4280

H. W. GRAHAM,	)	IN THE CIRCUIT COURT OF
Complainant	)	BALDWIN COUNTY, ALABAMA
vs.		IN EQUITY
THOMAS P. MILLER, EMMA E.MILLER, LETHY RICHARDS or LETHY COLEMAN, OLIVER SEXTON, JOHN SEXTON, RICHARD SEXTON, LOUIS SEXTON, MARIE SEXTON, ALEXANDER STROUSE, JASPER MORSE and RUBY MORSE, if living, or their heirs and devisees, if deceased, and the following described property situated in Baldwin County, Alabama, to-wit:	)	

Beginning at the Southwest corner of Block No. 9, Village of Montrose, according to plat thereof recorded in Book "E", Page 388, of the Baldwin County Probate Records, thence running North 14 degrees 0 minutes W, 625.68 feet and along the East side of Main Street to a point on the South side of McIntyre Street; thence North 76 degrees 0 minutes E, 249.5 feet along the South side ofMcIntyre Street to a point; thence South 14 degrees 0 minutes E, 475.68 feet to a point; thence North 76 degrees 0 minutes E, 150 feet to a point; thence South 14 degrees 0 minutes E, 150 feet to a point on the North side of Gabel Street; thence South 76 degrees 0 minutes W, 399.5 feet, more or less, to the point of beginning;

And any and all other person or corporation s claiming any title to or interest in the real property described above,

Defendants

FINAL DECREE

This cause coming on to be heard this the 20th day of August, 1958, is submitted for final decree upon Complainant's verified Bill of Complaint and upon the Decree Pro Confesso rendered therein against Thomas P. Miller, Emma E. Miller, Lethy Richards or Lethy Coleman, Oliver Sexton, John Sexton, Richard Sexton, Louis Sexton, Marie Sexton, Alexander Strouse, Jasper Morse and Ruby Morse after publication, and the answer of the guardian ad litem, and the testimony of H. W. Graham and J. H. Arnold, taken orally before the Commissioner duly appointed by the Register, and the pleadings and proof, as noted by the Register; and it appearing to the satisfaction

of the Court:

1. That the Complainant, H. W. Graham, at the time of filing his Bill of Complaint in this cause, claimed in his own right a fee simple title to, and was, in actual, peaceful possession of the following described lands lying and being situated in the County of Baldwin, State of Alabama, and more particularly described as follows:

> Beginning at the Southwest corner of Block No. 9, Village of Montrose, according to plat thereof recorded in Book "E", Page 388, of the Baldwin County Probate Records, thence running North 14 degrees 0 minutes W, 625.68 feet and along the East side of Main Street to a point on the South side of McIntyre Street; thence North 76 degrees 0 minutes E, 249.5 feet along the South side of McIntyre Street to a point; thence South 14 degrees 0 minutes E, 475.68 feet to a point; thence North 76 degrees 0 minutes E, 150 feet to a point; thence South 14 degrees 0 minutes E, 150 feet to a point on the North side of Gabel Street; thence South 76 degrees 0 minutes W, 399.5 feet, more or less, to the point of beginning.

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

3. That his said Bill of Complaint was and is duly verified and was filed against said lands, and was to establish the right or title to such lands or interest in and to clear up all doubts or disputes concerning the same, and that said Bill of Complaint did in all respects comply with the provisions of Articles 2 of Title 7 of the 1940 Code of Alabama, as amended.

4. That the Complainant executed diligent efforts to ascertain the facts with regard to the Defendants and to give notice of the pendency of the said Bill of Complaint.

5. That notice of the pendency of said Bill of Complaint was drawn and signed by the Register of the Court and said Register did have said notice published once a week for four consecutive weeks in The Fairhope Courier, a newspaper having general circulation and published in the County of Baldwin, Alabama, and authorized by order made in this cause.

6. That a copy of said notice certified by the Register of this court as being correct was recorded as a Lis Pendens in the Office of the Judge of Probate of said County, and said notice being in strict accord and compliance with the law.

7. That it has been more than sixty (60) days since the first publication of said notice and the filing of a certified copy of

said notice in the Office of the Judge of Probate of said County where the said lands lie.

8. That no person has intervened in said cause.

9. That a guardian ad litem and an attorney ad litem have been appointed and accepted service and filed an answer in said cause to protect the rights of appropriate parties in said matter.

10. That the Complainant has established, as shown by legal evidence, that he is the owner in fee simple title of the said lands.

11. The Complainant's title to the said lands is hereby quieted against Thomas P. Miller, Emma E. Miller, Lethy Richards or Lethy Coleman, Oliver Sexton, John Sexton, Richard Sexton, Louis Sexton, Marie Sexton, Alexander Strouse, Jasper Morse and Ruby Morse, if living, and against their 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 all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

12. That all the allegations of fact contained in the Complainant's Bill of Complaint are true.

It is therefore, ORDERED, ADJUDGED AND DECREED by the court that the Complaint is the owner of said lands and has the fee simple title thereto, free of all liens and encumbrances, and that all doubts and disputes concerning the same are hereby cleared up.

It is further ORDERED, ADJUDGED AND DECREED by the court that a certified copy of this decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, and that it be indexed in the name of H. W. Graham in both the Direct Index and the Indirect Index of the Records thereof.

DONE this the 20 day of August, 1958.

Hubert M Hale
JUDGE

H. W. GRAHAM, Complainant versus THOMAS P. MILLER, ET AL, AND CERTAIN LANDS, Respondents	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

APPOINTMENT OF GUARDIAN AD LITEM

In this cause it is made to appear to the Register by the Complainant, H. W. Graham, that the Defendants may be unknown minors, insane parties or parties in the military services; and it further appearing that _____, an Attorney at Law, is in all respects a suitable person to act as Guardian Ad Litem for such parties; and the said _____, having filed his consent in writing to act as such;

It is therefore ordered by the Register of said Court that the said _____ be and the same hereby is appointed Guardian Ad Litem in this cause for the said parties.

Witness my hand this the 7th day of July, 1958.

Alice J. Duck
REGISTER

CONSENT TO ACT

I, _____, hereby accept the above appointment as Guardian Ad Litem and consent to act as such, in the above cause.

Witness my hand this the 7th day of July, 1958.

filed July 7, 1958
Alice J. Duck, Register

APPOINTMENT OF GUARDIAN AD LITEM
AND CONSENT TO ACT

H. W. GRAHAM, Complainant

versus

THOMAS P. MILLER, et al,
and Certain Lands,

Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

filed July 7, 1958
Alice J. Duck, Register

H. W. GRAHAM, Complainant versus THOMAS P. MILLER, ET AL AND CERTAIN LANDS, Respondents	))))))))))	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

ANSWER OF GUARDIAN AD LITEM

Come all unknown minors and insane parties, as well as all persons who might be in the military services of the United States by their Guardian Ad Litem, _____, and for answer to the Bill of Complaint filed in the above cause, denies each and every allegation of said Bill and demands strict proof.

_____
Guardian Ad Litem and Attorney representing parties in military services

CERTIFICATE

I do hereby certify that I have served a copy of the above on Ernest M. Bailey, Attorney for the Complainant, by delivery, on this the 7th day of July, 1958.

Filed July 7, 1958
Alice J. Duck
Register

_____
Guardian Ad Litem and Attorney representin parties in the military services

ANSWER OF GUARDIAN AD LITEM

H. W. GRAHAM,

Complainant

versus

THOMAS P. MITCHELL, ET AL,
AND CERTAIN LANDS,

Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

filed July 7, 1958
Alice J. Duck, Register

Decree Pro Confesso of Publication.

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

No. 4248 _____ Term, 19____

H. W. GRAHAM _____ Complainant

THOMAS P. MILLER, et al _____ Defendants

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 8th day of May, 1958, in the Fairhope Courier a newspaper published in Fairhope, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 7th day of May 1958, and for four consecutive weeks thereafter

And it now further appearing to the Register Alice J. Duck, that the said Thomas P. Miller, Emma E. Miller, Lethy Richards or Lethy Coleman, Oliver Sexton, John Sexton, Richard Sexton, Louis Sexton, Marie Sexton, Alexander Strouse, Jasper Morse and Ruby Morse

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant____, ordered and decreed by the Register Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Thomas P. Miller and other parties named above

This 7th day of July 1958

134

Alice J. Duck Register.

No. 4280 Page

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

H. W. GRAHAM,

COMPLAINANT

Vs.

THOMAS P. MILLER, ET AL,

AND CERTAIN LANDS,

RESPONDENTS

Decree Pro Confesso of Publication

Issued 7 July 1958

Alice J. Duck
Register.

Recorded in Record

Vol. Page

Register.

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

H. W. GRAHAM,	)	IN THE CIRCUIT COURT OF
COMPLAINANT	)	BALDWIN COUNTY, ALABAMA
VERSUS	)	IN EQUITY
THE LANDS AND PARTIES HEREINAFTER DESCRIBED,	)	NO. _____
RESPONDENTS		

DECREE

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

1. This cause shall be and it is hereby set for hearing at 10 o'clock A m. on the 28 day of July, 1958.

2. John V. Duck, 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 persons of unsound mind interested in this proceeding.

3. John V. Duck, 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 servive of the United States.

4. Testimony of the witnesses for Complainant shall be taken by commissioner as prescribed by Equity rules, as amended.

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

Hubert M Hall
JUDGE

DECREE

H. M. GRAHAM,

Complainant

versus

THE LANDS AND PARTIES
HEREINAFTER DESCRIBED,

Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

filed July 7, 1958
Alice J. Duck,
Register.

BOOK 004 PAGE 425

H. W. GRAHAM,	)	IN THE CIRCUIT COURT OF
Complainant	)	BALDWIN COUNTY, ALABAMA
versus	)	IN EQUITY
		4280

THOMAS P. MILLER, EMMA E. MILLER, LETHY RIGHARDS or LETHY COLEMAN, OLIVER SEXTON, JOHN SEXTON, RICHARD SEXTON, LOUIS SEXTON, MARIE SEXTON, ALEXANDER STROUSE, JASPER MORSE and RUBY MORSE, if living, or their heirs and devisees, if deceased, and the following described property situated in Baldwin County, Alabama, to-wit:

Beginning at the Southwest corner of Block No. 9, Village of Montrose, according to plat thereof recorded in Book "E", Page 388, of the Baldwin County, Probate Records, thence running North 14° 0' W, 625.68 feet and along the East side of Main Street to a point on the South side of McIntyre Street; thence North 76° 0' E, 249.5 feet along the South side of McIntyre Street to a point; thence South 14° 0' E, 475.68 feet to a point; thence North 76° 0' E, 150 feet to a point; thence South 14° 0' E, 150 feet to a point on the North side of Gabel Street; thence South 76° 0' W, 399.5 feet, more or less, to the point of beginning;

and any and all other persons or corporations claiming any title to or interest in the real property described above,

Respondents

STATE OF ALABAMA, BALDWIN COUNTY
Filed 5-6-58 2 P. M.
Recorded Lis Pend book 4 page 425 6
Judge of Probate By

NOTICE:

Notice is hereby given to THOMAS P. MILLER, EMMA E. MILLER, LETHY RICHARDS or LETHY COLEMAN, OLIVER SEXTON, JOHN SEXTON, RICHARD SEXTON, LOUIS SEXTON, MARIE SEXTON, ALEXANDER STROUSE, JASPER MORSE and RUBY MORSE, if living, and their heirs and devisees, if deceased, and to all unknown persons, firms or corporations claiming any title to, interest in, lien or encumbrances upon, the lands described below, or any part thereof, that in the Circuit Court of Baldwin County, Alabama, in Equity, there is pending a verified Bill of Complaint filed by H. W. Graham against the following described lands:

Beginning at the Southwest corner of Block No. 9, of the Village of Montrose, according to plat thereof recorded in Book "E", Page 388, of the Baldwin County, Alabama Probate Records, thence running North 14° 0' W, 625.68 feet and along the East side of Main Street to a point on the South side of McIntyre Street; thence North 76° 0' E, 249.5 feet along the South side of McIntyre Street to a point; thence South 14° 0' E, 475.68 feet to a point; thence North 76° 0' E, 150 feet to a point; thence South 14° 0' E, 150 feet to a point on the North side of Gabel Street; thence South 76° 0' W, 399.5 feet, more or less, to the point of beginning.

And against any and all persons claiming any title thereto or interest therein or lien or encumbrance upon the said lands or any part thereof, said Bill being filed to establish the right or title to such lands and to clear up all doubts or disputes concerning the same.

The Complainant claims title to said lands under and by virtue of deeds of conveyance executed in favor of Complainant by J. R. Wood, Sr. and Emilie Z. Wood, his wife, dated December 5, 1953 and recorded in the office of Judge of Probate, Baldwin County, Alabama in Deed Book 204, pages 494-5 and deed executed in favor of Complainant by J. R. Wood, Sr. and Emilie Z. Wood, his wife, dated March 17, 1954 and recorded in the office of the Judge of Probate, Baldwin County, Alabama in Deed Book 207, page 211. The Complainant alleges that he knows of no one who has paid taxes on said lands, or who has been in possession of the same or any part thereof within the ten (10) years next preceding the filing of the Bill of Complaint, excepting Complainant and his predecessors in title within said period.

It is therefore ordered that publication of this notice be made in The Fairhope Courier, a newspaper of general circulation in Baldwin County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and any and all persons claiming title to, interest,in, or lien or encumbrances upon the above described real estate, or any part thereof, be, and they are hereby required to plead, answer or demur to the Bill of Complaint within the time required by law in this cause.

It is further ordered that a copy of this notice, verified by the Register as being correct, shall also be recorded as a lis pendens in the office of the Judge of Probate of Baldwin County, Alabama.

Done this the 6th day of May, 1958 at my office.

/S/ Alice J. Duck
ALICE J. DUCK, REGISTER

ERNEST M. BAILEY
ATTORNEY FOR COMPLAINANT

5-6-58

Notice

H. W. GRAHAM,

Complainant

versus

THOMAS P. MILLER, et al,
and Certain Lands,

Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

4-425-6

FILED
MAY 6 1958
ALICE J. DUCK, Register

Ret to
Alice J Duck

H. W. GRAHAM,	)	IN THE CIRCUIT COURT OF
Complainant	)	BALDWIN COUNTY, ALABAMA
versus		IN EQUITY
THE LANDS AND PARTIES HEREINAFTER DESCRIBED,	)	NO. _____
Respondents		

NOTE OF TESTIMONY

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

1. Original verified Bill of Complaint.

2. Order designating newspaper in which notice of pendency of Bill of Complaint shall be published.

3. Notice of pendency of Bill of Complaint.

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

5. Motion for Decree Pro Confesso.

6. Decree Pro Confesso.

7. Motion of Complainant for an Order or Decree setting cause for hearing, appointing a Guardian Ad Litem to represent unknown minors and persons of unsound mind interested in this proceeding, and an Attorney to represent any unknown parties interested in this proceeding which may be in military service of the United States.

8. Decree dated 7 July, 1958, setting this cause for hearing on this date, appointing John V. Duck as guardian ad litem to represent any unknown minor and persons of unsound mind interested in this proceeding, and as Attorney to represent any person interested in this proceeding who may be in the Military Service of the United States, and ordering that the testimony of the witnesses for the Complainant be taken by commissioner as prescribed by Equity rules, as amended, And Order of the Court appointing Helen Bailey as commissioner to take such testimony.

9. Notice of appointment of Guardian Ad Litem and Attorney to represent parties in military service and acceptance of such appointment.

10. 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.

11. Testimony of H. W. Graham and J. H. Arnold, witnesses for the Complainant, taken by commissioner as provided.

12. Exhibits numbered one, two and three to testimony of Complainant's witness.

Dated this the 20th day of ~~July~~ August, 1958.

Alice J. Duck
REGISTER

James M. Bailey
SOLICITOR FOR COMPLAINANT

GUARDIAN AD LITEM AND ATTORNEY FOR UNKNOWN PARTIES WHO MAY BE IN THE MILITARY SERVICE OF THE UNITED STATES.

NOTE OF TESTIMONY

H. W. GRAHAM,

COMPLAINANT

VS.

THOMAS P. MILLER, ET AL,
AND CERTAIN LANDS,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

H. W. GRAHAM,	)	IN THE CIRCUIT COURT OF
COMPLAINANT	)	BALDWIN COUNTY, ALABAMA
VERSUS		IN EQUITY
THE LANDS AND PARTIES HEREINAFTER DESCRIBED,	)	NO. _____
RESPONDENTS		

MOTION

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

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

filed July 7, 1958
Alice J. Hauck,
Register

Ernest L. Sides
SOLICITOR FOR COMPLAINANT

MOTION

H. W. GRAHAM,

COMPLAINANT

VERSUS

THOMAS P. MILLER,
ET AL, AND CERTAIN
LANDS,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

filed July 7, 1958
Alice J. Duck,
Register.

H. W. GRAHAM,	)	IN THE CIRCUIT COURT OF
COMPLAINANT	)	BALDWIN COUNTY, ALABAMA
VERSUS		IN EQUITY
THE LANDS AND PARTIES HEREINAFTER DESCRIBED,	)	
RESPONDENTS		

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 May 6, 1958.

2. Notice of Pendency of Bill of Complaint in this cause was published once a week for four consecutive weeks in the Fairhope Courier, a newspaper published in Fairhope in Baldwin County, Alabama, which said notice appeared in the issues of said paper published on May 8 - 15 - 22 - 29th, 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 May 7, 1958.

Dated this 7th day of July, 1958.

Alice J. Duck
REGISTER

CERTIFICATE

H. W. GRAHAM,

COMPLAINANT

VS.

THOMAS P. MILLER, ET AL,
AND CERTAIN LANDS,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed 9.7.58
Ann Hanck
Register

H. W. GRAHAM,	)	IN THE CIRCUIT COURT OF
COMPLAINANT	)	BALDWIN COUNTY, ALABAMA
VS.	)	IN EQUITY
THOMAS P. MILLER, EMMA E. MILLER, LETHY RICHARDS OR LETHY COLEMAN, OLIVER SEXTON, JOHN SEXTON, RICHARD SEXTON, LOUIS SEXTON, MARIE SEXTON, ALEXANDER STROUSE, JASPER MORSE AND RUBY MORSE, if living, or their heirs and devisees, if deceased, and the following described property situated in Baldwin County, Alabama, to-wit:	)	

Beginning at the Southwest corner of Block No. 9, Village of Montrose, according to plat thereof recorded in Deed Book "E", Page 388, of the Baldwin County, Alabama Probate Records, thence running North 14° 0' W, 625.68 feet and along the East side of Main Street to a point on the South side of McIntyre Street; thence North 76° 0' E, 249.5 feet along the South side of McIntyre Street to a point; thence South 14° 0' E, 475.68 feet to a point; thence North 76° 0' E, 150 feet to a point; thence South 14° 0' E, 150 feet to a point on the North side of Gabel Street; thence South 76° 0' W, 399.5 feet, more or less, to the point of beginning;

and any and all other persons or corporations claiming any title to or interest in the real property described above,

RESPONDENTS

BILL OF COMPLAINT

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

Comes your Complainant, H. W. GRAHAM, and respectfully shows unto the Court as follows:

1. That the Complainant is over the age of twenty-one years and resides in Baldwin County, Alabama.

2. That so far as your Complainant knows the Respondents are over the ages of twenty-one years; that the addresses of the Respondents named in the Bill of Complaint are unknown to your Complainants and cannot be ascertained with reasonable and diligent

efforts; that your Complainant, through his attorney, has examined an Abstract of Title relating to the said lands and these records indicate that the only possible claimants are the Respondents named in the Bill of Complaint, their heirs or devisees, if any. Complainant avers that he does not know of any other person, firm or corporation who claims the land that is subject of this suit, or any title to, interest in, lien or encumbrance thereon or any part thereof other than the within named Respondents.

3. That the land in question is situated in Baldwin County, Alabama, and more particularly described as follows, to-wit:

> Beginning at the Southwest corner of Block No. 9, Village of Montrose, according to plat thereof recorded in Book "E", at Page 388, of the Baldwin County, Alabama Probate Records, thence running North 14° 0' W, 625.68 feet and along the East side of Main Street to a point on the South side of McIntyre Street; thence North 76° 0' E, 249.5 feet along the South side of McIntyre Street to a point; thence South 14° 0' E, 475.68 feet to a point; thence North 76° 0' E, 150 feet to a point; thence South 14° 0' E, 150 feet to a point on the North side of Gabel Street; thence South 76° 0' W, 399.5 feet, more or less, to the point of beginning.

4. The Complainant claims in his own right the entire fee simple title in and to the above described real estate, and in support of such fee simple title, he avers that the property was purchased for a valuable consideration as evidenced by the following deeds of conveyance:

a. Deed of conveyance executed in favor of the Complainant by J. R. Wood, Sr. and Emilie Z. Wood, his wife, dated December 5, 1953 and recorded in the office of the Judge of Probate, Baldwin County, Alabama, in Deed Book 204, Pages 494-5.

b. Deed of conveyance executed in favor of the Complainant by J. R. Wood, Sr. and Emilie Z. Wood, his wife, dated March 17, 1954 and recorded in the office of the Judge of Probate, Baldwin County, Alabama, in Deed Book 207, Page 211.

5. Complainant is now and has been, and his predecessor in title has been, in open, notorious, continuous, peaceable and adverse possession of the said lands for more than ten (10) years preceding the filing of this Bill, and for more than ten (10) years preceding the filing of this Bill no one other than the Complainant or his predecessors in title has assessed or paid taxes on the said property.

6. Complainant further avers that there is no suit pending

contesting the title to said real estate or his interest in or right of possession of the same.

The premises considered, the Complainant files this his verified Bill of Complaint against the lands herein described and against Thomas P. Miller, Emma E. Miller, Lethy Richards or Lethy Coleman, Oliver Sexton, Louis Sexton, Marie Sexton, John Sexton, Alexander Strouse, Jasper Morse and Ruby Morse, if living, or against their heirs or devisees, if deceased, and against all other persons claiming any interest in, title to, lien or encumbrance upon said property or any part thereof, for the purpose of establishing Complainant's right of title to said land, and to clear up all doubts or disputes concerning the same, and Complainant further prays that process be served on the parties hereinabove named or publication be made, requiring them to plead, answer or demur to the same within the time required by law, or a Decree Pro Confesso be entered against them, and Complainant further prays that notice be filed in the Lis Pendens records of the Probate Court Office as required by law, and Complainant further prays that this Court forthwith appoint a Guardian Ad Litem to represent such of said Respondents who may at this time be under the age of twenty-one years, or who may be incompetent, or who may be in the Armed Services of the United States of America. Complainant further prays that the Court find that the rights or interests of all parties to this suit are before the Court, and will be finally adjudicated by this Court's decrees. Complainant further prays that the Court make and enter all decrees, orders, and judgments which may be meet and proper in the premises and that upon a hearing this Court will find, decide and decree that the Complainant is the owner in fee simple title in and to all of the real estate hereinabove described. Complainant further prays that if he is mistaken in the relief prayed for, this Court will grant such other, further, additional or different relief as may appear to the Court to be just and equitable.

Samuel M. Bailey
ATTORNEY FOR COMPLAINANT

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, the undersigned notary public in and for State of Alabama at Large, personally appeared H. W. Graham, who, being by

me first duly sworn, deposes and says that the facts alleged in the foregoing instrument are true.

H. W. Graham

H. W. GRAHAM

Sworn to and subscribed before me this the 6 day of April, 1958.

filed May 6, 1958
Alice J. Hicks,
Register

Emmet M. Bailey

NOTARY PUBLIC, STATE OF ALABAMA
AT LARGE

4280

BILL OF COMPLAINT

H. W. GRAHAM,

COMPLAINANT

VERSUS

THOMAS P. MILLER, ET AL,
AND CERTAIN LANDS,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
MAY 6 1958
ALICE J. DUCK, Register

The Fairhope Courier

E. B GASTON ESTATE, PUBLISHER

P. O. BOX 268

Telephone WA8-9188 Established 1894

JOB PRINTING

Fairhope, Alabama May 30, 1958

Mrs. Alice J. Duck, Register
Bay Minette
Alabama

	Legal Notice H. R. Graham vs Thomas P. Miller, et. al 789 words - 4X May 8-15-22-29	5129			

The Fairhope Courier

Publishers and Printers

ESTABLISHED 1894 | E. B. GASTON ESTATE, PUBLISHERS | P. O. BOX 268 | PHONE WA 8-9188

FAIRHOPE, ALABAMA

"On Mobile Bay"

This is to certify that the attached legal notice appeared in The Fairhope Courier, a weekly newspaper published in the City of Fairhope, County of Baldwin, State of Alabama on the dates of May 8 - 15 - 22 - 29, 1958.

Frances G. Crawford
Editor

State of Alabama
County of Baldwin

Sworn to and subscribed this 31st day of May A. D. 1958, before me.

John W. Dick
Notary Public, Baldwin County

Legal Notice

In The Circuit Court of Baldwin County, Alabama, In Equity.

H. W. Graham, Complainant, versus Thomas P. Miller, Emma E. Miller, Lethy Richards, or Lethy Coleman, Oliver Sexton, John Sexton, Richard Sexton, Louis Sexton, Marie Sexton, Alexander Strouse, Jasper Morse and Ruby Morse, if living, or their heirs and devisees, if deceased, and the following described property situated in Baldwin County, Alabama, to-wit:

Beginning at the Southwest corner of Block No. 9, Village of Montrose, according to plat thereof recorded in Book "E" Page 388, of the Baldwin County, Probate Records, thence running North 14 degrees O' W, 625.68 feet and along the East side of Main Street to a point on the South side of McIntrye Street; thence North 76 degrees O' E, 249.5 feet along the south side of McIntyre Street to a point; thence South 14 degrees O' E, 475.68 feet to a point; thence North 76 degrees O' E, 150 ft. to a point; thence South 14 degrees O' E, 150 feet to a point on the North side of Gabel Street; thence South 76 degrees O' W, 399.5 feet, more or less, to the point of beginning; and any and all other persons or corporations claiming any title to or interest in the real property described above,

Respondents

Notice

Notice is hereby given to Thomas P. Miller, Emma E. Miller, Lethy Richards or Lethy Coleman, Oliver Sexton, John Sexton, Richard Sexton, Louis Sexton, Marie Sexton, Alexander Strouse, Jasper Morse and Ruby Morse, if living, and their heirs and devisees, if deceased, and to all unknown persons, firms or corporations claiming any title to, interest in, lien or encumbrances upon the lands described below, or any part thereof, that in the Circuit Court of Baldwin County, Alabama, in Equity, there is pending a verified Bill of Complaint filed by H. W. Graham against the following described lands:

Beginning at the Southwest corner of Block No. 9 of the Village of Montrose, according to plat thereof recorded in Book "E", Page 388, of the Baldwin County, Alabama Probate Records, thence running North 14 degrees O' W, 625.68 feet and along the East side of Main Street to a point on the South side of McIntyre Street; thence North 76 degrees O' E, 249.5 feet along the South side of McIntyre Street to a point; thence South 14 degrees O' E, 475.68 feet to a point; thence North 76 degrees O' E, 150 feet to a point; thence South 14 degrees O' E, 150 feet to a point on the North side of Gabel Street; thence South 76 degrees O' W, 399.5 feet, more or less to the point of beginning.

And against any and all persons claiming any title thereto or interest therein or lien or encumbrance upon the said lands or any part thereof, said Bill being filed to establish the right or title to such lands and to clear up all doubts or disputes concerning the same.

The Complainant claims title to aid lands under and by virtue of deeds of conveyance executed in favor of Complainant by J. R. Wood, Sr. and Emilie Z. Wood, his wife, dated December 5, 1953 and recorded in the office of Judge of Probate, Baldwin County, Alabama in Deed Book 204, pages 494-5 and deed executed in favor of Complainant by J. R. Wood, Sr., and Emilie Z. Wood, his wife, dated March 17, 1954 and recorded in the office of the Judge of Probate, Baldwin County, Alabama in Deed Bok 207, page 211. The Complainant alleges that he knows of no one who has paid taxes on said lands, or who has been in possession of the same or any part thereof within the ten (10) years next preceding the filing of the Bill of Complaint, excepting Complainant and his predecessors in title within said period.

It is therefore ordered that publication of this notice be made

subscribed this 31st

A. D. 1958, before me.

Baldwin County

less, to the point of beginning; and any and all other persons or corporations claiming any title to or interest in the real property described above,

Respondents

Notice

Notice is hereby given to Thomas P. Miller, Emma E. Miller, Lethy Richards or Lethy Coleman, Oliver Sexton, John Sexton, Richard Sexton, Louis Sexton, Marie Sexton, Alexander Strouse, Jasper Morse and Ruby Morse, if living, and their heirs and devisees, if deceased, and to all unknown persons, firms or corporations claiming any title to, interest in, lien or encumbrances upon the lands described below, or any part thereof, that in the Circuit Court of Baldwin County, Alabama, in Equity, there is pending a verified Bill of Complaint filed by H. W. Graham against the following described lands:

Beginning at the Southwest corner of Block No. 9 of the Village of Montrose, according to plat thereof recorded in Book "E", Page 388, of the Baldwin County, Alabama Probate Records, thence running North 14 degrees O' W, 425.68 feet and along the East side of Main Street to a point on the South side of McIntyre Street; thence North 76 degrees O' E, 249.5 feet along the South side of McIntyre Street to a point; thence South 14 degrees O' E, 475.68 feet to a point; thence North 76 degrees O' E, 150 feet to a point; thence South 14 degrees O' E, 150 feet to a point on the North side of Gabel Street; thence South 76 degrees O' W, 399.5 feet, more or less to the point of beginning.

And against any and all persons claiming any title thereto or interest therein or lien or encumbrance upon the said lands or any part thereof, said Bill being filed to establish the right or title to such lands and to clear up all doubts or disputes concerning the same.

The Complainant claims title to said lands under and by virtue of deeds of conveyance executed in favor of Complainant by J. R. Wood, Sr. and Emilie Z. Wood, his wife, dated December 5, 1953 and recorded in the office of Judge of Probate, Baldwin County, Alabama in Deed Book 204, pages 494-5 and deed executed in favor of Complainant by J. R. Wood, Sr., and Emilie Z. Wood, his wife, dated March 17, 1954 and recorded in the office of the Judge of Probate, Baldwin County, Alabama in Deed Bok 207, page 211. The Complainant alleges that he knows of no one who has paid taxes on said lands, or who has been in possession of the same or any part thereof within the ten (10) years next preceding the filing of the Bill of Complaint, excepting Complainant and his predecessors in title within said period.

It is therefore ordered that publication of this notice be made in The Fairhope Courier, a newspaper of general circulation in Baldwin County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and any and all persons claiming title to, interest, in, or lien or encumbrances upon the above described real estate, or any part thereof, be, and they are hereby required to plead, answer or demur to the Bill of Complaint within the time required by law in this cause.

It is further ordered that a copy of this notice, verified by the Register as being correct, shall also be recorded as a lis pendens in the office of the Judge of Probate of Baldwin County, Alabama.

Done this the 5th day of May, 1958 at my office.

ALICE J. DUCK, Register
ERNEST M. BAILEY,
Attorney for Complainant 43-4t

4280

H. W. Graham

vs

Certain Land

H. W. GRAHAM,	)	
Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
		IN EQUITY
CERTAIN LANDS IN COUNTY OF BALDWIN,	)	
Respondent	)	

MR. BAILEY: First, we would like to introduce in evidence certified copy of Patent from the U. S. A. to Cyrus Sibley dated October 10, 1840, recorded in Deed Book S, page 480, Probate office of Baldwin County, Alabama as Complainant's Exhibit 1.

Second, we would like to introduce certified copy of deed of conveyance executed to the Complainant by J. R. Wood, Sr. and Emily Z. Wood dated December 5, 1953 and recorded in the office of the Judge of Probate, Baldwin County, Alabama in Deed Book 204, pages 494-5 as Complainant's Exhibit 2.

Third, we would like to introduce certified copy of deed of conveyance executed in favor of the Complainant by J. R. Wood, Sr. and Emily Z. Wood dated March 17, 1954 and recorded in Deed Book 207 at page 211 of the records in the office of the Judge of Probate of Baldwin County, Alabama as Complainant's Exhibit 3.

MR. H. W. GRAHAM, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Q. State your name and address.

A. H. W. Graham, Fish River, Fairhope, Alabama.

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

A. Yes.

Q. Mr. Graham, how long have you known the property that is described in the Bill of Complaint, that is, Block No. 9 of the Village of Montrose according to plat of same recorded in Deed Book E, page 388 of the Baldwin County Probate Records?

A. Well, I have been intimately acquainted with it for over thirty years and have surveyed all the property in the vicinity. I knew the property when it was owned by Mrs. Annie R. McAdams, who did own it and assessed it for taxes for a number of years. Mrs. McAdams ac-

quired title to the property in about the year 1900.

Q. Do you know what evidence of possession Mrs. McAdams' exerted?

A. She assessed the property and paid taxes for many years and on her death her estate paid taxes for a number of years.

Q. Do you know what happened to the property after the death of Mrs. McAdams?

A. The heirs of Mrs. McAdams brought a Bill to Quiet Title against Lewis Sexton and Jasper Morse because they had paid taxes on the same property. The case was finally dismissed. The McAdams' heirs deeded the property to my predecessor in title - J. R. Wood, Sr.

Q. Do you know of any other persons who claimed title to the property?

A. Yes, Lewis Sexton and Jasper Morse. These parties paid taxes intermittently with the McAdams' heirs.

Q. Do you know what happened to their claim of interest in the property?

A. Yes. Lewis Sexton deeded his interest to J. R. Wood, Sr., my predecessor in title and Jasper Morse also deeded his interest to J. R. Wood, Sr. Both these interests were conveyed by quit claim deed.

Q. When did you purchase the property?

A. I purchased the property from J. R. Wood, Sr. and his wife on December 5, 1953 and on March 17, 1954.

Q. After you purchased the land, what use or what possession did you have on it?

A. I surveyed the land, posted the same, paid taxes, and cleared the land occasionally.

Q. Have you assessed and paid taxes on the land since you acquired the same?

A. Yes, I have paid the taxes each year and I know that my predecessor in title paid the taxes and assessed the same.

Q. Do you know of any one claiming an adverse interest to you?

A. No. I have been in open, continuous and notorious possession of the premises to the present date. I claim in my own right the fee simple title and I know of no one or any suit pending contesting my title or claim.

CROSS EXAMINATION BY GUARDIAN AD LITEM, JOHN V. DUCK

Q. Mr. Graham, have you paid taxes on the property since you acquired title?

A. Yes.

Q. Have you occupied this property openly, continuously and adversely since acquiring title?

A. Yes.

John V. Duck
Guardian Ad Litem

H. W. Graham
H. W. GRAHAM

Sworn to and subscribed before me this the 8th day of July, 1958.

Helen Bailey
COMMISSIONER

MR. J. H. ARNOLD, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Q. Would you state your name and address?

A. J. H. Arnold, Fairhope, Alabama.

Q. Mr. Arnold, what is your occupation?

A. I am a licensed abstracter, doing business in Fairhope, Alabama.

Q. How long have you known the property described in the Bill of Complaint? (Mr. Bailey read the described property set out in the Bill of Complaint to Mr. Arnold).

A. I have known the property intimately for approximately twenty-five years.

Q. Do you know the former owners of the property?

A. Yes. I knew of Mrs Annie R. McAdams who owned the property for many, many years and on her death it vested in her heirs. I also know of Lewis Sexton and Jasper Morse, who claimed some title in the property. I know that the interest of McAdams, Sexton and Morse was conveyed to J. R. Wood, Sr., who in turn conveyed the same to the Complainant, H. W. Graham.

Q. Do you know, of your own personal knowledge, what possession the Complainant, Mr. Graham, exercised over the premises?

A. I know that Mr. Graham surveyed the property, that he and his predecessor in title, paid taxes for more than ten years and that Mr. Graham is presently paying taxes and assessing the property.

Q. Do you know of any parties claiming title adversely to Mr. Graham?

A. No.

CROSS EXAMINATION BY GUARDIAN AD LITEM, JOHN V. DUCK

Q. In your opinion, has Mr. Graham been in open, continuous and adverse possession of the property since acquiring title from J. R. Wood, Sr.?

A. Yes.

Q. Do you know of any individual or corporation who claims an interest in the property described in the Bill of Complaint?

A. No.

John V. Duck
Guardian Ad Litem

J. H. Arnold
J. H. ARNOLD

Sworn and subscribed to before me this the 8th day of July, 1958.

Helen Bailey
COMMISSIONER

QUIT CLAIM DEED

BOOK 207 PAGE 211

STATE OF ALABAMA)
)
BALDWIN COUNTY)

THIS INDENTURE, made and entered into on this the 17th day of March, 1954, by and between J. Reed Wood, Sr., and Emilie B. Wood, his wife, hereinafter referred to as the party of the first part, and Harold W. Graham, hereinafter referred to as the party of the second part, WITNESSETH;

The party ofthe 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, has REMISED, RELEASED and QUIT CLAIMED and by these presents does REMISE, RELEASE and QUIT CLAIM unto the said party of the second part, the following described real property situated in Baldwin County, Alabama, to-wit;

Beginning at the Southwest corner of Block No. 9 of the Village of Montrose as same is recorded in Book "E", Page 388 of the Baldwin County Probate Records, and running thence North 76 degrees East, 399.5 feet, along the North side of Gabel Street to a corner; thence run North 14 degrees West, 150 feet to a corner; thence run South 76 degrees West, 150 feet to a corner; thence run North 14 degrees West, 541.68 feet to a corner; thence run North 76 degrees East, 376.18 feet to a corner; thence run North 14 degrees West 400 feet, more or less, to the Lancaster line (New Montrose Park Hotel Property); thence run West 650 feet, more or less, to the East side of Main Street; thence run South 14 degrees East, 1266 feet, more or less, to the beginning corner. EXCEPTING THEREFROM HOWEVER, that part of the Eastern Shore Highway across the Northwest corner and that part of the Cemetary in the Southeast corner lying within the above described Block.

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

So that neither the party of the first part, his heirs or assigns, nor any person in trust for him, or in his name, shall or will, can or may, by any ways or means whatsoever, hereafter have or claim any right or title thereto; but that the said party of the first part, his heirs and assigns, each and every one of them, from all estate, right, title, interest or claim and demand whatsoever in or to the said premises or any part thereof, are, is and shall be, by these presents FOREVER EXCLUDED AND DEBARRED.

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.

Emilie B. Wood SEAL.
J. R. Wood Sr. SEAL.

STATE OF ALABAMA
BALDWIN COUNTY

I, J. E. Hoodin, a Notary Public, within and for said County in said State hereby certify that J. Reed Wood, Sr. and Emilie B. Wood, his wife, whose names are s[illegible] the [illegible] instrument [illegible] that, being informed of the contents of the ins[illegible], they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 17th day of March, 1954.

J. E. Hoodin
Notary Public, Baldwin County, Alabama.
My Commission Expires 3/3/58

NOTARY PUBLIC STATE OF ALABAMA

Exhibit "3."

STATE OF ALABAMA, BALDWIN COUNTY

Filed 3/26/54 11 A M

Recorded _____ book _____ page _____

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

Deed Tax .50

Mortgage Tax _____

W. R. Stuart

Judge of Probate

By _____

BOOK 207 PAGE 212

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 Emilie Z. Wood, et al, to Harold W. Graham,

as the same appears of record in my office in Deed Book No. 207 page 211-12.

Given under my hand and seal of office, this 24th day of July, 1958.

W. R. Stuart
Judge of Probate

Printed by Moore Printing Co.

STATE OF ALABAMA

BALDWIN COUNTY

STATUTORY WARRANTY DEED

THIS INDENTURE, made and entered into by and between J. R. WOOD, SR., and EMILIE Z. WOOD, his wife, hereinafter referred to as parties of the first part, and HAROLD W. GRAHAM, hereinafter referred to as party of the second part, WITNESSETH:

That for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration this day cash in hand paid to parties of the first part by party of the second part, receipt whereof is hereby acknowledged, parties of the first part have granted, bargained, sold and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the party of the second part the following described lands situated in Baldwin County, Alabama, to-wit:

The West one-third of Block No. 9 ofthe Village of Montrose, according to the plat of same recorded in Deed Book E, page 388 of the Baldwin County Probate Records, further described as beginning at the Southwest corner of said Block No. 9 and thence running North 76 degrees no minutes East, along the North side of Gabel Street 209.5 feet to a corner; thence running North 14 degrees no minutes West, 9.48 chains to McIntyre Street; thence running South 76 degrees no minutes West, 209.5 feet to the East side of Main Street; thence running South 14 degrees no minutes East, 9.48 chains along the East side of Main Street to the beginning corner.

AND ALSO that part of the unnumbered block lying North of Block No. 9 between Main Street and the Old abandoned County Road and further described as beginning at the Northeast corner of McIntyre and Main Streets, according to the plat of the Village of Montrose recorded in Deed Book E, page 388 of the Baldwin County Probate Records and thence running North 76 degrees no minutes East, 209.5 feet to the old county road; thence running North along the West side of said old county road 510 feet, more or less, to the Samuel Lancaster South line (now Montrose Park Hotel property); thence run West along said line, 280 feet, more or less, to the East side of Main Street; thence running South 14 degrees no minutes East, along the East side of Main Street 580 feet, more or less, to the beginning corner, excepting therefrom that part lying within the Bay Shore Highway.

AND ALSO the East one acre of Lot No. 26 of the Village of Montrose, according to the plat of the Village of Montrose recorded in Deed Book E, page 388 of the Baldwin County Probate Records and further described as beginning at the Southwest corner of Gabel and Main Streets and running thence South 76 degrees no minutes West, 208.6 feet along Gabel Street; thence running South 14 degrees no minutes East, 208.6 feet to a corner; thence running North 76 degrees no minutes East, 208.6 feet to a corner on Main Street; thence running North 14 degrees no minutes West, along the West side of Main Street, 208.6 feet to the beginning corner. This lot being Lot No. 1 of the subdivision of said Lot No. 26 among the heirs of Frances Leceste as the same is set out in Record Book K, page 278, and Deed Book S, page 271-2 and Book T, page 45-6 of the Baldwin County Probate Records.

Exhibit "2"

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 party of the second part, his heirs and assigns, FOREVER.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals on this the 5 day of December, 1953.

BOOK 204 PAGE 495

Emilie T. Wood (SEAL)

J. R. Wood Sr (SEAL)

STATE OF ALABAMA

BALDWIN COUNTY

I, J. E. Goodwin, a Notary Public, in and for said County in said State, hereby certify that J. R. Wood, Sr., and Emilie T. Wood, 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 notarial seal this the 5th day of December, 1953.

J. E. Goodwin
Notary Public, Baldwin County, Ala.

MY COMMISSION EXPIRES MARCH 15, 1955

STATE OF ALABAMA, BALDWIN COUNTY
Filed 1-20-54 9:30 A. M.
Recorded ... book ... page ...
and I certify that the following Mortgage Tax has been paid.

Deed Tax ...
Mortgage Tax .50

M. 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 Emilie Z. Wood, et al, to Harold W. Graham,

as the same appears of record in my office in Deed Book No. 204 page 494-5.

Given under my hand and seal of office, this 24th day of July, 1958.

W. R. Stuart
Judge of Probate

Printed by Moore Printing Co.

Filed April 7th 1877
and duly recorded
Chas Hall
Probate Judge

Certificate
No. 1809

The United States of America
To all to whom these presents shall come
Greeting: Whereas Cyprus Gilbert
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 Tuscaloosa, Alabama, it appears that
full payment has been made by the said
Cyprus Gilbert according to the provisions of the
act of Congress approved 24th April 1820, entitled
"An act making further provision for the sale
of the public lands" and the act supplemental
thereto, for the south half and
the northeast quarter of section twenty-nine in
township four south of range two east of the
Tuscaloosa meridian in said District to entitle the said Cyprus Gilbert
to the said tracts of land, and
the said Cyprus Gilbert has
made and
Now Know Ye, that the United States of America, in consideration of the
premises and in conformity with the several acts of Congress
in such cases made and provided, have given and granted
and by these presents do give and grant unto the said Cyprus
Gilbert and to his heirs and assigns forever, the
said tracts of land, to be
Given under my hand at the City of Washington
this 7th day of April in the year of our Lord
one thousand eight hundred and seventy-seven and of the Independence
of the United States the one hundred and
Chas Sherman
Recorder of the General Land Office
Recorded
Page 29

Filed
and

Exhibit I

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. "S" page 480.

Given under my hand and seal of office, this 24th day of July, 1958.

W. R. Stuart
Judge of Probate

Printed by Moore Printing Co.

H. W. GRAHAM,	§	IN THE CIRCUIT COURT OF
Complainant	§	BALDWIN COUNTY, ALABAMA
versus	§	IN EQUITY

THOMAS P. MILLER, EMMA E. MILLER, LETHY RICHARDS or LETHY COLEMAN, OLIVER SEXTON, JOHN SEXTON, RICHARD SEXTON, LOUIS SEXTON, MARIE SEXTON, ALEXANDER STROUSE, JASPER MORSE and RUBY MORSE, if living, or their heirs and devisees, if deceased, and the following described property situated in Baldwin County, Alabama, to-wit:

Beginning at the Southwest corner of Block No. 9, Village of Montrose, according to plat thereof recorded in Book "E", Page 388, of the Baldwin County, Probate Records, thence running North 14° 0' W, 625.68 feet and along the East side of Main Street to a point on the South side of McIntyre Street; thence North 76° 0' E, 249.5 feet along the South side of McIntyre Street to a point; thence South 14° 0' E, 475.68 feet to a point; thence North 76° 0' E, 150 feet to a point; thence South 14° 0' E, 150 feet to a point on the North side of Gabel Street; thence South 76° 0' W, 399.5 feet, more or less, to the point of beginning;

and any and all other persons or corporations claiming any title to or interest in the real property described above,

Respondents

NOTICE:

Notice is hereby given to THOMAS P. MILLER, EMMA E. MILLER, LETHY RICHARDS or LETHY COLEMAN, OLIVER SEXTON, JOHN SEXTON, RICHARD SEXTON, LOUIS SEXTON, MARIE SEXTON, ALEXANDER STROUSE, JASPER MORSE and RUBY MORSE, if living, and their heirs and devisees, if deceased, and to all unknown persons, firms or corporations claiming any title to, interest in, lien or encumbrances upon, the lands described below, or any part thereof, that in the Circuit Court of Baldwin County, Alabama, in Equity, there is pending a verified Bill of Complaint filed by H. W. Graham against the following described lands:

Beginning at the Southwest corner of Block No. 9, of the Village of Montrose, according to plat thereof recorded in Book "B", Page 388, of the Baldwin County, Alabama Probate Records, thence running North 14° 0' W, 625.68 feet and along the East side of Main Street to a point on the South side of McIntyre Street; thence North 76° 0' E, 249.5 feet along the South side of McIntyre Street to a point; thence South 14° 0' E, 475.68 feet to a point; thence North 76° 0' E, 150 feet to a point; thence South 14° 0' E, 150 feet to a point on the North side of Gabel Street; thence South 76° 0' W, 399.5 feet, more or less, to the point of beginning.

And against any and all persons claiming any title thereto or interest therein or lien or encumbrance upon the said lands or any part thereof, said Bill being filed to establish the right or title to such lands and to clear up all doubts or disputes concerning the same.

The Complainant claims title to said lands under and by virtue of deeds of conveyance executed in favor of Complainant by J. R. Wood, Sr. and Emilie Z. Wood, his wife, dated December 5, 1953 and recorded in the office of Judge of Probate, Baldwin County, Alabama in Deed Book 204, pages 494-5 and deed executed in favor of Complainant by J. R. Wood, Sr. and Emilie Z. Wood, his wife, dated March 17, 1954 and recorded in the office of the Judge of Probate, Baldwin County, Alabama in Deed Book 207, page 211. The Complainant alleges that he knows of no one who has paid taxes on said lands, or who has been in possession of the same or any part thereof within the ten (10) years next preceding the filing of the Bill of Complaint, excepting Complainant and his predecessors in title within said period.

It is therefore ordered that publication of this notice be made in The Fairhope Courier, a newspaper of general circulation in Baldwin County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and any and all persons claiming title to, interest, in, or lien or encumbrances upon the above described real estate, or any part thereof, be, and they are hereby required to plead, answer or demur to the Bill of Complaint within the time required by law in this cause.

It is further ordered that a copy of this notice, verified by the Register as being correct, shall also be recorded as a lis pendens in the office of the Judge of Probate of Baldwin County, Alabama.

Done this the 6th day of May, 1958 at my office.

/s/ Alice J. Duck
ALICE J. DUCK, REGISTER

ERNEST M. BAILEY
ATTORNEY FOR COMPLAINANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
MAY 6 1958
ALICE J. DUCK, Register

Notice

M. GRIMM,
Complainant
versus
THOMAS R. MILLER, et al,
and Certain Lands,
Respondents

W. R. STUART

PROBATE JUDGE

No. 1928

Bay Minette, Ala., 9-24, 1958

Received of Mrs. Duck

No.		Deed Tax $	Deed Tax Cts.	Mortgage Tax $	Mortgage Tax Cts.	Recording Fees $	Recording Fees Cts.	Total $	Total Cts.
R.W.	Gaston vs					2	50	2	50
	Thos. P. McCall et al								
									50

FOR RECORD

W R Stuart

TOTAL $ 2

Gill—Mobile.

Judge of Probate.

4280

COMMISSION TO TAKE DEPOSITIONS B.T.-500-11-54

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: HELEN BAILEY
Fairhope, Alabama

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine H. W. Graham and J. H. Arnold

a witnesses in behalf of H. W. Graham in a cause pending in our Circuit Court in Baldwin County, of said State, wherein H. W. Graham

, Complainant

and Thomas P. Miller, Emma E. Miller, Lethy Richards or Lethy Coleman, Oliver Sexton, John Sexton, Richard Sexton, Louis Sexton, Marie Sexton, Alexander Strouse, Jasper Morse and Ruby Morse, if living, or their heirs and devisees, if dead, and certain lands Respondent

on oath, to be by you administered, upon H. W. Graham and J. H. Arnold to take and certify the deposition s of the witness es and return the same to our Court, with all convenient speed, under your hand.

Witness 7th day of July, 1958

Alice J. Duck
Register.

Commissioner's Fee, $

Witness' Fees, $

No._____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

H. W. GRAHAM

Complainant

VS.

THOMAS P. MILLER , ET AL,
AND CERTAIN LANDS,

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:
HELEN BAILEY

WITNESSES:
H. W. GRAHAM
J. H. ARNOLD

H. W. GRAHAM,	§	IN THE CIRCUIT COURT OF
COMPLAINANT	§	BALDWIN COUNTY, ALABAMA
VS.	§	IN EQUITY
THOMAS P. MILLER, EMMA E. MILLER, LETHY RICHARDS OR LETHY COLEMAN, OLIVER SEXTON, JOHN SEXTON, RICHARD SEXTON, LOUIS SEXTON, MARIE SEXTON, ALEXANDER STROUSE, JASPER MORSE AND RUBY MORSE, if living, or their heirs and devisees, if deceased, and the following described property situated in Baldwin County, Alabama, to-wit:	§	

Beginning at the Southwest corner of Block No. 9, Village of Montrose, according to plat thereof recorded in Deed Book "E", Page 388, of the Baldwin County, Alabama Probate Records, thence running North 14° 0' W, 625.68 feet and along the East side of Main Street to a point on the South side of McIntyre Street; thence North 76° 0' E, 249.5 feet along the South side of McIntyre Street to a point; thence South 14° 0' E, 475.68 feet to a point; thence North 76° 0' E, 150 feet to a point; thence South 14° 0' E, 150 feet to a point on the North side of Gabel Street; thence South 76° 0' W, 399.5 feet, more or less, to the point of beginning;

and any and all other persons or corporations claiming any title to or interest in the real property described above,

RESPONDENTS

BILL OF COMPLAINT

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

Comes your Complainant, H. W. GRAHAM, and respectfully shows unto the Court as follows:

1. That the Complainant is over the age of twenty-one years and resides in Baldwin County, Alabama.

2. That so far as your Complainant knows the Respondents are over the ages of twenty-one years; that the addresses of the Respondents named in the Bill of Complaint are unknown to your Complainants and cannot be ascertained with reasonable and diligent

efforts; that your Complainant, through his attorney, has examined an Abstract of Title relating to the said lands and these records indicate that the only possible claimants are the Respondents named in the Bill of Complaint, their heirs or devisees, if any. Complainant avers that he does not known of any other person, firm or corporation who claims the land that is subject of this suit, or any title to, interest in, lien or encumbrance thereon or any part thereof other than the within named Respondents.

3. That the land in question is situated in Baldwin County, Alabama, and more particularly described as follows, to-wit:

> Beginning at the Southwest corner of Block No. 9, Village of Montrose, according to plat thereof recorded in Book "E", at Page 388, of the Baldwin County, Alabama Probate Records, thence running North 14° 0' W, 625.68 feet and along the East side of Main Street to a point on the South side of McIntyre Street; thence North 76° 0' E, 249.5 feet along the South side of McIntyre Street to a point; thence South 14° 0' E, 475.68 feet to a point; thence North 76° 0' E, 150 feet to a point; thence South 14° 0' E, 150 feet to a point on the North side of Gabel Street; thence South 76° 0' W, 399.5 feet, more or less, to the point of beginning.

4. The Complainant claims in his own right the entire fee simple title in and to the above described real estate, and in support of such fee simple title, he avers that the property was purchased for a valuable consideration as evidenced by the following deeds of conveyance:

a. Deed of conveyance executed in favor of the Complainant by J. R. Wood, Sr. and Emilie Z. Wood, his wife, dated December 5, 1953 and recorded in the office of the Judge of Probate, Baldwin County, Alabama, in Deed Book 204, Pages 494-5.

b. Deed of conveyance executed in favor of the Complainant by J. R. Wood, Sr. and Emilie Z. Wood, his wife, dated March 17, 1954 and recorded in the office of the Judge of Probate, Baldwin County, Alabama, in Deed Book 207, Page 211.

5. Complainant is now and has been, and his predecessor in title has been, in open, notorious, continuous, peaceable and adverse possession of the said lands for more than ten (10) years preceding the filing of this Bill, and for more than ten (10) years preceding the filing of this Bill no one other than the Complainant or his predecessors in title has assessed or paid taxes on the said property.

6. Complainant further avers that there is no suit pending

contesting the title to said real estate or his interest in or right of possession of the same.

The premises considered, the Complainant files this his verified Bill of Complaint against the lands herein described and against Thomas P. Miller, Emma E. Miller, Lethy Richards or Lethy Coleman, Oliver Sexton, Louis Sexton, Marie Sexton, John Sexton, Alexander Strouse, Jasper Morse and Ruby Morse, if living, or against their heirs or devisees, if deceased, and against all other persons claiming any interest in, title to, lien or encumbrance upon said property or any part thereof, for the purpose of establishing Complainant's right of title to said land, and to clear up all doubts or disputes concerning the same, and Complainant further prays that process be served on the parties hereinabove named or publication be made, requiring them to plead, answer or demur to the same within the time required by law, or a Decree Pro Confesso be entered against them, and Complainant further prays that notice be filed in the Lis Pendens records of the Probate Court Office as required by law, and Complainant further prays that this Court forthwith appoint a Guardian Ad Litem to represent such of said Respondents who may at this time be under the age of twenty-one years, or who may be incompetent, or who may be in the Armed Services of the United States of America. Complainant further prays that the Court find that the rights or interests of all parties to this suit are before the Court, and will be finally adjudicated by this Court's decrees. Complainant further prays that the Court make and enter all decrees, orders, and judgments which may be meet and proper in the premises and that upon a hearing this Court will find, decide and decree that the Complainant is the owner in fee simple title in and to all of the real estate hereinabove described. Complainant further prays that if he is mistaken in the relief prayed for, this Court will grant such other, further, additional or different relief as may appear to the Court to be just and equitable.

Ernest L. Boiles
ATTORNEY FOR COMPLAINANT

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, the undersigned notary public in and for State of Alabama at Large, personally appeared H. W. Graham, who, being by

me first duly sworn, deposes and says that the facts alleged in the foregoing instrument are true.

s/ H. W. Graham
H. W. GRAHAM

Sworn to and subscribed before me this the 6th day of April, 1958.

Samuel M. Smith
NOTARY PUBLIC, STATE OF ALABAMA
AT LARGE

BILL OF COMPLAINT

H. W. GRAHAM,

COMPLAINANT

VERSUS

THOMAS F. MILLER, ET AL, AND [illegible] [illegible],

RESPONDENTS

IN THE CIRCUIT COURT OF

[illegible] COUNTY, ALABAMA

IN EQUITY

FILED
MAY 6 1958
ALICE J. DUCK, Register

H. W. GRAHAM,

Complainant

vs.

THOMAS P. MILLER, EMMA E. MILLER, LETHY RICHARDS or LETHY COLEMAN, OLIVER SEXTON, JOHN SEXTON, RICHARD SEXTON, LOUIS SEXTON, MARIE SEXTON, ALEXANDER STROUSE, JASPER MORSE and RUBY MORSE, if living, or their heirs and devisees, if deceased, and the following described property situated in Baldwin County, Alabama, to-wit:

Beginning at the Southwest corner of Block No. 9, Village of Montrose, according to plat thereof recorded in Book "B", Page 388, of the Baldwin County Probate Records, thence running North 14 degrees 0 minutes W, 625.68 feet and along the East side of Main Street to a point on the South side of McIntyre Street; thence North 76 degrees 0 minutes E, 249.5 feet along the South side ofMcIntyre Street to a point; thence South 14 degrees 0 minutes E, 475.68 feet to a point; thence North 76 degrees 0 minutes E, 150 feet to a point; thence South 14 degrees 0 minutes E, 150 feet to a point on the North side of Gabel Street; thence South 76 degrees 0 minutes W, 399.5 feet, more or less, to the point of beginning;

And any and all other person or corporation s claiming any title to or interest in the real property described above,

Defendants

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN EQUITY

FINAL DECREE

This cause coming on to be heard this the ____ day of _____, 1958, is submitted for final decree upon Complainant's verified Bill of Complaint and upon the Decree Pro Confesso rendered therein against Thomas P. Miller, Emma E. Miller, Lethy Richards or Lethy Coleman, Oliver Sexton, John Sexton, Richard Sexton, Louis Sexton, Marie Sexton, Alexander Strouse, Jasper Morse and Ruby Morse after publication, and the answer of the guardian ad litem, and the testimony of H. W. Graham and J. H. Arnold, taken orally before the Commissioner duly appointed by the Register, and the pleadings and proof, as noted by the Register; and it appearing to the satisfaction

of the Court:

1. That the Complainant, H. W. Graham, at the time of filing his Bill of Complaint in this cause, claimed in his own right a fee simple title to, and was, in actual, peaceful possession of the following described lands lying and being situated in the County of Baldwin, State of Alabama, and more particularly described as follows:

> Beginning at the Southwest corner of Block No. 9, Village of Montrose, according to plat thereof recorded in Book "E", Page 388, of the Baldwin County Probate Records, thence running North 14 degrees 0 minutes W, 625.68 feet and along the East side of Main Street to a point on the South side of McIntyre Street; thence North 76 degrees 0 minutes E, 249.5 feet along the South side of McIntyre Street to a point; thence South 14 degrees 0 minutes E, 475.68 feet to a point; thence North 76 degrees 0 minutes E, 150 feet to a point; thence South 14 degrees 0 minutes E, 150 feet to a point on the North side of Gabel Street; thence South 76 degrees 0 minutes W, 399.5 feet, more or less, to the point of beginning.

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

3. That his said Bill of Complaint was and is duly verified and was filed against said lands, and was to establish the right or title to such lands or interest in and to clear up all doubts or disputes concerning the same, and that said Bill of Complaint did in all respects comply with the provisions of Articles 2 of Title 7 of the 1940 Code of Alabama, as amended.

4. That the Complainant executed diligent efforts to ascertain the facts with regard to the Defendants and to give notice of the pendency of the said Bill of Complaint.

5. That notice of the pendency of said Bill of Complaint was drawn and signed by the Register of the Court and said Register did have said notice published once a week for four consecutive weeks in The Fairhope Courier, a newspaper having general circulation and published in the County of Baldwin, Alabama, and authorized by order made in this cause.

6. That a copy of said notice certified by the Register of this court as being correct was recorded as a Lis Pendens in the Office of the Judge of Probate of said County, and said notice being in strict accord and compliance with the law.

7. That it has been more than sixty (60) days since the first publication of said notice and the filing of a certified copy of

said notice in the Office of the Judge of Probate of said County where the said lands lie.

8. That no person has intervened in said cause.

9. That a guardian ad litem and an attorney ad litem have been appointed and accepted service and filed an answer in said cause to protect the rights of appropriate parties in said matter.

10. That the Complainant has established, as shown by legal evidence, that he is the owner in fee simple title of the said lands.

11. The Complainant's title to the said lands is hereby quieted against Thomas P. Miller, Emma E. Miller, Lethy Richards or Lethy Coleman, Oliver Sexton, John Sexton, Richard Sexton, Louis Sexton, Marie Sexton, Alexander Strouse, Jasper Morse and Ruby Morse, if living, and against their 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 all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

12. That all the allegations of fact contained in the Complainant's Bill of Complaint are true.

It is therefore, ORDERED, ADJUDGED AND DECREED by the court that the Complaint is the owner of said lands and has the fee simple title thereto, free of all liens and encumbrances, and that all doubts and disputes concerning the same are hereby cleared up.

It is further ORDERED, ADJUDGED AND DECREED by the court that a certified copy of this decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, and that it be indexed in the name of H. W. Graham in both the Direct Index and the Indirect Index of the Records thereof.

DONE this the 20 day of Aug, 1958.

Hubert M. Hall
JUDGE

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and of record in my office.
WITNESS MY HAND AND SEAL THIS THE 20 day of Aug, 1958

Alice J. Duck
Register of Circuit Court, in Equity

SEAL COURT ALA. BALDWIN COUNTY

8-20-78

said notice in the Office of the Judge of Probate of said County where the said lands lie.

8. That no person has intervened in said Equity.

9. That a guardian ad litem and attorney ad litem have been appointed and accepted service and filed an answer in said cause to protect the rights of appropriate parties in said matter.

10. That the Complainant has established, as shown by legal evidence, that he is the owner in fee simple title of the said lands.

11. The Complainant's title to the said lands is hereby quieted against Thomas P. Miller, Emma P. Miller, Betty Richards or Betty Coleman, Oliver Sexton, John Sexton, Richard Sexton, Louis Sexton, Marie Sexton, Alexander Strouse, Jasper Morse and Ruby Morse, if living, and against their heirs or devisees, if deceased, and against any and all persons, firms or corporations claiming any title, interest in, lien or encumbrance on the said lands or any part thereof, and all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

12. That all the allegations of fact contained in the Complainant's Bill of Complaint are true.

It is therefore, ORDERED, ADJUDGED AND DECREED by the court that the Complaint is the owner of said lands and has the fee simple title thereto, free of all liens and encumbrances, and that all doubts and disputes concerning the same are hereby cleared up.

It is further ORDERED, ADJUDGED AND DECREED by the court that a certified copy of this decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, and that it be indexed in the name of R. W. Graham in both the Direct Index and the Indirect Index of the Records thereof.

DONE this the 20 day of August, 1978.

Hubert M. Hall
JUDGE

H. W. Graham
vs.
Thomas P. Miller
Emma
Betty Coleman
Richards
Oliver Sexton
John
Richard
Louis
Marie
Alexander Strouse
Jasper
Ruby
Morse

47 80

24

R-2 50
Mrs. Deade

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above cause. Judgment said decree is on file and of record in my office.
WITNESS MY HAND AND SEAL THIS THE 20 day of August, 1978

Register of Circuit Court, in Equity

SEAL
COURT
ALA.
BALDWIN COUNTY

8601. Motion for Decree Pro Confesso on Publication. MPCO

THE STATE OF ALABAMA, } CIRCUIT COURT, IN EQUITY
BALDWIN COUNTY

No. 4580, Term, 19

H. W. GRAHAM Complainant

Vs.

CYRUS SIBLEY, et al Defendants

Motion is hereby made for a Decree Pro Confesso against Cyrus Sibley, et al,

(All defendants named in the Bill of Complaint) Defendants

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 7th day of July 19 58

Ernest M. Bailey Solicitor.

746 Code

No. 4280 Page

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

H. W. GRAHAM

Complainant

Vs.

CYRUS SIBLEY, et al.

Defendant s

Motion for Decree Pro Confesso on Publication

Filed 7/7 1958

Alice J. Duck
Register.

Recorded in Record

Vol. Page

Register.

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