

2863

WINBERG ORCHARDS & NURSERIES  
COMPANY, INC., A CORPORATION  
ORGANIZED UNDER THE LAWS OF  
THE STATE OF ALABAMA,

COMPLAINANT

VS

IN THE CIRCUIT COURT OF

THE SOUTHWEST QUARTER OF NORTH-  
EAST QUARTER OF NORTHWEST  
QUARTER OF SECTION 26, TOWNSHIP  
5 SOUTH, RANGE 3 EAST, BALDWIN  
COUNTY, ALABAMA; AND THE UN-  
KNOWN HEIRS, DEVISEES AND PER-  
SONAL REPRESENTATIVES OF EDGAR  
B. FISHER, DECEASED; AND AGAINST  
ANY AND ALL OTHER PERSONS, FIRMS  
ASSOCIATIONS OR CORPORATION,  
CLAIMING ANY TITLE TO, INTEREST  
IN, CLAIM, LIEN OR ENCUMBRANCE  
ON SAID LANDS OR ANY PART OR  
PARCEL THEREOF,

BALDWIN COUNTY, ALABAMA,

IN EQUITY

DEFENDANTS

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

Comes your complainant, Winberg Orchards and Nurseries  
Company, Inc., a corporation organized under the laws of the State  
of Alabama, and presents this, its bill of complaint against the  
following described lands in Baldwin County, Alabama, to-wit:

The Southwest quarter of the Northeast quarter  
of the Northwest quarter of Section 26, Township  
5 South, Range 3 East;

and against the unknown heirs, devisees and personal representatives  
of Edgar B. Fisher, deceased, and against any and all persons, firms,  
corporations or associations, claiming any title to, interest in,  
claim, lien or encumbrances on said lands or any part or parcel  
thereof and respectfully shows unto your honor:

FIRST: That complainant is an Alabama Corporation, its  
principal place of business being, Silverhill, Baldwin County,  
Alabama, that Edgar B. Fisher is dead, that he died more than 15  
years ago, that during his life he resided in Chicago, Illinois,  
that complainant has made diligent search to ascertain the names  
and places of residence of the heirs, devisees and personal repre-  
sentatives of Edgar B. Fisher, deceased; that it has inquired of

numerous persons in the vicinity in which such land is located, and of persons in Chicago, Illinois, who knew said Edgar B. Fisher, and has searched the records of Baldwin County, and upon such inquiry has been unable to ascertain their names, ages and post office addresses, but is informed and believes and upon such information and belief alleges that the heirs, devisees and personal representatives of the said Edgar B. Fisher, deceased are over the age of twenty-one years and are non-residents of the State of Alabama, their place of residence being unknown to complainant, and cannot be ascertained.

SECOND: That your complainant is the owner of in fee simple and in the actual possession of the said lands in Baldwin County, Alabama, described as follows, to-wit:

The Southwest quarter of the Northeast quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East in Baldwin County, Alabama;

that it and those through whom it claims have been in the continuous peaceable adverse possession of the said lands for more than ten years next preceding the filing of this complaint and that it and those through whom it claims title to the said lands have for more than ten years next preceding the filing of this bill of complaint annually assessed and paid the taxes on the said lands and that during such period of time no other person has assessed the said lands for taxes or paid taxes thereon, and that no other person for such period has had, or attempted to exercise any possession over the said land or claimed any right to possession thereof or any title to, or interest in, claim, lien or encumbrance thereon, or to any part or parcel of the same.

THIRD: That no suit is pending to test complainant's title to, interest in, claim, lien or encumbrance on, or right of possession of said land.

FOURTH: That the complainant holds title to the aforesaid lands by purchase from Edgar B. Fisher in the summer of 1931, and the said Edgar B. Fisher executed and delivered to this complainant a good and sufficient deed conveying to it the said lands,

which said deed has been lost and cannot be found; that Edgar B. Fisher acquired title to the said lands by mesne conveyances from the United States Government; that your complainant immediately upon his purchase of the said lands went into possession of the same, claiming to own the same, and has continuously each year commencing with the year 1931 had the said land under fence and in cultivation, and that it has been in the actual, peaceable, continuous and adverse possession of the same for more than twenty years next preceding the filing of this bill of complaint and has annually assessed and paid taxes on the said lands for more than ten years next preceding the filing of this bill of complaint.

WHEREFORE, your complainant prays that this Honorable Court will take jurisdiction of the cause made by this bill of complaint and by appropriate process make the said unknown heirs, devisees and personal representatives of the said Edgar B. Fisher, deceased, and all other persons, firms, associations or corporations claiming any title to, or interest in, claim, lien or encumbrance upon the said lands, to-wit: The Southwest quarter of the Northeast quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, in Baldwin County, Alabama, or any part or parcel thereof, to be made parties defendant to this bill of complaint and by appropriate process require them and each of them separately and severally to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your complainant further prays that upon a final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of liens, claims and encumbrances to the said lands and each part and parcel thereof, is vested in your complainant, Winberg Orchards & Nurseries Company, Inc., a corporation organized under the laws of the State of Alabama, as against the unknown heirs, devisees and personal representatives of Edgar B. Fisher, and as against any and all persons firms, associations, corporations, claiming any title to, interest in, claim, lien encumbrance upon said lands or any part thereof,

and that any and all doubts and disputes concerning the same be cleared up, and your complainant prays for such other, further, different or general relief as in equity and good conscience shall seem meet and proper.

W C Beebe  
Solicitor for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority in and for said County and State, personally appeared W. C. Beebe, 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, and that the facts stated in the foregoing bill of complaint, from all information obtainable, are true, and from such information obtained he verily believes, and so states, the same to be true.

W C Beebe

Sworn to and subscribed before me this the 7 day of August, 1952.

Maxine S. Rogers  
Notary Public, Baldwin Co., Ala.

Edgar B. Fisher acquired title to the said lands by mesne conveyances from the United States Government; that the complainant immediately upon its purchase of the said lands went into possession of the same, claiming to own the same, and has continuously each year commencing with the year 1931 had the said land under fence and in cultivation and that it has been in the actual, peaceable, continuous and adverse possession of the same for more than twenty years next preceding the filing of its bill of complaint; that the said Edgar B. Fisher is dead, that he died more than 15 years ago, that the unknown heirs, devisees, and personal representatives of the said Edgar B. Fisher, deceased, claim or are reputed to claim some title to, interest in, claim, lien or encumbrance upon the Southwest quarter of the Northeast quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, in Baldwin County, Alabama, or some part or parcel thereof.

Complainant further alleges that it and those through whom it claims have, for more than ten years next preceding the filing of said bill of complaint, been in the actual peaceable adverse possession of the said lands and have annually assessed and paid the taxes thereon and that during such period no other person has been in possession of said lands or any part thereof or assessed or paid taxes on said lands or any part thereon and that the bill of complaint is filed for the purpose of establishing its title to and interest in the said lands and clearing up doubts and disputes concerning the same.

And it appearing from said bill of complaint, the same being duly verified that the names, ages and places of residence and post office addresses of the said defendants are unknown and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and the names, ages and places of residence and post office addresses cannot be ascertained.

And an order having been made and entered that notice of the pendency of said suit be given publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama;

It is therefore ordered that the said unknown heirs,

BOOK 002 PAGE 200

devisees and personal representatives of Edgar B. Fisher, deceased, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon said lands described as follows: The Southwest quarter of the Northeast quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, Baldwin County, Alabama, appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely the 13 day of October, 1952, at which time the said cause shall stand at issue.

Witness my hand this the 8 day of August, 1952.

Alice J. Luck  
Register, Circuit Court, Baldwin  
County, Alabama, in equity.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in equity, do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in equity, wherein Winberg Orchards & Nurseries Company, Inc., a corporation organized under the laws of the State of Alabama, is complainant and the Unknown heirs, devisees and personal representatives of Edgar B. Fisher, deceased, and the following described lands, to-wit: the Southwest quarter of the Northeast quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, in Baldwin County, Alabama, and any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the said lands in Baldwin County, Alabama, are defendants as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper, published in Baldwin County, Alabama, under and in pursuance of an order of this court made in said cause on the 8 day of August, 1952.

Alice J. Duck  
Register

STATE OF ALABAMA, BALDWIN COUNTY

Filed 8-12-52 ..... 3 P. M.

Recorded Lis. Prob. book 2 ..... page 398-401

M. Stewart  
Judge of Probate

Lix pendens

2863

Mrs. Duck

R. 2035

FILED

AUG 8 1952

ALICE J. BUCK, Register



WINBERG ORCHARDS & NURSERIES  
COMPANY, INC., A CORPORATION  
ORGANIZED UNDER THE LAWS OF  
THE STATE OF ALABAMA,

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF NORTH-  
WEST QUARTER OF SECTION 26,  
TOWNSHIP 5 SOUTH, RANGE 3  
EAST, BALDWIN COUNTY, ALA-  
BAMA: AND THE UNKNOWN HEIRS  
DEVISEES AND PERSONAL REPRESENTATIVES OF EDGAR B. FISHER, DECEASED; AND AGAINST ANY AND ALL OTHER PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS, CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON SAID LANDS OR ANY PART OR PARCEL THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Whereas Winberg Orchards and Nurseries Company, Inc., a corporation organized under the laws of the State of Alabama, has filed its bill of complaint on the 8<sup>th</sup> day of August, 1952, in this court on the Equity side, claiming to be in actual peaceable possession, owning and claiming to own those certain lands, lying and being situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

The Southwest quarter of Northeast quarter  
of Northwest quarter of Section 26, Township  
5 South, Range 3 East;

Complainant alleges in its bill of complaint that the complainant holds title to the aforesaid lands by purchase from Edgar B. Fisher in the summer of 1931, and the said Edgar B. Fisher executed and delivered to it a good and sufficient deed conveying to it the said lands, which said deed has been lost and cannot now be found; that the said Edgar B. Fisher acquired title to the said lands by mesne conveyances from the United States Government; that the complainant immediately upon its purchase of the said lands went into possession of the same, claiming to own the same, and has continuously each year commencing with the year 1931 had the said land under fence and in cultivation and that

it has been in the actual, peaceable, continuous and adverse possession of the same for more than twenty years next preceding the filing of its bill of complaint; that the said Edgar B. Fisher is dead, that he died more than 15 years ago, that the unknown heirs, devisees, and personal representatives of the said Edgar B. Fisher, deceased, claim or are reputed to claim some title to, interest in, claim, lien or encumbrance upon the Southwest quarter of the Northeast quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, in Baldwin County, Alabama, or some part or parcel thereof.

Complainant further alleges that it and those through whom it claims have for more than ten years next preceding the filing of the said bill of complaint have been in the actual peaceable possession of the said lands and have annually assessed and paid the taxes thereon and that during such period no other person has been in possession of the said lands or any part thereof or assessed or paid taxes on said lands or any part thereof, and that the bill of complaint is filed for the purpose of establishing its title to and interest in the said lands and clearing up doubts and disputes concerning the same.

And it appearing from said bill of complaint, the same being duly verified, that the names, ages and places of residence and post office addresses of the said defendants are unknown and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and the names, ages and places of residence and post office addresses cannot be ascertained.

It is therefore ordered, adjudged and decreed that notice of the pendency of said suit be given by publication once a week for four weeks consecutively in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama.

WITNESS MY hand and seal this the 8th day of August, 1952.

Archie J. Hanks  
Register.

Winberg Orchards & Nurseries Co.,  
Inc., Complainant

vs

The Unknown heirs, devisees &  
Personal representatives of  
Edgar B. Fisher, deceased &  
Certain lands.

*Under direction  
Noted*

FILED

AUG 8 1952

ALICE J. DUCK, Register

WINBERG ORCHARDS & NURSERIES  
COMPANY, INC., A CORPORATION  
ORGANIZED UNDER THE LAWS OF  
THE STATE OF ALABAMA,

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF NORTH-  
WEST QUARTER OF SECTION 26,  
TOWNSHIP 5 SOUTH, RANGE 3  
EAST, BALDWIN COUNTY, ALA-  
BAMA; AND THE UNKNOWN HEIRS  
DEVISEES AND PERSONAL REPRESENTATIVES OF EDGAR B. FISHER, DECEASED; AND AGAINST ANY AND ALL OTHER PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS, CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON SAID LANDS OR ANY PART OR PARCEL THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Notice is hereby given to the unknown heirs, devisees and personal representatives of Edgar R. Fisher, deceased, and to any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the following described lands: The Southwest quarter of the Northeast quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, in Baldwin County, Alabama.

That Winberg Orchards and Nurseries Company, Inc., a corporation organized under the laws of the State of Alabama, has filed its bill of complaint on the 8 day of August, 1952, in this court on the equity side claiming to be in actual peaceable possession, owning and claiming to own that certain land, lying and being situated in the County of Baldwin, State of Alabama, described as follows:

The Southwest quarter of the Northeast quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East;

complainant alleges in its bill of complaint that it acquired title to the said lands by purchase from Edgar B. Fisher in the summer of 1931, and the said Edgar B. Fisher executed and delivered to it a good and sufficient deed conveying to it the said lands, which said deed has been lost and cannot now be found; that the said

Edgar B. Fisher acquired title to the said lands by mesne conveyances from the United States Government; that the complainant immediately upon its purchase of the said lands went into possession of the same, claiming to own the same, and has continuously each year commencing with the year 1931 had the said land under fence and in cultivation and that it has been in the actual, peaceable, continuous and adverse possession of the same for more than twenty years next preceding the filing of its bill of complaint; that the said Edgar B. Fisher is dead, that he died more than 15 years ago, that the unknown heirs, devisees, and personal representatives of the said Edgar B. Fisher, deceased, claim or are reputed to claim some title to, interest in, claim, lien or encumbrance upon the Southwest quarter of the Northeast quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, in Baldwin County, Alabama, or some part or parcel thereof.

Complainant further alleges that it and those through whom it claims have, for more than ten years next preceding the filing of said bill of complaint, been in the actual peaceable adverse possession of the said lands and have annually assessed and paid the taxes thereon and that during such period no other person has been in possession of said lands or any part thereof or assessed or paid taxes on said lands or any part thereon and that the bill of complaint is filed for the purpose of establishing its title to and interest in the said lands and clearing up doubts and disputes concerning the same.

And it appearing from said bill of complaint, the same being duly verified that the names, ages and places of residence and post office addresses of the said defendants are unknown and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and the names, ages and places of residence and post office addresses cannot be ascertained.

And an order having been made and entered that notice of the pendency of said suit be given publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama;

It is therefore ordered that the said unknown heirs,

devisees and personal representatives of Edgar B. Fisher, deceased, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon said lands described as follows: The Southwest quarter of the Northeast quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, Baldwin County, Alabama, appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely the 12 day of October, 1952, at which time the said cause shall stand at issue.

Witness my hand this the 2 day of August, 1952.

Alice L. French  
Register, Circuit Court, Baldwin  
County, Alabama, in equity.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in equity, do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in equity, wherein Winberg Orchards & Nurseries Company, Inc., a corporation organized under the laws of the State of Alabama, is complainant, and the Unknown Heirs, devisees and personal representatives of Edgar B. Fisher, deceased, and the following described land, to-wit: The Southwest quarter of the Northeast quarter of the Northwest quarter of Section 26, Township 5 South, Range 3 East, Baldwin County, Alabama; and any and all persons, firms, associations, or corporations claiming any title to, interest in, claim, lien or encumbrance on the said land are defendants as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper, published in Baldwin County, Alabama, under and pursuance of an order of this court made in said cause on the 8 day of August, 1952, and I do further certify that the same was published in the Baldwin Times, the newspaper designated therein in its issues of August 14, 1952, August 21, 1952, August 28, 1952 and September 4, 1952., and copy thereof posted on the courthouse door for thirty days.

And I do further certify that the foregoing notice was filed by me for record in the office of the Judge of Probate of Baldwin County, Alabama, recorded by the said Judge of Probate in Lis Pendens 2, page 398-401, on the 12 day of August, 1952.

Witness my hand this the 5<sup>th</sup> day of Sept., 1952.

Alice J. Duck  
Register.

2863.

Winberg Orchards & Nurseries  
Co., Inc. Complainant

vs

The Unknown heirs, devisees  
& Personal representatives  
of Edgar B. Fisher, decd.  
& certain lands.

Defendants

Notice

FILED

AUG 8 1952

ALICE J. DUCK, Register



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188  
BOOK

WINBERG ORCHARDS And NURSERIES  
COMPANY, INC., A CORPORATION  
ORGANIZED UNDER THE LAWS OF THE  
STATE OF ALABAMA,

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF NORTH-  
EAST QUARTER OF NORTHWEST  
QUARTER OF SECTION 26, TOWNSHIP  
5, SOUTH, RANGE 3 EAST, BALDWIN  
COUNTY, ALABAMA: AND THE UNKNOWN  
HEIRS, DEVISEES AND PERSONAL  
REPRESENTATIVES OF EDGAR B.  
FISHER, DECEASED: AND AGAINST  
ANY AND ALL OTHER PERSONS, FIRMS,  
ASSOCIATIONS OR CORPORATIONS,  
CLAIMING ANY TITLE TO, INTEREST  
IN, CLAIM, LIEN OR ENCUMBRANCE  
ON SAID LANDS OR ANY PART OR  
PARCEL THEREOF.

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

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, pleading and proof as noted by the register; 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 the said bill of complaint against the said lands and the said defendants, the unknown heirs, devisees and personal representatives of Edgar B. Fisher, deceased; and any and all other persons, firms, associations or corporations, 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 said complainant, Winberg Orchards and Nurseries Company, Inc., is a corporation organized under the laws of the State of 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 Southwest quarter of Northeast quarter of Northwest quarter of Section 26, Township 5 South, Range 3 East, Baldwin County, Alabama;

That the complainant obtained title to the said lands from Edgar B. Fisher, in the summer of 1931 by deed of the said Edgar B. Fisher, which deed has been lost and cannot be found; that Edgar B. Fisher obtained title by mesne conveyances from the United States Government; that complainant further holds title to the said lands by adverse possession of the said lands and each and every parcel thereof continuously for more than ten years next preceding the filing of the bill of complaint; that the title to the said lands and each parcel thereof stand 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 it 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 Winberg Orchards and Nurseries Company, Inc., 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 said defendants, the unknown heirs, devisees and personal representatives of Edgar B. Fisher, deceased, nor any and all persons, firms, associations, or corporations ~~claiming~~ 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 Winberg Orchards and Nurseries Company Inc., shall insure to the benefit of all persons deriving title to said lands or any part therein, from or through the said Winberg Orchards and Nurseries Company, Inc., and the said title so quieted and established in it shall be treated and considered as established in favor of the said Winberg Orchards and Nurseries Company, Inc., and all persons deriving title through it.

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188  
MAY  
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BOOK 188 PAGE 12

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 Winberg Orchards and Nurseries Company, Inc., be and it is hereby taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this the 31st day of October, 1952.

Telfair J. Mashburn, Jr  
Judge.

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 attached and filed in my office.  
WITNESS MY HAND AND SEAL THIS 11th day of October, 1952

Alice J. Duck  
Register of Circuit Court, in Equity

STATE OF ALABAMA, BALDWIN COUNTY

Filed 11-8-52 9:30 A.M.

Recorded Deed book 188 page 10-12

W. R. Stewart  
Judge of Probate

9-

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: Madeline S. Evans

KNOW YE: that we, having full faith in your prudence and competency, have appointed you  
Commissioner, and by these presents do authorize you, at such time and place as you may appoint,  
to call before you and examine O. F. D. Winberg

as witnesses in behalf of complainant in a cause pending in our  
Circuit Court in Baldwin County, of said State, wherein

Winberg Orchards & Nurseries Company, Inc., Complainant  
and the Unknown heirs of Edgar R. Fisher, deceased, & certain  
lands

Respondent

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

Witness 27 day of November, 1952

*David L. ...*

Register.

Commissioner's Fee, \$ 10.00

Witness' Fees, \$ \_\_\_\_\_

THE STATE OF ALABAMA  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

Winberg Orchards & Nurseries Co., Inc. Complainant

VS.

Unknown heirs of Edgar B. Fisher, dec'd Respondent  
et al & certain land

I, Madeline J. Brown

as Register and Commissioner

have called and caused to come before me C. F. E. Winberg

witness named in the Requirement for Oral Examination, on the 20 day of October  
1945, at the office of W. C. Beebe

in Bay Minette, Alabama, and having first sworn said Witness to speak the  
truth, the whole truth, and nothing but the truth, the said C. F. E. Winberg

doth depose and say as follows:

Direct Examination by Mr. Beebe: My name is C.F.E. Winberg. I am President of Winberg Orchards & Nurseries Company, Inc. Winberg Orchards & Nurseries Company, Inc., is a corporation organized under the laws of the State of Alabama with its principal place of business at Silverhill. I have known the Southwest quarter of the Northwest quarter of Northwest quarter of Section 26, T 5 S, R 3 E, since 1913. Southern Alabama Plantation Company purchased this property from a man by the name of Julian. The Southern Alabama Plantation Company sub-divided property into five and ten acre tracts and the Southwest quarter of Northeast quarter of Northwest quarter of Sec. 26, T5S, R3E was sold to Edgar B. Fisher in 1914. Julian held title by mesne conveyances from the United States Government. I cleared the property for Edgar B. Fisher. Edgar B. Fisher died in the winter of 1931. Winberg Orchards & Nurseries Company, Inc., is the present owner of the property. Winberg Orchards & Nurseries Company, Inc., acquired the property by deed from Edgar B. Fisher in 1931. At the time of the sale of this property to Winberg Orchards & Nurseries Company, Inc., Edgar B. Fisher was in possession of the property. Upon its purchase, Winberg Orchards and Nurseries Company, Inc., went into possession of the property, and has been in possession continuously since that date. The deed from Edgar B. Fisher to Winberg Orchards & Nurseries Company, Inc., has been lost and cannot be found. Winberg Orchards & Nurseries Company, Inc., for ten years after the property was acquired cultivated the property and has had the property under fence continuously since the date of its purchase. Winberg Orchards & Nurseries Company has annually assessed and paid taxes on the said lands and no other person has assessed the said lands for taxes or paid taxes thereon, and no other person for such period has had, or attempted to exercise any possession over the said lands or claimed any right to possession of the said lands. I have inquired among friends of Edgar B. Fisher in Chicago and have been unable to ascertain the names, ages and places of residence of his heirs, devisees or personal representatives, but I am informed and believe that they are non-residents of the State of Alabama and over the age of 21 years. There is no suit pending other than this to test title to this property.

CROSS EXAMINATION BY MR. OWEN:

Edgar B. Fisher made a deed to Winberg Orchards and Nurseries Company, his wife did not sign the deed. Edgar B. Fisher was the owner of the property. So far as I know his wife is dead. I do not know anything to the contrary. I have made a diligent search for the deed.

C.F.E. Winberg

**ORAL EXAMINATION.**

I, Madeline S. Bryson, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness \_\_\_\_\_ and read over to him and he signed the same in the presence of myself W. C. Beebe and James F. Owen, Clerk of Court at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness \_\_\_\_\_ or had proom made before me of the identity of said witness \_\_\_\_\_; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 31st day of October, 1940

Madeline S. Bryson (L. S.)

NO. \_\_\_\_\_ PAGE \_\_\_\_\_

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

vs. Complainant

Respondent.

**Oral Deposition**

Filed FILED, 1940  
OCT 30 1940, Register.

*All Recorded in Register*

Record \_\_\_\_\_

Vol. \_\_\_\_\_ Page \_\_\_\_\_, Register.

WINBERG ORCHARDS & NURSERIES  
COMPANY, INC., A CORPORATION  
ORGANIZED UNDER THE LAWS OF  
THE STATE OF ALABAMA,

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF NORTH-  
WEST QUARTER OF SECTION 26,  
TOWNSHIP 5 SOUTH, RANGE 3  
EAST; BALDWIN COUNTY, ALA-  
BAMA: AND THE UNKNOWN HEIRS  
DEVISEES AND PERSONAL REPRESENTATIVES OF EDGAR B FISHER  
DECEASED: AND AGAINST ANY  
AND ALL OTHER PERSONS, FIRMS,  
ASSOCIATIONS OR CORPORATIONS,  
CLAIMING ANY TITLE TO,  
INTEREST IN, CLAIM, LIEU OR  
ENCUMBRANCE ON SAID LANDS OR  
ANY PART THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

To the unknown heirs, devisees and personal representatives  
of Edgar B. Fisher, deceased, and to James R. Owen, guardian ad  
litem for them:

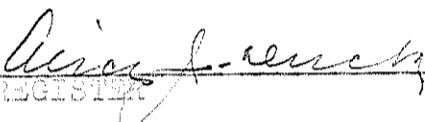
Notice is hereby given that the testimony of C. F. E.  
Winberg, witness for the complainant in the above styled cause  
will be taken orally before Madeline S. Bryars, commissioner,  
heretofore duly appointed, at the office of W. C. Beebe, attorney  
for the complainant, at 9:30 o'clock, A.M. on the 30th day of  
October, 1952.

This the 27th day of October, 1952.

*Madeline S. Bryars*  
Commissioner

*W. C. Beebe*  
Solicitor for Complainant

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, in equity, do hereby certify that the foregoing notice of the time and place of taking deposition of complainant's witness was filed and entered on the order book of the Register on the 27th day of October, 1952.

  
REGISTER



WINBERG ORCHARDS & NURSERY  
COMPANY, INC., A CORPORATION  
ORGANIZED UNDER THE LAWS OF  
THE STATE OF ALABAMA,

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF NORTH-  
WEST QUARTER OF SECTION 26,  
TOWNSHIP 5 SOUTH, RANGE 3  
EAST, BALDWIN COUNTY, ALA-  
BAMA: AND THE UNKNOWN HEIRS  
DEVISEES AND PERSONAL REPRESENTATIVES OF EDGAR B FISHER  
DECEASED: AND AGAINST ANY  
AND ALL OTHER PERSONS, FIRMS,  
ASSOCIATIONS OR CORPORATIONS,  
CLAIMING ANY TITLE TO,  
INTEREST IN, CLAIM, LIEN OR  
ENCUMBRANCE ON SAID LANDS OR  
ANY PART THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

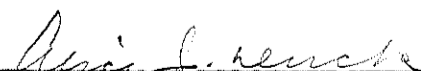
IN EQUITY

Complainant having on the 24th day of October, 1952,  
filed his motion and request for oral examination of C. F. E.  
Winberg, witness for complainant and due and proper notice thereof  
of having been given as required by law on the Order Book of  
this Court and to James R. Owen, guardian ad litem for the said  
unknown defendants, and Madeline S. Bryars of the Town of Bay  
Minette being a suitable person to act as commissioner to take  
the deposition of said witness.

It is therefore ordered, adjudged and decreed that the  
said motion for the oral examination of C. F. E. Winberg, witness  
for complainant, be and is hereby granted.

And that Madeline S. Bryars be and she is hereby appointed  
as commissioner to take the deposition of said witness.

Witness my hand this the 27 day of October, 1952.

  
Register

Winberg Orchards & Nurseries  
Co., Inc.

vs

Unknown heirs, devisees &  
personal representatives of  
Edgar B. Fisher, deceased

Order appointing commissioner

FILED

OCT 27 1952

W. J. BUCK, Register

WINBERG ORCHARDS & NURSERIES  
COMPANY, INC., A CORPORATION  
ORGANIZED UNDER THE LAWS OF  
THE STATE OF ALABAMA,

COMPLAINANT

VS

IN THE CIRCUIT COURT OF

THE SOUTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF NORTH-  
WEST QUARTER OF SECTION 26,  
TOWNSHIP 5 SOUTH, RANGE 3  
EAST, BALDWIN COUNTY, ALA-  
BAMA; AND THE UNKNOWN HEIRS,  
DEVISEES AND PERSONAL REPRESENTATIVES OF EDGAR E FISHER  
DECEASED; AND AGAINST ANY  
AND ALL OTHER PERSONS, FIRMS,  
ASSOCIATIONS OR CORPORATIONS,  
CLAIMING ANY TITLE TO, INTEREST  
IN, CLAIM, LIEN OR ENCUMBRANCE  
ON SAID LANDS OR ANY PART OR  
PARCEL THEREOF,

BALDWIN COUNTY, ALABAMA,

IN EQUITY

DEFENDANTS

To James R. Owen, guardian ad litem, for,  
and the unknown heirs, devisees and personal representatives of  
Edgar E. Fisher, deceased, and any and all other persons, firms,  
associations or corporations, claiming any title to, interest in,  
claim, lien or encumbrance on the following described land, to-wit:  
The Southwest quarter of the Northeast quarter of Northwest quarter  
of Section 26, Township 5 South, Range 3 East, Baldwin County,  
Alabama;

Notice is hereby given that the complainant in the above  
styled cause has this day made application for the oral examination  
of G. F. E. Winberg, witness for the complainant in the above styled  
cause and has suggested Madeline S. Bryars as a suitable person  
to act as commissioner in the taking of the deposition of said  
witness.

Witness this the 24 day of October, 1952.

W. C. Beebe  
Solicitor for Complainant

Reed. W. W. W.  
Register

WINBERG ORCHARDS & NURSERIES  
COMPANY, INC., A CORPORATION  
ORGANIZED UNDER THE LAWS OF  
THE STATE OF ALABAMA,  
COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF NORTH-  
WEST QUARTER OF SECTION 26,  
TOWNSHIP 5 SOUTH, RANGE 3  
EAST, BALDWIN COUNTY, ALA-  
BAMA: AND THE UNKNOWN HEIRS  
DEVISEES AND PERSONAL REPRESENTATIVES OF EDGAR B. FISHER, DECEASED: AND AGAINST ANY AND ALL OTHER PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS, CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON SAID LANDS OR ANY PART OR PARCEL THEREOF,  
DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

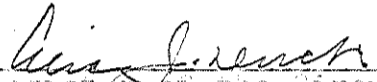
IN EQUITY

Comes the complainant in the above styled cause and requests the oral examination of O. F. E. Winberg, as witness for the complainant, who resides in Baldwin County, State of Alabama, and suggests Madeline S. Bryars of the Town of Bay Minette, as a suitable person to act as commissioner to take the deposition of the said witness.

Witness my hand this the 24 day of October, 1952.

W. C. Becke  
Solicitor for Complainant

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of the motion and application of the plaintiff for oral examination of the said O. F. E. Winberg, as witness for complainant and that notice of said motion was given to the defendants by entry on the order book of the Register, said entry having been made on the 24 day of October, 1952.

  
\_\_\_\_\_  
Register of the Circuit Court of  
Baldwin County, Alabama.

WINBERG ORCHARDS & NURSERIES  
COMPANY, INC., A CORPORATION  
ORGANIZED UNDER THE LAWS OF  
THE STATE OF ALABAMA,  
COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF NORTH-  
WEST QUARTER OF SECTION 26,  
TOWNSHIP 5 SOUTH, RANGE 3  
EAST, BALDWIN COUNTY, ALA-  
BAMA: AND THE UNKNOWN HEIRS,  
DEVISEES AND PERSONAL REPRESENTATIVES OF EDGAR B. FISHER, DECEASED: AND AGAINST ANY AND ALL OTHER PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS, CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON SAID LANDS OR ANY PART OR PARCEL THEREOF;  
DEFENDANTS


IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Comes the complainant in the above styled cause and requests the oral examination of O. F. E. Winberg, as witness for the complainant, who resides in Baldwin County, State of Alabama, and suggests Madeline S. Bryans of the Town of Bay Minette, as a suitable person to act as commissioner to take the deposition of the said witness.

Witness my hand this the 24 day of October, 1952.

  
\_\_\_\_\_  
Solicitor for Complainant

**Legal Notice**

Legal Notice  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY  
NO. 2863

WINBERG ORCHARDS & NURSERIES  
COMPANY, INC., A CORPORATION OR-  
GANIZED UNDER THE LAWS OF THE  
STATE OF ALABAMA,

COMPLAINANT

Vs.

THE SOUTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF NORTHWEST  
QUARTER OF SECTION 26, TOWNSHIP 5  
SOUTH, RANGE 3 EAST, BALDWIN COUN-  
TY, ALABAMA; AND THE UNKNOWN  
HEIRS, DEVISEES AND PERSONAL RE-  
PRESENTATIVES OF EDGAR B. FISHER,  
DECEASED; AND AGAINST ANY AND  
ALL OTHER PERSONS, FIRMS, ASSOCI-  
ATIONS OR CORPORATIONS, CLAIMING  
ANY TITLE TO, INTEREST IN, CLAIM,  
LIEN OR ENCUMBRANCE ON SAID  
LANDS OR ANY PART OR PARCEL  
THEREOF.

DEFENDANTS

Notice is hereby given to the unknown  
heirs, devisees and personal representa-  
tives of Edgar B. Fisher, deceased, and  
to any and all persons, firms, associa-  
tions or corporations claiming any title  
to, interest in, claim, lien or encumbrance  
upon the following described lands: The  
Southwest quarter of the Northeast quar-  
ter of the Northwest quarter of Section  
26, Township 5 South, Range 3 East, in  
Baldwin County, Alabama.

That Winberg Orchards and Nurseries  
Company, Inc., a corporation organized  
under the laws of the State of Alabama,  
has filed its bill of complaint on the 8th  
day of August, 1952, in this court on the  
equity side claiming to be in actual  
peaceable possession, owning and  
claiming to own that certain land, ly-  
ing and being situated in the County  
of Baldwin, State of Alabama, described  
as follows:

THE SOUTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF THE  
NORTHWEST QUARTER OF SECTION  
26, TOWNSHIP 5 SOUTH, RANGE 3  
EAST.

complainant alleges in its bill of com-  
plaint that it acquired title to the said  
lands by purchase from Edgar B. Fisher  
in the summer of 1931, and the said  
Edgar B. Fisher executed and delivered  
to it a good and sufficient deed conveying  
to it the said lands, which said deed  
has been lost and cannot now be found;  
that the said Edgar B. Fisher acquired  
title to the said lands by mesne convey-  
ances from the United States Government;  
that the complainant immediately upon  
its purchase of the said lands went into  
possession of the same, claiming to own  
the same, and has continuously each  
year commencing with the year 1931  
had the said land under fence and in  
cultivation and that it has been in the  
actual, peaceable, continuous and ad-  
verse possession of the same for more  
than twenty years next preceding the  
filing of its bill of complaint; that the  
said Edgar B. Fisher is dead, that he  
died more than 15 years ago, that the  
unknown heirs, devisees, and personal  
representatives of the said Edgar B.  
Fisher, deceased, claim or are reputed  
to claim some title to, interest in, claim,  
lien or encumbrance upon the Southwest  
quarter of the Northeast quarter of the  
Northwest quarter of Section 26, Town-  
ship 5 South, Range 3 East, in Baldwin  
County, Alabama, or some part or par-  
cel thereof.

Complainant further alleges that it and  
those through whom it claims have, for  
more than ten years next preceding the  
filing of said bill of complaint, been  
in the actual peaceable adverse posses-  
sion of the said lands and have an-  
nually assessed and paid the taxes there-  
on and that during such period no other  
person has been in possession of said  
lands or any part thereon and that the  
bill of complaint is filed for the purpose  
of establishing its title to and interest  
in the said lands and clearing up doubts  
and disputes concerning the same.

And it appearing from said bill of  
complaint, the same being duly verified  
that the names, ages and places of re-  
sidence and post office addresses of the

said defendants are unknown and cannot  
be ascertained upon diligent inquiry, and  
proof being made that diligent inquiry  
was made and the names, ages and  
places of residence and post office  
addresses cannot be ascertained.

And an order having been made and  
entered that notice of the pendency of  
said suit be given publication once a

JIMMY FAULKNER  
EDITOR AND PUBLISHER

*The* **BALDWIN**

COUNTY'S- *Times* BEST NEWSPAPER

BAY MINETTE, ALABAMA

**AFFIDAVIT OF PUBLICATION**

STATE OF ALABAMA,  
BALDWIN COUNTY.

Jimmy Faulkner, being duly sworn, deposes and says  
that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper pub-  
lished at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Winberg Orchards, Inc.  
own lands.

**COST STATEMENT**

849 WORDS @ 6 1/2 cents --- \$ 55.12  
I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner  
Publisher.

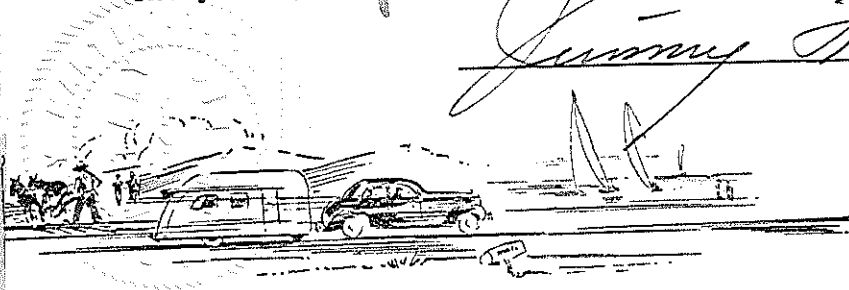
Was published in said newspaper for 4 consecutive weeks in the following issues:

- Date of 1st publication Aug. 13, 1952 Vol. 63 No. 20
- Date of 2nd publication Aug. 20, 1952 Vol. 63 No. 21
- Date of 3rd publication Aug. 27, 1952 Vol. 63 No. 32
- Date of 4th publication Sept. 4, 1952 Vol. 63 No. 33

Subscribed and sworn before the undersigned this 4 day of Sept, 1952

Dorothy Martin  
Notary Public, Baldwin County.

Jimmy Faulkner  
Publisher.



WINBERG ORCHARDS AND NURSERY  
COMPANY, INC., A CORPORATION  
ORGANIZED UNDER THE LAWS OF THE  
STATE OF ALABAMA

COMPLAINANT

VS

IN THE CIRCUIT COURT OF

THE SOUTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF THE NORTH-  
WEST QUARTER OF SECTION 26,  
TOWNSHIP 5 SOUTH, RANGE 3 EAST,  
BALDWIN COUNTY, ALABAMA; AND  
THE UNKNOWN HEIRS, DEVISEES AND  
PERSONAL REPRESENTATIVES OF EUGENE  
E. FISHER, DECEASED; AND AGAINST  
ANY AND ALL OTHER PERSONS, FIRMS,  
ASSOCIATIONS OR CORPORATIONS,  
CLAIMING ANY TITLE TO, INTEREST  
IN, CLAIM, DEED OR ENCUMBRANCE ON  
SAID LANDS OR ANY PART OR PARTS  
THEREOF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

DEFENDANTS

Testimony having been taken in this cause and the  
same being ready for final decree, motion is hereby made that the  
said cause be set down for final decree this the 30th day of October,  
1952.

*M. C. Beebe*  
Solicitor for Complainant



RECORDED

Winberg Orchards & Nurseries  
Company, Inc.,  
Complainant.

vs

Certain lands & the unknown  
heirs of Edgar D. Fisher, decd.,  
et al.  
Respondents

Motion for decree

FILED  
OCT 130 1952  
ALICE L. BOCK, Registrar

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. \_\_\_\_\_, Term. 19\_\_\_\_

Winberg Orchards & Nurseries Co., Inc. Complainant

Vs.

The Unknown Heirs, Devisees & Personal Representatives  
of Edgar B. Fisher, deceased, & certain lands. Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 13th 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 8th day of August 1942 and \_\_\_\_\_

And it now further appearing to the Register Alice J. Duck that the said Unknown heirs, devisees and personal representatives of Edgar B. Fisher, deceased

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant \_\_\_\_\_, ordered and decreed by the Register Alice J. Duck \_\_\_\_\_ that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Unknown heirs, devisees and personal representatives of Edgar B. Fisher, deceased.

This 14 day of October 1952

Alice J. Duck Register.

RECORDED

No. \_\_\_\_\_ Page \_\_\_\_\_

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Vs.

Decree Pro Confesso of Publication

Issued 10-14 1954

Archie J. Hencke  
Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

WINBERG ORCHARDS & NURSERIES  
COMPANY, INC., A CORPORATION  
ORGANIZED UNDER THE LAWS OF  
THE STATE OF ALABAMA,

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF NORTH-  
WEST QUARTER OF SECTION 26,  
TOWNSHIP 5 SOUTH, RANGE 3  
EAST, BALDWIN COUNTY, ALA-  
BAMA: AND THE UNKNOWN HEIRS  
DEVISEES AND PERSONAL REPRESENTATIVES OF EDGAR B FISHER  
DECEASED: AND AGAINST ANY  
AND ALL OTHER PERSONS, FIRMS,  
ASSOCIATIONS OR CORPORATIONS,  
CLAIMING ANY TITLE TO,  
INTEREST IN, CLAIM, LIEN OR  
ENCUMBRANCE ON SAID LANDS OR  
ANY PART THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

To the unknown heirs, devisees and personal representatives  
of Edgar B. Fisher, deceased, and to James R. Owen, guardian ad  
litem for them:

Notice is hereby given that the testimony of O. F. E.  
Winberg, witness for the complainant in the above styled cause  
will be taken orally before Madeline S. Bryars, commissioner,  
heretofore duly appointed, at the office of W. C. Beebe, attorney  
for the complainant, at 9:30 o'clock, A.M. on the 30th day of  
October, 1952.

This the 27th day of October, 1952.

*Madeline S. Bryars*  
Commissioner

*W. C. Beebe*  
Solicitor for Complainant

775 J. B. BRYARS  
OCT 24 1952  
FILED

WINBERG ORCHARDS & NURSERIES  
COMPANY, INC., A CORPORATION  
ORGANIZED UNDER LAWS OF THE  
STATE OF ALABAMA,

COMPLAINANT

VS

IN THE CIRCUIT COURT OF

THE COUNTY OF BALDWIN OF NORTH-  
EAST QUARTER OF NORTHWEST  
QUARTER OF SECTION 26, TOWNSHIP  
5, SOUTH, RANGE 3 EAST, BALDWIN  
COUNTY, ALABAMA; AND THE UNKOWN  
HEIRS, DEVISEES AND PERSONAL  
REPRESENTATIVES OF EDGAR B.  
HESNER, DECEASED; AND AGAINST  
ANY AND ALL OTHER PERSONS, FIRMS,  
ASSOCIATIONS OR CORPORATIONS,  
CLAIMING ANY TITLE TO, INTEREST  
IN, CLAIM, LIEN OR ENCUMBRANCE  
ON SAID LANDS OR ANY PART OF  
PARCEL THEREOF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

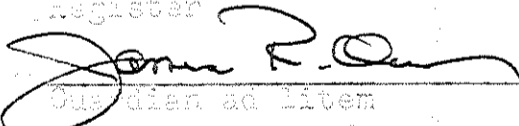
DEFENDANTS


This cause is submitted for final decree upon bill of  
complaint, service by publication, decree pro confesso, appointment  
of guardian ad litem, acceptance and answer of guardian ad litem and  
deposition of O. F. E. Winberg, witness for complainant.

This the 31 day of October, 1952.

  
Solicitor for Complainant

Register

  
Guardian ad litem

  
Register

Winberg & Richards &  
Nurseries Co.

vs

Certain lands &  
Unknown heirs of  
Edgar B. Fisher, Dec'd et al

Notes of testimony

Filed 10-31-52  
Alice J. Kunk  
Register

WINBERG ORCHARDS & NURSERIES  
COMPANY, INC., A CORPORATION  
ORGANIZED UNDER THE LAWS OF  
THE STATE OF ALABAMA.

COMPLAINANT

VS

THE SOUTH-WEST QUARTER OF NORTH-  
EAST QUARTER OF NORTHWEST  
QUARTER OF SECTION 26, TOWNSHIP  
5 SOUTH, RANGE 3 EAST, BALDWIN  
COUNTY, ALABAMA: AND THE UN-  
KNOWN HEIRS, DEVISEES AND PER-  
SONAL REPRESENTATIVES OF EDGAR  
B. FISHER, DECEASED: AND AGAINST  
ANY AND ALL OTHER PERSONS, FIRMS  
ASSOCIATIONS OR CORPORATIONS,  
CLAIMING ANY TITLE TO, INTEREST  
IN, CLAIM, LIEN OR ENCUMBRANCE  
ON SAID LANDS OR ANY PART OR  
PARCEL THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

It appearing that in the above styled cause the unknown heirs of Edgar B. Fisher, deceased, 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 said unknown heirs of Edgar B. Fisher, deceased;

Now therefore, it is ordered, adjudged and decreed that James R. Owen, 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 of Edgar B. Fisher, deceased, in the said cause.

Done this the 14<sup>th</sup> day of October, 1952.

Jessie J. Malbury, Jr.  
Judge

RECORDED

Winberg Orchards & Nurseries  
Company, Inc.,

Complainant

vs

Certain lands and the unknown  
Heirs, devisees and Personal  
representatives of Edgar B.  
Fisher, deceased.

Defendants

Order appointing guardian ad  
litem.

Filed 10-14-52  
Alice J. French  
Register



WINBERG ORCHARDS & NURSERIES  
COMPANY, INC., A CORPORATION  
ORGANIZED UNDER THE LAWS OF  
THE STATE OF ALABAMA,

COMPLAINANT

VS

IN THE CIRCUIT COURT OF

THE SOUTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF NORTH-  
WEST QUARTER OF SECTION 26,  
TOWNSHIP 5 SOUTH, RANGE 3  
EAST, BALDWIN COUNTY, ALA-  
BAMA: AND THE UNKNOWN HEIRS,  
DEVISEES AND PERSONAL REPRESENTATIVES OF EDGAR B FISHER  
DECEASED: AND AGAINST ANY  
AND ALL OTHER PERSONS, FIRMS,  
ASSOCIATIONS OR CORPORATIONS,  
CLAIMING ANY TITLE TO, INTEREST  
IN, CLAIM, LIEN OR ENCUMBRANCE  
ON SAID LANDS OR ANY PART OR  
PARCEL THEREOF,

BALDWIN COUNTY, ALABAMA,

IN EQUITY

DEFENDANTS

To James R. Guier, guardian ad litem, for,  
and the unknown heirs, devisees and personal representatives of  
Edgar B. Fisher, deceased, and any and all other persons, firms,  
associations or corporations, claiming any title to, interest in,  
claim, lien or encumbrance on the following described land, to-wit:  
The Southwest quarter of the Northeast quarter of Northwest quarter  
of Section 26, Township 5 South, Range 3 East, Baldwin County,  
Alabama;

Notice is hereby given that the complainant in the above  
styled cause has this day made application for the oral examination  
of O. F. E. Winberg, witness for the complainant in the above styled  
cause and has suggested Madeline S. Bryars as a suitable person  
to act as commissioner in the taking of the deposition of said  
witness.

Witness this the 27 day of October, 1952.

W. C. Beebe  
Solicitor for Complainant

W. A. Smith  
Register

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. \_\_\_\_\_, Term, 19\_\_\_\_

Winberg Orchards & Nurseries Co., Inc. Complainant

Vs.

The Unknown heirs, devisees & Personal representatives Defendant  
of Edgar B. Fisher, deceased.

~~Motion is hereby made for a Decree Pro Confesso against Unknown heirs, devisees &~~

personal representatives of Edgar B. Fisher Defendant

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

This 14 day of October 19 52

746 Code

W.C. Beuke Solicitor.

RECORDED  
INDEXED

No. \_\_\_\_\_ Page \_\_\_\_\_

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Winberg Orchards & Nurseries  
Co., Inc.

Complainant \_\_\_\_\_

Vs.

Unknown heirs, devisees &  
Personal representatives of  
Edgar R. Fisher, decd.  
& Certain lands

Defendant \_\_\_\_\_

Motion for Decree Pro Confesso  
on Publication

Filed 10 - 14 1959

*David J. Hester*  
Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

WINBERG ORCHARDS AND NURSERIES  
COMPANY, INC., A CORPORATION  
ORGANIZED UNDER THE LAWS OF THE  
STATE OF ALABAMA,

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF NORTH-  
EAST QUARTER OF NORTHWEST  
QUARTER OF SECTION 26, TOWNSHIP  
5, SOUTH, RANGE 2 EAST, BALDWIN  
COUNTY, ALABAMA; AND THE UNKNOWN  
HEIRS, DEVISEES AND PERSONAL  
REPRESENTATIVES OF EDGAR B.  
FISHER, DECEASED; AND AGAINST  
ANY AND ALL OTHER PERSONS, FIRMS,  
ASSOCIATIONS OR CORPORATIONS,  
CLAIMING ANY TITLE TO, INTEREST  
IN, CLAIM, LIEN OR ENCUMBRANCE  
ON SAID LANDS OR ANY PART OR  
PARCEL THEREOF.

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

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, pleading and proof as noted by the register; 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 the said bill of complaint against the said lands and the said defendants, the unknown heirs, devisees and personal representatives of Edgar B. Fisher, deceased; and any and all other persons, firms, associations or corporations, 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 said complainant, Winberg Orchards and Nurseries Company, Inc., is a corporation organized under the laws of the State of 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 Southwest quarter of Northeast quarter of Northwest quarter of Section 36, Township 5 South, Range 3 East, Baldwin County, Alabama;

That the complainant obtained title to the said lands from Edgar B. Fisher, in the summer of 1931 by deed of the said Edgar B. Fisher, which deed has been lost and cannot be found; that Edgar B. Fisher obtained title by misne conveyances from the United States Government; that complainant further holds title to the said lands by adverse possession of the said lands and each and every parcel thereof continuously for more than ten years next preceding the filing of the bill of complaint; that the title to the said lands and each parcel thereof stand 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 it 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 Winberg Orchards and Nurseries Company, Inc., 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 said defendants, the unknown heirs, devisees and personal representatives of Edgar B. Fisher, deceased, nor any and all persons, firms, associations, or corporations 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 Winberg Orchards and Nurseries Company Inc., shall insure to the benefit of all persons deriving title to said lands or any part therein, from or through the said Winberg Orchards and Nurseries Company, Inc., and the said title so quieted and established in it shall be treated and considered as established in favor of the said Winberg Orchards and Nurseries Company, Inc., and all persons deriving title through it.

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 Winberg Orchards and Nurseries Company, Inc., be and it is hereby taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this the 31<sup>st</sup> day of October 1952.

J. Fair J. Maddox, Jr.  
Judge.