

4/188

H. W. GRAHAM,	¶	IN THE CIRCUIT COURT OF
Complainant	¶	BALDWIN COUNTY, ALABAMA
versus	¶	IN EQUITY

CYRUS SIBLEY, L. A. McCLESKY,
 EMILY LEE McCLESKY, MARY L. LEE,
 HENRY D. FROLICHSTEIN, MINNA
 FROLICHSTEIN, BRIDGET McDERMOTT,
 M. M. McDERMOTT or M. M. McDERMONT,
 if living, or their heirs and de-
 visees, if deceased, and the fol-
 lowing described property situated
 in Baldwin County, Alabama, to-wit:

Beginning at the Northeast Corner
 of Block No. 8, according to the
 plat of Montrose as recorded in
 Deed Book "E", Page 388, of the
 Baldwin County Probate Records, at
 the intersection of Gabel Street
 and Second Street, as per plat;
 thence run South 76° 0' West, 377.12
 feet to a corner on the Eastern side
 of the old County Road formerly running
 North and South through said Block 8;
 thence run South 14° 0' East, 312.84
 feet to a corner; thence run North 76°
 0' East, 377.12 feet to a corner; thence
 run North 14° 0' West, 312.84 feet to
 the beginning corner;

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 19 day of February,
 1958, is submitted for final decree upon Complainant's verified
 Bill of Complaint and upon the decree pro confesso rendered there-
 in, and the answer of the Guardian Ad Litem, and the testimony of
 H. W. Graham and J. H. Arnold, 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 Complainant, H. W. Graham, at the time of filing
 his Bill of Complaint in this cause, claimed in his own right a
 fee simple title to, and was, in actual, peaceful possession of
 the following described lands lying and being situated in the
 County of Baldwin, State of Alabama, and more particularly des-
 cribed as follows:

Beginning at the Northeast Corner of Block No. 8, according to the plat of Montrose as recorded in Deed Book "E", Page 388, of the Baldwin County Probate Records, at the intersection of Gabel Street and Second Street, as per plat; thence run South $76^{\circ} 0'$ West, 377.12 feet to a corner on the Eastern side of the old County Road formerly running North and South through said Block 8; thence run South $14^{\circ} 0'$ East, 312.84 feet to a corner; thence run North $76^{\circ} 0'$ East, 377.12 feet to a corner; thence run North $14^{\circ} 0'$ West, 312.84 feet to the beginning corner.

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

3. That his 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 up 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 Complainant 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 a 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 Complainant has established, as shown by legal evidence, that he is the owner in fee simple title of the said lands.

11. That all the allegations of fact contained in the Complainant's Bill of Complaint are true.

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

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Complainant is the owner of said lands and has 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 name of H. W. GRAHAM in both the Direct Index and the Indirect Index of the Records thereof.

DONE this the 19th day of February, 1958.


CIRCUIT JUDGE

H. W. Graham, Complainant

vs.

Cyrus Sibley, et al, Respondents

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,
Testimony of W. H. Graham and J. H. Arnold

and in behalf of Defendant upon Publication and Decree Pro Confesso

Ernest M. Bailey
Ernest M. Bailey, Solicitor for Complainant

Alice J. Duck
Register.

No.-----

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

H. W. GRAHAM, COMPLAINANT

VS.

CYRUS SIBLEY, ET AL,

RESPONDENTS

Note of Testimony

Filed in Open Court this 19-----

day of February-----, 1955

Alice J. Duck
Register.

H. W. GRAHAM,
Complainant
versus

CYRUS SIBLEY, et al,
and certain lands,
Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TESTIMONY OF COMPLAINANT, H.W.GRAHAM

My name is H. W. Graham. I am a resident of Baldwin County, Alabama and am over the age of twenty-one years.

I am the Complainant in these proceedings to quiet title to the property described in the Bill of Complaint. I acquired title to the property set forth and described in Paragraph 3 of the Bill of Complaint by deed of conveyance from the State of Alabama Number 11843 on the 12th day of June, 1946. The property had previously been sold for taxes to the State of Alabama the 9th day of May, 1932 for State and County taxes due from the estate of M. M. McDermont. I had filed an application to purchase the property from the State of Alabama on October 2, 1944.

On acquiring title to the property, I immediately went into possession of the same, have had it cleared and surveyed. I have been in continuous, open and notorious possession of the premises to the present date. Since going into possession, I have continuously paid taxes and assessed the property in my name.

I know of no other person than those named in the Bill of Complaint who may have a claim in or to the described property. I have paid taxes on the property for more than ten years prior to this date. I do not know the addresses or residences of those individuals named in the Bill of Complaint and have been unable after diligent effort to obtain the addresses of those parties.

I claim in my own right the fee simple title to the described real estate, and I know of no suit pending contesting the title or any claim, lien or encumbrance upon the property.


H. W. GRAHAM

TESTIMONY OF H. W. GRAHAM, Continued

CROSS EXAMINATION BY GUARDIAN AD LITEM,
JOHN V. DUCK

Q. Mr. Graham, you have paid taxes on the property since you acquired title to the property?

A. Yes

Q. Do you know of any person or persons making adverse claim on this property?

A. No

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

A. Yes



H. W. GRAHAM

Sworn to and subscribed before me this the 18th day of February,
1958.



COMMISSIONER

H. W. GRAHAM,

Complainant

versus

CYRUS SIBLEY, et al,
and certain lands,

Respondent

Q

Q

Q

Q

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TESTIMONY OF MR. J. H. ARNOLD

My name is J. H. Arnold. I am over the age of twenty-one years and am a licensed abstractor, doing business in Fairhope, Alabama. I have known the property described in the Bill of Complaint for approximately twenty-five years.

I know the property as being formerly owned by the McDermott family. The property was sold for taxes to the State of Alabama in June of 1932 and a tax deed was issued to H. W. Graham, the Complainant in these proceedings, in June of 1946. I know of my own personal knowledge that the Complainant went into possession of the premises and had it surveyed and has been in open, notorious and continuous possession of the property since the date of his acquisition. I also know that H. W. Graham has assessed the property and paid the taxes thereon since June 1946 and also know that he paid taxes that were due on the property from the time of the sale to the State of Alabama.

I know of no party claiming title adversely to the Complainant.

J. H. Arnold

J. H. ARNOLD

CROSS EXAMINATION BY GUARDIAN AD LITEM, JOHN V. DUCK

- Q. Do you know of any individual or corporation who claims an interest in or to the property described in the Bill of Complaint?
A. No.
Q. In your opinion, has the Complainant been in open, notorious and adverse possession of the property since acquiring title from the State of Alabama in 1946?
A. Yes.

J. H. Arnold

J. H. ARNOLD

Sworn to and subscribed before me this 14th day of February, 1958.

Nolan Bailey

COMMISSIONER

H. W. GRAHAM,
Complainant
versus

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

BOOK 263 PAGE 231

CYRUS SIBLEY, L. A. McCLESKY,
EMILY LEE McCLESKY, MARY L. LEE,
HENRY D. FROLICHSTEIN, MINNA
FROLICHSTEIN, BRIDGET McDERMOTT,
M. M. McDERMOTT or M. M. McDERMONT,
if living, or their heirs and de-
visees, if deceased, and the fol-
lowing described property situated
in Baldwin County, Alabama, to-wit:

Beginning at the Northeast Corner
of Block No. 8, according to the
plat of Montrose as recorded in
Deed Book "E", Page 388, of the
Baldwin County Probate Records, at
the intersection of Gabel Street
and Second Street, as per plat;
thence run South 76° 0' West, 377.12
feet to a corner on the Eastern side
of the old County Road formerly running
North and South through said Block 8;
thence run South 14° 0' East, 312.84
feet to a corner; thence run North 76°
0' East, 377.12 feet to a corner; thence
run North 14° 0' West, 312.84 feet to
the beginning corner;

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 19th day of February
1958, is submitted for final decree upon Complainant's verified
Bill of Complaint and upon the decree pro confesso rendered there-
in, and the answer of the Guardian Ad Litem, and the testimony of
H. W. Graham and J. H. Arnold, 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 Complainant, H. W. Graham, at the time of filing
his Bill of Complaint in this cause, claimed in his own right a
fee simple title to, and was, in actual, peaceful possession of
the following described lands lying and being situated in the
County of Baldwin, State of Alabama, and more particularly des-
cribed as follows:

STATE OF ALABAMA, BALDWIN COUNTY

Filed 3-3-58 3:30 P.M.

Recorded lead book 263 page 231-S

MR. D. T. ...
Judge of Probate

Beginning at the Northeast Corner of Block No. 8, according to the plat of Montrose as recorded in Deed Book "E", Page 388, of the Baldwin County Probate Records, at the intersection of Gabel Street and Second Street, as per plat; thence run South $76^{\circ} 0'$ West, 377.12 feet to a corner on the Eastern side of the old County Road formerly running North and South through said Block 8; thence run South $14^{\circ} 0'$ East, 312.84 feet to a corner; thence run North $76^{\circ} 0'$ East, 377.12 feet to a corner; thence run North $14^{\circ} 0'$ West, 312.84 feet to the beginning corner.

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

3. That his 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 up 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 Complainant 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 a 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 Complainant has established, as shown by legal evidence, that he is the owner in fee simple title of the said lands.

11. That all the allegations of fact contained in the Complainant's Bill of Complaint are true.

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

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

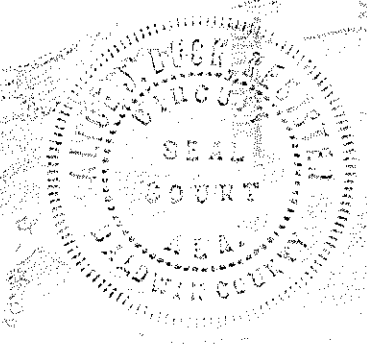
It is further ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this Decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, and that it be indexed in the name of H. W. GRAHAM in both the Direct Index and the Indirect Index of the Records thereof.

DONE this the 15th day of February, 1958.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and on record in my office.
WITNESS MY HAND AND SEAL THIS THE 25th day of Feb. 1958

Hubert M. Hall
CIRCUIT JUDGE

Alice J. Duck
Register of Circuit Court, in Equity



RECORDED IN THE OFFICE OF THE REGISTER OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

FEB 25 1958

Alice J. Duck

BOOK 503 PAGE 533

10. That the Complaint was established, as shown by legal evidence, that he is the owner in fee simple title of the said lands.

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

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

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Complainant is the owner of said lands and has 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 name of H. W. GILMAN in both the Direct Index and the Inverse Index of the Records thereof.

Hubert M. Hall
 Hubert M. Hall
 Circuit Judge

Alvin Buck

243-291-5

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 IN EQUITY

Complainant
 Respondents

W. S. GILMAN,
 et al,
 and certain lands,
 versus
 H. W. GILMAN,
 et al,
 et al.

9-14-58

WITNESS MY HAND AND SEAL OF OFFICE
 THIS 14th DAY OF SEPTEMBER 1958

CLERK OF THE CIRCUIT COURT

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, at such time and place as you may appoint, to call before you and examine H. W. Graham and J. H. Arnold

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein H. W. Graham

Complainant

and Cyrus Sibley, et al,

Respondent S

on oath, to be by you administered, upon H. W. Graham and J. H. Arnold 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 18th day of February, 19 58

Alice J. Duck
Register

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 4158

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

H. W. GRAHAM, COMPLAINANT

Complainant—

VS.

CYRUS SIBLEY, ET AL,

Defendant—

FILED

NO 18 1958

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

HELEN BAILEY

WITNESSES:

H. W. GRAHAM

J. H. ARNOLD

The State of Alabama,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY

No. _____ Term, 19____

H. W. GRAHAM

Complainant

CYRUS SIBLEY, et al

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 28 day of December, 1917, in the Fairhope Courier a newspaper published in Fairhope, Baldwin Co., Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 21 day of November, 1917, and for four consecutive weeks thereafter

And it now further appearing to the Register Alice J. Duck, that the said Cyrus Sibley, L. A. McClesky, Emily Eee McClesky, Mary L. Lee, Henry D. Frolichstein, Minna Frolichstein, Bridget McDermott, M. M. McDermott or M. M. McDermont, or no other person

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 Cyrus Sibley and other parties named above

This 18th day of February, 1918

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Alice J. Duck

Register.

No. 4188 Page _____

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

H. W. GRAHAM

Complainant

Vs.

CYRUS SIBLEY, et al,

Defendants

Decree Pro Confesso of Publication

Issued _____ 19____

Feb 18 1958

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

H. W. GRAHAM,
Complainant

versus

CYRUS SIBLEY, ET AL,
AND CERTAIN LANDS,
Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

APPOINTMENT OF GUARDIAN AD LITEM

In this cause it is made to appear to the Register by the Complainant, H. W. Graham, that the Defendants may be unknown minors, insane parties or parties in the military services; and it further appearing that John 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 Duck, having filed his consent in writing to act as such;

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

Witness my hand this the 7 day of January, 1958.

Beice J. Duck
REGISTER

CONSENT TO ACT

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

Witness my hand this the 7th day of January, 1958.

John V. Duck

APPOINTMENT OF GUARDIAN AD LITEM

AND

CONSENT TO ACT

H. W. GRAHAM, COMPLAINANT

VERSUS

CYRUS SIBLEY, ET AL, AND

CERTAIN LANDS, RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

JAN 4 1958

WILLIE J. BURN, CLERK

H. W. GRAHAM,
COMPLAINANT
VERSUS

CYRUS SIBLEY, ET AL,
AND CERTAIN LANDS,
RESPONDENTS

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Ø
Ø

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER OF GUARDIAN AD LITEM

Come 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 D. Dick, and for answer to the Bill of Complaint filed in the above mentioned cause, denies each and every allegation of said Bill and demands strict proof.

John D. Dick

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 Complainant, by delivery, on this 7th day of January, 1958.

filed Jan. 7, 1958
Alice J. Luck
Register

John D. Dick

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

ANSWER OF GUARDIAN AD LITEM

H. W. GRAHAM,
COMPLAINANT

VERSUS

CYRUS SIBLEY, ET AL, AND
CERTAIN LANDS,
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

JAN 7 1958

JOHN L. BIRK. *RB*

to a corner; thence run North 14° 0' West 312.84 feet to the beginning corner.

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 Complainant claims title to said lands under and by virtue of a deed of conveyance No. 11843 from the State of Alabama, which deed is recorded in Deed Book 109 at Page 7 of the Probate Records of Baldwin County, Alabama. The Complainant alleges that he knows of no one who has paid taxes on said lands, or who has 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 Complainant and his 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, verified 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 the 25th day of November, 1957 at my office.
25th

/s/ Alice J. Duck
ALICE J. DUCK, REGISTER

Ernest M. Bailey
Attorney for Complainant

[Signature]

STATE OF ALABAMA, BALDWIN COUNTY
Filed 12-17-57 11:30 A.M.
Recorded Lia Pond book 4 page 397-8
W. H. Stewart
Judge of Probate *[Signature]*

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11-25-07

H. W. Graham

ss
2007

Cyrus Sibley

L. A. McBesky

Kimly Lee

Mary L. Lee

Henry D. Frolickstein

Minna

Bridget McDermott

Minna

Minna McDermott

H-397-8

R-200

Mo. Duck

NOTICE

H. W. GRAHAM,
Complainant

versus

CYRUS SIBLEY, ET AL,
AND CERTAIN LANDS,
Respondents

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

he does 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 his predecessors in title.

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

Beginning at the Northeast corner of Block No. 8, according to the plat of Montrose as recorded in Deed Book "E", Page 388, of the Baldwin County Probate Records, at the intersection of Gabel Street and Second Street, as per plat; thence run South $76^{\circ} 0'$ West, 377.12 feet to a corner on the Eastern side of the old County Road formerly running North and South through said Block 8; thence run South $14^{\circ} 0'$ East, 312.84 feet to a corner; thence run North $76^{\circ} 0'$ East, 377.12 feet to a corner; thence run North $14^{\circ} 0'$ West, 312.84 feet to the beginning corner.

4. Complainant claims in his own right the entire fee simple title in and to the above described real estate, and in support of such fee simple title, he avers that the property was purchased for a valuable consideration from the State of Alabama on the 12th day of June, 1946, as evidenced by a deed of conveyance executed by the State Land Commissioner, H. G. Dowling, in favor of the Complainant as shown by the records in the Office of the Judge of Probate of Baldwin County, Alabama in Deed Book 109 at Page 7.

5. Complainant is now and has been, and his predecessor in title has 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 Complainant or his predecessors in title have assessed or paid taxes on the said property.

6. Complainant further avers that there is no suit pending contesting the title to said real estate or his interest in or right of possession of the same.

The premises considered, the Complainants file this his verified Bill of Complaint against the lands hereinabove described and against Cyrus Sibley, L. A. McClesky, Emily Lee McClesky, Mary L. Lee, Henry D. Frolichstein, Minna Frolichstein, Bridget McDermott, M. M. McDermott or M. M. McDermont, if living, or against their

heirs or devisees, if deceased, and against all other persons claiming any interest in, title to, lien or encumbrances upon said property or any part thereof, for the purpose of establishing Complainant's right of title to said land, and to clear up all doubts or disputes concerning the same, and Complainant further prays 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 Complainant further prays that notice be filed in the Lis Pendens records of 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. Complainant further prays 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. Complainant further prays 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 Complainant is the owner in fee simple title in and to all of the real estate hereinabove described. Complainant further prays that if he is 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.

Cornel M. Bailey

 ATTORNEY FOR COMPLAINANT

STATE OF ALABAMA)
)
 BALDWIN COUNTY)

Before me, the undersigned notary public in and for the State of Alabama at Large, personally appeared H. W. Graham, who, being by me first duly sworn, deposes and says that the facts alleged in the foregoing instrument are true.

H. W. Graham

 H. W. GRAHAM

Sworn and subscribed before me this the 25th day of November,

1957. *filed 11-25-57*
Allice J. Luck, Registrar, *Cornel M. Bailey*

 NOTARY PUBLIC, STATE OF ALABAMA AT LARGE

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

H. W. GRAHAM _____ Complainant_____

Vs.

CYRUS SIBLEY, et al _____ Defendant^S_____

~~Motion is hereby made for a Decree Pro Confesso against Cyrus Sibley, et al,~~

~~(All defendants named in the Bill of Complaint) Defendant^S~~

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of the 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 18 day of February 19 58

746 Code

[Signature]
Solicitor

No. 4188 Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

H. W. GRAHAM

Complainant _____

Vs.

CYRUS SIBLEY, et al,

Defendant _____

Motion for Decree Pro Confesso
on Publication

Filed _____ 19 _____

FEB 18 1958

J. DUCK, Register Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

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Mrs. Alice J. Duck, Register

Bay Minette

Alabama

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H. W. Graham vs Cyrus Sibley, et al

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ALICE J. DUCK, Register