

LORETTA McDONAGH MURRAY,)
)
 Complainant and)
 Cross Respondent,)
 VS.)
)
 MARY GRICE, CHARLES D. GRICE,)
 MARION L. GRICE, ANNIE GRICE)
 DOHERTY and ROBERT N. GRICE,)
)
 Respondents and)
 Cross Complainants.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 4268

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree on behalf of the complainant and cross respondent, Loretta McDonagh Murray, upon the original, verified Bill of Complaint, fiat for injunction, injunction bond, temporary writ of injunction, order of publication, proof of publication, Register's certificate as to service, motion for decree pro confesso against respondents, Robert N. Grice, Marion L. Grice and Annie Grice Doherty, decree pro confesso against respondents, Robert N. Grice, Marion L. Grice and Annie Grice Doherty, answer to cross bill of Mary Grice and Charles D. Grice, the testimony as noted by the Register, and verdict of jury finding issues in favor of complainant and cross respondent; and is submitted on behalf of the respondents and cross complainants, Mary Grice and Charles D. Grice, upon their answer, suggestion of disputed boundary, cross bill, demand for jury trial, and the testimony as noted by the Register, upon consideration of all of which the court finds

A. That the respondents and cross complainants, Mary Grice and Charles D. Grice, did heretofore demand a jury trial of this cause and that after which and on, to-wit, September 12, 1958, the said cause was tried before a jury, which found the issues in this cause as presented by the pleadings in favor of the complainant and cross respondent, Loretta McDonagh Murray;

B. That the complainant and cross respondent, Loretta McDonagh Murray, has proved the allegations of the Bill of Complaint filed by her in this cause and is entitled to the relief prayed for by her therein;

C. That the respondents and cross complainants, Mary Grice and Charles D. Grice, have failed to prove title to the property involved in this proceeding in them:

Upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The complainant and cross respondent, Loretta McDonagh Murray, as against the respondents, Robert N. Grice, Marion L. Grice and Annie Grice Doherty, and as against the respondents and cross complainants, Mary Grice and Charles D. Grice, is the true and lawful owner in her own right of the following described real property situated in Baldwin County, Alabama, to-wit:

IN TOWNSHIP 3 SOUTH, RANGE 2 EAST:

Southwest Quarter of Northwest Quarter;
West Half of Southwest Quarter, Section 2.

East Half of East Half, Section 3;

West Half of Southeast Quarter of Southwest Quarter;
West Half of East Half of Southeast Quarter of Southwest Quarter;

East Half of Southeast Quarter of Southeast Quarter of Southwest Quarter, Section 4.

Lot C, EXCEPT Southwest Quarter of Southwest Quarter of Southwest Quarter, Section 4.

All of Lot B West of Byrnes Lake;
Lot D, Section 8.

All of Southwest Quarter, EXCEPT Southwest Quarter of Southwest Quarter of Southwest Quarter, Section 9.

The James Callier Grant, Section 39, Township 3 South, Range 2 East, containing 337.53 acres.

The Thomas Byrne Grant, Section 40, Township 3 South, Range 2 East, containing 672.32 acres, EXCEPT the following described property:

Begin at the Southeast corner of the said Section 40 and run thence Northwardly along the East line thereof 1687 feet, more or less, to the point where the East line of the said Section 40 intersects the South line of Bayou Wiltz; thence Southwestwardly along Bayou Wiltz and following the meanders thereof to the point where the said bayou intersects Byrnes Lake; thence Southwestwardly along Byrnes Lake and following the meanders thereof to the South line of the said Section 40; thence East along the South line of the said Section 40, 2193 feet to the point or place of beginning, which said excepted portion contains 55 acres, more or less.

2. Title to the above described lands (the lands described in the preceding paragraph) is vested in the said complainant and cross respondent, Loretta McDonagh Murray, and her title thereto is forever quieted against the respondents, Robert N. Grice, Marion L. Grice and Annie Grice Doherty, and against the respondents and cross complainants, Mary Grice and Charles D. Grice, and the said respondents and respondents and cross complainants are without right, title or interest in and to all of the said lands and each and every part thereof and have and hold no encumbrance on the said property, or any part thereof, or any interest therein.

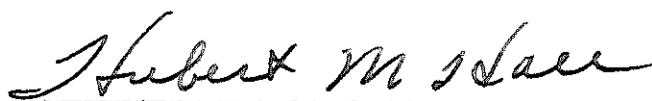
3. The respondents and cross complainants, Mary Grice and Charles D. Grice, are each hereby permanently and perpetually restrained and enjoined from cutting or removing timber on all or any part of the above described property.

4. The complainant and cross respondent and The Fidelity and Casualty Company of New York, a corporation, as principal and surety on the injunction bond heretofore filed in this cause, shall each be and they are hereby relieved of and discharged from all other and further liability on the said bond.

5. The Register of this court shall, within thirty days from the rendition of this decree, file a certified copy hereof for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs of this proceeding.

6. The costs of this proceeding, insofar as the said costs apply to the respondents, Robert N. Grice, Marion L. Grice and Annie Grice Doherty, are hereby taxed against the complainant and cross respondent; and the remainder of the costs of this proceeding, including all of the costs of the jury trial heretofore had in this cause, are hereby taxed against the respondents and cross complainants, Mary Grice and Charles D. Grice, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 19th day of September, 1958.



Judge

The James Callier Grant, Section 39, Township 3 South, Range 2 East, containing 337.53 acres.

The Thomas Byrne Grant, Section 40, Township 3 South, Range 2 East, containing 672.32 acres, EXCEPT the following described property:

Begin at the Southeast corner of the said Section 40 and run thence Northwardly along the East line thereof 1687 feet, more or less, to the point where the East line of the said Section 40 intersects the South line of Bayou Wiltz; thence Southwestwardly along Bayou Wiltz and following the meanders thereof to the point where the said Bayou intersects Byrnes Lake; thence Southwestwardly along Byrnes Lake and following the meanders thereof to the South line of the said Section 40; thence East along the South line of the said Section 40, 2193 feet to the point or place of beginning, which said excepted portion contains 55 acres, more or less,

pending a final hearing of this suit.

NOW, THEREFORE, the condition of the above obligation is such that if the said Loretto McDonagh Murray shall pay or cause to be paid all damages which the said Mary Grice, Charles D. Grice, Marion L. Grice, Annie Grice Doherty and Robert N. Grice may sustain by the suing out of this injunction, if the same is dissolved, then the above obligation shall be void, otherwise it shall remain in full force and effect.

WITNESS our hands and seals on this the 17th day of April, 1958.

LORETTO McDONAGH MURRAY (SEAL)

By J. B. Blackburn

As her attorney

THE FIDELITY AND CASUALTY COMPANY OF NEW YORK, a corporation, (SEAL)

By Katherine Lindsey

As its Attorney in Fact

Taken and approved on this the 18 day of April, 1958.

Deering J. Moore
Register

filed April 19, 1958

LORETTA McDONAGH MURRAY,
Complainant,
VS.

MARY GRICE, CHARLES D. GRICE,
MARION L. GRICE, ANNIE GRICE
DOHERTY and ROBERT N. GRICE,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 4268

ANSWER TO CROSS BILL

Now comes the complainant and cross respondent, Loretta McDonagh Murray, and for answer to the cross bill filed in this cause, says:

1. She denies the allegations of Paragraph Numbered 1 of the cross bill and demands strict proof of same.
2. She denies the allegations of Paragraph Numbered 2 of the cross bill and demands strict proof of same; and for further answer to the said Paragraph Numbered 2 of the cross bill complainant and cross respondent says that the property claimed by her is described in the Bill of Complaint that has been filed by her in this cause.
3. Complainant and cross respondent denies the allegations of Paragraph Numbered 3 of the cross bill and demands strict proof of same.

Having fully answered the said cross bill, complainant and cross respondent prays that it be dismissed and that she be discharged with her reasonable costs in this behalf expended.

filed Sept. 9, 1958
Alice J. Stock register

J. B. Bradburn
Solicitor for complainant and cross respondent.

ANSWER TO CROSS BILL



LORETTA McDONAGH MURRAY,

VS.

MARY GRICE, CHARLES D. GRICE,
MARION L. GRICE, ANNIE GRICE
DOHERTY and ROBERT N. GRICE,

Complainant,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 4268

FILED

SEP 9 1958

ALICE J. DUCK, Register

Handwritten notes in the left margin, including the name 'Loretta McDonagh Murray' and other illegible text.

TO THE COURT OF BALDWIN COUNTY, ALABAMA
LORRETTA MCDONAGH MURRAY
vs.
MARY GRICE, CHARLES D. GRICE,
MARION L. GRICE, ANNIE GRICE
DOHERTY and ROBERT N. GRICE

Handwritten signature and notes at the bottom of the page, including the name 'Loretta McDonagh Murray' and other illegible text.

LORETTO McDONAGH MURRAY,)	
)	IN THE CIRCUIT COURT OF
VS. Complainant,)	BALDWIN COUNTY, ALABAMA
)	
MARY GRICE, ET AL,)	IN EQUITY
)	
Respondents.)	

WRIT OF INJUNCTION

TO MARY GRICE, CHARLES D. GRICE, MARION L. GRICE, ANNIE GRICE DOHERTY, AND ROBERT N. GRICE:

WHEREAS, Loretto McDonagh Murray has filed a Bill of Complaint in the Circuit Court of Baldwin County, Alabama, in Equity, and has obtained from the Honorable Hubert M. Hall, Judge of the said court, an order for the issuance of an injunction to restrain and enjoin you, as hereinafter mentioned; and,

WHEREAS, the said complainant, Loretto McDonagh Murray, has, in accordance with the said order, entered into bond with security in the sum of One Thousand Dollars (\$1,000.00), payable and conditioned as provided by law:

NOW, THEREFORE, you and each of you are hereby commanded and strictly enjoined from trespassing on, cutting or removing timber from, and from changing the status quo of the following described property situated in Baldwin County, Alabama, to-wit:

IN TOWNSHIP 3 SOUTH, RANGE 2 EAST:

Southwest Quarter of Northwest Quarter;
West Half of Southwest Quarter, Section 2.

East Half of East Half, Section 3.

West Half of Southeast Quarter of Southwest Quarter;
West Half of East Half of Southeast Quarter of Southwest Quarter;

East Half of Southeast Quarter of Southeast Quarter of Southwest Quarter;
Lot C, EXCEPT Southwest Quarter of Southwest Quarter of Southwest Quarter, Section 4.

All of Lot B West of Byrnes Lake;
Lot D, Section 8.

All of Southwest Quarter, EXCEPT Southwest Quarter of Southwest Quarter of Southwest Quarter, Section 9.

The James Callier Grant, Section 39, containing 337.53 acres.

The Thomas Byrne Grant, Section 40, containing 672.32 acres, EXCEPT the following described property:

Begin at the Southeast corner of the said Section 40 and run thence Northwardly along the East line thereof 1687 feet, more or less, to the point where the East line of the said Section 40 intersects the South line of Bayou Wiltz; thence Southwestwardly along Bayou Wiltz and following the meanders thereof to the point where the said Bayou intersects Byrnes Lake; thence Southwestwardly along Byrnes Lake and following the meanders thereof to the South line of the said Section 40; thence East along the South line of the said Section 40, 2193 feet to the point or place of beginning, which said excepted portion contains 55 acres, more or less,

until a final hearing of this cause, and until further orders of this court.

IN WITNESS WHEREOF, I have hereunto set my hand, as Register, and affixed the seal of the said court on this the 18 day of April, 1958.

filed April 19, 1958 *Arise J. Wirtch*
Executed April 22, 1958 As Register.
on. Mary Arise &
Charles Arise

LORETTO McDONAGH MURRAY,

COMPLAINANT

VS

MARY GRICE, ET AL,

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

Come Respondents, MARY GRICE and CHARLES D. GRICE, and demur to the complaint filed in said cause and as grounds for said demurrer show unto this Honorable Court as follows:

1. That said complaint fails to state a cause of action.
2. That said complaint alleges conclusions of the pleader as to paragraph two therein.
3. That the allegations of said complaint, as to paragraph two therein, are conclusions of the pleader.
4. That paragraph three of said complaint is without foundation as to Respondent Charles D. Grice.
5. That the allegations of paragraph four are conclusions of the pleader in that the said Charles D. Grice is alleged to have done certain acts without foundation for said allegations.
6. That the allegations of paragraph four of said complaint are conclusions of the pleader.
7. That paragraph four of said complaint alleges separate and distinct conflicting charges.
8. That paragraph four of said complaint includes a multiplicity of allegations.
9. That the allegations of said complaint concerning Mary and Charles D. Grice are in the alternative.
10. That the said complaint fails to pray any relief against Charles D. Grice.
11. That the said complaint fails to pray proper relief against the said Mary Grice.

THOMPSON & WHITE

BY: *[Signature]*
Attorney for Respondents.

Respondents demand a trial by jury on the facts.

Filed May 22, 1958
Alice J. Clark, Register

[Signature]
Attorney for Respondents.

4268

THE UNITED STATES OF AMERICA
DISTRICT COURT OF THE DISTRICT OF COLUMBIA
IN RE: [Illegible Name]
[Illegible Name]

THE UNITED STATES OF AMERICA
DISTRICT COURT OF THE DISTRICT OF COLUMBIA
IN RE: [Illegible Name]
[Illegible Name]

[Illegible text, likely a petition or affidavit]

FILED
MAY 22 1958
ALICE J. DUCK, Register

[Illegible signature and text]

FILED


LORETTO McDONAGH MURRAY,
Complainant,
vs.
MARY GRICE, ET AL.,
Respondents.

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

DECREE OVERRULING DEMURRER:

This cause coming on to be heard on this day is submitted on the Respondents' demurrer to the Bill of Complaint heretofore filed in this cause and the said demurrer being considered by the Court, it is ORDERED, ADJUDGED AND DECREED by the Court that the said demurrer is not well taken and that it should be overruled and the same is hereby overruled.

ORDERED, ADJUDGED AND DECREED on this the 23rd day of June, 1958.


Judge.

Murray
vs
Mire

720.4268

JURY LIST

Fall Term, Sept. 8, 1958

NO. NAME OCCUPATION ADDRESS

- ~~1 Lasso, Lewis, Farmer, Elberta~~
- ~~2 Pacey, Paul G., Farmer, Fairhope~~
- ~~3 Parker, Robert Lee, Farmer, Rabon~~
- 4 Mikkelson, Roy, Farmer, Summerdale
- ~~5 Anderson, William F., Merchant, Foley~~
- ~~6 Neese, L. W., Merchant, Robertsdale~~
- ~~7 Nix, Ellis, Standard Oil, Robertsdale~~
- ~~8 Kachere, John E., Mechanic, Elberta~~
- 9 Averitt, Chester C., Farmer, Magnolia Springs
- ~~10 Ezzett, Lonnie, Farmer, Elberta~~
- ~~11 Baker, Lewis E., Foley Fert. Co., Foley~~
- 12 Bankester, Turpen, Railroad Emp., Robertsdale
- ~~13 Backlin, Herbert T., Salesman, Bay Minette~~
- 14 Bishop, Clarence, Farmer, Fairhope
- 15 Bishop, David, Farmer, Fairhope
- ~~16 Bryant, Murray, Farmer, Stockton~~
- ~~17 Camp, Lester Daniel, Sanitation, Bay Minette~~
- 18 Childress, Guy, Farmer, Robertsdale
- ~~19 Crosby, James W., Bookkeeper, Foley~~
- 20 Cunningham, Lester, Motel Oper., Gulf Shores
- 21 Dukes, Colon, Merchant, Foley
- 22 Dusek, Frank J., Jr., Civil Service, Lillian
- ~~23 Frost, Cecil E., Merchant, Gulf Shores~~
- ~~24 Givens, C., Pulpwood, Seminole~~
- ~~25 Graham, Dan, Farmer, Summerdale~~
- ~~26 Gwin, E. B., Merchant, Fairhope~~
- ~~27 Harak, Frank, Retired, Foley~~
- ~~28 Haupt, John G., Banker, Elberta~~
- ~~29 Hill, Calvin, Farmer, Beaufort~~
- ~~30 Honk, Arthur A., Ins. Agt., Foley~~
- ~~31 Price, John A., Farmer, Elberta~~
- 32 Redding, Theo, Merchant, Loxley
- ~~33 Roley, Charlie N., Farmer, Perdido~~
- ~~34 Roley, Leonard D., Farmer, Perdido~~
- 35 Sanca, James Jr., Butcher, Robertsdale
- ~~36 Sileo, Bill, Farmer, Summerdale~~
- ~~37 Smith, G., Farmer, Seminole~~
- ~~38 Stewart, Douglas L., Farmer, Rabon~~
- 39 Stocke, William R., Farmer, Elberta
- ~~40 Pollard, Dick, Laborer, Foley~~
- ~~41 Lamar, Reuben, Laborer, Foley~~

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no. 4268

W. R. STUART

PROBATE JUDGE

N^o 4607

Bay Minette, Ala., 9-29, 1958

Received of J. B. Blackburn

No.	Description	Deed Tax		Mortgage Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
	<u>Locate Mc Donnell Murray VS Mary Gies et al</u>	<u>75</u>	<u>00</u>			<u>200</u>		<u>275</u>	<u>00</u>

FOR RECORD

W. R. Stuart

TOTAL \$ 3

Judge of Probate.

B

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2569	760	6600	4	3	40	
2326	411	6025	7	5	00	
2643	411	6909	2	7	00	
2645	411	6898	3	6	00	
2649	411	6897	4	9	20	
2647	411	6899	3	6	00	

299.85 *



THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

JIMMY FAULKNER
AND
BILL STEWART
PUBLISHERS

E. R. MORRISSETTE, JR.
EDITOR-MANAGER

Legal Notice

LORETTO McDONAGH
MURRAY, Complainant,
vs.

MARY GRICE, CHARLES D.
GRICE, MARION L. GRICE,
ANNIE GRICE DOHERTY and
ROBERT N. GRICE,
Respondents.

In The Circuit Court of Baldwin
County, Alabama, In Equity,
No. 4268

In this cause it is made to appear to the Register by the affidavit of J. B. Blackburn that the respondents, Marion L. Grice, Annie Grice Doherty and Robert N. Grice, are each non-residents of the State of Alabama, whose last known places of residence and post office addresses were: Marion L. Grice, Skyland, North Carolina; Annie Grice Doherty, 12 Liberty Place, Weehawken, New Jersey; Robert N. Grice, 86 Edgemont Road, Asheville, North Carolina; and that the said respondents are each over twenty-one years of age.

It is, therefore, Ordered by the Register that publication be made in The Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, once a week for four (4) consecutive weeks, requiring the said Marion L. Grice, Annie Grice Doherty and Robert N. Grice to plead, answer or demur to the Bill of Complaint in this cause by the 30th day of June, 1958, or at the expiration of thirty days from the said date a decree pro confesso will be taken against them.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the court on this the 26th day of May, 1958.

ALICE J. DUCK,
Register.

J. B. Blackburn,
Solicitor for Complainant.

20-4tc.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of Loretto McDonagh vs. Mary Grice, etc.

COST STATEMENT

245 WORDS @ 6 1/2 cents \$ 16. 43
I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette Jr.
Editor.

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

Date of 1st publication May 29, 1958 Vol. 70 No. 20
Date of 2nd publication June 5, 1958 Vol. 70 No. 21
Date of 3rd publication June 12, 1958 Vol. 70 No. 22
Date of 4th publication June 19, 1958 Vol. 70 No. 23

Subscribed and sworn before the undersigned this 19 day of June, 1958.

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette Jr.
Editor.

4268

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

WILLIAM H. HARRIS
STATE OF ARIZONA

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the State of Arizona, this 15th day of August, 1915.

WILLIAM H. HARRIS
Attorney General

STATE OF ARIZONA
COUNTY OF MARICOPA

Subscribed and sworn to before me this 15th day of August, 1915.

Notary Public

LORETTA McDONAGH MURRAY,

Complainant,

VS.

MARY GRICE, CHARLES D. GRICE,
MARION L. GRICE, ANNIE GRICE
DOHERTY and ROBERT N. GRICE,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4268

MOTION FOR DECREE PRO CONFESSO

Now comes the complainant, by her attorney, and shows unto the Register that the order of publication heretofore made in this cause was published once a week for four successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama; that the said notice appeared in the issues of said paper of May 29, June 5, June 12, and June 19, 1958; that on the 18th day of April, 1958, a copy of the Summons and Bill of Complaint in this case was mailed by registered mail to Robert N. Grice, 86 Edgemont Road, Asheville, North Carolina, Marion L. Grice, Skyland, North Carolina, and Annie Grice Doherty, 12 Liberty Place, Weehawken, New Jersey; that the return card or receipt signed by the said Robert N. Grice was received and filed by the Register in this cause on April 23, 1958; that the return card or receipt signed by the said Marion L. Grice was received and filed by the Register in this cause on April 23, 1958; that the return card or receipt signed by the said Annie Grice Doherty was received and filed by the Register on April 28, 1958, and that each and all of the said respondents have to date hereof failed to appear and plead, answer or demur to the Bill of Complaint in this cause:

WHEREFORE, complainant moves the Register to make and enter a decree pro confesso against the said respondents, Robert N. Grice, Marion L. Grice and Annie Grice Doherty.

Dated this 4th day of September, 1958.

filed Sept. 4, 1958
Alcie J. Duck
Register

J. B. Blanton
Attorney for complainant

MOTION FOR DECREE PRO CONFESSO

LORETTA McDONAGH MURRAY,

Complainant,

VS.

MARY GRICE, CHARLES D. GRICE,
MARION L. GRICE, ANNIE GRICE
DOHERTY and ROBERT N. GRICE,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 4268

FILED

SEP 14 1958

MARCE J. DUCK, CLERK
RECORDED

[Handwritten signature]

LORETTO McDONACH MURRAY,) IN THE CIRCUIT COURT OF
 COMPLAINANT) BALDWIN COUNTY, ALABAMA
 VS) IN EQUITY.
 MARY GRICE, ET AL,) CASE NO. _____
 RESPONDENTS)

Comes Respondent MARY Y. GRICE and for answer to said bill of complaint filed in said cause shows unto this Honorable Court as follows:

1. That she is the owner of the following described property:

From the NE. Cor. of Sec. 40, T3S, R2E, run N 85 degrees W along Grant line 1100 ft. more or less to creek; th. Southerly following creek & its meanders to its intersection with the head of Byrne's Lake; th. continuing southerly along the East side of Byrne's lake to its intersection with north bank of "East Bayou Wiltz"; thence Northeastwardly with the north bank of said "East Bayou Wiltz" to a small creek flowing into it at its head, from the East; thence Eastward following said creek to the East boundary of said Grant Section 40; thence N 02 degrees W along Grant line 2150 feet more or less to the place of beginning; 60 acres more or less in Thomas Byrne Grant Sec. 40, T3S, R2E, Baldwin County, Alabama.

From the Southeast corner of Thomas Byrne Grant Section 40, T3S, R2E, run N 02 degrees W along the East boundary of said grant 287 feet; thence run N 71 degrees 45' W, 1421 feet to a point on the East or South margin of Byrne's Lake at the mouth of "East Bayou Wiltz"; thence run Southwestwardly following the meanders of the East (or South) bank of Byrne's Lake 990 feet more or less to a point on the south boundary of said Grant Section 40; thence run S 85 degrees E along the south boundary of said Grant Section 40, 2193 feet to the point of beginning. 25 acres, more or less, in Thomas Byrne Grant Section 40, T3S, R2E, Baldwin County, Alabama.

2. That her title accrues to her through a deed dated March 10, 1958, recorded April 16, 1958 in deed book 264 page 444-5 which deed was executed by Charles Dudley Grice who is an heir at law of Charles F. Grice and Bertha R. Grice both deceased, who held title by virtue of a decree of the Chancery Court in Mobile, Alabama dated April 28, 1905 and filed for record in the office of the Probate Judge of Baldwin County on May 29, 1905 and that said property has not been alienated.


3. That the said Respondent Mary Y. Grice did on the 18th day of March, 1958 assess said land together with other lands as an escape tax assessment in the office of the Tax Assessor of Baldwin County, Alabama.

4. That the said Mary Y. Grice has been and is in possession of said lands.

THOMPSON & WHITE

174

BY:


 Attorneys for Respondent, Mary Y. Grice.

Grice.

4268

FILED
JUL 23 1958
ALICE J. DUCK, Register

[Faint, illegible handwritten text]

LORETTA McDONAGH MURRAY,

Complainant,

VS.

MARY GRICE, CHARLES D. GRICE,
MARION L. GRICE, ANNIE GRICE
DOHERTY and ROBERT N. GRICE,

Respondents.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4268

DECREE PRO CONFESSO

In this cause it appears to the Register that the order of publication heretofore made in this cause was published once a week for four successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama; that the said notice appeared in the issues of said paper of May 29, June 5, June 12, and June 19, 1958; that on the 18th day of April, 1958, a copy of the Summons and Bill of Complaint in this case was mailed by registered mail to Robert N. Grice, 86 Edgemont Road, Asheville, North Carolina, Marion L. Grice, Skyland, North Carolina, and Annie Grice Doherty, 12 Liberty Place, Weehawken, New Jersey; that the return card or receipt signed by the said Robert N. Grice was received and filed by me in this cause on April 23, 1958; that the return card or receipt signed by the said Marion L. Grice was received and filed by me in this cause on April 23, 1958; that the return card or receipt signed by the said Annie Grice Doherty was received and filed by me on April 28, 1958, and that each and all of the said respondents have to date hereof failed to appear and 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 respondents, Robert N. Grice, Marion L. Grice and Annie Grice Doherty.

WITNESS my hand and seal this 4th day of September, 1958.

Alicia W. Duck
Register

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DECREE PRO CONFESSO
LORETTA McDONAGH MURRAY,
Complainant,
VS.
MARY GRICE, CHARLES D. GRICE,
MARION L. GRICE, ANNIE GRICE,
DOHERTY and ROBERT N. GRICE,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 4268

That the undersigned, Loretta McDonagh Murray, Complainant, do hereby certify that the following is a true and correct copy of the decree pro confesso in the above entitled cause, as the same appears from the records of the Circuit Court of Baldwin County, Alabama, in Equity No. 4268, to-wit:

DECREE PRO CONFESSO

LORETTA McDONAGH MURRAY,
Complainant,
VS.
MARY GRICE, CHARLES D. GRICE,
MARION L. GRICE, ANNIE GRICE,
DOHERTY and ROBERT N. GRICE,
Respondents.

LORETTA McDONAGH MURRAY,)
)
 Complainant,)
 VS.) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
)
 MARY GRICE, CHARLES D. GRICE,) IN EQUITY NO. 4268
 MARION L. GRICE, ANNIE GRICE)
 DOHERTY and ROBERT N. GRICE,)
)
 Respondents.)

MOTION FOR PRE-TRIAL CONFERENCE

Now comes the complainant, by her attorney, and moves the court to direct the attorneys for the parties to this proceeding to appear before it for a pre-trial conference to consider the following:

1. The simplification of the issues.
2. The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof.
3. Such other matters as may aid in the disposition of this action.
4. Any other matters provided for in Equity Rule 38 which will aid in a prompt disposition of this action.

Dated this 5th day of August, 1958.

J. B. Blackburn
 Solicitor for complainant.

STATE OF ALABAMA)
 *
 BALDWIN COUNTY)

I hereby certify that I mailed a copy of the above and foregoing motion to the firm of Thompson and White, Bay Minette, Alabama, attorneys for the respondents, by first class mail, properly addressed to them at Bay Minette, Alabama, on this the 5th day of August, 1958.

*filed 8-5-58
 Alice J. Clark
 register*

J. B. Blackburn
 Solicitor for complainant.

LORETTA McDONAGH MURRAY,

Complainant,

VS.

MARY GRICE, CHARLES D.
GRICE, MARION L. GRICE,
ANNIE GRICE DOHERTY and
ROBERT N. GRICE,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 4268

REGISTER'S CERTIFICATE AS TO SERVICE

I, Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the order of publication heretofore made in this cause, directed to Mary Grice, Charles D. Grice, Marion L. Grice, Annie Grice Doherty and Robert N. Grice, respondents, was published once a week for four consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, which notice appeared in the issues of said paper of May 29, June 5, June 12, and June 19, 1958.

I further certify that I mailed a copy of the Summons and Bill of Complaint in this cause by registered mail, postage prepaid, addressed to Robert N. Grice, 86 Edgemont Road, Asheville, North Carolina, on April 18, 1958, marked "For Delivery Only to Person to Whom Addressed" with return card or receipt addressed to me as sending officer thereto attached, which said return card, signed by the respondent, Robert N. Grice, was received and filed by me on April 23, 1958.

I further certify that I mailed a copy of the Summons and Bill of Complaint in this cause by registered mail, postage prepaid, addressed to Marion L. Grice, Skyland, North Carolina, on April 18, 1958, marked "For Delivery Only to Person to Whom Addressed" with return card or receipt addressed to me as sending officer thereto attached, which said return card, signed by the respondent, Marion L. Grice, was received and filed by me on April 23, 1958.

I further certify that I mailed a copy of the Summons and Bill of Complaint in this cause by registered mail, postage prepaid, addressed to Annie Grice Doherty, 12 Liberty Place, Weehawken, New

Jersey, on April 18, 1958, marked "For Delivery Only to Person to Whom Addressed" with return card or receipt addressed to me as sending officer thereto attached, which said return card, signed by the respondent, Annie Grice Doherty, was received and filed by me on April 28, 1958.

I further certify that to this date the respondents, Marion L. Grice, Annie Grice Doherty and Robert N. Grice, have each and all failed to appear in this cause and plead, answer or demur to the Bill of Complaint filed against them in this cause.

Dated this 4th day of September, 1958.

Alice J. Busch
Register

REGISTER'S
CERTIFICATE AS TO SERVICE

LORETTA McDONAGH MURRAY,

Complainant,

VS.

MARY GRICE, CHARLES D. GRICE,
MARION L. GRICE, ANNIE GRICE
DOHERTY and ROBERT N. GRICE,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 4268

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REGISTER'S

ORDER OF THE COURT IN RE: MARY GRICE, CHARLES D. GRICE, MARION L. GRICE, ANNIE GRICE DOHERTY, ROBERT N. GRICE, ET AL. Case No. 4268.

AND THE COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY, IN RE: MARY GRICE, CHARLES D. GRICE, MARION L. GRICE, ANNIE GRICE DOHERTY, ROBERT N. GRICE, ET AL. Case No. 4268.

AND THE COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY, IN RE: MARY GRICE, CHARLES D. GRICE, MARION L. GRICE, ANNIE GRICE DOHERTY, ROBERT N. GRICE, ET AL. Case No. 4268.

AND THE COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY, IN RE: MARY GRICE, CHARLES D. GRICE, MARION L. GRICE, ANNIE GRICE DOHERTY, ROBERT N. GRICE, ET AL. Case No. 4268.

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AND THE COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY, IN RE: MARY GRICE, CHARLES D. GRICE, MARION L. GRICE, ANNIE GRICE DOHERTY, ROBERT N. GRICE, ET AL. Case No. 4268.

LORETTA McDONAGH MURRAY,)	
)	
Complainant and)	IN THE CIRCUIT COURT OF
Cross Respondent,)	BALDWIN COUNTY, ALABAMA
VS.)	
)	IN EQUITY NO. 4268
MARY GRICE, CHARLES D. GRICE,)	
MARION L. GRICE, ANNIE GRICE)	
DOHERTY and ROBERT N. GRICE,)	
)	
Respondents and)	
Cross Complainants.)	

NOTE OF TESTIMONY

This cause is submitted for a final decree on behalf of the complainant and cross respondent, Loretta McDonagh Murray, upon the following:


1. Original, verified Bill of Complaint.
2. Fiat for injunction.
3. Injunction bond.
4. Temporary writ of injunction.
5. Order of publication.
6. Proof of publication.
7. Register's certificate as to service.
8. Motion for a decree pro confesso against the respondents, Robert N. Grice, Marion L. Grice and Annie Grice Doherty.
9. Decree pro confesso against Robert N. Grice, Marion L. Grice and Annie Grice Doherty.
10. Answer to cross bill of Mary Grice and Charles D. Grice.
11. Testimony of Loretta McDonagh Murray, C. H. Bryars, Ort H. Ertzinger, M. D. Cox, H. K. Green, Claude Ruple, J. B. Blackburn and O. W. Lyles, all of which was taken in open court on trial of case before jury, which was demanded by respondents, Mary Grice and Charles D. Grice.
12. Exhibits of complainant introduced in evidence on trial of cause.
13. Verdict of jury for complainant.

This cause is submitted for a final decree on behalf of the respondents and cross complainants, Mary Grice and Charles D. Grice, upon the following:

1. Answer.
2. Suggestion of disputed boundary.
3. Cross bill.
4. Demand for jury trial.
5. Testimony of Jo Ann Flirt, E. S. Tunstall, Claude Arnold, Charles D. Grice, E. S. Tunstall, Mary Grice, William Wallace, Jessie M. Crysel, Mr. Carpenter and Joe Broughton, all of which was taken in open court on trial of case before jury, which was demanded by respondents, Mary Grice and Charles D. Grice.
6. Exhibits of respondents and cross complainants, Mary Grice and Charles D. Grice, introduced in evidence on trial of cause.

Dated this 29th day of September, 1958.


Register


Solicitor for complainant and cross respondent

Solicitor for respondents and cross complainants, Mary Grice and Charles D. Grice.

