

PAUL C. PHILLIPS  
COMPLAINANT

VS

Lots 3, 4, 9, and ten Block 93 and  
all of Block 82 in the Town of  
Summerdale, Baldwin County, Ala-  
bama, Summerdale Investment Co-  
pany, Anna Mulville, Arthur Bour-  
deau, and Libby Hitchcock, and  
the unknown Grantees, assigns,  
heirs at law, next of kin and de-  
visees of the above named parties)  
and any and all persons, firms or  
corporations claiming any interest)  
in or title to the above described)  
real property

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY ALABAMA

IN EQUITY

# 3415

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

Humbly complaining, comes PAUL C. PHILLIPS, and respect-  
fully represents and shows unto your Honor and avers:

1. That he is over the age of twenty-one years and a  
resident of Baldwin County, Alabama; that the respondent Summ-  
erdale Investment Company is a Corporation whose address is  
7 West Madison Street, Chicago, Ill.; that the respondent Arthur  
Bourdeau is over the age of twenty-one years and last known  
address was Bradenton, Florida; that Libby Hitchcock is deceased,  
and that the complainant has exercised diligence in trying to  
ascertain the names and addresses of any unknown respondents the  
heirs or next of kin of the said Libby Hitchcock, and has failed  
to obtain such information; complainant avers that after exercis-  
ing reasonable diligence to locate the whereabouts of Anna  
Mullville, he has been unable to locate the whereabouts of said  
respondent or to ascertain with certainty whether such respondent  
was alive at the time of filing this bill, and that if respon-  
dent is deceased, her heirs or devisees are unknown. Complainant  
states that he does not know of anyone or any persons who claim  
said land, any title to, interest in, lien or encumbrances there-  
on or any part thereof, except the above named respondents. Comp-  
laintant has obtained an abstract which shows that the only poss-  
ible complainants according to said abstract are the above named  
respondents. Complainant avers that he has exercised diligence in  
trying to ascertain the names of any person, firm or corporation-  
other than the named respondents who claim said land, or any  
interest therein, but has failed to obtain such information.

2. That the lots in controversy are situated in the  
Town of Summerdale, Baldwin County, Alabama, and are more partic-  
ularly described as follows;

Lots three (3), four (4), nine (9) and Ten (10)  
in Block Ninety-three (93) and Lots One (1)  
through Twelve (12) inclusive, Block Eighty-two  
(82) in the Townsite of Summerdale, Baldwin  
County, Alabama.

and the complainant claims in his own right to own an undivided  
and entire fee simple in said land, free from all liens and en-  
cumbrances. Complainant avers that he is in the actual, open,  
hostile, notorious, exclusive, continuous and peaceable possess-  
ion of said lots and that he and through whom he claims has had  
such possession continuously for a period of more than ten years  
next preceding the filing of this bill of complaint.

3. Complainant further alleges that Libby Hitchcock  
purchased lots 1, 2, 3, 4, 5, and 6 Block 82 in January, 1924  
from Summerdale Investment Company but did not record her Deed;  
that subsequently Libby Hitchcock returned the deed to Summer-  
dale Investment Company with instructions to convey the lots

TO one Anna Mulville; that in July of 1938 Libby Hitchcock purchased Lots 7, 8, 9, 10, 11, 12 in Block 82 from Summerdale Investment Company and requested that the same be deeded to Anna Mulville; that lots 3, 4, 9, and 10 in block 93 was purchased by Libby Hitchcock from parties unknown; that Libby Hitchcock since her purchase of said lots has held actual, open, notorious, adverse and peaceful possession of said lots continuously and has claimed to own the same up and until the time she conveyed all of said lots to David Hall Faile by deed dated June 26, 1951 and recorded in Deed Book 171 pages 46-47-; that David Hall Faile held actual, open notorious, adverse and peaceful possession continuously until conveyed to your complainant by deed dated May 26, 1954 and recorded in Deed Book 210 pages 548-9; that your complainant entered immediately into actual, open, notorious, adverse and peaceful possession of said lots which has continued to the time of filing this bill of complaint; that since 1940 Libby Hitchcock regularly assessed and paid the taxes on said lots in her name and until 1954 when assessed and taxes paid in the name of David Hall Faile.

That title to the said lots stands upon the records of the Judge of Probate of Baldwin County, Alabama in the name of the complainant by virtue of conveyance from David Hall Faile and Lucia L. Faile dated May 26, 1954 and recorded in Deed Book 210 pages 548-9. Complainant avers that no one but Libby Hitchcock and those through whom he claims title have annually assessed or paid taxes on said lots within ten years next preceding the filing of this bill.

4. Complainant further avers that there is no suit pending to test his interest in, title to, or possession of said lots.

The premises Considered, complainant files this his verified bill of complaint against respondents Summerdale Investment Company, Anna Mulville, Arthur Bourdeau, Libby Hitchcock, R. B. Capperrune, and the unknown grantees, assigns, heirs at law, next of kin and devisees of the above named parties and all persons, firms or corporations claiming any title or interest in or to the said lots or any part thereof, and to establish the right or title to said land and to clear up all doubts or disputes concerning the same, and that the said respondents or parties hereinabove named shall be made respondents to this bill of complaint, and that process be served on them or publication be made requiring them to plead, answer, or demur to the same within the time allowed by law, or decree pro confesso may be entered against them.

Complainant prays that this court will appoint a guardian ad litem for the unknown respondents and further prays that this court will find that the rights and interests of all parties to this suit are before the court and will be finally adjudicated by this court's decree. Complainant further prays that this court will make and enter all orders, judgments, and decrees that may be meet and proper in the premises, and that the complainant upon final hearing of this cause will be found to have an entire and undivided interest in said lands and has a fee simple title thereto free from all liens and encumbrances by the court and that the same will be so decreed by the court.

Complainant further prays that if he is mistaken in the relief asked for, that this court grant such other, further, additional, or different relief as may appear to the court to be just and equitable.

*Arthur C. Epperson*  
 SOLICITOR FOR COMPLAINANT

STATE OF ALABAMA

BALDWIN COUNTY

Before me Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, personally appeared Arthur C. Epperson, who being by me first duly sworn, deposes and says on oath; that he is Solicitor of record for the complainant that he is informed and believes and that upon such information and belief syas that the foregoing allegations contained in the bill of complaint are true.

Arthur C. Epperson

Sworn to and subscribed before me this the ninth day of December, 1954.

Alice J. Duck  
Alice J. Duck, Register D.V.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, personally appeared Arthur C. Epperson, who first being duly sworn, deposes and says that Summerdale Investment Company is a Corporation whose Address is 7 West Madison St., Chicago Ill.; that Arthur Bourdeau is over the age of twenty-one years and is a non resident of the State of Alabama and that his post office address is Bradenton, Florida; that R. B. Capperrune is over the age of twenty-one years and is a nonresident of the State of Alabama and lives in Kewanee Ill.; that Libby Hitchcock is over the age of twenty-one years and is believed to be deceased and last known address was 33 Washington Ave, New Rochelle, New York; that Anna Mulville is over the age of twenty-one years and is a nonresident of the State of Alabama and whose address can not be ascertained after reasonable efforts; that the names of the grantees, heirs and next of kin are unknown and that their ages and residences are unknown and cannot be ascertained after reasonable effort.

Arthur C. Epperson

Sworn to and subscribed before me this the ninth day of December, 1954.

Alice J. Duck  
D.V. Register.

3418  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY RECORDED

\*\*\*\*\*

PAUL C. PHILLIPS  
COMPLAINANT  
VS.

Lots & 3, 4, 9 & 10, Blk 93,  
Lots 1 thru 12 incl. Blk.  
82 in the Town of Summerdale  
Alabama, Summerdale Invest-  
ment Co. et al.

\*\*\*\*\*  
BILL OF COMPLAINT  
AFFIDAVIT OF NONRESIDENCE  
\*\*\*\*\*

FILED  
DEC 9 1954  
ALICE J. DUCK, Register

# AFFIDAVIT OF PUBLICATION

I, Do. M. Howell

Publisher of The Onlooker, published at  
Foley, Ala., do solemnly swear that a copy of the above notice,  
as per clipping attached, was published once each week in the  
regular and entire edition of said newspaper, and not in any  
supplement thereof, for 4 consecutive weeks, com-  
mencing with the issue dated Dec. 9, 1954, and  
ending with the issue dated Dec. 30, 1954.

Emm Howell  
Subscribed and sworn to before me this 30<sup>th</sup> day  
of December, 1954.

Notary Public.

MY COMMISSION EXPIRES AUGUST 14, 1955

FOLEY, ALA.

Dec. 31

1954

## HOWELL PUBLISHING CO.

HIGH QUALITY JOB PRINTING

Alice J. Leach

Register

Bay Minette Ala

BROUGHT FORWARD

Dec

9

Paul C. Phillips  
Complainant

"

16

"

23

"

30

\$3991

PAUL C. PHILLIPS

COMPLAINANT

VS

CERTAIN LANDS, SUMMERDALE  
INVESTMENT COMPANY, ANNA  
MULVILLE, ARTHUR BOURDEAU  
and LIBBY HITCHCOCK, and  
the unknown grantees, assigns,  
heirs at law, next of kin,  
devisees, successors of the  
above named parties and any  
and all persons, firms or  
corporations claiming any  
interest in or title to the  
lands herein described,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO.

ANSWER

Comes now Tolbert M. Brantley, as Guardian ad Litem for all unknown parties in the above styled cause and for answer to the Complainant's Bill of Complaint says: That he denies each and every allegation contained therein and demands strict proof of the same.

Wilters & Brantley

BY:

*Tolbert M Brantley*  
Guardian ad Litem for the unknown parties.

FILED

*Sept 28, 1958*

ALICE L. DUCK, Register

STATE OF ALABAMA

BALDWIN COUNTY

PAUL C. PHILLIPS	)	
COMPLAINANT	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
CERTAIN LANDS, ETAL.	)	IN EQUITY
RESPONDENTS	)	

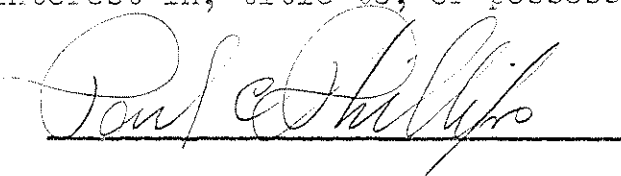
ORAL DEPOSITIONS OF PAUL C. PHILLIPS, D. Z. GROVE and ARTHUR C. EPPERSON.

By virtue of the commission hereto annexed, issued by the Register for said Court of said County, I Lola Ingram, the commissioner named in said commission, have called and caused to come before me Paul C. Phillips, D. Z. Grove and Arthur C. Epperson, the witnesses named in said commission, and in the presence of the Honorable Tolbert M. Brantley, Guardian Ad Litem and Attorney Ad Litem, a practising attorney of the Baldwin County, Alabama Bar, having first sworn the said witnesses to speak the truth, the whole truth, and nothing but the truth, the said witnesses depose and says on oath as follows:

My name is Paul C. Phillips. I am the complainant in this Cause. I am over the age of twenty-one years and I am a bona fide resident of Baldwin County, Alabama.

I have made dilligent inquiry as to the ages, addresses and residences of the named respondents. According to my best information Summerdale Investment Company was a corporation whose business address at the time I filed suit was 7 West Madison Street, Chicago, Illinois; the respondent Arthur Bourdeau is over the age of twenty-one years and a resident of Bradenton, Florida; that Libby Hitchcock is deceased and left no known heirs or next of Kin; that the respondent Anna Mulville is over the age of twenty-one years if such a person exists or ever existed. I have not been able to find anyone who has ever known her or anyone who has ever heard of her around Summerdale or any other place. I do not know of any other person, firm or corporation that owns or that is reputed to own any title, interest or lien in, to or upon the land that I brought this suit to quiet title on and I have made reasonable efforts to discover any who may have any title, interest or lien in, to or upon the said property. I have had an abstract made and examined for the purpose of finding any person, firm or corporation who may have some title, interest or lien in said property.

I own Lots 3, 4, 9 and 10 in Block 93 and all of Block 82, in the Townsite of Summerdale, Baldwin County, Alabama which is the subject lands of this suit I filed to quiet title. I have the actual, open, hostile, notorious and peaceable possession of the property I just described and have had every since I purchased the same from David Hall Faile and Lucia L. Faile in May of 1954. At the time I purchased the property from the Failes they had the actual, open, hostile, notorious and peaceable possession of the property since June of 1951 when they purchased the property from Libby Hitchcock. Libby Hitchcock has been the reputed owner and has claimed to be the owner of the property for many many years. Miss. Hitchcock has had the actual, open, hostile, notorious, exclusive and peaceable possession of the property for as long as I have been acquainted with the property up until the time she sold to the Failes. That has been well over twenty years. The title to the property now stands in my name on the records of the Probate Court of Baldwin County, Alabama. There is no suit pending other than this one to test my interest in, title to, or possession of the property.



My name is D. Z. Grove. I am a resident of Baldwin County, Alabama. I am a licensed Realtor doing business in Baldwin County, Alabama. I am personally acquainted with Mr. Paul C. Phillips of Sumerdale, Alabama and am well acquainted with Lots 3,4,9 and 10 in Block 93 and lots 1 through 12 in Block 82 in the Town of Sumerdale, Alabama. I have been handling real estate sales in Baldwin County, Alabama for over thirty years and have had numerous occasions to look over this property during that period of time. Mrs. Libby Hitchcock Has been the reputed owner of this property for quite a number of years. In the fall of 1949 I had a prospect who was interested in buying this property and a little difficulty contacting Mrs. Hitchcock as she had left Summerdale before that time. I hired J. A. Ertzinger and Son, licensed abstracters, to make a record search for title on these lots and to find Mrs. Hitchcocks address. I was very much surprised to find that Mrs. Hitchcock had no record title to this property but was annually assessing the property for taxes and paying the taxes on the lots. This letter marked Exhibit "A" is the letter from J. A. Ertzinger and Son informing me of this fact and I will include it and hereby make it a part of my testimony here in this case. A little later along in the month of November I recieved another letter from J. A. Ertzinger and Son, informing me that they had found in the records <sup>deeds</sup> conveying two of the lots to Libby Hitchcock and two other deeds on record conveying lots 3,4,9 and 10 in Block 93 to Anna Mulville and lots 1,2,7,8,9,10,11,12 Block 82 to Anna Mulville. This letter marked Exhibit "B" is the letter I just mentioned and I will include it and make it a part of my testimony here. Before receiving this second letter from Ertzinger, I wrote to Mr. S. W. Hamm who was president of Summerdale Investment Company and who originally layed these lots out in the subdivision. In answer to my letter, Mr. Hamm informed me in this letter here marked Exhibit "C" that Libby Hitchcock purchased lots 1,2,3,4,5 and 6 in Block 82 from the Summerdale Investment Company and they were deeded to her in January of 1924 and that Mrs. Hitchcock in July of 1928 returned the deed to him to deed the lots to one Anna Mulville and in addition bought lots 7,8,9,10,11 and 12 in Block 82 and asked Mr. Hamm to deed to Anna Mulville. This letter marked Exhibit "C" I wish to include and make it a part of my testimony. I wrote to Libby Hitchcock at New Rochelle New York for information regarding how to contact Anna Mulville in order to purchase the lots. Libby Hitchcock did not give me any information about Anna Mulville whatsoever but stated that she owned all of the lots. I wrote to Libby Hitchcock again regarding selling the lots but never heard from her again so dropped the matter. I wrote and talked to numerous people who had lived around Summerdale at various times but I could not find anyone who had ever heard of Anna Mulville. Libby Hitchcock according to all information I could gather came to Summerdale, Alabama in the early twenties by herself and had no friends or relatives or husband with whom she corresponded or ever mentioned to anyone. Libby Hitchcock held herself out to own all of the property before the beginning of World War II. She has to my own personal knowledge held the actual, open, hostile, exclusive and peaceful possession of the property in this suit since before the war and until she sold it to the Failes. The Failes have held it since they purchased from Libby Hitchcock and until they sold to Mr. Paul C. Phillips. Mr. Paul C. Phillips has held the actual, open, hostile, exclusive and peaceful possession of this property from May of 1954 and of course still retains it.



My name is Arthur C. Epperson. I am a licensed practising attorney in Foley, Baldwin County, Alabama. I am retained by Paul C. Phillips of Summerdale, Alabama to quiet title to Lots numbered one through twelve in Block 82 and lots three, four, nine and ten Block 93 all in the Town of Summerdale, Alabama. I prepared an abstract on this property and checked all necessary Court records in Baldwin County. At the time this suit was filed there was no suit filed in the Courts of Baldwin County to test title interest in or possession of the lots the subject of this suit.

Title to these lots stand on the records of the probate office of Baldwin County, Alabama in the name of Paul C. Phillips, the complainant in this suit, by reason of a conveyance dated from David Hall Faile and Lucia L. Faile, May 26, 1954 and recorded in Deed Book 210 pages 548-9. David Hall Faile held record title from June 26, 1951 until conveyed to Paul C. Phillips by virtue of deed from Libby Hitchcock recorded in Deed Book 171 pages 46-47.

I checked the tax records in the offices of the tax assessor and tax collector and all lots in this suit was assessed by and to Libby Hitchcock and all taxes paid in her name from the year 1941 through the year 1951. For the years of 1952-53 and 54 the taxes was assessed in the name and paid in the name of David Hall Faile. The lots are assessed for tax purposes for the year of 1955 in the complainants name. The records in the Offices of the Tax Assessor and Tax Collector do not disclose any other person firm or corporation that in the last twelve years have ever assessed or paid taxes in their names on any of the lots which are the subject of this suit except for the three parties I just named and through title is derived and presently stands, that is Libby Hitchcock, David Hall Faile and Paul C. Phillips.

Arthur C. Epperson

I, Lola Ingram, the said commissioner, hereby certify that the foregoing testimony was taken down in writing by me in the words of the witnesses and in the presence of Tolbert M. Brantley an Attorney duly appointed by the Court as Guardian ad Litem, and the testimony was read over to them, that they assented, swore to and subscribed the same in my presence the 28th day of September, 1955, at Foley, Alabama; that I have personal knowledge of the indentity of the witnesses and that I am not of counsel or kin to any of the parties to said cause or in any manner interested in the results thereof.

And I enclose the said deposition, together with the commission and interrogatories, direct and cross, and documents which were deposed to, in an envelope properly indorsed and sealed and returned to the Register for said Court in said County.

Given under my hand and seal this the 28th day of September, 1955.

Lola Ingram  
Commissioner

(L.S.)

J. A. ERTZINGER & SON  
ABSTRACTS AND INSURANCE  
ESTABLISHED 1909  
ERTZINGER BUILDING  
BAY MINETTE, ALABAMA

Exhibit "A"

8 November 1949

Mr. Dana Z. Grove  
Summerdale, Alabama

Dear Mr. Grove;

In response to your telephone conversation of the 7th, with Ort, we wish to report the following:

We have searched the indices to the office of the Probate Court of Baldwin County, Alabama, under the names of Henrietta Hitchcock and Libbie Hitchcock for any instrument whereby they might have acquired an interest in the title to any lots in Summerdale, Alabama, and find none such of record.

We find no assessment in the tax assessors office of a Henrietta Hitchcock describing any property in Baldwin County, Alabama. We do find lots 3-4-9-10, Block 93 and lots 1 through 12, Block 82, Summerdale assessed to one Libbie Hitchcock, New Rochelle, New York.

We find no record of any instrument whereby Henrietta Hitchcock or Libbie Hitchcock might have encumbered or disposed of an interest in the title to these or any other lots in Summerdale, Alabama.

It is our opinion that Libbie Hitchcock is the party you are interested in, and that she failed to record the deed through which she acquired title to the above described lots.

Yours very truly,

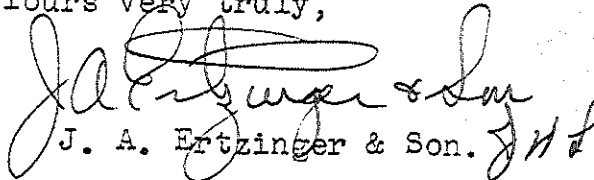
  
J. A. Ertzinger & Son. JHS

Exhibit "A."

J. A. ERTZINGER & SON  
ABSTRACTS AND INSURANCE  
ESTABLISHED 1909  
ERTZINGER BUILDING  
BAY MINETTE, ALABAMA

Exhibit "B"

20 November 1949

Mr. D. Z. Grove  
Summerdale, Alabama

Dear Sir;

Since our telephone conversation earlier today, I have discovered the notes that I was unable to find when you were on the phone and wish to make the following report.

I find in deed book 71 ns, page 333-4, a deed conveying title to lots 5 and 6, Blk 82, Summerdale from P. H. Seibert to Libby Hitchcock, dated January 10, 1940, filed April 4, 1940.

In deed book 42 ns, page 551, I find deed conveying title to lots 3-4-9-10, Block 93, from Arthur Bourdeau, et ux, to Anna Mulville, dated March 12, 1927, recorded June 7, 1927. In deed book 43 ns, page 350-1 there is a second deed between the same parties, describing the same property.

In deed book 46 ns, page 111, I find a deed conveying title to lots 1-2 and 7 through 12, Block 82, from Summerdale Investment Company to Anna Mulville, dated July 24, 1928, recorded August 15, 1928.

I am unable to find any other instruments into Anna Mulville or Libby Hitchcock, nor do I find any instrument executed by either of them, whereby they might have disposed of their interest in these lots. Apparently this does not agree with the information received by you from Mr. Hamm, however, the records show as above stated. This leaves lots 3 and 4, Block 82, still unaccounted for. We have not made a search out of Summerdale Investment company, for these lots, and it may be that they were conveyed by them to some other party. We felt that it would probably not be necessary to make this search, unless you decided to make an abstract, since we know that title to these lots has not entered Hitchcock or Mulville. If there is anything else that we need to do, please let us know.

Yours very truly,

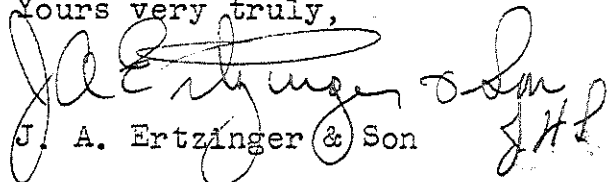
  
J. A. Ertzinger & Son

Exhibit "B"

*Exhibit "C"*

**BALDWIN COUNTY LANDS ASSOCIATION**  
SELECTED FARM LANDS AND TOWNSITE PROPERTY  
IN THE  
**FAMOUS GULF COAST REGION**

of  
BALDWIN COUNTY, ALABAMA

TELEPHONE  
CENTRAL 0432

CHICAGO OFFICE: ~~XXX~~ CHICAGO BUILDING  
7 WEST MADISON STREET

November 18, 1949

D. Z. Grove,  
Summerdale, Ala.,

Dear Mr. Grove:

Your letter of November 10th was received at the office during my absence, hence the unavoidable delay in replying to same.

Lots 1,2,3,4,5 and 6 in Block 82 were sold to Libby Hitchcock in January 1924 and deeded to her some time later. On February 1, 1930 the said deed was returned to us (unrecorded) with instructions to deed same to Anna Mulville. In July 1938 Libby Hitchcock also purchased Lots 7,8,9,10,11 and 12 in Block 82 and instructed us to deed same to Anna Mulville.

I have been trying to locate the owner of these lots for another party who desired to purchase same but have not succeeded in doing so as yet. Some of these old records are in storage and it is rather a mean job to dig up the complete records.

I hope this information, however, will serve your purpose.

I am not prepared as yet to take any definite action on the Hastings matter but will advise you later on.

Thanking you for your courtesies, I am

Yours very truly,



SWH:er

We sold and deeded the 4 lots in Block 93 to someone else. Will try to look up later.

*Exhibit "C"*

PAUL C. PHILLIPS  
COMPLAINANT

VS

CERTAIN LANDS, et al.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO.

ORDER APPOINTING GUARDIAN AD LITEM AND ATTORNEY AD LITEM

This cause is submitted on the Complainant's motion for the appointment of a Guardian Ad Litem and an Attorney Ad Litem, upon consideration, it is ordered, Adjudged and Decreed by the Register in Chancery of said Court that Tolbert A. Brantley, who is a practicing attorney of the Baldwin Bar, be and hereby is appointed Guardian Ad Litem for the unknown Defendants to represent them throughout this proceeding, and also Attorney Ad Litem for any of the Defendants who may be in the Armed Forces of the United States of America.

Dated June 14, 1955

Elise J. Duck  
Register

ACCEPTANCE

Comes Tolbert A. Brantley, attorney, and accepts the appointment by this Court of him as guardian ad litem for all unknown defendants in this proceeding and also as attorney ad litem for any defendants in this proceeding who may be in the Armed Forces of the United States of America.

Tolbert A. Brantley

PAUL C. PHILLIPS  
COMPLAINANT

VS.

Lots 3, 4, 9 and 10 of Block 93  
and all of Block 82 in the Town  
of Summerdale, Baldwin County,  
Alabama, Summerdale Investment  
Co., Anna Mulville, Arthur Bour-  
deau, R. B. Capperune and Libby  
Hitchcock, and the unknown grant-  
ees, assigns, heirs at law, next  
of kin and devisees of the above  
named parties, and any and all  
persons, firms or corporations claiming  
claiming any interest in or title  
to the above described real property.

RESPONDENTS

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

NO. \_\_\_\_\_

In this cause it being made to appear to the Court by the allegations of the sworn bill of complaint that this is a proceeding in rem against the above described lands and in the bill of complaint and to establish title to said lands in the bill of complaint, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on said described lands, or any part thereof, and that on the Ninth day of December, 1954, a decree was duly made and entered in this cause directing that the notice provided for in the Code 1940, Tit. 7, Par. 1119, be published as required by law in the Onlooker, a newspaper published in the County of Baldwin, and it appearing by the certificate of the Register filed herein that said notice was so published in said newspaper on December 9, 16, 23, and 30th, 1954, and that a copy of said notice, certified by the Register as being correct has been duly recorded as a lis pendens notice in the Office of the Judge of Probate of Baldwin County, Alabama, the County where such lands lie; and that no person, firm or corporation claiming any title to interest in, lien or encumbrance on said lands, or any part thereof, having appeared to plead to, answer or demur to the said bill of complaint to the date hereof which is more than thirty days from the perfection of publication in this cause; it is now, therefore, on motion of the complainant's solicitor ordered and decreed by the Court that the said bill of complaint in this cause be; and hereby is, in all things taken as confessed against the lands described as follows:

Lots 3, 4, 9, and 10 of Block 93 and all of  
Block 82 in the Town of Summerdale, Baldwin  
County, Alabama.

And against any and all persons, firms or corporations claiming any interest in, or who may hereafter claim any interest in, any title to, lien or encumbrance on said described lands or any part thereof.

Done this the 15<sup>th</sup> day of June, 1955.

  
Register of said Court.

PAUL C. PHILLIPS  
COMPLAINANT

VS.

Lots 3, 4, 9 and 10 Block 93 and  
all of Block 82 in the Town of  
Summerdale, Baldwin County, Ala-  
bama, Summerdale Investment Co-  
pany, Anna Mulville, Arthur Bour-  
deau, R. B. Capperune and Libby  
Hitchcock, and the unknown Grantees,  
assigns, heirs at law, next of kin  
and devisees of the above named parties  
and any and all persons, firms or  
corporations claiming any interest  
in or title to the above described  
real property.

RESPONDENTS

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

Comes the complainant in the above styled cause  
and shows unto the register that an order of publication  
was made on the Ninth day of December, 1954, which was duly  
published in the Onlooker, a newspaper published in Baldwin  
County, Alabama, once a week for four consecutive weeks  
commencing on the Ninth day of December, 1954, and which was  
directed to the above named respondents in said cause, which  
required the said respondents to plead, answer or demure to  
the bill of complaint in this cause by the Seventh day of  
February, 1955, which the respondents have failed to do to  
this date, wherefore the complainant moves the Court to grant  
a decree pro confesso against said respondents.

This the 13th day of June, 1955.

  
Solicitor for complainant/

## DECREE PRO CONFESSO OF PUBLICATION

B.T.-10-46-200

THE STATE OF ALABAMA,  
Baldwin County

CIRCUIT COURT, IN EQUITY

No. 3418 Oct. Term, 19 55

PAUL C. PHILLIPS

Complainant

Vs.

CERTAIN LANDS, Et, al.

Defendant

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 9 day of Dec., 19 54, in the ONLOOKER, a newspaper published in Foley, Alabama, that a copy of said order was posted at the Court House door in BALDWIN County, on the 9 day of Dec., 19 54 and

And it now further appearing to the Register Alice J. Duck, that the said CERTAIN LANDS, SUMMERDALE INVESTMENT COMPANY, ANNA MULVILLE, ARTHUR BOURDEAAU and LIBBY HITCHCOCK, and the unknown Grantees, assigns. heirs at law, next of kin, devisees, successors of the above named parties and any and all persons, firms or corporations claiming any interest in or title to the lands herein described.

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 RESPONDENTS

This 24<sup>th</sup> day of Feb, 19 55

Alice J. Duck, Register.

RECORDED

No. 3418 Page

THE STATE OF ALABAMA,  
Baldwin County

CIRCUIT COURT, IN EQUITY

PAUL C. PHILLIPS

Vs.

CERTAIN LANDS, ET AL.

Decree Pro Confesso of Publication

Issued , 19

Register.

Recorded in Record

Vol. Page

Register.

CIRCUIT COURT, IN EQUITY

THE STATE OF ALABAMA,

Baldwin County

PAUL C. PHILLIPS

No. 3218  
Oct. Term, 1955

Complainant

Vs.

CERTAIN LANDS, Et, al.

Defendant

Alice J. Duck

In this cause it appears to the Register

heretofore made in this cause, was published for four consecutive weeks, commencing on the

day of Dec. 1954, in the

in Baldwin County, Alabama, that a copy of said order was posted at the Court House

door in County, on the day of Dec. 1954,

and

Alice J. Duck.

And it now further appearing to the Register, ANNA McVILLIE, ARTHUR BOORDEMAN, that the said

and LIBBY MITCHELL, and the unknown Grantees, assigns. heirs at law, next of kin,

devisees, successors of the above named parties and any and all persons, firms or

corporations claiming any interest in or title to the lands herein described.

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

that the Bill of Complaint in this cause be, and it hereby is in all things

taken as confessed against the said

This 24th day of

1955

Register.

Alice J. Duck

RECORDED

No. 3418 Page

THE STATE OF ALABAMA,  
Baldwin County

CIRCUIT COURT, IN EQUITY

PAUL C. PHILLIPS

Vs.

CERTAIN LANDS, ET AL.

Decree Pro Confesso of Publication

Issued , 19

Register.

Recorded in Record

Vol. Page

Register.

The Baldwin Times, Bay Minette, Ala.

The State of Alabama,  
Baldwin County.

No. .... CIRCUIT COURT, IN EQUITY.

*Paul C. Phillips*

Complainant.....

Vs.

*Certain Lands et al*

Defendant.....

Motion is hereby made for a Decree Pro Confesso against

*Arthur Bourdeau*

Defendant.....

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

This *24<sup>th</sup>* day of *February*, 19*55*

*Arthur C. Epperson*

Solicitor.

No. **RECORDED** Page.....

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT, IN EQUITY**

**Vs.**

**MOTION FOR DECREE PRO CONFESSO**  
**AFTER NOTICE BY REGISTERED MAIL**

Filed **FILED** ....., 19.....  
**FEB 24 1955**

**ALICE J. DUCK, Register** Register.

Recorded in ..... Record,  
Vol. .... Page .....  
Register.

8601. Motion For Decree Pro Confesso on Publication.

B.T.-10-46-200

THE STATE OF ALABAMA,  
Baldwin County

CIRCUIT COURT, IN EQUITY

No. 3418, Term, 19\_\_Paul C. Phillips

Complainant

Vs.

Certain Land et al

Defendant

Motion is hereby made for a Decree Pro Confesso against

Seemendale Investment Co. AnnaMulvills and Libby Hitchcock and the Unknown Grantees, assignsheirs at law, next of kin & devisees of the above named parties and

Defendant

any and all persons, firms or corporations claiming any interest in or title to Lts 3, 4, 9 & 10 Blk 95 &all Blk 8 & 9 Town of Seemendale, Ala

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfec-

tion 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 24<sup>th</sup> day of February, 1955.

746 Code

Arthur C. Epperson

Solicitor.

RECORDED

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

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

**CIRCUIT COURT, IN EQUITY**

Complainant \_\_\_\_\_

Vs.

Defendant \_\_\_\_\_

**Motion for Decree Pro Confesso**  
**On Publication**

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

FILED

FEB 24 1955

ALICE J. DICK, Register.

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

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

Register.

The Baldwin Times, Bay Minette, Ala.

PAUL C. PHILLIPS  
COMPLAINANT

VS.

Lots 3, 4, 9 and 10 Block 93 and  
all of Block 82 in the Town of  
Summerdale, Baldwin County, Ala-  
bama, Summerdale Investment Co-  
pany, Anna Milville, Arthur Bour-  
deau, R. B. Capperone and Libby  
Hitchcock, and the unknown Grantees,  
assigns, heirs at law, next of kin  
and devisees of the above named parties  
and any and all persons, firms or  
corporations claiming any interest  
in or title to the above described  
real property.

RESPONDENTS

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

Comes the complainant in the above styled cause  
and shows unto the register that an order of publication  
was made on the Ninth day of December, 1954, which was duly  
published in the Onlooker, a newspaper published in Baldwin  
County, Alabama, once a week for four consecutive weeks  
commencing on the Ninth day of December, 1954, and which was  
directed to the above named respondents in said cause, which  
required the said respondents to plead, answer or demur to  
the bill of complaint in this cause by the Seventh day of  
February, 1955, which the respondents have failed to do to  
this date, wherefore the complainant moves the Court to grant  
a decree pro confesso against said respondents.

This the 13th day of June, 1955.

  
Solicitor for complainant/

PAUL C. PHILLIPS  
Complainant

vs.

Lots 3,4,9 and 10 Block 93 and  
all Block 82 in the Town of  
Summerdale, Baldwin County,  
Alabama; Summerdale Investment  
Company; Anna Mulville, Arthur  
Bourdeau, and Libby Hitchcock,  
and the unknown heirs at law,  
next of kin and devisees of the  
above named parties and any and  
all firms or corporations and  
persons claiming any interest in  
or title to the above described  
real property.

Respondents

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

NOTICE is hereby given to Summerdale Investment Company, Anna Mulville, Arthur Bourdeau, Libby Hitchcock, and to their unknown Grantees, assigns, heirs and devisees, if deceased, and to any and all persons, firms or corporations, claiming any interest or title to the hereinafter described lots in Summerdale, Baldwin County, Alabama, that on this day PAUL C. PHILLIPS filed a bill of complaint in the Circuit Court of Baldwin County Alabama, in Equity, against all the above setout respondents and against the lands hereinafter described and you are hereby notified to appear and plead, answer or demur to said bill of complaint by the seventh day of February, 1955, or a decree pro confesso will be rendered against you in this cause.

The complainant filed said bill of complaint for the purpose of establishing the title the lots described as follows:

Lots 3,4,9 and 10 Block 93 and lots 1 thru 12  
inclusive in Block 82 in the Town of Summerdale,  
Baldwin County, Alabama.

in the said Paul C. Phillips and to clear up all doubts and disputes concerning the same and that said suit is now pending in said Court.

The bill of complaint alleges that the complainant claims to own said lots in fee simple, title thereto having been acquired by conveyance from David Hall Faile and Lucia L. Faile, as recorded in Deed Book 210 page 548-9. David Hall Faile and Lucia L. Faile having acquired title to said lots by conveyance dated June 26, 1951 and recorded in deed Book 171 page 46-47 from Libby Hitchcock; and also alleges that there is no suit pending in the Courts to test title, interest in or right to possession to said lands.

It is further alleged in said bill of complaint that the complainant is in the quiet, peaceable, actual and adverse possession of all the lots as described above, claiming to own the same in same in his own right in fee simple and using the same regularly; that the complainant or those through who he claims have had the actual, continuous, peaceable and adverse possession of said lots for more than ten years preceding the filing of said bill of complaint; that the complainant and those through whom he claims title and exercised possession have annually assessed and paid the taxes on said property for more than ten years next preceding the filing of the bill of complaint, and that no other person, firm or corporation has had possession of said lots or any portion thereof, or has assessed or paid taxes on said property during the preceding ten years before filing said bill of complaint.

IT IS HEREBY ORDERED by the undersigned register that the publication of this notice be made in the ONLOOKER, a newspaper of general circulation and published in Baldwin County, Alabama, once a week for four consecutive weeks.

It is further ordered that a copy of this notice certified by the undersigned 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 at office this the Ninth day of December, 1954.

Alice J. Duck  
ALICE J. DUCK, Register.

Arthur C. Epperson  
Solicitor for Complainant

STATE OF ALABAMA  
BALDWIN COUNTY

I, the undersigned Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the above and foregoing is a true and correct copy of the notice to be published to the respondents in the above and foregoing cause.

Witness my hand and seal of Office this the 9th day of December, 1954.

Alice J. Duck  
ALICE J. DUCK, Register.

2143  
The undersigned as Register of the Circuit Court, Baldwin County, Alabama, hereby certifies that on the affidavit of Arthur C. Epperson, solicitor for the complainant, on the ninth day of December, 1954, an order of publication was made to Summerdale Investment Company, Anna Mulvillek Arthur Bourdeau and Libby Hitchcock, and to their unknown grantees, assigns, heirs and devisees and to all persons, firms or corporations claiming an interest to or any title in the lots at issue, whose residence and post office addresses are unknown and could not be obtained after reasonable effort, and published in the Onlooker, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks, requiring the respondents to demur, plead to or answer the bill of complaint in this cause by the Seventh day of February, 1955, or thereafter a decree pro confesso might be taken against said respondents; and that one other copy of said order was posted at the Court-house door of said County for four consecutive weeks.

ALICE J. DUCK, Register.

RECEIVED  
JAN 10 1955  
CLERK OF COURT

The State of Alabama  
Baldwin County

}

Circuit Court

Equity

To

Sumnerdale Investment Co

7 West Madison St,

Chicago, Ill.

You are hereby commanded to appear and plead, answer or demur, within thirty days from the service hereof, as provided by an Act of the Legislature of Alabama, approved September 25th, 1919, to a Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, against you, Defendant....., by Paul C. Phillips Complainant.....

A copy of which Bill of Complaint is hereto attached.

Witness by hand, this 9th day of Nov 1954

Wm. J. French  
Register

No. ....

---

CIRCUIT COURT OF BALDWIN COUNTY  
IN EQUITY  
BAY MINETTE, ALABAMA

vs.

NOTICE

Issued ..... day of .....

195.....,

---

PAUL C. PHILLIPS  
COMPLAINANT

VS

Lots 3, 4, 9, and ten Block 93 and all of Block 82 in the Town of Summerdale, Baldwin County, Alabama, Summerdale Investment Company, Anna Mulville, Arthur Bourdeau, and Libby Hitchcock, and the unknown Grantees, assigns, heirs at law, next of kin and devisees of the above named parties) and any and all persons, firms or corporations claiming any interest) in or title to the above described) real property

RESPONDENTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY ALABAMA  
IN EQUITY

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

Humbly complaining, comes PAUL C. PHILLIPS, and respectfully represents and shows unto your Honor and avers:

1. That he is over the age of twenty-one years and a resident of Baldwin County, Alabama; that the respondent Summerdale Investment Company is a Corporation whose address is 7 West Madison Street, Chicago, Ill.; that the respondent Arthur Bourdeau is over the age of twenty-one years and last known address was Bradenton, Florida; that Libby Hitchcock is deceased, and that the complainant has exercised diligence in trying to ascertain the names and addresses of any unknown respondents the heirs or next of kin of the said Libby Hitchcock, and has failed to obtain such information; complainant avers that after exercising reasonable diligence to locate the whereabouts of Anna Mulville, he has been unable to locate the whereabouts of said respondent or to ascertain with certainty whether such respondent was alive at the time of filing this bill, and that if respondent is deceased, her heirs or devisees are unknown. Complainant states that he does not know of anyone or any persons who claim said land, any title to, interest in, lien or encumbrances thereon or any part thereof, except the above named respondents. Complainant has obtained an abstract which shows that the only possible complainants according to said abstract are the above named respondents. Complainant avers that he has exercised diligence in trying to ascertain the names of any person, firm or corporation other than the named respondents who claim said land, or any interest therein, but has failed to obtain such information.

2. That the lots in controversy are situated in the Town of Summerdale, Baldwin County, Alabama, and are more particularly described as follows;

Lots three (3), four (4), nine (9) and Ten (10) in Block Ninety-three (93) and Lots One (1) through Twelve (12) inclusive, Block Eighty-two (82) in the Townsite of Summerdale, Baldwin County, Alabama.

and the complainant claims in his own right to own an undivided and entire fee simple in said land, free from all liens and encumbrances. Complainant avers that he is in the actual, open, hostile, notorious, exclusive, continuous and peaceable possession of said lots and that he and through whom he claims, has had such possession continuously for a period of more than ten years next preceding the filing of this bill of complaint.

3. Complainant further alleges that Libby Hitchcock purchased lots 1, 2, 3, 4, 5, and 6 Block 82 in January, 1924 from Summerdale Investment Company but did not record her Deed; that subsequently Libby Hitchcock returned the deed to Summerdale Investment Company with instructions to convey the lots

TO one Anna Mulville; that in July of 1938 Libby Hitchcock purchased Lots 7, 8, 9, 10, 11, 12 in Block 82 from Summerdale Investment Company and requested that the same be deeded to Anna Mulville; that lots 3, 4, 9, and 10 in block 93 was purchased by Libby Hitchcock from parties unknown; that Libby Hitchcock since her purchase of said lots has held actual, open, notorious, adverse and peaceful possession of said lots continuously and has claimed to own the same up and until the time she conveyed all of said lots to David Hall Faile by deed dated June 26, 1951 and recorded in Deed Book 171 pages 46-47-; that David Hall Faile held actual, open notorious, adverse and peaceful possession continuously until conveyed to your complainant by deed dated May 26, 1954 and recorded in Deed Book 210 pages 548-9; that your complainant entered immediately into actual, open, notorious, adverse and peaceful possession of said lots which has continued to the time of filing this bill of complaint; that since 1940 Libby Hitchcock regularly assessed and paid the taxes on said lots in her name and until 1954 when assessed and taxes paid in the name of David Hall Faile.

That title to the said lots stands upon the records of the Judge of Probate of Baldwin County, Alabama in the name of the complainant by virtue of conveyance from David Hall Faile and Lucia L. Faile dated May 26, 1954 and recorded in Deed Book 210 pages 548-9. Complainant avers that no one but Libby Hitchcock and those through whom he claims title have annually assessed or paid taxes on said lots within ten years next preceding the filing of this bill.

4. Complainant further avers that there is no suit pending to test his interest in, title to, or possession of said lots.

The premises Considered, complainant files this his verified bill of complaint against respondents Summerdale Investment Company, Anna Mulville, Arthur Bourdeau, Libby Hitchcock, R. B. Capperrune, and the unknown grantees, assigns, heirs at law, next of kin and devisees of the above named parties and all persons, firms or corporations claiming any title or interest in or to the said lots or any part thereof, and to establish the right or title to said land and to clear up all doubts or disputes concerning the same, and that the said respondents or parties hereinabove named shall be made respondents to this bill of complaint, and that process be served on them or publication be made requiring them to plead, answer, or demur to the same within the time allowed by law, or decree pro confesso may be entered against them.

Complainant prays that this court will appoint a guardian ad litem for the unknown respondents and further prays that this court will find that the rights and interests of all parties to this suit are before the court and will be finally adjudicated by this court's decree. Complainant further prays that this court will make and enter all orders, judgments, and decrees that may be meet and proper in the premises, and that the complainant upon final hearing of this cause will be found to have an entire and undivided interest in said lands and has a fee simple title thereto free from all liens and encumbrances by the court and that the same will be so decreed by the court.

Complainant further prays that if he is mistaken in the relief asked for, that this court grant such other, further, additional, or different relief as may appear to the court to be just and equitable.

  
SOLICITOR FOR COMPLAINANT

STATE OF ALABAMA

BALDWIN COUNTY

Before me Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, personally appeared Arthur C. Epperson, who being by me first duly sworn, deposes and says on oath; that he is Solicitor of record for the complainant that he is informed and believes and that upon such information and belief syas that the foregoing allegations contained in the bill of complaint are true.

Arthur C. Epperson

Sworn to and subscribed before me this the ninth day of December, 1954.

Alice J. Duck, Register

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, personally appeared Arthur C. Epperson, who first being duly sworn, deposes and says that Summerdale Investment Company is a Corporation whose Address is 7 West Madison St., Chicago Ill.; that Arthur Bourdeau is over the age of twenty-one years and is a non resident of the State of Alabama and that his post office address is Bradenton, Florida; that R. B. Capperrune is over the age of twenty-one years and is a nonresident of the State of Alabama and lives in Kewanee Ill.; that Libby Hitchcock is over the age of twenty-one years and is believed to be deceased and last known address was 33 Washington Ave, New Rochelle, New York; that Anna Mulville is over the age of twenty-one years and is a nonresident of the State of Alabama and whose address can not be adcertained after reasonable efforts; that the names of the grantees, heirs and next of kin are unknown and that their ages and residences are unknown and cannot be ascertained after reasonable effort.

Arthur C. Epperson

Sworn to and subscribed before me this the ninth day of December, 1954.

Register.

PAUL C. PHILLIPS  
COMPLAINANT

VS.

CERTAIN LANDS, SUMMERDALE  
INVESTMENT COMPANY, ANNA  
MULVILLE, ARTHUR BOURDEAU  
and LIBBY HITCHCOCK, and  
the unknown Grantees, assigns,  
heirs at law, next of kin,  
devisees, successors of the  
above named parties and any  
and all persons, firms or corporations  
claiming any interest in or title to  
the lands herein described.  
RESPONDENTS

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

This cause coming on to be heard on this the 28th  
day of September, 1955, is submitted for final decree upon  
the Complainant's verified bill of complaint, upon the decree  
pro confesso rendered herein, answer by Guardian ad litem  
duly appointed by the Court to represent the unknown respon-  
dents, oral depositions of the complainants witnesses taken  
in the presence of the Guardian ad litem by order of the  
Court, and the certificate of the Register, all of which is  
noted by the Register, and it appears to the satisfaction of  
the Court:

FIRST: That the Complainant PAUL C. PHILLIPS, at  
the time of the filing of his bill of complaint in this cause  
claimed in his own right a fee simple title to and was in the  
open, actual and peaceable possession of the following des-  
cribed real property, situated in the County of Baldwin,  
State of Alabama, and more particularly described as follows:

ALL OF LOTS ONE (1), TWO (2), THREE (3), FOUR (4),  
FIVE (5), SIX (6), SEVEN (7), EIGHT (8), NINE (9),  
TEN (10), ELEVEN (11), TWELVE (12) in BLOCK EIGHTY-  
TWO (82), and ALL OF LOTS THREE (3), FOUR (4), NINE  
(9) and TEN (10) in BLOCK NINETY-THREE (93) in  
the TOWN OF SUMMERDALE, ALABAMA.

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

THIRD: That his said bill of complaint was and is  
duly verified, and was filed against said lands and against  
any and all persons claiming any title to, interest in or lien  
against said land or any part thereof, and was to establish the  
right or title to said land or interest therein, and to clear all  
doubts or disputes concerning the same, and that said bill of  
complaint did in all respects comply with the provisions of  
code 1940, title 7, Section 1117 as amended by General Acts of  
1951.

FOURTH: That the complainant exercised diligence in  
ascertaining all of the names of the respondents and unknown  
parties respondent and to ascertain the facts in regards thereto.

FIFTH: That the notice of the pendency of said bill  
of complaint was drawn and signed by the Register of this Court,  
and said Register did have said notice published once a week for  
four consecutive weeks in the Onlooker, a newspaper having  
a general circulation and published in Baldwin County, Alabama, as  
prescribed by rule of this Court, or by an order made in this  
cause.

SIXTH: That a copy of said notice, certified by the Register as being correct, was recorded as a lis pendens in the Office of the Judge of Probate of said County, said notice being in strict accordance and compliance with the Code of 1940, Title 7, Section 1121 as amended, by General Acts of 1951.

SEVENTH: That it has been more than sixty 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.

EIGHTH: That no person has intervened in this cause.

NINTH: That all of the allegations of fact contained in the complainant's Bill of Complaint are true,

It is therefore, ORDERED, ADJUDGED and DECREED:

1. That the Complainant is entitled to the relief prayed for in his bill of complaint, and that the fee simple title claimed by the complainant in the above described lands has been duly proven.

2. That the complainant is the owner of said lands and has a fee simple title thereto, and that the said title thereto be and is hereby established in the complainant, and that all doubts and disputes concerning the same be and are hereby cleared up.

3. 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 PAUL C. PHILLIPS on both the direct index and the indirect index of the record thereof.

4. That the complainant pay the costs of these proceedings, for which let execution issue.

Done this the 13th day of October, 1955.

Hubert M. Hall

CIRCUIT JUDGE.

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

WITNESS MY HAND AND SEAL THIS THE 14 day of Oct, 1955

Alice J. Duck  
Register of Circuit Court, in Equity

STATE OF ALABAMA, BALDWIN COUNTY

Filed 12-19-55 3 P M

Recorded See book 228 page 170-1

M. B. Stewart  
Judge of Probate

PAUL C. PHILLIPS

COMPLAINANT

vs.

CERTAIN LANDS, 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, DECREE PRO CONFESSO, APPOINTMENT OF GUARDIAN AD LITEM, ACCEPTANCE OF APPOINTMENT OF GUARDIAN AD LITEM, APPOINTMENT OF COMMISSIONER TO TAKE ORAL DEPOSITIONS, NOTICE OF PENDANCY OF SAID BILL OF COMPLAINT DULY CERTIFIED AS HAVING BEEN LEGALLY PUBLISHED, AFFIDAVIT OF REGISTER AS TO RECORDING OF LIS PENDENS NOTICE IN OFFICE OF JUDGE OF PROBATE and ORAL DEPOSITIONS

and in behalf of Defendant upon

ANSWER BY GUARDIAN AD LITEM

*Arthur C. Epperson*  
Attorney for Complainant

*Robert M. Brantley*  
Guardian Ad Litem

*George W. Drake*  
Register.

No. ....

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 28th

day of Sept, 1955

Alvin J. Duck  
Register.

Printed by the Baldwin Times

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: LOLA INGRAM

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

PAUL C. PHILLIPS, D. Z. GROVE AND ARTHUR C. EPPERSON

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

PAUL C. PHILLIPS

, Complainant

and

CERTAIN LANDS, et al

Respondent

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

Witness 28th. day of Sept., 1955.

Alice J. Duck  
Register.

Commissioner's Fee, \$

Witness' Fees, \$

FILED

SEP 28 1955

ALICE J. DUCK, Register

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

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT**

**PAUL C. PHILLIPS**

Complainant \_\_\_\_\_

VS.

**CERTAIN LANDS, et al.**

Defendant \_\_\_\_\_

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER:**

**LOLA T. INGRAM**

**WITNESSES:**

**PAUL C. PHILLIPS**

**D. Z? GROVE**

**ARTHUR EPPERSON**

PAUL C. PHILLIPS  
Complainant

vs.

Lots 3,4,9 and 10 Block 93 and  
all Block 82 in the Town of  
Summerdale, Baldwin County,  
Alabama; Summerdale Investment  
Company; Anna Mulville, Arthur  
Bourdeau, and Libby Hitchcock,  
and the unknown heirs at law,  
next of kin and devisees of the  
above named parties and any and  
all firms or corporations and  
persons claiming any interest in  
or title to the above described  
real property.

Respondents

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

720 3418

BOOK 004 PAGE 143

NOTICE is hereby given to Summerdale Investment Company, Anna Mulville, Arthur Bourdeau, Libby Hitchcock, and to their unknown Grantees, assigns, heirs and devisees, if deceased, and to any and all persons, firms or corporations, claiming any interest or title to the hereinafter described lots in Summerdale, Baldwin County, Alabama, that on this day PAUL C. PHILLIPS filed a bill of complaint in the Circuit Court of Baldwin County Alabama, in Equity, against all the above setout respondents and against the lands hereinafter described and you are hereby notified to appear and plead, answer or demur to said bill of complaint by the seventh day of February, 1955, or a decree pro confesso will be rendered against you in this cause.

The complainant filed said bill of complaint for the purpose of establishing the title the lots described as follows:

Lots 3,4,9 and 10 Block 93 and lots 1 thru 12  
inclusive in Block 82 in the Town of Summerdale,  
Baldwin County, Alabama.

in the said Paul C. Phillips and to clear up all doubts and disputes concerning the same and that said suit is now pending in said Court.

The bill of complaint alleges that the complainant claims to own said lots in fee simple, title thereto having been acquired by conveyance from David Hall Faile and Lucia L. Faile, as recorded in Deed Book 210 page 548-9. David Hall Faile and Lucia L. Faile having acquired title to said lots by conveyance dated June 26, 1951 and recorded in deed Book 171 page 46-47 from Libby Hitchcock; and also alleges that there is no suit pending in the Courts to test title, interest in or right to possession to said lands.

It is further alleged in said bill of complaint that the complainant is in the quiet, peaceable, actual and adverse possession of all the lots as described above, claiming to own the same in same in his own right in fee simple and using the same regularly; that the complainant or those through who he claims have had the actual, continuous, peaceable and adverse possession of said lots for more than ten years preceding the filing of said bill of complaint; that the complainant and those through whom he claims title and exercised possession have annually assessed and paid the taxes on said property for more than ten years next preceding the filing of the bill of complaint, and that no other person, firm or corporation has had possession of said lots or any portion thereof, or has assessed or paid taxes on said property during the preceding ten years before filing said bill of complaint.

IT IS HEREBY ORDERED by the undersigned register that the publication of this notice be made in the ONLOOKER, a newspaper of general circulation and published in Baldwin County, Alabama, once a week for four consecutive weeks.

It is further ordered that a copy of this notice certified by the undersigned 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 at office this the Ninth day of December, 1954.

Alice J. Duck  
ALICE J. DUCK, Register.

Arthur C. Epperson  
Solicitor for Complainant

STATE OF ALABAMA  
BALDWIN COUNTY

I, the undersigned Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the above and foregoing is a true and correct copy of the notice to be published to the respondents in the above and foregoing cause.

Witness my hand and seal of Office this the 9th day of December, 1954.

Alice J. Duck  
ALICE J. DUCK, Register.

The undersigned as Register of the Circuit Court, Baldwin County, Alabama, hereby certifies that on the affidavit of Arthur C. Epperson, solicitor for the complainant, on the ninth day of December, 1954, an order of publication was made to Summerdale Investment Company, Anna Mulvillek Arthur Bourdeau and Libby Hitchcock, and to their unknown grantees, assigns, heirs and devisees and to all persons, firms or corporations claiming an interest to or any title in the lots at issue, whose residence and post office addresses are unknown and could not be obtained after reasonable effort, and published in the Onlooker, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks, requiring the respondents to demur, plead to or answer the bill of complaint in this cause by the Seventh day of February, 1955, or thereafter a decree pro confesso might be taken against said respondents; and that one other copy of said order was posted at the Court-house door of said County for four consecutive weeks.

Alice J. Duck  
ALICE J. DUCK, Register.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 12-9-54 11:30 A.M.

Recorded Lin Pond book 4 page 143-4

W. R. Stewart  
Judge of Probate

3418

12-9-54

JAN 11 1955

Probate

Paul G. Phillips

27

201

State Invest. Co.

Anna Mulville 49

Arthur Bourdeau 27

Nobby Hitchcock

23

4-1113-4

R-175  
Mrs Duck

FILED

DEC 9 1954

ALICE J. DUCK, Register

PAUL C. PHILLIPS  
COMPLAINANT

VS.

CERTAIN LANDS, SUMMERDALE  
INVESTMENT COMPANY, ANNA  
MULVILLE, ARTHUR BOURDEAAU  
and LIBBY HITCHCOCK, and  
the unknown Grantees, assigns.  
heirs at law, next of kin,  
devisees, successors of the  
above named parties and any  
and all persons, firms or corporations  
claiming any interest in or title to  
the lands herein described.  
RESPONDENTS

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

This cause coming on to be heard on this the 28<sup>th</sup>  
day of September, 1955, is submitted for final decree upon  
the Complainant's verified bill of complaint, upon the decree  
pro confesso rendered herein, answer by Guardian ad litem  
duly appointed by the Court to represent the unknown respon-  
dents, oral depositions of the complainants witnesses taken  
in the presence of the Guardian ad litem by order of the  
Court, and the certificate of the Register, all of which is  
noted by the Register, and it appears to the satisfaction of  
the Court:

FIRST: That the Complainant PAUL C. PHILLIPS, at  
the time of the filing of his bill of complaint in this cause  
claimed in his own right a fee simple title to and was in the  
open, actual and peaceable possession of the following des-  
cribed real property, situated in the County of Baldwin,  
State of Alabama, and more particularly described as follows:

ALL OF LOTS ONE (1), TWO (2), THREE (3), FOUR (4),  
FIVE (5), SIX (6), SEVEN (7), EIGHT (8), NINE (9),  
TEN (10), ELEVEN (11), TWELVE (12) in BLOCK EIGHTY-  
TWO (82), and ALL OF LOTS THREE (3), FOUR (4), NINE  
(9) and TEN (10) in BLOCK NINETY-THREE (93) in  
the TOWN OF SUMMERDALE, ALABAMA.

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

THIRD: That his said bill of complaint was and is  
duly verified, and was filed against said lands and against  
any and all persons claiming any title to, interest in or lien  
against said land or any part thereof, and was to establish the  
right or title to said land or interest therein, and to clear all  
doubts or disputes concerning the same, and that said bill of  
complaint did in all respects comply with the provisions of  
code 1940, Title 7, Section 1117 as amended by General Acts of  
1951.

FOURTH: That the complainant exercised diligence in  
ascertaining all of the names of the respondents and unknown  
parties respondent and to ascertain the facts in regards thereto.

FIFTH: That the notice of the pendency of said bill  
of complaint was drawn and signed by the Register of this Court,  
and said Register did have said notice published once a week for  
four consecutive weeks in the Onlooker, a newspaper having  
a general circulation and published in Baldwin County, Alabama, as  
prescribed by rule of this Court, or by an order made in this  
cause.

SIXTH: That a copy of said notice, certified by the Register as being correct, was recorded as a lis pendens in the Office of the Judge of Probate of said County, said notice being in strict accordance and compliance with the Code of 1940, Title 7, Section 1121 as ammended by General Acts of L951.

SEVENTH: That it has been more than sixty 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.

EIGHTH: That no person has intervened in this cause.

NINTH: That all of the allegations of fact contained in the complainant's Bill of Complaint are true,

It is therefore, ORDERED, ADJUDGED and DECREED:

1. That the Complainant is entitled to the relief prayed for in his bill of complaint, and that the fee simple title claimed by the complainant in the above described lands has been duly proven.

2. That the complainant is the owner of said lands and has a fee simple title thereto, and that the said title thereto be and is hereby established in the complainant, and that all doubts and disputes concerning the same be and are hereby cleared up.

3. 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 PAUL C. PHILLIPS on both the direct index and the indirect index of the record thereof.

4. That the complainant pay the costs of these proceedings, for which let execution issue.

Done this the 13<sup>th</sup> day of October, 1955.

Hubert M. Hall  
CIRCUIT JUDGE.

RECORDED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

\*\*\*\*\*

PAUL C. PHILLIPS  
COMPLAINANT

VS.

CERTAIN LANDS, ET AL.

RESPONDENTS

\*\*\*\*\*

FINAL DECREE

\*\*\*\*\*

FILED

OCT 14 1955

ALICE J. DUCK, Clerk

R-1.75

3418