

4157

ALMETA BYRD HUNT AND MARJORIE BYRD :  
GOULD, :  
COMPLAINANTS. :

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

-vs-

JOHN MORTON; the heirs of SUSIE :  
KING, if any therebe; CAGER KING; :  
BEN KING; and CENTRAL BALDWIN BANK, :  
A CORP. :  
DEFENDANTS. :

IN EQUITY.  
NO.

ACTION FOR DECLARATORY JUDGMENT

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

Complainants bring this action for a declaratory judgment under Section 156, et seq of Title 7, Code of Alabama, 1940, as amended and show unto the Court as follows:

1. That the Complainants are both over the age of 21 years and are both non-residents of the State of Alabama; the Complainant Almeta Byrd Hunt presently residing in Germany and the Complainant Marjorie Byrd Gould presently residing in Oklahoma.
2. That the Defendant Ben King and Cager King are both over the age of 21 years and are non-residents of the State of Alabama residing somewhere in Florida, the exact addresses of said Defendant being unknown to the Complainants after diligent search and inquiry.
3. That the Defendant John Morton is over the age of 21 years and a resident of Baldwin County, Alabama.
4. That the Defendant Central Baldwin Bank is a banking corporation organized and doing business under the laws of the State of Alabama at Robertsdale, Alabama.
5. That the said land which is the subject of this suit is located in Baldwin County being more particularly described as follows:  

Lot Three (3) in Block Four (4) and same being in the Incorporated Town of Robertsdale, Baldwin County, Alabama, Section 6, Township 6 South and Range 4 East.
6. That title to said land was vested in Leon Byrd by deed from Nellie K. Baldwin, a widow dated August 22nd, 1933 and recorded April 30, 1941 in Deed Book 75 page 37 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama.
7. That the said Loen Byrd died intestate a resident citizen of Baldwin County, Alabama the latter part of 1941 or the first part

of 1942, being survived by his widow, Lena Byrd, and the two Complainants herein, who were minors at the time, the Complainant, Almeta Byrd Hunt having been born November 27th, 1934 and the Complainant Marjorie Byrd Gould having been born February 17th, 1936, the said three parties being the next of kin and the only heirs at law of the said Leon Byrd.

8. That there was never any administration on the estate of the said Leon Byrd nor was any action ever instituted to set apart exemptions for his widow or minor children.

9. That the said Lena Byrd, a widow, executed to the Defendant Central Baldwin Bank, a Corp., a mortgage to secure the repayment of the principal sum of \$150.00 dated August 1st, 1944 and recorded August 3, 1944 in Mtg. Book 100 page 550 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama, which mortgage has never been cancelled of record.

10. That by warranty deed dated February 26th, 1945 and recorded June 5, 1952 in Deed Book 182 page 316-7 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama the said Lena Byrd purported to convey said property to one Henry King.

11. That according to proceedings filed in the Probate Court of Baldwin County, Alabama, Case No. 2786, in the matter of the Estate of Henry King, deceased, the said Henry King died intestate a bona fide resident citizen of Baldwin County, Alabama on November 6, 1949 leaving surviving him as his sole and only heirs at law and next of kin, his widow, Susie King, and two brothers, the Defendants, Ben King and Cager King, both over the age of 21 years at that time.

12. That in the matter of said proceedings in the Probate Court of Baldwin County, Alabama the property hereinabove described in Paragraph 5 was set apart as exempt to the said Susie King.

13. That according to Complainants; information and belief the said Susie King is now deceased and there has been no administration on her estate.

14. Complainants allege on information and belief that the said Susie King purported to convey said property to the Defendant John Morton by instrument as yet unrecorded.

15. That according to the tax rolls of Baldwin County, Alabama the said property was assessed to Nellie K. Baldwin for the year 1934; to the said Leon Byrd for the years 1935-1942, both inclusive; to the said Lena Byrd for the years 1943-1945, both inclusive; to the said Henry King for the years 1946-1950 both inclusive; for the years 1951-1955 to the said Susie King; and for the year 1956 to the Defendant John Morton.

PRAYER FOR PROCESS

To the end, therefore, that Equity may be done in the premises, Complainant prays that the Defendant named herein be made a parties defendant to this Bill of Complaint and that process in the usual form and in accordance with the practice of this Honorable Court be issued to them requiring them to answer, plead or demur to this Complainant's Bill of Complaint, as they may be advised.

PRAYER FOR RELIEF

WHEREFORE, Complainants pray that the Court will enter a judgment decreeing the rights of the Complainants in and to the property described in Paragraph 5; and, specifically Complainants pray that the Court enter a judgment that the title in said property is vested in the Complainants in fee simple and that none of the said Defendants has or ever did have any interest whatsoever in the said property or in any portion thereof; and Complainant prays for such other further or different relief as they may be entitled to receive, the premises considered, and Complainants will forever pray.

WILLIAM GRAYSON AND ALBERT S. GASTON

BY:

Albert S. Gaston  
ATTORNEYS FOR COMPLAINANTS.

*Filed 11-2-57*

no. 4157

FILED

NOV 2 1957

ALICE J. DUCK, Register

**THE STATE OF ALABAMA,**

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 4457

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commaned to Summon JOHN MORTON; the heirs of SUSIE KING, if any  
therebe; CAGER KING; BEN KING; and CENTRAL BALDWIN BANK A CORP.

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against JOHN MORTON; the heirs of  
SUSIE KING, if any therebe; CAGER KING; BEN KING; AND CENTRAL BALDWIN BANK, Defendant .....  
A CREP.

by ALMETA BYRD HUNT AND MARJORIE BYRD GOULD,

....., Plaintiff.....

Witness my hand this 2nd day of November 1957.....

Exp. 11-6-57 *Lucy J. Smith*, Clerk

**THE STATE OF ALABAMA**  
**BALDWIN COUNTY**

**CIRCUIT COURT**

ALMETA BYRD AND MORJOBIE BYRD

GOULD  
Plaintiffs

vs.

JOHN MORTON; the heirs of SUSIE  
KING, if any thereby; CAGER KING; BEN  
KING; and CENTRAL BALDWIN BANK A corp.  
Defendants

**SUMMONS and COMPLAINT**

Filed 11/2/57, 19\_\_\_\_\_

Alice J. Duck, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

11-2, 1957

\_\_\_\_\_, Sheriff

I have executed this summons

this 11-6, 1957

by leaving a copy with

John Morton  
Central Baldwin Bank  
C. B. Ellis

Sheriff claims 150 miles at

Ten Cents per mile Total \$ 15.00  
TAYLOR WILKINS, Sheriff

BY Aladham  
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Edleigh Steadham Deputy Sheriff

Robert Dale, Ala

LEGAL NOTICE.

Circuit Court of Baldwin County, Alabama, No. 4157  
in Equity, Register's office, November 2, 1957, Almeta Byrd  
Hunt and Marjorie Byrd Gould, Complainants -vs- John ~~MORTON~~  
et als, et c., Defendants.

In this cause it appearing from the affidavit on record that  
the Defendants ~~Oger King~~ and Ben King are over the age  
of 21 years and that the residence and address and whereabouts  
of the Defendants are unknown and cannot be ascertained after  
reasonable effort; and that the names and addresses of the heirs  
of Susie King, and their ages, if any therebe, are unknown and  
cannot be ascertained after reasonable effort.

It is ordered that they plead, answer or demur to the <sup>allegations of the</sup> Bill  
of Complaint filed against them in this cause before  
the 8 day of Dec, 1957, or upon the expiration  
of thirty days from said date the same will be taken as confessed  
against them.

It is further ~~ordered~~ that notice of this order be published  
once a week for four consecutive weeks in the Baldwin Times  
a newspaper published in Baldwin County, Alabama.

ALICE J. DUCK, REGISTER.

WILLIAM GRAYSON AND ALBERT S. GASTON, SOCLICITORS.  
For Complainants.

November \_\_\_\_\_ and December \_\_\_\_\_ and \_\_\_\_\_.

4157

*Mace*

FILED  
NOV 8 1957  
ALICE L. DICK, Registrar



ALMETA BYRD HUNT AND MARJORIE BYRD, :  
GOULD, :

COMPLAINANT. "

IN THE CIRCUIT COURT OF  
~~MOBILE~~ COUNTY, ALABAMA.  
BALDWIN

-vs- :

JOHN MORTON, the heirs of Susie King, :  
if any therebe; Cager King, Ben King, :  
and Central Baldwin Bank, a corp. :

DEFENDANTS. :

IN EQUITY.

NO. 4157

STATE OF ALABAMA:

COUNTY OF MOBILE:

BEFORE ME, the undersigned authority, personally appeared ALBERT S. GASTON WHO having been by me first duly sworn upon oath deposes and says as follows:

That he is the Attorney for the Complainants in the above styled cause and that the Defendants Cager King and Ben King are over the age of 21 years and are non-residents of the State of Alabama, residing somewhere in Florida, the exact addresses of said Defendants being unknown to Complainants and their attorney after diligent search and inquiry; and that the heirs names and addresses of the heirs of Susie King, and their ages if any there be, are unknown, to the Complainants and their attorney after diligent search and inquiry; and affiant respectfully asks that service be had on the said Cager King and Ben King, and the heirs of Susie King, if any therebe, by publication in the Baldwin Times a newspaper of general circulation printed and published in Baldwin County, Alabama, as required by laws.

*Albert S. Gaston*

AFFIANT.

SUBSCRIBED AND SWORN TO BEFORE

ME THIS THE 7 DAY OF November, 1957.

*[Signature]*  
NOTARY PUBLIC MOBILE COUNTY, ALABAMA.

*Filed 11-8-57*

415-7

FILED

NOV 8 1957

ALICE E. BUCK, REGISTRAR

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 4157 August, Term, 1958

Almeta Byrd Hunt and Marjorie Byrd Gould, Complainant S

Vs.

John Morton; the heirs of Susie King, if there be; Defendant S  
Cager King; Ben King; and Central Bankwin Bank, A corporation

~~Morton is hereby made for a Decree Pro Confesso against Cager King, Ben King and the~~

unknown heirs of Susie King Defendant S

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

This 15<sup>th</sup> day of August 1958

746 Code

Deacon Stone  
Ray Blue Mason Solicitor.

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

ALMETA BYRD HUNT ET AL.

Complainant S

Vs.

JOHN MORTON ET AL.

Defendant S

Motion for Decree Pro Confesso  
on Publication

FILED

Filed \_\_\_\_\_ 19

AUG 15 1958

ALICE J. DUCK, Register Register.

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

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

Register.

Almeta Byrd Hunt and Marjorie  
Byrd Gould

Complainant,s

Vs.

John Morton; the heirs of Susie  
King, if any there Respondent. s  
be; Cager King; Ben King; and  
Central Baldwin Bank, a Corp.

In the Circuit Court.

In Equity No. 4157.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent \_\_\_\_\_

Central Baldwin Bank, a corporation

by the Sheriff of Baldwin County County, on the 6th day of November,

1948 57

And it further appears to the Register, that that the said \_\_\_\_\_

Central Baldwin Bank, a Corporation

\_\_\_\_\_ the Respondent, 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 Chason & Stone Solicitors

for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,

and it hereby is, in all things taken as confessed against the said Central Baldwin Bank,

A Corporation

This 15<sup>th</sup> day of August, 1948.

Alice J. Duck  
Register.

No. 4157

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

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ALMETA BYRD HUNT ET AL

Complainant,

Vs.

JOHN MORTON ET AL

Respondent.

---

**DECREE PRO CONFESSO ON  
PERSONAL SERVICE.**

---

Issued this \_\_\_\_\_ day of \_\_\_\_\_

194\_\_\_\_\_

**FILED**

**AUG 15 1958**

**ALICE J. DUCK, Register**

Register.

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THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 4157 August, Term, 1958

Almeta Byrd Hunt and Marjorie Byrd Gould Complainant S

Vs.

John Morton; the heirs of Susie King, if there be Defendant S  
Cager King; Ben King; and Central Baldwin Bank, a corporation

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 14th day of November, 1957, in the Baldwin Times a newspaper published in Baldwin County, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 14th day of November 1957 and

And it now further appearing to the Register Alice J. Duck that the said Ben King and the unknown heirs of Susie King

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

This 15<sup>th</sup> day of August 1958  
Alice J. Duck Register.

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

ALMETA BYRD HUNT ET AL.

Vs.

JOHN MORTON ET AL

Decree Pro Confesso of Publication

FILED

Issued \_\_\_\_\_ 19 \_\_\_\_\_

AUG 15 1958

ALICE J. DUCK, Register Register.

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

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

Register.



THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 4157 August, Term, 19 58

Almeta Byrd Hunt and Marjorie Byrd Gould Complainant S

Vs.

John Morton; the heirs of Susie King, if any therebe; Defendant S  
Cager King; Ben King; and Central Baldwin Bank, a corporation

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 1st day of May, 19 58, in the Baldwin Times a newspaper published in Baldwin, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 1st day of May 19 58 and

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

Cager King

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

This 15th day of August 19 58  
Alice J. Duck Register.

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

ALMETA BYRD HUNT ET AL

Vs.

JOHN MORTON ET AL

Decree Pro Confesso of Publication

**FILED**

Issued \_\_\_\_\_ 19 \_\_\_\_\_

AUG 15 1958

ALICE J. DUCK, Register

Register.

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

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

Register.

8600 Motion for Decree Pro Confesso on Personal Service. 3107 Code

THE STATE OF ALABAMA, }  
Baldwin County } No. 4157 Circuit Court, In Equity.

Almeta Byrdd Hunt and Marjorie Byrd Gould Complainants

Vs.

John Morton; the heirs of Susie King, if any therebe; Cager King; Ben King; and Central Baldwin Bank, a corporation Defendant

Motion is hereby made for a Decree Pro Confesso against Central Baldwin Bank, a

Corporation Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant; and that said summons was duly served according to law, and that said Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 15th day of August 19 58.

Raymond A. Stone  
Raymond A. Stone  
Solicitor.

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, In Equity

ALMETA BYRD HUNT ET AL.

Vs.

JOHN MORTON ET AL.

Motion for Decree Pro Confesso on  
Personal Service

**FILED**

Filed \_\_\_\_\_ 19 \_\_\_\_\_

AUG 15 1958

ALICE J. DUCK, Register

Register.

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

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

Register.

ALMETA BRYD HUNT and MARJORIE  
BRYD GOULD,

Complainants,

vs.

JOHN MORTON; the heirs of SUSIE  
KING, if any therebe; CAGER KING;  
BEN KING; and CENTRAL BALDWIN  
BANK, A Corporation,

Defendants.

IN THE CIRCUIT COURT OF

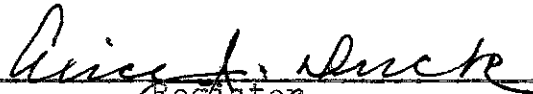
BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. 4157

In this cause, it appearing from an affidavit on record that the Defendant, Cager King is over the age of twenty-one years and is a non-resident of the State of Alabama his place of residence and Post Office address being unknown to the Complainants after diligent search and inquiry.

It is therefore ordered that the said Cager King shall plead, answer or demur to the allegations of the Bill of Complaint filed against him in this cause before the 1st day of June, 1958 or upon the expiration of thirty (30) days from the said date the same will be taken as confessed against him.

It is further ordered that this notice be published once a week for four (4) consecutive weeks in the Baldwin Times, a newspaper published in Baldwin County, Alabama.

  
\_\_\_\_\_  
Register

WILLIAM GRAYSON and ALBERT S. GASTON  
Solicitors for Complainants

NOTICE

ALMETA BRYD HUNT, et al.,  
Complainants,

vs.

JOHN MORTON, et al.,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. 4157

FILED

APR 28 1958

ALICE J. BUCK, Register

ALMETA BYRD HUNT AND  
MARJORIE BYRD GOULD,

COMPLAINANTS

VS

JOHN MORTON; the heirs of SUSIE  
KING, if any therebe; CAGER KING;  
BEN KING; AND CENTRAL BALDWIN  
BANK, A CORPORATION,

DEFENDANTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 4157

Comes now the Defendant, John Morton, and files this his demurrers  
to the Complainants' Complaint and for grounds thereof says:

1.

That the Bill fails to allege a justiciable controversy on which the  
Court may act under the Declaratory Judgment Act.

2.

That the Complainants have a complete and adequate remedy at law.

Wilters & Brantley

BY: Sam J. Wilters, Jr.  
Attorneys for the Defendant,  
John Morton.

*Filed*  
12-2-57

4157

ALMETA BYRD HUNT AND  
MARJORIE BYRD GOULD,

COMPLAINANTS

VS

JOHN MORTON, the heirs of SUSIE  
KING, if any thereby; CAGER KING,  
BEN KING, AND CENTRAL BALDWIN  
BANK, A CORPORATION,

DEFENDANTS

DEMURRERS .

FILED

DEC 2 1957

ALICE J. BUCK, Clerk



ALBERT S. GASTON  
COUNSELOR AT LAW - PROCTOR IN ADMIRALTY  
GRAYSTONE BUILDING  
MOBILE, ALABAMA

TELEPHONE  
HEMLOCK 3-8063

P. O. BOX 820

OCTOBER 30th, 1957.

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

IN RE: ALMETA BYRD HUNT, ET AL.  
vs.  
JOHN MORTON, et als.

Dear Mrs. Duck:

Enclosed are original and 3 copies of the original bill  
in the above styled cause.

The Defendant John Morton resides in Robertsdale, Alabama.

Service by publication will be necessary for the Defendants  
King, Cager and Ben King.

Very sincerely,



ALBERT S. GASTON

AG  
bkf.

November 2, 1957

Hon. Albert S. Gaston  
Graystone Building  
Mobile, Alabama

Dear Sir:

Re: Almata Byrd et al  
vs.  
John Merton et al  
case No. 4157

The above styled cause has been filed and placed on the Docket.  
Please send me affidavit of publication and the order of publication  
you wish to have published.

Yours very truly,

AJD/eb

Register

ALBERT S. GASTON  
COUNSELOR AT LAW - PROCTOR IN ADMIRALTY  
GRAYSTONE BUILDING  
MOBILE, ALABAMA

TELEPHONE  
HEMLOCK 3-8063

P. O. BOX 820

NOVEMBER 7th, 1957.

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

IN RE: ALMETA BYRD, ET AL -vs- JOHN MORTON, ET AL.  
CASE NO. 4157.

Dear Mrs. Duck:

In accordance with your letter of November 2nd with regard to the above styled matter, enclosed is the affidavit of publication and the order of publication to be published in one of your local papers. The blanks are left out as I do not know which paper you will use nor the dates of the publication.

Very sincerely,



ALBERT S. GASTON

ASg  
bkf.

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 4157

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon JOHN MERTON; the heirs of SUSIE KING, if any  
thereof; CAGEN KING; BEN KING; and CENTRAL BALDWIN BANK A CORP.

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against JOHN MERTON; the heirs of  
SUSIE KING, if any thereof; CAGEN KING; BEN KING; AND CENTRAL BALDWIN BANK A CORP., Defendant .....

by ALMOTA BIRD HUNT AND MARJORIE BIRD GOULD,  
Plaintiff.....

Witness my hand this 2nd day of November 1957

Bevington Hunter Clerk

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

ALMETA BYRD AND MARJORIE BYRD

GOULD

Plaintiffs

vs.

JOHN MORTON; the heirs of SUSIE  
KING, if any thereby; CAGER KING; BEN  
KING; and CENTRAL BALDWIN BANK A corp.

Defendants

SUMMONS and COMPLAINT

Filed 11/2/57, 19.....

Alice J. Duck, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

19.....

Sheriff

I have executed this summons

this, 19.....

by leaving a copy with

Sheriff

Deputy Sheriff

ALMETA BYRD HUNT AND MARJORIE BYRD :  
GOULD,  
COMPLAINANTS. :

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

-vs-

JOHN MORTON; the heirs of SUSIE  
KING, if any therebe; CAGER KING;  
BEN KING; and CENTRAL BALDWIN BANK, :  
A CORP.  
DEFENDANTS. :

IN EQUITY.  
NO.

ACTION FOR DECLARATORY JUDGMENT

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

Complainants bring this action for a declaratory judgment under Section 156, et seq of Title 7, Code of Alabama, 1940, as amended and show unto the Court as follows:

1. That the Complainants are both over the age of 21 years and are both non-residents of the State of Alabama; the Complainant Almeta Byrd Hunt presently residing in Germany and the Complainant Marjorie Byrd Gould presently residing in Oklahoma.
2. That the Defendant Ben King and Cager King are both over the age of 21 years and are non-residents of the State of Alabama residing somewhere in Florida, the exact addresses of said Defendant being unknown to the Complainants after diligent search and inquiry.
3. That the Defendant John Morton is over the age of 21 years and a resident of Baldwin County, Alabama.
4. That the Defendant Central Baldwin Bank is a banking corporation organized and doing business under the laws of the State of Alabama at Robertsdale, Alabama.
5. That the said land which is the subject of this suit is located in Baldwin County being more particularly described as follows:  

Lot Three (3) in Block Four (4) and same being in the Incorporated Town of Robertsdale, Baldwin County, Alabama, Section 6, Township 6 South and Range 4 East.
6. That title to said land was vested in Leon Byrd by deed from Nellie K. Baldwin, a widow dated August 22nd, 1933 and recorded April 30, 1941 in Deed Book 75 page 37 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama.
7. That the said Leon Byrd died intestate a resident citizen of Baldwin County, Alabama the latter part of 1941 or the first part

of 1942, being survived by his widow, Lena Byrd, and the two Complainants herein, who were minors at the time, the Complainant, Almata Byrd Hunt having been born November 27th, 1934 and the Complainant Marjorie Byrd Gould having been born February 17th, 1936, the said three parties being the next of kin and the only heirs at law of the said Lena Byrd.

8. That there was never any administration on the estate of the said Leon Byrd nor was any action ever instituted to set apart exemptions for his widow or minor children.

9. That the said Lena Byrd, a widow, executed to the Defendant Central Baldwin Bank, a Corp., a mortgage to secure the repayment of the principal sum of \$150.00 dated August 1st, 1944 and recorded August 3, 1944 in Mtg. Book 100 page 550 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama, which mortgage has never been cancelled of record.

10. That by warranty deed dated February 26th, 1945 and recorded June 5, 1952 in Deed Book 182 page 316-7 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama the said Lena Byrd purported to convey said property to one Henry King.

11. That according to proceedings filed in the Probate Court of Baldwin County, Alabama, Case No. 2786, in the matter of the Estate of Henry King, deceased, the said Henry King died intestate a bona fide resident citizen of Baldwin County, Alabama on November 6, 1949 leaving surviving him as his sole and only heirs at law and next of kin, his widow, Susie King, and two brothers, the Defendants, Ben King and Cager King, both over the age of 21 years at that time.

12. That in the matter of said proceedings in the Probate Court of Baldwin County, Alabama the property hereinabove described in Paragraph 5 was set apart as exempt to the said Susie King.

13. That according to Complainants' information and belief the said Susie King is now deceased and there has been no administration on her estate.

14. Complainants allege on information and belief that the said Susie King purported to convey said property to the Defendant John Morton by instrument as yet unrecorded.

15. That according to the tax rolls of Baldwin County, Alabama the said property was assessed to Nellie K Baldwin for the year 1934; to the said Leon Byrd for the years 1935-1942, both inclusive; to the said Lena Byrd for the years 1943-1945, both inclusive; to the said Henry King for the years 1946-1950 both inclusive; for the years 1951-1955 to the said Susie King; and for the year 1956 to the Defendant John Morton.

PRAYER FOR PROCESS

To the end, therefore, that Equity may be done in the premises, Complainant prays that the Defendant named herein be made a parties defendant to this Bill of Complaint and that process in the usual form and in accordance with the practice of this Honorable Court be issued to them requiring them to answer, plead or demur to this Complainant's Bill of Complaint, as they may be advised.

PRAYER FOR RELIEF

WHEREFORE, Complainants pray that the Court will enter a judgment decreeing the rights of the Complainants in and to the property described in Paragraph 5; and, specifically Complainants pray that the Court enter a judgment that the title in said property is vested in the Complainants in fee simple and that none of the said Defendants has or ever did have any interest whatsoever in the said property or in any portion thereof; and Complainant prays for such other further or different relief as they may be entitled to receive, the premises considered, and Complainants will forever pray.

WILLIAM GRAYSON AND ALBERT S. GASTON

BY: \_\_\_\_\_  
ATTORNEYS FOR COMPLAINANTS.

*Vertical text on left margin:*  
Remitted to the Court for its consideration  
By the Court  
Dated this 28th day of May 1957  
Wm. Grayson and Albert S. Gaston  
Attorneys for Complainants

*Vertical text on right margin:*  
FILED  
MAY 28 1957  
Baldwin County, Alabama



WILLIAM DANIELSON AND ALBERT J. DANSON  
ATTORNEYS FOR COMPLAINANTS

...the premises considered, and Complainants will forever have  
such other timber or different relief as they may be entitled to re-  
said property or in any portion thereof, and Complainant Graye for  
said respondents has or ever did have any interest whatsoever in the  
is stated in the Complainants in the aforesaid and that none of the  
that the Court enter a judgment that the title in said property  
property described in Paragraph 2, and, exceptionally Complainants  
judgment of the Court in said to the  
rights of the Complainants in and to the  
Complainants pray that the Court will enter a  
WILLIAM DANSON  
DEPUTY SHERIFF

Taylor Wilkins, Sheriff  
By George Theobald  
Deputy Sheriff

Returned 11 day of Nov 1957  
Not found in my county after diligent search and in-  
quiry.

NOTES FOR RECORDS

FILED  
NOV 2 1957

ALICE J. BUCK, Registrar

the year 1898 to the Defendant John Horton  
Complainant; for the years 1891-1892 to the said George King; and for  
Complainant; to the said Henry King for the years 1846-1850 both in-  
Complainant; to the said John Gray for the years 1846-1847 both  
year 1834) to the said John Gray for the years 1832-1848, both  
against the said property are assessed to Nellie K. DeGard for the  
is that according to the tax rolls of Berigan County,

*George King*

*W. Theobald*



# THE BALDWIN TIMES

## BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

JIMMY FAULKNER  
AND  
BILL STEWART  
PUBLISHERS

E. R. MORRISSETTE, JR.  
EDITOR-MANAGER

1957, Almeta Byrd Hunt and Marjorie Byrd Gould, Complainants vs. John Morton, etc. Defendants.

In this cause appearing from the affidavit on record that the defendants Oger King and Ben King are over the age of 21 years and that their residence and address and whereabouts of the defendants are unknown and cannot be ascertained after reasonable effort; and that the names and addresses of the heirs of Oger King, and their ages, if any, there be, are unknown and cannot be ascertained after reasonable effort.

It is ordered that they plead, answer or demur to the allegations of the Bill of Complaint filed against them in this cause before the 8th day of Dec 1957, or upon the expiration of thirty days from said date, they shall be taken as confessed against them.

It is further ordered that notice of this order be published once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Baldwin County, Alabama.

WITNESSE MY HAND AND SEAL  
this 9th day of Dec 1957  
Notary Public, Baldwin County, Alabama

### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.  
BALDWIN COUNTY.

E. R. Morrissette, Jr. being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Almeta Byrd Hunt & Marjorie Byrd Gould,  
vs  
John Morton et als, etc.

#### COST STATEMENT

195 WORDS @ 6 1/2 cents ..... \$ 12.67  
I hereby certify this is correct, due and unpaid (paid).

E. R. Morrissette Jr.  
Editor

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

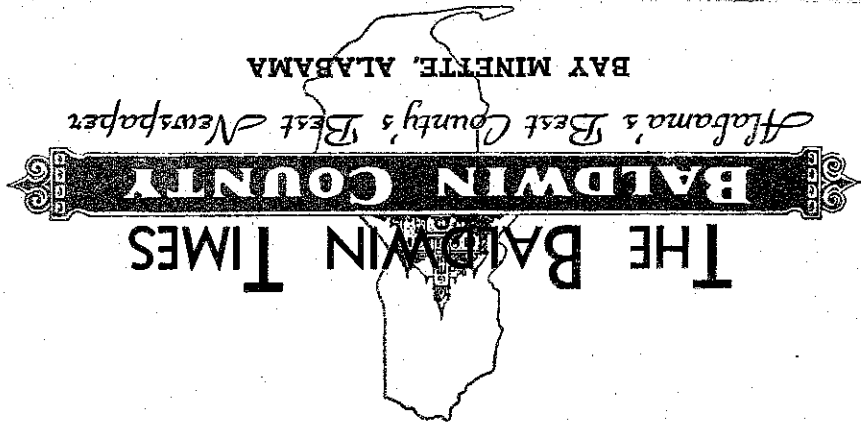
Date of 1st publication	<u>Nov. 14</u>	195 <u>7</u>	Vol. <u>69</u>	No. <u>44</u>
Date of 2nd publication	<u>Nov 21</u>	195 <u>7</u>	Vol. <u>69</u>	No. <u>45</u>
Date of 3rd publication	<u>Nov. 28</u>	195 <u>7</u>	Vol. <u>69</u>	No. <u>46</u>
Date of 4th publication	<u>Dec 5</u>	195 <u>7</u>	Vol. <u>69</u>	No. <u>47</u>

Subscribed and sworn before the undersigned this 9 day of Dec, 1957

Dorothy Martin  
Notary Public, Baldwin County.

E. R. Morrissette Jr.  
Editor

JIMMY FAULKNER  
AND  
BILL STEWART  
PUBLISHERS



E. R. MORRISSETTE, JR.  
EDITOR-MANAGER

### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY.

*E. R. Morrisette, Jr.*, being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

*Almita Boyd Hunt +*

*Margaret Boyd Hunt,*

*John Hunter et al, et*

#### COST STATEMENT

195 WORDS @ 6 1/2 cents \$ 12.67

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

*E. R. Morrisette, Jr.*  
Editor

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

Date of 1st publication 1957 Vol. 69 No. 44 *Nov. 14*

Date of 2nd publication 1957 Vol. 69 No. 45 *Nov. 21*

Date of 3rd publication 1957 Vol. 69 No. 46 *Nov. 28*

Date of 4th publication 1957 Vol. 69 No. 47 *Dec 5*

Subscribed and sworn before the undersigned this 9 day of *Dec* 1957

*Dorothy Martin*  
Notary Public, Baldwin County.

*E. R. Morrisette, Jr.*  
Editor

1957 Almita Boyd Hunt and Mar-  
jorie Boyd Hunt, defendants-  
vs- John Morgan, et al, De-  
fendants.  
In this case appearing from  
the affidavits on record, that the  
defendants Ogel King and Ben  
King are over the age of 18 years  
and that their residence and address  
and whereabouts of the defendants  
are unknown and cannot be as-  
certained after reasonable effort,  
and that the names and addresses  
of the heirs of Squire King,  
and their ages, if any, there-  
be, are unknown and cannot be  
ascertained after reasonable ef-  
fort.  
It is ordered that they plead,  
answer or deny the allega-  
tions of the Bill of Complaint filed  
against them in this cause before  
the 8th day of *Dec*, 1957, or upon  
the expiration of thirty days from  
said date and same will be taken  
as confessed against them.  
It is further ordered that notice  
of this order be published once a  
week for 4 consecutive weeks  
in the Baldwin Times a news-  
paper published in Baldwin County,  
Alabama.  
WILLIAM GRAYSON, JR., Clerk  
Clerk of Superior Court, Baldwin  
County, Alabama.  
NOTICE

4154

*Sumt*

**FILED**

**DEC 11 1957**

**ALICE J. BOCK, Register**



# THE BALDWIN TIMES

## BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

JIMMY FAULKNER  
AND  
BILL STEWART  
PUBLISHERS

E. R. MORRISSETTE, JR.  
EDITOR-MANAGER

### Legal Notice

In The Circuit Court Of  
Baldwin County, Alabama  
In Equity

No. 4157

Almeta Byrd Hunt and Marjorie  
Byrd Gould,  
Complainants

vs.

John Morton; the heirs of Susie  
King, if any therebe; Cager King;  
Ben King; and Central Baldwin  
Bank, A Corporation,  
Defendants

In this cause, it appearing from  
an affidavit on record that the De-  
fendant, Cager King is over the  
age of twenty-one years and is a  
non-resident of the State of Ala-  
bama his place of residence and  
Post Office address being unknown  
to the Complainants after diligent  
search and inquiry.

It is therefore ordered that the  
said Cager King shall plead, ans-  
wer or demur to the allegations of  
the Bill of Complaint filed against  
him in this cause before the 1st day  
of June, 1958 or upon the expira-  
tion of thirty (30) days from the  
said date the same will be taken as  
confessed against him.

It is further ordered that this  
notice be published once a week

for four (4) consecutive weeks in  
the Baldwin Times, a newspaper  
published in Baldwin County, Ala-  
bama.

Alice J. Duck  
Register

William Grayson and  
Albert S. Gaston  
Solicitors for Complainants

16-4tc

### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.  
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn, deposes and says  
that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published  
at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of  
Almeta Byrd Hunt vs. John Morton, etc.

#### COST STATEMENT

192 WORDS @ 6 1/2 cents ..... \$ 12.48  
I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette Jr.  
Editor.

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

Date of 1st publication May 1, 1958 Vol. 70 No. 16  
Date of 2nd publication May 8, 1958 Vol. 70 No. 17  
Date of 3rd publication May 15, 1958 Vol. 70 No. 18  
Date of 4th publication May 22, 1958 Vol. 70 No. 19

Subscribed and sworn before the undersigned this 22 day of May, 1958

Dorothy Martin  
Notary Public, Baldwin County.

E. R. Morrisette Jr.  
Editor.

ALMETA BRYD HUNT and MARJORIE  
BRYD GOULD,

Complainants,

vs.

JOHN MORTON; the heirs of SUSIE  
KING, if any therebe; CAGER KING;  
BEN KING: and CENTRAL BALDWIN  
BANK, A Corporation,

Defendants.

Y  
Y  
Y  
Y  
Y  
Y  
Y  
Y  
Y  
Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4157

This matter coming on to be heard on the demurrer filed by the Defendant John Morton to the Bill of Complaint and the Court having considered the same is of the opinion that such demurrer should be overruled.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the demurrer filed by the Defendant John Morton to the Bill of Complaint be, and the same hereby is, overruled.

Done this the 21st day of October, 1958.

*Robert M. Hall*

Judge

111  
4157

DECREE OVERRULING DEMURRER

ALMETA BRYD HUNT, ET AL.,  
Complainants,

vs.

JOHN MORTON, ET AL.,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 4157

FILED  
OCT 21 1958  
ALICE J. DUCK, CLERK  
REGISTER