

2862

BESSIE M. KEENEY,
Complainant,
VS.

George H. Worcester and Veva O. Pickens, et al
Respondents.

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

MR. R. C. KEENEY, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED:

Direct Examination by Mr. Beebe.

Q. What is your name, please?

A. R. C. Keeney.

Q. You are the husband of Bessie M. Keeney?

A. Yes sir.

Q. The Complainant in the instant case?

A. That's right.

Q. Do you know the West Half of the Southeast Quarter of Section 28, Township 8 South, Range 4 East?

A. I do.

Q. How long have you known this land?

A. For 25 or 30 years.

Q. On the 9th day of April -- the 14th day of April/^{1942,}rather, did Mrs. Keeney purchase this property?

A. Yes sir.

Q. From whom did she purchase it?

A. The Worcester heirs. and the Gaillards.

Q. At the time of her purchase, who was in possession of this land?

A. The Worcester heirs.

Q. Upon her purchase, did Mrs. Keeney go into possession of this land?

A. Yes sir.

FILED
JUL 12 1955
ALICE J. BRICK, Register

Q. Was she in possession of this land on August 4, 1952?

A. Yes sir.

Q. Had she been in the continuous possession from the time of her purchase until the time of the filing of this suit?

A. Yes sir.

MR. BEEBE: May it please the Court, we offer in evidence stipulation between Veva Pickens and the Complainant in this cause, and ask that the same be identified as Complainant's Exhibit 1.

We also offer in evidence deed from the Worcesters to Bessie M. Keeney, the Plaintiff, in this case, dated April 14, 1942 and recorded in the Probate Office of Baldwin County, Alabama, in Deed Book 77 page 215-6. As Complainant's Exhibit 2.

We also offer in evidence deed of S. P. Gaillard, etal to Bessie M. Keeney, dated March 17, 1942, and recorded in the Probate Office of Baldwin County, Alabama, in Deed Book 77, at page 215, as Complainant's Exhibit 3.

Q. Mr. Keeney, was Mrs. Bessie M. Keeney, on August 4, 1952, over 21 years of age?

A. Yes sir.

Q. And a resident of Baldwin County, Alabama?

A. Yes sir.

Q. Mr. Keeney, as her agent and on her behalf, did you make or cause to be made a search to ascertain who was - who were the heirs of Warren O. Worcester?

A. Yes sir.

Q. And of James K. Clark?

A. Yes sir.

Q. George H. Hoiles?

A/ Yes sir.

Q. Upon that inquiry were you able to ascertain who they were and where they lived and their post office addresses?

A. No.

Q. What search did you cause to be made?

A. I made inquiry in the Courthouse from different officers.

Q. Did you inquire at places at or near the vicinity of this land?

A. Yes sir.

Q. Upon such inquiry, were you able to find out their names, ages, residence and addresses?

A. No sir.

Q. But they were believed to be non-residents of the State of Alabama?

A. Yes sir.

Q. And over 21 years of age?

A. Yes sir.

Q. Is the same true with reference to W. J. Lee?

A. Yes sir.

Q. Did you make a search to ascertain whether or not the Sunny South Development Company maintained an office in this County?

A. Yes sir.

Q. Did it maintain an office in this County or any where else that you could ascertain?

A. No.

Q. Is there any other suit other than this one, pending to try or test the validity of Mrs. Keeney's title to this property?

A. No.

ON CROSS EXAMINATION BY MR. HAYES, GUARDIAN AD LITEM, WITNESS
TESTIFIED AS FOLLOWS:

Q. Did you make inquiry concerning George H. Hoiles, Mr. Keeney?

A. Oh yes.

Q. Did you ask people in and around the Town of Foley for information concerning these parties?

A. Yes sir.

Q. What kind of possession did Mrs. Keaney take of the property?

A. Actual possession - immediate possession like you had a warranty deed.

Q. Did she go on the property herself?

A. Oh yes, many times.

Q. Did she exercise her rights of possession by building fences on this land?

A. No, there are no fences.

Q. Has any other person claimed an interest in, or possession of this property since the time that Mrs. Keaney became entitled to the possession thereof?

A. No sir.

ON RE DIRECT EXAMINATION OF THIS WITNESS BY MR. BEEBE:

Q. Mr. Keaney, did you have an abstract made of this property?

A. Yes sir.

Q. Did you have the property surveyed?

A. Yes sir.

Q. Who surveyed it?

A. Harry Parker when Mrs. Keaney bought it and then Mr. Harold Graham surveyed it again I think about 1950 or 1951.

Q. Were you with him when he made the survey?

A. Yes, every step of it.

Q. Did you place markers and stakes on the property?

A. Yes sir.

Q. You did?

A. Yes sir, and since that time we have set them in concrete.

Q. Was anything put on those markers to indicate the owner?

A. R/C/K was put on them.

MR. HAROLD GRAHAM, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN. TESTIFIED:

Direct Examination by Mr. Beebe.

Q. What is your name?

A. H. W. Graham.

Q. Are you a Registered Surveyor for the State of Alabama?

A. Yes sir.

Q. Did you know Harry Parker, a surveyor?

A. Well.

Q. Is he dead?

A. Yes sir.

Q. Did you or not, sometime about 1951, survey this property that is in litigation?

A. I did.

Q. For whom?

A. Bessie M. Keeney.

Q. At the time of your survey who was in possession of this property?

A. Bessie M. Keeney.

I hereby certify that the foregoing is a true and correct transcript of the testimony taken by me, in open Court, on the 8th day of July, 1955, before Hon. Hubert M. Hall, Judge of said Court.

This 8th day of July, 1955.


Official Court Reporter.

Com Est 1

BESSIE M. KEENEY
COMPLAINANT

VS.

GEORGE H. WORCESTER and
VEVA C. PICKENS, et al
RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

It is agreed between the parties in the above styled cause that title to the property described in the bill of complaint passed from the United States Government by patent August 15, 1860, recorded in Deed Book 2 NS, page 197, to Frank J. McCoy, who conveyed the same to William J. Lea, July 17, 1873 by deed recorded in Deed Book "K" at pages 41-2; that William J. Lea died intestate leaving as his heirs, who were all of his heirs, Eliza H. Lea, his widow, Florence R. Loxley, Mary Raymond, Leila Mansbrough and the defendant, Veva C. Pickens; that all of the said heirs, except the defendant designated as Veva C. Pickens, conveyed their interest in all of the said property to John W. Lea on May 15, 1906 by deed recorded in Deed Book 10 NS, page 664-5; that John W. Lea and wife conveyed his interest in the said property to George H. Hoyle September 1, 1906 by deed recorded in Deed Book 10 NS, page 694; that George H. Hoyle died July 16, 1919, leaving a last will and testament duly admitted to Probate and record in Baldwin County, Alabama; that in and by the said will and testament the interest of the said George H. Hoyle in and to the said property was bequeathed to Warren W. Worcester; that Warren W. Worcester died June 4, 1925 leaving a last will and testament duly admitted to Probate and record in Baldwin County, Alabama, under which title to his interest in the said property passed to Edward W. Worcester, Joseph T. Worcester, Warren C. Worcester, George H. Worcester, Rosa Worcester, and Olive N. Worcester; that Joseph T. Worcester conveyed his interest in the said property to Wilda Worcester and E. K. Worcester on September 29, 1931 by deed recorded in

Deed Book 52 NS, page 176; that Edward Worcester, Warren Worcester, George H. Worcester, Rosa Worcester and Olive Worcester, and Joseph T. Worcester as guardian for Wilda Worcester and B. K. Worcester, conveyed their interest in said property to Bessie M. Keeney, complainant, on April 14, 1942 by deed recorded in Deed Book 77 NS, page 215; that Gaillard and Gaillard obtained a judgment against Veva O. Pickens, defendant in this cause, September 16, 1936 and that her interest in the said property was sold under execution of said judgment to S. P. Gaillard and S. P. Gaillard, Jr., by deed dated November 20, 1939, recorded in Deed Book 70 NS, at page 146; that S. P. Gaillard and S. P. Gaillard, Jr., conveyed their interest acquired by said Sheriff's deed to Bessie M. Keeney March 17, 1942 by deed recorded in Deed Book 77 NS, page 215; and that Veva Lea, Veva A. Lea, Veva Pickens, and Veva A. Pickens is the same person as Veva O. Pickens, defendant.

WITNESS our hands this the 8 day of July, 1955.

BEEBE & SWEARINGEN

BY

W. C. Beebe
Attorneys for Complainant

CHASON & STONE

BY

Malone J. Stone
Attorneys for defendant

BESSIE M. KEENEY,		IN THE CIRCUIT COURT OF
COMPLAINANT		
VS		BALDWIN COUNTY, ALABAMA
GEORGE H. WORCESTER, and		
VEVA C. PICKENS, et al		IN EQUITY
DEFENDANT		

It appearing that in the above styled cause that the unknown heirs, devisees, grantees, personal representatives, successors and assigns of Warren O. Worcester, James K. Clark, W. L. Lea, George H. Hoyle and Sunny South Development Company, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the following described lands: The West half of Southeast quarter of Section 28, Township 8 South, Range 4 East, are parties defendant, and that due and proper notice of the pendency of the said action has been given in the manner and for the time required by law and that decree pro confesso has been taken against them and it is necessary and proper that guardian ad litem be appointed to represent the unknown heirs, devisees, grantees, personal representatives, successors and assigns of Warren O. Worcester, James K. Clark, W. L. Lea, George H. Hoyle and Sunny South Development Company, and any and all persons, firms, corporations or associations claiming any title to, interest in, claim, lien or encumbrance on the West half of Southeast quarter of Section 28, Township 8 South, Range 4 East;

Now Therefore, it is Ordered, Adjudged and Decreed that Wilson Hays esquire, who is learned in the law and a practicing lawyer at this bar, be and he is hereby appointed as guardian ad litem for and to represent the unknown heirs, devisees, grantees, personal representatives, successors and

assigns of Warren O. Worcester, James K. Clark, W. L. Lea, George H. Hoyle and Sunny South Development Company, and any and all other persons, firms, corporations or associations claiming any title to, interest in, claim, lien or encumbrance on the West half of the Southeast quarter of Section 28, Township 8 South, Range 4 East, in the said cause.

Done this the 7th day of July, 1955.

Hubert M. Hall
Judge

RECORDED

Bessie M. Keeney

Complainant

vs

George H. Worcester and Veva O.
Pickens, et al

Defendants

Order appointing guardian ad
litem.

FILED

JUL 7 1955

ALICE J. DUCK, Register

BESSIE M. KEENEY, Complainant,

vs.

CERTAIN LANDS and GEORGE H. WORCESTER, ET AL.,

Respondents.

ANSWER

Comes now Veva O. Pickens, one of the Respondents in the above styled cause, by her Solicitors, and for answer to the Bill of Complaint heretofore filed against her says as follows:

FIRST:

She admits the allegations contained in Paragraph "1." of the Bill of Complaint.

SECOND:

She admits that she is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, but she is not informed of the other allegations contained in Paragraph "2." and she therefore neither admits or denies them, but demands proof there-

THIRD:

She denies the allegations contained in Paragraph "3." and demands strict proof thereof.

FOURTH:

For answer to Paragraph "4." of the Bill of Complaint

your Respondent alleges that she is the owner of an undivided one-

fifth interest in and to the lands described in the said Bill of Complaint and that her interest was derived by descent and distribution from her father, W. J. Lea, Jr, as his only heir at law and next of kin and that he derived his interest in the said lands from his

father, W. J. Lea, Sr., in the same manner. That the said W. J. Lea, Sr., acquired his interest in the said lands by deed from Frank J.

McCoy and wife, which deed is recorded in Deed Book "K" at pages

41-42 in the Office of the Judge of Probate of Baldwin County, Ala-

bams.

FIFTH:

She denies each and every allegation contained in Para-
graph "5." of the Bill of Complaint and demands strict proof thereof.

SIXTH:

She admits that the title to the lands described in the

Bill of Complaint stands in her name upon the records of the Probate

Court of Baldwin County, Alabama and she denies that the title there-

to stands in the names of the other persons named in Paragraph "6."

and demands strict proof thereof. For further answer to said para-

graph "6." your Respondent further alleges that at the time of his

death W. J. Lea, Sr., had four other children other than W. J. Lea,

Dr., the father of your Respondent, and that they were: Florence Lea

Loxley, now deceased, Mary Lea Raymond, now deceased, J. W. Lea,

now deceased, Mrs. M. S. Hansbrough, Birmingham, Alabama, That the

title to the property described in the Bill of Complaint also stands

in the name of the above noted parties or their heirs at law, dev-

isees or next of kin.

SEVENTH:

She denies the allegations contained in Paragraph "7."

of the Bill of Complaint and demands strict proof thereof.

EIGHTH:

She denies the allegations contained in Paragraph "8."

of the Bill of Complaint and demands strict proof thereof.

NINTH:

She denies the allegations contained in Paragraph "9."

of the Bill of Complaint and demands strict proof thereof.

FILED

10-5

ALICE I. BUCK, CLERK

Respectfully submitted,

CHASON & STONE

By:

BOOK 210 PAGE 207

BESSIE M. KEENEY
 COMPLAINANT
 VS
 GEORGE H. WORCESTER, AND
 VEVA O. PICKENS, et al
 DEFENDANTS

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

Motion is hereby made for a decree pro confesso against George H. Worcester, Rose Worcester, J. T. Worcester, Wilda Worcester Moore, B. K. Worcester, Veva O. Pickens, Edward Worcester, John D. Clark and Olive Worcester, defendants in the above styled cause, on the ground that more than six days have elapsed since service of summons upon said defendants; that said summons was duly served according to law; and against the unknown heirs, devisees, grantees, personal representatives, successors and assigns of Warren O. Worcester, James K. Clark, W. L. Lea, George H. Hoyle and Sunny South Development Company, defendants in the above styled 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 defendants are non-residents of the State of Alabama, and that said defendants have failed to demur, plead to or answer the bill of complaint in this cause to this date.

This the 14 day of July, 1955.

BEEBE & SWEARINGEN

BY W. C. Beebe
 Solicitors for complainant

RECORDED

Bessie M. Keeney

Complainant

vs

George H. Worcester and Veva O.
Pickens, et al

Defendants

Motion for decree pro confesso

FILED

JUL 7 1935

ALICE J. RUCK, Register

BESSIE M. KEENEY, | IN THE CIRCUIT COURT OF
 COMPLAINANT |
 VS | BALDWIN COUNTY, ALABAMA,
 GEORGE H. WORCESTER and |
 VEVA O. PICKENS, et al |
 DEFENDANTS | IN EQUITY

Under and by virtue of an order of the Honorable Hubert M. Hall, Judge of the Circuit Court of Baldwin County, sitting in equity, rendered in the above styled cause on the 1 day of July, 1955, you are hereby appointed as guardian ad litem for and to represent the unknown heirs, devisees, grantees, personal representatives, successors and assigns of Warren O. Worcester, James K. Clark, W. L. Lea, George H. Hoyle and Sunny South Development Company, and any and all other persons, firms, associations, or corporations claiming any title to, interest in, claim, lien or encumbrance upon the following described lands: The West half of Southeast quarter of Section 28, Township 8 South, Range 4 East, defendants in the above styled cause.

Witness this the 7th day of July, 1955.

Archie J. ...
 Register

I hereby accept the foregoing appointment as guardian ad litem for the unknown heirs, devisees, grantees, personal representatives, successors and assigns of Warren O. Worcester, James K. Clark, W. L. Lea, George H. Hoyle and Sunny South Development Company and any and all other persons, firms, corporations or associations claiming any title to, interest in, claim, lien or encumbrance on the West half of Southeast quarter of Section 28, Township 8 South, Range 4 East, defendants in the above styled cause, and do hereby file this denial of the allegations made in the bill of complaint in said cause and demand strict proof of the same.

This the 7th day of July, 1955
Archie J. ...
 Guardian ad litem

RECORDED

Bessie M. Keeney,

Complainant

vs.

George H. Worcester and Veva O.
Pickens, et al.

Defendants.

appointment & acceptance of
guardian ad litem.

FILED

JUL 7 1955

ALICE J. BRICK, Register

BESSIE M. KEENEY		IN THE CIRCUIT COURT OF
COMPLAINANT		
VS		BALDWIN COUNTY, ALABAMA,
GEORGE H. WORCESTER AND		
VEVA O. PICKENS, et al		IN EQUITY
DEFENDANTS		

In this cause, it appears to the Register, that service was had on the respondents, George H. Worcester, Rose Worcester, J. T. Worcester, Wilda Worcester Moore, B. K. Worcester, Veva O. Pickens by the sheriff of Baldwin County, on the 2nd day of September, 1952;

And it further appears that service was had on the respondents, Edward Worcester, John D. Clark and Olive Worcester, by registered mail; according to law;

And it further appears that the order of publication of notice to the non-resident respondents the unknown heirs, devisees, grantees, personal representatives, successors and assigns of Warren O. Worcester, James K. Clark, W. L. Lea, George H. Hoyle and Sunny South Development Company, heretofore made in this cause, was published for four consecutive weeks, commencing on the 7th day of August, 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 4th day of August 1952, and notice of the pendency of the suit was filed and recorded in the office of the Judge of Probate of Baldwin County on the 7th day of August, 1952;

And it now further appearing to the register, that the said George H. Worcester, Rose Worcester, J. T. Worcester, Wilda Worcester Moore, B. K. Worcester, Edward Worcester, John D. Clark, Olive Worcester, and the unknown heirs, devisees, grantees, personal representatives, successors and assigns of Warren O. Worcester, James K. Clark, W. L. Lea, George H. Hoyle and Sunny South Development Company, having to the date hereof, failed to plead, demur to or answer the bill of complaint filed in this cause, it is now, therefore, on motion of Beebe & Swearingen,

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solicitors for complainant, ordered, and decreed by the register that that the bill of complaint in this cause be, and it hereby is, in all things taken as confessed against George H. Worcester, Rose Worcester, J. T. Worcester, Wilda Worcester Moore, B. K. Worcester, Edward Worcester, John D. Clark, Olive Worcester, and the unknown heirs, devisees, grantees, personal representatives, successors and assigns of Warren O. Worcester, James K. Clark, W. L. Lea, George H. Hoyle and Sunny South Development Company.

FILED
July 7 1930
ALICE J. DUCK, Clerk

Alice J. Duck
register

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RECORDED

Bessie M. Keeney

Complainant

vs

George H. Worcester and Veva O.
Pickens, et al

Defendants

Decree pro confesso

FILED

JUL 7 1955

ALICE J. DUCK, Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon GEORGE H. WORCESTER, ROSE WORCESTER, J. T. WORCESTER, B. K. WORCESTER, WILDA WORCESTER MOORE, VEVA O. PICKENS, WARREN O. WORCESTER, EDWARD WORCESTER, OLIVE WORCESTER, JOHN D. CLARK, the unknown heirs, devisees, executors, administrators, successors and assigns of George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester Moore, Veva O. Pickens, Warren O. Worcester, Edward Worcester, Olive Worcester, John D. Clark, James K. Clark, W. J. Lea, George H. Hoyle, Sunny South Development Company to appear, and plead, answer or demur within thirty days from the service hereof, to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by BESSIE M. KEENEY, as Complainant, and against George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester Moore, Veva O. Pickens, Warren O. Worcester, Edward Worcester, Olive Worcester, John D. Clark, the unknown heirs, devisees, executors, administrators, successors and assigns of George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester, Moore Veva O. Pickens, Warren O. Worcester, Edward Worcester, Olive Worcester, John D. Clark, James K. Clark, W. J. Lea, George H. Hoyle, Sunny South Development Company, as Respondents.

WITNESS my hand this the 4th day of August, 1952.

David Wrench
Register

BESSIE M. KEENEY
COMPLAINANT
VS
GEORGE H. WORCESTER, ET AL,
RESPONDENTS

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

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

Your Complainant, Bessie M. Keeney, humbly complaining against the following described lands situated in Baldwin County, Alabama, to-wit:

West half of Southeast quarter of Section 28, Township 8 South, Range 4 East,

and also against George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester Moore, Veva O. Pickens, Warren O. Worcester, Edward Worcester, Olive Worcester, John D. Clark, and also against the unknown heirs, devisees, grantees, successors, personal representatives and assigns of George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester Moore, Veva O. Pickens, Warren O. Worcester, Edward Worcester, Olive Worcester, John D. Clark James K. Clark, W. J. Lea, George H. Hoyle, Sunny South Development Company and any and all other persons firms or corporations claiming any title to, right, interest in, lien or

encumbrance upon the said lands or any part or parcel thereof, and respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant, Bessie M. Keeney is over twenty-one years of age and a bona fide Resident of Fairhope, in Baldwin County, Alabama.

2.

That George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester Moore, Veva O. Pickens are all over twenty-one years of age and bona fide residents of Baldwin County, Alabama; that Warren O. Worcester is over twenty-one years of age and a non-resident of the State of Alabama, his address being C/o Bell Telephone Company, Atlanta, Georgia; that Edward Worcester, Olive Worcester are over twenty-one years of age, and non-residents of the State of Alabama, their address being 12,812 Cookacre Avenue, Conton 2, California; that John D. Clark is over twenty-one years of age, and non-residents of the State of Alabama, his address being Darien Georgia.

3.

That your Complainant is the owner in fee simple and in the actual possession of the lands herein described in Baldwin County, Alabama, and being as follows: West half of Southeast quarter of Section 28, Township 8 South, Range 4 East.

4.

That no suit is pending to test the Complainant's title to, interest in, or rights of possession to said land; that the Complainant therefore calls upon the Respondents and each of them to set forth and specify what right, title, interest in, lien or encumbrances they have in and to said lands or any part thereof, and by what instrument or instruments the same is derived and/or created.

5.

That your Complainant acquired title to the said land by conveyances as follows, of record in the office of the Probate Judge of Baldwin County, Alabama: S. P. Gaillard, S. P. Gaillard Jr., and Florence H. Gaillard dated March 17, 1942, and of record in Deed Book 77 NS page 215; Warren O. Worcester, George H. Worcester, Edward Worcester, Rose Worcester, Olive Worcester, J. T. Worcester, Wilda Worcester and B. K. Worcester, dated April 14, 1942, and of record in Deed Book 77 NS, pages 215-16.

6.

That the title to said lands claimed by your Complainant stand upon the records of the Probate Court of Baldwin County, Alabama, in the names of Bessie M. Keeney, George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester Moore, Veva O. Pickens, Warren O. Worcester, Edward Worcester, Olive Worcester, John D. Clark.

7.

That no one has at any time within ten years next preceding the filing of the bill of complaint in this cause, paid any taxes upon said land other than Bessie M. Keeney, Gaillard & Gaillard, and J. T. Worcester.

8.

That the only persons shown by the records of Baldwin County, Alabama, to claim said land or any part thereof or any interest therein are Bessie M. Keeney, Gaillard and Gaillard, J. T. Worcester.

9.

That your Complainant has made and caused to be made a diligent search and inquiry, inquiring of parties in the vicinity of Foley, Bon Secour, Gulf Shores and Fairhope, and also having the records at Bay Minette, Baldwin County, Alabama, searched, and an abstract made to ascertain and determine the names of any and all persons claiming any interest in or to the said lands and also as to any one exercising any rights of possession, or assessing and paying the taxes on said land for the past ten years, and as a result of said inquiry and search the parties respondent are as herein named.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester Moore, Veva O. Pickens, Warren O. Worcester, Edward Worcester, Olive Worcester, John D. Clark and the unknown, heirs, devisees, personal representatives, grantees and assigns of George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester Moore, Veva O. Pickens, Warren O. Worcester, Edward Worcester, Oliver Worcester, John D. Clark James K. Clark, W. J. Lea, George H. Hoyle, Sunny South Development Company, and any other person, firm or corporation claiming any right, title to, interest in, or encumbrance upon the said land in Baldwin County, Alabama, to-wit:

West half of Southeast quarter of Section 28, Township
6 South, Range 4 East.

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or any part thereof, parties respondent to this bill of complaint, and require them, and each of them, to appear and plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon a final hearing hereof your Honor will make and enter a decree ascertaining and determining that the fee simple title, free from all liens and encumbrances, to the lands herein described, and to each and every part and parcel thereof, is vested in your Complainant, Bessie M. Keeney and that neither George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester Moore, Veva O. Pickens, Warren O. Worcester, Edward Worcester, Clive Worcester, John D. Clark, the unknown heirs, devisees, personal representatives, grantees and assigns of George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester Moore, Veva O. Pickens, Warren O. Worcester, Edward Worcester, Olive Worcester, John D. Clark, James K. Clark, W. J. Lea, George H. Hoyle, Sunny South Development Company, nor any other person, firm or corporation has any right, title to, interest in or encumbrances upon the said land, or any part or parcel thereof, and that any and all doubts and disputes concerning the said land be cleared up.

Your Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive.

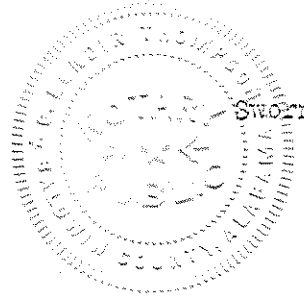
J. Lee Lee
Solicitor for the Complainant

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, in and for said County, in said State, personally appeared H. M. Hall, who is known to me, and who having been by me first duly sworn, deposes and says that he is Solicitor for the Complainant in the above styled cause, is authorized to make this affidavit, that from all information obtainable the facts contained in the foregoing bill of complaint are true and correct.

J. Lee Lee

Sworn to and subscribed before me on this the 4 day of August, 1952.



[Signature]
Notary Public, Baldwin County, Alabama

My Commission Expires 9/11/56

Received in Sheriff's Office
this 5 day of Aug, 1952
TAYLOR WILKINS, Sheriff

2862

RECORDED

Executed Sept 2 1952
by serving copy of within Summons and
Complaint on

BESSIE M. KEENEY

COMPLAINANT

VS

GEORGE H. WORCESTER, ET AL,

RESPONDENTS

George H. Worcester, 4-24
Rose Worcester, J. T. Worcester
Wilda Worcester, Mrs. B. K. Worcester

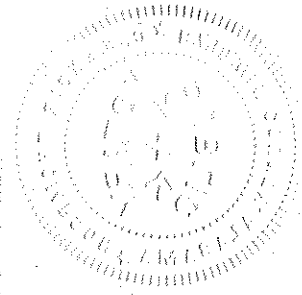
Veva A. Pichon
Taylor Wilkins Sheriff
By H. F. Hall Deputy Sheriff

BILL OF COMPLAINT

FILED

AUG 4 1952

ALICE L. DUCK, Clerk



[Faint handwritten notes and signatures in the bottom right corner, including what appears to be 'AUG 4 1952' and a signature.]

BESSIE M. KEENEY
COMPLAINANT

VS

GEORGE H. WORCESTER, ET AL,
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY *no 2862.*

LIS PENDENS NOTICE

It having been made to appear in the above styled cause by proper affidavit that George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester Moore, Veva O. Pickens are all over twenty-one years of age and bona fide residents of Baldwin County, Alabama; that Warren O. Worcester is over twenty-one years of age and a non-resident of the State of Alabama, his address being C/o Bell Telephone Company, Atlanta, Georgia; that Edward Worcester, Olive Worcester are over twenty-one years of age and non-residents of the State of Alabama, their address being 12,812 Cookacre Avenue, Conton 2, California; that John D. Clark is over twenty-one years of age, and non-resident of the State of Alabama, his address being Darien, Georgia; That Bessie M. Keeney is over twenty-one years of age, and a resident of Baldwin County, Alabama, and the owner in fee simple and in the actual possession of the following described land situated in Baldwin County, Alabama, to-wit:

West half of Southeast quarter of Section 28, Township 8 South, Range 4 East.

That your Complainant acquired title to the said land by the following conveyances, all of record in the office of the Probate Judge of Baldwin County, Alabama: S. P. Gaillard, S. P. Gaillard Jr., and Florence H. Gaillard dated March 17, 1942, and of record in Deed Book 77 NS page 215; Warren O. Worcester, George H. Worcester, Edward Worcester, Rose Worcester, Olive Worcester, J. T. Worcester, Wilda Worcester and B. K. Worcester, dated April 14, 1942, and of record in Deed Book 77 NS pages 215-16.

That no person is known to have paid any taxes on said land or to have had any possession thereof within ten years next preceding the filing of the complaint except Bessie M. Keeney, Gaillard & Gaillard and J. T. Worcester.

BOOK 002 PAGE 397

IT IS THEREFORE ORDERED and notice is hereby given that the said George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester Moore, Veva O. Pickens, Warren O. Worcester, Edward Worcester, Olive Worcester, John D. Clark, the unknown heirs, devisees, grantees, personal representatives, successors and assigns of George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester Moore, Veva O. Pickens, Warren O. Worcester, Edward Worcester, Olive Worcester, John D. Clark, James K. Clark, W. J. Lea, George H. Hoyle, Sunny South Development Company, and any other persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon said land, or any part thereof, to appear in the Circuit Court of Baldwin County, Alabama, in Equity, and plead, answer or demur to this bill of complaint on or before the 8 day of Sept, 1952, or upon their having failed to do so upon the expiration of thirty days from said date, a decree pro confesso shall be taken against them, and that this cause shall be at issue.

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF, I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 4 day of August, 1952.

Alice J. Duck
Register

H. M. Hall
Solicitor for the Complainant

STATE OF ALABAMA
BALDWIN COUNTY

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the foregoing is a full, true, correct and complete copy of notice given by publication in the Baldwin Times, a newspaper published in Bay Minette, Alabama, Baldwin County, in the cause of Bessie M. Keeney, Complainant, vs George H. Worcester, et al, Respondents, and filed for record in the office of the Judge of Probate of Baldwin County, Alabama, the county in which said land lies, in accordance with the provisions of the laws of the State of Alabama.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office on this the 4 day of August, 1952.

Alice J. Duck
Register.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 8-7-52 HP M
Recorded Lib. P. book 2 page 396-7
M. B. Hunt
Judge of Probate
3

2862

BESSIE H. KEENEY

COMPLAINANT

VS

GEORGE H. WORCESTER, ET AL,

RESPONDENTS

LES PENDANS NOTION

FILED

AUG 4 1952

AUG 1, 1952, 11:00 AM

P. V. 357

Mr. Duck

The BALDWIN Times

ALABAMA'S BEST 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 published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Bessie M. Keeney vs.
Geo. H. Worcester

COST STATEMENT

600 WORDS @ 6 1/2 cents --- \$39.00
I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner
Publisher.

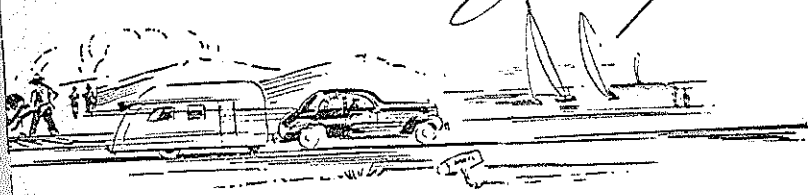
Was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication Aug. 7, 1952 Vol. 63 No. 29
Date of 2nd publication Aug. 14, 1952 Vol. 63 No. 30
Date of 3rd publication Aug. 21, 1952 Vol. 63 No. 31
Date of 4th publication Aug. 28, 1952 Vol. 63 No. 32

Subscribed and sworn before the undersigned this 28 day of Aug., 1952

Dorothy Martin
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.



LIS PENDENS NOTICE
In The Circuit Court of Baldwin County,
Alabama, In Equity
No. 2862
BESSIE M. KEENEY, Complainant
vs.
GEORGE H. WORCESTER, ET AL,
Respondents
It having been made to appear in the above styled cause by proper affidavit that George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester Moore, Veva O. Pickens are all over twenty-one years of age and bona fide residents of Baldwin County, Alabama; that Warren O. Worcester is over twenty-one years of age and a non-resident of the State of Alabama, his address being c/o Bell Telephone Company, Atlanta, Georgia; that Edward Worcester, Olive Worcester are over twenty-one years of age, and non-residents of the State of Alabama, their address being 12,812 Cookacre Avenue, Canton 2, California; that John D. Clark is over twenty-one years of age, and non-resident of the State of Alabama, his address being Daman, Georgia; That Bessie M. Keeney is over twenty-one years of age, and a resident of Baldwin County, Alabama, and the owner in fee simple and in the actual possession of the following described land situated in Baldwin County, Alabama, to-wit:
West half of Southeast quarter of Section 28, Township 8 South, Range 4 East.
That your Complainant acquired title to the said land by the following conveyances, all of record in the office of the Probate Judge of Baldwin County, Alabama: S. P. Gaillard, S. P. Gaillard, Jr., and Florence H. Gaillard dated March 17, 1942, and of record in Deed Book 77 NS page 215; Warren O. Worcester, George H. Worcester, Edward Worcester, Rose Worcester, Olive Worcester, J. T. Worcester, Wilda Worcester and B. K. Worcester, dated April 14, 1942, and of record in Deed Book 77 NS pages 215-16.
That no person is known to have paid any taxes on said land or to have had any possession thereof within ten years next preceding the filing of the complaint except Bessie M. Keeney, Gaillard & Gaillard and J. T. Worcester.
IT IS THEREFORE ORDERED and notice is hereby given that the said George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester Moore, Veva O. Pickens, Warren O. Worcester, Edward Worcester, Olive Worcester, John D. Clark, the unknown heirs, devisees, grantees, personal representatives, successors and assigns of George H. Worcester, Rose Worcester, J. T. Worcester, B. K. Worcester, Wilda Worcester Moore, Veva O. Pickens, Warren O. Worcester, Edward Worcester, Olive Worcester, John D. Clark, James K. Clark, W. J. Lea, George H. Hoyle, Sunny South Development Company, and any other persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon said land, or any part thereof, to appear in the Circuit Court of Baldwin County, Alabama, in Equity, and plead, answer or demur to this bill of complaint on or before the 8th day of September, 1952, or upon their having failed to do so upon the expiration of thirty days from said date, a decree pro confesso shall be taken against them, and that this cause shall be at issue.
IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks.
IN WITNESS WHEREOF, I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 4th day of August, 1952.
ALICE J. DUCK,
Register.
H. M. HALL
29-41c

BESSIE M. KEENEY		IN THE CIRCUIT COURT OF
COMPLAINANT		
VS		BALDWIN COUNTY, ALABAMA,
GEORGE H. WORCESTER and		
VEVA C. PICKENS, et al		IN EQUITY
DEFENDANTS		

This cause coming on to be heard is submitted for final decree upon behalf of the complainant, upon the original bill of complaint and upon the service, decree pro confesso, appointment, acceptance and answer of guardian ad litem, pleadings and testimony of complainant's witnesses taken ore tenus, stipulation between complainant and defendant, Veva C. Pickens, complainants Exhibits 1, 2 and 3, and on behalf of the defendants, the answer of defendant, Veva C. Pickens and answer of guardian ad litem on behalf of the unknown heirs, and testimony of the witnesses; and the same being considered by the Court, the Court is of the opinion, ~~does find, ascertain and decree, that due and proper~~ notice of the pendency of said bill of complaint against the said lands and the said defendants, George H. Worcester, Rose Worcester, J. T. Worcester, Wilda Worcester Moore, B. K. Worcester, Veva C. Pickens, Edward Worcester, John D. Clark and Clive Worcester, and against the unknown heirs, devisees, grantees, personal representatives, successors and assigns of Warren C. Worcester, James K. Clark, W. L. Lea, George H. Hoyle and Sunny South Development Company, and any and all other persons, firms, corporations or associations claiming any title to, interest in, claim, lien or encumbrance on said lands or any part thereof, has been given in the manner required by law and that the complainant is entitled to the relief as prayed for in the bill of complaint.

IT IS THEREFORE FOUND, ASCERTAINED, ORDERED, ADJUDGED AND DECREED by the Court that the complainant, Bessie M. Keeney, is over the age of twenty-one years and a resident of Baldwin County, Alabama; that at the time of the filing of the said bill of complaint and at the time of the submission of this cause for final

decree, the complainant was and is in the actual and peaceable possession, claiming to own the same absolutely, and in fee simple of all that certain tract of land situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

The West half of Southeast quarter of Section
28, Township 8 South, Range 4 East, Baldwin
County, Alabama;

That the complainant acquired title to the said lands by deed from S. P. Gaillard, S. P. Gaillard, Jr., and Florence H. Gaillard, dated March 17, 1942 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 77 NS, page 215, and by deed of Warren O. Worcester, George H. Worcester, Edward Worcester, Rose Worcester, Olive Worcester, J. T. Worcester, Wilda Worcester and B. K. Worcester, dated April 14, 1942 and recorded in said Probate office in Deed Book 77 NS, pages 215-16; who held the fee simple title by mesne conveyances from the United States Government; that the title to the said lands and each parcel thereof stands in the name of the complainant upon the records of Baldwin County, Alabama; that for more than ten years next preceding the filing of said bill of complaint no person other than those through whom she claims title to the said lands, or any part thereof, have assessed or paid taxes thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Bessie M. Keeney at the time of the filing of the bill of complaint in this cause and at this time had and has the fee simple title to the above described lands, and to each and every part and parcel thereto, that neither of the defendants, George H. Worcester, Rose, Worcester, J. T. Worcester, Wilda Worcester Moore, B. K. Worcester, Veva O. Dickens, Edward Worcester, John D. Clark, Olive Worcester, and the unknown heirs, devisees, grantees, personal representatives, successors, and assigns of Warren O. Worcester, James K. Clark, W. L. Lea, George H. Hoyle and Sunny South Development Company, nor any other person, firm, association or corporation have any title to, interest in, claim, lien or encumbrance on said lands or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title hereby quieted and established in and declared to be in the said

Bessie M. Keeney shall inure to the benefit of all persons deriving title to said lands or any part thereof, from or through the said Bessie M. Keeney, and the said title so quieted and established in her shall be treated and considered as established in favor of the said Bessie M. Keeney, and any persons deriving title through her.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this decree be, by the Register of this Court, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in which County the said land lies, within thirty days from the date of this decree, and that the cost thereof be taxed as a part of the cost in this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Bessie M. Keeney be and she is hereby taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this the 8 day of July,

1955.

J. Robert McNeal
Judge

RECORDED
JUL 10 1955
Baldwin County, Alabama