

2843

WILLIAM H. BAKER,
Complainant,

vs.

CERTAIN LANDS and W. G. WEEKS
et al.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY


DEMURRER

Comes now the Respondent FROST-SIBLEY LUMBER COMPANY, by its Solicitors, and demurs to the Bill of Complaint heretofore filed against it and assigns the following separate and several grounds in support thereof:

1. There is no equity in the bill.
2. That the allegations of the Complaint are vague, indefinite and uncertain.
3. That the Bill of Complaint fails to allege in whose name the title to the land described therein stands in the records of the Judge of Probate of Baldwin County, Alabama.
4. It affirmatively appears from the Bill of Complaint that the Complainant has not been in the peaceable possession of the lands described therein for ten years next preceding the filing of the Bill of Complaint.
5. That the lands in controversy are not described with certainty in that the description contained in the caption of the Bill of Complaint and that contained in Paragraph "2." do not describe the same land.
6. For aught that appears from the Bill of Complaint the Complainants possession has not been, and is not, exclusive.

Respectively Submitted,

CHASON & STONE

By: 
Solicitors for the Respondent
Frost-Sibley Lumber Company.

ARTHUR C. EPPERSON

ATTORNEY AT LAW

POPPE BUILDING

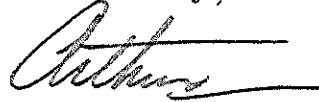
FOLEY, ALABAMA

March 20, 1956

Dear Mrs. Duck,

I would appreciate very much your getting the Judge to sign this decree reinstating this case on the docket. The Court will lose jurisdiction of the case if it is not signed by the Judge before the 21st. Thanks.

Sincerely,



Arthur C. Epperson

ACE/vah

WILLIAM H. BAKER
Complainant

VS.

CERTAIN LANDS, et als

ORDERED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY, #2843

This cause was submitted upon motion of complainant to set aside the decree of dismissal heretofore entered in this cause on the 21st day of February, 1956, and to reinstate, and the same having been considered and understood the Court is of the opinion that the relief should be granted.

It is therefore ordered, adjudged and decreed by the Court that the said decree of dismissal heretofore entered be and the same is hereby set aside and this cause reinstated on the docket.

Done and ordered, this the 19th day of March, 1956.

Hubert M. Hall,
Circuit Judge, in Equity Sitting

3/19/56 Order Reinstating
Filed 3-19-56
W. H. French
Register

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY, #2843

WILLIAM H. BAKER
Complainant

VS.

CERTAIN LANDS, et als

ORDER REINSTATING CAUSE
ON DOCKET

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALA.

WILLIAM H. BAKER
Complainant

VS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

STARTING AT THE NORTHWEST CORNER OF THE ALEX BAUDIN GRANT, SECTION FORTY-TWO, TOWNSHIP SEVEN SOUTH, RANGE THREE EAST RUN THENCE SOUTH FOUR DEGREES AND THIRTY MINUTES WEST 750 FEET; RUN THENCE SOUTH THIRTY-ONE DEGREES THIRTY MINUTES EAST 710 FEET TO THE POINT OF BEGINNING; RUN THENCE NORTH TEN DEGREES THIRTY MINUTES EAST 918 FEET; RUN THENCE EAST 560 FEET MORE OR LESS TO THE MARGIN OF ESPERANCE BAYOU; RUN THENCE SOUTHEASTERLY ALONG SAID MARGIN OF ESPERANCE BAYOU 650 FEET MORE OR LESS TO A POINT; RUN THENCE SOUTH FIFTY-EIGHT DEGREES THIRTY MINUTES WEST 1300 FEET, MORE OR LESS TO A POINT; RUN THENCE NORTH THIRTY-ONE DEGREES THIRTY MINUTES WEST 270 FEET TO THE POINT OF BEGINNING, AND BEING PARTS OF LOTS FIVE AND SIX OF THE LOUIS COLLINS DIVISION IN THE ALEX BAUDAN GRANT AND THE CATALINA PLOCK GRANT, TOWNSHIP SEVEN SOUTH, RANGE THREE EAST, W. G. WEEKS, CLEMANTINA WEEKS, SARAH LA COSTE, FROST SIBLEY LUMBER COMPANY, FARMERS AND MERCHANTS BANK, A CORPORATION, FOLEY, ALABAMA, ET AL..

Respondents

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
IN EQUITY SITTING:

Humbly complaining comes WILLIAM H. BAKER, your complainant and respectfully represents and shows unto your Honor and avers:

1. That he is over the age of twenty-one years and a resident of Baldwin County, Alabama.
2. That the lands here in controversy are situated in Baldwin County, Alabama and are more particularly described as follows:

Starting at the Northwest corner of the Alexander Baudan Grant Section 42, Township 7 South, Range 3 East, run thence South 4 degrees 30 minutes West 750 feet; run thence South 31 degrees thirty minutes East 710 feet to the point of beginning; run thence 10 degrees thirty minutes East 918 feet; run thence East 560 feet, more or less to the margin of Esperance Bayou; run thence Southeasterly along said margin of Esperance Bayou 650 feet, more or less to a point; run thence South 58 degrees 30 minutes West 1300 feet more or less to a point; run thence North 31 degrees 30 minutes West 270 feet to the point of beginning, and being part six and part of Lot five of the Louis Collins division of the Alexander Baudan Grant Section 42, Township 7 South, Range 3 East and the Catalina Plock Grant Section 41, Township 7 South, Range 3 East.

and the complainant in his own right claims to own said lands and to have and possess a fee simple title thereto, free from all liens and encumbrances. He further avers that he is in the actual peaceable possession of said lands and has been since September 1, 1943 or before.

3. He alleges and avers that he obtained said property and title thereto by two conveyances; one from Anatasia Weeks and husband C. S. Weeks, a Warranty Deed dated December 9, 1941 and recorded in Deed Book 76 NS page 493, records in the Office of the Judge of Pro bate of Baldwin County, Alabama and conveying lot number six of the Louis Collins' division of the Alexander Baudan and Catalina Plock Grants; the other from Clementine Weeks by the State Land Commissioner, a tax deed dated August 18, 1943 and recorded September 22, 1943 in Deed Book 80 NS page 460 in the Office of the Judge of Probate of Baldwin County, Alabama, and said complainant immediately entered into actual peaceable possession of said lands upon the execution of said conveyances; that the complainant has remained in actual peaceable possession since then of said lands.

4. That the complainant has regularly assessed said lands in the office of the Tax Assessor of Baldwin County, Alabama without exception; that the complainant has regularly paid the taxes thereon.

5. That no one except your complainant has paid taxes on said lands within ten years next preceding the filing of this bill except W. G. Weeks who purchased said lands at a void or voidable tax sale for 1947 taxes, subsequent to which your complainant has been the only person to assess and pay taxes on said lands.

6. Complainant represents and states that he does not know of any-one, persons or corporations, who or that claim said lands, any title to, interest in, lien or encumbrance thereon or any part thereof, except W. G. Weeks, who has obtained a tax deed from the Judge of Probate of Baldwin County for said lands, which deed is recorded in Deed Book 173 page 236 and is a void or voidable deed. Complainant avers that he has exercised diligence in trying to ascertain the names of any person or corporation who claim said lands or any interest therein. He has obtained an abstract which shows that the only possible claimants according to said abstract other than W. G. Weeks, are: The Farmers and Merchants Bank, a Corporation whose address is Foley, Alabama; which corporation held a mortgage on said property dated April 7, 1942 and recorded in

mortgage book 93 page 494 and the complainant further avers said mortgage has been fully satisfied but not cancelled of record; Sarah La Coste and Frost Sibley Lumber Company, who through error on the Plat Books in the Tax Assessor's Office of Baldwin County showing the said Sarah La Coste and Frost Sibley Lumber Company assessing part of the land in controversy, are reputed to own or have an interest in said lands; and the heirs of Clemantina Weeks, if deceased.

7. Complainant further avers that there is no suit pending to test his interest in or title to or possession of said lands.

The premises considered, complainant files this his verified bill of complaint against W. G. Weeks, Clemantina Weeks or her Heirs if deceased, Sarah La Coste, Frost Sibley Lumber Company, The Farmers and Merchants Bank of Foley, Alabama, a Corporation, and against the said lands and against any and all persons or corporations claiming any title thereto, interest in, lien or encumbrance upon said lands or any part thereof and to establish the right or title to said land and to clear up all doubts or disputes concerning the same and that the parties herein above named shall be made respondents to this bill of complaint and that process be served on them or publication be made requiring them to plead, answer or demur to the same within the time required by law or decree pro confesso may be entered against them, and pray that this court will make and enter all orders, judgments and decrees that may be meet and proper in the premises and that upon a final hearing of this cause will decree that complainant, William H. Baker is the owner and has a fee simple title to the lands in controversy, free from all liens and encumbrances, and will grant the complainant such other, further or different relief as it may appear to the court to be just and equitable.


Solicitor for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me Alice J. Duck, Clerk of the Circuit Court of said County and State, personally appeared Arthur C. Epperson who upon oath deposes and says, that he is the agent and attorney of and for the complainant in the above styled cause and is therefor duly authorized to make this oath; that he is informed and believes and upon such information and belief says that the allegations and averments contained in the foregoing bill of complaint are true.



Sworn to and subscribed before me this _____ day of July, 1952.

Received in Sheriff's Office
this day of July 19 52
TAYLOR WILKINS, Sheriff

no 2843

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

WILLIAM H. BAKER
Complainant

VS.

CERTAIN LANDS, W. G.
WEEKS, CLAEMANTINA WEEKS,
SARAH LA COSTE, FROST SIBLEY
LUMBER COMPANY, FARMERS AND
MERCHANTS BANK OF FOLEY, ALA.
et al.

BILL OF COMPLAINT

FILED

JUL 19 1952

ALICE J. DUCK, REGISTER

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALA.

Executed this 8/4/52. by serving a copy of the within on

Mr. G.R. Lyons President of Frost Sibley Lumber Co.
Alberta Ala.

P.C. Jacobs
Sheriff Wilcox Co. Ala.

William Atkins
Deputy Sheriff

Executed by serving a
copy of the within
with on Farmers and
Merchants Bank of Foley
by serving on Gus
Schultz as Cashier.
This 30th day of July 1952
Taylor Wilkins Sheriff

Clemantine Weeks not
found in Baldwin
County after diligent
search and inquiry
Taylor Wilkins Sheriff
in Baltimore

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2843

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon W. G. Weeks et als

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Certain Lands, W. G. Weeks et als

Defendant

by William H. Baker

Plaintiff

Witness my hand this 17th day of July 1952

Alice J. [Signature], Clerk

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS and COMPLAINT

Filed _____, 19 _____

_____, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

_____, 19 _____

_____, Sheriff

I have executed this summons

this _____, 19 _____

by leaving a copy with

_____, Sheriff

_____, Deputy Sheriff

WILLIAM H. BAKER
Complainant

VS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

STARTING AT THE NORTHWEST CORNER OF THE ALEX BAUDIN GRANT, SECTION FORTY-TWO, TOWNSHIP SEVEN SOUTH, RANGE THREE EAST RUN THENCE SOUTH FOUR DEGREES AND THIRTY MINUTES WEST 750 FEET; RUN THENCE SOUTH THIRTY-ONE DEGREES THIRTY MINUTES EAST 710 FEET TO THE POINT OF BEGINNING; RUN THENCE NORTH TEN DEGREES THIRTY MINUTES EAST 918 FEET; RUN THENCE EAST 560 FEET MORE OR LESS TO THE MARGIN OF ESPERANCE BAYOU; RUN THENCE SOUTHEASTERLY ALONG SAID MARGIN OF ESPERANCE BAYOU 650 FEET MORE OR LESS TO A POINT; RUN THENCE SOUTH FIFTY-EIGHT DEGREES THIRTY MINUTES WEST 1300 FEET, MORE OR LESS TO A POINT; RUN THENCE NORTH THIRTY-ONE DEGREES THIRTY MINUTES WEST 270 FEET TO THE POINT OF BEGINNING, AND BEING PARTS OF LOTS FIVE AND SIX OF THE LOUIS COLLINS DIVISION IN THE ALEX BAUDIN GRANT AND THE CATALINA PLOCK GRANT, TOWNSHIP SEVEN SOUTH, RANGE THREE EAST, W. G. WEEKS, CLEMANTINA WEEKS, SARAH LA COSTE, FROST SIBLEY LUMBER COMPANY, FARMERS AND MERCHANTS BANK, A CORPORATION, POLAY, ALABAMA, ET AL..

Respondents

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
IN EQUITY SITTING:

Humbly complaining comes WILLIAM H. BAKER, your complainant and respectfully represents and shows unto your Honor and avers:

1. That he is over the age of twenty-one years and a resident of Baldwin County, Alabama.
2. That the lands here in controversy are situated in Baldwin County, Alabama and are more particularly described as follows:

Starting at the Northwest corner of the Alexander Baudin Grant Section 42, Township 7 South, Range 3 East, run thence South 4 degrees 30 minutes West 750 feet; run thence South 31 degrees thirty minutes East 710 feet to the point of beginning; run thence 10 degrees thirty minutes East 918 feet; run thence East 560 feet, more or less to the margin of Esperance Bayou; run thence Southeastery along said margin of Esperance Bayou 650 feet, more or less to a point; run thence South 58 degrees 30 minutes West 1300 feet more or less to a point; run thence North 31 degrees 30 minutes West 270 feet to the point of beginning, and being lot six and part of lot five of the Louis Collins division of the Alexander Baudin Grant Section 42, Township 7 South, Range 3 East and the Catalina Plock Grant Section 41, Township 7 South, Range 3 East.

and the complainant in his own right claims to own said lands and to have and possess a fee simple title thereto, free from all liens and encumbrances. He further avers that he is in the actual peaceable possession of said lands and has been since September 1, 1943 or before.

3. He alleges and avers that he obtained said property and title thereto by two conveyances; one from Annetta Weeks and husband C. S. Weeks, a Warranty Deed dated December 9, 1941 and recorded in Deed Book 76 NS page 493, records in the Office of the Judge of Probate of Baldwin County, Alabama and conveying lot number six of the Louis Collins' division of the Alexander Baudan and Catalina Flock Grants; the other from Clementine Weeks by the State Land Commissioner, a tax deed dated August 18, 1943 and recorded September 22, 1943 in Deed Book 80 NS page 160 in the Office of the Judge of Probate of Baldwin County, Alabama, and said complainant immediately entered into actual peaceable possession of said lands upon the execution of said conveyances; that the complainant has remained in actual peaceable possession since then of said lands.

4. That the complainant has regularly assessed said lands in the office of the Tax Assessor of Baldwin County, Alabama without exception; that the complainant has regularly paid the taxes thereon.

5. That no one except your complainant has paid taxes on said lands within ten years next preceding the filing of this bill except W. C. Weeks who purchased said lands at a void or voidable tax sale for 1947 taxes, subsequent to which your complainant has been the only person to assess and pay taxes on said lands.

6. Complainant represents and states that he does not know of any-one, persons or corporations, who or that claim said lands, any title to, interest in, lien or encumbrance thereon or any part thereof, except W. C. Weeks, who has obtained a tax deed from the Judge of Probate of Baldwin County for said lands, which deed is recorded in Deed Book 173 page 236 and is a void or voidable deed. Complainant avers that he has exercised diligence in trying to ascertain the names of any person or corporation who claim said lands or any interest therein. He has obtained an abstract which shows that the only possible claimants according to said abstract other than W. C. Weeks, are: The Farmers and Merchants Bank, a Corporation whose address is Foley, Alabama; which corporation held a mortgage on said property dated April 7, 1942 and recorded in

mortgage book 03 page 494 and the complainant's name was said mortgage has been fully satisfied but not cancelled of record; Sarah La Coate and Frost Sibley Lumber Company, who through error on the Plat Books in the Tax Assessor's Office of Baldwin County showing the said Sarah La Coate and Frost Sibley Lumber Company assessors' report of the land in controversy, are reputed to own or have an interest in said lands; and the heirs of Clementina Weeks, if deceased.

7. Complainant further avers that there is no quit pending

to treat his interest in or title to or possession of said lands.

On the premises considered, complainant files this his verified bill of complaint against W. G. Weeks, Clementina Weeks or her heirs deceased, Sarah La Coate, Frost Sibley Lumber Company, The Farmers Merchants Bank of Foley, Alabama, a Corporation, and against the said lands and against any and all persons or corporations claiming any title thereto, interest in, lien or encumbrance upon said lands or any part thereof and to establish the right of title to said land and to clear up all doubts or disputes concerning the same and that the parties herein above named shall be made respondents to this bill of complainant and that process be served on each of said respondents by made requiring them to plead, answer or demur to the same within the time required by law or decree pro confesso may be entered against them, and pray that this court will make and enter all orders, judgments and decrees that may be met and proper in the premises and that upon a final hearing of this cause will decree that complainant, William H. Baker is the owner and has a fee simple title to the lands in controversy, free from all liens and encumbrances, and will grant the complainant such other, further or different relief as it may appear to the court to be just and equitable.

STATE OF ALABAMA
BALDWIN COUNTY

Before me Alice J. Eady, Clerk of the Circuit Court of said County and State, personally appeared Arthur C. Epperson who upon oath deposes and says, that he is the great and attorney of and for the complainant in the above styled cause and is therefor duly authorized to make this oath; that he is informed and believes and upon such information and belief says that the allegations and averments contained in the foregoing bill of complaint are true.

Arthur C. Epperson
Solicitor for Complainant

Sworn to and subscribed before me this _____ day of July, 1952.

[Handwritten signature]

RETURN TO THE CLERK OF THE DISTRICT COURT
AT THE COUNTY SEAT OF
MAYAGUEZ, P.R.
ON THE 15th DAY OF
JULY 1952

BY THE CLERK

ALICE J. BUCK, Register

[Handwritten signature]

RETURN TO THE CLERK OF THE DISTRICT COURT

AT THE COUNTY SEAT OF MAYAGUEZ, P.R.
ON THE 15th DAY OF JULY 1952

[Faint, mostly illegible text, possibly a return or receipt]

FILED
JUL 17 1952
ALICE J. BUCK, Register

[Handwritten signature]
M 2843

[Handwritten text]

Returned 15 day of July 1952
not found in my county after diligent search and inquiry.

By [Handwritten signature]
Deputy Sheriff

Taylor Wilkins, Sheriff

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2843

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon W. G. Weeks et als

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against _____

Certain Lands, W. G. Weeks et als, Defendant....

by _____

William H. Baker, Plaintiff....

Witness my hand this 17th day of July 1952

Arice J. ..., Clerk

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS and COMPLAINT

Filed _____, 19 _____

_____, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

_____, 19 _____

_____, Sheriff

I have executed this summons

this _____, 19 _____

by leaving a copy with

_____, Sheriff

_____, Deputy Sheriff

ARTHUR C. EPPERSON
ATTORNEY AT LAW
POPPE BUILDING
FOLEY, ALABAMA

JULY 16, 1952

Mrs. Alice J. Duck
Register of the Circuit Court
Bay Minette, Ala.

Dear Mrs. Duck,

I am enclosing five copies of the bill of complaint to be filed and personal service to be obtained upon all except Frost Sibley Lumber Company whose address I do not have as yet. The other respondents all live in Vernant Park and of course the bank here at Foley. I will give you another copy when I obtain the address of Frost Sibley Lumber Company to be served on them. I failed to make enough copies.

I am also enclosing the legal notice for publication, lis pendens, and the Court House door. I have given the Onlooker a copy so that it would be in the paper published tomorrow, the 17th.

I believe that this is all that is necessary at this time, if I have overlooked anything please let me know. Thanks.

Yours sincerely,



Arthur C. Epperson

ACE/ce
Encl. 8

2843

William W. Baker

vs.

Certain Lords,
W. B. Weeks et al

Quit Title
Filed 7-17-52

Apperson

WILLIAM H. BAKER
Complainant

Vs.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

STARTING AT THE NORTHWEST CORNER OF THE
ALEXANDER BAUDAN GRANT, SECTION FORTY-
TWO, TOWNSHIP SEVEN SOUTH, RANGE THREE
EAST RUN THENCE SOUTH FOUR DEGREES AND
THIRTY MINUTES WEST 750 FEET; RUN THENCE
SOUTH THIRTY-ONE DEGREES THIRTY MINUTES
EAST 710 FEET TO THE POINT OF BEGINNING;
RUN THENCE NORTH TEN DEGREES THIRTY MINUTES
EAST 918 FEET; RUN THENCE EAST 560 FEET
MORE OR LESS, TO THE MARGIN OF ESPERANCE
BAYOU; RUN THENCE SOUTHEASTERLY ALONG SAID
BAYOU 650 FEET MORE OR LESS TO A POINT;
RUN THENCE SOUTH FIFTY-EIGHT DEGREES THIRTY
MINUTES WEST 1300 FEET MORE OR LESS TO A
POINT; RUN THENCE NORTH THIRTY-ONE DEGREES
THIRTY MINUTES WEST 270 FEET TO THE POINT
OF BEGINNING AND BEING PARTS OF LOTS FIVE
AND SIX OF THE LOUIS COLLINS DIVISION IN
THE ALEXANDER BAUDAN GRANT AND THE CATALINA
FLOCK GRANT, TOWNSHIP SEVEN SOUTH, RANGE
THREE EAST, W. G. WEEKS, CLEMANTINE WEEKS
SARAH LA COSTE, FROST SIBLEY LUMBER COMPANY
FARMERS AND MERCHANTS BANK OF FOLEY, ALABAMA,
ET AL ..

RESPONDENTS

TO: W. G. Weeks, Clemantine Weeks, Sarah La Coste, Frost Sibley Lumber Company, The Farmers and Merchants Bank of Foley, Alabama and/ or their heirs, devisees and distributees respectively, and to any and all persons claiming any title to, interest in, lien or encumbrance upon the following described real estate or any part thereof and to all other persons; said real estate being situated in Baldwin County, State of Alabama and described as follows:

Starting at the Northwest corner of the Alexander Baudan Grant Section 42, Township seven South, Range three East, run thence South 4 degrees 30 minutes West 750 feet; run thence South 31 degrees 30 minutes East 710 feet to the point of beginning; run thence 10 degrees 30 minutes East 918 feet; run thence East 560 feet more or less to the margin of Esperance Bayou; run thence Southeasterly along said margin of Esperance Bayou 650 feet, more or less to a point; run thence South 58 degrees 30 minutes West 1300 feet more or less to a point; run thence North 270 feet to the point of beginning, and being lot number six and part of lot number five in the ~~ALEXANDER BAUDAN~~ Louis Collins division of the Alexander Baudan Grant Section 42 and Catalina Flock Grant Section 41, Township seven South, Range #3 East.

Take notice that William H. Baker has this day filed his verified bill of complaint against the above named respondents and against any and all persons claiming any title to interest in, lien or encumbrance upon the above described real estate or any part thereof or interest therein, and against all other persons, and against said lands for the purpose of establishing the title of said lands in the said William H. Baker and to clear up all doubts and disputes concerning the same and that said suit is now pending in said Court.

Complainant claims title to said lands by virtue of a Conveyance by Warranty Deed from Anastasia Weeks and Husband C. S. Weeks and a conveyance by tax deed from Clemantine Weeks by the State Land Commissioner for the State of Alabama. Title to said lands sought to be established stands on the records of said County in the name of the complainant except for a tax deed to W. G. Weeks by the Judge of Probate of said County which complainant avers to be void or voidable. No one has had possession of

said lands or any part thereof except ~~xxxx~~ complainant, William E. Baker, for ten years next preceding the filing of the bill of complaint in said cause. The only person known to have paid taxes on said lands or any part thereof for ten years next preceding the filing of the said bill of complaint in said cause is averred to be the complainant except for W. G. Weeks who purchased said lands for 1947 taxes at void or voidable tax sale, as averred in said bill of complaint.

It is ordered by the undersigned Register that publication of this notice be made in the Onlooker, a newspaper published and having a general circulation in Baldwin County, Alabama, once a week for four consecutive weeks; and that all persons claiming any title to, interest in, or lien or encumbrance upon the above described real estate or any part thereof, or any interest therein, be and they are hereby required to plead, answer or demur to the bill of complaint in this cause within the time required by law.

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

Done at office this 17th day of July, 1952

Register

ARTHUR C. EPPERSON
ATTORNEY FOR COMPLAINANT

STATE OF ALABAMA

BALDWIN COUNTY

I, the undersigned 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 17th day of July, 1952.

Register

I hereby certify that the above and foregoing notice was published in the Onlooker on July 24, 1952, July 31, 1952, ~~August 7~~, 1952 and August 14, 1952 and that a certified copy of said notice was recorded as a lis pendens in the office of the Judge of Probate of Baldwin County, Alabama, on _____ July, 1952.

This the _____ day of _____, 1952.

Register

WILLIAM H. BAKER
Complainant

Vs.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

702843

BOOK
002
PAGE
389

STARTING AT THE NORTHWEST CORNER OF THE ALEXANDER BAUDAN GRANT, SECTION FORTY-TWO, TOWNSHIP SEVEN SOUTH, RANGE THREE EAST RUN THENCE SOUTH FOUR DEGREES AND THIRTY MINUTES WEST 750 FEET; RUN THENCE SOUTH THIRTY-ONE DEGREES THIRTY MINUTES EAST 710 FEET TO THE POINT OF BEGINNING; RUN THENCE NORTH TEN DEGREES THIRTY MINUTES EAST 918 FEET; RUN THENCE EAST 560 FEET MORE OR LESS, TO THE MARGIN OF ESPERANCE BAYOU; RUN THENCE SOUTHEASTERLY ALONG SIAD BAYOU 650 FEET MORE OR LESS TO A POINT; RUN THENCE SOUTH FIFTY-EIGHT DEGREES THIRTY MINUTES WEST 1300 FEET MORE OR LESS TO A POINT; RUN THENCE NORTH THIRTY-ONE DEGREES THIRTY MINUTES WEST 270 FEET TO THE POINT OF BEGINNING AND BEING PARTS OF LOTS FIVE AND SIX OF THE LOUIS COLLINS DIVISION IN THE ALEXANDER BAUDAN GRANT AND THE CATILINA PLOCK GRANT, TOWNSHIP SEVEN SOUTH, RANGE THREE EAST, W. G. WEEKS, CLEMANTINE WEEKS SARAH LA COSTE, FROST SIBLEY LUMBER COMPANY FARMERS AND MERCHANTS BANK OF FOLEY, ALA* BAMA, ET AL ..

RESPONDENTS

TO: W. G. Weeks, Clemantine Weeks, Sarah La Coste, Frost Sibley Lumber Company, The Farmers and Merchants Bank of Foley, Alabama and/ or their heirs, devisees and distributees respectively, and to any and all persons claiming any title to, interest in, lien or encumbrance upon the following described real estate or any part thereof and to all other persons; said real estate being situated in Baldwin County, State of Alabama and described as follows;

Starting at the Northwest corner of the Alexander Baudan Grant Section 42, Township seven South, Range three East, run thence South 4 degrees 30 minutes West 750 feet; run thence South 31 degrees 30 minutes East 710 feet to the point of beginning; run thence 10 degrees 30 minutes East 918 feet; run thence East 560 feet more or less to the margin of Esperance Bayou; run thence Southeasterly along said margin of Esperance Bayou 650 feet, more or less to a point; run thence South 58 degrees 30 minutes West 1300 feet more or less to a point; run thence North 270 feet to the point of beginning, and being lot number six and part of lot number five in the ~~XXXXXXXXXXXXXXXX~~ Louis Collins division of the Alexander Baudan Grant Section 42 and Catilina Plock Grant Section 41, Township seven South, Range #3 East.

Take notice that William H. Baker has this day filed his verified bill of complaint against the above named respondents and against any and all persons claiming any title to interest in, lien or encumbrance upon the above described real estate or any part thereof or interest therein, and against all other persons, and against said lands for the purpose of establishing the title of said lands in the said William H. Baker and to clear up all doubts and disputes concerning the same and that said suit is now pending in said Court.

Complainant claims title to said lands by virtue of a Conveyance by Warranty Deed from Anatasia Weeks and Husband C. S. Weeks and a conveyance by tax deed from Clemantina Weeks by the State Land Commissioner for the State of Alabama. Title to said lands sought to be established stands on the records of said County in the name of the complainant except for a tax deed to W. G. Weeks by the Judge of Probate of Said County which complainant avers to be void or voidable. No one has had possession of

BOOK 002 PAGE 30

said lands or any part thereof except ~~xxxx~~ complainant, William H. Baker, for ten years next preceding the filing of the bill of complaint in said cause. The only person known to have paid taxes on said lands or any part thereof for ten years next preceding the filing of the said bill of complaint in said cause is averred to be the complainant except for W. G. Weeks who purchased said lands for 1947 taxes at void or voidable tax sale, as averred in said bill of complaint.

It is ordered by the undersigned Register that publication of this notice be made in the Onlooker, a newspaper published and having a general circulation in Baldwin County, Alabama, once a week for Four consecutive weeks, and that all persons claiming any title to, interest in, or lien or encumbrance upon the above described real estate or any part thereof, or any interest therein, be and they are hereby required to plead, answer or demur to the bill of complaint in this cause within the time required by law.

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

Done at office this 17th day of July, 1952

Register

ARTHUR C. EPPERSON
ATTORNEY FOR COMPLAINANT

STATE OF ALABAMA

BALDWIN COUNTY

I, the undersigned 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 17th day of July, 1952.

Alice J. Duck
Register

I hereby certify that the above and foregoing notice was published in the Onlooker on July 17, 1952, July 24, 1952, July 31, 1952 and August 7, 1952 and that a certified copy of said notice was recorded as a lis penens in the office of the Judge of Probate of Baldwin County, Alabama, on 17th July, 1952.

This the 17 day of July, 1952.

Alice J. Duck
Register

STATE OF ALABAMA, BALDWIN COUNTY

Filed 7-21-52..... 20

Recorded Lis. Pen....book...2...PAGE 389-90

W. R. Hunt
Judge of Probate

2

7-13-52
No 2843

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

WILLIAM H. BAKER
Complainant

VS.

CERTAIN LANDS, W. G. WEEKS,
CLEMANTINA WEEKS, SARAH LA COSTE
FROST SIBLEY LUMBER COMPANY,
FARMERS AND MERCHANTS BANK, FOLEY
ALA. et al.

Publication and lis pendens
notice

P-1.50 Return to Mrs. Duck

FILED

JUL 17 1952

ALICE J. DUCK, Register

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALABAMA.

2-389-90

WILLIAM H. BAKER,
Complainant,
VS.
CERTAIN LANDS, ET AL.,
Respondents.

IN THE
CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. IN EQUITY.
NO. 2843

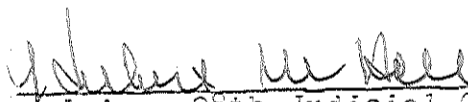
This being a regular term of the Court, and it appearing that the above cause was regularly set and being called, no one answered.

And it further appearing to the Court that this cause was filed on July 17, 1952,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that this cause be, and it is hereby dismissed for want of prosecution.

IT IS FURTHER ORDERED that a copy of this order be mailed to the respective parties, or their Solicitors of record.

Dated this 17th day of April, 1956.



Judge, 28th Judicial Circuit of
Alabama.