

4304

Viola Bodden
vs
Certain lands & Parties

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

Your Complainant, Viola Bodden, presents this Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

The North half of the North half of the North-east Quarter of Section 17, Township 7 South, Range 2 East,

and against Pollack Barbour, Lucy F. Bowen, Lucy F. Bowen, II, John L. Bowen, II, John Bowen, Sarah F. Bowen, Laura B. Bryant, John I. Calloway, A. M. Courtright, Augustus Courtright, John R. Courtright, Trustee, John P. Courtright, Trustee, Neila Dorgan, Laura Belle Troup Duncan, Laura Belle Duncan, Laura Belle T. Duncan, A. Grist, J. R. Grist, William Hall, Isaac W. Hughes, Marie S. Malay, Trustee, Zopher Mills, Cornelia Nelson, Emma Nelson, Parolee Nelson, Rhoda A. Rousselle, Trustee, Rhoda Rousselle, Marcelin Sicard, Thomas Singletary, Adelaide J. Torrey, Emma Troup, Frank D. Troup, F. D. Troup, Guardian, Laura C. Troup, Lucile Troup, J. H. Webb, Trustee, John A. Williams, John Bowen Wilson, Osceola Wilson, II, Gaines E. Wilson, Edmund Gaines Wilson, Mrs. Lallie Lee Wilson, and against the heirs and devisees of such of the said parties as may be dead, and against his heirs or devisees, if deceased, and against her heirs and devisees, if deceased, and against any and all persons, firms or corporations, claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, and thereupon, your Complainant complains and shows unto the Court and unto your Honor as follows:

1. The Complainant, Viola Bodden, is over the age of twenty-one years and is a resident of Harris County, Texas.

2. The Respondent, Laura Belle T. Duncan, who is one and the same person as Laura Belle Troup Duncan and Laura Belle Duncan, is over the age of twenty-one years and her residence and Post Office address is 62 Cleveland Road, New Havel 15, Connecticut.

Each of the other individual Respondents specifically named herein are, if living, over twenty-one years of age, but their respective places of residence and post office addresses are unknown and cannot be ascertained after reasonable efforts and the

making of diligent inquiry to ascertain the facts with regard thereto.

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

4. Your Complainant and those through whom she claims title, has held color of title to all of the said land for more than twenty-two years preceding the filing of this Bill of Complaint, and your Complainant and those through whom she claims title have paid taxes on the said lands for a period of twenty-two consecutive years next preceding the filing of this Bill of Complaint, except during the years 1949, 1950 and 1951, and no other persons, firms or corporations, other than your Complainant and those through whom she claims title, have paid taxes on, or have been in possession of any of the above described property, or any part thereof, for a period of twenty-two or more consecutive years next prior to the filing of this Bill of Complaint, except the Respondent, Laura Belle T. Duncan.

5. That title to all of the said lands stands upon the records of the Office of the Probate Judge of Baldwin County, Alabama, the County where the said lands are situated, in the name of your Complainant.

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

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

Deed from Daisy E. Conway, a widow, dated November 23, 1957, and recorded in Deed Book 260, page 187, Baldwin County, Alabama Records;

Deed from Rhoda Rousselle, Trustee, et al., dated May 9, 1935, and recorded in Deed Book 57, pages 511-12, Baldwin County, Alabama Records.


8. Your Complainant has made a diligent search and caused a diligent search to be made to ascertain the names, ages and addresses of all persons, firms or corporations, who might make or who are making any claim to the said lands, or any part thereof, or interest therein, or any encumbrance thereon. Your Complainant further avers that these inquiries have continued faithfully and diligently for the past one and one-half years; that within the past two years, she has employed an Abstract Company to make an examination of the records of Baldwin County, Alabama, and prepare an Abstract of Title to all of the above described property; that she has employed an Attorney to examine the said abstract and the records in the Courthouse in Bay Minette, Baldwin County, Alabama; that she has made and caused her said attorney to make inquiry about the ages, addresses and heirs of any persons interested, or who may be interested in the said property; that your Complainant has made and caused a thorough inquiry to be made in the vicinity where the said property is situated for the purpose of ascertaining any claimants to it and for any other information having any bearing on the title to the said property. These efforts by your Complainant, her agents, servants and employees have continued faithfully and diligently for a long period of time, and that all of the information so secured as to prior ownership and possession of the said property, the ages and places of residence of the individual Respondents named herein is as hereinabove set out.

PRAYER FOR PROCESS:

Your Complainant prays that the said lands hereinabove described, the Respondents named herein, and their heirs and devisees, if deceased, and the unknown heirs, devisees and personal representatives of the next of kin of the Respondents named above, who are dead, and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon the said lands, or any part thereof, be made parties respondent to this Bill of Complaint and be brought into Court by the usual and proper process.

PRAYER FOR RELIEF:

Your Complainant prays that each and all of the Respondents named herein, their heirs and devisees, the unknown heirs, devisees, legal representatives and next of kin of such of the Respondents named herein who are dead, and any and all persons, firms and corporations who claim to own the said lands, or any part thereof, or any interest therein, or lien or encumbrance thereon, be required to set forth and specify such claim, right, title, interest, lien or encumbrance and how and by what instrument the same is derived and created; that a guardian ad litem be appointed to represent any of the unknown parties named in this proceeding who may be minors and insane persons; that an attorney be appointed to represent any of the parties named in this proceeding, known or unknown, who may be in the Military Service of the United States; that upon a final hearing of this cause it be ordered, adjudged and decreed that your Complainant at the time of the filing of this Bill of Complaint, had the fee simple title to all of the above described lands, and that none of the Respondents herein specifically named, their heirs or devisees, or any other person, firm or corporation has any right, title or interest therein, or any part thereof, or any lien or encumbrance thereon, and that all doubts and disputes concerning the said property be cleared up, and that your Complainant's title to said lands be fully and completely quieted. Your Complainant prays for such other, further and general relief as she may be equitably entitled to, the premises considered.


Solicitor for Complainant.

STATE OF TEXAS

HARRIS COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared Viola Bodden, who, after being by me first duly and legally sworn, deposes and says:

That she is the Complainant in the above styled cause and that she has read over the foregoing Bill of Complaint and that

the facts stated therein are true.

x Viola Badden

Sworn to and subscribed

before me on this the

11th day of June, 1958.

Garnett K. Pickett

Notary Public, Harris County, Texas.

GARNETT K. PICKETT
Notary Public, in and for Harris County, Texas
My Commission Expires June 1, 1959.

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