E, run West 407 feet; thence South 1880
feet, more or less; thence West 203 feet; thence

South 431 feet to a stake, for a point of beginning. From this point go South 329 feet; thence East 203 feet; thence North 329 feet; thence West 203 feet to the place of beginning, containing 1 1/2 acres, more or less.

And against any and all persons claiming any title thereto or interest therein or lien or encumbrance upon the said lands or any part thereof, said Bill being filed to establish the right or title to such lands and to clear up all doubts or disputes concerning the same.

The Complainants claim title to said lands under and by virtue of a deed of conveyance from Paton L. Fincher and Corene Fincher which deed is recorded in Deed Book 204 at page 200 of the Probate Records of Baldwin County, Alabama. Complainants allege that they know of no one who has paid taxes on said lands, or who have been in possession of the same or any part thereof within the ten (10) years next preceding the filing of the Bill of Complaint, except Complainants and their predecessors in title within the said period.

It is therefore ordered that publication of this notice be made in The Fairhope Courier, a newspaper published and having a general circulation in Baldwin County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and any and all persons claiming any title to, interest in, or lien or encumbrance upon the above described real estate, or any part thereof, be, and they are hereby required to plead, answer or demur to the Bill of Complaint within the time required by law in this cause.

It is further ordered that a copy of this notice certified by the Register, as being correct, shall also be recorded as a lis pendens in the Office of the Judge of Probate of Baldwin County, Alabama.

Done this the 4th day of September, 1957 at my office.

/s/ ALICE J. DUCK
Alice J. Duck, Register

Ernest M. Bailey
Attorney for Complainants

BOOK 004 PAGE 376

STATE OF ALABAMA }
BALDWIN COUNTY }

BOOK 004 PAGE 377

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the above and foregoing is a true and correct copy of the notice to be published to the Respondents in the above and foregoing cause.

Witness my hand and seal of office this the 4 day of September, 1957.

Alice J. Duck
Alice J. Duck, Register

STATE OF ALABAMA, BALDWIN COUNTY
Filed 10-3-57 11 A. M
Recorded Lia Quid book 4 page 375-7
W. Stuart
Judge of Probate 6

Handwritten notes:
Mrs. Duck
Circuit Court
Baldwin County
Alabama

Handwritten: 10-4-57

Vertical handwritten notes on the right side of the page, including names and dates.

3 4141 9-4-17
A.C. Summerlin et al
Rose Lee vs

Butler W. Shivens
Vanda Mae vs
Complaint

Bertis C. Stentor et al
Mollie F. vs
D.E. Summerlin et al
Respondent

John Clarence Jr & Emily
Patton W. Franches
Corene
Dorinda
Riley Smith vs
Cousine F.
Eugene Wright
Marie F.
Hattie F.
Castelaw
Notice

4-325-7

R200

Ret to
Clerk of Circuit
Court.
Mrs. Deek

CLERK OF DISTRICT COURT
M.A. 11
1917-10-2-11
STATE OF MISSISSIPPI
BUTDAM COMILA

Wanda Mae vs
Butler W. Shivens

MISSISSIPPI
1917-10-2-11
BOOK 100
PAGE 100
STATE OF MISSISSIPPI
BUTDAM COMILA
CLERK OF DISTRICT COURT

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: Helen M. Bailey

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine A. G. Summerlin, Luther J. Shiver and A. W. Clark

a witnesses in behalf of Complainants in a cause pending in our Circuit Court in Baldwin County, of said State, wherein A. G. Summerlin, et al

Complainant and Bartis C. Stanton, et al, and certain lands

Respondent

on oath, to be by you administered, upon them to take and certify the deposition of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 30th day of November, 1957

Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

A. G. Summerlin, et al,

Complainant

VS.

Bartis C. Stanton, et al,

and certain lands,

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Helen M. Bailey

WITNESSES:

A. G. Summerlin, Luther J.

Shiver and A. W. Clark

A. G. SUMMERLIN AND ROSA
LEE SUMMERLIN, LUTHER J.
SHIVER AND VERDA MAE SHIVER,

¶
¶
¶

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

COMPLAINANTS

IN EQUITY

VERSUS

¶

BARTIS C. STANTON, MILLIE F.
STANTON, O. E. SUMMERLIN, IDA
SUMMERLIN, PATON L. FINCHER,
CORENE FINCHER, MINNIE FINCHER,
CLARENCE L. SUMMERLIN, EMILY
SUMMERLIN, CONNIE FINCHER SMITH,
RILEY SMITH, MARIE FINCHER WRIGHT,
EUGENE WRIGHT, HATTIE FINCHER
CASTELOW, if living, or their
heirs and devisees, if dead, and
the following described property
situated in Baldwin County, Ala-
bama, to-wit:

Beginning at the Northeast Corner
of Section 29, T4S, R2E, run West
407 feet; thence South 1880 feet,
more or less; thence West 203 feet;
thence South 431 feet to a stake,
for a point of beginning. From
this point go South 329 feet; thence
East 203 feet; thence North 329 feet;
thence West 203 feet to the place of
beginning, containing $1 \frac{1}{2}$ acres, more
or less;

and any and all other persons claim-
ing any title to or interest in the
real property described above,

RESPONDENTS

FINAL DECREE

This cause coming on to be heard this the 9 day of Dec,
1957, is submitted for final decree upon Complainants verified Bill
of Complaint and upon the decree pro confesso rendered therein, and
the answer of the Guardian Ad Litem, and the testimony of A. G.
Summerlin, Luther J. Shiver and A. W. Clark, taken orally before
the Commissioner duly appointed by the Register, and the pleadings
and proof, as noted by the Register; and it appearing to the satis-
faction of the Court:

1. That the Complainants, A. G. Summerlin and Rosa Lee Summer-
lin, at the time of filing their Bill of Complaint in this cause,
claimed in their own right a fee simple title to, and were, in
actual, peaceful possession of the following described lands lying
and being situated in the County of Baldwin, State of Alabama, and
more particularly described as follows:

Beginning at the Northeast corner of Section 29, T4S, R2E, run West 407 feet; thence South 1880 feet, more or less; thence West 203 feet; thence South 431 feet to a stake, for a point of beginning. From this point go South 329 feet; thence East 203 feet; thence North 329 feet; thence West 203 feet to the place of beginning, containing $1\frac{1}{2}$ acres, more or less.

Except that portion of the above described land, however, set out below and the Complainants, Luther J. Shiver and Verda Mae Shiver, at the time of filing of this Bill of Complaint in this cause, claimed in their own right a fee simple title to, and were, in the actual, peaceful possession of that part more particularly described as follows:

Beginning at the Northeast corner of Section 29, T4S, R2E, run West 407 feet; thence South 1880 feet, more or less; thence West 203 feet; thence South 631 feet to a stake for the point of beginning; thence South 109 feet to a stake; thence East 203 feet to a stake; thence North 109 feet to a stake; thence West 203 feet to point of beginning.

Beginning at the Northeast corner of Section 29, T4S, R2E, run West 407 feet; thence South 1880 feet, more or less; thence West 203 feet; thence South 521 feet for point of beginning; continue South 110 feet; thence East 203 feet; thence North 110 feet; thence West 203 feet to the point of beginning.

2. That at the time of the filing of said Bill of Complaint no suit was pending to test their title to, interest in, or their right to the possession of said lands.
3. That their said Bill of Complaint was and is duly verified and was filed against said lands, and was to establish the right or title to such lands or interest in and to clear up all doubts or disputes concerning the same, and that said Bill of Complaint did in all respects comply with the provisions of Article 2 of Title 7 of the 1940 Code of Alabama, as amended.
4. That the Complainants executed diligent efforts to ascertain the facts with regard to the Defendants and to give notice of the pendency of the said Bill of Complaint.
5. That notice of the pendency of said Bill of Complaint was drawn and signed by the Register of the Court and said Register did have said notice published once a week for four (4) consecutive weeks in the Fairhope Courier, a newspaper having general circulation and published in the County of Baldwin, State of Alabama, and authorized by order made in this cause.

6. That a copy of said notice certified by the Register of this Court as being correct was recorded as a Lis Pendens in the Office of the Judge of Probate of said County, and said notice being in strict accord and compliance with the law.

7. That it has been more than sixty (60) days since the first publication of said notice and the filing of a certified copy of said notice in the Office of the Judge of Probate of said County where the said lands lie.

8. That no person has intervened in said cause.

9. That a Guardian Ad Litem and an Attorney Ad Litem have been appointed and accepted service and filed an answer in said cause to protect the rights of appropriate parties in said matter.

10. That the Complainants have established, as shown by legal evidence, that they are the owners in fee simple title of the said lands.

11. That all the allegations of fact contained in Complainants Bill of Complaint are true.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the Complainants are entitled to the relief prayed for in this said Bill of Complaint, and that the fee simple title claimed by the Complainants in and to the above described lands has been duly proven.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Complainants are the owners of said lands and have the fee simple title thereto, free of all liens and encumbrances, and that all doubts and disputes concerning the same are hereby cleared up.

It is further ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, and that it be indexed in the names of A. G. SUMMERLIN and ROSA LEE SUMMERLIN, LUTHER J. SHIVER and VERDA MAE SHIVER in both the Direct Index and the Indirect Index of the Records thereof.

DONE this the 9 day of Dec, 1957.

Hubert M. Hall
CIRCUIT JUDGE

IN EQUITY
BALDWIN COUNTY, ALABAMA
IN THE CIRCUIT COURT OF
Respondents
BARTIS C. STANTON, et al,
and CERTAIN LANDS,
versus
Complainants
A. G. SUMMERTIN, et al,

FINAL DECREE

FILED
DEC 10 1957
ALICE I. BUCK, Register

W. R. STUART

PROBATE JUDGE

No 4320

Bay Minette, Ala., 12-17, 1917

Received of Mrs. Duck

No.	Description	Deed Tax		Mortgage Tax		Recording Fees		TOTAL	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
	C. G. Summerlin & Co VS - Part: C. Heston et al					250		250	

FOR RECORD

W. R. Stuart

TOTAL \$ 250

7598 MARSHALL & BRUCE-NASHVILLE

Judge of Probate.

B

ERNEST M. BAILEY
ATTORNEY AT LAW
221 FAIRHOPE AVENUE
FAIRHOPE, ALABAMA
PHONE WA 8-9759

December
7th
1957

Mrs. Alice J. Duck
Clerk, Circuit Court of
Baldwin County,
Bay Minette, Alabama

In re: A. G. Summerlin, et al, versus Bartis C. Stanton,
et al and Certain Lands. Equity No. 4141

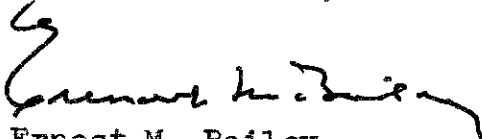
Dear Mrs. Duck:

As you will recall, I neglected to bring the Final Decree
in the above matter to Bay Minette with me yesterday.

I am enclosing herewith Final Decree and will appreciate your
submitting the same to Judge Hall. I am enclosing three
additional copies and will appreciate your returning two cer-
tified copies to me, together with your cost bill.

Thanking you in advance, I am

Very truly yours,



Ernest M. Bailey
EMB:b
Enclosures

A. G. SUMMERLIN and
ROSA LEE SUMMERLIN,
LUTHER J. SHIVER and
VERDA MAE SHIVER,

COMPLAINANTS

-vs-

BARTIS C. STANTON, MILLIE
F. STANTON, O. E. SUMMERLIN,
IDA SUMMERLIN, PATON L. FINCHER,
CORENE FINCHER, MINNIE FINCHER,
CLARENCE L. SUMMERLIN, EMILY
SUMMERLIN, CONNIE FINCHER SMITH,
RILEY SMITH, MARIE FINCHER WRIGHT,
EUGENE WRIGHT, HATTIE FINCHER
CASELOW or their heirs and de-
visees and the following described
property situated in Baldwin
County, Alabama, to-wit:

Beginning at the Northeast Corner
of Section 29, T4S, R2E, run West
407 feet; thence South 1880 feet,
more or less; thence West 203 feet;
thence South 431 feet to a stake,
for a point of beginning. From
this point go South 329 feet; thence
East 203 feet; thence North 329 feet;
thence West 203 feet to the place of
beginning, containing $1\frac{1}{2}$ acres, more
or less;

and any and all other persons claim-
ing any title to or interest in the
real property described above,

RESPONDENTS

VERIFIED BILL OF COMPLAINT

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT,
IN EQUITY SITTING:

Comes the Complainants, A. G. Summerlin and Rosa Lee Summerlin,
Luther J. Shiver and Verda Mae Shiver, and respectfully show unto
the Court as follows:

1. That the Complainants are over the age of twenty-one years
and reside in Baldwin County, Alabama.
2. That so far as your Complainants know the Respondents are
over the age of twenty one years; that the addresses of the Respon-
dents named in the Bill of Complaint cannot be ascertained through
reasonable and diligent efforts; that your Complainants, through

their attorney, have examined the records relating to the said land and said records indicate that the only possible claimants are the Respondents, their heirs or devisees, if any. Complainants aver that they do not know of any other person, firm or corporation who claims the land that is subject of this suit, or any title to, interest in, lien or encumbrance thereon, or any part thereof other than the within named Respondents.

3. That the land in question is situated in Baldwin County, Alabama, and more particularly described as follows:

Beginning at the Northeast corner of Section 29, T4S, R2E, run West 407 feet; thence South 1880 feet, more or less; thence West 203 feet; thence South 431 feet to a stake, for a point of beginning. From this point go South 329 feet; thence East 203 feet; thence North 329 feet; thence West 203 feet to the place of beginning, containing $1\frac{1}{2}$ acres, more or less.

4. The Complainants, A. G. Summerlin and Rosa Lee Summerlin, claim in their own right the entire fee simple title in and to the above described real estate, except that portion which has heretofore been conveyed to the Complainants, Luther J. Shiver and Verda Mae Shiver, and in support of such fee simple title, they aver that the property was purchased for a valuable consideration from Paton L. Fincher and Corene Fincher, his wife, on the 20th day of July, 1953, as evidenced by a deed of conveyance executed by the said Paton L. Fincher and Corene Fincher in favor of the Complainants, A. G. Summerlin and Rosa Lee Summerlin as shown in the records of the Office of the Judge of Probate of Baldwin County, Alabama in Deed Book 204 at pages 200-201. The Complainants, Luther J. Shiver and Verda Mae Shiver claim in their own right the entire fee simple title in and to that part of the above described real estate as follows, to-wit:

Beginning at the Northeast corner of Section 29, T4S, R2E, run West 407 feet; thence South 1880 feet, more or less; thence West 203 feet; thence South 631 feet to a stake for point of beginning; thence South 109 feet to a stake; thence East 203 feet to a stake; thence North 109 feet to a stake; thence West 203 feet to the point of beginning.

Beginning at the Northeast corner of Section 29, T4S, R2E, run West 407 feet; thence South 1880 feet, more or less; thence West 203 feet; thence South 521 feet for point of beginning; continue South 110 feet; thence East 203 feet; thence North 110 feet; thence West 203 feet to the point of beginning.

and in support of such fee simple title, they aver that they purchased the said property for a valuable consideration from A. G. Summerlin and Rosa Lee Summerlin, his wife, by deeds of conveyance executed by the said A. G. Summerlin and Rosa Lee Summerlin on the 11th day of June, 1954 and the 3rd day of December, 1954, respectively, and which deeds are respectively recorded in Deed Book 211 at pages 498-499 and Deed Book 232 at pages 08-09 in the records of the Office of the Judge of Probate of Baldwin County, Alabama.

5. Complainants are now and have been, and their predecessors in title have been, in open, notorious, continuous, peaceable and adverse possession of the said lands for more than ten years preceding the filing of this Bill, and that for more than ten years preceding the date of the filing of this Bill, no one other than the Complainants or their predecessors in title have assessed or paid any taxes on said property.

6. Complainants further aver that there is no suit pending to test the title to said real estate or their interest in or right of possession of the same.

The premises considered, the Complainants file this their verified Bill of Complaint against the land hereinabove described and against Bartis C. Stanton, Millie F. Stanton, O. E. Summerlin, Ida Summerlin, Paton L. Fincher, Corene Fincher, Minnie Fincher, Clarence L. Summerlin, Emily Summerlin, Connie Fincher Smith, Riley Smith, Marie Fincher Wright, Eugene Wright, or Hattie Fincher Castelow, if living, or against their heirs or devisees, if deceased, and against all or any other persons claiming any interest in, title to, lien or encumbrances upon said land or any part thereof, for the purpose of establishing Complainants' right of title to said land, and to clear up all doubts or disputes concerning the same, and Complainants further pray that process be served on the parties hereinabove named or publication be made, requiring them to plead, answer or demur to the same within the time required by law, or a Decree Pro Confesso be entered against them, and Complainants further pray that notice be filed in the Lis Pendens records in the Probate Court Office as required by law, and Complainants further pray that this Court forthwith appoint a Guardian ad litem to represent such of said Respon-

dents who may at this time be under the age of twenty one years, or who may be incompetent, or who may be in the Armed Services of the United States of America. Complainants further pray that this Court find that the rights or interests of all parties to this suit are before the Court, and will be finally adjudicated by this Court's decrees. Complainants further pray that the Court make and enter all decrees, orders, and judgments which may be meet and proper in the premises and that upon a hearing this Court will find, decide and decree that the Complainants are the owners of a fee simple title in and to all of the real estate hereinabove described. Complainants further pray that if they are mistaken in the relief prayed for, this Court will grant such other, further, additional or different relief as may appear to the Court to be just and equitable.

James M. Bailey
 SOLICITOR FOR COMPLAINANTS

STATE OF ALABAMA)
)
 BALDWIN COUNTY)

Before me, the undersigned notary public in and for the State of Alabama at Large, personally appeared A. G. Summerlin, Rosa Lee Summerlin, Luther J. Shiver and Verda Mae Shiver, who, being by me first duly sworn, deposes and says that the facts alleged in the foregoing instrument are true.

A. G. Summerlin
 A. G. SUMMERLIN

Rosa Lee Summerlin
 ROSA LEE SUMMERLIN

Luther J. Shiver
 LUTHER J. SHIVER

Verda Mae Shiver
 VERDA MAE SHIVER

Sworn and subscribed to before me this the 11th day of Sept, 1957.

filed 9-4-57
Alice J. Clark, Register

James M. Bailey
 NOTARY PUBLIC
 STATE OF ALABAMA AT LARGE
 My commission expires July 14, 1958.

TESTIMONY OF A. G. SUMMERLIN

My name is A. G. Summerlin and I am married to Rosa Lee Summerlin. I am over the age of twenty-one years and so is my wife. We are both residents of Baldwin County, Alabama.

I am one of the Complainants in these proceedings to quiet title to the property described in the Bill of Complaint. I acquired title to the entire parcel of land described in the Bill of Complaint by Contract of Sale between Paton L. Fincher and Minnie Fincher, his wife, which contract agreed to convey the property to me and which contract is dated the 20th day of June, 1951. On the signing of the contract of sale, I paid to Paton L. Fincher and Minnie Fincher the sum of \$400.00 and agreed to pay \$35.00 each month until the full payment of \$1,200.00 was paid. The contract was binding on the heirs and administrators or assigns of Paton L. Fincher and Minnie Fincher. I made regularly under the contract until the balance due was made in full. On the 20th day of July, 1953, I received a Warranty Deed conveying the property to me, which deed named Paton L. Fincher and Corene Fincher, husband and wife, as grantors.

On acquiring the property in June of 1951, I immediately went into possession of the described premises, remodeled a house located thereon and rented the house to my brother, O. E. Summerlin. Since going into possession in June of 1951, I have continuously paid taxes on the property and have been in open, notorious and continuous possession.

I know of my own personal knowledge that the property was owned by Bartis C. Stanton and his wife, Lillie F. Stanton for at least several years prior to the time when they conveyed the property to my brother, Clarence L. Summerlin on November 3, 1945. I further know of my own personal knowledge that Clarence L. Summerlin conveyed the property to another brother, O. E. Summerlin, and his wife, Ida Summerlin on November 28, 1946 and that O. E. and Ida Summerlin conveyed the property to Paton L. Fincher and Minnie Fincher who were the father-in-law and mother-in-law of O. E. Summerlin and that the same Paton L. Fincher and Minnie Fincher were my predecessors in title to the property.

TESTIMONY OF A. G. SUMMERLIN, CONTINUED

I further know of my own personal knowledge that the mentioned parties successively paid taxes to the property and were in open, notorious and continuous possession of the property during their respective terms.

I know of no other person than those named in the Bill of Complaint who might have a claim to the property described in the said Bill.

I do not know the addresses or residences of those individuals and cannot ascertain their names and addresses after reasonable and diligent efforts.

On December 3, 1954 and June 11, 1954, respectively, I conveyed a part of the property described in the Bill of Complaint to Luther J. Shiver and Verda Mae Shiver, which parcels of land are described in Paragraph Four of the said Bill of Complaint.

A. G. Summerlin
A. G. SUMMERLIN

Helen M. Bailey
COMMISSIONER

CROSS-EXAMINATION BY GUARDIAN AD LITEM,
JOHN V. DUCK

Q. Mr. Summerlin, did you pay taxes on the property during the entire period that you were in possession?

A. Yes.

Q. Did you hold the property openly, notoriously, adversely to any one else that might claim an interest in or to the property?

A. Yes.

Q. Do you still have ownership of a part of the property named in the Bill of Complaint?

A. Yes.

Q. Do you know of any individual or corporation who claims an interest in or to the property?

A. No.

A. G. Summerlin
A. G. SUMMERLIN

Helen M. Bailey
COMMISSIONER
Dated Dec 21, 1957

TESTIMONY OF LUTHER J. SHIVER

My name is Luther J. Shiver and my wife's name is Verda Mae Shiver. We are both over the age of twenty-one years and are residents of Baldwin County, Alabama.

I am one of the Complainants in these proceedings to quiet the title to the property described in the Bill of Complaint. I acquired title to a portion of the property as set forth and described in Paragraph Four in the Bill of Complaint by deeds of conveyance dated June 11, 1954 and December 3, 1954, respectively, from A. G. Summerlin and Rosa Lee Summerlin, the other Complainants named in the Bill of Complaint.

On acquiring title to the property I immediately went into possession of the two parcels conveyed to me and have been in continuous, open and notorious possession of the premises to the present date. Since going into possession, I have continuously paid taxes on parcels owned by me, completed a home site on the property and have lived in that home site to the present date.

I know C. E. Summerlin and Ida Summerlin and know of my own personal knowledge that they lived on the premises described in the Bill of Complaint. This was approximately the year 1946 that C. E. Summerlin and Ida Summerlin lived on the described property. I know of no other person that the ones named in the Bill of Complaint who may have a claim in or to the property described. I know of my own personal knowledge that either I or my predecessors in title have paid taxes on the property for more than ten years prior to this date. I do not know the addresses or residences of those individuals named in the Bill of Complaint and cannot ascertain the addresses of the party or parties without reasonable or diligent efforts.

Luther J. Shiver
LUTHER J. SHIVER

Helen M. Bailey
COMMISSIONER

CROSS-EXAMINATION BY GUARDIAN AD LITEM, JOHN V. DUCK

Q. Mr. Shiver, you have paid taxes on the property since you ac-

TESTIMONY OF LUTHER J. SHIVER. CONTINUED

quired title to the property?

A. Yes.

Q. Do you know of any person or persons making adverse claim on this property at the present time?

A. No.

Q. Have you occupied this property openly, notoriously and adversely since acquiring title in 1954?

A. Yes.

Luther J. Shiver
LUTHER J. SHIVER

Helen M. Bailey
COMMISSIONER
Dated Dec 2, 1957

TESTIMONY OF A. W. CLARK

My name is A. W. Clark. I am over the age of twenty-one years and a resident of Baldwin County, Alabama. I have lived in Baldwin County for more than fifty years and have been familiar with the property described in the Bill of Complaint for more than thirty-six years.

I know of my own personal knowledge that the property described in the Bill of Complaint was owned by Eli Stanton as far back as I can remember. On the death of Eli Stanton, his widow, Maretta Stanton, became the heir to his property. There were a number of children of Maretta and Eli Stanton and she divided his property, of which this is a part, among the children. One of the children was Catherine E. Cooper and the lands described in the Bill of Complaint were given to her in that partition, in about the year 1927. I also know of my own knowledge that Catherine E. Cooper conveyed the property to Bartis C. Stanton in about the year 1942.

The lands described in the Bill of Complaint were conveyed by Bartis C. Stanton to Clarence L. Summerlin and later he conveyed the same to C. E. Summerlin and Ida Summerlin, who sold the same to Paton L. Fincher and Minnie Fincher, through whom the present owners derived their title. The property was successively in the possession of the parties herein named who each held the same openly, notoriously and adversely. I know of no person claiming the lands adversely to the present owners.

A. W. Clark
A. W. CLARK

CROSS EXAMINATION BY GUARDIAN AD LITEM,
JOHN V. DUCK

Q. Do you know of any individual or corporation who claims an interest in or to the property?

A. No.

Q. Did all of these people whom you have named exert ownership of the lands during the periods of their interest?

A. Yes.

A. W. Clark
A. W. CLARK

COMMISSIONER

Walter M. Bailey
Dated Dec 2, 1957