$5.00

MAUDE L. MANCI, Complainant, VS. CERTAIN LANDS, AND SABINIA CALLOWAY, ET AL., Respondents.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY NO. 4271 July 9, 1958

MR.BLACKBURN: We would like to introduce the following instruments in evidence at this time:

1. Patent, U. S. A. to Cyrus Sibley, dated June 1, 1845, which is recorded in Deed Book 21 at page 643, Baldwin County Records.

2. Patent, U.S.A. to Cyrus Sibley, dated June 1, 1845, which is recorded in Deed Book 21, at page 644, Baldwin County Records.

=3. Deed, Mike Buzbee and Stella Buzbee, his wife, to J. S. Lowrey, dated October 7, 1935, which is recorded in Deed Book 58 at page 397, Baldwin County, Alabama Records.

4. Deed, Clara Bolen, et al. to Maude L. Manci, dated December 25, 1956, which is recorded in Deed Book 262, at pages 215-16, Baldwin Coumty Records.

5. Deed, Eloise Russell Lowrey, a widow, et al. to Maude L. Manci, dated July 19, 1957, which is recorded in deed Book 262 at pages 212-14, Baldwin County Records.

6. Certified copy of Last Will and Testament of J. F. B. Lowrey, deceased, dated May 1, 1951, and a Codicil thereto, which is dated September 18, 1951, recorded in Will Book "N" at page 185 et seq., Conecuh County, Alabama, records, which has been also recorded in Deed Book 217 at page 315-21, Baldwin County, Alabama Records, with leave to withdraw the certified copy and substitute a copy thereof.

7. Certified copy of deed, J. S. Lowrey, a single man, to Jameal Kahalley, dated August ___, 1946, which is recorded in Deed Book 111 at pages 135-6, Baldwin County, Alabama Records.

8. Certified copy of deed from Jameal Kahalley, unmarried, to L. T. Rhodes, Jr., and Maude L. Manci, as Administrators of the Estate of J. S. Lowrey, deceased, dated March 23, 1953, which is recorded in Deed Book 192 at page 467, Baldwin County, Alabama, records.

9. Original deed from L. T. Rhodes, Jr., and Maude L. Manci, as Administrators of the Estate of J. S. Lowrey, deceased, to Maude L. Manci, dated April 15, 1958, which has not been recorded, with leave to withdraw and substitute a copy.

L. T. RHODES, JR., BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Blackburn.

Q. Are you Mr. L. T. Rhodes, Jr.?

A. Yes sir.

Q. Mr. Rhodes, are you familiar with the tract of land involved in this suit, which is situated in Sections 30 and 31, Township 4 South, Range 2 East, Baldwin County, Alabama?

A. Yes I am.

Q. And you are acquainted with and related to the Complainant, Mrs. Maude L. Manci, are you not?

A. Yes sir.

Q. At the time this suit was filed she was over 21 years of age and a resident of Baldwin County, Alabama?

A. Yes sir.

Q. Now you have read over and are familiar with the bill of complaint in this cause, are you not?

A. Yes sir.

Q. The individual Respondents that are named in this Billl, if living, are over 21 years of age, are they not?

A. Yes sir.

Q. But at the time the suit was filed and today, their places of residence and post office address were not known and could not be ascertained after making a great effort to get the information?

A. That's right.

Q. The Old Spanish Fort Development Company - I will ask you if that was not a Corporation, organized under the Laws of Deleware and qualifie to do business in Alabama?

A. Yes sir

Q. At the time the suit was filed you knew of no agent of that Corporation in Alabama?

A. I did not.

Q. You made an investigation to determine that?

A. Yes sir.

Q. If there issuch a place of business you don't know where it is?

A. No sir.

Q. If it has any officers, Directors or Stockholders in Alabama, you don't know who they are or where they reside?

A. I do not.

Q. At the time this suit was filed I will ask you if the Complainant, Mrs. Maude L. Manci, was in the actual, peaceable possession of this property?

A. She was.

Q. Did she claim to own it?

A. Yes sir.

Q. You might explain to the Court just what possession she had of this property?

A. Mr. Lowrey purchased this property in 1935, and he had peaceable possession of it, continuously until the time of his death, when

the estate took over and the estate had peaceable possession of it until it was deeded to Mrs. Manci, and Mrs. Manci has had continuous possession of it since.

Q. At part of it at one time was sold to Jamella Kahalley, was it not?

A. Yes sir, it was, but it was conveyed back.

Q. What was on this land in the way of fences?

A. The roads into it are fenced and signs - "No Trespassing" signs are there.

Q. You said you were familiar with the land in Mr. Lowrey's life time?

A. Yes sir.

Q. During all of the time he owned it, his possession of it was not disburbed in any way?

A. No sir.

Q. He paid taxes on it during his life time?

A. That is right.

Q. No one else paid taxes on it?

A. No.

Q. And since his death the Administrators of his estate have assessed and paid the taxes on it?

A. Yes sir.

Q. You were one of the administrators?

A. I was.

Q. That possession and claim of ownership on the part of Mr. Lowrey

in his life time and his heirs after his death and Mrs. Manci since the property was conveyed to her, has continued for 20 or more consecutive years?

A. Yes sir.

Q. The title does stand on the record in the name of Mrs. Maude L. Manci?

A. Yes sir.

Q. And no suit is pending to test her title to the land or any part of it?

A. No sir.

Q. Mr. Rhodes, who are the heirs of Mr. J. S. Lowrey?

A. Maude L. Manci--

Q. --What was her relationship?

A. Sister. J. F. B. Lowrey, who was a brother and who is now deceased, and his property was left to Sam G. Lowrey, as Trustee and Eloise Russell Lowrey, his widow, and the other heirs are Clara Bolen, Eloise Martin and L. T. Rhodes, Jr., who were neices and nephew of Mr. Lowrey.

Q. Now before this suit was filed, Mrs. Manci had an abstract prepared of this trace of land?

A. Yes sir.

Q. And she employed me to examine it?

A. Yes sir.

Q. And she and the two of you, that is, you and Mr. C. J. Manci and I

made a lengthy search to determine if any of these parties who are named this bill of complaint are living and their places of residence?

A. Yes sir.

Q. All of the information we were able to secure is set out in this bill of complaint?

A. That's correct.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Swearingen, Guardian ad Litem.

Q. Did you, Mr. Rhodes, make inquiry around in the vicinity of the property as to these heirs or persons named in the bill of complaint?

A. Yes sir.

Q. You mentioned a moment ago that fences are on the property where the roads lead into it. Has anything been done witn the property as cutting trees on it, or turpentining trees or anything more visible than fencing?

A. The timber has been cut.

Q. There was no disturbance about the cutting of the timber?

A. No and also we have given a right of way to the State of Alabama for that highway that goes from the Foot of the Spanish Fort Hill to F Fairhope; I forget the number of that road, but it is at the foot of the Spanish Fort Hill.

MR. O. J. MANCI, BEING FIRST DULY SWORN, TESTIFIED:

EXAMINATION BY MR. BLACKBURN:

Q. You are Mr. O. J. Manci?

A. Yes sir.

Q. Mr. Manci, you are familiar with the tract of land involved in this suit, are you not?

A. Yes sir.

Q. You are the husband of the Complainant, Mrs. Maude L. Manci?

A. Yes sir.

Q. How long have you known this tract of land?

A. Since 1955.

Q. You have heard Mr. Rhodes testify about these various facts and without going over the same ground, his testimony is true, is it not?

A. It is true.

Q. Your wife is in possession and claims toown this land?

A. Yes sir.

Q. And she and those through whom she claims title have been in possession and have claimed to own it for 20 or more consecutive years before this suit was filed?

A. Yes sir.

CROSS EXAMINATION OF THIS WITNESS:

Examination by Mr. Swearingen.

Q. There could be no possible mix up on the taxes?

A. Not on the records -- Couldn't possibly be.

Q. You have known of no interference with cutting of timber or any other exercise of possession?

A. No complaint whatever against the land.

I hereby certify that the foregoing, consisting of pages 1 to 9, both inclusive, correctly sets forth a true and correct transcript of the testimony in the above styled case, which was taken in open Court by me, on the 9th day of July, 1958.

This 9th day of July, 1958.

Lenore J. Vanderburg
Official Court Reporter

(1)

Complainants' Exhibit 1

644

The United States of America,
To All To Whom These Presents Shall Come, Greeting:

Certificate No. 8767.

Whereas Cyrus Sibley, of Baldwin County, Alabama, has deposited in the General Land Office of the United States, a certificate of the Register of the Land Office at St. Stephens, whereby it appears that full payment has been made by the said Cyrus Sibley, according to the provisions of the act of Congress of the 24th of April, 1820, entitled "An Act making further provisions for the sale of the Public Lands," for Lot or division B of the North West fractional quarter of Section Thirty-one, in Township Four South, of Range two East, in the District of Lands subject to sale at St/ Stephens, Alabama, containing twenty-five acres, 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 Cyrus Sibley, 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 case made and provided, Have Given and Granted, and by these presents Do Give And Grant, unto the said Cyrus Sibley and to his heirs, the said tract above described: To Have and To Hold the same, together with all the rights, privileges, immunities and appurtenances of whatsoever nature thereunto belonging, unto the said Cyrus Sibley and to his heirs and assigns forever.

In Testimony Whereof, I, James K Polk, President of the United States of America, have caused these letters to be made patent and the Seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington the first day of June in the year of our Lord one thousand eight hundred and forty-five and of the independence of the United States the sixty-ninth.

(GREAT SEAL) By the President: James K Polk,
By J Knox Walker, Sec'y.
S H Laughlin, Recorder of the General Land Office.

Recorded Vol 16, Page 47.
E.

Filed for record July 18th, 1914.
Recorded July 20th, 1914.
J H H Smith, Judge of Probate, By F R.

----------0000000000----------

FILED
AUG 16 1958
ALICE J. ADCOX, Registrar

The State of Alabama,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of 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 U.S.A. to Cyrus Sibley,

as the same appears of record in my office in Deed Book No. 21 page 643.

Given under my hand and seal of office, this 27th day of June, 19 58.

W. R. Stuart
Judge of Probate

Printed by Moore Printing Co.

(2).

Complainants' Ex 2

---------0000000000----------

The United States of America,
To All To Whom These Presents Shall Come, Greeting:

Certificate No. 7734.

Whereas Cyrus Sibley, of Baldwin County, Alabama, has deposited in the General Land Office of the United States, a certificate of the Register of the Land Office at St. Stephens, whereby it appears that full payment has been made by the said Cyrus Sibley according to the provisions of the act of Congress of the 24th of April, 1820, entitled, "An Act making further provision for the sale of the Public Lands," for Lot or Division A, of fractional section thrity-one, in Township four South, of Range two East, in the District of lands subject to sale at St. Stephens, Alabama, containing fifty-five acres, 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 Cyrus Sibley, 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 case made and provided, Have Given and Granted and by these presents Do Give and Grant, unto the said Cyrus Sibley, and to his heirs, the said tract above described: To Have and To Hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said Cyrus Sibley and to his heirs and assigns forever.

In Testimony Whereof, I, James K Polk, president of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, the first day of June in the year of our Lord one thousand eight hundred and forty-five and of the independence of the United States the sixty-nineth.

(GREAT SEAL)

By the President: James K Polk,
By J Knox Walker, Sec'y.
S H Laughlin, Recorder of the General Land Office.

Recorded Vol. 16, page 11. E.

Filed for record, July 18th, 1914.
Recorded July 20th, 1914.
J H H Smith, Judge of Probate, By F R.

---------0000000000----------

The State of Alabama,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of 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 Patnet from U.S.A. to Cyrus Sibley,

as the same appears of record in my office in Deed Book No. 21 page 644.

Given under my hand and seal of office, this 27th day of June, 19 58.

W. R. Stuart
Judge of Probate

Printed by Moore Printing Co.

(3)

Complainant's Exhibit 3

STATE OF ALABAMA WARRANTY DEED
BALDWIN COUNTY

THIS INDENTURE, made and entered into on this the 7th day of October, 1935, by and between MIKE C. BUSBY and STELLA BUSBY, his wife, of the first part, and J. S. LOWREY, of the second part, WITNESSETH:-

That for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration in hand paid to parties of first part by party of second part, receipt whereofis hereby acknowledged, parties of first part have and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the party of the second part, the following described real property in Baldwin County, Alabama, viz:-

Begin fifteen (15) chains and fifteen (15) links south of the half section stake on the line between sections thirty (30) and thirty one (31), township four (4) south of range two (2) east, running west fifteen (15) chains, south fifteen degrees (15°) east meandering the creek 10 chains to a tree marked XIII, thence East sixteen (16) chains to west boundary line of G. Calloway tract, thence North nine (9) chains to point of beginning, containing sixteen (16) acres, more or less.

Together with all and singular the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging or in any wise appertaining.

TO HAVE AND TO HOLD unto the said party of the second part, his heirs and assigns, FOREVER. And the parties of the first part, for themselves and their heirs, executors and administrators, hereby covenant and warrant to and with party of second part, their heirs and assigns, that they are seized of an indefeasible estate in fee simple in and to said property; that they have a good right to sell and convey the same as herein contained; that they will guarantee the peaceable possession thereof; that said property is free from all liens and encumbrances and that they will and their heirs, executors and administrators shall forever warrant and defend the same unto the party of the second part, his heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the parties of the first part hereunto set their hands and affix their seals on the day and year first above written.

MIKE C. BUZBEE SEAL
STELLA BUZBEE SEAL

STATE OF ALABAMA
BALDWIN COUNTY

I, John Chason, a notary public, in and for said state and county, hereby certify that Mike C. Busby and Stella Busby, his wife, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and Notarial Seal this 7th day of October, 1935.

JOHN CHASON, Notary Public,
Baldwin County, State of Alabama.

STATE OF ALABAMA
BALDWIN COUNTY

I, John Chason, a notary public in and for said state and county, hereby certify that on the 7th day of October, 1935, came before me the within named Stella Busby, known to me to be the wife of the within named Mike C. Busby, who, being examined separate and apart from the husband touching her signature to the within instrument, acknowledged that she signed the same of her own free will and accord and without fear, constraints or threats on the part of the husband.

Given under my hand and Notarial Seal this 7th day of October, 1935.

JOHN CHASON, Notary Public,
Baldwin County, State of Alabama.

STATE OF ALABAMA PROBATE COURT
BALDWIN COUNTY

Filed in office this 7 day of Jan. A. D. 1936 at 8:25 A. M. and duly recorded in Deed Book 58 N. S. Page 397; and I certify that $--- cts 50 Deed tax has been paid as required by law.
G. W. Robertson, Judge of Probate by J. L. Kessler, Clerk.

G. W. Robertson, Judge of Probate

----------000000000000----------

The State of Alabama,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of 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 Mike C. Buzbee, et al, to J. S. Lowery,

as the same appears of record in my office in Deed Book No. 58 page 397.

Given under my hand and seal of office, this 27th day of June, 1958.

W. R. Stuart
Judge of Probate

Printed by Moore Printing Co.

(4)

Complainants Exh 4

STATE OF ALABAMA

STATUTORY WARRANTY DEED

BALDWIN COUNTY

THIS INDENTURE, made and entered into on this the 26th day of December, 1956, by and between CLARA BOLON, divorced, L. T. RHODES, JR., and JO W. RHODES, his wife, and ELIOSE MARTIN and FRANK C. MARTIN, her husband, hereinafter referred to as the parties of the first part, and MAUDE L. MANCI, hereinafter referred to as the party of the second part, WITNESSETH:

The parties of the first part, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration to them this day in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part, all their right, title and interest in and to the following described property situated in Baldwin County, Alabama, to-wit:

Commence at the Half Section post on the line dividing Sections Thirty (30) and Thirty-one (31), Township Four (4) South, Range Two (2) East, (which point is also the Northeast corner of Subdivision A of the said Section 31), and run thence South along the Half Section line 15 chains and 15 lengths to a corner for the point or place of beginning; thence South 9 chains to a corner; thence West 16 chains, more or less, to Dolive Creek; thence Northwardly along Dolive Creek and following the meanders thereof 10 chains, more or less, to a point due West of the point or place of beginning, thence East 15 chains, more or less, to the point or place of beginning, being otherwise described as the same land as that conveyed by Cyrus Sibley and wife, to Sabina C. Calloway, by deed dated March 16, 1850, and recorded in Deed Book "F" at pages 186-7, Baldwin County, Alabama Records.

TO HAVE AND TO HOLD unto the said party of the second part, her heirs and assigns, FOREVER.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and affixed their seals on this the day and year first above written.

Clara Bolon SEAL
Clara Bolon.

L. T. Rhodes Jr SEAL
L. T. Rhodes, Jr.

Jo W. Rhodes SEAL
JO W. Rhodes.

Eliose Martin SEAL
Eliose Martin.

Frank C. Martin SEAL
Frank C. Martin.

STATE OF ALABAMA, BALDWIN COUNTY,
Filed 1-27-58 11 A.M
Recorded ..... book ..... page .....
and I certify that the following Privilege Tax has been paid

Deed Tax 50
Mortgage Tax .....

M D Stuart
Judge of Probate
By .....

BOOK 262 PAGE 215

STATE OF ALABAMA

BALDWIN COUNTY

I, Alice L. Miller, a Notary Public, within and for said County in said State, hereby certify that Clara Bolon divorced, and L. T. Rhodes, Jr., and Jo W. Rhodes, his wife, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 27th day of December, 1956.

Alice L. Miller
Notary Public, Baldwin County, Ala.

STATE OF ALABAMA

HOUSTON COUNTY

I, Maxine G. McCall, a Notary Public, within and for said County in said State, hereby certify that Eliose Martin and Frank C. Martin, her husband, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 26th day of December, 1956.

Maxine G. McCall
Notary Public, Houston County, Ala.

My Commission Expires
February 16, 1960.

The State of Alabama,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify that the within and foregoing Two photostatic pages contain a full, true and complete copy of the Deed from Clara Bolon, et al, to Maude L. Manci

as the same appears of record in my office in Deed Book No. 262 page 215-16.

Given under my hand and seal of office, this 27th day of June, 19 58.

Judge of Probate

Printed by Moore Printing Co.

(5) Complainants Exh Exhibit 5

STATE OF ALABAMA)
*
BALDWIN COUNTY)

BOOK 262 PAGE 212

THIS INDENTURE, made and entered into on this the 19th day of July, 1957, by and between Eloise Russell Lowrey, a widow, and Samuel Graves Lowrey, as Executor and Trustee under the Last Will and Testament and Codicil of J. F. B. Lowrey, Deceased, hereinafter referred to as the parties of the first part, and Maude L. Manci, hereinafter referred to as the party of the second part, WITNESSETH:

THAT, WHEREAS, J. F. B. Lowrey, a brother and one of the heirs of J. S. Lowrey, Deceased, died on the 23rd day of December, 1954, leaving a Last Will and Testament dated May 1, 1951, which has been admitted to probate and record in and by the Probate Court of Conecuh County, Alabama, where the said will is recorded in Book "N" of Wills at page 185, and a Codicil thereto dated September 18, 1951, which also has been admitted to probate and record in and by the Probate Court of Conecuh County, Alabama, where it is recorded in Book "N" of Wills at page 185, a certified copy of which Last Will and Testament and Codicil thereto was filed for record in the office of the Judge of Probate of Baldwin County, Alabama, on February 2, 1955, and is recorded in Deed Book 217 at pages 315-21; and,

WHEREAS, in and by the said Last Will and Testament of the said J. F. B. Lowrey, Deceased, he devised and bequeathed one-half of the rest and residue of his property of every kind and description to the said Eloise Russell Lowrey, his widow, and devised and bequeathed all of the rest, residue and remainder of his real property to Samuel Graves Lowrey, as Trustee, for the uses and purposes stated in the said Last Will and Testament and Codicil; and,

WHEREAS, the said Last Will and Testament and Codicil of the said J. F. B. Lowrey, Deceased, authorized and empowered his said executor to sell and convey real property by a provision thereof reading as follows:

> ". . . . I hereby authorize and empower my said executor to handle, manage, vote, hypothecate, mortgage or otherwise encumber, lend, lease, sell and convey or otherwise dispose of any and all of the property not otherwise disposed of in this will -- real, personal and mixed -- in such manner and upon such terms and conditions as he may decide to be to the best interest of my estate. It is my intention to confer upon my said executor, and I do hereby confer upon him as full power in the premises as I myself could exercise where I living; and it shall not be necessary for my executor to obtain any court order to sell or otherwise dispose of any such property; and I do hereby expressly confer upon my executor the right, power and authority to make oil, gas and mineral leases on all or any of said property."

WHEREAS, the said J. F. B. Lowrey, Deceased, in and by his said Last Will and Testament, authorized and empowered his said trustee to sell and convey real property by a provision thereof reading as follows:

> ". . . . I hereby authorize and empower my said trustee to manage, vote, control, sell, lease, invest or otherwise dispose of any and all property of every kind and description which he may at any time hold in trust under the terms of this will or which at any time may belong to said trust and to invest and reinvest all funds belonging to said trust fund in such manner and on such terms and conditions and in such securities and/or properties as he may deem to the best

interest of said trust, specifically not limiting investments to such securities and properties as are now or may hereafter be termed legal investments for trusts under the laws of Alabama.

"It shall not be necessary for my trustee to obtain any court order to sell any or all the property belonging to said trust, or to exercise any power or authority granted to him herein."

NOW, THEREFORE, the parties of the first part, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration to them paid by the party of the second part, receipt whereof is hereby acknowledged, have and do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part, all their right, title and interest in and to the following described property situated in Baldwin County, Alabama, to-wit:

Commence at the half section post on the line dividing Sections Thirty (30) and Thirty-one (31), Township Four (4) South, Range Two (2) East, (which point is also the Northeast corner of Subdivision A of the said Section 31), and run thence South along the half section line 15 chains and 15 lengths to a corner for the point or place of beginning; thence South 9 chains to a corner; thence West 16 chains, more or less, to Dolive Creek; thence Northwardly along Dolive Creek and following the meanders thereof 10 chains, more or less, to a point due West of the point or place of beginning; thence East 15 chains, more or less, to the point or place of beginning, being otherwise described as the same land as that conveyed by Cyrus Sibley and wife to Sabina C. Calloway, by deed dated March 16, 1850, and recorded in Deed Book "F" at pages 186-7, Baldwin County, Alabama Records.

TO HAVE AND TO HOLD unto the said party of the second part, her heirs and assigns, FOREVER.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and affixed their seals on this the day and year first above written.

Eloise Russell Lowrey SEAL.
Eloise Russell Lowrey,

Samuel Graves Lowrey SEAL.
Samuel Graves Lowrey, as Executor and Trustee under the Last Will and Testament and Codicil of J. F. B. Lowrey, Deceased.

STATE OF ALABAMA

MONROE COUNTY

I, Corinne N. Waters, a Notary Public, within and for said County in said State, hereby certify that Eloise Russell Lowrey, a widow, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 19th day of July, 1957.

Corinne N. Waters
Notary Public, Monroe County, Alabama.

STATE OF ALABAMA

MONROE COUNTY

I, Corinne D. Waters, a Notary Public, within and for said County in said State, hereby certify that Samuel Graves Lowrey, whose name as Executor and Trustee under the Last Will and Testament and Codicil of J. F. B. Lowrey, Deceased, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such Executor and Trustee, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 17th day of July, 1957.

Corinne D. Waters
Notary Public, Monroe County, Alabama.

NOTARY PUBLIC

STATE OF ALABAMA, BALDWIN COUNTY
Filed 1-27-58 11A M
Recorded _____ book _____ page _____
and I certify that the following Privilege Tax has been paid.

Deed Tax 50
Mortgage Tax

M. Stuart
Judge of Probate
By _____

BOOK 262 PAGE 214

The State of Alabama,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify that the within and foregoing Three photostatic pages contain a full, true and complete copy of the Deed from Eloise Russell Lowery, et al, to Maude L. Manci

as the same appears of record in my office in Deed Book No. 262 page 212-14.

Given under my hand and seal of office, this 27th day of June, 1958.

W. R. Stuart

Judge of Probate

Printed by Moore Printing Co.

Complainants Exh 6

STATE OF ALABAMA:

LAST WILL AND TESTAMENT

CONECUH COUNTY :

I, J. F. B. Lowrey of Burnt Corn, Conecuh County, Alabama, being of sound mind and disposing memory, do make, publish and declare this my last will and testament, hereby expressly revoking any and all former wills or testamentary instruments made by me.

ITEM 1.

I direct that my just debts and funeral expenses, including estate taxes, be paid as soon as the law and the circumstances of the case will permit.

I hereby authorize my executor, hereinafter named, to borrow money for the purpose of paying any federal or state estate taxes that mignt be due by my estate and to pledge and/or hypothecate any property owned by my estate to secure such loan.

ITEM 2.

I give to Malinda Johnson, who has been in my employ as a domestic servant for thirty-five years, the sum of Two Hundred Fifty Dollars ($250.00) and direct that she be looked after and provided for as long as she shall live--by my executor until my estate is settled, thereafter by the trustee of the trust fund herein created.

ITEM 3.

I give to Ben J. Salter, who has been in my service for fifty-two years, the sum of Five Hundred Dollars ($500.00) and direct that he be provided for and looked after as long as she shall live-- by my executor until final settlement of my estate, thereafter by the trustee of the trust fund herein created.

ITEM 4.

I direct that during the administration of my estate and as long as the trust herein created shall continue, one-half of the pastor's salary of the Methodist Church at Burnt Corn (of which I am a member) shall be paid--by my executor until final settlement of my estate, thereafter by the trustee of the trust fund hereinafter created.

ITEM 5.

I give, devise and bequeath to my wife Eloise Russell Lowrey my personal effects, such as articles of clothing, household furniture, pictures, glassware, silverware and China and like articles; also any automobile or automobiles that I may own at my death; also one-half of the rest and residue of my property of every kind and description.

ITEM 6.

All of the rest and residue of my property (that is, all not hereinabove desposed of) of every kind and description I give, devise and bequeath to Samuel Graves Lowrey of Burnt Corn, Alabama; in trust, nevertheless, for the following uses and purposes:

I direct that my said trustee shall at least once each year make distribution of the net income derived from the trust hereinabove created as follows:

(a) Pay to my son Samuel Graves Lowrey one-half of said net income so long as he shall live, and after his death to his lineal descedants then living in accordance with the then laws of Descent and Distribution of the State of Alabama.

(b) Pay to my daughter Martha McNeel one-sixth of said net income so long as she shall live, and upon her death to her lineal descedants then living, in accordance with the then laws of Descent and Distribution of the State of Alabama.

(c) Pay to my daughter Louise Land one-sixth of said net income and after her death to her lineal descendants then living, in accordance with the then Laws of Descent and Distribution of the State of Alabama.

(d) Pay to my son J. F. B. Lowrey, Jr., one-sixth of said net income, and after his death to his lineal descendants then living, in accordance with the then Laws of Descent and Distribution of the State of Alabama.

Should any emergency arise in the life of either of my said children, or in the life of any member of the immediate family of either of my children, or in the life of any member of the immediate

family of any child or grandchild of either of my children during the existence of the trust herein created on account of any disaster or severe illness, or otherwise, whereunder additional funds (that is, funds in addition to thefunds hereinabove provided) should be needed, I request that the trustee of said trust fund shall make the necessary advancement or payment to meet such emergency either from income or principal of said trust fund and to charge the same to such unfortunate beneficiary or beneficiaries, the said amount to be deducted from the share of such beneficiary upon final settlement and distribution of the said trust fund.

I hereby authorize and empower my said trustee to manage, vote, control, sell, lease, invest or otherwise dispose of any and all property of every kind and description which he may at any time hold in trust under the terms of this will or which at any time may belong to said trust, and to invest and reinvest all funds belonging to said trust fund in such manner and on such terms and conditions and in such securities and/or properties as he may deem to the best interest of said trust, specifically not limiting investments to such securities and properties as are now or may hereinafter be termed legal investments for trusts under the laws of Alabama.

I desire that my timber lands shall be handled by my trustee in a manner which good forestry practice would dictate, and I direct that the proceeds from the sale of all trees and timber severed from the land shall be considered as income.

I further direct that the business which I have for many years conducted at Burnt Corn shall be continued as long as it continues to be profitable.

I have been advised and I realize that I cannot hold together the properties which I may own for a longer period than is stated in this will, but it is my wish that my heirs at law and beneficiaries who will receive the property will, upon the termination of this trust in some way or under some plan or arrangement get together and hold the property together. I request that any

distributee or beneficiary hereunder who may at any time desire to sell the property or interest in property which he or she will receive as a distribution of said trust fund shall give first consideration to those beneficiaries who wish to retain their interest in such trust property. I repeat that this is simply the expression of a wish and not an attempt at disposal. My reason for this request is, that I hope that those who will receive the properties on the termination of this trust will have the same feeling toward my lands that I have--some of the lands having belonged to my ancestors when the area around Burnt Corn was first settled.

It shall not be necessary for my trustee to obtain any court order to sell any or all the property belonging to said trust, or to exercise any power or authority granted to him herein.

I hereby authorize my trustee to compromise any claim or demand that may belong to me at the time of my death or that may at any time belong to said trust.

I specifically authorize my trustee to give oil, gas or mineral leases on any lands that might belong to the trust created hereunder.

The authority, rights and powers that I have given to my trustee herein named I give to any successor trustee.

In the event that Samuel Graves Lowrey should die before the termination of this trust I direct that the court wherein this trust is being administered shall name a proper and suitable person to fill such vacancy.

I expressly relieve and exempt Samuel Graves Lowrey from giving bond as trustee as herein named, and I further relieve and exempt any successor trustee from giving bond as such unless the court then administering this trust, or a majority of the then beneficiaries of said trust, shall deem it to the best interest of said trust that such successor trustee give bond, and the amount of the bond in such case shall be fixed by the said court.

Upon the termination of the trust herein created the trustee shall divide the corpus of the trust estate as follows:

(a) He shall give one-half to the lineal descendants, if any, then living of Samuel Graves Lowrey, in accordance with the then laws of Descent and Distribution of Alabama.

(b) He shall give one-sixth to the lineal descendants then living, if any, of Martha McNeel, in accordance with the then Laws of Descent and Distribution of the State of Alabama.

(c) He shall give one-sixth to the lineal descendants then living, if any, of Louise Land, in accordance with the then Laws of Descent and Distribution of the State of Alabama.

(d) He shall give one-sixth to the lineal descendants then living, if any, of J. F. B. Lowrey, Jr., in accordance with the then Laws of Descent and Distribution of the State of Alabama.

In the event of the death of any of my said children, Samuel Graves Lowrey, Martha McNeel, Louise Land or J. F. B. Lowrey, Jr., leaving no lineal descendants, or should there at any time during the life of said trust be no lineal descendants living of any of my children, I direct that the portion of the net income from said trust which would have gone to the lineal descendants of such of my children as shall have no lineal descendants living, shall be divided amont the then living descendants of such of my children as shall have living descendants then living, such division to be made in accordance with the ten Laws of Descent and Distribution of the State of Alabama.

Upon the termination of said trust, should any of my said children have died leaving no lineal descendants, or should there be living no lineal descendants of any of my children, then that portion of my trust estate which would have gone to the lineal descendants of such deceased child had he or she have had descendants then living, shall be divided among the lineal descendants then living of my other children, such division to be made in accordance with the then Laws of Descent and Distribution of the State of Alabama.

I direct that the trust herein created shall continue during

the lives of my children, Samuel Graves Lowrey, Martha McNeel, Louise Land and J. F. B. Lowrey, Jr., and my grandchildren Samuel Graves Lowrey, Jr., Mary Shelby Lowrey, Anne Lowrey, Lowrey McNeel, Allen Boston McNeel, Sandra Lowrey, John Francis Lowrey and Shea Lowrey and the life of their survivor, and twenty years thereafter.

I hereby constitute, appoint and make Samuel Graves Lowrey executor of this my last Will and Testament, and do hereby expressly relieve and exempt hom from giving bond as such executor. I hereby authorize and empower my said executor to handle, manage, vote, hypothecate, mortgage or otherwise encumber, lend, lease, sell and convey or otherwise dispose of any and all of the property not otherwise disposed of in this will-- real, personal and mixed-- in such manner and upon such terms and conditions as he may decide to be to the best interest of my estate. It is my intention to confer upon my said executor, and I do hereby confer upon him as full power in the premises as Imyself could exercise where I living; and it shall not be necessary for my executor to obtain any court order to sell or otherwise dispose of any such property; and I do hereby expressly confer upon my executor the right, power and authority to make oil, gas and mineral leases on all or any of said property.

As soon after my death as the law and the circumstances of the case permit I direct that my executor shall make final settlement of my estate and thereupon turn over and deliver unto the said Samuel Graves Lowrey, as trustee for the trust hereinbefore created, all of the assets then in his hands belonging to my estate except such assets as are otherwise disposed of herein.

Any disposition, charge or encumbrance of either the net income or principal of the trust fund or any part thereof by the beneficiaries hereunder, or any one of them, by any manner or means or by any plan or subterfuge, except as herein expressly provided, shall be of no validity or legal effect nor be in any wise regarded by the trustee, and no such income or principal, nor any part of

either shall in anywise be liable for any claim of any creditor of the beneficiaries or any one of them.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal and declared this to be my last will and testament in the presence of the undersigned witnesses, on this the 1st day of May, 1951, signing on each of the seven pages hereof.

J. F. B. Lowrey (SEAL)

Signed, sealed and declared to be his last will and testament by J. F. B. Lowrey in our presence, and we, in his presence and in the presence of each other, and at his request and under his direction have hereunto set our hands as subscribing witnesses on this the day that said will bears date.

Charles W. Northcutt
Hugh M. Caffey.

Filed: 5th Jan. 1955
Lloyd G. Hart
Judge of Probate

THE STATE OF ALABAMA
CONECUH COUNTY

In the matter of the application of Samuel Graves Lowrey to admit to probate instruments purporting to be the last will and testament and Codicil of J. F. B. Lowrey, Deceased.

I, Lloyd G. Hart, Judge of Probate in and for said County and State, do hereby certify that the within Will and Codicil has been duly proved and recorded; that the date of proof and probate of the said Will and Codicil is the 5th day of January, 1955, and that the said Will and Codicil, together with the proof, is recorded in Book N, Page 185.

Lloyd G. Hart
Judge of Probate.

STATE OF ALABAMA
CONECUH COUNTY

I, Lloyd G. Hart, Judge of Probate in and for said County, in said State, hereby certify that the within and foregoing is a full true and complete copy of the Last Will and Testament and Codicil of J. F. B. Lowrey, deceased, as the same is of record in this office in Book N page 192.

Given under my hand and official seal this the 8th day of January, 1955.

/s/ Lloyd G. Hart.
Judge of Probate
Judge of Probate.

CODICIL ONE

STATE OF ALABAMA)
CONECUH COUNTY)

I, J. F. B. Lowrey of Burnt Corn, Conecuh County, Alabama, desire to make the following changes in and additions to my Last Will and Testament signed and published by me on May 1, 1951, namely:

ONE

I had intended stating in my original will, and I do now state, that my reason for giving to my son Samuel Graves Lowrey a larger interest in my estate than I have given to my other children is not for the reason tha that I have any greater affection for one of my children than I have for the others, but becuase my said son Samuel Graves Lowrey has spent his life with me and has been of invaluable aid and assistance to me in building and accumulating what estate I shall leave. Because of his self-sacrifice, diligence and labor in this regard I feel that he has earned a half interest in my estate.

TWO:

On Page Five of my Will I have made disposition of the income from my trust estate during its existence and of the corpus thereof, and with the following provision in regard to the disposition of my trust estate in the event any of my children dies leaving no lineal descendants:

"In the event of the death of any of my said children, Samuel Graves Lowrey, Martha McNeel, Louise Land or J. F. B. Lowrey, Jr., leaving no lineal descendants, or should there at any time during the life of said trust be no lineal descendants living or any of my children, I direct that the portion of the net income from said trust which would have gone to the lineal descendants of such of my children as shall have no lineal descendants living, shall be divided among the then living descendants of such of my children as shall have living descendants then living, such division to be made in accordance with the then Laws of Descent

and Distribution of the State of Alabama.

"Upon the termination of said trust, should any of my said children have died leaving no lineal desc ndants, or should there be living no lineal descendants of any of my children, then that portion of my trust estate which would have gone to the lineal descendants of such deceased child had he or she have had descendants then living, shall be divided among the lineal descendants then living of my other children, such division to be made in accordance with the then Laws of Descent and Distribution of the State of Alabama."

It is my will and desire that the above quoted provisions of my Will be and the same hereby are revoked and that the following provisions be substituted therefor:

In the event my son Samuel Graves Lowrey shall died at any time during the life of this trust leaving no lineal descendants, or should there at any time during the life of the trust be no living lineal descendants of my said son Samuel Graves Lowrey, I direct that the portion of the net income from said trust which would have gone to the lineal descendants of my said son shall be paid over by the trustee then acting as such as follows: One half of the net income otherwise payable to my said son or his lineal descendants shall be paid over to his widow, Evelyn Shelby Lowrey so long as she shall live and remain his widow, and the remaining one-half of said net income shall be equally divided among or between my surviving children, or the lineal descendants of such of my children as shall be dead but who shall leave lineal descendants surviving. Upon the death of Evelyn Shelby Lowrey, or if she should be remarriage become dependant upon another for her support and maintenance, whichever event shall first occur, all provisions herein for the benefit of my said daughter-in-law, Evelyn Shelby Lowrey in said trust fund shall become inoperative, and that part of the income from said trust fund which would otherwise have gone to her shall be equally

divided between my surviving children or the lineal descendants of such of my children as shall be then dead leaving lineal descendants surviving. In the event my said son Samuel Graves Lowrey should died leaving no lineal descendants, then upon the termination of the trust that part of the corpus of the trust which would otherwise have gone to his lineal descendants shall be equally divided as above provided among the lineal descendants of such of my children as shall die leaving such descendants, they in any event to take in accordance with the law of descent and distribution in Alabama, that is to say per stirpes and not per capita.

In the event that either of my children Martha McNeel, Louise Land or J. F. B. Lowrey, Jr., shall die at any time during the life of this trust leaving no lineal descendants, or should there at any time during the life of this trust be no living lineal descendants of either of said three children, I direct that the portion of the net income from said trust which would have gone to the lineal descendants of either of said children so dying without lineal descendants shall be paid over by my trustee in equal shares to such of my said three children as shall survive or to the lineal descendants of such of the said three children as may be then dead leaving surviving them lineal descendants, said descendants to take as a class the share which would otherwise have gone to the ancestor. Likewise, in the event of the death of either of my three children Martha McNeel, Louise Land, or J. F. B. Lowrey, Jr., during the life of this trust, leaving surviving no lineal descendants, then upon the termination of this trust the corpus of said trust estate shall be paid over in equal shares to the lineal descendants of all of said three children who shall die lieaving surviving such descendants, they to take per stirpes and not per capita. My son Samuel Graves Lowrey having received the larger portion of my estate, it is my purpose and intent that if one of my other three children shall die during the life of this trust leaving surviving no lineal descendants, that my said son Samuel Graves Lowrey shall be excluded from partici-

pation in the share of such deceased child, and both the income and corpus shall be divided amont or between my children or their lineal descendants other than my son Samuel Graves Lowrey, and so that his share of my estate, in the event of such contingency, shall not exceed one-half portion thereof.

THREE:

In all respects other than as above set out I do ratify and reaffirm all provisions contained in my Last Will and Testament executed by me on May 1, 1951.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal and declared this to be a Codicil to my Last Will and Testament in the presence of the undersigned witnesses, on this the 18th day of Sept, 1951.

J. F. B. Lowrey (SEAL)

Signed, sealed and declared to be his Codicil to his Last Will and Testament by J. F. B. Lowrey in our presence, and we, in his presence and in the presence of each other, and at his request and under his direction have hereunto set our hands as subscribing witnesses on this the day that said will bears date.

Charles W. Northcutt
Mary C. Luker.

Filed 5th Jan. 1955.

Lloyd G. Hart
Judge of Probate.

THE STATE OF ALABAMA
CONECUH COUNTY

In the matter of the application of Samuel Graves Lowrey to admit to probate instruments purporting to be the last will and testament and Codicil of J. F. B. Lowrey, Deceased.

I, Lloyd G. Hart, Judge of Probate in and for said County and State, do hereby certify that the within Will and Codicil has been duly proved and recorded; that the date of proof and probate of the said will and codicil is the 5th day of January, 1955, and that the said Will and Codicil, together with the proof, is recorded in Book N, Page 185.

Dated this the 5th day of January, 1955.

Lloyd G. Hart
Judge of Probate.

STATE OF ALABAMA
CONECUH COUNTY

I, Lloyd G. Hart, Judge of Probate in and for said County in said State, hereby certify that the within and foregoing is a full true and complete copy of the Last Will and Testament and Codicil of J. F. B. Lowrey, deceased, as the same is of record in this office in Book N Page 199.

Given under my hand and official seal this the 8th day of January, 1955.

/s/ Lloyd G. Hart
Lloyd G. Hart
Judge of Probate
Conecuh County, Alabama.

(Seal affixed)

STATE OF ALABAMA, BALDWIN COUNTY

Filed 2-2-55 4:15 P. M.
Recorded Deed Book 217 pages 315-21

/s/ W. R. Stuart
Judge of Probate.
G.

(7)

Complainant's Exhibit 7

Book 111 Page 135

STATE OF ALABAMA,
COUNTY OF BALDWIN.

THIS INDENTURE, made and entered into on this the ___ day of August, 1948, by and between J. S. LOWERY, a single man, hereinafter referred to as the party of the first part, and JANEAL KAHALLEY, hereinafter referred to as the party of the second part, WITNESSETH: The party of the first part, for and in consideration of the sum of One Hundred Dollars ($100.00), and other good and valuable consideration, to him this day in hand paid by the party of the second part, the receipt whereof is hereby acknowledged has and by these presents does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at a point on the North line of the J. S. LOWERY property in Section 31, Township Four (4) South, Range Two (2) East, Two Hundred and Five Tenths Feet (200.5) West of the Center line of U. S. Highway No. 90, thence West Seven Hundred and Forty-four (744) feet, more or less, to a cedar hub on the margin of D'OLIVE CREEK; thence run South along the margin of D'OLIVE CREEK Seventeen (17) Degrees and Twenty-eight (28) Minutes East One Hundred and Twenty-five and Four-tenths (125.4) feet to a cedar hub; thence run East Six Hundred and Ninety-four and Five-tenths (694.5) feet, more or less, to a point One Hundred and Twenty (120) feet due South of the North line of the property of J. S. LOWERY, and Two Hundred and Five-tenths (200.5) feet West, measured on an East and West line, of the center line of U. S. Highway No. 90; thence run North Six (6) Degrees and Twenty-five (25) Minutes East One Hundred and Twenty and Eight-tenths (120.8) feet to point of beginning; containing One and Ninety Seven Hundreths (1.97) acres, more or less.

TO HAVE AND TO HOLD unto the said JANEAL KAHALLEY and to his heirs, executors and administrators in fee simple forever.

The party of the first part for himself, his heirs, executors and administrators, hereby covenants and warrants to and with the said party of the second part, his heirs, executors and administrators and assigns, that he is seized and an indefeasible estate in and to the said property; that he has a good right to convey the same as herein contained; that he will guarantee the peaceable possession thereof; that the said property is free from all liens and encumbrances and that he will, and his heirs, executors and administrators shall forever warrant and defend the same unto the said party of the second part, his heirs and assigns, against the lawful claims of all persons.

The party of the First part, as a partyof the consideration hereof, does GRANT AND CONVEY to the said party of the second part the right to cross over land of the party of the first part, and to build and use an road across same, at any time that it may become necessary by reason of the present road's being closed.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and affixed his seal on this the day and year first above written.

J S Lowery (SEAL)

Book 111 Page 136

STATE OF ALABAMA,

COUNTY OF BALDWIN.

I, WALTER M LINDSEY, a Notary Public in and for said County in said State, hereby certify that J. S. LOWERY, a single man, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this date that, being informed of the contents of said conveyance, he executed the same voluntarily on the day the same bears date.

WALTER M. LINDSEY NOTARY PUBLIC BALDWIN COUNTY, ALABAMA

Walter M Lindsey

Notary Public, Baldwin County, Alabama.

My Commission Expires: April 1950.

STATE OF ALABAMA, BALDWIN COUNTY

Filed Sept 4. 1946 8 a M

Recorded _____ book _____ page _____

and I certify that the following Privilege Tax has been paid.

Deed Tax 2.00

Mortgage Tax _____

W R Stuart

Judge of Probate

By _____

The State of Alabama,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify that the within and foregoing Two photostatic pages contain a full, true and complete copy of the Deed from J. S. Lowery to Jameal Kahalley,

as the same appears of record in my office in Deed Book No. 111 page 135-6.

Given under my hand and seal of office, this 27th day of June, 19 58.

W. R. Stuart

Judge of Probate

Printed by Moore Printing Co.

(8)

Complainant Exh 8

Deed Tax 1.00

Mortgage Tax

M. Stuart
Judge of Probate
By

STATE OF ALABAMA)
*
BALDWIN COUNTY)

THIS INDENTURE, made and entered into on this the 23rd day of March, 1953, by and between Jameal Kahalley, unmarried, hereinafter referred to as the party of the first part, and L. T. Rhodes, Jr., and Maude L. Manci, as Administrators of the Estate of J. S. Lowrey, Deceased, hereinafter referred to as the parties of the second part, WITNESSETH:

The party of the first part, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration to him in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, has GRANTED, BARGAINED AND SOLD and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto the said parties of the second part the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at a point on the North line of the J. S. Lowrey property in Section 31, Township 4 South, Range 2 East, 200.5 feet West of the center line of U. S. Highway Number 90, thence West 744 feet, more or less, to a cedar hub on the margin of D'Olive Creek; thence run South along the margin of D'Olive Creek 17 degrees 28 minutes East 125.4 feet to a cedar hub; thence run East 694.5 feet, more or less, to a point 120 feet due South of the North line of the property of J. S. Lowrey, and 200.5 feet West, measured on an East and West line, of the center line of U. S. Highway Number 90; thence run North 6 degrees 25 minutes East 120.8 feet to point of beginning, containing 1.97 acres, more or less;

Intending to describe and convey and there is hereby conveyed the same property as that conveyed by J. S. Lowrey, unmarried, to Jameal Kahalley by deed dated August ___, 1946, and recorded in Deed Book 111 at pages 135-6, Baldwin County, Alabama Records.

TO HAVE AND TO HOLD unto the said parties of the second part, their successors and assigns, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and affixed his seal on this the day and year first above written.

Jameal Kahalley (SEAL)

STATE OF ALABAMA)
*
BALDWIN COUNTY)

I, Mary Lou Blackburn, a Notary Public, within and for said County in said State, hereby certify that Jameal Kahalley, unmarried, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 23rd day of March, 1953.

Mary Lou Blackburn
Notary Public, Baldwin County, Alabama.

BOOK 192 PAGE 467

The State of Alabama,
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of 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 Jameal Kahalley to L. T. Rhodes, Jr., et al,

as the same appears of record in my office in Deed Book No. 192 page 467.

Given under my hand and seal of office, this 27th day of June, 1958.

W. R. Stuart
Judge of Probate

Printed by Moore Printing Co.

(9)

Complainants' Ex 9 -

STATE OF ALABAMA)
*
BALDWIN COUNTY)

THIS INDENTURE, made and entered into on this the 15th day of April, 1958, by and between Maude L. Manci and L. T. Rhodes, Jr., as Administrators of the Estate of J. S. Lowrey, Deceased, hereinafter referred to as the parties of the first part, and Maude L. Manci, hereinafter referred to as the party of the second part, WITNESSETH:

THAT, WHEREAS, J. S. Lowrey died intestate on the 1st day of April, 1952; and,

WHEREAS, thereafter and on, to-wit, the 4th day of April, 1952, Maude L. Manci and L. T. Rhodes, Jr., were appointed and qualified as administrators of the said estate; and,

WHEREAS, thereafter the administration of the Estate of J. S. Lowrey, Deceased, was removed from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, in Equity, where it is now pending; and,

WHEREAS, Maude L. Manci and L. T. Rhodes, Jr., as Administrators of the Estate of J. S. Lowrey, Deceased, did on the 17th day of October, 1952, file in the Circuit Court of Baldwin County, Alabama, in Equity, a sworn petition praying for authority to sell and convey all real property situated in Alabama belonging to J. S. Lowrey, Deceased, or in which he was interested at the time of his death, at private sale or sales for cash. Attached to and forming a part of the said petition was the written answer or service, waiver of notice and consent of all of the heirs of J. S. Lowrey, Deceased, all of whom are over twenty-one years of age and of sound mind. On, to-wit, the 17th day of October, 1952, the Circuit Court of Baldwin County, Alabama, in Equity, rendered a decree authorizing Maude L. Manci and L. T. Rhodes, Jr., as Administrators of the Estate of J. S. Lowrey, Deceased, to sell and convey at private sale or sales for cash, or on such terms as they may direct, all real property owned by J. S. Lowrey, or all real property in which J. S. Lowrey was interested at the time of his death, situated in the State of Alabama, which decree is dated the 17th day of October, 1952. A certified copy of the said decree was filed for record in the office of the Judge of Probate of Baldwin County, Alabama, on the 28th day of October, 1952, where it is recorded in Deed Book 187 at pages 374-6:

NOW, THEREFORE, the parties of the first part, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration to them this day in hand paid by the party of the second part, receipt whereof is hereby acknowledged, have GRANTED, BARGAINED, SOLD AND CONVEYED and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part the following described real property situated in Baldwin County, Alabama, to-wit:

Commence at the half section post on the line dividing Sections 30 and 31, Township 4 South, Range 2 East (which point is also the Northeast corner of Subdivision A of the said Section 31), and run thence South along the half section line 15 chains and 15 lengths to a corner for the point or place of beginning; thence South 9 chains to a corner; thence West 16 chains, more or less, to Dolive Creek; thence Northwardly along Dolive Creek and following the meanders thereof 10 chains, more or less, to a point due West of the point or place of beginning; thence East 15 chains, more or less, to the point or place of beginning, EXCEPT that part of the said property which lies within the rights-of-way of United States Highways Numbered Ninety and Ninety-eight.

TO HAVE AND TO HOLD unto the said party of the second part, her heirs and assigns, forever.

IN WITNESS WHEREOF, Maude L. Manci and L. T. Rhodes, Jr., have hereunto set their hands and affixed their seals as Administrators of the Estate of J. S. Lowrey, Deceased, on this the day and year first above written.

(S) MAUDE L. MANCI (SEAL)

(S) L. T. RHODES, JR. (SEAL)

As Administrators of the Estate of J. S. Lowrey, Deceased.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

I, Mary Lou Blackburn, a Notary Public, within and for said County in said State, hereby certify that Maude L. Manci and L. T. Rhodes, Jr., whose names as Administrators of the Estate of J. S. Lowrey, Deceased, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they, in their capacities as such administrators, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 15th day of April, 1958.

(S) MARY LOU BLACKBURN

Notary Public, Baldwin County, Alabama

TO HAVE AND TO HOLD unto the said Mary Ann T. Rhodes, Jr., Lorenzo, Lorenzo, Decreased, on right and in the said Administrator and Administrator, Decreased, the said Administrator, Decreased.

IN WITNESS WHEREOF, Mary Ann T. Rhodes, Jr., Lorenzo, Lorenzo, Decreased, on right and in the said Administrator and Administrator, Decreased, the said Administrator, Decreased.

(SEAL) _____ EDWAR J. EDWAR (S)

(SEAL) _____ M. T. RHODES, JR. (S)

Mary Ann T. Rhodes, Jr., Lorenzo, Lorenzo, Decreased, the said Administrator, Decreased.

STATE OF ALABAMA
COUNTY OF BALDWIN

Mary Ann T. Rhodes, Jr., Lorenzo, Lorenzo, Decreased, the said Administrator, Decreased, the said Administrator, Decreased.

Mary Ann T. Rhodes, Jr., Lorenzo, Lorenzo, Decreased, the said Administrator, Decreased, the said Administrator, Decreased.

Given under my hand and seal this the 1st day of April, 1958.

_____ (S)
Notary Public, Baldwin County, Alabama

_____ (S)
Notary Public, Baldwin County, Alabama

FILED
AUG 6 1958
ALICE J. ANCE, Register

BILL OF COMPLAINT

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

Maude L. Manci, as complainant, presents this Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

> Commence at the half section post on the line dividing Sections 30 and 31, Township 4 South, Range 2 East, (which point is also the Northeast corner of Subdivision A of the said Section 31) and run thence South along the half section line 15 chains and 15 lengths to a corner for the point or place of beginning; thence South 9 chains to a corner; thence West 16 chains, more or less, to Dolive Creek; thence Northwardly along Dolive Creek and following the meanders thereof 10 chains, more or less, to a point due West of the point or place of beginning; thence East 15 chains, more or less, to the point or place of beginning, EXCEPT that part of the said property which lies within the rights-of-way of United States Highways Numbered Ninety and Ninety-eight,

and against Sabina Calloway, and against her heirs or devisees, if deceased; Sabina C. Calloway, and against her heirs or devisees, if deceased; M. Rameras, and against his heirs or devisees, if deceased; A. R. Latham, and against his heirs or devisees, if deceased; Mary Rameras, and against her heirs or devisees, if deceased; Mary E. Rameras, and against her heirs or devisees, if deceased; E. L. Wilson, and against his heirs or devisees, if deceased; Jefferson Blackburn, and against his heirs or devisees, if deceased; and against The Old Spanish Fort Development Company, a corporation, its unknown officers, directors and stockholders, and against his or her 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, and, thereupon, complainant complains and shows unto the court and your Honor as follows:

1. The complainant, Maude L. Manci, is over twenty-one years of age and a resident of Baldwin County, Alabama.

2. The individual respondents named above are each, if living, over twenty-one years of age, but their places of residence and post office addresses are unknown and cannot be ascertained after reasonable efforts and the making of diligent inquiry to ascertain the facts with regard thereto.

The Old Spanish Fort Development Company, a corporation, is a corporation that was organized under the laws of the State of Delaware, which qualified to do business in Alabama, but the complainant alleges on information and belief that the said corporation is not now in business. If in business, its place of business and post office address is unknown, the names of its officers, directors and stockholders are unknown, and it now has no known agent in the State of Alabama.

3. The complainant is in the actual, peaceable possession of all of the above described lands which are situated in Baldwin County, Alabama, and claims to own the said lands in her own right, absolutely and in fee simple.

4. Complainant holds color of title to the said lands and she and those through whom she claims title have paid taxes on the said lands for a period of twenty or more consecutive years next preceding the filing of this Bill of Complaint, and no other persons, firms or corporations, other than the complainant and those through whom she claims title, have paid taxes on or have been in possession of the above described lands, or any part thereof, for a period of twenty or more consecutive years prior to the filing of this Bill of Complaint.

5. 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 the complainant.

6. No suit is pending to test complainant's title to, right to possession of, the said lands or any part thereof.

7. Complainant has and claims to have the absolute, unencumbered, fee simple title to all of the real property hereinabove described by and through the following instruments of writing, all of which are recorded in the office of the Judge of Probate of Baldwin County, Alabama, the county where the said lands are situated, to-wit:

A. Patent, United States of America to Cyrus Sibley, dated June 1, 1845, which is recorded in Deed Book 21 at page 643, Baldwin County, Alabama Records.

B. Patent, United States of America to Cyrus Sibley, dated June 1, 1845, which is recorded in Deed Book 21 at page 644, Baldwin County, Alabama Records.

C. Deed, Mike Buzbee and Stella Buzbee, his wife, to J. S. Lowrey, dated October 7, 1935, which is recorded in Deed Book 58 at page 397, Baldwin County, Alabama Records.

D. Deed, Clara Bolon, et al, to Maude L. Manci, dated December 26, 1956, which is recorded in Deed Book 262 at pages 215-16, Baldwin County, Alabama Records.

E. Deed, Eloise Russell Lowrey, a widow, et al, to Maude L. Manci, dated July 19, 1957, which is recorded in Deed Book 262 at pages 212-14, Baldwin County, Alabama Records.

8. The complainant has made a diligent search and has caused a diligent search to be made to ascertain the names, ages and addresses of all persons, firms or corporations who might make, or who are making, any claim to the said lands, or any part thereof, or any interest therein, or any encumbrance thereon. The complainant further avers that these inquiries have continued faithfully and diligently for the past several years; that within the past three years she has employed an abstract company to make an examination of the records of Baldwin County, Alabama, and to prepare an Abstract of Title to all of the above described property; that she has employed an attorney to examine the said abstract, the records in the courthouse in Bay Minette, Alabama; that she has made and has caused her said attorney to make inquiry about the ages, addresses and heirs of all persons interested, or who may be interested, in the said property; that she has made and caused a thorough inquiry to be made in the community where the said property is situated for the purpose of ascertaining any claimants to it, and for any other information having any bearing on the title to the said property; that the complainant has caused the records in the office of the Probate Judge of Baldwin County, Alabama, to be examined to determine if the corporation that is named as a respondent herein is now doing business at any place in

Alabama; that all of these efforts on the part of the complainant and her agents, servants and employees, have continued faithfully and diligently for a long period of time, and that all of the information so secured as to prior ownership and possession of the said property, the ages and places of residence of the individual respondents named herein, and the status of the corporation which is made a party respondent is as hereinabove set out.

PRAYER FOR PROCESS

Complainant prays that the said lands hereinabove described, the respondents named herein, and their heirs and devisees, if deceased, and the unknown heirs, devisees, personal representatives of the next of kin of the respondents named above who are dead, 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 brought into court by the usual and proper process.

PRAYER FOR RELIEF

Complainant prays that each and all of the respondents named herein, their heirs or devisees, the unknown heirs, devisees, legal representatives and next of kin of such of the respondents named herein who are dead, and any and all persons, firms and 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, right, title, interest, lien or encumbrance, and how and by what instrument the same is derived and created; that a guardian ad litem be appointed to represent any of the unknown parties named in this proceeding who may be minors and insane persons; that an attorney be appointed to represent any of the parties named in this proceeding, known or unknown, who may be in the military service; that upon a final hearing of this cause it be Ordered, Adjudged and Decreed that

the complainant at the time of the filing of this Bill of Complaint had the fee simple title to all of the above described lands; that none of the respondents herein specifically named, their heirs or devisees, or any other person, firm or corporation, has any right, title or interest therein, or any part thereof, or any lien or encumbrance thereon, and that all doubts and disputes concerning the said property be cleared up, and that complainant's title to the said lands be fully and completely quieted.

Complainant prays for such other, further and general relief as she may be equitably entitled to, the premises considered.

J. B. Blackburn
Solicitor for complainant

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says: That he is the solicitor for the complainant in the above entitled cause; that he has read over the foregoing Bill of Complaint, and that the facts stated therein are true.

J. B. Blackburn

Sworn to and subscribed before me on
this the 23rd day of April, 1958.

Alice L. Miller
Notary Public, Baldwin County, Alabama

Filed
April 23, 1958

MAUDE L. MANCI, Complainant, VS. THE LANDS AND PARTIES HEREINAFTER DESCRIBED, Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY NO. 4271

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree on behalf of the complainant upon the original verified Bill of Complaint; notice of pendency of Bill of Complaint; proof of publication of notice of pendency of Bill of Complaint; motion for a decree pro confesso against the respondents; decree pro confesso against the respondents; order 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 who may be in the military service of the United States; decree ordering that the testimony of the witnesses for the complainant be taken in open court and transcribed in the manner provided by Equity Rule Number 56, as amended; notice of appointment of guardian ad litem and attorney to represent parties in military service and acceptance of such appointment; answer of guardian ad litem and attorney for unknown parties interested in this proceeding who may be in the military service of the United States; the testimony of L. T. Rhodes, Jr., and O. J. Manci, witnesses for the complainant, taken in open court on this date and the exhibits to the testimony of the said witnesses, all of which has been noted by the Register; upon consideration of all of which, it appears to the court that all persons, firms or corporations named in the Bill of Complaint have permitted a decree pro confesso to be taken against them; that the allegations of the said Bill of Complaint are true and that the complainant is entitled to a decree quieting title to the land

described in the Bill of Complaint; upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The complainant, Maude L. Manci, is the lawful owner in fee simple of the following described land situated in Baldwin County, Alabama, to-wit:

> Commence at the half section post on the line dividing Sections 30 and 31, Township 4 South, Range 2 East (which point is also the Northeast corner of Subdivision A of the said Section 31), and run thence South along the half section line 15 chains and 15 lengths to a corner for the point or place of beginning; thence South 9 chains to a corner; thence West 16 chains, more or less, to Dolive Creek; thence Northwardly along Dolive Creek and following the meanders thereof 10 chains, more or less, to a point due West of the point or place of beginning; thence East 15 chains, more or less, to the point or place of beginning, EXCEPT that part of the said property which lies within the rights-of-way of United States Highways Numbered Ninety and Ninety-eight;

that the absolute, fee simple title to the said land and to each and every part thereof, and all interest therein, is in the said complainant, Maude L. Manci, 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 land, or any part thereof, or any interest therein; that the complainant have and she is hereby given judgment against the said land and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said land, or any part thereof.

2. The complainant's title to the said land is hereby quieted against Sabina Calloway and against her heirs or devisees, if deceased; Sabina C. Calloway and against her heirs or devisees, if deceased; M. Rameras and against his heirs or devisees, if deceased; A. R. Latham and against his heirs or devisees, if deceased; Mary Rameras and against her heirs or devisees, if deceased; Mary E. Rameras and against her heirs or devisees, if deceased; E. L. Wilson and against his heirs or devisees, if deceased; Jefferson Blackburn and against his heirs or devisees, if deceased; and against The Old Spanish Fort Development Company, a corporation, its unknown officers, directors and stockholders, and against his or her 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 land, or any part thereof, and all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

3. The Register of this court shall, within thirty days from the rendition of this decree, file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama, for record therein and tax the cost of such recording as a part of the costs 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 in which deeds are recorded and shall index the same in the direct indexes in the names of Sabina Calloway, Sabina C. Calloway, M. Rameras, A. R. Latham, Mary Rameras, Mary E. Rameras, E. L. Wilson, Jefferson Blackburn and The Old Spanish Fort Development Company, a corporation; and shall index the same in the indirect or reverse index of the said records in the name of Maude L. Manci.

5. The title hereby adjudged and decreed to be in the said complainant, Maude L. Manci, shall inure to the benefit of all persons, firms or corporations who derive title to the said land, 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, firm or corporation so procuring or deriving title from the said complainant.

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

ORDERED, ADJUDGED AND DECREED on this the 9th day of July, 1958.

Hubert M Hall
Judge

MAUDE L. MANCI, Complainant, vs. THE LANDS AND PARTIES HEREINAFTER DESCRIBED, Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. NO. 4271.

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

DATED this 7th day of July, 1958.

Floyd Swearingen
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 PROCEEDING WHO MAY BE IN THE MILITARY SERVICE OF THE UNITED STATES.

MAUDE L. MANCI,

Complainant,

VS.

THE LANDS AND PARTIES HEREINAFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4271

Filed 7-7-58
Alice J. Heinecke
Registrar

MAUDE L. MANCI, Complainant, vs. THE LANDS AND PARTIES HEREINAFTER DESCRIBED, Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. NO. 4271.

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

TO: Floyd Lumsingen

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 7 day of July, 1958.

Alice Lumsek
Register of the Circuit Court of Baldwin County, Alabama, in Equity.

* *

STATE OF ALABAMA)
*
BALDWIN COUNTY)

I, the undersigned, 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 7th day of July, 1958.

Floyd Lumsingen
As guardian ad litem and as attorney representing parties in Military Service of United States.

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

MAUDE L. MANCI,

Complainant,

VS.

THE LANDS AND PARTIES HEREINAFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4271.

MAUDE L. MANCI, Complainant, vs. THE LANDS AND PARTIES HEREINAFTER DESCRIBED, Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. NO. 4271.

MOTION:

Now comes the Complainant, by her Solicitor, and shows unto the Court that all of the Respondents named in the Bill of Complaint filed in this cause have suffered a decree pro confesso to be taken against them.

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

J. B. Blackburn
Solicitor for Complainant.

MOTION

MAUDE L. MANCI,

Complainant,

VS.

THE LANDS AND PARTIES HEREINAFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4271

Filed 7-7-54
Ariel Henick
Register

MAUDE L. MANCI, Complainant, VS. THE LANDS AND PARTIES HEREINAFTER DESCRIBED, Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY NO. 4271

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 1st day of May, 1958, in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama; that a copy of the said notice was posted at the front door of the courthouse in Baldwin County, Alabama, on the 23rd day of April, 1958; 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 Sabina Calloway, Sabina C. Calloway, M. Rameras, A. R. Latham, Mary Rameras, Mary E. Rameras, E. L. Wilson, Jefferson Blackburn, and The Old Spanish Fort Development Company, a corporation, and against the heirs and devisees of such of the said parties as may be dead, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands described in the Bill of Complaint that has been filed in this cause, or any part thereof, or any interest therein.

ORDERED AND DECREED on this the 7 day of July, 1958.

Register

DECREE PRO CONFESSO

MAUDE L. MANCI,

Complainant,

VS.

THE LANDS AND PARTIES HEREINAFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4271

FILED

JUL 7 1958

ALICE J. DUCK, Register

MAUDE L. MANCI, Complainant, vs. THE LANDS AND PARTIES HEREINAFTER DESCRIBED, Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. NO. 4271.

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a decree pro confesso against Sabina Calloway, Sabina C. Calloway, M. Rameras, A. R. Latham, Mary Rameras, Mary E. Rameras, E. L. Wilson, Jefferson Blackburn and The Old Spanish Fort Development Company, a corporation, and against the heirs or devisees of any of the said parties who may be deceased, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands described in the Bill of Complaint that has been filed in this proceeding, or any part thereof, on the ground that the notice of pendency of Bill of Complaint in this cause was published once a week for four successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, which notice appeared in the issues of said paper which were published on May 1, May 8, May 15 and May 22, 1958, which notice contained a provision requiring all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands described in the said notice, or any part thereof, which are the lands described in the Bill of Complaint that was filed in this cause, must appear in this Court and plead, answer or demur to the Bill of Complaint before the 3rd day of June, 1958, or at the expiration of thirty days from the said date a decree pro confesso would be taken against them; Complainant further shows unto the Register that a copy of the notice of pendency of Bill of Complaint in this cause was posted at the front door of the Courthouse of Baldwin County, Alabama, on the 23rd day of April, 1958; and thirty days having expired since June 3, 1958,

and no person, firm or corporation named above has appeared in this cause, the Complainant is entitled to a decree pro confesso against all of the persons, firms and corporations named above.

WHEREFORE, Complainant moves the Register to make and enter a decree pro confesso against all of the above named Respondents and each of them.

DATED this 7th day of July, 1958.

J. B. Blackburn
Solicitor for Complainant.

MOTION FOR DECREE PRO CONFESSO

MAUDE L. MANCI,

Complainant,

VS.

THE LANDS AND PARTIES HEREINAFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4271

FILED

JUL 7 1958

ALICE J. DUCK, Register

MAUDE L. MANCI, Complainant, vs. THE LANDS AND PARTIES HEREINAFTER DESCRIBED, Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. NO. 4271.

CERTIFICATE:

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

1. The Notice of Pendency of Bill of Complaint in this cause was filed for record in the Office of the Judge of Probate of Baldwin County, Alabama, on April 23, 1958.

2. Notice of Pendency of Bill of Complaint in this cause was published once a week for four successive weeks in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, which said notice appeared in the issues of said paper published on May 1, May 8, May 15 and May 22, 1958.

3. A copy of the Notice of Pendency of Bill of Complaint in this cause was posted at the front door of the Courthouse of Baldwin County, Alabama, on April 23, 1958.

DATED this 7 day of July, 1958.

Alice J. Duck
Register.

CERTIFICATE

MAUDE L. MANCI,

Complainant,

VS.

THE LANDS AND PARTIES HEREINAFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4271

BOOK 004 PAGE 422

NOTICE OF PENDENCY OF BILL OF COMPLAINT

MAUDE L. MANCI, Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
THE LANDS AND PARTIES HEREINAFTER DESCRIBED, Respondents.	)	IN EQUITY

Notice is hereby given to each and all of the respondents named below, and to all persons, firms or corporations claiming any right, title or interest in, lien or encumbrance on, the lands hereinafter described, or any part thereof, that Maude L. Manci did, on the 23rd day of April, 1958, 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:

> Commence at the half section post on the line dividing Sections 30 and 31, Township 4 South, Range 2 East (which point is also the Northeast corner of Subdivision A of the said Section 31), and run thence South along the half section line 15 chains and 15 lengths to a corner for the point or place of beginning; thence South 9 chains to a corner; thence West 16 chains, more or less, to Dolive Creek; thence Northwardly along Dolive Creek and following the meanders thereof 10 chains, more or less, to a point due West of the point or place of beginning; thence East 15 chains, more or less, to the point or place of beginning, EXCEPT that part of the said property which lies within the rights-of-way of United States Highways Numbered Ninety and Ninety-eight,

and against Sabina Calloway, and against her heirs or devisees, if deceased; Sabina C. Calloway, and against her heirs or devisees, if deceased; M. Rameras, and against his heirs or devisees, if deceased; A. R. Latham, and against his heirs or devisees, if deceased; Mary Rameras, and against her heirs or devisees, if deceased; Mary E. Rameras, and against her heirs or devisees, if deceased; E. L. Wilson, and against his heirs or devisees, if deceased; Jefferson Blackburn, and against his heirs or devisees, if deceased; and against The Old Spanish Fort Development Company, a corporation, its unknown officers, directors and stockholders and against his or her 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.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 4-23-58 2:P M
Recorded Rec. Prob. book 4 page 422
W. P. Stuart
Judge of Probate

The individual respondents named above are each, if living, over twenty-one years of age, but their places of residence and post office addresses are unknown and cannot be ascertained after reasonable efforts and the making of diligent inquiry to ascertain the facts with regard thereto.

The Old Spanish Fort Development Company, a corporation, is a corporation that was organized under the laws of the State of Delaware, which qualified to do business in Alabama, but the complainant alleges on information and belief that the said corporation is not now in business. If in business, its place of business and post office address is unknown, the names of its officers, directors and stockholders are unknown, and it now has no known agent in the State of Alabama.

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 her title thereto, and to clear 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 instruments of writing, all of which are recorded in the office of the Judge of Probate of Baldwin County, Alabama, the county where the said lands are situated, to-wit:

> Patent, United States of America to Cyrus Sibley, dated June 1, 1845, which is recorded in Deed Book 21 at page 643.
>
> Patent, United States of America to Cyrus Sibley, dated June 1, 1845, which is recorded in Deed Book 21 at page 644.
>
> Deed, Mike Buzbee and Stella Buzbee, his wife, to J. S. Lowrey, dated October 7, 1935, which is recorded in Deed Book 58 at page 397.
>
> Deed, Clara Bolon, et al, to Maude L. Manci, dated December 26, 1956, which is recorded in Deed Book 262 at pages 215-16.
>
> Deed, Eloise Russell Lowrey, a widow, et al, to Maude L. Manci, dated July 19, 1957, which is recorded in Deed Book 262 at pages 212-14.

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

The respondents named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on, the said lands, or any part thereof, must appear in this court and plead, answer or demur to the said Bill of Complaint before the 3rd day of June, 1958, or at the expiration of thirty days from the said date decrees pro confesso will be taken against them, testimony will be thereafter taken and the 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 23rd day of April, 1958.

Alice J. Duck

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

J. B. BLACKBURN,
Solicitor for complainant.

23 4-23-58

NOTICE OF PENDENCY OF BILL OF COMPLAINT.

MAUDE L. MANCI,

19 Complainant,

VS.

THE LANDS AND PARTIES HEREINAFTER DESCRIBED,

Sabina Calloway 39
Sibina C.
Jefferson Blackburn 2. Respondents.
A. R. Lathan 3
Old Spanish Ft. Dev. Co. 43
M. Ramirez 5
Mary 41
Mary E.
E. K. Wilson 57

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO._____

FILED
APR 23 1958
ALICE J. BUCK, Register

R-2 25

J. B. Blackburn
B. M.

MAUDE L. MANCI, Complainant, vs. THE LANDS AND PARTIES HEREINAFTER DESCRIBED, Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. NO. 4271.

DECREE:

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

1. This said cause shall be and it is hereby set for hearing at 9 o'clock on the 9 day of July, 1958.

2. Floyd Greene, 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. Floyd Greene, an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, shall be, and he is hereby appointed as Attorney to represent any person interested in this proceeding who may be in the Military Service of the United States.

4. Testimony of the witnesses for Complainant shall be taken orally in open court and transcribed in the manner provided by Equity Rule No. 56, as amended.

ORDERED, ADJUDGED AND DECREED on this the 7 day of July, 1958.

Herbert M. Stern
Judge.

DECREE

MAUDE L. MANCI,

Complainant,

VS.

THE LANDS AND PARTIES HEREINAFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4271

MAUDE L. MANCI, Complainant, VS. THE LANDS AND PARTIES HEREINAFTER DESCRIBED, Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY NO. 4271

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. Notice of pendency of Bill of Complaint.

3. Proof of publication of notice of pendency of Bill of Complaint.

4. Motion for decree pro confesso.

5. Decree pro confesso against respondents.

6. Order 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 who may be in the military service of the United States.

7. Decree ordering that testimony of witnesses for the complainant be taken in open court and transcribed in the manner provided by Equity Rule Number 56, as amended.

8. Notice of appointment of guardian ad litem and attorney to represent parties in military service and acceptance of such appointment.

9. 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;

10. Testimony of L. T. Rhodes, Jr., and O. J. Manci, witnesses for the complainant, taken in open court, and the exhibits to the testimony of the said witnesses.

Dated this 9th day of July, 1958.

Register

J. B. Blackburn

Solicitor for complainant

NOTE OF TESTIMONY

MAUDE L. MANCI,

Complainant,

VS.

THE LANDS AND PARTIES HEREINAFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4271

FILED

JUL 24 1958

ALICE J. BUCK, Clerk

JIMMY FAULKNER
AND
BILL STEWART
PUBLISHERS

THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

E. R. MORRISSETTE, JR.
EDITOR-MANAGER

Legal Notice

NOTICE OF PENDENCY OF BILL OF COMPLAINT

MAUDE L. MANCI,
Complainant,
vs.
THE LANDS AND PARTIES HEREINAFTER DESCRIBED,
Respondents.

In The Circuit Court of Baldwin County, Alabama In Equity

Notice is hereby given to each and all of the respondents named below, and to all persons, firms or corporations claiming any right, title or interest in, lien or encumbrance on, the lands hereinafter described, or any part thereof, that Maude L. Manci did, on the 23rd day of April, 1958, 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:

Commence at the half section post on the line dividing Sections 30 and 31, Township 4 South, Range 2 East (which point is also the Northeast corner of Subdivision A of the said Section 31), and run thence South along the half section line 15 chains and 15 lengths to a corner for the point or place of beginning; thence South 9 chains to a corner; thence West 16 chains, more or less, to Dolive Creek; thence Northwardly along Dolive Creek and following the meanders thereof 10 chains, more or less, to a point due West of the point or place of beginning; thence East 15 chains, more or less, to the point of place of beginning, EXCEPT that part of the said property which lies within the rights-of-way of United States Highway Numbered Ninety and Ninety-eight,

and against Sabina Calloway, and against her heirs or devisees, if deceased; Sabina C. Calloway, and against her heirs or devisees, if deceased; M. Rameras, and against his heirs or devisees, if deceased; A. R. Latham, and against his heirs or devisees, if deceased; Mary Rameras, and against her heirs or devisees, if deceased; E. L. Wilson, and against his heirs or devisees, if deceased; Jefferson Blackburn, and against his heirs or devisees, if deceased; and against The Old Spanish Fort Development Company, a corporation, its unknown officers, directors and stockholders and against his or her heirs or devisees, if deceased; and against any and all persons, firms or corporations claiming any title to, interest in, lien

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

E. R. Morrissette, 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

Maude L. Manci vs. The Lands and Parties Hereinafter Described.

COST STATEMENT

1106 WORDS @ 6½ cents $71.89

I hereby certify this is correct, due and unpaid (paid).

E. R. Morrissette Jr.
Editor.

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

Date of 1st publication May 1, 1958 Vol. 70 No. 16

Date of 2nd publication May 8, 1958 Vol. 70 No. 17

Date of 3rd publication May 15, 1958 Vol. 70 No. 18

Date of 4th publication May 22, 1958 Vol. 70 No. 19

Subscribed and sworn before the undersigned this 22 day of May, 1958.

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrissette Jr.
Editor.

sons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof.

The individual respondents named above are each, if living, over twenty-one years of age, but their places of residence and post office addresses are unknown and cannot be ascertained after reasonable efforts and the making of diligent inquiry to ascertain the facts with regard thereto.

The Old Spanish Fort Development Company, a corporation, is a corporation that was organized under the laws of the State of Delaware, which qualified to do business in Alabama, but the complainant alleges on information and belief that the said corporation is not now in business. If in business, its place of business and post office address is unknown, the names of its officers, directors and stockholders are unknown, and it now has no known agent in the State of Alabama.

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 her title thereto, and to clear 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 instruments of writing, all of which are recorded in the office of the Judge of Probate of Baldwin County, Alabama, the county where the said lands are situated, to-wit:

Patent, United States of America to Cyrus Sibley, dated June 1, 1845, which is recorded in Deed Book 21 at page 643.

Patent, United States of America to Cyrus Sibley, dated June 1, 1845, which is recorded in Deed Book 21 at page 644.

Deed, Mike Buzbee and Stella Buzbee, his wife, to J. S. Lowrey, dated October 7, 1935, which is recorded in Deed Book 58 at page 397.

Deed, Clara Bolon, et al, to Maude L. Manci, dated December 26, 1956, which is recorded in Deed Book 262 at pages 215-16.

Deed, Eloise Russell Lowrey, a widow, et al, to Maude L. Manci, dated July 19, 1957, which is recorded in Deed Book 262 at pages 212-14.

The complainant, in and by her said Bill of Complaint, alleges and avers that she owns the said lands in her own right, absolutely and in fee simple; that she is in the actual, peaceable possession of the said lands under claim of

Clara E. King, property in S 18, T 8 S, R 4 E.

Warren Kryder and Voncile F. Kryder to L. A. Leonard and Carolyn Murphy Leonard, property in

---

ownership; that the title to the said lands stands upon the records in the office of the Judge of Probate of Baldwin County, Alabama, the county where 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, the possession of the said lands, or any part thereof; that complainant and those through whom she claims title have held color of title to and have regularly assessed and paid taxes on the said lands and each and every part thereof for twenty or more consecutive years next prior to the filing of the said Bill of Complaint; and that no persons, firms or corporations, other than the complainant and those through whom she claims title to the said lands, have paid any taxes on the said lands, or any part thereof, or any interest therein, and no persons, firms or corporations, other than the complainant and those through whom she claims title, have had possession of the said lands or any part thereof, within twenty years next prior to the filing of the said Bill of Complaint.

The respondents named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on, the said lands, or any part thereof, must appear in this court and plead, answer or demur to the said Bill of Complaint before the 3rd day of June, 1958, or at the expiration of thirty days from the said date decrees pro confesso will be taken against them, testimony will be thereafter taken and the 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 23rd day of April, 1958.

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

J. B. Blackburn,
Solicitor for complainant.

16-4tc.

4271