

SOUTH ALABAMA LAND COMPANY,  
A CORPORATION,

Complainant,

vs.

CERTAIN LANDS AND WILLIAM  
CLIFFORD FRUSH, SR., ET AL.,

Respondents.

Y

Y

Y

Y

Y

Y

Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4293

FINAL DECREE

This cause coming on to be heard was submitted upon the Bill of Complaint, Motion For Decree Pro Confesso against William Clifford Frush, Sr., Helen Harter and Mae Frush, Decree Pro Confesso entered against the named Respondents upon personal service by registered mail and by publication and upon the testimony of H. H. Maschmeyer and David Penn, and the several exhibits in connection therewith taken in open court on this date and transcribed by the Court Reporter, all as noted by the Register; and it appearing to the Court that the Complainant is a corporation organized and existing under the laws of the State of Alabama, with its principal place of business in Mobile, Mobile County, Alabama, and that the Complainant is in the actual, peaceable, and adverse possession of the lands hereinafter described, claiming to own the same in its own right, in fee simple, and using the same in every way that such lands are susceptible to use and that no suit is pending to test its title to, interest in or right to the possession of said lands, having acquired the same under and by virtue of a Warranty Deed from John Penn and Fannie Mae Penn, his wife, dated May 3, 1956, which deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 238 N. S. at pages 133-34; and that the said John Penn acquired said property from T. E. Hansen, a widower, by Warranty Deed dated March 25, 1947, which deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 119 at page 371, who acquired said property under a conveyance from Mrs. J. H. Ebersole on October 18, 1917, which said last conveyance is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 27 at page 601; and it further appearing to the Court that

the title to said lands stands on the records in the Office of the Judge of Probate of Baldwin County, Alabama, in the name of South Alabama Land Company, a Corporation, and that said corporation and those under whom it claims have assessed and paid taxes on said lands and were in the open, notorious, exclusive and adverse possession of all of said lands for more than ten years immediately preceding the filing of the Bill of Complaint in this cause, and that no other person, firm or corporation, has had possession of said lands or any part thereof during that period of time; and it further appearing to the Court that taxes on the property described in said Bill of Complaint have been paid by Johnnie Penn from the year 1937 to the year 1947 under a contract then existing between the said Johnnie Penn and T.E. Hansen and that from the year 1947 until the year 1956, said taxes were paid on said property by Johnnie Penn as the owner thereof under his deed from the said T. E. Hansen and that the taxes for the tax years 1957 and 1958 have been paid in the name of Clara Maschmeyer and the First National Bank of Mobile, Alabama, as the Trustee under the Last Will and Testament of H. H. Wefel, Jr., Deceased, it having been discovered by South Alabama Land Company upon the purchase of said property that said Trustee and said individual were assessing and paying taxes on the same as a part of the Louis D'Olive Mill Tract in Township 5 South, Range 2 East in Baldwin County, Alabama, and that the Complainant did not, after the discovery of said assessment and payment of taxes by the said Clara Maschmeyer and the First National Bank of Mobile, Alabama, as Trustee, aforesaid, assess and pay taxes for the reason that the claim of Clara Maschmeyer and the First National Bank of Mobile, Alabama, as Trustee, aforesaid, was not adverse to that of the Complainant in that the property of which this property comprises a part was being managed, owned and controlled jointly by South Alabama Land Company, Clara Maschmeyer and the First National Bank of Mobile, Alabama, as Trustee, aforesaid, and that since the purchase of said property the three said parties have entered into a joint contract to convey said property to Lake Forest, Inc. a corporation, and that the conveyance under said contract and the obligations with respect thereto will be executed and fulfilled joint-

ly by the Complainant herein, the successor in interest to Clara Maschmeyer and the First National Bank of Mobile, Alabama, as Trustee under the estate of H. H. Wefel, Jr., aforesaid. And the Court having considered all of the above is of the opinion that the Complainant, South Alabama Land Company, a corporation, is entitled to the relief prayed for in its Bill of Complaint; it is, therefore;

ORDERED, ADJUDGED AND DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that South Alabama Land Company, a corporation, is the owner in fee simple of all of the following described lands situated in Baldwin County, Alabama, to-wit:

Commencing on the West side of Sixth Street at the center of Van Buren Street according to the Map of Park City as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1, at Page 230, run thence East 684 feet for the point of beginning; run thence East 733 feet to a point; run thence South 260 feet to a point; run thence West 733 feet to a point; run thence North 260 feet to the point of beginning

and that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said lands or any part thereof and especially is this true as to William Clifford Frush, Sr., Helen Harter and Mae Frush.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Register of this Court shall, within thirty days of the rendition of this decree, file a certified copy of the same for record in the Probate Court of Baldwin County, Alabama, and tax the expenses thereof as a part of the cost of this proceeding and that said decree shall be recorded in the same book and manner in which deeds are recorded and shall be indexed in the name of the Respondents named herein in the direct index and in the name of the Complainant, South Alabama Land Company, a corporation, in the reverse index.

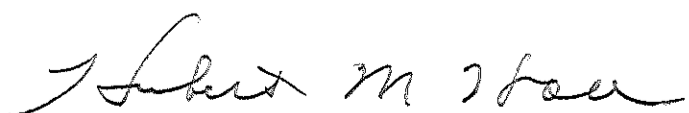
It is further ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, South Alabama Land Company, a corporation, be, and it is hereby taxed with the cost of this proceeding for which execution may issue.

Done this 17th day of September, 1958.

FILED

SEP 23 1958

ALICE J. DICK, CLERK  
REGISTER



Judge of the Circuit Court of Baldwin County, Alabama, In Equity

**RECEIPT FOR REGISTERED ARTICLE No.** 853

Fee paid 50 (Date) 5-23, 1958

Class postage paid 1 Return receipt fee 10  
 Special delivery fee \_\_\_\_\_

Declared value, \$ None


Surcharge paid, \$ \_\_\_\_\_ Restricted delivery (Accepting employee will place initials in proper space)  in person 50  
 or order \_\_\_\_\_

Fee paid \_\_\_\_\_

From Alvin J Duck (Sender) Ala (Post office and State)

Addressed to Helene Hartig (Addressee) 7685 N Logan ave. (Street and number) Chicago Ill (Post office and State) Postmaster, per A

GPO c9-16-12666-5



**RECEIPT FOR REGISTERED ARTICLE No.** 851

Fee paid 50 (Date) 5-23, 1958

Class postage paid 1 Return receipt fee 10  
 Special delivery fee \_\_\_\_\_

Declared value, \$ None


Surcharge paid, \$ \_\_\_\_\_ Restricted delivery (Accepting employee will place initials in proper space)  in person 50  
 or order \_\_\_\_\_

Fee paid \_\_\_\_\_


From Alvin J Duck (Sender) Ala (Post office and State)

Addressed to William Clifford Trust (Addressee) 1414 Warsaw (Street and number) Indiana (Post office and State) Postmaster, per A


GPO c9-16-12666-5



RECEIPT FOR REGISTERED ARTICLE No. 828  
The date 10/23/23  
Class postage paid 10  
Registered delivery fee 10  
Registered delivery (Assurance envelope will insure articles in transit)  
Postage paid \$ 20  
From *Wm. J. ...*  
Addressed to *...*  
Postmaster's office *...*



RECEIPT FOR REGISTERED ARTICLE No. 828  
The date 10/23/23  
Class postage paid 10  
Registered delivery fee 10  
Registered delivery (Assurance envelope will insure articles in transit)  
Postage paid \$ 20  
From *Wm. J. ...*  
Addressed to *...*  
Postmaster's office *...*



113

INSTRUCTIONS TO DELIVERING EMPLOYEE

- DELIVER ONLY TO ADDRESSEE (20¢ additional)
- SHOW ADDRESS WHERE DELIVERED IN ITEM 4 BELOW (31¢ additional)

RECEIPT

Received from the Postmaster the Registered, Certified, or Insured Article, the number of which appears on the face of this return receipt.

1. SIGNATURE OR NAME OF ADDRESSEE

X

2. SIGNATURE OF ADDRESSEE'S AGENT (Agent should enter addressee's name in item 1 above)

*Deliver to Addressee Only*

3. DELIVERY DATE

. 19

4.

FILED  
 MAY 30 1958  
 REGISTER

e16-71548-3 GPO

INSTRUCTIONS TO DELIVERING EMPLOYEE

- DELIVER ONLY TO ADDRESSEE (20¢ additional)
- SHOW ADDRESS WHERE DELIVERED IN ITEM 4 BELOW (31¢ additional)

RECEIPT

Received from the Postmaster the Registered, Certified, or Insured Article, the number of which appears on the face of this return receipt.

1. SIGNATURE OR NAME OF ADDRESSEE

X *William E. Liffard, Trustee*

2. SIGNATURE OF ADDRESSEE'S AGENT (Agent should enter addressee's name in item 1 above)

*R. R. #2 Warsaw, Ind.*

*Deliver to Addressee Only*

3. DELIVERY DATE

*5-27* 19*58*

4.

FILED  
 MAY 30 1958  
 REGISTER

e16-71548-3 GPO

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS

4292

PENALTY FOR PRIVATE USE TO AVOID  
PAYMENT OF POSTAGE \$300



POSTMARK OF  
DELIVERING OFFICE

INSTRUCTIONS.—Show name, address and number of article below. Complete "Instructions to Delivering Employee" on other side, when applicable. Moisten gummed ends and securely attach to back of article. Endorse front of article RETURN RECEIPT REQUESTED.

RETURN TO

REGISTERED NO. 853	NAME OF SENDER Alice J. Duck, Register
CERTIFIED NO.	STREET AND NO. OR P. O. BOX
INSURED NO.	CITY, ZONE, AND STATE Bay Minette, Alabama

POD Form 3811, Dec. 1955

c16-71548-3

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS

4293

PENALTY FOR PRIVATE USE TO AVOID  
PAYMENT OF POSTAGE \$300



POSTMARK OF  
DELIVERING OFFICE

INSTRUCTIONS.—Show name, address and number of article below. Complete "Instructions to Delivering Employee" on other side, when applicable. Moisten gummed ends and securely attach to back of article. Endorse front of article RETURN RECEIPT REQUESTED.

RETURN TO

REGISTERED NO. 851	NAME OF SENDER Alice J. Duck, Register
CERTIFIED NO.	STREET AND NO. OR P. O. BOX
INSURED NO.	CITY, ZONE, AND STATE Bay Minette, Alabama

POD Form 3811, Dec. 1955

c16-71548-3

SOUTH ALABAMA LAND COMPANY, A Corporation,	Y		
	Y	IN THE CIRCUIT COURT OF	
Complainant,	Y		
vs.	Y	BALDWIN COUNTY, ALABAMA	
	Y		
CERTAIN LANDS AND WILLIAM CLIFFORD FRUSH, SR. ET AL.,	Y	IN EQUITY	NO. 4293
	Y		
Respondents.	Y		

DECREE PRO CONFESSO

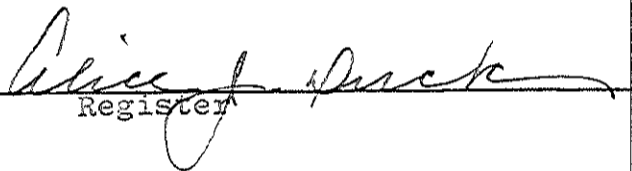
It having been made to appear to the undersigned as Register of the Circuit Court of Baldwin County, Alabama, In Equity, that on the 23rd day of May, 1958, a copy of the Bill of Complaint filed in this cause, together with a Summons, was sent to William Clifford Frush, sr., Mae Frush and Helen Harter, Respondents, by registered mail, postage prepaid, marked "for delivery only to the person to whom addressed" and return receipt demanded, addressed to the undersigned as Register of this Court, all according to the statutes in such cases made and provided and to the rules of this Honorable Court; and that on the 29th day of May, 1958, the return receipt demanded of Mae Frush was duly received and filed in this cause and on May 30, 1958, the return receipts demanded of William Clifford Frush, Sr. and Helen Harter, respectively, were received and filed in this cause, each of which return receipts were signed by the person to whom said Bill of Complaint and Summons were addressed; and it further appearing to the Court that under and by virtue of an order of publication heretofore entered in this cause that notice of the pendency of this Bill of Complaint was given to the said named Respondents by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper of general publication published in Baldwin County, Alabama, requiring said named Respondents to plead, answer or demur to the Bill of Complaint before July 18, 1958, and that said notice was published in said newspaper beginning with the issue of the same dated May 29, 1958, and continuing through the issue of said newspaper dated June 19, 1958, all as shown by the affidavit of E. R. Morrissette, Jr., Editor, now on file in this cause; and it further appearing to the Register that each of said named



Respondents has failed to plead, answer or demur to said Bill of Complaint to the date hereof; and motion having been made by the Complainant for a Decree Pro Confesso; it is, therefore

ORDERED, ADJUDGED and DECREED by the Register of the Circuit Court of Baldwin County, Alabama, that the Bill of Complaint heretofore filed in this cause by South Alabama Land Company, a corporation, against William Clifford Frush, Sr., Mae Frush and Helen Harter, be, and it is hereby, in all things taken as confessed against the said William Clifford Frush, Sr., Mae Frush and Helen Harter, Respondents.

WITNESS my hand and seal on this the 22 day of July, 1958.

  
Register

4294

Faint, illegible text, possibly bleed-through from the reverse side of the page. The text is arranged in several lines and is difficult to decipher due to its low contrast and orientation.

Faint, illegible text at the bottom left of the page, possibly a signature or a reference number.