

G. CLELLAN HARROD, FLORENCE PONDER
HARROD, LARKIN H. HARRIS and RUTH
N. HARRIS,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

COMPLAINANTS

VERSUS

DAVID GORDON, JOHN MORTON, ALEXANDER
MORTON, RICHARD MORTON, NOAH HARRINGTON,
JR., JOSEPE NELSON, JR., JAMES D. JOHN-
SON, SARAH JOHNSON, ALLEN CRIST, JAMES
R. CRIST, SARAH A. CRIST, BENJAMIN CRIST,
SARAH A. FORBES, JOSEPH R. FORBES, CHRIST-
INE FORBES, FLORENCE VIRGINIA FORBES
WHALEY, FRANK L. ALLEN, ROBERT B. GUTHERIE,
JOHN BOWEN, E. GAINES WILSON or EDMUND
GAINES WILSON, LEA ALBERTA WILSON, OSCEOLA
WILSON, LALLIE LEE WILSON, JOHN BOWEN
WILSON, ANNA M. COURTRIGHT or A. M. COURT-
RIGHT, HARRISON B. COURTRIGHT, JAMES H.
WEBB or J. H. WEBB, MARIE S. MALAY, RHODA
ROUSELLE, LULA C. CHRISTIAN, FANNIE S.
COURTRIGHT, LEE R. COURTRIGHT, JOHN R.
COURTRIGHT, AMANDA COURTRIGHT, BARKULOO
H. COURTRIGHT, VIOLA BODDEN, DAISY A. CON-
WAY, FLORENCE WILSON, H. H. WEFEL, JOHN W.
JOHNSON, JAMES T. WAITS, MINNIE D. BRAME,
WILLIAM I. BRAME, JR., CYNTHIA BRAME DRAUGH-
TON, CHRISTINE BRAME LISTER, J. B. KEITH, JR.,
PEARL MIDDLETON KEITH, G. C. COGGINS or their
heirs and devisees and the following described
property situated in the County of Baldwin,
Alabama, to-wit:

Beginning at a point that is 30 rods South
of the Northwest corner of Section 24, Town-
ship 7 South, Range 2 East; thence South
along the West line of said Section 24 to
the North Bank of Turkey Branch; thence along
said Branch by its meanderings in a northeaster-
ly direction and along the West Bank of Fish
River in a Northerly direction to a point which
is due East of the point of beginning hereof;
thence West to the point of beginning;

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

RESPONDENTS

BILL OF COMPLAINT

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

Comes the Complainants, G. CLELLAN HARROD, FLORENCE PONDER HARROD,
LARKIN H. HARRIS and RUTH N. HARRIS, and respectfully show unto the
Court as follows:

ALBANY, N.Y. MAY 18 1894
 1894

WITNESSES IN HAND AND SEAT
 of record, which are on file in the office
 of the County Clerk of Baldwin County, Alabama.
 A true and correct copy of the original is a correct copy of the
 original, which is on file in the office of the
 Clerk of the Circuit Court of Baldwin County.

JOHN W. HALL
 Sheriff W. Hall

Book 1004 Page 1004

Index of the records thereof.

Walter M. Hall in both the Direct Index and the Indirect

in the name of G. Clellan Harrod, Florence Hudson, Walter H.

Judge of Probate of Baldwin County, Alabama, and that it be indexed

a certified copy of this Decree be recorded in the office of the

it is further ORDERED AND DECREED BY THE COURT THAT

copies and drafts concerning the same are hereby ordered to

be given to the parties, free of all costs and charges, and that all

the parties are ordered to pay the costs and charges and that all

costs and charges be paid by the parties.

FINAL DECREE
G. CLELLAN HARROD, et al,
Complainants
vs.
DAVID GORDON, et al, and
CERTAIN LANDS,
Respondents
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

264-419-21
 R 2 25
 Duck

16
 evidence, that they are the owners of the said title to the said

10. That the complainants have satisfied, as shown by their

pleaded the rights of said lands in said matter.

admitted and accepted and that the same be given to said cases so

1. That a certain of them and as proposed by them have been

1. That the defendant has intervened in said case.

being notice in the office of the judge of Probate of said County

1. That it has been made known that the said case and the other

in either case and conditions with the said

Office of the Judge of Probate of said County, and said notice being

this court as being correct and recorded as a true and correct in the

BOOK 1004 PAGE 1004

1958, is submitted for final decree upon Complainants verified Bill of Complaint and upon the decree pro confesso rendered therein against all Respondents named in the Bill of Complaint except J. E. Keith, Jr. and Pearl Middleton Keith, and upon the two parties by decree pro confesso after personal service, and the answer of the Guardian Ad Litem, and the testimony of Florence Ponder Harrod and Fred McKenzie, taken orally before the Commissioner duly appointed by the Register, and the pleadings and proof, as noted by the Register; and it appearing to the satisfaction of the Court:

1. That the Complainants, G. Clellan Harrod, Florence Ponder Harrod, Larkin H. Harris and Ruth W. Harris, at the time of filing their Bill of Complaint in this cause, claimed in their own right a fee simple title to, and were, in actual, peaceful possession of the following described lands lying and being situate in the County of Baldwin, State of Alabama, and more particularly described as follows:

Beginning at a point that is 30 rods South of the Northwest corner of Section 24, Township 7 South, Range 2 East; thence South along the West line of said Section 24 to the North Bank of Turkey Branch; thence along said Branch by its meanderings in a Northeasterly direction and along the West Bank of Fish River in a Northerly direction to a point which is due East of the point of beginning hereof; thence West to the point of beginning.

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

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

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

5. That notice of the pendency of said Bill of Complaint was drawn and signed by the Register of the Court and said Register did have said notice published once a week for four consecutive weeks

in The Fairhope Courier, a newspaper having general circulation and published in the County of Baldwin, State of Alabama, and authorized by order made in this cause.

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

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

8. That no person has intervened in said cause.

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

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

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

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

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

It is further ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this Decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, and that it be indexed in the names of G. Clellan Harrod, Florence Ponder Harrod, Larkin H. Harris and Ruth N. Harris in both the Direct Index and the Indirect Index of the Records thereof.

DONE this the 8th day of April, 1958.

Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and enrolled in my office.

WITNESS MY HAND AND SEAL THIS THE 8 day of April, 1958

Alice J. Duck
Register

Hubert M. Hall

JUDGE ~~of the~~ Circuit Court

7-1-58

IN WITNESS WHEREOF

DAVID O. BRIDGES, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Helen Bailey

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Florence Ponder Harrod and Fred McKenzie

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

Complainant
and David Gordon, et al, and certain lands

Respondent
on oath, to be by you administered, upon Florence Ponder Harrod and Fred McKenzie to take and certify the deposition s of the witness es and return the same to our Court, with all convenient speed, under your hand.

Witness 27th day of March, 1958

Alice J. Duck
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

**THE STATE OF ALABAMA
Baldwin County**

CIRCUIT COURT

**G. Clellan Harrod,
et al**

Complainant

VS.

**David Gordon, et al,
and certain lands,**

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Helen Bailey

WITNESSES:

Florence Ponder Harrod

Fred McKenzie

[Faint, mostly illegible text from the reverse side of the document, including names like Florence Ponder Harrod and Fred McKenzie.]

[Faint signature or stamp at the bottom of the page.]

records in the Office of the Judge of the Probate Court of Baldwin County, Alabama in Deed Book 246 at pages 365-372.

5. Complainants are now and have been, and their predecessors in title have been, in open, notorious, continuous, peaceable and adverse possession of the said lands for more than ten (10) years preceding the filing of this Bill, and for more than ten (10) years preceding the filing of this Bill no one other than the Complainants or their predecessors in title have assessed or paid taxes on said property.

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

The premises considered, the Complainants file this their verified Bill of Complaint against the land hereinabove described and against David Gordon, John Morton, Alexander Morton, Richard Morton, Noah Harrington, Jr., Joseph Nelson, Jr., James D. Johnson, Sarah Johnson, Allen Grist, James R. Grist, Benjamin Grist, Sarah A. Forbes, Joseph R. Forbes, Christine Forbes, Florence Virginia Forbes Whaley, Frank L. Allen, Robert B. Guthrie, John Bowen, E. Gaines Wilson or Edmund Gaines Wilson, Lea Alberta Wilson, Osceola Wilson, Lallie Lee Wilson, John Bowen Wilson, Anna M. Courtright, or A. M. Courtright, Harrison B. Courtright, James H. Webb or J. H. Webb, Marie S. Malay, Rhoda Rouselle, Lula C. Christian, Fannie S. Courtright, Lee R. Courtright, John R. Courtright, Amanda Courtright, Barkuloo E. Courtright, Viola Bodden, Daisy A. Courtright, Florence Wilson, H. H. Wefel, John W. Johnson, James T. Watts, Minnie D. Brame, William Y. Brame, Jr., Cynthia Brame Draughton, Christine Brame Lister, J. E. Keith, Jr., Pearl Middleton Keith, G. C. Coggins, if living, or against their heirs or devisees, if deceased, and against all other persons claiming any interest in, title to, lien or encumbrance upon said property or any part thereof, for the purpose of establishing Complainants' right of title to said land, and to clear up all doubts or disputes concerning the same, and Complainants further pray that process be served on the parties hereinabove named or publication be made, requiring them to plead, answer or demur to the same within the time required by law, or a Decree Pro Confesso be entered against them, and Complainants further pray

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

James M. Baile
 ATTORNEY FOR COMPLAINANTS

STATE OF ALABAMA)
 BALDWIN COUNTY)

Before me, the undersigned notary public in and for the State of Alabama at Large, personally appeared G. Clellan Harrod, Florence Ponder Harrod, Larkin H. Harris and Ruth N. Harris, who, being by me first duly sworn, deposes and says that the facts alleged in the foregoing instrument are true.

G. Clellan Harrod
 G. CLELLAN HARROD

Florence Ponder Harrod
 FLORENCE PONDER HARROD

Larkin H. Harris
 LARKIN H. HARRIS

Ruth N. Harris
 RUTH N. HARRIS

Sworn and subscribed to before me this the 19th day of November, 1957.

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

1923.

shown and described to return to the State of Alabama;

My commission expires July 1st 1928.

~~WILLIAM HARRIS, STATE OF ALABAMA, CLERK~~

~~WILLIAM HARRIS~~

~~WILLIAM HARRIS~~

~~WILLIAM HARRIS~~

~~WILLIAM HARRIS~~

BILL OF COMPLAINT
FOREIGN JURISDICTION, etc.
G. CLELLAN HARRIS, ET AL,
COMPLAINANTS
VERSUS
DAVID GORDON, ET AL, AND
CERTAIN LANDS,
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

to be just and equitable.

Further, additional or different relief as may appear to the Court
taken in the relief prayed for, this Court will grant such other,
improve described. Complainants further pray that if the
owners of a fee simple title in and to all of the
Court will find, decide and decree that the Complainants and the
be made and proper in the premises and that upon this
Court make and enter all decrees, orders, and judgments which may
called by this Court's decree. Complainants further pray that the
file to this suit are before the Court, and will be timely adjudi-
pray that this Court find that the rights or interests of all per-
servants of the United States of America. Complainants further
one year, or who may be incompetent, or who may be in the armed
said respondents and may at this time be under the age of twenty-
Court to furnish a qualified and fit person to represent each of
Office as required by law, and Complainants further pray that this
shall notice be filed in the public records in the Probate Court

FILED
NOV 19 1923

Handwritten signature

Handwritten notes:
P. K. K...
P. K. K...
7/11/23

G. CLELLAN HARROD, FLORENCE PONDER
HARROD, LARKIN H. HARRIS and RUTH
N. HARRIS,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

COMPLAINANTS

VERSUS

DAVID GORDON, JOHN MORTON, ALEXANDER
MORTON, RICHARD MORTON, NOAH HARRINGTON,
JR., JOSEPH NELSON, JR., JAMES D. JOHN-
SON, SARAH JOHNSON, ALLEN GRIST, JAMES
R. GRIST, SARAH A. GRIST, BENJAMIN GRIST,
SARAH A. FORBES, JOSEPH R. FORBES, CHRIST-
INE FORBES, FLORENCE VIRGINIA FORBES
WHALEY, FRANK L. ALLEN, ROBERT B. GUTHRIE,
JOHN BOWEN, E. GAINES WILSON or EDMUND
GAINES WILSON, LEA ALBERTA WILSON, OSCEOLA
WILSON, LALLIE LEE WILSON, JOHN BOWEN
WILSON, ANNA M. COURTRIGHT or A. M. COURT-
RIGHT, HARRISON B. COURTRIGHT, JAMES H.
WEBB or J. H. WEBB, MARIE S. MALAY, RHODA
ROUSELLE, LULA C. CHRISTIAN, FANNIE S.
COURTRIGHT, LEE R. COURTRIGHT, JOHN R.
COURTRIGHT, AMANDA COURTRIGHT, BARKULOO
H. COURTRIGHT, VIOLA BODDEN, DAISY A. CON-
WAY, FLORENCE WILSON, H. H. WEFEL, JOHN W.
JOHNSON, JAMES T. WATTS, MINNIE D. BRAME,
WILLIAM Y. BRAME, JR., CYNTHIA BRAME DRAUGH-
TON, CHRISTINE BRAME LISTER, J. R. KEITH, JR.,
PEARL MIDDLETON KEITH, G. C. COGGINS or their
heirs and devisees and the following described
property situated in the County of Baldwin,
Alabama, to-wit:

Beginning at a point that is 30 rods South
of the Northwest corner of Section 24, Town-
ship 7 South, Range 2 East; thence South
along the West line of said Section 24 to
the North Bank of Turkey Branch; thence along
said Branch by its meanderings in a northeaster-
ly direction and along the West Bank of Fish
River in a Northerly direction to a point which
is due East of the point of beginning hereof;
thence West to the point of beginning;

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

RESPONDENTS

BILL OF COMPLAINT

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

Comes the Complainants, G. CLELLAN HARROD, FLORENCE PONDER HARROD,
LARKIN H. HARRIS and RUTH N. HARRIS, and respectfully show unto the
Court as follows:

1. That the Complainants are over the age of twenty-one years and reside in Baldwin County, Alabama.

2. That so far as your Complainants know the Respondents are over the age of twenty-one years; that the addresses of the Respondents named in the Bill of Complaint, other than the address of J. E. Keith, Jr. and Pearl Middleton Keith, are unknown to your Complainants and cannot be ascertained with reasonable and diligent efforts; that the address of the Respondents, J. E. Keith, Jr. and Pearl Middleton Keith, is Barnwell, Baldwin County, Alabama; that your Complainants, through their attorney, have examined an Abstract of Title relating to the said land and these records indicate that the only possible claimants are the Respondents named in the Bill of Complaint, their heirs or devisees, if any, Complainants aver that they do not know of any other person, firm or corporation who claims the land that is subject of this suit, or any title to, interest in, lien or encumbrances thereon or any part thereof other than the within named Respondents, except their predecessor in title, which encumbrances is set forth below.

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

Beginning at a point that is 30 rods South of the Northwest corner of Section 24, Township 7 South, Range 2 East; thence South along the West line of said Section 24 to the North Bank of Turkey Branch; thence along said Branch by its meanderings in a northeasterly direction and along the West Bank of Fish River in a Northerly direction to a point which is due East of the point of beginning hereof; thence West to the point of beginning.

~~Subject to vendor's lien recorded in Deed Book 246 at pages 365-372, Baldwin County Probate Records.~~

Subject to vendor's lien deed from Resort Land Development Company, Incorporated to the Complainants, which lien is recorded in Deed Book 246 at pages 365-372, Baldwin County Probate Records.

4. Subject to the vendor lien encumbrances set forth above, the Complainants claim in their own right the entire fee simple title in and to the above described real estate, and in support of such fee simple title, they aver that the property was purchased for a valuable consideration from Resort Land Development Company, Incorporated on the 26th day of December, 1956, as evidenced by a deed of conveyance executed by the said Resort Land Development Company, Incorporated in favor of the Complainants as shown by the

records in the Office of the Judge of the Probate Court of Baldwin County, Alabama in Deed Book 246 at pages 365-372.

5. Complainants are now and have been, and their predecessors in title have been, in open, notorious, continuous, peaceable and adverse possession of the said lands for more than ten (10) years preceding the filing of this Bill, and for more than ten (10) years preceding the filing of this Bill no one other than the Complainants or their predecessors in title have assessed or paid taxes on said property.

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

The premises considered, the Complainants file this their verified Bill of Complaint against the land hereinabove described and against David Gordon, John Morton, Alexander Morton, Richard Morton, Noah Harrington, Jr., Joseph Nelson, Jr., James D. Johnson, Sarah Johnson, Allen Grist, James R. Grist, Benjamin Grist, Sarah A. Forbes, Joseph R. Forbes, Christine Forbes, Florence Virginia Forbes Whaley, Frank L. Allen, Robert B. Gutherie, John Bowen, E. Gaines Wilson or Edmund Gaines Wilson, Lea Alberta Wilson, Osceola Wilson, Lallie Lee Wilson, John Bowen Wilson, Anna M. Courtright, or A. M. Courtright, Harrison B. Courtright, James H. Webb or J. H. Webb, Marie S. Malay, Rhoda Rouselle, Lula C. Christian, Fannie S. Courtright, Lee R. Courtright, John R. Courtright, Amanda Courtright, Barkuloo H. Courtright, Viola Bodden, Daisy A. Courtright, Florence Wilson, H. E. Wefel, John W. Johnson, James T. Watts, Minnie D. Brame, William Y. Brame, Jr., Cynthia Brame Draughton, Christine Brame Lister, J. E. Keith, Jr., Pearl Middleton Keith, G. C. Coggins, if living, or against their heirs or devisees, if deceased, and against all other persons claiming any interest in, title to, lien or encumbrance upon said property or any part thereof, for the purpose of establishing Complainants' right of title to said land, and to clear up all doubts or disputes concerning the same, and Complainants further pray that process be served on the parties hereinabove named or publication be made, requiring them to plead, answer or demur to the same within the time required by law, or a Decree Pro Confesso be entered against them, and Complainants further pray

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

ATTORNEY FOR COMPLAINANTS

STATE OF ALABAMA
 BALDWIN COUNTY
 DAVID GORHAM, Notary Public
 G. Clellan Harrod, Florence Ponder Harrod, Larkin H. Harris and Ruth N. Harris
 Before me, the undersigned notary public in and for the State of Alabama at Large, personally appeared G. Clellan Harrod, Florence Ponder Harrod, Larkin H. Harris and Ruth N. Harris, who, being by me first duly sworn, deposes and says that the facts alleged in the foregoing instrument are true.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
 IN THE MATTER OF THE ESTATE OF DAVID GORHAM, DECEASED
 G. Clellan Harrod, Florence Ponder Harrod, Larkin H. Harris and Ruth N. Harris
 Before me, the undersigned notary public in and for the State of Alabama at Large, personally appeared G. Clellan Harrod, Florence Ponder Harrod, Larkin H. Harris and Ruth N. Harris, who, being by me first duly sworn, deposes and says that the facts alleged in the foregoing instrument are true.

G. Clellan Harrod

 G. CLELLAN HARROD

Florence Ponder Harrod

 FLORENCE PONDER HARROD

Larkin H. Harris

 LARKIN H. HARRIS

Ruth N. Harris

 RUTH N. HARRIS

Sworn and subscribed to before me this the ____ day of November, 1957.

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

12A commission expires July 1st 1958.
ALICE J. BECK, STATE OF ALABAMA, REGISTER

1957

known and subscribed to before me this the _____ day of November,

~~WALTER H. HARRIS~~
~~CLERK~~

~~FRANCIS MORTON HARRIS~~
~~CLERK~~

~~WALTER H. HARRIS~~
~~CLERK~~

~~FRANCIS MORTON HARRIS~~
~~CLERK~~

BILL OF COMPLAINT
G. CLELLAN HARROD, ET AL,
COMPLAINANTS
VERSUS
DAVID GORDON, ET AL, AND
CERTAIN LANDS,
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
NOV 19 1957
ALICE J. BECK, Register

ALABAMA FOR COMPLAINANTS

to be just and equitable.

Further, additional or different relief as may appear to the Court
taken in the relief prayed for, this Court will grant such other,
independently described. Complainants further pray that if they are mis-
owners of a fee simple title in and to all of the real estate here-
Court will find, decide and decree that the Complainants are the
be meet and proper in the premises and that upon a hearing this
Court make and enter all decrees, orders, and judgments which may
called by this Court's decree. Complainants further pray that the
also to this suit and before the Court, and that they be finally adju-
they pray that this Court find that the rights or interests of all per-
services of the United States of America. Complainants further
one year, or who may be incompetent, or who may be in the Armed
said Respondents who may at this time be under the eye of twenty-
Court forthwith appoint a guardian ad litem to represent each of
office as required by law, and Complainants further pray that this
that notice be filed in the like Respondent records in the Probate Court

G. CLELLAN HARROD, FLORENCE
PONDER HARROD, LARKIN H.
HARRIS and RUTH N. HARRIS,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Complainants

versus

DAVID GORDON, JOHN MORTON,
ALEXANDER MORTON, RICHARD
MORTON, NOAH HARRINGTON, JR.,
JOSEPH NELSON, JR. JAMES D.
JOHNSON, SARAH JOHNSON, ALLEN
GRIST, JAMES R. GRIST, SARAH
A. GRIST, BENJAMIN GRIST, SARAH
A. FORBES, JOSEPH R. FORBES,
CHRISTINE FORBES, FLORENCE VIR-
GINIA FORBES WHALEY, FRANK L.
ALLEN, ROBERT B. GUTHERIE, JOHN
BOWEN, E. GAINES WILSON or ED-
MUND GAINES WILSON, LEA ALBERTA
WILSON, OSCEOLA WILSON, LALLIE
LEE WILSON, JOHN BOWEN WILSON,
ANNA M. COURTRIGHT or A. M.
COURTRIGHT, HARRISON B. COURTRIGHT,
JAMES H. WEBB or J. H. WEBB, MARIE
S. MALAY, RHODA ROUSELLE, LULA C.
CHRISTIAN, FANNIE S. COURTRIGHT,
LEE R. COURTRIGHT, JOHN R. COURT-
RIGHT, AMANDA COURTRIGHT, BARKALOO
H. COURTRIGHT, VIOLA BODDEN, DAISY
A. CONWAY, FLORENCE WILSON, H. H.
WEFEL, JOHN W. JOHNSON, JAMES T.
WATTS, MINNIE D. BRAME, WILLIAM Y.
BRAME, JR., CYNTHIA BRAME DRAUGHTON,
CHRISTINE BRAME LISTER, J. E. KEITH,
JR., PEARL MIDDLETON KEITH, G. C.
COGGINS, if living, or their heirs
and devisees, if dead, and the follow-
ing described property situated in
Baldwin County, Alabama, to-wit:

Beginning at a point that is 30 rods
South of the Northwest corner of Section
24, Township 7 South, Range 2 East; thence
South along the West line of said Section
24 to the North Bank of Turkey Branch;
thence along said Branch by its meanderings
in a northeasterly direction and along the
West bank of Fish River in a Northerly di-
rection to a point which is due East of the
point of beginning hereof; thence West to
the point of beginning;

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

Respondents

NOTICE:

Notice is hereby given to David Gordon, John Morton, Alexander
Morton, Richard Morton, Noah Harrington, Jr., Joseph Nelson, Jr.,
James D. Johnson, Sarah Johnson, Allen Grist, James R. Grist, Ben-

STATE OF ALABAMA, BALDWIN COUNTY
Filed 12-4-57
Recorded
W. R. Street
Judge of Probate
11A
391-3

jamin Grist, Sarah A. Forbes, Joseph R. Forbes, Christine Forbes, Florence Virginia Forbes Whaley, Frank L. Allen, Robert B. Gutherie, John Bowen, E. Gaines Wilson or Edmund Gaines Wilson, Lea Alberta Wilson, Osceola Wilson, Lallie Lee Wilson, John Bowen Wilson, Anna M. Courtright or A. M. Courtright, Harrison B. Courtright, James H. Webb or J. H. Webb, Marie S. Malay, Rhoda Rouselle, Lula C. Christian, Fannie S. Courtright, Lee R. Courtright, John R. Courtright, Amanda Courtright, Barkuloo H. Courtright, Viola Bodden, Daisy A. Courtright, Florence Wilson, H. H. Wefel, John W. Johnson, James T. Watts, Minnie D. Brame, William Y. Brame, Jr., Cynthia Brame Draughton, Christine Brame Lister, J. E. Keith, Jr., Pearl Middleton Keith, G. C. Coggins, their heirs or devisees, and to all unknown persons, firms and corporations claiming any title to, interest in, lien or encumbrances upon, the lands described below, or any part thereof, that in the Circuit Court of Baldwin County, Alabama, in Equity, there is pending a verified Bill of Complaint filed by G. Clellan Harrod, Florence Ponder Harrod, Larkin H. Harris and Ruth N. Harris against the following described lands:

Beginning at a point that is 30 rods South of the Northwest corner of Section 24, Township 7 South, Range 2 East, thence South along the West line of said Section 24 to the North bank of Turkey Branch; thence along said Branch by its meanderings in a northeasterly direction and along the West bank of Fish River in a Northerly direction to a point which is due East of the point of beginning hereof; thence West to the point of beginning.

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

The Complainants claim title to said lands under and by virtue of a deed of conveyance containing vendor's lien reserved to the grantors from Resort Land Development Company, Incorporated, which deed is recorded in Deed Book 246 at Page 365-372 of the Probate Records of Baldwin County, Alabama. Complainants allege that they know of no one who has paid taxes on said lands, or who have been in possession of the same or any part thereof within the ten (10) years next preceding the filing of the Bill of Complaint, except

Complainants and their predecessors in title within the said period.

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

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

Done this 19th day of November, 1957 at my office.

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

Ernest M. Bailey

Attorney for Complainants

filed Nov. 19, 1957
Alice J. Duck, Register

770.4178

NOTICE

G. CLELLAN HARROD, ET AL,
COMPLAINANTS
VERSUS
DAVID GORDON, ET AL, AND
CERTAIN LANDS,
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

R-225

4-391-3

FILED
NOV 19 1957

Ret. to ALICE I. BUCK, Register

Re. R-225

G. CLELLAN HARROD, et al, \bar{Q}
Complainants
-vs-

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DAVID GORDON, et al, \bar{I}
and Certain Lands,
Respondents

APPOINTMENT OF GUARDIAN
AD LITEM

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

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

Witness my hand this the 6 day of Dec, 1957.

Descent Duck
REGISTER

CONSENT TO ACT

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

Witness my hand this the 7TH day of December, 1957.

720,4178

APPOINTMENT OF GUARDIAN
AD LITEM
AND CONSENT TO ACT

G. CLELLAN HARROD, et al,

Complainants

-vs-

DAVID GORDON, et al,
and Certain Lands,

Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
NOV 19 1957
ALICE L. ROCK, Register

G. CLELLAN HARROD, et al,
Complainants

¶
¶
¶
¶

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

-vs-

DAVID GORDON, et al, and
CERTAIN LANDS,
Respondents

ANSWER OF GUARDIAN AD LITEM

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

John V. Duck

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

CERTIFICATE

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

John V. Duck

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

720.4178

ANSWER OF GUARDIAN AD LITEM

G. CLELLAN HARROD, ET AL,

Complainants

-vs-

DAVID GORDON, ET AL, AND

CERTAIN LANDS,

Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

NOV 19 1957

ALICE J. DUCK, Register

The State of Alabama,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY

No. _____ March Term, 1958

G. Clellan Harrod, et al, _____ Complainant S

David Gordon, et al, and certain lands _____ Defendant S

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the _____ day of _____, 19_____, in the Fairhope Courier a newspaper published in Fairhope, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the _____ day of _____, 19_____, and

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

~~David Gordon, John Morton, Alexander Morton, Richard Morton, Noah Harrington, Jr., Joseph Nelson, Jr., James D. Johnson, Sarah Johnson, Allen Grist, James R. Grist, Sarah A. Grist, Benjamin Grist, Sarah A. Forbes, Joseph R. Forbes, Christine Forbes, Florence Virginia Forbes Whaley, Frank L. Allen, Robert B. Guthrie, John Bowen, E. Gaines Wilson or Edmund Gaines Wilson, Lea Alberta Wilson, Osceola Wilson, Lallie Lee Wilson, John Bowen Wilson, Anna M. Courtright or A. M. Courtright, Harrison B. Courtright, James H. Webb or J. H. Webb, Marie S. Malay, Rhoda Bouselle, Lula C. Christian, Fannie S. Courtright, John R. Courtright, Amanda Courtright, Barkaloo H. Courtright, Viola Bodden, Daisy A. Conway, Florence Wilson, H. H. Wefel, John W. Johnson, James T. Watts, Minnie D. Brame, William Y. Brame, Jr., Cynthia Brame Draughton, Christine Brame Lister, C. G. Coggins, if living, or their heirs or devisees, if dead, and certain lands.~~

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 _____

_____ that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said David Gordon, et al, and certain lands

This 27th day of MARCH, 1958.

Alice J. Duck Register.

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

G. CLELLAN HARROD, et al,

Vs.

David Gordon, et al, and
Certain Lands,

Decree Pro Confesso of Publication

Issued March 27 1958

Alice J. Duck
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Vertical text on the right side of the page, possibly bleed-through or a second page, containing names and dates such as "MAY 1958" and "G. CLELLAN HARROD".

Vertical text on the far right side of the page, including "RECORDED" and "INDEXED" stamps, and a date "MAY 1958".

G. Callan Harrod et al
 Complainant,
 Vs.
David Gordon et al and certain
 Lands Respondent.

In the Circuit Court.
 In Equity No. 4178.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent
J. A. Keith Jr and Pearl Middleton Keith

by the Sheriff of Baldwin County, on the 30 day of November,
 1947

And it further appears to the Register, that that the said J. A. Keith, Jr and
Pearl Middleton Keith

_____ the Respondent^s, 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 Ernest M. Bailey 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 J. A. Keith, Jr
and Pearl Middleton Keith

This 27th day of March, 1948

Alice J. Duck
 Register.

No. _____

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

B Clellan Harvoelata

Complainant,

Vs.

David Gordon, et al

of certain lands
Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this *27th* day of *March*
19*58*.

Alice J. Duck
Register.

G. Ciellan Harrod,
et al

vs.

David Gordon, et al, and
Certain Lands

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint,
and oral testimony of Florence Ponder Harrod and Fred McKenzie,
duly taken before Commissioner and Guardian Ad Litem, John V. Duck

and in behalf of Defendant upon Decree Proconfesso on Publication and
Personal Service

6
James M. Bailey

Alice J. Duck
Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

G. Clellan Harrod, et al.

vs.

David Gordon, et al, and
Certain Lands,

NOTE OF TESTIMONY

Filed in Open Court this 27th

day of March, 1948

Alice J. Blunk
Register.

Printed by the Baldwin Times

G. CLELLAN HARROD, FLORENCE
PONDER HARROD, LARKIN H.
HARRIS AND RUTH N. HARRIS,

Ø
Ø
Ø

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

Complainants

versus

DAVID GORDON, JOHN MORTON,
ALEXANDER MORTON, RICHARD
MORTON, NOAH HARRINGTON, JR.,
JOSEPH NELSON, JR., JAMES D.
JOHNSON, SARAH JOHNSON, ALLEN
GRIST, JAMES R. GRIST, SARAH
A. GRIST, BENJAMIN GRIST, SARAH
A. FORBES, JOSEPH R. FORBES,
CHRISTINE FORBES, FLORENCE VIR-
GINIA FORBES, WHALEY, FRANK L.
ALLEN, ROBERT B. GUTHERIE, JOHN
BOWEN, E. GAINES WILSON or ED-
MUND GAINES WILSON, LEA ALBERTA
WILSON, OSCEOLA WILSON, LALLIE
LEE WILSON, JOHN BOWEN WILSON,
ANNA M. COURTRIGHT or A. M.
COURTRIGHT, HARRISON B. COURT-
RIGHT, JAMES H. WEBB or J. H.
WEBB, MARIE S. MALAY, RHODA
BOUSELLE, LULA C. CHRISTIAN,
FANNIE S. COURTRIGHT, LEE R.
COURTRIGHT, JOHN R. COURTRIGHT,
AMANDA COURTRIGHT, BARKALOO H.
COURTRIGHT, VIOLA BODDEN, DAISY
A. CONWAY, FLORENCE WILSON, H.H.
WEPFEL, JOHN W. JOHNSON, JAMES T.
WATTS, MINNIE D. BRAME, WILLIAM
Y. BRAME, JR., CYNTHIA BRAME
DRAUGHTON, CHRISTINE BRAME LISTER,
J. E. KEITH, JR., PEARL MIDDLETON
KEITH, G. C. COGGINS, if living,
or their heirs and devisees, if
dead, and the following described
property situated in Baldwin
County, Alabama, to-wit:

Beginning at a point that is 30 rods
South of the Northwest corner of
Section 24, Township 7 South, Range
2 East; thence South along the West
line of said Section 24 to the North
Bank of Turkey Branch; thence along
said Branch by its meanderings in a
Northeasterly direction and along the
West bank of Fish River in a Norther-
ly direction to a point which is due East
of the point of beginning hereof; thence
West to the point of beginning;

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

Respondents

FINAL DECREE

This cause coming on to be heard this the 2 day of ^{April}~~March~~,

1958, is submitted for final decree upon Complainants verified Bill of Complaint and upon the decree pro confesso rendered therein against all Respondents named in the Bill of Complaint except J. E. Keith, Jr. and Pearl Middleton Keith, and upon the two parties by decree pro confesso after personal service, and the answer of the Guardian Ad Litem, and the testimony of Florence Ponder Harrod and Fred McKenzie, taken orally before the Commissioner duly appointed by the Register, and the pleadings and proof, as noted by the Register; and it appearing to the satisfaction of the Court:

1. That the Complainants, G. Clellan Harrod, Florence Ponder Harrod, Larkin H. Harris and Ruth N. Harris, at the time of filing their Bill of Complaint in this cause, claimed in their own right a fee simple title to, and were, in actual, peaceful possession of the following described lands lying and being situate in the County of Baldwin, State of Alabama, and more particularly described as follows:

Beginning at a point that is 30 rods South of the Northwest corner of Section 24, Township 7 South, Range 2 East; thence South along the West line of said Section 24 to the North Bank of Turkey Branch; thence along said Branch by its meanderings in a Northeasterly direction and along the West Bank of Fish River in a Northerly direction to a point which is due East of the point of beginning hereof; thence West to the point of beginning.

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

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

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

5. That notice of the pendency of said Bill of Complaint was drawn and signed by the Register of the Court and said Register did have said notice published once a week for four consecutive weeks

in The Fairhope Courier, a newspaper having general circulation and published in the County of Baldwin, State of Alabama, and authorized by order made in this cause.

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

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

8. That no person has intervened in said cause.

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

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

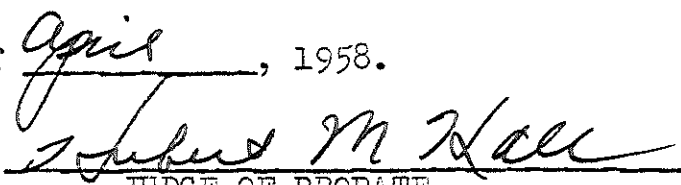
11. That all the allegations of fact contained in the Complainants Bill of Complaint are true.

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

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

It is further ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this Decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, and that it be indexed in the names of G. Clellan Harrod, Florence Ponder Harrod, Larkin H. Harris and Ruth N. Harris in both the Direct Index and the Indirect Index of the Records thereof.

DONE this the 8 day of April, 1958.


LUTHER M. HALL
JUDGE OF PROBATE

THE STATE OF ALABAMA, }
Baldwin County

No. _____ Circuit Court, In Equity.

G. Clellan Harrod, et al

Complainant S

Vs.

David Gordon, et al, and certainlands

Defendant S

Motion is hereby made for a Decree Pro Confesso against J. A. Keith, Jr. and

Pearl Middleton Keith

Defendant S

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

This 27th day of MARCH 19 58

James M. Bailey
Solicitor

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, In Equity

G. Clellan Harrod, et al,

Vs.

David Gordon, et al, and

Certain Lands

Motion for Decree Pro Confesso on
Personal Service

Filed March 27 1958

Alice J. Duck
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

G. CLELLAN HARROD, et al,	¶	
COMPLAINANTS		IN THE CIRCUIT COURT OF
VERSUS	¶	BALDWIN COUNTY, ALABAMA
DAVID GORDON, et al, and	¶	IN EQUITY
CERTAIN LANDS,		
RESPONDENTS	¶	

TESTIMONY OF FLORENCE PONDER HARROD:

My name is Florence Ponder Harrod and I am over the age of twenty-one years and am a resident of Baldwin County, Alabama. I have known of the property described in the Bill of Complaint for approximately 25 years. I am one of the Complainants named in the Bill of Complaint.

The Complainants acquired title to the property from the Resort Land Development Company, Incorporated, the Incorporators of which acquired title from John W. Johnson in 1951. John W. Johnson was a long time resident of Baldwin County and had acquired title to the captioned property from the Forbes' heirs in August of 1948, who had in turn owned the property for a number of years.

The Complainants have acquired an Abstract of Title to the property and it appears that there was some question of ownership by the heirs of Anna M. Courtright in the year 1936. The title has been perfected as to the heirs of the said Anna M. Courtright through various quit claim deed of their interest in the property, which was sold at Tax Sale to the State of Alabama in 1937.

I know of no person or corporation claiming any ownership adverse to the Complainants in this action and the Complainants and their predecessors in title have been in open, notorious and continuous possession of the property. The Complainants or their predecessors in title have assessed and paid taxes on the property for more than ten years preceding the filing of this Bill of Complaint.

I do not know the whereabouts of those parties named as Respondents in the Bill of Complaint other than J. E. Keith, Jr. and Pearl Middleton Keith who reside in Baldwin County, Alabama.

Florence Ponder Harrod
FLORENCE PONDER HARROD

Sworn and subscribed to before me this 28th day of March,
1958.

Helen Bailey
COMMISSIONER

CROSS EXAMINATION BY GUARDIAN AD LITEM, JOHN V. DUCK

Q. Mrs. Harrod, have your paid taxes on the property since you acquired title to the property?

A. Yes, and my predecessors in title paid taxes for more than ten years prior to the filing of the Bill of Complaint.

Q. Do you know of any person or persons making adverse claim to the property?

A. No.

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

A. Yes.

Florence Ponder Harrod
FLORENCE PONDER HARROD

Sworn and subscribed to before me this 28th day of March,
1958.

Nelson Bailey
COMMISSIONER

G. CLELLAN HARROD, et al, | IN THE CIRCUIT COURT OF
 Complainants | BALDWIN COUNTY, ALABAMA
 versus | IN EQUITY
DAVID GORDON, et al, and |
CERTAIN LANDS, |
 Respondents

TESTIMONY OF MR. FRED MCKENZIE:

My name is Fred McKenzie and I am over the age of twenty-one years. I am a resident of Baldwin County, Alabama and have known the property described in the Bill of Complaint for over 25 years.

I know the property as being formerly owned by John W. Johnson, who was a resident of the area for a long period of time until his death. Mr. Johnson's title was acquired from the Forbes heirs and was conveyed to the present owners, who are the Complainants in this case, through the Resort Land Development Company, Inc., who developed Sherwood Forest Subdivision. These owners have been in open, notorious and continuous possession of the property since the dates of their acquisition.

I also know that J. E. Keith, Jr. claimed an interest in the property through another chain of title. It is my understanding that he now exerts no ownership over the property.

I know of no person who claims any interest in the property adverse to the Complainants named in the Bill of Complaint.

CROSS EXAMINATION BY GUARDIAN AD LITEM

John V. Duck

Q. Do you know of any person or persons having an adverse claim to the property?

A. No.

Q. Of your own knowledge, have the present owners named in the Bill of Complaint and their predecessors in title been in open, notorious and continuous possession of the property?

A. Yes.

Fred McKenzie
Fred McKenzie

Sworn and subscribed to before me this 28th day of March, 1958.

Helen Bailey
Commissioner

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

November

27th, 1957

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

IN RE: HARROD, ET AL VERSUS DAVID GORDON, ET AL AND
CERTAIN LANDS

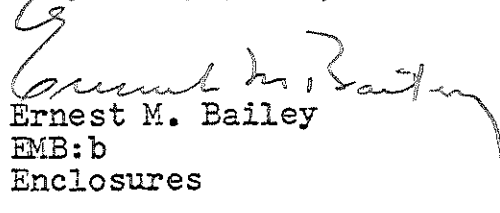
Dear Mrs. Duck:

I am enclosing herewith Quiet Title proceedings in the above matter to be filed in your Court. Please file these proceedings as of the 19th of November, 1957.

I am enclosing Bill of Complaint and three copies (it will be noted that 2 parties, J. E. Keith and Pearl Middleton Keith, whose residence is Barnwell, must be served personally). Also enclosed find original and one copy of the Notice (one copy has been filed with the Fairhope Courier for publication). Also enclosed is prepared Appointment and Answer of Guardian Ad Litem.

I will appreciate your taking such action as may be necessary. Thanking you in advance, I am

Very truly yours,


Ernest M. Bailey
EMB:b
Enclosures

G. CLELLAN HARROD, FLORENCE PONDER
HARROD, LARKIN H. HARRIS and RUTH
N. HARRIS,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

COMPLAINANTS

VERSUS

DAVID GORDON, JOHN MORTON, ALEXANDER
MORTON, RICHARD MORTON, NOAH HARRINGTON,
JR., JOSEPH NELSON, JR., JAMES D. JOHN-
SON, SARAH JOHNSON, ALLEN GRIST, JAMES
R. GRIST, SARAH A. GRIST, BENJAMIN GRIST,
SARAH A. FORBES, JOSEPH R. FORBES, CHRIST-
INE FORBES, FLORENCE VIRGINIA FORBES
WHALEY, FRANK L. ALLEN, ROBERT B. GUTHERIE,
JOHN BOWEN, E. GAINES WILSON or EDMUND
GAINES WILSON, LEA ALBERTA WILSON, OSCEOLA
WILSON, LALLIE LEE WILSON, JOHN BOWEN
WILSON, ANNA M. COURTRIGHT or. A. M. COURT-
RIGHT, HARRISON B. COURTRIGHT, JAMES H.
WEBB or J. H. WEBB, MARIE S. MALAY, RHODA
ROUSELLE, LULA C. CHRISTIAN, FANNIE S.
COURTRIGHT, LEE R. COURTRIGHT, JOHN R.
COURTRIGHT, AMANDA COURTRIGHT, BARKULOO
H. COURTRIGHT, VIOLA BODDEN, DAISY A. CON-
WAY, FLORENCE WILSON, H. H. WEFEL, JOHN W.
JOHNSON, JAMES T. WATTS, MINNIE D. BRAME,
WILLIAM Y. BRAME, JR., CYNTHIA BRAME DRAUGH-
TON, CHRISTINE BRAME LISTER, J. E. KEITH, JR.,
PEARL MIDDLETON KEITH, G. C. COGGINS or their
heirs and devisees and the following described
property situated in the County of Baldwin,
Alabama, to-wit:

Beginning at a point that is 30 rods South
of the Northwest corner of Section 24, Town-
ship 7 South, Range 2 East; thence South
along the West line of said Section 24 to
the North Bank of Turkey Branch; thence along
said Branch by its meanderings in a northeaster-
ly direction and along the West Bank of Fish
River in a Northerly direction to a point which
is due East of the point of beginning hereof;
thence West to the point of beginning;

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

RESPONDENTS

BILL OF COMPLAINT

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

Comes the Complainants, G. CLELLAN HARROD, FLORENCE PONDER HARROD,
LARKIN H. HARRIS and RUTH N. HARRIS, and respectfully show unto the
Court as follows:

1. That the Complainants are over the age of twenty-one years and reside in Baldwin County, Alabama.

2. That so far as your Complainants know the Respondents are over the age of twenty-one years; that the addresses of the Respondents named in the Bill of Complaint, other than the address of J. E. Keith, Jr. and Pearl Middleton Keith, are unknown to your Complainants and cannot be ascertained with reasonable and diligent efforts; that the address of the Respondents, J. E. Keith, Jr. and Pearl Middleton Keith, is Barnwell, Baldwin County, Alabama; that your Complainants, through their attorney, have examined an Abstract of Title relating to the said land and these records indicate that the only possible claimants are the Respondents named in the Bill of Complaint, their heirs or devisees, if any, Complainants aver that they do not know of any other person, firm or corporation who claims the land that is subject of this suit, or any title to, interest in, lien or encumbrances thereon or any part thereof other than the within named Respondents, except their predecessor in title, which encumbrances is set forth below.

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

Beginning at a point that is 30 rods South of the Northwest corner of Section 24, Township 7 South, Range 2 East; thence South along the West line of said Section 24 to the North Bank of Turkey Branch; thence along said Branch by its meanderings in a northeasterly direction and along the West Bank of Fish River in a Northerly direction to a point which is due East of the point of beginning hereof; thence West to the point of beginning.

~~Subject to vendor's lien recorded in Deed Book 222 at pages 215-216, Baldwin County Records, from Constantine E. Cavallis, et al, to Resort Land Development Company, Incorporated.~~

Subject to vendor's lien deed from Resort Land Development Company, Incorporated to the Complainants, which lien is recorded in Deed Book 246 at pages 365-372, Baldwin County Probate Records.

4. Subject to the vendor lien encumbrances set forth above, the Complainants claim in their own right the entire fee simple title in and to the above described real estate, and in support of such fee simple title, they aver that the property was purchased for a valuable consideration from Resort Land Development Company, Incorporated on the 26th day of December, 1956, as evidenced by a deed of conveyance executed by the said Resort Land Development Company, Incorporated in favor of the Complainants as shown by the

records in the Office of the Judge of the Probate Court of Baldwin County, Alabama in Deed Book 246 at pages 365-372.

5. Complainants are now and have been, and their predecessors in title have been, in open, notorious, continuous, peaceable and adverse possession of the said lands for more than ten (10) years preceding the filing of this Bill, and for more than ten (10) years preceding the filing of this Bill no one other than the Complainants or their predecessors in title have assessed or paid taxes on said property.

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

The premises considered, the Complainants file this their verified Bill of Complaint against the land hereinabove described and against David Gordon, John Morton, Alexander Morton, Richard Morton, Noah Harrington, Jr., Joseph Nelson, Jr., James D. Johnson, Sarah Johnson, Allen Grist, James R. Grist, Benjamin Grist, Sarah A. Forbes, Joseph R. Forbes, Christine Forbes, Florence Virginia Forbes Whaley, Frank L. Allen, Robert B. Gutherie, John Bowen, E. Gaines Wilson or Edmund Gaines Wilson, Lea Alberta Wilson, Osceola Wilson, Lallie Lee Wilson, John Bowen Wilson, Anna M. Courtright, or A. M. Courtright, Harrison B. Courtright, James H. Webb or J. H. Webb, Marie S. Malay, Rhoda Rouselle, Lula C. Christian, Fannie S. Courtright, Lee R. Courtright, John R. Courtright, Amanda Courtright, Barkuloo H. Courtright, Viola Bodden, Daisy A. Courtright, Florence Wilson, H. H. Wefel, John W. Johnson, James T. Watts, Minnie D. Brame, William Y. Brame, Jr., Cynthia Brame Draughton, Christine Brame Lister, J. E. Keith, Jr., Pearl Middleton Keith, G. C. Coggins, if living, or against their heirs or devisees, if deceased, and against all other persons claiming any interest in, title to, lien or encumbrance upon said property or any part thereof, for the purpose of establishing Complainants' right of title to said land, and to clear up all doubts or disputes concerning the same, and Complainants further pray that process be served on the parties hereinabove named or publication be made, requiring them to plead, answer or demur to the same within the time required by law, or a Decree Pro Confesso be entered against them, and Complainants further pray

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

[Signature]
 ATTORNEY FOR COMPLAINANTS

STATE OF ALABAMA)
)
 BALDWIN COUNTY)

Before me, the undersigned notary public in and for the State of Alabama at Large, personally appeared G. Clellan Harrod, Florence Ponder Harrod, Larkin H. Harris and Ruth N. Harris, who, being by me first duly sworn, deposes and says that the facts alleged in the foregoing instrument are true.

G. Clellan Harrod
 G. CLELLAN HARROD

Florence Ponder Harrod
 FLORENCE PONDER HARROD

Larkin H. Harris
 LARKIN H. HARRIS

Ruth N. Harris
 RUTH N. HARRIS

Sworn and subscribed to before me this the 19th day of November,

[Signature]
 NOTARY PUBLIC, STATE OF ALABAMA AT LARGE
 My commission expires July 14, 1958.

FILED 1957.
 NOV 19 1957

146

ALICE & BOCK, Register

THE STATE OF ALABAMA,

CIRCUIT COURT, BALDWIN COUNTY

BALDWIN COUNTY

No. 4178

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon J.E. Keith, Pearl Middleton Keith Et al

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 _____

J.E. Keith, Pearl Middleton Keith ET AL, Defendant

by G. Clellan Harrod et al

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

Witness my hand this 29th day of November 1957

*Executed 11-30-57
By signing J.E. Keith
Pearl M. Keith*

Archie J. Newkirk, Clerk

W. R. STUART

PROBATE JUDGE

No. 2684

Bay Minette, Ala., 4-16, 1918

Received of Mrs. Duck

No.		Deed Tax		Mortgage Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
<u>G.C.</u>	<u>Harriet Kalo - 75 -</u>					<u>2</u>	<u>20</u>	<u>2</u>	<u>20</u>
	<u>David Gudar & alr -</u>								

FOR RECORD

WR Stuart

TOTAL \$ 2

Judge of Probate.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____ March, Term, 1958

vs.

David Gordon et al & Certain Lands

Defendant

~~the defendants named in the~~

~~Bill of Complaint except J. A. Keith, Jr and Pearl Middleton Keith~~

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 27th day of March 1958

Lawrence R. Bentley Solicitor.

746 Code

No.

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

G. Chhanna et al.

Complainant

Vs.

David Gordon et al.

of certain lands

Defendant

Motion for Decree Pro Confesso
on Public

Filed *March 27* 19*58*

Alice J. [Signature]

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

The Fairhope Courier

E. B. GASTON ESTATE, PUBLISHER

Telephone WA8-5201 Established 1894



Fairhope, Alabama, December 20, 1957

Mrs. Alice J. Duck, Register

Bay Minette

Alabama

Legal Notice

G. Clelland Harrod, et al vs

David Gordon, et al

905 words - 4x

Nov. 28 - Dec. 5 - 12 - 19

58 83

The Fairhope Courier



ESTABLISHED 1894

E. B. GASTON ESTATE, PUBLISHERS

TELEPHONE WA-85201

FAIRHOPE, ALABAMA

"On Mobile Bay"

This is to certify that the attached legal notice appeared in The Fairhope Courier, a weekly newspaper published in the City of Fairhope, County of Baldwin, State of Alabama on the dates of Nov. 28 -

Dec. 5 - 12 - 19, 1957.

Maurice G. Crawford
Editor

State of Alabama
County of Baldwin

Sworn to and subscribed this 20th

day of Dec A. D. 1957, before me.

John V. Duck
Notary Public, Baldwin County

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

G. Clellan Harrod, Florence Ponder Harrod, Larkin H. Harris and Ruth N. Harris, Complainants, vs.

David Gordon, John Morton, Alexander Morton, Richard Morton, Noah Harrington, Jr., Joseph Nelson, Jr., James D. Johnson, Sarah Johnson, Allen Grist, James R. Grist, Sarah A. Grist, Benjamin Grist, Sarah A. Forbes, Joseph R. Forbes, Christine Forbes, Florence Virginia Forbes Whaley, Frank L. Allen, Robert B. Guthrie, John Bowen, E. Gaines Wilson or Edmund Gains Wilson, Lea Alberta Wilson, Osceola Wilson, Lallie Lee Wilson, John Bowen Wilson, Anna M. Courtright or A. M. Courtright, Harrison B. Courtright, James H. Webb or J. H. Webb, Marie S. Malay, Rhoda Rouselle, Lula C. Christian, Fannie S. Courtright, Lee R. Courtright, John R. Courtright, Amanda Courtright, Barkaloo H. Courtright, Viola Bodden, Daisy A. Conway, Florence Wilson, H. H. Wefel, John W. Johnson, James T. Watts, Minnie D. Brame, William Y. Brame, Jr., Cynthia Brame, Draughton, Christine Brame Lister, J. E. Keith, Jr., Pearl Middleton Keith, G. C. Coggins, if living, or their heirs and devisees, if dead, and the following described property situated in Baldwin County, Alabama, to-wit:

the west line of said Turkey Branch; thence along said Branch by its meanderings in a northeasterly direction and along the West bank of Fish River in a Northerly direction to a point which is due East of the point of beginning hereof; thence West to the point of beginning; and any and all other persons claiming any title to or interest in the real property described above.

Respondents

NOTICE:

James D. Johnson, Sarah Johnson, Allen Grist, James R. Grist, Benjamin Grist, Sarah A. Forbes, Joseph R. Forbes, Christine Forbes, Florence Virginia Forbes Whaley,

Lea Alberta Wilson, Osceola Wilson, Lallie Lee Wilson, John Bowen Wilson, Anna M. Courtright or A. M. Courtright, Harrison B. Courtright, James H. Webb or J. H. Webb, Marie S. Malay, Rhoda Rouselle, Lula C. Christian, Fannie S. Courtright, Lee R. Courtright, John R. Courtright, Amanda Courtright, Barkaloo H. Courtright, Viola Bodden, Daisy A. Courtright, Florence Wilson, H. H. Wefel, John W. Johnson, James T. Watts, Minnie D. Brame, William Y. Brame, Jr., Cynthia Brame, Draughton, Christine Brame Lister, J. E. Keith, Jr., Pearl Middleton Keith, G. C. Coggins, their heirs or devisees, and to all unknown persons, firms and corporations claiming any title to, interest in, lien or encumbrances upon, the lands described below, or any part thereof, that in the Circuit Court of Baldwin County, Alabama, in Equity, there is pending a verified Bill of Complaint filed by G. Clellan Harrod, Florence Ponder Harrod, Larkin H. Harris and Ruth N. Harris against the following described lands:

Beginning at a point that is 30 rods South of the Northwest corner of Section 24, Township 7 South Range 2 East, thence South along the West line of said Section 24 to the North bank of Turkey Branch; East, thence South along the West line of said Section 24 to the North bank of Turkey Branch; thence along said Branch by its meanderings in a northeasterly direction and along the West bank of Fish River in a Northerly direc-

Alberta Wilson, Osceola Wilson, Lillie Lee Wilson, John Bowen Wilson, Anna M. Courtright or A. M. Courtright, Harrison B. Courtright, James H. Webb or J. H. Webb, Marie S. Malay, Rhoda Rouselle, Lula C. Christian, Fannie S. Courtright, Lee R. Courtright, John R. Courtright, Amanda Courtright, Barkatoo H. Courtright, Viola Bodden, Daisy A. Courtright, Florence Wilson, H. H. Wefel, John W. Johnson, James T. Watts, Minnie D. Brame, William Y. Brame, Jr., Cynthia Brame Draughton, Christine Brame Lister, J. E. Keith, Jr., Pearl Middleton Keith, G. C. Coggins, their heirs or devisees, and to all unknown persons, firms and corporations claiming any title to, interest in, lien or encumbrances upon, the lands described below, or any part thereof, that in the Circuit Court of Baldwin County, Alabama, in Equity, there is pending a verified Bill of Complaint filed by G. Clellan Harrod, Florence Ponder Harrod, Larkin H. Harris and Ruth N. Harris against the following described lands:

Beginning at a point that is 30 rods South of the Northwest corner of Section 24, Township 7 South Range 2 East, thence South along the West line of said Section 24 to the North bank of Turkey Branch; East, thence South along the West line of said Section 24 to the North bank of Turkey Branch; thence along said Branch by its meanderings in a northeasterly direction and along the West bank of Fish River in a Northerly direction to a point which is due East of the point of beginning, hereof; thence West to the point of beginning.

And against any and all persons claiming any title to, interest in, or lien or encumbrances upon, such lands and to clear up all doubts or disputes concerning the same.

The Complainants claim title to said lands under and by virtue of a deed of conveyance containing vendor's lien reserved to the grantors from Resort Land Development Company, Inc., which deed is recorded in Deed Book 246 at Page 365-372 of the Probate Records of Baldwin County, Alabama. Complainants allege that they know of no one who has paid taxes on said lands, or who have been in possession of the same or any part thereof with the ten (10) years next preceding the filing of the Bill of Complaint, except Complainants and their predecessors in title within the said period.

It is therefore ordered that publication of this notice be made in The Fairhope Courier, a newspaper published and having a general circulation in Baldwin County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and any and all persons claiming title to, interest in, or lien or encumbrances upon the above described real estate, or any part

in The Fairhope Courier, a newspaper having general circulation and published in the County of Baldwin, State of Alabama, and authorized by order made in this cause.

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

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

8. That no person has intervened in said cause.

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

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

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

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

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

It is further ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this Decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, and that it be indexed in the names of G. Clellan Harrod, Florence Ponder Harrod, Larkin H. Harris and Ruth N. Harris in both the Direct Index and the Indirect Index of the Records thereof.

DONE this the 8th day of April, 1958.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and enrolled in my office.
WITNESS MY HAND AND SEAL THIS THE 8 day of April, 1958

Hubert M. Hall
JUDGE OF PROBATE Circuit Court

Alice J. Duck
Register

8/11/58