

\$10.00
South Alabama Land Company,
A Corporation,

Complainant,

VS.

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

Respondents.

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

No. 4294

MR. STONE: First, we would like to introduce, as Complainant's Exhibit 1, certified copy of U. S. Patent, to Louis Dolive, dated September 2, 1913, which is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 79, at page 372.

Next, we would like to introduce, as Complainant's Exhibit 2, certified copy of warranty deed from Mrs. J. H. Ebersole, a widow, to E. Hanson, dated October 18, 1917, and recorded in the office of the Judge of Probate in Deed Book 27, page 601.

Next, we would like to introduce, as Complainant's Exhibit 3, certified copy of warranty deed from T. E. Hanson, a widower, to Johnnie Penn, dated March 25, 1947, recorded in the office of the Judge of Probate, Baldwin County, Alabama, in Deed Book 119, page 371.

Next, we would like to introduce as Complainant's Exhibit 4, certified copy of warranty deed from John Penn and Fannie Mae Penn, his wife, to South Alabama Land Company, the Complainant in this case, dated May 3, 1956, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 238 page 133-34.

We would like to introduce, as Complainant's Exhibit 5, certified copy of affidavit of Harford Penn, dated May 5, 1958, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Book 265 pages 199-200.

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

Examination by Mr. Stone.

Q. You are Mr. H. H. Maschmeyer?

A. Yes sir.

Q. Mr. Maschmeyer, you are the President of South Alabama Land Company?

A. Yes sir.

Q. Do you recall when that Corporation purchased the land from Johnnie Penn and his wife, which are the subject of this suit?

A. Yes. I have the deed right here.

Q. Since the acquisition of that land by the South Alabama Land Company, has your Company been in possession of that property?

A. Yes sir.

Q. Has your possession been exclusive and continuous since that time?

A. Yes sir.

Q. No other person has been in possession of any part of it?

A. No.

Q. Have you had any knowledge of anybody making any claim to any part of it other than the persons named in this suit?

A. No.

Q. Now Mr. Maschmeyer, this land, which is the subject of this suit, sits in more or less the middle of the property known as the Park City Property?

A. That is right.

Q. And it is in the area located to the east of the Daphne-Spanish Fort Road, is that correct?

A. Yes sir.

Q. And this particular property is a part of the cleared area that is out there in that wooded section, is it not?

A. Yes sir.

Q. At the time you purchased this land from Johnnie Penn and his

wife, was he in possession of the property, either individually or through agents, to your knowledge?

A. Well I don't know exactly; I think that Harford Penn looked after it for him.

Q. Was there a house on the property?

A. Yes - an old house that was about to fall down.

Q. What did your company do with that house?

A. I sold that house on April 7, 1957 for \$75.00 - Harford Penn bought it from me.

Q. All right - South Alabama Land Company is a corporation, is it not?

A. Yes sir.

Q. And organized under the laws of the State of Alabama, with its principal place of business in Mobile, Alabama?

A. Yes. Home office is in Brewton.

Q. Your principal place of business is in Mobile?

A. Yes sir.

Q. Your company claims to own this land in its own right in fee simple?

A. Yes sir.

Q. Is there any suit pending to test your title to those lands other than this suit here?

A. No sir - we are in the peaceable possession of the land.

Q. All right - in regard to the payment of taxes, Mr. Maschmeyer, let me ask you this: Are you the son of Mrs. Clara Maschmeyer?

A. Yes sir.

Q. At the time this land was purchased and up to December of last year, were you her Attorney in Fact?

A. Yes sir.

Q. Now are you familiar with the estate of H. H. Wefle, Jr.?

A. Yes, I am on the advisory committee - any transaction over \$2,500--

Q. There is a trust in that estate and you are a member of the advisory committee?

- A. Yes sir. The First National Bank is Trustee and I am on the advisory Committee.
- Q. Does that estate and - Did that estate and your mother in December of last year, own property in the vicinity of this property?
- A. Yes sir.
- Q. On all sides of it?
- A. Yes sir.
- Q. And since the purchase of this property has your Company paid taxes on this land, except the taxes for the year that Johnnie Penn owed the taxes on it?
- A. Yes, but on March 25, 1955, I went and paid the Taxes for the South Alabama Land Company - we paid the taxes due from Johnnie Penn.
- Q. Now this land that is owned by your mother and The First National Bank of Mobile, as Trustee, for the estate of H. H. Wefle, Jr., surrounds this property, is that correct?
- A. Yes sir.
- Q. Were the paying taxes on this property also?
- A. Yes, they were paying taxes on this property also without realizing it.
- Q. At the time South Alabama Land Company purchased this land?
- A. Yes sir.
- Q. Have they paid taxes on it up to date?
- A. Yes sir.
- Q. So the South Alabama Land Company has not assessed it since it's purchase in 1956?
- A. No sir, it would be a double assessment; the estate of H. H. Wefle, Jr. and my mother have been paying the taxes on it.
- Q. Now is there a contract now existing between - executed by The First National Bank of Mobile, as Trustee under the Wefle Estate, the Trustees under a deed of Trust executed by your mother, and South Alabama Land Company, all joining into the conveyance, to convey the land to Lake Forest, Inc?

A. That is right.

Q. The three of you; that is, your mother's interest, the Bank's interest and Sout Alabama Land Company's interest are all incorporated in that contract?

A. Yes sir.

DAVID PENN, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Stone.

Q. Is this David Penn?

A. Yes sir.

Q. David, you are familiar with the land Johnnie Penn used to own situated in the middle of what you know as the Maschmeyer property?

A. Yes sir.

Q. Do you remember about when he bought it, David?

A. Yes sir.

Q. Was he living in Baldwin County at the time?

A. Yes sir.

Q. Did he move on that property then?

A. Yes sir.

Q. That was about 1947?

A. Yes sir.

Q. Is he living in Baldwin County now?

A. No sir.

Q. When did he movemfrom Baldwin County?

A. Well as near as my memory serves me, he has been away from here about six years.

Q. After he left Baldwin County did he leave somebody on the land in charge of the land for him?

A. He left my brother, Harford Penn, in charge.

Q. Did Harford farm this land?

A. Yes sir, he firmed it.

Q. Did Johnnie farm the land from the time he got it?

A Yes he did.

Q So it was farmed from about '47 up to the time South Alabama

Land Company got it?

A. Yes sir.

Q. Crops were planted on this property?

A. Yes sir.

Q. Did Harford Penn ever live out there on this property?

A. Yes sir, he used to live on it.

Q. After Johnnie left, or during the time Johnnie was there?

A. He was living there at the time Johnnie was there.

Q. Did he live on it after Johnnie left?

A. For about three years, as near as my memory serves me.

Q. Actually Johnnie Penn's contract to buy this property was in 1939?

A. Yes sir.

Q. And it took him about 10 years to finish the payment to Mr. Hanson?

A. Yes sir.

Q. He went into possession of this property in about '37?

A. Yes sir.

Q. And got his deed in '47?

A. Yes sir; in fact I was the man that carried Johnnie up there and let him look over the place; in fact, Mr. Hanson had offered to sell it to me and I carried my wife up there and she didn't want to live there and I found my brother and carried him there and let him look it over and he liked it and he bought it.

Q. When Johnnie Penn moved on the property were there any houses on it?

A. A couple of them.

Q. Did Johnnie do anything to the house?

A. Yes sir, he went to work on them and repaired them; in fact, I hope him do it.

- Q. Were there any fruit trees or pecan trees on this place?
- A. Yes sir, still on it.
- Q. Those pecan trees - the pecans from those trees were harvested during this time and the fruit was harvested from these trees?
- A. Well I think so.
- Q. Now nobody else to your knowledge has been in possession of this property since Johnnie Penn Bought it except the South Alabama Land Company?
- A. No sir, nobody else.
- Q. And this possession has been open and notorious to everybody - been no secretive possession about it, has there, David?
- A. That is right.
- Q. Now you know that Johnnie paid the taxes on it, don't you, David?
- A. Yes sir.
- Q. He paid the taxes on it from at least the time he got his deed, is that correct?
- A. Yes sir.
- Q. Do you know whether he paid taxes before that time?
- A. Well I don't know whether he did or not, but I am most sure he did.
- Q. Do you remember when Mr. Hanson lived out there on the property?
- A. Yes sir I do.
- Q. How long did he live there?
- A. I don't know how long Mr. Hanson lived there, but he moved away shortly after he offered to sell it to me; in fact he moved to Daphne.

Q. In fact, he had been living there for sometime prior to that?

A. Yes sir, I have been knowing the land since '27; I used to go there -

Q. The people that have been in possession of this property have been Mr. Hanson, Johnnie Penn and Mr. Maschmeyer's Company, South Alabama Land Company?

A. That's right.

C E R T I F I C A T E:

I hereby certify that the foregoing is a true and correct transcript of the testimony taken by me in open court, on this day in the above styled cause.

This 16th day of April, 1958.


Official Court Reporter

Com Exp 1

79-372

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MONTGOMERY 08288

4-1040-R.

THE UNITED STATES OF AMERICA
TO ALL TO WHOM THESE PRESENTS SHALL COME. GREETING:

WHEREAS, there has been deposited in the General Land Office of the United States a Certificate of the Register and Receiver of the Land Office at Montgomery, Alabama, whereby it appears that the Private Land Claim of Louis Dolive, being Claim No. 5 in Report No. 6 of Commissioners Barton and Barnett (American States Papers, Gale and Seaton's edition, volume 3, page 449), was confirmed by section two of the act of May 8, 1822 (5 Stat., 707), and that the said claim has been regularly surveyed and designated as Section thirty-seven in Township four south and Section six in Township five south all in Range two east of the St. Stephens Meridian, Alabama, containing eight hundred forty-five and thirty-two-hundred acres, as shown by the Township Plats approved May 19, 1845:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said Louis Dolive, and to his heirs, the land 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 Louis Dolive, and to his heirs and assigns forever, in accordance with the provisions of the said Act of May 8, 1822.

IN TESTIMONY WHEREOF, I Woodrow Wilson President of the United States of America, has caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed. GIVEN under my hand, at the City of Washington, the Second day of September, in the year of our Lord one thousand nine hundred and Thirteen and of the Independence of the United States the one Hundred and Thirty-eight.

By the President Woodrow Wilson

By M. P. LeRoy Secretary

Record of Patents:: Patent Number 353443

L. Q. C. Lamar
Recorder of the General Land Office

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON D. C. APRIL 21. 1943

I hereby certify that this photograph is a true copy of the patent record which is in my custody in this office

SEAL

R. S. Clinton
Chief, Patents Division

STATE OF ALABAMA
BALDWIN COUNTY

FILED IN OFFICE this 30 day of April, 1943 at 3:40 P. M. and Recorded in Deed Book No., 79 at page 372, and

G. W. Robertson, Judge of Probate.

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The State of Alabama,
Baldwin County

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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 form the U.S.A. to Louis

D'Olive

as the same appears of record in my office in Deed Book No. 79

page 372.

Given under my hand and seal of office, this 16th day of September, 1958



Judge of Probate.

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 Warranty deed form Mrs. J. H.

Ebersole to T. E. Hanson

as the same appears of record in my office in Deed Book No. 27
page 601.

Given under my hand and seal of office, this 16th day of September, 1958


Judge of Probate.

Com Ed 3

STATE OF ALABAMA

WARRANTY DEED

BOOK 119 PAGE 371

BALDWIN COUNTY

THIS INDENTURE, made and entered into by and between T. E. HANSON, a widower, hereinafter referred to as party of the first part, and JOHNNIE PENN, 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 party of the first part by party of the second part, receipt whereof is hereby acknowledged, party of the first part has granted, bargained, sold and by these presents does hereby GRANT, BARGAIN, SELL AND CONVEY unto the party of the second part, the following described real estate situated in Baldwin County, Alabama, to-wit:-

Begin on the West side of Sixth Street at the center of Van Buren Street as shown on a plat recorded in the office of the Judge of Probate of Baldwin County, Alabama, and known as Park City, plat no. 1, said subdivision being recorded in Msc. Book 1, pages 230-231; run thence East 684 feet to a post for the point of beginning; run thence East 733 feet, run thence South 260 feet, run thence West 733 feet, run thence North 260 feet to the place of beginning, all lying in Section Six (6), Township Five South (5S), Range Two East (2E).

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 said party of the first part, for himself and his heirs, executors and administrators, hereby covenants and warrants with and unto the said party of the second part, his heirs and assigns, that he is seized of an indefeasible estate in fee simple in and to all of the property hereinabove conveyed; that the same is free from all liens and encumbrances; that he has a good right to sell and convey the same as herein conveyed; that he will guarantee the peaceable possession thereof 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 whomsoever.

On November 18, 1933, the party of the first part entered into a contract to sell the above described property to the party of the second part for \$450.00, which amount was paid in installments ending November 18, 1938; that soon after the consideration was paid in full the party of the first part executed and delivered his Warranty Deed to the party of the second part, which deed was lost before recording. This deed is for the purpose of perfecting title in the party of the second part.

IN WITNESS WHEREOF, the party of the first part hereunto sets his hand and seal on this the 25th day of March, 1947.

T. E. Hanson SEAL

STATE OF ALABAMA

BALDWIN COUNTY

I, Anna D. Stimpson, a Notary Public, in and for said County in said State, hereby certify that T. E. Hanson, a widower, 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, he executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal hereto on this 25th day of March, 1947.

Anna D. Stimpson
Notary Public, Baldwin County,
Alabama.

STATE OF ALABAMA, BALDWIN COUNTY

Recorded March 23, 1947 1 P. M.
book page
and I certify that the following Privilege
has been paid.

Deed Tax 2.00
Mortgage Tax

J. P. Stewart
Judge of Probate
By L. M.

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 Warranty Deed from T. E. Hanson,

to Hohnnie Penn

as the same appears of record in my office in Deed Book No. 119

page-s 371 & 372.

Given under my hand and seal of office, this 16th day of September, 19 58



Judge of Probate

Com 24

STATE OF ALABAMA

WARRANTY DEED

BALDWIN COUNTY

THIS INDENTURE, made and entered into by and between JOHN PENN and FANNIE MAE PENN, his wife, hereinafter referred to as parties of the first part, and the SOUTH ALABAMA LAND COMPANY, hereinafter referred to as party of the second part, WITNESSETH:

That for and in consideration of the sum of One Hundred Dollars (\$100.00) 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 conveyed and by these presents do hereby GRANT, BARGAIN, SELL and CONVEY unto the party of the second part, the following described real estate situated in Baldwin County, Alabama, to-wit:

Commencing on the West side of 6th Street at the center of Van Buren Street according to the map of Park City as the same appears of record at the Office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1 at Page 230, run thence East 68 1/4 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. Meaning and intending to describe and convey hereby all of the real property now owned by the Grantors in Baldwin County, Alabama.

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

IN WITNESS WHEREOF, the parties of the first part hereunto set their hands and seals on this the 3rd day of May, 1956.

John Penn (SEAL)

Fannie Mae Penn (SEAL)

STATE OF ALABAMA, BALDWIN COUNTY
Filed 5-8-56 1 P.M.

Recorded _____ book _____ page _____
and I certify that the following Privilege Tax has been paid.

Deed Tax 3.00

Mortgage Tax _____
M. Stewart
Judge of Probate

By E

STATE OF ALABAMA
BALDWIN COUNTY

I, Norborne C. Stone, Jr., A Notary Public, in
and for said County in said State, hereby certify that John Penn
and Fannie Mae Penn, his wife, whose names are signed to the fore-
going 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 this 3rd day of May, 1956.



Norborne C. Stone, Jr.
Notary Public, Baldwin County, Alabama

BOOK 238 PAGE 134

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 Warranty Deed from John Penn and Fannie

MaecPenn, his wife, to South Alabama Land Company

as the same appears of record in my office in Deed Book No. 238

page 133 & 134.

Given under my hand and seal of office, this 16th day of September, 1958



Judge of Probate

Com Ed 5

STATE OF ALABAMA

BOOK 265 PAGE 199

BALDWIN COUNTY

Before me, Mary Frances Johnson, a Notary Public, in and for said County in said State, personally appeared Harford Penn, who is known to me and who, after being by me, first duly and legally sworn did depose and say under oath as follows:

My name is Harford Penn and I am a brother of Johnny Penn and of David Penn and I live at Daphne, in Baldwin County, Alabama, where I have resided for the past 18 or 20 years. I moved to Baldwin County around the year 1939 or 1940 and when I came to Baldwin County, I moved on the property that my brother, Johnny Penn, was buying from Mr. T. E. Hansen and which is described as follows:

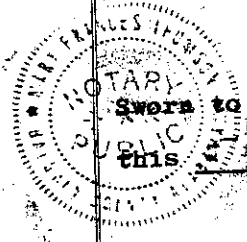
Commencing at a point 700 feet due East of the intersection of the center of Van Buren Street and the West side of Sixth Street in Park City, according to the plat thereof on file in the Office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1, at Page 230, thence running South along the Eastern side of Seventh Street 260 feet to a point, thence due East 700 feet to the West side of Eighth Street, thence North along the West side of Eighth Street 260 feet to a point, thence due West 700 feet to the point and place of beginning.

There were two houses located on this property and my brother, Johnny Penn, lived in one house and I lived in the other. I lived on the property for about ten (10) years or until about 1950, at which time I moved to Daphne. During the ten years (10) that I lived on this property it was being cultivated and farmed by my brother, Johnny Penn, and myself together with some land adjoining this property which was owned by the Maschmeyer interests but which we were clearing and farming and cultivating with their permission. My brother, Johnny Penn, moved out of the State of Alabama, some two or three years before I moved off of this property and after he moved from the State I had complete charge of the land for and on behalf of my brother and I assessed the property for taxation in his name and actually paid the taxes on it. After I moved from the property to Daphne, Alabama, I continued to cultivate a small portion of it and visited and saw the land frequently up until the time that it was sold by my brother Johnny Penn, to South Alabama Land Company.

I know that during the last eighteen to twenty years that nobody other than my brother, Johnny Penn, either individually or acting through myself as his agent, and South Alabama Land Company has been in the possession of this property and that their possession has been continuous. I have never heard any question raised about the title to the property and it has always been known as the Johnny Penn or South Alabama Land Company property.

BOOK 265 PAGE 200

Harford Penn
Harford Penn



Sworn to and subscribed before me
this May day of May, 1958.

Frances Thompson
Notary Public, Baldwin County, Alabama

STATE OF ALABAMA
MAY 8 1958
11 A.M.
W. Stuart
Notary Public

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 affidavit of Harford Penn

as the same appears of record in my office in _____ Deed Book No. 265

pages 199-200.

Given under my hand and seal of office, this 16th day of September, 19 58.

W. R. Stuart
Judge of Probate

RECEIPT FOR REGISTERED ARTICLE No. 852

Fee paid 50 (Date) 5-23, 1958

Class postage paid 1 Return receipt fee 10
Special delivery fee _____

Declared value, \$ none Restricted delivery _____
(Accepting employee will place initials in proper space) in person 50
or order _____

Surcharge paid, \$ _____ Fee paid _____

From Alice J. Luck clk (Sender)
15m al (Post office and State)

Addressed to Mae Trush (Address)
4139 N Ashland Ave. Chicago 13 (Street and number) (Post office and State)



Postmaster, per A
du

GPO c9-10-12600-5

RECEIPT FOR REGISTERED ARTICLE No.

0-53-10 12



113

Fee paid \$0

Class postage paid 1

Postage value \$ 0.00

Registered post 2

From

Chicago

Postage and cost

Addressed to

Postage and cost

Postmaster, pay

Postage and cost

Postage and cost

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 *Mac Fries*

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

Deliver to Addressee Only

3. DELIVERY DATE

May 20, 19 *58*

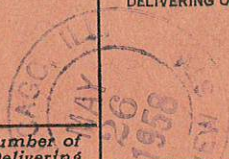
4.

FILED
MAY 29 1958
REGISTERED MAIL

gpo 16-71548-3

4293

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
▼

FOD Form 3611, Dec. 1955

REGISTERED NO. 852	NAME OF SENDER Mrs. Alice J. Duck, Register
CERTIFIED NO.	STREET AND NO. OR P. O. BOX
INSURED NO.	CITY, ZONE, AND STATE Bay Minette, Alabama

c16-71548-3

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No.

..... TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon William Clifford Trusk
et al.

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

William Clifford Trusk et al, Defendant.....

by

....., Plaintiff.....

Witness my hand this 23 day of May 1928
Ante Trusk, Clerk

SOUTH ALABAMA LAND COMPANY,
A Corporation,

Complainant,

vs.

THE FOLLOWING DESCRIBED REAL
PROPERTY SITUATED IN BALDWIN
COUNTY, ALABAMA, TO-WIT: COM-
MENCING ON THE WEST SIDE OF
SIXTH STREET AT THE CENTER OF
VAN BUREN STREET ACCORDING TO
THE MAP OF PARK CITY AS THE SAME AP-
PEARS 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 WILLIAM
CLIFFORD FRUSH, SR., MAE FRUSH,
AND HELEN HARTER, AND ANY AND
ALL PERSONS, FIRMS OR CORPORA-
TIONS CLAIMING ANY INTEREST IN,
LIEN OR ENCUMBRANCE UPON OR CLAIM
TO THE ABOVE DESCRIBED PROPERTY,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND
TO THE HONORABLE HUBERT M. HALL, JUDGE THEREOF:

Comes your Complainant, South Alabama Land Company, a corpora-
tion, and files this its Bill of Complaint against the following de-
scribed 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 Of-
fice of the Judge of Probate of Baldwin County, Ala-
bama, 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 against William Clifford Frush, Sr., Mae Frush and Helen Harter,
and against any and all other persons, firms or corporations claim-
ing any right, title or interest in, or lien or encumbrance upon
said lands or upon any part thereof, and respectfully represents and
shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

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.

SECOND:

The Complainant is in the actual, peaceable and adverse possession of all of the lands above 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. That no suit is pending to test the Complainant's title to, interest in, or right to possession of said lands.

THIRD:

The Complainant claims to own the entire fee simple title in and to said lands and the title thereto stands in its name upon the records of the Probate Court of Baldwin County, Alabama, the county in which the lands are situated. The Complainant obtained its title in and to the property described above under and by virtue of the following instruments and conveyances:

- a. Patent from the United States of America to Louis D'Olive dated September 2, 1913, and recorded in Deed Book 79 N. S. Page 372, in the Office of the Judge of Probate of Baldwin County, Alabama.
- b. Warranty Deed from Mrs. J. H. Ebersole to T. E. Hanson, dated October 18, 1917, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 27, at Page 601.
- c. Warranty Deed from T. E. Hanson, a widower, to Johnnie Penn, dated March 25, 1947, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 119, at Page 371.
- d. Warranty Deed from John Penn and Fannie Mae Penn, his wife, to South Alabama Land Company dated May 3, 1956, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 238 N. S., at Pages 133-34.
- e. Affidavit of David Penn, dated May 3, 1958, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 265, at Pages 197-8.
- f. Affidavit of Harford Penn, dated May 5, 1958, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 265, at Pages 199-200.

FOURTH:

copy

The Complainant and those under whom it claims, have been in the actual, quiet, peaceable and adverse possession of said property for more than ten years next immediately preceding the filing of this Bill of Complaint and no other person, firm or corporation has been in the possession of said lands or any part thereof during said period of time. That your Complainant and those under whom it claims have paid taxes on such lands during this entire period of time and no other person, firm or corporation has paid any taxes on said lands or any part thereof during said period. *except 530-4*

FIFTH:

check

The Complainant further shows unto Your Honor and unto this Honorable Court that the Respondents William Clifford Frush, Sr., whose address is Rural Route 2, Warsaw, Indiana; Mae Frush, whose address is 4139 North Ashland Avenue, Chicago 13, Illinois; and Helen Harter, whose address is 7685 N. Rogers Avenue, Chicago, Illinois, claim or are reputed to claim some right, title, interest in, lien or encumbrance upon said land and your Complainant does hereby call upon each of them to set forth and specify his or her right, title, claim, interest in, lien or encumbrance and how and by what instrument the same is derived and created. The Complainant further alleges that all of the named Respondents are over the age of twenty-one years.

PRAYER FOR PROCESS

check

To the end that equity may be had in the premises, the Complainant prays that this Honorable Court will cause the usual Writ of Process to issue against all of the Respondents named herein and against any and all persons, firms or corporations claiming any interest in the above described lands or encumbrance upon the same, according to the statutes of the State of Alabama and to the rules and practices of this Honorable Court in such cases made and provided, requiring them to plead, answer or demur to this Bill of Complaint within the time required by law; and that this Court will cause notice to be published to the institution of this proceeding and the

filing of this Bill of Complaint as required by the laws of the State of Alabama, authorizing the quieting of title to real estate by proceedings in rem. The Complainant further prays that this Honorable Court will, in accordance with the provisions of Title, Section 1119 of the Code of Alabama of 1940, as amended, and in accordance with Equity Rule 5-2(b), Alabama Equity Rules, Title 7, Code of Alabama of 1940, appendix, cause a summons, together with a copy of this Bill of Complaint, to be sent by the Register of this Honorable Court to such parties by registered mail, postage prepaid, marked "for delivery only to the person to whom addressed" and return receipt demanded, addressed to the Register of this Court, said summons to require said Respondents to answer the same within thirty days from the receipt thereof.

PRAYER FOR RELIEF

The Complainant further prays that upon a hearing of this cause that this Honorable Court will establish Complainant's right or title to the lands herein described and will enter an appropriate order or decree that the Complainant is the owner of said lands in fee simple and that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said lands or any part thereof, especially that the following named persons, viz: William Clifford Frush, Sr., Mae Frush and Helen Harter, have no right, title, interest in, lien or encumbrance upon said lands or any part thereof; and that in and by the terms of said decree that this Honorable Court will order that a certified copy thereof be filed for record in the Office of the Judge of Probate of Baldwin County, Alabama, to be recorded therein with directions as to whose name it shall be indexed in the direct and indirect indexes of said records in the Office of the Judge of Probate of Baldwin County, Alabama; and your Complainant prays for such other, further, different and general relief as in equity will be meet and proper.

CHASON & STONE

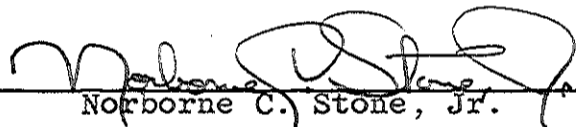
By: 
Solicitors for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, HARRY M. D'OLIVE, a Notary Public, in and for said County in said State, personally appeared Norborne C. Stone, Jr., who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That my name is Norborne C. Stone, Jr., and I am one of the Solicitors for the Complainant in the above styled cause and I signed the same as such. I am informed and believe and upon such information and belief allege that the allegations contained in the foregoing Bill of Complaint are true and correct and that all of the persons named therein as Respondents are non-residents of the State of Alabama, and are all over the age of twenty-one years.


Norborne C. Stone, Jr.

Sworn to and subscribed before me

on this the 23RD day of MAY,

1958.


Notary Public, Baldwin County, Alabama

SOUTH ALABAMA LAND COMPANY, A Corporation,	X	
	X	IN THE CIRCUIT COURT OF
Complainant,	X	
	X	BALDWIN COUNTY, ALABAMA
vs.	X	
	X	IN EQUITY
CERTAIN LANDS AND WILLIAM CLIFFORD FRUSH, SR., ET AL.,	X	
Respondents.	X	
	X	

NOTICE OF PENDENCY OF BILL OF COMPLAINT

NOTICE IS HEREBY GIVEN to William Clifford Frush, Sr., Rural Route 2, Warsaw, Indiana, Mae Frush, 4139 North Ashland Avenue, Chicago 13, Illinois, Helen Harter, 7685 N. Rogers Avenue, Chicago Illinois, and to any and all persons, firms or corporations claiming any interest in, lien or encumbrance upon the following described real property 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

that on the 23rd day of May, 1958, South Alabama Land Company, a corporation, filed a Bill of Complaint in the Circuit Court of Baldwin County, Alabama, In Equity, against all of the above named Respondents and against the lands described above and against any and all persons, firms or corporations claiming any right, title, interest in or lien or encumbrance upon the above described lands and you are hereby notified to appear and plead, answer or demur to said Bill of Complaint on or before the 18th day of July, 1958, or a decree pro confesso will be rendered against you.

The Bill of Complaint alleges that the Complainant claims to own the entire fee simple title to the above described lands, having acquired the same under and by virtue of the following instruments:

1. Patent from the United States of America to Louis D'Olive dated September 2, 1913, and recorded in the Office of the Judge of Probate of Baldwin County

Alabama, in Deed Book 79 N. S., at Page 372.

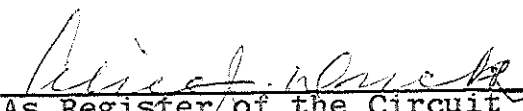
2. Warranty Deed from John Penn and Fannie Mae Penn, his wife, to South Alabama Land Company, a corporation, dated May 3, 1956, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 238 N. S., at pages 133-4.
3. Warranty Deed from T. E. Hanson, a widower, to Johnnie Penn, dated March 25, 1947, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 119, at Page 371.
4. Warranty Deed from Mrs. J. H. Ebersole to T. E. Hanson, dated October 18, 1917, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 27 N. S., at page 601;

and the Bill of Complaint also alleges that the title to said land stands in the name of the Complainant on the records of the Probate Court of Baldwin County, Alabama, and that no suit is pending to test the Complainant's title to, interest in or right to possession of said lands.

It is further alleged that the Complainant is in the quiet, actual, peaceable and adverse possession of all of the land described above, 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 it and those under whom it claims have been in such possession and have assessed and paid taxes on said lands for more than ten (10) years next immediately preceding the filing of said Bill of Complaint; and that no other person, firm or corporation has had possession of said land or any part thereof or have assessed or paid taxes on the same during that period of time.

It is further alleged in said Bill of Complaint that such suit is filed for the purpose of establishing the title of the Complainant to said lands and for the purpose of clearing up all doubts and disputes concerning the same.

WITNESS my hand and seal on this the 13 day of May,
1958.


As Register of the Circuit Court of
Baldwin County, Alabama

CHASON & STONE
Solicitors for Complainant

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

MOTION FOR DECREE PRO CONFESSO


Comes now the Complainant in the above styled cause, by its attorneys, and moves this Honorable Court to enter a decree pro confesso against William Clifford Frush, Sr., Helen Harter and Mae Frush, Respondents in the above styled cause, and respectfully shows unto this Honorable Court as follows:

1. That on May 23, 1958, the Register of this Court sent a copy of the Bill of Complaint filed in this cause, together with a Summons, by registered mail, postage prepaid, marked "for delivery only to the person to whom addressed" and return receipt demanded, addressed to the Register of this Court, to the above named Respondents, all of whom reside without the State of Alabama. On May 29, 1958, the return receipt demanded of Mae Frush was received and filed in this cause; on May 30, 1958, the return receipt demanded of William Clifford Frush, Sr., was received and filed in this cause and on May 30, 1958, the return receipt demanded of Helen Harter was received and filed in this cause, all of which returned receipts were signed by the respective Respondents herein named. That notice by publication was given to each of the named Respondents by publication in the Baldwin Times, a newspaper of general circulation published in Baldwin County, Alabama, once a week for four consecutive weeks beginning with the issue of said newspaper dated May 29, 1958, and in said notice, a copy of which is now on file in this cause attached to the affidavit of E. R. Morrissette, Jr., Editor of said newspaper, each of said Respondents were required to appear and plead, answer or demur to the Bill of Complaint heretofore filed in this cause on or before the 18th day of July, 1958. That more than thirty days have elapsed since each of the named Respondents were served with a copy of the Bill of Complaint and a summons to answer the

same by registered mail and the date named in the notice by publication has passed and each of said Respondents have failed to demur, plead to or answer the Bill of Complaint in this cause to the date of the filing of this motion.

Made this **22nd** day of July, 1958.

CHASON & STONE

By: 
Attorneys for Complainant

SOUTH ALABAMA LAND COMPANY,
A Corporation,

Complainant,

vs.

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

Respondents.

X
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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

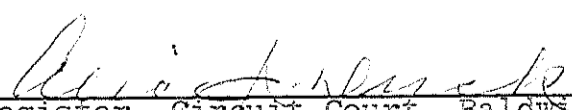
IN EQUITY

ORDER OF PUBLICATION

It having been made to appear in the above styled cause from the Bill of Complaint that Notice of the Pendency of the Bill of Complaint should be given to William Clifford Frush, Sr., whose address is Rural Route 2, Warsaw, Indiana, Mae Frush, whose address is 4139 North Ashland Avenue, Chicago 13, Illinois, and Helen Harter, whose address is 7685 N. Rogers Avenue, Chicago, Illinois, and to any and all persons, firms and corporations claiming any right, title, interest in or lien or encumbrance upon the lands described in the Bill of Complaint; and that an appropriate order of publication should be entered requiring said Respondents to plead, answer or demur to the Bill of Complaint filed in said cause before a date to be named in said order of publication; it is, therefore

ORDERED and DECREED that such notice be prepared and published in the Baldwin Times, a newspaper of general circulation in Bay Minette, Baldwin County, Alabama, once a week for four (4) consecutive weeks and that a copy of such notice be posted at the court house door in Bay Minette, Alabama, and that in said notice that the said Respondents be required to answer or plead to said Bill of Complaint by the 18th day of July, 1958.

WITNESS my hand and seal on this the 23 day of May, 1958.



Register, Circuit Court, Baldwin
County, Alabama, In Equity

SOUTH ALABAMA LAND COMPANY,
A Corporation,

Complainant,

vs.

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

Respondents

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

CERTIFICATE OF SERVICE BY REGISTER

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that I have this day sent by registered mail, postage prepaid, marked "for delivery only to the person to whom addressed" and return receipt demanded, addressed to myself as Register of said Court, a copy of the Bill of Complaint in the above styled cause, together with a summons, to the following named persons at the addresses shown opposite their respective names:

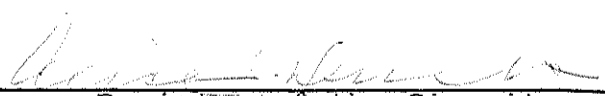
William Clifford Frush, Sr., Rural Route 2, Warsaw,
Indiana

Mae Frush, 4139 North Ashland Avenue, Chicago 13, Illinois

Helen Harter, 7685 N. Rogers Avenue, Chicago, Illinois

which persons are all of the parties Respondent in the above styled cause who reside out of the State of Alabama and whose addresses are known.

WITNESS my hand and seal on this the 23 day of May,
1958.



Register of the Circuit
Court of Baldwin County,
Alabama

7685 Rogers Avenue
Chicago 26, Ill.
June 18, 1958

Miss Alice J. Duck, Circuit Clerk
Baldwin County
Bay Minette, Alabama

Dear Madame:

In response to your summons of May 23, 1958, regarding the complaint of the South Alabama Land Company; I have made no claim to the property described. Until I received your communication, I did not even know it existed.

I am a grand niece of John Ebersole and the only living descendant of one of his two sisters. I know that when I was a child, he spent the winters in Alabama; but I know nothing whatever about any property he held there or what disposition was made of it.

Yours truly,

Helen Harter

Helen Harter

SOUTH ALABAMA LAND COMPANY,
A Corporation,

Complainant,

vs.

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

Respondents.

X
X
X
X
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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

BOOK 004 PAGE 427

NOTICE OF PENDENCY OF BILL OF COMPLAINT

NOTICE IS HEREBY GIVEN to William Clifford Frush, Sr., Rural Route 2, Warsaw, Indiana, Mae Frush, 4139 North Ashland Avenue, Chicago 13, Illinois, Helen Harter, 7685 N. Rogers Avenue, Chicago Illinois, and to any and all persons, firms or corporations claiming any interest in, lien or encumbrance upon the following described real property 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

that on the 23rd day of May, 1958, South Alabama Land Company, a corporation, filed a Bill of Complaint in the Circuit Court of Baldwin County, Alabama, In Equity, against all of the above named Respondents and against the lands described above and against any and all persons, firms or corporations claiming any right, title, interest in or lien or encumbrance upon the above described lands and you are hereby notified to appear and plead, answer or demur to said Bill of Complaint on or before the 10th day of July, 1958, or a decree pro confesso will be rendered against you.

The Bill of Complaint alleges that the Complainant claims to own the entire fee simple title to the above described lands, having acquired the same under and by virtue of the following instruments:

1. Patent from the United States of America to Louis D'Olive dated September 2, 1913, and recorded in the Office of the Judge of Probate of Baldwin County

Alabama, in Deed Book 79 N. S., at Page 372.

2. Warranty Deed from John Penn and Fannie Mae Penn, his wife, to South Alabama Land Company, a corporation, dated May 3, 1956, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 238 N. S., at pages 133-4.
3. Warranty Deed from T. E. Hanson, a widower, to Johnnie Penn, dated March 25, 1947, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 119, at Page 371.
4. Warranty Deed from Mrs. J. H. Ebersole to T. E. Hanson, dated October 18, 1917, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 27 N. S., at page 601;

and the Bill of Complaint also alleges that the title to said land stands in the name of the Complainant on the records of the Probate Court of Baldwin County, Alabama, and that no suit is pending to test the Complainant's title to, interest in or right to possession of said lands.

It is further alleged that the Complainant is in the quiet, actual, peaceable and adverse possession of all of the land described above, 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 it and those under whom it claims have been in such possession and have assessed and paid taxes on said lands for more than ten (10) years next immediately preceding the filing of said Bill of Complaint; and that no other person, firm or corporation has had possession of said land or any part thereof or have assessed or paid taxes on the same during that period of time.

It is further alleged in said Bill of Complaint that such suit is filed for the purpose of establishing the title of the Complainant to said lands and for the purpose of clearing up all doubts and disputes concerning the same.

WITNESS my hand and seal on this the 23rd day of May,
1958.

(Signed) Alice J. Duck
AS Register of the Circuit Court of
Baldwin County, Alabama

CHASON & STONE
Solicitors for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, In Equity, do hereby certify that the foregoing Notice of Pendency of Bill of Complaint is a true and correct copy of the notice drawn and signed by me in the above styled cause on the 23rd day of May, 1958, as required by Title 7, of Section 1119, of the Code of Alabama of 1940.

WITNESS my hand and seal on this the 23 day of May 1958.

Alice J. Duck
Register of the Circuit Court of Baldwin
County, Alabama, In Equity

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-23-58 3 P.M.

Recorded Rec. 9-9 book 4 page 427-9

MP B. Stewart
Judge of Probate

4

BOOK 004 PAGE 129

Filed 10-2-58 10:15 A.M.Recorded Hand book 270 page 472-4Judge of Probate MSD

BOOK 270 PAGE 472

SOUTH ALABAMA LAND COMPANY,
A CORPORATION,

Complainant,

vs.

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

Respondents.

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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.

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 enrolled in my office.

WITNESS MY HAND AND SEAL THIS THE 17 day of Sept. 1958
Alice J. Duck
 Register

Hubert M. Hall
 Judge of the Circuit Court of Baldwin County, Alabama, In Equity

THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

JIMMY FAULKNER
AND
BILL STEWART
PUBLISHERS

E. R. MORRISSETTE, JR.
EDITOR-MANAGER

Legal Notice

NOTICE OF PENDENCY OF
BILL OF COMPLAINT
SOUTH ALABAMA LAND
COMPANY, A Corporation
Complainant.

vs.

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

Respondents.

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

NOTICE IS HEREBY GIVEN to
William Clifford Frush, Sr., Rural
Route 2, Warsaw, Indiana, Mae
Frush, 4139 North Ashland Ave-
nue, Chicago 13, Illinois, Helen
Harter, 7685 N. Rogers Avenue,
Chicago, Illinois, and to any and
all persons, firms or corporations
claiming any interest in, lien or
encumbrance upon the following
described real property 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 Bald-
win County, Alabama, in Mis-
cellaneous 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

that on the 23rd day of May, 1958,
South Alabama Land Company, a
corporation, filed a Bill of Com-
plaint in the Circuit Court of Bald-
win County, Alabama, In Equity,
against all of the above named
Respondents and against the lands
described above and against any
and all persons, firms or corpora-
tions claiming any right, title, in-
terest in or lien or encumbrance
upon the above described lands
and you are hereby notified to
appear and plead, answer or de-
mur to said Bill of Complaint on
or before the 18th day of July,
1958, or a decree pro confesso
will be rendered against you.

The Bill of Complaint alleges
that the Complainant claims to
own the entire fee simple title to
the above described lands, having
acquired the same under and by
virtue of the following instru-
ments:

1. Patent from the United States of America to Louis D'Olive dated September 2, 1913, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 79 N.S., at Page 372.
2. Warranty Deed from John Penn and Fannie Mae Penn, his wife, to South Alabama Land Company, a corporation, dated May 3, 1956, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 238 N.S., at pages 133-4.
3. Warranty Deed from T. E. Hanson, a widower, to Johnnie Penn, dated March 25, 1947, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 119, at Page 371.
4. Warranty Deed from Mrs. J. H. Ebersole to T. E. Hanson, dated October 18, 1917, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 27 N.S., at page 601;

and the Bill of Complaint also alleges that the title to said land stands in the name of the Complainant on the records of the Probate Court of Baldwin County, Alabama, and that no suit is pending to test the Complainant's title to, interest in or right to possession of said lands.

It is further alleged that the Complainant is in the quiet, actual, peaceable and adverse possession of all of the land described above.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

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

South Alabama Land Company
vs. Certain Lands + William
Clifford Frush

COST STATEMENT

732 WORDS @ 6 1/2 cents \$ 47.58

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

E. R. Morrisette, Jr.
Editor.

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

Date of 1st publication May 29, 1958 Vol. 70 No. 20

Date of 2nd publication June 5, 1958 Vol. 70 No. 21

Date of 3rd publication June 12, 1958 Vol. 70 No. 22

Date of 4th publication June 19, 1958 Vol. 70 No. 23

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

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette, Jr.
Editor.

Legal Notice

NOTICE OF PENDENCY OF
BILL OF COMPLAINT
SOUTH ALABAMA LAND
COMPANY, A Corporation
Complainant.

vs.

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

Respondents.

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

NOTICE IS HEREBY GIVEN to
William Clifford Frush, Sr., Rural
Route 2, Warsaw, Indiana, Mae
Frush, 4139 North Ashland Ave-
nue, Chicago 13, Illinois, Helen
Harter, 7685 N. Rogers Avenue,
Chicago, Illinois, and to any and
all persons, firms or corporations
claiming any interest in, lien or
encumbrance upon the following
described real property 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 Bald-
win County, Alabama, in Mis-
cellaneous 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

that on the 23rd day of May, 1958,
South Alabama Land Company, a
corporation, filed a Bill of Com-
plaint in the Circuit Court of Bald-
win County, Alabama, In Equity,
against all of the above named
Respondents and against the lands
described above and against any
and all persons, firms or corpora-
tions claiming any right, title, in-
terest in or lien or encumbrance
upon the above described lands
and you are hereby notified to
appear and plead, answer or de-
mur to said Bill of Complaint on
or before the 18th day of July,
1958, or a decree pro confesso
will be rendered against you.

The Bill of Complaint alleges
that the Complainant claims to
own the entire fee simple title to
the above described lands, having
acquired the same under and by
virtue of the following instru-
ments:

1. Patent from the United States of America to Louis D'Olive dated September 2, 1913, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 79 N.S., at Page 372.
2. Warranty Deed from John Penn and Fannie Mae Penn, his wife, to South Alabama Land Company, a corporation, dated May 3, 1956, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 238 N.S., at pages 133-4.
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4. Warranty Deed from Mrs. J. H. Ebersole to T. E. Hanson, dated October 18, 1917, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 27 N.S., at page 601;

and the Bill of Complaint also alleges that the title to said land stands in the name of the Complainant on the records of the Probate Court of Baldwin County, Alabama, and that no suit is pending to test the Complainant's title to, interest in or right to possession of said lands.

It is further alleged that the Complainant is in the quiet, actual, peaceable and adverse possession of all of the land described above, claiming to own the same in its own right in fee simple and using the same in every way that

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

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

South Alabama Land Company
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Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette, Jr.
Editor.

such lands are susceptible to use and that it and those under whom it claims have been in such possession and have assessed and paid taxes on said lands for more than ten (10) years next immediately preceding the filing of said Bill of Complaint; and that no other person, firm or corporation has had possession of said land or any part thereof or have assessed or paid taxes on the same during that period of time.

It is further alleged in said Bill of Complaint that such suit is filed for the purpose of establishing the title of the Complainant to said lands and for the purpose of clearing up all doubts and disputes concerning the same.

WITNESS my hand and seal on this the 23rd day of May, 1958.

/s/ ALICE J. DUCK,
As Register of the Circuit
Court of Baldwin County,
Alabama.

Chason & Stone
Solicitors

44-93

THE CHARLES W. ...

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AFFIDAVIT OF PUBLICATION

BRIDGEMAN COUNTY,
STATE OF ALABAMA.

I, the undersigned, Clerk of the Court, do hereby certify that the within and foregoing copy of the ...

THOMAS ...
...

...

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