

3417

ANDREW DRUTTENTHANER,
Complainant,
VS.
THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree on behalf of the Complainant upon the original verified Bill of Complaint; order designating newspaper in which Notice of Pendency of Bill of Complaint shall be published; Notice of Pendency of Bill of Complaint; Proof of Publication of Notice of Pendency of Bill of Complaint; Register's Certificate as to service; Motion for Decree Pro Confesso; Decree Pro Confesso; Motion of Complainant for an order or decree setting cause for hearing, appointing a guardian ad litem to represent unknown minors and persons of unsound mind interested in this proceeding, and an attorney to represent any unknown parties interested in this proceeding which may be in the military service of the United States; Decree dated February 16th, 1955, setting this cause for hearing on this date, appointing Wilson Hager as guardian ad litem to represent any unknown minor and persons of unsound mind interested in this proceeding, and as attorney to represent any person interested in this proceeding who may be in the military service of the United States, and ordering that the testimony of the witness for the Complainant be taken in open court and transcribed in the manner provided by Equity Rule 56, as amended; Notice of Appointment of Guardian Ad Litem and Attorney to Represent Parties in Military Service and Acceptance of such Appointment; Answer of Guardian ad litem and Attorney for unknown Parties Interested in this Proceeding Who May Be in the Military Service of the United States; Testimony of Frank Neiden, a witness for the Complainant, taken in open court in the manner provided by Equity Rule 56, as amended; and Exhibits numbered one and two to testimony of Complainant's witness, all of which has been noted by the Register

upon consideration of all of which it appears to the court that all persons, firms or corporations named in the Bill of Complaint filed in this cause have permitted a decree pro confesso to be taken against them; that the allegations of the said Bill of Complaint are true and that the Complainant is entitled to a decree quieting title to the lands described in the said Bill of Complaint, upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. That the Complainant, Andrew Druttenthaner, is the lawful owner in fee simple of the following described land situated in Baldwin County, Alabama, to-wit:

East Half of Northeast Quarter of Southeast Quarter of Section 19, Township 8 South, Range 4 East, being otherwise known as Lots 32 and 33 of Oak River View, according to the official map or plat thereof which is recorded in Map Book 1, page 40, Baldwin County, Alabama Records.

That the absolute fee simple title to the said lands and each and every part thereof and all interest therein is in the Complainant, Andrew Druttenthaner, free and clear of and from the claim or claims of all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, or any interest therein; that the said Complainant has and is hereby given judgment against the said lands and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof.

2. The Complainant's title to the said lands is hereby quieted against Farmers and Merchants Bank of Foley, Alabama, a corporation; Edna C. Thiem, as successor trustee, and Sunny South Developing Company, Inc., a corporation, its unknown officers, directors and stockholders; and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, and all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

3. The Register of this court shall, within thirty days from the rendition of this decree file a certified copy hereof in the


office of the Judge of Probate of Baldwin County, Alabama, for record therein and tax the cost of such recording as a part of the costs in this proceeding.

4. The Judge of Probate of Baldwin County, Alabama, shall record the said certified copy of this decree in the same book and manner in which deeds are recorded, and shall index the same in the direct index in the names of Farmers and Merchants Bank of Foley, Alabama, a Corporation; Edna C. Thiem, as successor trustee, and Sunn South Developing Company, Inc., a Corporation, and shall index the same in the indirect or reverse index of said records in the name of Andrew Druttenthaner.

5. The title hereby judged and decreed to be in the said Complainant, Andrew Druttenthaner, shall inure to the benefit of all persons who derive title to the said lands, or any part thereof, or any interest therein, from or through the said Complainant, and such title or interest shall be at all times treated and considered as though it had been established in favor of the person or persons so procuring or deriving title from the said Complainant.

6. The costs of this proceeding are hereby taxed against the Complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 18th day of February, 1955.


Judge.

ANDREW DRUTTENTHANER,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree on behalf of the Complainant upon the original verified Bill of Complaint; order designating newspaper in which Notice of Pendency of Bill of Complaint shall be published; Notice of Pendency of Bill of Complaint; Proof of Publication of Notice of Pendency of Bill of Complaint; Register's Certificate as to service; Motion for Decree Pro Confesso; Decree Pro Confesso; Motion of Complainant for an order or decree setting cause for hearing, appointing a guardian ad litem to represent unknown minors and persons of unsound mind interested in this proceeding, and an attorney to represent any unknown parties interested in this proceeding which may be in the military service of the United States; Decree dated February 16th, 1955, setting this cause for hearing on this date, appointing Wilson Hayes as guardian ad litem to represent any unknown minor and persons of unsound mind interested in this proceeding, and as attorney to represent any person interested in this proceeding who may be in the military service of the United States, and ordering that the testimony of the witness for the Complainant be taken in open court and transcribed in the manner provided by Equity Rule 56, as amended; Notice of Appointment of Guardian Ad Litem and Attorney to Represent Parties in Military Service and Acceptance of such Appointment; Answer of Guardian ad litem and Attorney for unknown Parties Interested in this Proceeding Who May Be in the Military Service of the United States; Testimony of Frank Neider, a witness for the Complainant, taken in open court in the manner provided by Equity Rule 56, as amended; and Exhibits numbered one and two to testimony of Complainant's witness, all of which has been noted by the Register.

NOTICE OF PENDENCY OF BILL OF COMPLAINT

ANDREW DRUTTENTHANER,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Notice is hereby given to each and all of the Respondents named below and to all persons, firms or corporations claiming any right, title or interest in, lien or encumbrance on the lands hereinafter described, or any part thereof, that Andrew Druttenthaner, did, on the 8th day of December, 1954, file in the Circuit Court of Baldwin County, Alabama, in Equity, a verified Bill of Complaint against the following described real property situated in Baldwin County, Alabama, to-wit:

East Half of Northeast Quarter of Southeast Quarter of Section 19, Township 8 South, Range 4 East, being otherwise known as Lots 32 and 33 of Oak River View, according to the official map or plat thereof which is recorded in Map Book 1, page 40, Baldwin County, Alabama Records.

and against the Farmers and Merchants Bank of Foley, Alabama, a corporation; Edna C. Thiem, as successor trustee, under deed of trust dated August 1, 1921, recorded in Mortgage Book 25, pages 596-9 and deed of trust dated April 1, 1922, recorded in Mortgage Book 27, pages 144-160, Baldwin County, Alabama Records and Sunny South Developing Company, Inc., a corporation, its unknown officers, directors and stockholders and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof.

The address of the above named Farmers and Merchants Bank of Foley, Alabama, a corporation, is Foley, Alabama. The address of the Respondent, Edna C. Thiem, is Foley, Alabama. The address of the Sunny South Developing Company, Inc., a corporation, is unknown and cannot be ascertain after reasonable efforts and the making of diligent inquiry to ascertain the same.

BOOK 001 PAGE 139

BOOK 104 PAGE 170
The said Bill of Complaint has been filed for the purpose of establishing the title of the said Complain^{ant} to all of the said lands for the purpose of quieting his title thereto and clearing up all doubts and disputes concerning the title to the said property.

Complainant claims the absolute fee simple title to all of the said lands under, from, by and through the following conveyance:

Deed from Rose Diss, et al, to Andrew Druttenthaner, dated January 6, 1953, and recorded in Deed Book 195 N. S., pages 289-91.

The Complainant, in and by his said Bill of Complaint, alleges and avers that he owns the said lands in his own right, absolutely and in fee simple; that he is in the actual peaceable possession of the said lands under claim of ownership; that the title to the said lands stands upon the records in the office of the Judge of Probate of Baldwin County, Alabama, the county wherein the said lands are situated, in the name of the Complainant; that no suit is pending to test Complainant's title to, interest in or right to possession of the said lands or any part thereof; that Complainant and those through whom he claims title have held color of title to and have regularly assessed and paid taxes on the said lands and each and every part thereof for twenty or more consecutive years next prior to the filing of the Bill of Complaint; and that no persons, firms or corporations, other than the Complainant and those through whom he claims title to the said lands, have paid any taxes on the said lands or part thereof or any interest therein, and no persons, firms or corporations other than the Complainant and those through whom he claims title have had possession of the said lands or any part thereof, within twenty years next prior to the filing of the said Bill of Complaint.

The Respondents named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, must appear in this court and plead, answer or demur to the said Bill of Complaint before the

15th day of January, 1955, or at the expiration of 30 days from the said date a decree pro confesso will be taken against them, testimony will be thereafter taken and the said cause submitted for a final decree quieting Complainant's title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand as Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the seal of the said court on this the 8th day of December, 1954.

Alice J. Duck

ALICE J. DUCK,
As Register of the Circuit Court
of Baldwin County, Alabama, in
Equity.

J. B. BLACKBURN,
Solicitors for Complainant.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 12-8-54 2P M

Recorded Lis. Prod book 4 page 139-41

W. P. Stuart
Judge of Probate ES

Andrew Druttenthaner,
Complainant,
VS. C
CERTAIN LANDS,
RESPONDENT.

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

MR. JAMES R. OWEN, REPRESENTING COMPLAINANT.

FRANK NEIDER, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY
SWORN, TESTIFIED,

- Q. State your name and address, please?
- A. Frank Neider, Post Office Box 4035, Warrington, Florida.
- Q. Mr. Neider, do you know the Complainant in this cause, Andrew Druttenthaner?
- A. Yes, he is my half brother.
- Q. Are you familiar with the property described in this bill of complaint here?
- A. Yes I am familiar with it.
- Q. How long have you known this property, Mr. Neider?
- A. About 30 years.
- Q. Is Andrew Druttenthaner over the age of 21 years and a resident of Hamilton County, Ohio?
- A. At the present time he is about 55 years of age, and a resident of Hamilton County, Ohio.
- Q. Are you acquainted with the Corporation known as the Farmers & Merchants Bank of Foley, Alabama?
- A. Yes, sir.
- Q. Where is their place of business?
- A. Foley, Alabama.

Q. Do you know Edna Thiem , one of the Respondents?

A. Yes, sir.

Q. Is she over 21 years of age?

A. Yes, sir.

Q. Where does she live?

A. At the end of Kelly Road, near Bon Secour.

Q. Are you familiar with Sunny South Development Company, Inc., who formerly did business here?

A. I was familiar with it through talking with my father; that's how I got familiar with the Company.

Q. Are they now engaged in business in Baldwin County, Alabama.

A. No, they are bankrupt, so far as I know.

Q. Do you know any of the officers and directors of this Corporation?

A. I knew Mr. Kelly.

Q. Do you know any at the present time?

A. No, sir.

Q. Do they have any known agent in the State of Alabama that you know ?

A. No, I don't know of any.

Q. Does Mr. Druttenthaner claim this property described in the bill of complaint as his own - in his own right, and is he actually in the peaceable possession of the property?

A. Yes, sir.

Q. Just tell the Court what his possession consists of?

A. --

Q. Is the property under fence, or is there a dwelling house on it, or anything like that?

A. The property is under fence, and has a dwelling house on it, and has been since 1920.

Q. Is any one living in the dwelling house?

A. Mr. Davis.

Q. Does he pay rent on that property to Mr. Druttenthaner?

A. Yes, sir, he pays rent.

- Q. How long has he lived there?
- A. He moved there in '42.
- Q. Has he lived there since that time?
- A. Yes, sir.
- Q. Who lived in the house previous to 1942 - before Mr. Davis/?
- A. I did, with my wife.
- Q. When did you move on the place?
- A. Five years prior to '42.
- Q. That would be around 1937?
- A. Yes, sir, or '38.
- Q. Who lived on the place before that?
- A. My mother -- Well I could put it this way: From 1920 to 1936, my father and mother lived on the place, and my father died in 1936 and then my mother lived there until about 1937 and then Mr. Jones lived in the house and then I took over.
- Q. The Mr. Jones that was living there, was he there as a tenant of your mother, is that right?
- A. That's correct.
- Q. Then no person, firm or corporation other than the Complainant and those through whom he claims title have had any possession of the property since 1920?
- A. No; no one but Mr. Druttenthaner.
- Q. Is there any other suit pending at the present time to test Mr. Druttenthaner's claim or interest, or possession of and to this property or any part of it?
- A. No, to my knowledge there is not.
- Q. Mr. Druttenthaner claims to have an absolute fee simple title to all of this property, does he not?
- A. Yes, sir, he does.
- Q. Do you know of your own knowledge just what kind of search Mr. Druttenthaner has made to ascertain the names and addresses of any parties interested in this piece of property or ascertain if any other person, firm or corporation was making any claim to this property?
- A. We checked the record book in the Court house and to our know-

ledge no body has ever made a claim to it.

Q. You discussed it with people living in and around this property?

A. Correct.

Q/ Do you know whether or not Mr. Druttenthaner had an abstract made of this property?

A. Yes, sir.

Q. Did he employ an Attorney to examine that abstract and search the records?

A/ Yes sir.

Q. Who was that Attorney?

A/ Mr. J. B. Blackburn.

Q. All of the names and addresses that you all found - you and Mr. Druttenthaner and Mr. Blackburn - all of the information that you gathered is set out in this Complaint, is that right?

A. That is right.

MR. OWEN: I would like to introduce in evidence, as Complainant's Exhibit 1, certified copy of patent from U. S. A. to George W. Walker, which describes the property involved in this case.

I would also like to introduce the original deed, with the right to substitute a copy thereof, from Rose Diss, et al. to Andrew Druttenthaner, which is dated January 6, 1953, and recorded in Deed Book 195, page 289-291 Baldwin County, Alabama records, as Complainant's exhibit 2.

ON CROSS EXAMINATION OF THIS WITNESS HE TESTIFIED:

Examination by Mr. Hayes.

Q. Who did Mr. Davis pay rent to?

A. Andrew Druttenthaner; he sent the money up there every month.

Q. Did Mr. Jones who you said rented the property pay rent?

A. He paid rent to my mother.

Q. Has the possession taken by Mr. Druttenthaner and those holding before them - has it been adverse against all persons?

A. What do you mean?

A. Has he intended to claim that land against anybody that might come in and claim it?

A. That is correct.

Q. Has anybody ever come in and claimed it against him?

A. Never no claim since we've been there.

ON RE-DIRECT EXAMINATION OF THIS WITNESS BY MR. OWEN:

Q. For the past 20 years, who has paid the taxes on this property?

A. Well my father up to the time of his death and my mother and then Andrew Druttenthaner up to the present time.

Q. For the last 20 years no one but Andrew Druttenthaner and those through whom he claims have paid any taxes on this property?

A. Nobody but the Druttenthaner family, from 1920 to the present time.

I hereby certify that the foregoing is a true and correct transcript of the testimony taken by me in the above styled cause, before Hon. Hubert M. Hall, Judge of said Court on the 18 day of February, 1955, in open Court.

This 25th day of February, 1955.

Lance D. Dusenbury
Court Reporter

The United States of America, to all to whom these presents shall come, Greeting:
Whereas, in pursuance of the Act of Congress approved March 3, 1855, entitled "An
Act in addition to certain Acts granting Bounty Land to certain Officers and Soldiers
who have been engaged in the military service of the United States," there has been as-
signed in the General Land Office, Warrant No. 41,961 for 160 acres in favor of George
W. Walker who served in the name of George Walker, Private, Captain Henry's Company
Louisiana Militia, War 1812 with evidence that the same has been duly located upon
the Northeast quarter of the Southeast quarter of Section Nineteen, the North half
of the Southwest quarter and the Northwest quarter of the Southeast quarter of Sec-
tion twenty in Township Eight South of Range Four East, in the District of Lands,
subject to sale at St Stephens, Alabama, containing One hundred and sixty acres and
thirty hundredths of an acre
according to the Official Plat of the Survey of said Lands returned to the General
Land Office by the Surveyor General the said Warrant having been assigned by the said
George W. Walker to Franklin I. McCoy and Isaac H. Benners in whose favor said tract has
been located.

Now know Ye, That there is therefore granted by the United States unto the said Franklin I. McCoy and Isaac H. Benners as assignees as aforesaid and to their heirs the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances thereof, unto the said Franklin I. McCoy and Isaac H. Benners as assignees as aforesaid and to their heirs and assigns forever.

In testimony whereof, I, James Buchanan President of the United States of America, have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the fifteenth day of August in the year of our Lord one thousand eight hundred and sixty, and of the Independence of the United States the Eighty-fifth.
(L.S.)

By the President: James Buchanan
J A B Leonard Sec'y.
J N Granger Recorder of the General
Land Office.

Department of the Interior,
General Land Office,
Washington, D.C. Apr 13 1922.

I hereby certify that this photograph is a true copy of the patent record which is in my custody in this office.

(Seal)

Washington, D.C. Apr 13 1922.

M. P. Leroy, Recorder.

Filed for record Apr 15th 1922 at 3:45 PM
Recorded Apr. 21st 1922.

Jas M Voltz, Judge of Probate.

[illegible]

THE STATE OF ALABAMA,
Baldwin County

PROBATE COURT

I, W. R. STUART, Judge of the Probate Court in and for said State and County, hereby certify

that the within and foregoing One photostatic pages

contain a full, true and complete copy of the Patent from United States of America
to Franklin I. McCoy, et al

as the same appears of record in my office in Deed Book No. 31

Page 673.

Given under my hand and seal of office, this 15th day of February, 1955.

W. R. Stuart
Judge of Probate.

ANDREW DRUTTENTHANER,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NOTE OF TESTIMONY

This cause is submitted for a final decree on behalf of the Complainant upon the following:

1. Original verified Bill of Complaint.
2. Order Designating Newspaper in Which Notice of Pendency of Bill of Complaint Shall Be Published.
3. Notice of Pendency of Bill of Complaint.
4. Proof of Publication of Notice of Pendency of Bill of Complaint.
5. Register's Certificate as to Service.
6. Motion for Decree Pro Confesso.
7. Decree Pro Confesso.
8. Motion of Complainant for an Order or Decree Setting Cause for Hearing, Appointing a Guardian Ad Litem to Represent Unknown Minors and Persons of Unsound Mind Interested in This Proceeding, and an Attorney to Represent any Unknown Parties Interested in This Proceeding Which May Be in the Military Service of the United States.
9. Decree dated February 16th, 1955, setting this cause for hearing on this date, appointing Wilson Hoyer as guardian ad litem to represent any unknown minor and persons of unsound mind interested in this proceeding, and as Attorney to represent any person interested in this proceeding who may be in the Military Service of the United States, and ordering that the testimony of the witnesses for the Complainant be taken in open court and transcribed in the manner provided by Equity Rule 56, as amended.
10. Notice of Appointment of Guardian ad litem and Attorney to Represent Parties in Military Service and Acceptance of such

Appointment.

11. Answer of Guardian ad litem and Attorney for unknown parties interested in this proceeding who may be in the Military Service of the United States.

12. Testimony of Frank Neider
a witness for the Complainant, taking in open court in the manner provided by Equity Rule 56, as amended.

13. Exhibits numbered one and two to testimony of Complainant's witness.

Dated this 18th day of February, 1955.

Reis J. J. J.
Register.

J. B. Bluelh
Solicitor for Complainant.

NOTE OF TESTAMONY

ANDREW DRUTTENTHANER,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
FEB 18 1955
ALICE J. DUCK, Register

ANDREW DRUTTENTHANER,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

DECREE

This cause coming on to be heard on this date is submitted on the written motion of the Complainant praying that a proper order be made or decree rendered setting this cause for hearing, that a guardian ad litem be appointed to represent any minor or person of unsound mind interested in this proceeding and that an attorney be appointed to represent any person interested in this proceeding who may be in the military service, and prescribing the method of taking testimony in this cause; upon consideration of all of which, it is therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. This said cause shall be and it is hereby set for hearing at 10:00 o'clock A. M. on the 18th day of February, 1955.

2. Wilson Hays, an attorney at law and solicitor in chancery, practicing in Baldwin County, Alabama, who is in all respects a fit and proper person to be appointed as guardian ad litem, shall be and he is hereby appointed as guardian ad litem to represent any minor or person of unsound mind interested in this proceeding.

3. Wilson Hays, an attorney at law and solicitor in chancery, practicing in Baldwin County, Alabama shall be and he is hereby appointed as attorney to represent any person interested in this proceeding who may be in the military service of the United States.

4. Testimony of the witnesses for complainant shall be taken orally in open court and transcribed in the manner provided by equity rule number 56 as amended.

ORDERED, ADJUDGED AND DECREED on this the 16 day of February, 1955.

Hubert M. Hall
Judge.

RECORDED

DECREE

ANDREW DRUTTENTHANER,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed 2-16-55

W. J. French
By

**NOTICE OF PENDENCY
OF BILL OF COMPLAINT**
In The Circuit Court Of
Baldwin County, Alabama
In Equity

ANDREW DRUTTENTHANER,
Complainant,

VS.

THE LANDS AND PARTIES
HEREINAFTER DESCRIBED,
Respondents.

Notice is hereby given to each and all of the Respondents named below and to all persons, firms or corporations claiming any right, title or interest in, lien or encumbrance on the lands hereinafter described, or any part thereof, that Andrew Druttenthaner, did, on the 8th day of December, 1954 file in the Circuit Court of Baldwin County, Alabama, in Equity, a verified Bill of Complaint against the following described property situated in Baldwin County, Alabama, to-wit:

East Half of Northeast Quarter of Southeast Quarter of Section 19, Township 8 South, Range 4 East, being otherwise known as Lots 32 and 33 of Oak River View, according to the official map or plat thereof which is recorded in Map Book 1, page 40, Baldwin County, Alabama Records, and against the Farmers and Merchants Bank of Foley, Alabama, a corporation; Edna C. Thiem, as successor trustee, under deed of trust dated August 1, 1921, recorded in Mortgage Book 25, pages 596-9 and deed of trust dated April 1, 1922, recorded in Mortgage Book 27, pages 144-160, Baldwin County, Alabama Records and Sunny South Developing Company, Inc., a corporation, its unknown officers, directors and stockholders and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof.

The address of the above named Farmers and Merchants Bank of Foley, Alabama, a corporation, is

at Foley, Baldwin County, Alabama, the county wherein the said lands are situated, in the name of the Complainant; that no suit is pending to test Complainant's title to, interest in or right to possession of the said lands or any part thereof; that Complainant and those through whom he claims title to have held color of title to and have regularly assessed and paid taxes on the said lands and each and every part thereof for twenty or more consecutive years next prior to the filing of the Bill of Complaint; and that no persons, firms or corporations, other than the Complainant and those through whom he claims title to the said lands, have paid any taxes on any intd lands or part thereof or interest therein, and no persons, firms or corporations other than the Complainant and those

do, answer or demur to the said Bill of Complaint before the 15th day of January, 1955, or at the expiration of 30 days from the said date a decree pro confesso will be taken against them, and the said cause submitted for a final decree quieting Complainant's title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand as Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the seal of the said court on this the 8th day of December, 1954.

ALICE J. DUCK,
As Register of the Circuit Court of Baldwin County, Alabama, in Equity.

J. B. BLACKBURN,
Solicitor for Complainant.

THE BALDWIN TIMES
BALDWIN COUNTY
Alabama's Best County's Best Newspaper
BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

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

Andrew Druttenthaner vs.
et. Landa

COST STATEMENT

779 WORDS @ 6 1/2 cents — — — \$ 50 63
I hereby certify this it correct, due and unpaid (paid).

E. R. Moussette Jr.
Editor Publisher.

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

Date of 1st publication	<u>Dec. 16</u>	195 <u>4</u> Vol. <u>65</u> No. <u>48</u>
tion	<u>Dec. 23</u>	195 <u>4</u> Vol. <u>65</u> No. <u>49</u>
tion	<u>Dec. 30</u>	195 <u>4</u> Vol. <u>65</u> No. <u>50</u>
tion	<u>Jan. 6</u>	195 <u>5</u> Vol. <u>65</u> No. <u>51</u>

orn before the undersigned this 8 day of Jan, 1955

E. R. Moussette Jr.
in County.

E. R. Moussette Jr.
Editor Publisher.

ANDREW DRUTTENTHANER,,)
Complainant,)
VS.)
THE LANDS AND PARTIES HEREIN-)
AFTER DESCRIBED,)
Respondents.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

MOTION

Now comes the Complainant by his solicitor and shows unto the court that all of the Respondents named in the Bill of Complaint filed in this cause have suffered a Decree Pro Confesso to be taken against them.

Wherefore, Complainant prays that the court will make and enter a proper order or decree setting this cause for hearing, appointing a guardian ad litem to represent any unknown minor or person of unsound mind interested in this proceeding, and an attorney to represent any party interested in this proceeding who may be in the military service, and prescribing the method of taking testimony in this cause.

FILED

2-16-55

ALICE J. DOCK, Register

J. B. Blockman
Solicitor for Complainant.

MOTION

ANDREW DRUTTENTHANER,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

*Filed 2-16-55
A. J. French
Reg.*

ANDREW DRUTTENTHANER,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

CERTIFICATE

I, Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify as follows:

1. The Notice of Pendency of Bill of Complaint in this cause was filed for record in the office of the Judge of Probate of Baldwin County, Alabama, on December 8, 1954.

2. Notice of Pendency of Bill of Complaint in this cause was published once a week for four successive weeks in the Baldwin Times, a newspaper published in Bay Minette in Baldwin County, Alabama, which said notice appeared in the issues of said paper published on December 16, December 23, and December 30, 1954, and January 6, 1955.

3. A copy of the Notice of Pendency of Bill of Complaint in this cause was posted at the front door of the courthouse of Baldwin County, Alabama, on December 16, 1954.

Dated this 16 day of February, 1955.

FILED

2-16-55

ALICE J. DUCK, Register

Register.

CERTIFICATE

ANDREW DRUTTENTHANER,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed 2-16-55
Deise J. French
Register

ANDREW DRUTTENTHANER,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

DECREE PRO CONFESSO

In this cause it appears to the Register that the Notice of Pendency of Bill of Complaint heretofore made in this cause was published for four consecutive weeks commencing on the 16th day of December, 1954, in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama; that a copy of the said notice was posted at the courthouse door in Baldwin County, Alabama, on the 16th day of December, 1954; and that the Farmers and Merchants Bank of Foley, Alabama, a Corporation, and Edna C. Theim, as successor trustee, were personally served with a copy of the said Bill of Complaint on the 13th day of December, 1954; and it further appearing to the Register that the said Respondents hereinafter named have to the date hereof failed to plead, answer or demur to the Bill of Complaint in this cause:

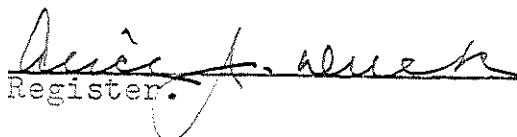
It is, therefore, on motion of the Complainant, ordered and decreed by the Register that the said Bill of Complaint be and it hereby is in all things taken as confessed against the said Farmers and Merchants of Foley, Alabama, a Corporation, and Edna C. Theim, as successor trustees, and Sunny South Developing Company, Inc., a Corporation, its unknown officers, directors and stockholders and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof.

Ordered and Decreed on this the 15 day of February, 1955.

FILED

Feb. 15, 1955

ALICE L. DUCK, Register


Register.

DECREE PRO CONFESSO

ANDREW DRUTTENTHANER,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

FEB 15 1955

ALICE J. DICK, Register

ANDREW DRUTTENTHANER,)	
)	
Complainant,)	IN THE CIRCUIT COURT OF
)	
VS.)	BALDWIN COUNTY, ALABAMA
)	
THE LANDS AND PARTIES HEREIN-)	IN EQUITY
AFTER DESCRIBED,)	
)	
Respondents.)	

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for Decree Pro Confesso against the Farmers and Merchants Bank of Foley, Alabama, a Corporation; Edna C. Theim, as successor trustee, and Sunny South Developing Company, Inc., a Corporation, its unknown officers, directors and stockholders and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, on the grounds that Farmers and Merchants Bank of Foley, Alabama, and Edna C. Theim were personally served a copy of the Bill of Complaint in this cause on December 13, 1954, and that the notice of Pendency of Bill of Complaint in this cause was published once a week for four successive weeks in the Baldwin Times a newspaper published in Bay Minette in Baldwin County, Alabama, which notice appeared in the issues of said paper which was published on December 16, December 23 and December 30, 1954, and January 6, 1955, which notice contained a provision requiring all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands described in the said notice, or any part thereof, which are the lands described in the Bill of Complaint that was filed in this cause, must appear in this court and plead, answer or demur to the Bill of Complaint before the 15th day of January, 1955, or at expiration of thirty days from the said date a decree pro confesso would be taken against them; and thirty days having expired since January 15, 1955 and no person, firm or corporation named above has appeared in this cause, the Complainant is entitled to a decree pro confesso against all of the persons, firms and corporations named above. Complainant further shows unto the Register that a copy of the Notice of Pendency of Bill of Complaint in this cause was posted

at the front door of the courthouse of Baldwin County, Alabama,
on the 16th day of December, 1954.

Wherefore, Complainant moves the Register to make and
enter a Decree Pro Confesso against the above named Respondents and
each of them.

Dated this 15th day of February, 1955.

FILED

Feb. 15, 1955

ALICE I. BUCK, Register

J. B. Blackman

Solicitor for Complainant.

MOTION FOR DECREE PRO CONFESSO

ANDREW DRUTTENTHANER,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

FEB 15 1955

ALICE J. DUCK, Register

ANDREW DRUTTENTHANER,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

ORDER OF PUBLICATION

It is ordered in this cause that the notice provided for in Section 1119, Title 7 of the 1940 Code of Alabama be published in the Baldwin Times, which is a newspaper having general circulation and published in Baldwin County, Alabama, where the lands described in the Bill of Complaint lie.

Ordered this the 8th day of December, 1954.

Hubert M. Hall
Judge.

FILED

Dec. 8-1955

ALICE J. DUCK, Register

ANDREW DRUTTENTHANER,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

ANSWER OF GUARDIAN AD LITEM FOR UNKNOWN MINORS AND
INSANE PERSONS, AND AS ATTORNEY FOR ANY UNKNOWN
PERSONS INTERESTED IN THIS PROCEEDING WHO MAY BE IN
THE MILITARY SERVICE OF THE UNITED STATES.

I, Wilson Hayes, having been heretofore
appointed as guardian ad litem to represent any unknown minors or
insane persons interested in this proceeding, and as attorney to
represent any unknown parties interested in this proceeding who
may be in the military service of the United States, for answer to
the Bill of Complaint filed in this cause, hereby deny each and all
of the allegations thereof and demand strict proof of same.

Dated this 17th day of February, 1955.

FILED

Feb. 18, 1955

ALICE I. GUCK, Register

Wilson Hayes
As guardian ad litem as aforesaid, and
as attorney to represent persons in
military service as aforesaid.

ANSWER OF GUARDIAN AD LITEM FOR
UNKNOWN MINORS AND INSANE PERSONS,
AND AS ATTORNEY FOR ANY UNKNOWN
PERSONS INTERESTED IN THIS PRO-
CEEDING WHO MAY BE IN THE MILITARY
SERVICE OF THE UNITED STATES.

ANDREW DRUTTENTHANER,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

FEB 18 1955

ALICE J. DICK, Register

ANDREW DRUTTENTHANER,
Complainant,
VS.
THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM AND
ATTORNEY TO REPRESENT PARTIES IN THE MILITARY SERVICE
TO Wilson Hayes, ESQUIRE:

You are hereby notified that by a decree of this court
heretofore rendered in this cause you have been appointed as
guardian ad litem to represent any unknown minors or insane persons
interested in this proceeding and as attorney to represent any un-
known parties interested in this proceeding who may be in the military
service of the United States.

Dated this 16th day of February, 1955.

Alice J. Duck
As Register of the Circuit Court of
Baldwin County, Alabama, in Equity.

STATE OF ALABAMA)
BALDWIN COUNTY)

I, the undersigned Wilson Hayes
do hereby accept appointment as guardian ad litem and as attorney
to represent any unknown parties interested in this proceeding who
may be in the military service of the United States.

Dated this 16th day of February, 1955.

FILED

2-16-55

ALICE J. DUCK, Register

Wilson Hayes
As Guardian ad litem and as attorney
representing parties in military service.

NOTICE OF APPOINTMENT OF GUARDIAN
AD LITEM AND ATTORNEY TO REPRESENT PARTIES IN THE MILITARY SERVICE

ANDREW DRUTTENTHANER,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

*Filed 2-16-55
Avery French
Reg*

STATE OF ALABAMA)
*
BALDWIN COUNTY)

BOOK 016 PAGE 392

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Farmers and Merchants Bank of Foley, Alabama, a corporation, and Edna C. Thiem to appear within 30 days from the service of this writ in the Circuit Court to be held for said County, Equity Side, at the place of holding the same, then and there to answer the Bill of Complaint of Andrew Druttenthaner.

WITNESS my hand and seal on this the 8th day of December, 1954.

FILED

Dec. 8, 1954

ALICE J. DUCK, Register

Alice J. Duck
Register

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

Your Orator, Andrew Druttenthaner, presents this Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

East Half of Northeast Quarter of Southeast Quarter of Section 19, Township 8 South, Range 4 East, being otherwise known as Lots 32 and 33 of Oak River View, according to the official map or plat thereof which is recorded in Map Book 1, page 40, Baldwin County, Alabama Records.

and against the Farmers and Merchants Bank of Foley, Alabama, a corporation; Edna C. Thiem, as successor trustee, under deed of trust dated August 1, 1921, recorded in Mortgage Book 25, page 596-9, and deed of trust dated April 1, 1922, recorded in Mortgage Book 27, pages 144-160, Baldwin County, Alabama Records, and Sunny South Developing Company, Inc., a corporation, its unknown officers, directors and stockholders and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, and, thereupon, your orator complains and shows unto the court and your honor as follows:

1. Your Orator is over twenty-one years of age and a resident of Hamilton County, Ohio.

✓ 2. The Farmers and Merchants Bank of Foley, Alabama, is a corporation organized and existing under the laws of the State of Alabama, with its principal place of business in Foley, Alabama.

✓ Edna C. Thiem is over the age of twenty-one years and a resident of Baldwin County, Alabama.

Sunny South Developing Company, Inc., is a corporation that was organized under the laws of Alabama and formerly did business in Baldwin County, Alabama, but Complainant alleges on information and belief that the said corporation is not now in business. If in business, its place of business and post office address is unknown, the names of its officers, directors and stockholders are unknown and it has no known agent in the State of Alabama.

3. Your Orator claims in his own right to own the said lands and is in the actual, peaceable possession thereof.

Your Orator and those through whom he claims title have been in the actual, peaceable, continuous and undisputed possession of all of the said property for more than twenty years next preceding the filing of this Bill of Complaint.

No persons, firms or corporations other than your Orator and those through whom he claims title have had possession of the said property or any part thereof and no persons, firms or corporations other than your Orator and those through whom he claims title have paid any taxes on the said lands or any part thereof or any interest therein for more than twenty years next preceding the filing of this Bill of Complaint.

No suit is pending to test your Orator's title to, interest in or right to the possession of the said lands or any part thereof.

4. Your Orator has and claims to have the absolute fee simple title to all of the above described property by virtue of his possession of the said lands for more than twenty years prior to the filing of this Bill of Complaint, and because of the conveyance hereinafter listed. The title so held and claimed by your Orator in and to all of the said lands was obtained from the persons and through the instrument as will hereinafter appear and the title to all of the said lands stands upon the records in the office of the Judge of Probate of Baldwin County, Alabama, the County where the said lands are situated in the name of your Orator.

5. Your Orator claims the absolute fee simple title to all of the said lands under, by and through the following instrument of writing which has been filed for record and recorded in the office of the Judge of Probate of Baldwin County, Alabama, the County where the said lands are situated, to-wit:

Deed, Rose Diss, et al., to Andrew Druttenthaner, dated January 6, 1953, and recorded in Deed Book 195 N. S., page 289-91.

Your Orator has made and has caused a diligent search to

be made to ascertain the names, ages and addresses of all of the parties named herein and to ascertain if the said parties are living or dead, and also to ascertain and determine if any other persons, firms or corporations are making any claim to the said property or any part thereof. These inquiries have continued since your Orator first acquired title to the said property and, particularly, during the last several months next preceding the filing of this Bill of Complaint. In July, 1952, your Orator had an Abstract of Title made to the said property, employed an attorney to examine the abstract and the records in the office of the Judge of Probate, Tax Assessor and Tax Collector of Baldwin County, Alabama, and to ascertain to whom the records show to have any claim to or encumbrance on the said property, or any part thereof, or any interest therein. Your Orator has caused a through inquiry to be made in the community where the lands are situated for the purpose of ascertaining any claimants to it or any other information having any bearing on the title to the said property. All of the information so secured as to prior ownership and possession of the said property and the names, ages and places of residence of all of the respondents named above is fully and completely set out in this Bill of Complaint.

PRAYER FOR PROCESS

Your Orator prays that the lands hereinabove described, the respondents named herein, their heirs and devisees, if deceased, and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, be made parties respondent to this Bill of Complaint and be brought into court by the usual and proper process.

PRAYER FOR RELIEF

Your Orator prays that each and all of the respondents herein named, their heirs or devisees, if deceased, and all other persons, firms or corporations who claim to own the said lands, or any part thereof, or any interest therein, or any lien or encumbrance thereon, be required to set forth and specify such claim,

title, right, interest, lien or encumbrance and how and by what instrument the same is derived or created, and that upon a final hearing of this cause it be ORDERED, ADJUDGED AND DECREED that your Orator, at the time of the filing of this Bill of Complaint, had the full and complete legal title to all of the above described lands and that none of the respondents herein specifically named, their heirs or devisees, if deceased, or any other person, firm or corporation has any title to, interest in, lien or encumbrances on the said lands or any part thereof, and that all doubts and disputes concerning the said property be cleared up and your Orator's title to the said lands fully and completely quieted.

Your Orator further prays for such other, further and general relief as he may be equitably entitled to, the premises considered.

J. B. Blackburn
Solicitor for Complainant.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, personally appeared J. B. Blackburn, who first being duly and legally sworn deposes and says: That he is the Solicitor for the Complainant in the above styled cause; that he is informed and believes and on such information and belief says that the facts in the foregoing Bill of Complaint are true.

Sworn to and subscribed before me on
this the 8th day of December, 1954.

Jan R. D.
Notary Public, Baldwin County, Alabama.

FILED
Dec. 8, 1954
ALICE L. GUCK, Register