

3420

MOTION

ORT H. ERTZINGER,
Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
and ALVA A. JONES,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ORT H. ERTZINGER,
Complainant,
VS.
THE LANDS HEREINAFTER DES-
CRIBED and ALVA A. JONES,
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 10 day of December, 1954.

Hubert M. Hall
Judge.

FILED

Dec. 10 1955

ALICE J. BUCK, Register

MORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED and ALVA A. JONES,

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 15, 1955, setting this cause for hearing on this date, appointing Tolbert M. Brentley 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 Colt H. Erztzinger
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 16 day of February, 1955.

Benjamin S. Suter
Register.

J. B. Black
Solicitor for Complainant.

CERTIFICATE

ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
AND ALVA A. JONES,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

each of them.

Dated this 15th day of February, 1955.

FILED
Feb. 15, 1955

J. B. Black
Solicitor for Complainant

ALICE I. DUCK, Register

FILED
FEB 15 1955
REGISTER

FILED
FEB 15 1955
REGISTER

FILED
FEB 15 1955
REGISTER

FILED
FEB 15 1955
REGISTER

FILED
FEB 15 1955
REGISTER

MOTION FOR DECREE PRO CONFESSO

ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
and ALVA A. JONES,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

FEB 15 1955

ALICE J. DICK, Register

HORT H. ERTZINGER,
 Complainant,
 VS.
 THE LANDS HEREINAFTER DES-
 CRIBED and ALVA A. JONES,
 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
 PERSON INTERESTED IN THIS PROCEEDING WHO MAY BE IN
 THE MILITARY SERVICE OF THE UNITED STATES.

I, Albert M Brantley, 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 pro-
 ceeding 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 16th day of February, 1955.

FILED

FEB. 16, 1955

ALICE J. DUCK, Register

Albert M Brantley
 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
PERSON INTERESTED IN THIS PROCEED-
ING WHO MAY BE IN THE MILITARY OR
SERVICE OF THE UNITED STATES.

ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
and ALVA A. JONES,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

FEB 16 1955

ALICE J. DICK, Register

WORT H. ERTZINGER,
Complainant,
VS.
THE LANDS HEREINAFTER DESCRIBED AND ALVA A. JONES,
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 Talbot M. Beantley, 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 unknown parties interested in this proceeding who may be in the military service of the United States.

Dated this 15th day of February, 1955.

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

STATE OF ALABAMA)
*
BALDWIN COUNTY)

I, the undersigned Talbot M. Beantley
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 15th day of February, 1955.

FILED

Feb. 16, 1955

ALICE J. BUCK, Register

Talbot M. Beantley
As guardian ad litem and as attorney representing parties in the military service.

NOTICE OF APPOINTMENT OF
GUARDIAN AD LITEM AND ATTORNEY
TO REPRESENT PARTIES IN THE MILI-
TARY SERVICE

MORT H. ERTZINGER,
Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
AND ALVA A. JONES,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Ort H. Ertzinger,

Complainant,

VS.

CERTAIN LANDS and ALVA A. JONES,
ET AL., RESPONDENTS.

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

) IN EQUITY.
)
)

MR. J. B. BLACKBURN, ATTORNEY FOR MR. ERTZINGER.

MR. ORT H. ERTZINGER, THE COMPLAINANT, BEING FIRST DULY SWORN,
TESTIFIED:

Q. Are you Ort H. Ertzinger?

A. I am.

Q. You are the Complainant in this suit, are you not?

A. I am

Q. Are you over 21 years of age?

A. I am.

Q. And a resident of Baldwin County, Alabama?

A. I a m.

Q. Was the Respondent, Alva A. Jones, if living, over the age of
21 years, at the time this suit was filed?

A. Yes, sir.

Q. You did not know his place of residence, or his adress,
did you?

A. I did not.

Q. Mr. Ertzinger, before this suit was filed I will ask you if
you had an abstract of title made to the lands involved in
this suit, which is described as Lot 1, Block
11, Gulf Bay Tract, according to the Official Plat recorded in
Miscellaneous Book 1 page 256, Baldwin County, Alabama
Records?

A. I did.

Q. Did you also make an investigation in the community where

the lands are located for the purpose of locating the place of residence of Alva A. Jones, and his heirs, if he had any?

A. I did.

Q. Were any suits pending to test the title to this land at the time this suit was filed?

A. There was not.

Q. Mr. Ertzinger, I will ask you whether or not you claim to own this land in your own right at the time of the filing of this suit?

A. I do.

Q. I will ask you whether or not you have paid taxes on it continuously for more than 15 years prior to the filing of this suit?

A. I have.

Q. Actually you have paid the taxes since 1926?

A. I have.

Q. During that time has any body else paid any taxes on it or any part of it?

A. No.

Q. You have made an examination of the records and there is no conflict?

A. That is right.

Q.

MR. BLACKBURN: The Complainant offers in evidence certified copy of patent from the United States to George W. Mathews, dated June 1, 1860, recorded in Deed Book 2, N.S. Page 77, Baldwin County, Alabama Records, which covers the North Half of Section 5, Township 9 South, Range 5 East, and ask that it be identified as Complainant's Exhibit 1. Next, we offer in evidence, certified copy of the tax deed from W. B. Allgood, State Auditor to Ort H. Ertzinger, dated April 12, 1926, and recorded in Deed Book 40, page 77, which conveys Lot 1 in Block 11, Gulf Bay Tract, with other property, and ask that that be identified as Complainant's Exhibit 2.

Q. Mr. Ertzinger, I will ask you whether or not you were in possession of this property at the time of the filing of this suit?

A. I was.

Q. I believe you stated that you have made a diligent effort in the community to locate all claimants to the property and their ages and residence?

A. I have done that several times.

Q. All of the information that you obtained is set out in the bill of complaint, is that right?

A. That is right.

Q. I will ask you whether or not all of the facts set out in the bill of complaint are true?

A. They are.

ON CROSS EXAMINATION OF THIS WITNESS BY MR. BRANTLEY, GUARDIAN

AD LITEM:

Q. Mr. Ertzinger, when did you make inquiry as to where Alva Jones lived?

A. Immediately after I got the deed I went down there and tried to locate him and on occasions after that I tried to find his name and address.

Q. Have you done that recently?

A. Yes, sir; last fall - several times, and about a year and a half ago.

Q. You couldn't locate him or any of his heirs?

A. No, sir, nor any one that knew anything about him.

Q. Who did you make inquiry of?

A. A fellow by the name of Bagley and Epperson; Epperson was there when I first bought the place, and there was a man by the name of Ed Smalley.

Q. Did these people live in the Community where this land was located?

A. Yes, sir.

Q. What sort of possession do you have of this property.

A. I have taken wood off of it and been on it a good many

years and I have run a line out with Smalley and Bagley.

Q. What do you do now to show your possession of the land,

if anything?

A. I just go on it when I am down there.

Q. You have no building on it?

A. No, sir, there is nothing but timber on it.

Q. You have paid taxes on it since you acquired title?

A. Yes, sir.

Q. Nobody has ever disputed your title?

A. No, sir.

ON RE-DIRECT EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Q. No one else has been in possession of this property

at any time since you got your tax deed, have they Mr.

Hrtzinger?

A. No, sir.

I hereby certify that the foregoing is a true and

correct transcript of the testimony as taken by me in open

Court in the above styled cause, before Hon. Hubert M. Hall,

Judge of said Court.

Court Reporter

John J. McLaughlin

The United States of America

To all to whom these presents shall come, greeting
 I certify that whereas George W. Mathews of Montgomery County, Alabama has deposited in the General Land Office of the United States a certificate of the Register of the Land Office at Etah, whereby it appears that said Payment has been made by the said George W. Mathews according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act explaining further provisions for the sale of the Public Lands, for the Wash Staff of Section four in Township nine of Range five, in the District of Land subject to sale at Etah, Alabama containing two hundred and ninety acres and ten hundredths of an acre, according to the Official Plat of the Survey of the said lands returned to the General Land Office by the Surveyor General, which said tract has been purchased by the said George W. Mathews.

Now Know Ye that the United States of America, in consideration of the premises and in conformity with the several Acts of Congress in such cases made and provided, have granted and granted, and by these presents do give and grant unto the said George W. Mathews and to his heirs, the said tract above described, to have and to hold the same together with all the rights, liberties, immunities and appurtenances of whatsoever nature thereunto belonging, unto the said George W. Mathews and to his heirs and assigns forever.

In Testimony Whereof James Buchanan President of the United States of America has 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 first day of June, in the year of our Lord one thousand eight hundred and Sixty, and of the Independence of the United States the eighty fourth.

By the President James Buchanan
 By A. B. Leonard Secretary

Attest my hand and the Seal of the General Land Office
 Recorded Alabama Vol. 250 Page 24

Filed for Record July 17th 1900.
 Recorded March 1st 1900.

Lehas Hall
 Judge of Probate

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 George W. Mathews

as the same appears of record in my office in Deed _____ Book No. 2

Page 77.

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



Judge of Probate.

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 Deed from State of Alabama, by _____

W. B. Allgood, State Auditor, to Ort H. Ertzinger

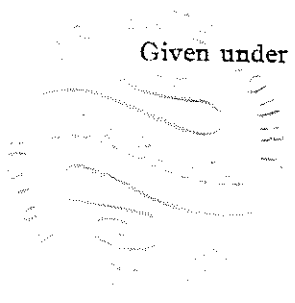
as the same appears of record in my office in Deed _____ Book No. 40

Page 77. _____

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



Judge of Probate.



Baldwin Times, Bay

Thursday, January 6, 1955

Legal Notice

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

ORT H. ERTZINGER, Complainant, VS. THE LANDS HEREDINAFTER DESCRIBED and ALVA A. JONES, Respondents.

Notice is hereby given to the respondent named below and to all persons, firms or corporations claiming any right, title or interest, lien or encumbrance on the lands hereinafter described, or any part thereof, that Ort H. Ertzinger, did, on the 10th 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: Lot 1 in Block 11 in Gulf Bays Tractor plat thereof which is recorded in Miscellaneous Book 1, pages 256-7, Baldwin County, Alabama Records.

and against Alva A. Jones and his heirs or devisees, if deceased, 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 respondent, Alva A. Jones, is unknown and cannot be ascertained after reasonable efforts and the making of diligent inquiry to ascertain the same.

The said Bill of Complaint has been filed for the purpose of establishing the title of the said complainant 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, State of Alabama, by W. B. Algood, State Auditor to Ort H. Ertzinger dated April 12, 1926, and recorded in Deed Book 40 N. S., page 77.

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 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 has held color of title to, and has regularly assessed and paid taxes on the said lands and each and every part for more than ten consecutive years next prior to the expiration of thirty 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 10th 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.

617 WORDS I hereby certify this

was published in said news;

Date of 1st publication

Date of 2nd publication

Date of 3rd publication Dec. 30

Date of 4th publication Jan. 6

Subscribed and sworn before the undersigned this 8 day of Jan, 1955

Dorothy Martin Notary Public, Baldwin County.

E. R. Mouselle Editor Publisher.

NOTIFICATION

sworn, deposes and says a Weekly Newspaper published a notice hereto attached of

Lands

40.10

40.10

Publisher.

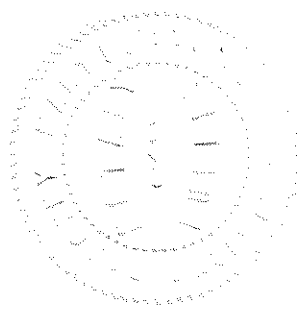
the following issues:

1954 Vol 65 No 48

1954 Vol 65 No 49

1954 Vol 65 No 40

1954 Vol 65 No 5



ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED and ALVA A. JONES,

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 persons 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 cause shall be and it is hereby set for hearing at 10:00 o'clock a. m. on the 16 day of February, 1955.
2. Albert Brantley, 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. Albert Brantley, 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~~ ^{by a commissioner} and transcribed in the manner provided by equity rule number 56 as amended.

ORDERED, ADJUDGED AND DECREED on this the 15 day of February, 1955.

Hubert M. Hall
Judge.

DECREE

ORT H. ERTZINGER,
Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
and ALVA A. JONES,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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 15, 1955, setting this cause for hearing on this date, appointing Tolbert M. Brantley 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; Notice of Appointment of Guardian ad litem and Attorney to Represent Parties in the Military Service and Acceptance of such appointments; Answer of Guardian ad litem and the Attorney for Unknown Parties Interested in This Proceeding who may be in the Military Service of the United States; Testimony of Ort H. Ertzinger, 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

FINAL DECREE

ORT H. ERTZINGER,
Complainant,
VS.
THE LANDS HERINFTER DESCRIBED AND ALVA A. JONES,
Respondents.
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

of all of which it appears to the court that the Respondents 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 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, Ort H. Ertzinger, is the lawful

owner in fee simple of the following described land situated in

Baldwin County, Alabama, to-wit:

Lot 1 in Block 11 in Gulf Bays Tract, according to the
official map or plat thereof which is recorded in Mis-
cellaneous Book 1, pages 256-7, Baldwin County, Alabama
Records.

That the absolute fee simple title to the said lands in each and

every part thereof and all interest therein is in the Complainant,

Ort H. Ertzinger, 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 encum-

brance on the said lands or any part thereof.

2. The Complainant's title to the said lands is hereby

quieted against Alva A. Jones and against any and all persons, firms

or corporations claiming any title to, interest in, lien or encum-

brance 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

cost of this proceeding.

4. The Judge of Probate of Baldwin County, Alabama, shall

Judge.

Richard M. Hall

February, 1955.

ORDERED, ADJUDGED AND DECREED on this the 16th day of

the Complainant, for which execution may issue.

6. The costs of this proceeding are hereby taxes against

so procuring or deriving title from the said Complainant.

as though it had been established in favor of the person or persons

such title or interest shall be at all times treated and considered

or any interest therein, from or through the said Complainant, and

persons who derive title to the said lands, or any part thereof,

Complainant, Ort H. Ertzinger, shall inure to the benefit of all

5. The title hereby judged and decreed to be in the said

Ort H. Ertzinger.

in the indirect or reverse index of said records in the name of

direct index in the name of Alva A. Jones and shall index the same

manner which deeds are recorded, and shall index the same in the

record the said certified copy of this decree in the same book and

NOTICE OF PENDENCY OF BILL OF COMPLAINT

ORT H. ERTZINGER,
Complainant,
VS.
THE LANDS HEREINAFTER DES-
CRIBED and ALVA A. JONES,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

BOOK 023 PAGE 89

BOOK 024 PAGE 145

Notice is hereby given to the respondent named below and to all persons, firms or corporations claiming any right, title or interest, lien or encumbrance on the lands hereinafter described, or any part thereof, that Ort H. Ertzinger, did, on the 10th 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:

Lot 1 in Block 11 in Gulf Bays Tract, according to the official map or plat thereof which is recorded in Miscellaneous Book 1, pages 256-7, Baldwin County, Alabama Records.

and against Alva A. Jones and his heirs or devisees, if deceased, 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 respondent, Alva A. Jones, is unknown and cannot be ascertained after reasonable efforts and the making of diligent inquiry to ascertain the same.

The said Bill of Complaint has been filed for the purpose of establishing the title of the said complainant 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, State of Alabama, by W. B. Algood, State Auditor to Ort H. Ertzinger dated April 12, 1926, and recorded in Deed Book 40 N. S., page 77.

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 the title to the said lands stands

BOOK 023 PAGE 00

BOOK PAGE 146

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 has held color of title to, and has regularly assessed and paid taxes on the said lands and each and every part thereof for more than ten consecutive years next prior to the filing of the Bill of Complainant; that no persons, firms or corporations, other than the complainant have paid any taxes on the said lands or any part thereof or any interest therein within ten years next prior to the filing of the said Bill of Complaint.

The respondent named above, his heirs or devisees, if deceased, 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 thirty 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 10th 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,
Solicitor for Complainant.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 12-10-54 10 A.M.
Recorded *Li. Prob.* book 4 page 1456
M. D. Stout
Judge of Probate
5

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

Your Orator, Ort H. Ertzinger, presents this Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

Lot 1 in Block 11 in Gulf Bays Tract, according to the official map or plat thereof which is recorded in Miscellaneous Book 1, pages 256-7, Baldwin County, Alabama Records.

and against Alva A. Jones and his heirs or devisees, if deceased, 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, whereupon your Orator complains and shows unto the Court and your Honor as follows:

1. Your Orator is over the age of twenty-one years and a resident of Baldwin County, Alabama.
2. The respondent, Alva A. Jones, is, if living, over the age of twenty-one years, but his address and place of residence is unknown and cannot be ascertained after the exercise of reasonable diligence to ascertain the facts with regard thereto. Your Orator avers that he has made inquiries in and around the community where the said land lies in an effort to ascertain the whereabouts of the said respondent and has discussed the matter of the said respondent's whereabouts with old residents of the community where the said land lies and has been unable to obtain any information as to the address of the said respondent. Your Orator further avers that he has caused the records of the Tax Assessor of Baldwin County, Alabama, to be searched to ascertain whether or not the said respondent is assessing or claiming any property in Baldwin County, Alabama, and to ascertain whether or not the said respondent's address is listed in the records of the Tax Assessor's office and has been unable to obtain any information relative to his address from these records.
3. Your Orator claims in his own right to own said land and that no persons, firms or corporations have had possession of

the said property or any part thereof for the past ten years next preceding the filing of this Bill of Complaint and that no persons, firms or corporations other than your Orator have paid any taxes on the said lands or any part thereof or any interest therein for more than ten 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 the fact that he holds and has held color of title to the said lands for a period of ten or more consecutive years next preceding the filing of this Bill of Complaint and has paid taxes on the said lands for ten or more consecutive years next preceding 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. The respondent, Alva A. Jones, claims or is reputed to claim, title to or an interest in the said lands.

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 for recording in the office of the Judge of Probate of Baldwin County, Alabama, the County where the said lands are situated, to-wit:

Deed, State of Alabama, by W. B. Algood, State Auditor to Ort H. Ertzinger dated April 12, 1926, and recorded in Deed Book 40 N. S., page 77.

Your Orator has made and has caused a diligent search to be made to ascertain the name, age and address of the respondent

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BOOK 016 PAGE 182

named herein and to determine if the said party is 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 November, 1954, 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 thorough 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 to the title to the said property. All of the information so secured as to prior ownership and possession of the said property and the name, age and place of residence of the said respondent is fully and completely set out in this Bill of Complaint.

PRAYER FOR PROCESS

Your Orator prays that the lands hereinabove described, the respondent named herein, his heirs or 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 the respondent named herein, his 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,

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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 the respondent herein specifically named, his heirs or devisees, if deceased, or any other person, firm or corporation has no title to, interest in, lien or encumbrance 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.

[Handwritten signature]

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, personally appeared Ort H. Ertzinger, who first being duly and legally sworn deposes and says: That he is the Complainant in the above styled cause and that the facts stated in the foregoing Bill of Complaint are true.

[Handwritten signature]

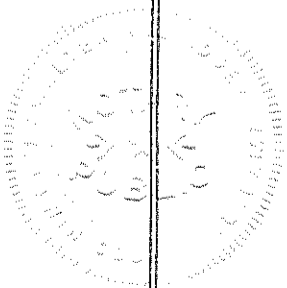
Sworn to and subscribed before me on this the 10 day of December, 1954.

[Handwritten signature]
Notary Public, Baldwin County, Alabama.

FILED

Dec:10, 1954

ALICE J. DUCK, Register



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 15, 1955, setting this cause for hearing on this date, appointing Tolbert M. Brantley 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; Notice of Appointment of Guardian ad Litem and Attorney to Represent Parties in the Military Service and Acceptance of such appointments; Answer of Guardian ad Litem and the Attorney for Unknown Parties Interested in This Proceeding who may be in the Military Service of the United States; Testimony of Ort H. Ertzinger, 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

FINAL DECREE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Ort H. Ertzinger,
Complainant,
VS.
THE LANDS HEREMIAFTER DESCRIBED AND ALVA A. JONES,
Respondents.

of all of which it appears to the court that the Respondents 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 the Complaint 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, Ort H. Ertzinger, is the lawful owner in fee simple of the following described land situated in Baldwin County, Alabama, to-wit:

Lot 1 in Block 11 in Gulf Bays Tract, according to the official map or plat thereof which is recorded in Miscellaneous Book 1, pages 256-7, Baldwin County, Alabama Records.

That the absolute fee simple title to the said lands in each and every part thereof and all interest therein is in the Complainant, Ort H. Ertzinger, free and clear of and from the claim or claims of all persons, firms or corporations claiming any title to, interest in, then 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, then or encumbrance on the said lands or any part thereof.

2. The Complainant's title to the said lands is hereby quieted against Alva A. Jones and against any and all persons, firms or corporations claiming any title to, interest in, then 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 cost of 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 which deeds are recorded, and shall index the same in the direct index in the name of Alva A. Jones and shall index the same in the indirect or reverse index of said records in the name of Ort H. Ertzinger.

5. The title hereby judged and decreed to be in the said Complainant, Ort H. Ertzinger, 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 taxes against the Complainant, for which execution may issue.

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

/s/ Hubert M. Hall
Judge.

STATE OF ALABAMA)
BALDWIN COUNTY)

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the within and foregoing is a full, true, accurate and complete copy of the final decree in the case of Ort H. Ertzinger, Complainant, vs. The Lands Hereinafter described and Alva A. Jones, Respondents, which was filed in my office on February 16, 1955.

Dated this 18th day of February, 1955

Alice J. Duck
Register.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 2-18-55

3 P. M.

Recorded Deed book 217 page 577-9

JMR Stewart
Judge of Probate

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2-18-55

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Respectfully,
H. H. Jones

has good sense and is entitled and to your behalf and interest

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Handwritten signature

Alva Jones
H. H. Jones
Feb 21 1922

February 1922

ORDERED, ADJUDGED AND DECREED ON THE 10th day of
February 1922 that the same be and they be

ESSE N. JACKSON
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FINAL DECREE

ORT H. ERTZINGER, Complainant,
VS.
THE LANDS HERINAFTER DESCRIBED
AND ALVA A. JONES, Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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ALVA A. JONES
No. 10
P-112
1-8-22

Judge of Probate

ORT H. ERTZINGER,
 Complainant,
 VS.
 THE LANDS HEREINAFTER DES-
 CRIBED AND ALVA A. JONES,
 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 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 Alva A. Jones and his heirs or devisees, if deceased, 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 16 day of February, 1955.

FILED

Feb. 15, 1955

Alice J. Duck
 Register.

ALICE J. DUCK, Register

DECREE PRO CONFESSO

ORT H. ERTZINGER,
Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
and ALVA A. JONES,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

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Alice J. Ooka, Register

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