

AUGUST CARLSON,
COMPLAINANT
VS.

ALL OF BLOCK 5, TOWN OF SILVERHILL, ALABAMA, AS PER OFFICIAL PLAT THEREOF RECORDED IN BALDWIN COUNTY PROBATE RECORDS IN MISCELLANEOUS BOOK 1, AT PAGE 59; AND AGAINST THE FOLLOWING NAMED PERSONS: ISIDORE J. SCHILLER AND AMANDA JOHNSON, IF LIVING, OR IF DEAD, AGAINST THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH OF THEM AS ARE DECEASED; AND ANY AND ALL OTHER PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN, OR ENCUMBRANCE ON SAID LANDS OR ON ANY PART THEREOF,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 4179.

DECREE

This cause coming on to be heard is submitted for final decree upon behalf of the complainant, upon the original bill of complaint and upon the service, decree pro confesso, appointment, acceptance and answer of the guardian ad litem, pleading and proof as noted by the register; and the same being considered by the Court, the Court is of the opinion, does find, ascertain and decree that due and proper notice of the pendency of the said bill of complaint against the said lands, and the said respondents, Isidore J. Schiller and Amanda Johnson, if living, or if dead, the unknown heirs, devisees and personal representatives; and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part thereof, has been given in the manner required by law, and that the complainant is entitled to the relief as prayed for in the bill of complaint.

IT IS, THEREFORE, FOUND, ASCERTAINED, ORDERED, ADJUDGED AND DECREED by the Court that the said complainant, August Carlson, who is over the age of 21 years, at the time of the filing of said bill of complaint and at the time of

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

All of Block 5, in the Town of Silverhill, Alabama, as per official plat thereof recorded in Baldwin County Probate Records in Miscellaneous Book 1, at page 59.

That the title to said lands on the Records of Baldwin County stand in the name of your complainant; that the complainant obtained title to said lands by purchase from the State Land Commissioner of the State of Alabama by deed dated August 9, 1939, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 70 at pages 273-274, on the 1st day of September, 1939, and said lands were acquired by the State of Alabama by sale for delinquent taxes on the 15th day of August, 1935, under assessment to one I. J. Schiller; that for more than ten years next preceeding the filing of this bill of complaint in this cause, no other persons other than the complainant and those through whom they claim title to said lands, or any part thereof, have assessed or paid taxes thereon, and that the said complainant has been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same for more than ten years next preceding the filing of this bill of complaint.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the said August Carlson, at the time of the filing of the bill of complaint in this cause, and at this time, had, and has had, the fee simple to the above described land, and to each and every part and parcel thereof, that none of the respondents, Isidore J. Schiller and Aranda Johnson, if living, or if dead, the unknown heirs, devisees, and personal representatives, nor any and all persons, firms, associations or corporations have any title to, interest in, claim, lien or encumbrance on said lands or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title hereby quieted and established in and declared to be in the said August Carlson shall inure to the benefit of all persons deriving title to said lands or any part therein, from or through the said August Carlson, and the said title so quieted and established in him shall be treated and considered as established in favor of the said August Carlson, and all persons deriving title through him.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said August Carlson be, and he is hereby, taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this 22 day of February, 1958.



Judge

AUGUST CARLSON,
COMPLAINANT
VS.

IN THE CIRCUIT COURT OF

ALL OF BLOCK 5, TOWN OF SILVERHILL, ALABAMA, AS PER PLAT THEREOF RECORDED IN BALDWIN COUNTY PROBATE RECORDS IN MISCELLANEOUS BOOK 1, AT PAGE 59; AND AGAINST THE FOLLOWING NAMED PERSONS: ISIDORE J. SCHILLER AND AMANDA JOHNSON, IF LIVING, OR IF DEAD AGAINST THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH OF THEM AS ARE DECEASED: AND ANY AND ALL OTHER PERSONS, FIRMS, ASSOCIATIONS, OR CORPORATIONS CLAIMING ANY TITLE IN INTEREST TO, CLAIM, LIEN, OR ENCUMBRANCE ON SAID LANDS OR ANY PART THEREOF,

BALDWIN COUNTY, ALABAMA.

RESPONDENTS

IN EQUITY

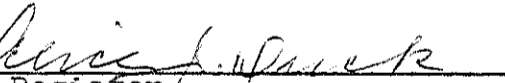
NO. 4179.

NOTICE AND ACCEPTANCE OF GUARDIAN AD LITEM

TO: Harry J. Wilters, Jr.

Under and by virtue of an order of the Honorable Hubert M. Hall, Judge of the Circuit Court of Baldwin County, rendered in the above styled cause on the 4th day of February, 1958, you are hereby appointed as guardian ad litem for and to represent the unknown heirs of Isidore J. Schiller and Amanda Johnson, if dead, respondents in the above styled cause.

Witness, this the 4th day of February, 1958.


Register

I hereby accept the foregoing appointment as guardian ad litem for the unknown heirs of Isidore J. Schiller and Amanda Johnson, if dead, and do hereby file this denial of the allegations made in the bill of complaint in the said cause and demand strict proof of the same.

This the 4th day of February, 1958.

142


Guardian ad Litem

No. 4179

NOTICE AND ACCEPTANCE OF
GUARDIAN AD LITEM AND
ANSWER OF GUARDIAN AD LITEM

FILED
FEB 4 1958
ALICE I. MCK, Register

AUGUST CARLSON,
COMPLAINANT

VS.

ALL OF BLOCK 5, TOWN OF SILVERHILL, ALABAMA, AS PER OFFICIAL PLAT THEREOF RECORDED IN BALDWIN COUNTY PROBATE RECORDS IN MISCELLANEOUS BOOK 1, AT PAGE 59; AND AGAINST THE FOLLOWING NAMED PERSONS:

ISIDORE J. SCHILLER AND AMANDA JOHNSON, IF LIVING, OR IF DECEASED, AGAINST THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH OF THEM AS ARE DECEASED: AND ANY AND ALL OTHER PERSONS, FIRMS, ASSOCIATIONS, OR CORPORATIONS CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN, OR ENCUMBRANCE ON SAID LANDS OR ANY PART THEREOF,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

RESPONDENTS

IN EQUITY

NO. 4179.

ORDER APPOINTING GUARDIAN AD LITEM

It appearing in the above styled cause, Isidore J. Schiller and Amanda Johnson, if living or if deceased, then the unknown heirs, devisees and personal representatives of such of them as are deceased, are parties respondent, and that due and proper notice of the pendency of the said action has been given in the manner and for the time required by law and that decree pro confesso has been taken against them and it is necessary and proper that guardian ad litem be appointed to represent the said unknown heirs of such of them as are deceased;

Now therefore, it is ordered, adjudged and decreed that Harry J. Wilters, Jr., who is learned in the law and a practicing lawyer at his bar, be and he is hereby appointed as guardian ad litem for and to represent the unknown heirs of such of the defendants as may be dead, in the cause.

Done this the 4th, day of Febr., 1958

Hubert M. Hall
Judge

NO. 4179

August Carlson,

Complainant

vs.

Certain Lands, et al.

Respondent

ORDER APPOINTING GUARDIAN
AD LITEM

*Filed 2-4-58
Alice J. Neuch
Registrar*

AUGUST CARLSON,
COMPLAINANT

VS.

ALL OF BLOCK 5, TOWN OF SILVERHILL, ALABAMA, AS PER OFFICIAL PLAT THEREOF RECORDED IN BALDWIN COUNTY PROBATE RECORDS IN MISCELLANEOUS BOOK 1, AT PAGE 59; AND AGAINST THE FOLLOWING NAMED PERSONS: ISIDORE J. SCHILLER AND AMANDA JOHNSON, IF LIVING, OR IF DECEASED AGAINST THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH OF THEM AS ARE DECEASED; AND ANY AND ALL OTHER PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON SAID LANDS OR ON ANY PART THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

No. 4179

Whereas, August Carlson has filed his bill of complaint on the 2nd day of Dec ~~November~~, 1957, in this Court on the Equity side, claiming to be in actual peaceable possession, owning and claiming to own those certain lands, lying and being situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

All of Block 5, in the Town of Silverhill, Alabama, as per official plat thereof recorded in Baldwin County Probate Records in Miscellaneous Book 1, at page 59.

Complainant alleges in his bill of complaint that he holds title to the aforesaid lands by purchase from State Land Commissioner of State of Alabama by deed dated August 9, 1939, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama in Deed Book 70 at pages 273-274 on the 1st day of September, 1939 and said lands were acquired by the State of Alabama by sale for delinquent taxes on the 15th day of August, 1935 under the assessment to one I.J. Schiller; that the title to said land stands on the records in the Probate Court of Baldwin County in the name of August Carlson; that Isidore J. Schiller and Amanda Johnson, if alive,

or if deceased, the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, claim or are reputed to claim some title to, interest in, claim, lien or encumbrance upon the following described lands:

All of Block 5, in the Town of Silverhill, Alabama, as per official plat thereof recorded in Baldwin County Probate Records in Miscellaneous Book 1, at page 59.

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

And it appearing from the bill of complaint, the same being verified, that the ages, names and places of residence and post office addresses of the defendants, Isidore J. Schiller and Amanda Johnson, if alive, or if deceased, the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, are unknown and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and the names, ages and places of residence and post office addresses cannot be ascertained, it is therefore ordered, adjudged and decreed that notice of the pendency of said suit be given to the defendants, Isidore J. Schiller and Amanda Johnson, if alive, or if deceased, the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama.

Witness my hand this the 2nd day of ~~November~~ ^{Dec.}, 1957.

Alice J. Duck
Register

BOOK 004 PAGE 396

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in Equity, wherein August Carlson is complainant and Isidore J. Schiller and Amanda Johnson, if alive, or if deceased, the unknown heirs, devisees, personal representatives and assigns of such of them as may be deceased, and the following named lands to-wit:

All of Block 5, in the Town of Silverhill, Alabama, as per official plat thereof recorded in Baldwin County Probate Records in Miscellaneous Book 1, at page 59.

and any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the said lands in Baldwin County, Alabama are defendants as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, under and in pursuance of an order of this Court made in said cause on the 2nd day of ~~Novem~~^{Dec}ber, 1957.

Witness my hand this the 2nd day of ~~November~~^{Dec}, 1957.

Alice J. Duck
Alice J. Duck, Register

STATE OF ALABAMA, BALDWIN COUNTY
Filed 12-3-57 10:30 A.M.
Recorded Lib. Fund book 4 page 394-6
W. Stuart
Judge of Probate

9777
Robert Carson

Isidore J. Schiller
Amanda Johnson

FILED

DEC 3 1957

[Handwritten signature]

EXAMINATION BY MR. OWENS:

MR. AUGUST CARLSON, BEING FIRST DULY SWORN, TESTIFIED:

Q. Will you state your name and address for the record?

A. August Carlson, Silverhill, Alabama, Box 114.

Q. Mr. Carlson, you are the complaint in that certain ^{suit} in Circuit Court of Baldwin County, Alabama, against All of Block 5, Town of Silver Hill, Alabama, as per official Plat thereof Recorded in Miscellaneous Book 1 at page 59, and against Isidore J. Schiller and Amanda Johnson?

A. Yes sir.

Q. When did you buy this property, Mr. Carlson?

A. I think it was 1939, the 9th day of August.

Q. Who was the deed from?

A. From the State of Alabama.

Q. Now did you move on this land in 1939? -- Just tell us what you did with respect to the land after you got title to it?

A. I first fenced it in and then I cleared it and broke it up and cultivated.

Q. Have you continuously occupied that land since that time?

A. Yes sir.

Q. Does the title to the land stand on the records of Baldwin County, Alabama, in your name?

A. Yes.

Q. Have you continuously assessed and paid the taxes on that land since 1939?

A. Yes sir.

Q. Is there any other suit pending to try or test your title to, interest in, claim upon the lands?

A. No.

Q. Is there any other claims, liens or encumbrances on the land to your knowledge?

A. No sir.

Q. Has any one ever contested your claim to these lands?

A. No.

Q. Are you presently in the actual, peaceable possession of the land?

A. Yes sir.

Q. And have you been for more than 10 years in the actual, adverse, continuous, hostile and peaceable possession of the lands in this suit?

A. Yes.

ON CROSS EXAMINATION OF THIS WITNESS BY MR. WILTERS, GUARDIAN AD LITEM:

Q. Mr. Carlson, you mentioned that you built a fence around this property. Can you tell me approximately the date you did that?

A. Well I did that as soon after I acquired it as I could; it was either in '39 or 40.

Q. I believe you testified that you had cultivated this land?

A. Yes sir, still do.

Q. Do you remember when you started cultivating it?

A. Well in '39 it was a little late in the season to cultivate it and I believe it was 1940.

Q. When you cultivated this land, did you cultivate all of it?

A. No, I first broke up about an acre and then I cleared and broke up the balance, except where the pond is.

Q. How many acres of land is there in this block, do you know?

A. There should be five acres, but of course the streets are all around and that takes off an acre and a half or more and then there is a little pond in it that takes off a couple of blots.

Q. What else have you done to this land besides fencing and cultivating it?

A. I built a house on it.

Q. When did you build the house?

A. I started before the war and had to stop because I couldn't get the material and I finished it 11 years ago and have been living in it for 11 years.

Q. Are you living on this land now?

A. Yes sir.

August Carlsson X
His mark

Mr. Edward Sjoman, being first duly sworn, testified as follows.

Direct Examination by Mr. Owens.

Q. What is your name, please?

A. Edward J. Sjoman.

Q. Where do you live?

A. Silverhill, Alabama.

Q. About how far do you live from the lands involved in this suit?

A. Well it is two blocks, about.

Q. Have you been familiar with this land?

A. Well, how do you mean?

Q. Are you familiar with this land?

A. I know that they live on the land.

Q. Do you know how long the Carlisons have lived on this land?

A. Well I don't know how long they have lived there, but I know of them living there for about four years.

Q. Do you remember when they first moved there?

A. Oh I wasn't around there then, but I know they have lived there for the past four years.

Q. Can you describe the lands as to fences?

A. Well it looks like it is a square piece of ground --

Q. Is it fenced?

A. Yes sir.

Q. Is it cleared?

A. Yes, except for a small pond on it - the pond is about two lots big.

Q. Is there a house on this land?

A. Not in the pond--

Q. I don't mean where the pond is?

A. Oh yes, there is a house on the land.

CROSS EXAMINATION BY MR. WILTERS, GUARDIAN AD LITEM:

Q. Mr. Sjoman, you have stated that there is a fence around this Block. Now do you have, or do you know of your own knowledge the block number of this property that they are living on?

A. Well it is Block 5.

Q. How do you know that?

A. Well they told me and showed it to me on the map. If I had a map I could show it to you better.

Q. How far is this block from the red light in Silverhill, and in which direction is it?
A. The southeast corner is just about a block from the red light.

Q. How long have you lived in Silver Hill?
A. For four years off and I; I go north in the summer and stay a few months and I stay here during the winter. I have been a resident of Baldwin County for a long time. I came down here in 1922 and bought a farm near Robertsdale and I have gone up north in the summertime, but I have been around Silverhill plenty.

Q. When did you meet Mr. and Mrs. Carlson?
A. About four years ago.

Q. You state that there is a fence around this block 5. Does the fence go all the way around the block?
A. Except where the house is setting; there is a fence on the west side and it goes out to the corner, north side and south side; there isn't a fence on the south side

Q. The house is on the south side?
A. Yes sir, southwest side.

Edward Sjoman

J. CONNOR OWENS, BEING FIRST DULY SWORN, TESTIFIED:

My name is J. Connor Owens; I am the Attorney in the suit filed by me, which is August Carlson vs. All of Block 5, Town of Silverhill, Alabama, as per official Plat thereof, Recorded in Baldwin County, Probate Records in Miscellaneous Book 1, at page 59; and against the following named persons: Isidore J. Schiller and Amanda Johnson, if living, or if deceased, against the unknown heirs, devisees and personal representatives and assigns of such of them as are deceased, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on said lands or any part thereof.

If the said Isidore J. Schiller and Amanda Johnson are living I have been unable to ascertain their address, or if dead the names of their heirs can not be ascertained, and I have made inquiry as to their residences and as to whether or not they are living or dead among the officials of Baldwin County, Alabama, and I have been unable to find the residence and post office address of the defendants, and I am informed and believe that the defendants, if living, are over the age of 21 years, or if dead, that their heirs are over the age of 21 years and I have been unable to find their address upon diligent search and inquiry.

CROSS EXAMINATION BY MR. WILTERS:

Q. Mr. Owens, where did you make your inquiry as to the above named defendants?
A. From the Tax Assessor and Probate Records.

Q. Did you make any inquiries in the City of Silverhill?
A. Only through asking Mr. Carlson if he knew whether they lived there or not.

J. Connor Owens, Jr.

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

AUGUST CARLSON

COMPLAINANT

vs.

CERTAINLANDS, ET AL

RESPONDENT

I, Louise Dusenbury,

as Register and Commissioner

have called and caused to come before me August Carlson, Edward Sjoman and
J. Connor Owens

witnesses named in the requirement for Oral Examination, on the 7th day of February
1958, at the office of said Louise Dusenbury
in Bay Minette, Alabama, and having first sworn said witnesses to speak the
truth, the whole truth, and nothing but the truth, the said

witnesses doth depose and say as follows:

[Faint, illegible text, likely bleed-through from the reverse side of the page]

AUGUST CARLSON,
COMPLAINANT
VS.
CERTAIN LANDS, ET AL.
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 4179.

NOTICE OF THE TIME AND PLACE OF TAKING TESTIMONY

To the unknown heirs, devisees and personal representatives of Isidore J. Schiller and Amanda Johnson, if dead, and to Harry J. Wilters, guardian ad litem for them:

Notice is hereby given that the testimony of August Carlson, Mrs. August Carlson and other witnesses, and J. Connor Owens, Jr., witnesses for the Complainant in the above styled cause will be taken orally before me, the undersigned commissioner, heretofore duly appointed, at the Courthouse in Bay Minette, Alabama, at 10:00 o'clock a.m., on the 7th day of February, 1958.

This the 4th day of February, 1958.

Rouse Duseigneur
Commissioner

Received copy of foregoing this the 4 day of February, 1958, and waive further notice.

Harry J. Wilters, Jr.
Guardian ad Litem

No. 4179

Notice of Place and Time of
Taking Testimony

FILED
FEB 4 1958
ALICE J. WICK, Register

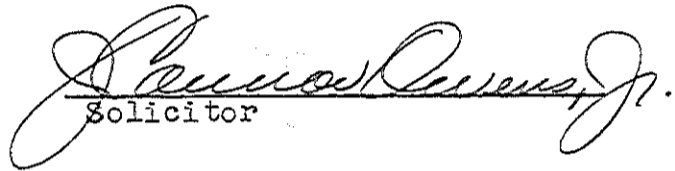
AUGUST CARLSON,
COMPLAINANT
VS.
CERTAIN LANDS, ET AL.
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 4179.

APPLICATION FOR ORAL EXAMINATION OF THE COMPLAINANT AND
WITNESSES

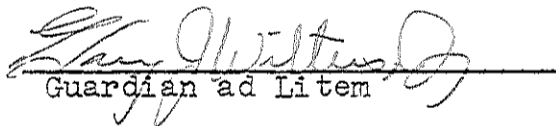
Comes the Complainant in the above styled cause and requests the oral examination of August Carlson, Mrs. August Carlson, J. Connor Owens, Jrs., and other witnesses for complainant and suggests Louise Dusenbury of the Town of Bay Minette, as a suitable person to act as commissioner to take the depositions of said witnesses.

Witness my hand this the 4th day of February, 1958.


Solicitor

The foregoing notice was this day served upon me by J. Connor Owens, Jr., Solicitor for Complainant.

This the 4th day of February, 1958.


Guardian ad Litem

No. 4179

Application for Oral
Examination

FILED

FEB 4 1958

ALICE J. DUCK, Register

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: Louise Dusenbury

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 August Carlson; Mrs. August Carlson J. Connor Owens, Jr., and other witnesses

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

Complainant and Certain Lands, et al.

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

Witness 14 day of February, 1958.

Alice J. ... Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 4179

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

August Carlson

Complainant

VS.

Certain Lands, et al.

Defendant

COMMISSION TO TAKE DEPOSITION

FILED
COMMISSIONER:
FEB 4 1958

ALICE W. BUCK, Register
WITNESSES:

[Faint, mostly illegible text from the deposition transcript, including names and dates.]

August Carlson

vs.

Certain Lands, et al.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, service by publication, decree pro confesso, and testimony of complainant and other witnesses, appointment, acceptance and answer of the guardian ad litem.

and in behalf of Defendant upon

Arnold O. Jones, Jr.
Solicitor for Complainant

Deicey - [unclear]
Register.

No. 4179

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

August Carlson

VS.

Certain Lends, et al.

Note of Testimony

Filed in Open Court this 22

day of July, 1958

Archie J. Muck

Register.

AUGUST CARLSON,
COMPLAINANT

IN THE CIRCUIT COURT OF

VS.

ALL OF BLOCK 5, TOWN OF SILVERHILL, ALABAMA, AS PER OFFICIAL PLAT THEREOF RECORDED IN BALDWIN COUNTY PROBATE RECORDS IN MISCELLANEOUS BOOK 1, AT PAGE 59; AND AGAINST THE FOLLOWING NAMED PERSONS: ISIDORE J. SCHILLER AND AMANDA JOHNSON, IF LIVING, OR IF DECEASED AGAINST THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH OF THEM AS ARE DECEASED; AND ANY AND ALL OTHER PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON SAID LANDS OR ON ANY PART THEREOF,

BALDWIN COUNTY, ALABAMA,

IN EQUITY NO. _____.

DEFENDANTS

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

Comes your complainant, August Carlson, and presents this, his bill of complaint against the following described lands in Baldwin County, Alabama, to-wit:

All of Block 5, in the Town of Silverhill, Alabama, as per official plat thereof recorded in Baldwin County Probate Records in Miscellaneous Book 1, at page 59.

and against the following named persons: Isidore J. Schiller and Amanda Johnson, if alive, and if deceased, against the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased; and any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon said lands or any part or parcel thereof and respectfully represents and shows unto your Honor as follows:

FIRST: That your complainant is over the age of 21 years and is a resident of Baldwin County, State of Alabama; that your complainant cannot ascertain whether or not Isidore J. Schiller and Amanda Johnson are dead or alive, or their residence, if any, and that the complainant has made diligent

search and inquiry to ascertain the names, ages and places of residence of Isidore J. Schiller and Amanda Johnson, their heirs, devisees, personal representatives and assigns; that they have inquired of numerous persons in the vicinity in which such land is located and of persons in Silverhill, Alabama, including all of the officers, and have searched the Probate and Tax Records, and upon inquiry have been unable to ascertain their names, ages and post office address, but are informed and believe and upon such information and belief allege that Isidore J. Schiller and Amanda Johnson or their heirs, devisees, personal representatives and assigns of the said Isidore J. Schiller and Amanda Johnson are over the age of 21 years and are non-residents of the State of Alabama, and their place of residence is unknown to complainant and cannot be ascertained.

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

All of Block 5, in the Town of Silverhill, Alabama, as per official plat thereof recorded in Baldwin County Probate Records in Miscellaneous Book 1, at page 59.

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

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

FOURTH: That title to said lands on the Records of Baldwin County stand in the name of your Complainant; that the complainant obtained title to the aforesaid lands by tax deed from State Land Commissioner of State of Alabama, dated August 9, 1939, and recorded in Deed Book 70 N.S., p. 273-4, in the Office of the Judge of Probate of Baldwin County, Alabama, and said lands were acquired by the State of Alabama by sale for delinquent taxes on the 15th day of August, 1935, under assessment to one I. J. Schiller; that for more than ten years next preceding the filing of this bill of complaint, no other persons other than the complainant have assessed or paid taxes thereon, or any part thereof, and that the complainant has been in actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same for more than ten years next preceding the filing of this bill of complaint; that Isidore J. Schiller and Amanda Johnson, if alive, or if deceased, the unknown heirs, devisees, personal representatives and assigns claim or are reputed to claim some title to, interest in, lien or encumbrance upon said lands or some portion or parcel thereof.

WHEREFORE, your complainant prays that this Honorable Court will take jurisdiction of the cause made by this bill of complaint and by appropriate process make the said Isidore J. Schiller and Amanda Johnson, if alive, or if deceased, the unknown heirs, devisees, personal representatives and assigns, and any and all other persons, firms, associations, or corporations claiming any title to, interest in, lien or encumbrance upon said lands, to-wit:

All of Block 5, in the Town of Silverhill, Alabama, as per official plat thereof recorded in Baldwin County probate records in Miscellaneous Book 1, at page 59.

or any part or parcel thereof, to be made parties defendant to this bill of complaint and by appropriate process require them and each of them separately and severally to

plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your complainant further prays that upon a final hearing of this cause, the Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of liens, claims and encumbrances to the said lands and each part and parcel thereof, is vested in your complaint, August Carlson, as against Isidore J. Schiller and Amanda Johnson, if living or if dead, the unknown heirs, devisees, personal representatives and assigns of such persons, and against any and all persons, firms, associations or corporations, claims any title to, interest in, claim, lien, encumbrance upon said lands or any part thereof, and that any and all doubts and disputes concerning the same be cleared up, and your complainant prays for such other, different or general relief as shall seem meek and proper.

[Handwritten Signature]
Solicitor for Complainant

STATE OF ALABAMA
BALDWIN COUNTY

Notary Public
My Comm. Expires 1-1-58

Before me, the undersigned authority in and for said County and State, personally appeared J. Connor Owens, Jr., who is known to me, and who, having been by me duly sworn, deposes and says that he is solicitor for the complainant in the above styled cause, and that the facts alleged in the foregoing bill of complaint, from all information obtainable, are true, and from such information obtained he verily believes, and so states, the same to be true.

[Handwritten Signature]

Sworn to and subscribed before me this the 2 day of December, 1957.

[Handwritten Signature]
Notary Public

277

THESE AND BARRIERS WILL REMAIN IN FORCE UNTIL SUCH TIME AS THE BOARD OF HEALTH SHALL ORDER OTHERWISE

[Signature]

1911

[Signature]

[Signature]

RECEIVED
DEC 2 1911
ALICE J. BUCK, Register

[Signature]

THESE AND BARRIERS WILL REMAIN IN FORCE UNTIL SUCH TIME AS THE BOARD OF HEALTH SHALL ORDER OTHERWISE

AUGUST CARLSON,
COMPLAINANT

VS.

ALL OF BLOCK 5, TOWN OF SILVERHILL, ALABAMA, AS PER OFFICIAL PLAT THEREOF RECORDED IN BALDWIN COUNTY PROBATE RECORDS IN MISCELLANEOUS BOOK 1, AT PAGE 59; AND AGAINST THE FOLLOWING NAMED PERSONS: ISIDORE J. SCHILLER AND AMANDA JOHNSON, IF LIVING, OR IF DECEASED AGAINST THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH OF THEM AS ARE DECEASED: AND ANY AND ALL OTHER PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON SAID LANDS OR ON ANY PART THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY NO. _____.

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

Comes your complainant, August Carlson, and presents this, his bill of complaint against the following described lands in Baldwin County, Alabama, to-wit:

All of Block 5, in the Town of Silverhill, Alabama, as per official plat thereof recorded in Baldwin County Probate Records in Miscellaneous Book 1, at page 59.

and against the following named persons: Isidore J. Schiller and Amanda Johnson, if alive, and if deceased, against the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased; and any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon said lands or any part or parcel thereof and respectfully represents and shows unto your Honor as follows:

FIRST: That your complainant is over the age of 21 years and is a resident of Baldwin County, State of Alabama; that your complainant cannot ascertain whether or not Isidore J. Schiller and Amanda Johnson are dead or alive, or their residence, if any, and that the complainant has made diligent

search and inquiry to ascertain the names, ages and places of residence of Isidore J. Schiller and Amanda Johnson, their heirs, devisees, personal representatives and assigns; that they have inquired of numerous persons in the vicinity in which such land is located and of persons in Silverhill, Alabama, including all of the officers, and have searched the Probate and Tax Records, and upon inquiry have been unable to ascertain their names, ages and post office address, but are informed and believe and upon such information and belief allege that Isidore J. Schiller and Amanda Johnson or their heirs, devisees, personal representatives and assigns of the said Isidore J. Schiller and Amanda Johnson are over the age of 21 years and are non-residents of the State of Alabama, and their place of residence is unknown to complainant and cannot be ascertained.

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

All of Block 5, in the Town of Silverhill, Alabama, as per official plat thereof recorded in Baldwin County Probate Records in Miscellaneous Book 1, at page 59.

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

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

FOURTH: That title to said lands on the Records of Baldwin County stand in the name of your Complainant; that the complainant obtained title to the aforesaid lands by tax deed from State Land Commissioner of State of Alabama, dated August 9, 1939, and recorded in Deed Book 70 N.S., p. 273-4, in the Office of the Judge of Probate of Baldwin County, Alabama, and said lands were acquired by the State of Alabama by sale for delinquent taxes on the 15th day of August, 1935, under assessment to one I. J. Schiller; that for more than ten years next preceding the filing of this bill of complaint, no other persons other than the complainant have assessed or paid taxes thereon, or any part thereof, and that the complainant has been in actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same for more than ten years next preceding the filing of this bill of complaint; that Isidore J. Schiller and Amanda Johnson, if alive, or if deceased, the unknown heirs, devisees, personal representatives and assigns claim or are reputed to claim some title to, interest in, lien or encumbrance upon said lands or some portion or parcel thereof.

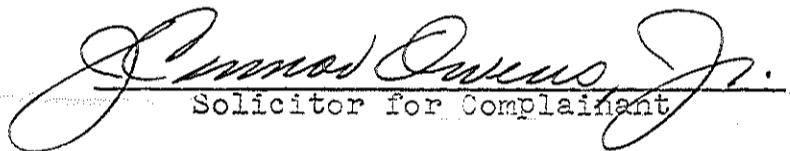
WHEREFORE, your complainant prays that this Honorable Court will take jurisdiction of the cause made by this bill of complaint and by appropriate process make the said Isidore J. Schiller and Amanda Johnson, if alive, or if deceased, the unknown heirs, devisees, personal representatives and assigns, and any and all other persons, firms, associations, or corporations claiming any title to, interest in, lien or encumbrance upon said lands, to-wit:

All of Block 5, in the Town of Silverhill, Alabama, as per official plat thereof recorded in Baldwin County probate records in Miscellaneous Book 1, at page 59.

or any part or parcel thereof, to be made parties defendant to this bill of complaint and by appropriate process require them and each of them separately and severally to

plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

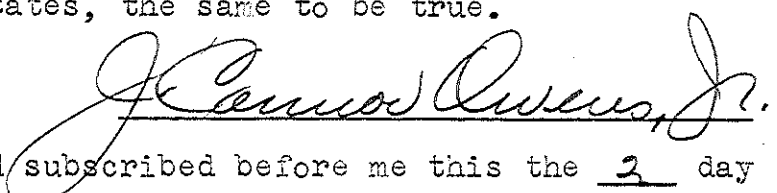
Your complainant further prays that upon a final hearing of this cause, the Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of liens, claims and encumbrances to the said lands and each part and parcel thereof, is vested in your complaint, August Carlson, as against Isidore J. Schiller and Amanda Johnson, if living or if dead, the unknown heirs, devisees, personal representatives and assigns of such persons, and against any and all persons, firms, associations or corporations, claims any title to, interest in, claim, lien, encumbrance upon said lands or any part thereof, and that any and all doubts and disputes concerning the same be cleared up, and your complainant prays for such other, different or general relief as shall seem meek and proper.

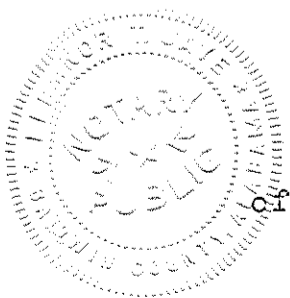

Solicitor for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority in and for said County and State, personally appeared J. Connor Owens, Jr., who is known to me, and who, having been by me duly sworn, deposes and says that he is solicitor for the complainant in the above styled cause, and that the facts alleged in the foregoing bill of complaint, from all information obtainable, are true, and from such information obtained he verily believes, and so states, the same to be true.


Sworn to and subscribed before me this the 2 day
of December, 1957.




Notary Public

filed Dec. 2, 1957
Alice J. Muck, Register

AUGUST CARLSON,
COMPLAINANT

VS.

ALL OF BLOCK 5, TOWN OF SILVERHILL, ALABAMA, AS PER OFFICIAL PLAT THEREOF RECORDED IN BALDWIN COUNTY PROBATE RECORDS IN MISCELLANEOUS BOOK 1, AT PAGE 59; AND AGAINST THE FOLLOWING NAMED PERSONS: ISIDORE J. SCHILLER AND AMANDA JOHNSON, IF LIVING, OR IF DECEASED AGAINST THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH OF THEM AS ARE DECEASED; AND ANY AND ALL OTHER PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON SAID LANDS OR ON ANY PART THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

No. _____.

Whereas, August Carlson has filed his bill of complaint on the 2nd day of Dec ~~November~~, 1957, in this Court on the Equity side, claiming to be in actual peaceable possession, owning and claiming to own those certain lands, lying and being situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

All of Block 5, in the Town of Silverhill, Alabama, as per official plat thereof recorded in Baldwin County Probate Records in Miscellaneous Book 1, at page 59.

Complainant alleges in his bill of complaint that he holds title to the aforesaid lands by purchase from State Land Commissioner of State of Alabama by deed dated August 9, 1939, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama in Deed Book 70 at pages 273-274 on the 1st day of September, 1939 and said lands were acquired by the State of Alabama by sale for delinquent taxes on the 15th day of August, 1935 under the assessment to one I.J. Schiller; that the title to said land stands on the records in the Probate Court of Baldwin County in the name of August Carlson; that Isidore J. Schiller and Amanda Johnson, if alive,

or if deceased, the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, claim or are reputed to claim some title to, interest in, claim, lien or encumbrance upon the following described lands:

All of Block 5, in the Town of Silverhill, Alabama, as per official plat thereof recorded in Baldwin County Probate Records in Miscellaneous Book 1, at page 59.

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

And it appearing from the bill of complaint, the same being verified, that the ages, names and places of residence and post office addresses of the defendants, Isidore J. Schiller and Amanda Johnson, if alive, or if deceased, the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, are unknown and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and the names, ages and places of residence and post office addresses cannot be ascertained, it is therefore ordered, adjudged and decreed that notice of the pendency of said suit be given to the defendants, Isidore J. Schiller and Amanda Johnson, if alive, or if deceased, the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama.

Witness my hand this the 2nd day of ^{Dec}~~November~~, 1957.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 4179 — February, Term, 1958

August Carlson Complainant

Vs.

All of Block 5, Town of Silverhill, Alabama; and Isidore J. Schiller
and Amanda Johnson, et al.

Defendant

Motion is hereby made for a Decree Pro Confesso against All of Block 5, Town of Silverhill
Alabama, and Isidore J. Schiller and Amanda Johnson, et al.
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 3rd day of February 1958.

746 Code

140

J. Cameron Owens Solicitor.

The State of Alabama,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY

No. 4179 February Term, 1958

August Carlson

Complainant
All of Block 5, Town of Silverhill, Alabama, as per official plat thereof
recorded in Bald.Co., Probate Records; Isidore J. Schiller and Amanda Johnson, et al.

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 5th day of December, 1957, in the Baldwin Times a newspaper published in Bay Minette, Bald. Co., Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 3rd day of December 1957, and filed in Lis Pendens on the 3rd day of December, 1957;

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

All of Block 5, Town of Silverhill, Alabama, as per plat thereof recorded

in Baldwin County Probate Records in Miscellaneous Book 1, at page 59;
and against the following persons; Isidore J. Schiller and Amanda Johnson
if living, or if deceased, against the unknown heirs, devisees, personal
representatives and assigns of such of them as are deceased, and any and
all other persons, firms, associations or corporations claiming any title
to, interest in, claim, lien or encumbrance on said lands or on any part
thereof

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register Alice J. Duck

that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Respondent.

This 3rd day of February 1958.

Alice J. Duck Register

No. 4179

Page _____

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

August Carlson

Vs.

Certain Lands

Decree Pro Confesso of Publication

Issued 2-3 1958

Marie J. Duck
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

4179

W. R. STUART

PROBATE JUDGE

N^o 15

Bay Minette, Ala., *3/3*, 19*14*

Received of *Alice Ruck*

No.		Deed Tax		Mortgage Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
<i>August Carlson</i>	<i>US Certin</i>	<i>2</i>	<i>00</i>	<i>0</i>	<i>00</i>	<i>2</i>	<i>25</i>	<i>2</i>	<i>25</i>

FOR RECORD

W. R. Stuart

TOTAL \$ *1*

Judge of Probate.

THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

JIMMY FAULKNER
AND
BILL STEWART
PUBLISHERS

BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn that he is the EDITOR of THE BALDWIN TIMES, a Weekly at Bay Minette, Baldwin County, Alabama; that the notice

August Carlson U.S.
all of Block 5 Town of Silverhill

COST STATEMENT

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

was published in said newspaper for *4* consecutive weeks in

Date of 1st publication *Dec. 5*, 1957

Date of 2nd publication *Dec 12*, 1957

Date of 3rd publication *Dec 19*, 1957

Date of 4th publication *Dec 24*, 1957

Subscribed and sworn before the undersigned this *27* day

Danley Muth

Notary Public, Baldwin County.

heirs, devisees, personal representatives and assigns of such of them as are deceased, claim or are reputed to claim some title to, interest in claim, lien or encumbrance upon the following described lands:

All of Block 5, in the Town of Silverhill, Alabama, as per official plat thereof recorded in Baldwin County Probate Records in Miscellaneous Book 1 at page 59.

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

And it appearing from the bill of complaint, the same being verified, that the ages, names and places of residence and post office addresses of the defendants, Isidore J. Schiller and Amanda Johnson, if alive, or if deceased, the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, are unknown and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and the names, ages and places of residence and post office addresses cannot be ascertained, it is therefore ordered, adjudged and decreed that notice of the pendency of said suit be given to the defendants, Isidore J. Schiller and Amanda Johnson, if alive, or if deceased, the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette, Baldwin County, Alabama.

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

ALICE BUCK,
Register.

J. Connor Owens, Jr.,
Solicitor for Complainant.

Legal Notice

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

August Carlson, Complainant vs. All of Block 5, Town of Silverhill, Alabama, as per official plat thereof recorded in Baldwin County Probate Records in Miscellaneous Book 1 at page 59, and against the following named persons: Isidore J. Schiller and Amanda Johnson, if living, or if deceased against the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased; and any and all other persons, firms, associations or corporations claiming any title or interest in claim, lien or encumbrance on said lands or any part thereof. Defendants.

Whereas, August Carlson has filed his bill of complaint on the 2nd day of December, in this Court on the Equity Side claiming to be in actual peaceable possession, owning and claiming to own those certain lands, lying and being situated in the County of Baldwin, State of Alabama, described as follows, to wit:

All of Block 5, in the Town of Silverhill, Alabama, as per official plat thereof recorded in Baldwin County Probate Records in Miscellaneous Book 1 at page 59.

Complainant claims in his bill of complaint to hold title to the aforesaid lands by purchase from State Land Commissioner of State of Alabama by deed dated August 9, 1939, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama in Deed Book 7 at pages 273-274 on the 1st day of September, 1939 and said lands were acquired by the State of Alabama by sale for delinquent taxes on the 15th day of August, 1935, under the assessment to one I. J. Schiller; that the title to said lands and on the re-