

ELLIS A. WHITFIELD and
MINNIE WHITFIELD,

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED LAND:
BEGINNING AT THE NORTHWEST
CORNER OF SECTION 25, TOWNSHIP
8 SOUTH, RANGE 5 EAST, RUN THENCE
EAST ALONG THE NORTH LINE OF
SAID SECTION 3639 FEET TO A POINT
OF BEGINNING; THENCE SOUTH AND
PARALLEL WITH THE WEST LINE OF
SAID SECTION 628 FEET TO A POINT;
THENCE EAST AND PARALLEL TO THE
NORTH LINE OF SAID SECTION 666
FEET, MORE OR LESS, TO PERDIDO
BAY; THENCE NORTHWARDLY AND FOLLOW-
ING THE MEANDERS OF PERDIDO BAY TO
THE NORTH LINE OF SAID SECTION;
THENCE WEST ALONG THE NORTH LINE OF
SAID SECTION 1045 FEET, MORE OR LESS,
TO THE POINT OF BEGINNING, IN BALDWIN
COUNTY, ALABAMA, BEING THE LAND CON-
VEYED TO COMPLAINANTS BY AMOS GARRETT
AND SARAH GARRETT, HIS WIFE, BY DEED
DATED MAY 19, 1947, AND RECORDED IN THE
OFFICE OF THE JUDGE OF PROBATE OF
BALDWIN COUNTY, ALABAMA, IN DEED BOOK
127 PAGE 30; AGAINST BALDWIN COUNTY
COLONIZATION COMPANY, A CORPORATION,
ITS ALIENES, SUCCESSORS AND ASSIGNS,
AND AGAINST ROSE BARTLING, VERA G.
BARTLING, LUCILLE SERENA BARTLING,
HERBERT W. BARTLING AND WILLIAM M.
GALE, IF LIVING, AND IF THEY OR EITHER
OF THEM BE DEAD, THEN AGAINST THE
UNKNOWN HEIRS, DEVISEES, PERSONAL
REPRESENTATIVES AND ASSIGNS OF SUCH
OF THEM AS ARE DECEASED; AND AGAINST
ANY AND ALL PERSONS, FIRMS, ASSOCIAT-
IONS OR CORPORATIONS, CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM, LIEN
OR ENCUMBRANCE ON THE SAID LAND OR ANY
PART OR PARCEL THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

This cause coming on to be heard is submitted for final
decree upon behalf of the complainants, upon the original bill
of complaint and upon publication of notice, decree pro confesso,
appointment, acceptance and answer of guardian ad litem, pleading
and proof as noted by the register; and the same being considered
by the Court, the Court is of the opinion, does find, ascertain
and decree, that due and proper notice of the pendency of the said
bill of complaint against the said lands and the said defendants,
Baldwin County Colonization Company, a corporation, its alienees,

successors and assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part thereof, has been given in the manner required by law, and the complainants are entitled to the relief as prayed for in the bill of complaint.

IT IS THEREFORE FOUND, ASCERTAINED, ORDERED, ADJUDGED AND DECREED by the court that the said complainants, Ellis A. Whitfield and Minnie Whitfield, who are over the age of twenty-one years, at the time of the filing of the said bill of complaint and at the time of the submission of this cause for final decree, the complainants were and are in the actual and peaceable possession, claiming to own the same absolutely, and in fee simple of all that certain tract of land situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

Beginning at the Northwest Corner of Section 25, Township 6 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said Section 628 feet to a point; thence East and parallel to the North line of said Section 666 feet, more or less, Perdido Bay; thence northwardly and following the meanders of Perdido Bay to the North line of said Section; thence West along the North line of said Section 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the lands conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 127 at page 30;

That the complainants obtained title to the said lands from Amos Garrett and Sarah Garrett on May 19, 1947 by deed recorded in the office of the Judge of Probate in Deed Book 127 at page 30; who acquired title by tax deed from the State of Alabama dated September 5, 1935 and recorded in said Probate office in Deed Book 58 NS, pages 367-8; who acquired the same under tax sale July, 1931, under assessment to Baldwin County Colonization Company, by

of which sale is recorded in Sales Book 9, page 88; who acquired title by mesne conveyances from the United States Government; that complainants further hold title to the said lands by adverse possession of the said lands and each and every parcel thereof continuously for more than ten years next preceding the filing of the bill of complaint; that the title to the said lands and each parcel thereof stands in the name of the complainants upon the records of Baldwin County, Alabama; that for more than ten years next preceding the filing of said bill of complaint no person other than those through whom they claim title to the said lands or any part thereof have assessed or paid taxes thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Ellis A. Whitfield and Minnie Whitfield, at the time of the filing of the bill of complaint in this cause and at this time had and have the fee simple title to the above described lands, and to each and every part and parcel thereto, that neither of the defendants, Baldwin County Colonization Company, a corporation, its alienees, successors and assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if dead, their unknown heirs, devisees, personal representatives and assigns, nor any and all other persons, firms, associations or corporations have any title to, interest in, claim, lien or encumbrance on said lands or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title hereby quieted and established in and declared to be in the said Ellis A. Whitfield and Minnie Whitfield, shall inure to the benefit of all persons deriving title to said lands or any part therein, from or through the said Ellis A. Whitfield and Minnie Whitfield, and the said title so quieted and established in them shall be treated and considered as established in favor of the said Ellis A. Whitfield and Minnie Whitfield and all persons deriving title through them.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this decree be, by the register of this Court, recorded

in the office of the Judge of Probate of Baldwin County, Alabama, in which county the said land lies, within thirty days from the date of this decree, and that the cost thereof be taxed as a part of the cost in this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Ellis A. Whitfield and Minnie Whitfield be and they are hereby taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this the ²⁴27 day of April, 1955.

Hubert M. Stahl
Judge

ELLIS A. WHITFIELD and
MINNIE WHITFIELD,

COMPLAINANTS

VS

CERTAIN LANDS & BALDWIN
COUNTY COLONIZATION COMPANY,
a corporation, et al

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

To the unknown heirs, devisees and personal representatives
of Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert
W. Bartling and William M. Gale, if dead, and to Tulipson
Haines, guardian ad litem for them, and Baldwin County
Colonization Company, a corporation,

Notice is hereby given that the testimony of Ellis A.

Whitfield and Amos Garrett, witnesses for the complainants in the
above styled cause will be taken orally before Madeline S. Bryars,
commissioner, heretofore duly appointed, at the office of Beebe &
Swearingen, attorneys for complainants, at 9:00 o'clock A.M.
on the 24 day of April, 1955.

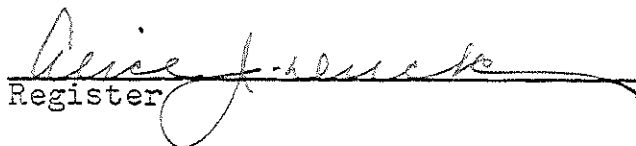
This the 6 day of April, 1955.

Madeline S. Bryars
Commissioner

Beebe & Swearingen

By W.C. Beebe
Solicitor for Complainants

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, in equity, do hereby certify that the foregoing notice of the time and place of taking deposition of complainants witnesses was filed and entered on the order book of the Register on the 6 day of April, 1955.


Register

Ellis A. Whitfield
& Minnie Whitfield

Complainants

VS

Certain lands of
Baldwin County Cal
Organization Co. - Wagon
Dratton, et al

Notice of Time &
place of taking
testimony

Filed April 6, 1955

Alice French
Register

ELLIS A. WHITFIELD and
MINNIE WHITFIELD,

COMPLAINANTS

VS

CERTAIN LANDS & BALDWIN
COUNTY COLONIZATION COMPANY,
a corporation, et al

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Testimony having been taken in this cause and the same being ready for final decree, motion is hereby made that the said cause be set down for final decree this the 28th day of April, 1955.

Beebe & Swearingen

By

W. C. Beebe
Solicitors for complainants

Ellis A. Whitfield & Minnie
Whitfield,
Complainants

vs

Certain lands & Baldwin County
Colonization Company, a corp-
oration, et al,

Defendants

Motion for final decree

FILED
APR 29 1955

ALICE J. RICK, REGISTER

ELLIS A. WHITFIELD and
MINNIE WHITFIELD,

COMPLAINANTS

VS

CERTAIN LANDS and BALDWIN
COUNTY COLONIZATION COMPANY,
a corporation, et al

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Come the complainants in the above styled cause and request the oral examination of Ellis A. Whitfield and Amos Garrett, as witnesses for the complainants, who reside in Baldwin County, State of Alabama, and suggest Madeline S. Bryars of the Town of Bay Minette, as a suitable person to act as commissioner to take the deposition of the said witness.

Witness my hand this the 2 day of April,
1955.

Beebe & Swearingen

By T. C. Beebe
Solicitors for complainants.

Ellis A. Whitefield &
Minnie Whitefield
vs Complainant

Certain Land & Baldwin
County Colonization
Co. et al
Defendants

Motion for
et. of witnesses

Filed April 9, 1955
Alice J. Luck
Req

ELLIS A. WHITFIELD and
MINNIE WHITFIELD,

COMPLAINANTS

VS

CERTAIN LANDS and BALDWIN
COUNTY COLONIZATION COMPANY,
a corporation, et al

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY

Complainant having on the 2 day of April, 1955,
filed his motion and request for oral examination of Ellis A. Whitfield
and Amos Garrett witnesses for complainants and due
and proper notice thereof having been given as required by law on
the order book of this court and to T. Tilson Hayes,
guardian ad litem for the said unknown defendants, and Madeline S.
Bryars of the Town of Bay Minette being a suitable person to act
as commissioner to take the deposition of said witness.

It is therefore ordered, adjudged and decreed that the
said motion for the oral examination of Ellis A. Whitfield and
Amos Garrett, witnesses for complainants, be and is hereby granted.

And that Madeline S. Bryars be and she is hereby appointed
as commissioner to take the deposition of said witness.

Witness my hand this the 6 day of April, 1955.

Bessie J. Neuck
Register

Ellis A. Whitfield
& Minnie Whitfield
Complainants

vs.

Certain Lands of
Baldwin County
Colonization Co. Corp.
and others,
Defendants

Order granting oral
examination

Filed
April 6 '55

Alice J. Newell
Register

ELLIS A. WHITFIELD and
MINNIE WHITFIELD,

COMPLAINANTS

VS

CERTAIN LANDS and BALDWIN
COUNTY COLONIZATION COMPANY,
a corporation, et al

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

This cause is submitted for final decree upon bill of complaint, service by publication, decree pro confesso, appointment and acceptance of guardian ad litem, answer of guardian ad litem and deposition of Amos Garrett and Ellis A. Whitfield, witnesses for complainants.

This the 28 day of April, 1955.

BEEBE & SWEARINGEN

BY

W. C. Beebe
Solicitors for complainants

Amie J. Swearingen
Register

Ellis A. Whitfield & Minnie
Whitfield,
Complainants

vs

Certain lands & Baldwin County
Colonization Company, a corp-
oration, et al

Defendants

Note of Testimony

FILED

APR 29 1935

ALICE J. DUCK, Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Madeline S. Bryars

KNOW YE: that we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Ellis A. Whitfield and Amos Garrett

as witnesses in behalf of Ellis A. Whitfield and Minnie Whitfield a cause pending in our Circuit Court in Baldwin County, of said State, wherein Ellis A. Whitfield and Minnie Whitfield

are _____, Complainant.

and Baldwin County Colonization Co., a corporation, its alienees, successors and assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if they or either of them be dead, then against the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and any and all persons, firms associations or corporations, claiming any title to interest in, claim, lien or encumbrance on said land are Respondent.

on oath, to be by you administered, upon oral examination

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 6th day of April, 1955

Deice J. Duck
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Ellis A. Whitfield
& Minnie Whitfield

Complainant—

vs.

William P. D. &
Baldwin County Ala.
Organization Co. Association
et al

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Margeline S. Beyer

WITNESSES:

Anna G. Gault
Ellis A. Whitfield

ELLIS A. WHITFIELD and
MINNIE WHITFIELD,

COMPLAINANTS

VS

CERTAIN LANDS & Baldwin County
Colonization Co., a corporation,
et al

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Motion is hereby made for a decree pro confesso against Baldwin County Colonization Company, a corporation, its alienees, successors and assigns, and against Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if they or either of them be dead, then against the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased; and against any and all persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on the said land or any part or parcel thereof; ~~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 defendants are non-residents of the State of Alabama, and have failed to answer, plead or demur to the bill in this cause, to the date hereof.

This 30 day of March 1955.

Beebe & Swearingen

by W.C. Beebe
Solicitors for complainants.

Ellis A. Whitfield
& Minnie Whitfield
Complainants

VS

Certain lands of
Baldwin County
Colonization Co., a
Corp., et al

Motion for decree
pro. Confesso.

FILED
MAR 30 1955
ALICE J. DUCK, Register

THE STATE OF ALABAMA, }

CIRCUIT COURT, IN EQUITY

Baldwin County

No. _____, Term, 19____

Ellis A. Whitfield and Minnie Whitfield Complainant

Vs.

Certain lands & Baldwin Co., Colonization Company, a corp, et al Defendant

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 27th day of January, 1955, in the Baldwin Times, a newspaper published in Ray Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 26th day of January, 1955 and recorded in the office of the Judge of Probate of Baldwin County, on the 26th day of January, 1955 in Lis Benders 4 page 155-60

And it now further appearing to the Register Alice J. Duck, that the said Baldwin County Colonization Co., a corporation, its alienees, successors, and assigns, and Rose Bartling, VeraaG. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives, and assigns of such of them as are deceased,

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 Baldwin County Colonization Co., a corporation, its alienees, successors and assigns, and Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased.

This 30 day of March, 1955

Alice J. Duck, Register.

No. _____ Page _____

**THE STATE OF ALABAMA,
Baldwin County**

CIRCUIT COURT, IN EQUITY

*Ellis A. Whitfield
& Minnie Whitfield*

Vs.

*Certain Lands of Baldwin
County Alabama, et al.*

Decree Pro Confesso of Publication

Issued _____, 19____

FILED
MAY 20 1955
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

ELLIS A. WHITFIELD AND
MINNIE WHITFIELD,

COMPLAINANTS

VS

CERTAIN LANDS and BALDWIN
COUNTY COLONIZATION COMPANY,
a corporation, et al,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

It appearing that in the above styled cause Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling, and William M. Gale, if living and if dead, then their unknown heirs, devisees and personal representatives, are parties defendant, and that due and proper notice of the pendency of the said action has been given in the manner and for the time required by law and that decree pro confesso has been taken against them and it is necessary and proper that guardian ad litem be appointed to represent the said unknown heirs of Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if dead;

Now therefore, it is ordered, adjudged and decreed that Wilson Hayes, esquire, who is learned in the law and a practicing lawyer at this bar, be and he is hereby appointed as guardian ad litem for and to represent the unknown heirs of Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if dead, in the said cause.

Done this the 30 day of March, 1955.

Hubert M. Hall
Judge

Ellis A. Whitfield &
Minnie Whitfield
Complainants

VS

Certain Land & Baldwin
County Colonization
Co., a corp, et al

Order appointing
Guardian ad litem

FILED
MAR 30 1955
ALICE J. DUCK, Register

ELLIS A. WHITFIELD AND
MINNIE WHITFIELD,

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED LAND:
BEGINNING AT THE NORTHWEST
CORNER OF SECTION 25, TOWNSHIP
8 SOUTH, RANGE 5 EAST, RUN THENCE
EAST ALONG THE NORTH LINE OF
SAID SECTION 3639 FEET TO A POINT
OF BEGINNING; THENCE SOUTH AND
PARALLEL WITH THE WEST LINE OF
SAID SECTION 628 FEET TO A POINT;
THENCE EAST AND PARALLEL TO THE
NORTH LINE OF SAID SECTION 666
FEET, MORE OR LESS, TO PERDIDO
BAY; THENCE NORTHWARDLY AND FOLLOW-
ING THE MEANDERS OF PERDIDO BAY TO
THE NORTH LINE OF SAID SECTION;
THENCE WEST ALONG THE NORTH LINE OF
SAID SECTION 1045 FEET, MORE OR LESS,
TO THE POINT OF BEGINNING, IN BALDWIN
COUNTY, ALABAMA, BEING THE LANDS CON-
VEYED TO COMPLAINANTS BY AMOS GARRETT
AND SARAH GARRETT, HIS WIFE, BY DEED
DATED MAY 19, 1947, AND RECORDED IN
THE OFFICE OF THE JUDGE OF PROBATE OF
BALDWIN COUNTY, ALABAMA IN DEED BOOK
127, PAGE 30; AGAINST BALDWIN COUNTY
COLONIZATION COMPANY, A CORPORATION,
ITS ALIENEES, SUCCESSORS AND ASSIGNS,
AND AGAINST ROSE BARTLING, VERA G.
BARTLING, LUCILLE SERENA BARTLING,
HERBERT W. BARTLING AND WILLIAM M.
GALE, IF LIVING, AND IF THEY OR EITHER
OF THEM BE DEAD, THEN AGAINST THE
UNKNOWN HEIRS, DEVISEES, PERSONAL
REPRESENTATIVES AND ASSIGNS OF SUCH
OF THEM AS ARE DECEASED: AND AGAINST
ANY AND ALL PERSONS, FIRMS, ASSOCIAT-
IONS OR CORPORATIONS, CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM, LIEN
OR ENCUMBRANCE ON THE SAID LAND OR ANY
PART OR PARCEL THEREOF;

DEFENDANTS

Whereas Ellis A. Whitfield and Minnie Whitfield have
filed their bill of complaint on the 26th day of January, 1955,
in this court on the equity side, claiming to be in actual peace-
able possession, owning and claiming to own those certain lands,
lying and being situated in the County of Baldwin, State of Alabama,
described as follows, to-wit:

Beginning at the Northwest corner of Section
25, Township 8 South, Range 5 East, run thence
East along the North line of said Section 3639
feet to a point of beginning; thence South and
parallel with the West line of said section
628 feet to a point; thence East and parallel
to the North line of said section 666 feet,
more or less, to Perdido Bay, thence Northwardly

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said section 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the lands conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County in Deed Book 127 at page 30;

Complainants allege in their bill of complaint that they hold title to the aforesaid lands by purchase from Amos Garrett and Sarah Garrett by deed dated May 19, 1947 and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 127 at page 30; who acquired the same by tax deed from the State of Alabama dated September 5, 1935 and recorded in said Probate office in Deed Book 58 NS, page 367-8; who acquired the same under tax sale July, 1931, under assessment to Baldwin County Colonization Company, certificate of which is recorded in Sales Book 9, page 88; who acquired title by mesne conveyances from the United States Government; that the title to the said lands stands on the records of the Probate Court of Baldwin County, in their, Ellis A. Whitfield and Minnie Whitfield's, name; that Baldwin County Colonization Company, a corporation, its alienees, successors and assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling, William M. Gale, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, claim or are reputed to claim some title to, interest in, claim, lien or encumbrance upon the aforesaid lands, or some portion thereof.

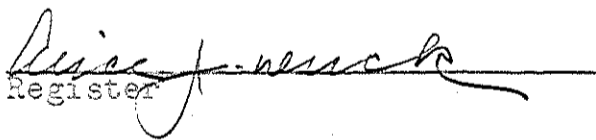
Complainants further allege that they and those through whom they claim have for more than ten years next preceding the filing of said bill of complaint been in the actual peaceable adverse possession of the said lands and have annually assessed and paid the taxes thereon and that during such period no other person has been in possession of said lands or any portion thereof or assessed or paid taxes on said lands or any portion thereof, and that the bill of complaint is filed for the purpose of establish their title to and interest in said lands and clearing up doubts

and disputes concerning the same.

And it appearing from the said bill of complaint, the same being duly verified, that Baldwin County Colonization Company, a corporation, place of business and its officers and their names and place of business is unknown to complainants and cannot be ascertained upon diligent search and inquiry; and it further appearing that the names, ages and places of residence and post office addresses of the defendants, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling, William M. Gale, if living, and if they or either of them be dead, then the names, ages and places of residence and post office addresses of the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, are unknown and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and the names, ages and places of residence and post office addresses cannot be ascertained;

It is therefore ordered, adjudged and decreed that notice of the pendency of said suit be given by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama.

WITNESS my hand and seal this the 26 day of January, 1955.


Register

ELLIS A. WHITFIELD and
MINNIE WHITFIELD,

Complainants

vs

CERTAIN LANDS & BALDWIN
COUNTY COLONIZATION COMPANY,
a corporation, et al.,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

TO: Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living and if dead, then their unknown heirs, devisees and personal representatives, and to Wilson Hayes, guardian ad litem and Baldwin County Colonization Company, a corporation, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on the following described land, to-wit: Beginning at the Northwest corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said Section 666 feet, more or less, to Perdido Bay; thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said Section 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the lands conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 127 at page 30;

Notice is hereby given that the complainant in the above styled cause has this day made application for the oral examination of Ellis A. Whitfield and Amos Garrett, witnesses for the complainants in the above styled cause and has suggested Madeline S. Bryars as a suitable person to act as commissioner in the taking of the deposition of said witnesses.

Witness this the 2nd day of April, 1955.

Beebe & Swearingen

By T. C. Beebe
Solicitors for complainant

Wince J. Black
Register

I, Alice J. Duck, Register of the Circuit court of Baldwin County, in equity do hereby certify that the foregoing notice of the motion for the oral examination of witnesses for the complainants was filed and entered on the order book of the Register on the 2 day of April, 1955.

Alice J. Duck
Register

Ellis A. Whitfield
& Minnie Whitfield
Complainants

VS

Certain Land &
Baldwin County
Colonization Co. a
Corporation, et al
Defendants

Notice of Motion
for oral exam-
ination of witness

Filed April 22, 1955
Alice J. Buck
Reg.

ELLIS A. WHITFIELD and
MINNIE WHITFIELD,

COMPLAINANTS

VS

CERTAIN LANDS and BALDWIN
COUNTY COLONIZATION COMPANY,
a corporation,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

To:

Hon. Wilson Hayes

Under and by virtue of an order of the Honorable Hubert
M. Hall, Judge of the Circuit Court of Baldwin County, rendered
in the above styled cause on the 30 day of March 1955,
you are hereby appointed as guardian ad litem for and to represent
the unknown heirs of Rose Bartling, Vera G. Bartling, Lucille Serena
Bartling, Herbert W. Bartling and William M. Gale, if dead, defend-
ants in the above styled cause.

Witness, this the 30th day of March, 1955.

George J. Ducker
Register

I hereby accept the foregoing appointment as guardian ad
litem for the unknown heirs of Rose Bartling, Vera G. Bartling, Lucille
Serena Bartling, Herbert W. Bartling and William M. Gale, if dead,
and do hereby file this denial of the allegations made in the bill of
complaint in the said cause and demand strict proof of the same.

This the 30th day of March, 1955.

Wilson Hayes
Guardian ad litem

Ellis A. Whitfield
& Minnie Whitfield
Complainants

75

Certain land of Baldwin
County Colonization
Co., a Corp., et al.

Notice of Appointment
& Acceptance of
Guardian ad litem

FILED

MAR 30 1955

ALICE J. DUCK, Register

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Ellis A. Whitfield & Minnie Whitfield Complainant

VS.

Certain Lands & Baldwin County Colonization Respondent
Co. a corporation, et al
I, Madeline S. Brvars

as ~~Register and~~ Commissioner

have called and caused to come before me Ellis A. Whitfield one of the

witness es named in the Requirement for Oral Examination, on the 28 day of April
1955, at the office of Beebe & Swearingen
in Bay Minette, Alabama, and having first sworn said Witness _____ to speak the
truth, the whole truth, and nothing but the truth, the said Ellis A. Whitfield

doth depose and say as follows:

My name is Ellis A. Whitfield. I am one of the complainant in the case of Ellis A. Whitfield and Minnie Whitfield against Baldwin County Colonization Company, Inc., et al and certain lands in Section 25, T 8 S, R 5 E, pending in the Circuit Court of Baldwin County, Alabama, in equity, number 3458. Minnie Whitfield and I are both over the age of 21 years and residents of Baldwin County, Alabama. Baldwin County Colonization Company, Inc., is a corporation organized under the laws of the State of Alabama. It has no principal office or place of business in Baldwin County. I have made diligent search and inquiry and have been unable to ascertain its present place of business and its officers, but I am informed and believe that any office or officers it may have are not in the State of Alabama. I have made diligent search to ascertain the place of residence and age of Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling, and William M. Gale, and whether or not they are living and if they are dead to ascertain the names, ages and places of residence of their heirs, and have been unable to do so. In my search and inquiry I have inquired in the court house of Baldwin county, including the Tax Assessor's office, the Sheriff, Tax Collector and the Judge of Probate. I have also inquired of numerous persons who have lived near the lands described in the complaint and who have known the land for years. The last known place of business of the Baldwin County Colonization Company, Inc., was at 411 Ashland Place, Chicago, Illinois, but it does not now maintain an office at said place.

Minnie Whitfield and I bought the lands described in the complaint from Amos Garrett, May 19, 1947 and recorded our deed in January, 1948. It is recorded in Deed Book 127 at page 30. Upon our purchase of the land we immediately went into possession thereof and continued to maintain the fences that were already thereon and built a garage on the said land and occupied and used the said land from the date of our purchase to this date. At the time of our purchase Dr. Garrett was in actual possession of the land. We have annually since our purchase assessed and paid taxes on the land. During that time neither the corporation nor the individuals, nor any person holding under them have assessed and paid taxes on the said land or have attempted to exercise any possession over the said land, or have claimed any right, title or interest in the said lands. Our possession of the said land since our purchase has been actual, peaceable, notorious, exclusive, continuous, hostile, and adverse to the whole world. There is no suit pending other than this to try or test our title to, interest in, claim, lien or encumbrance on, or right to possession of the said lands or any part thereof. During the whole of the time since we purchased the property from Dr. Garrett we have claimed to own the property.

Cross-examination of Wilson Hayes, guardian ad litem:

The fences consisted of three strands of barb wire with post about 12 to 15 feet apart. From time to time I made repairs to the fences and kept the fences up. We built the garage on this property and used it in connection with our residence which was on a piece of property immediately

ORAL EXAMINATION.

I, Madeline S. Brvars, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness _____ and read over to him and he signed the same in the presence of myself W. C. Deebe & Wilson Hayes at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness _____ or had proom made before me of the identity of said witness _____; that I am not of counsel or kin to any of the parties to said cause, or any manner interested in the result thereof

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 28 day of April, 1955.

Madeline S. Brvars (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Ellis A. Whitfield & Minnie
Whitfield

vs. Complainant

Certain lands & Baldwin County
Colonization Co., a corporation,
at al Respondent

Oral Deposition

Filed _____, 1955

FILED
Recorded in _____, Register.
APR 29 1955

Record _____

Vol. 1001, Page _____
Register _____

Ellis A. Whitfield

Joining this in 1948. The garage is 20 feet by 26 feet and is at frame building.

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Ellis A. Whitfield & Minnie Whitfield Complainant

VS.

Certain lands & Baldwin County Colonization Co., a
Corporation, et al Respondent

I, Madeline S. Brvars

as Register and Commissioner

have called and caused to come before me Amos Garrett, one of the

witnesses named in the Requirement for Oral Examination, on the 28 day of April
1955, at the office of Beebe & Swearingen
in Bay Minette, Alabama, and having first sworn said Witness to speak the
truth, the whole truth, and nothing but the truth, the said Amos Garrett
doth depose and say as follows:

My name is Amos Garrett. On December 20, 1935 I purchased a tax title from the State of Alabama to the lands described in the bill of complaint in Section 25, Township 8 South, Range 5 East. My deed is recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 58 ns at pages 366-7. Immediately after my purchase, that is within a month or so, I fenced this land and maintained the fences on the property until I sold the same to Ellis A. Whitfield and Minnie Whitfield on May 19, 1947. During the time that I owned it I was in continuous possession of the property claiming to own the same under the tax title from the State of Alabama. This deed was filed for record on the 31st day of December, 1935. Mr. and Mrs. Whitfield filed their deed for record on the 3rd day of January, 1948. Immediately after their purchase of the property from me they went into possession of these lands claiming to own them and kept the fences up and built a garage on this land, and they maintained the fences on the land and this garage and used the same continuously down to this date. I assessed the lands for taxes and paid taxes on the said land each year I owned it and during the whole of the time I owned the land no person other than I assessed the land or paid taxes on the same or claimed any right, title or interest in the same. My possession of the land was actual, continuous, peaceable, hostile, notorious, exclusive, and adverse to the whole world. Whitfield's possession since I sold the land to him has been continuous, peaceable, hostile, notorious, exclusive, and adverse to the whole world and each of us claimed the land under color of title.

Amos Garrett

Cross-examination by Wilson Hayes, guardian ad litem:

Baldwin County Colonization Company did not claim the land while I owned it. The fences on the property consisted of three strands of barb wire and juniper post. Rose Bartling, Vera Bartling, Lucile Serena Bartling, Herbert W. Bartling and William Gale have never claimed the property or attempted to take possession of it. After I sold the property to the Whitfields they moved in and lived on the property. They kept the fences up and are in possession of the property now. I claimed to own the land and they claim to own it.

Amos Garrett

ORAL EXAMINATION.

I, Madeline S. Bryars, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness and read over to him and he signed the same in the presence of myself, W. C. Beebe, and Wilson Hayes, guardian ad litem at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proom made before me of the identity of said witness; that I am not of counsel or kin to any of the parties to said cause, or any manner interested in the result thereof I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 28 day of April, 1955

Madeline S. Bryars (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Ellis A. Whitfield & Minnie

Whitfield

vs. Complainant

Certain lands & Baldwin County

Colonization Co., a corporation,
et al Respondent.

Oral Deposition

Filed _____, 195_____

FILED

Register.

APR 28 1955

Recorded in

Record

Vol. _____ Page _____

Register

ALICE L. BUCK, Register

ELLIS A. WHITFIELD AND
MINNIE WHITFIELD,

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED LAND:
BEGINNING AT THE NORTHWEST
CORNER OF SECTION 25, TOWNSHIP
8 SOUTH, RANGE 5 EAST, RUN THENCE
EAST ALONG THE NORTH LINE OF
SAID SECTION 3639 FEET TO A POINT
OF BEGINNING; THENCE SOUTH AND
PARALLEL WITH THE WEST LINE OF
SAID SECTION 628 FEET TO A POINT;
THENCE EAST AND PARALLEL TO THE
NORTH LINE OF SAID SECTION 666
FEET, MORE OR LESS, TO PERDIDO
BAY; THENCE NORTHWARDLY AND FOLLOW-
ING THE MEANDERS OF PERDIDO BAY TO
THE NORTH LINE OF SAID SECTION;
THENCE WEST ALONG THE NORTH LINE OF
SAID SECTION 1045 FEET, MORE OR LESS,
TO THE POINT OF BEGINNING, IN BALDWIN
COUNTY, ALABAMA, BEING THE LANDS CON-
VEYED TO COMPLAINANTS BY AMOS GARRETT
AND SARAH GARRETT, HIS WIFE, BY DEED
DATED MAY 19, 1947, AND RECORDED IN
THE OFFICE OF THE JUDGE OF PROBATE OF
BALDWIN COUNTY, ALABAMA IN DEED BOOK
127, PAGE 30; AGAINST BALDWIN COUNTY
COLONIZATION COMPANY, A CORPORATION,
ITS ALIENEES, SUCCESSORS AND ASSIGNS,
AND AGAINST ROSE BARTLING, VERA G.
BARTLING, LUCILLE SERENA BARTLING,
HERBERT W. BARTLING AND WILLIAM M.
GALE, IF LIVING, AND IF THEY OR EITHER
OF THEM BE DEAD, THEN AGAINST THE
UNKNOWN HEIRS, DEVISEES, PERSONAL
REPRESENTATIVES AND ASSIGNS OF SUCH
OF THEM AS ARE DECEASED; AND AGAINST
ANY AND ALL PERSONS, FIRMS, ASSOCIAT-
IONS OR CORPORATIONS, CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM, LIEN
OR ENCUMBRANCE ON THE SAID LAND OR ANY
PART OR PARCEL THEREOF;

DEFENDANTS

Notice is hereby given to the Baldwin County Colonization Company, a corporation, its alienees, successors and assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if they or either of them be dead, then the heirs, devisees, personal representatives and assigns of such of them as are deceased, and to any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the following described lands: Beginning at the Northwest corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said section 666 feet, more or less, to Perdido Bay, thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said section 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the land conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 127 at page 30;

That Ellis A. Whitfield and Minnie Whitfield have filed

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

their bill of complaint on the ___ day of _____, 1955, in this court on the equity side claiming to be in actual peaceable possession, owning and claiming to own that certain land, lying and being situated in the County of Baldwin, State of Alabama, described as follows:

Beginning at the Northwest corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said section 666 feet, more or less, to Perdido Bay, thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said section 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the land conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County in Deed Book 127 at page 30;

complainants allege in their bill of complaint that they acquired title to the said lands by deed from Amos Garrett and Sarah Garrett dated May 19, 1947 and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 127 at page 30; who acquired title by tax deed from the State of Alabama dated September 5, 1935 and recorded in said Probate office in Deed Book 58 NS, page 367-8; who acquired the same under tax sale July, 1931, under assessment to Baldwin County Colonization Company, certificate of which sale is recorded in Sales Book 9, page 88; who acquired title by mesne conveyances from the United States Government; that each of the aforesaid persons through whom title is deraigned, immediately upon their purchase of the said lands, went into actual possession of the land, under color of title, claiming to own the same, and remained in continuous possession thereof until their sales as aforesaid; and each has, in turn, occupied and used the same and fenced the said land and built houses thereon, and maintained the fencing thereon, and that they and those through whom they claim title as aforesaid, have been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same under color of title claiming to own the same for more

than ten years next preceding the filing of this bill of complaint; that the Baldwin County Colonization Company, a corporation, its alienees, successors and assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, claim or are reputed to claim, some title to, interest in, lien or encumbrance upon the following described land: Beginning at the Northwest corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said section 666 feet, more or less, to Perdido Bay, thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said section 25, for 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the land conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County in Deed Book 127 at page 30, or any part or parcel thereof.

Complainants further allege that they and those through whom they claim have, for more than ten years next preceding the filing of the said bill of complaint, been in the actual peaceable possession of the said lands and have annually assessed and paid taxes thereon and that during such period no other person has been in possession of the said lands or any part thereof or assessed or paid taxes thereon or any part thereof, and that the bill of complaint is filed for the purpose of establishing their title to and interest in the said lands and clearing up all doubts and disputes concerning the same.

And it appearing from said bill of complaint, the same being duly verified that the defendant, Baldwin County Colonization Company, a corporation, place of business and its officers and their names and places of business is unknown to complainant and cannot be ascertained upon diligent search and inquiry;


And it further appearing from said bill of complaint that the places of residence and post office addresses of the said Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if they or either of them be dead, the names, ages and places of residence of their heirs, devisees, and personal representatives and assigns, are unknown, and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and their places of residence and post office addresses cannot be ascertained;

And an order having been made and entered that notice of the pendency of said suit be given by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama;

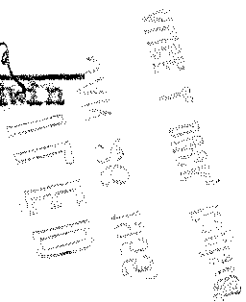
It is therefore ordered that the said Baldwin County Colonization Company, a corporation, its alienees, successors or assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling, and William M. Gale, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon said lands described as follows: Beginning at the Northwest corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said section 666 feet, more or less, to Perdido Bay, thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said Section 1045 feet, more or less, to the point of beginning, in

Baldwin County, Alabama, being the land conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County, in Deed Book 127 at page 30; appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely the 27th day of January, 1955, at which time the said cause shall stand at issue.

Witness my hand this the 26th day of January, 1955.



Register, Circuit Court, Baldwin
County, Alabama, in equity.



ELLIS A. WHITFIELD AND
MINNIE WHITFIELD,

IN THE CIRCUIT COURT OF

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED LAND:
BEGINNING AT THE NORTHWEST
CORNER OF SECTION 25, TOWNSHIP
8 SOUTH, RANGE 5 EAST, RUN THENCE
EAST ALONG THE NORTH LINE OF
SAID SECTION 3639 FEET TO A POINT
OF BEGINNING; THENCE SOUTH AND
PARALLEL WITH THE WEST LINE OF
SAID SECTION 628 FEET TO A POINT;
THENCE EAST AND PARALLEL TO THE
NORTH LINE OF SAID SECTION 666
FEET, MORE OR LESS, TO PERDIDO
BAY; THENCE NORTHWARDLY AND FOLLOW-
ING THE MEANDERS OF PERDIDO BAY TO
THE NORTH LINE OF SAID SECTION;
THENCE WEST ALONG THE NORTH LINE OF
SAID SECTION 1045 FEET, MORE OR LESS,
TO THE POINT OF BEGINNING, IN BALDWIN
COUNTY, ALABAMA, BEING THE LANDS CON-
VEYED TO COMPLAINANTS BY AMOS GARRETT
AND SARAH GARRETT, HIS WIFE, BY DEED
DATED MAY 19, 1947, AND RECORDED IN
THE OFFICE OF THE JUDGE OF PROBATE OF
BALDWIN COUNTY, ALABAMA IN DEED BOOK
127, PAGE 30; AGAINST BALDWIN COUNTY
COLONIZATION COMPANY, A CORPORATION,
ITS ALIENEES, SUCCESSORS AND ASSIGNS,
AND AGAINST ROSE BARTLING, VERA G.
BARTLING, LUCILLE SERENA BARTLING,
HERBERT W. BARTLING AND WILLIAM M.
GALE, IF LIVING, AND IF THEY OR EITHER
OF THEM BE DEAD, THEN AGAINST THE
UNKNOWN HEIRS, DEVISEES, PERSONAL
REPRESENTATIVES AND ASSIGNS OF SUCH
OF THEM AS ARE DECEASED; AND AGAINST
ANY AND ALL PERSONS, FIRMS, ASSOCIAT-
IONS OR CORPORATIONS, CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM, LIEN
OR ENCUMBRANCE ON THE SAID LAND OR ANY
PART OR PARCEL THEREOF;

BALDWIN COUNTY, ALABAMA,

IN EQUITY

DEFENDANTS

Notice is hereby given to the Baldwin County Colonization Company, a corporation, its alienees, successors and assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if they or either of them be dead, then the heirs, devisees, personal representatives and assigns of such of them as are deceased, and to any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the following described lands: Beginning at the Northwest corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said section 666 feet, more or less, to Perdido Bay, thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said section 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the land conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 127 at page 30;

That Ellis A. Whitfield and Minnie Whitfield have filed

their bill of complaint on the 26 day of January, 1955, in this court on the equity side claiming to be in actual peaceable possession, owning and claiming to own that certain land, lying and being situated in the County of Baldwin, State of Alabama, described as follows:

Beginning at the Northwest corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said section 666 feet, more or less, to Perdido Bay, thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said section 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the land conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County in Deed Book 127 at page 30;

complainants allege in their bill of complaint that they acquired title to the said lands by deed from Amos Garrett and Sarah Garrett dated May 19, 1947 and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 127 at page 30; who acquired title by tax deed from the State of Alabama dated September 5, 1935 and recorded in said Probate office in Deed Book 58 NS, page 367-8; who acquired the same under tax sale July, 1931, under assessment to Baldwin County Colonization Company, certificate of which sale is recorded in Sales Book 9, page 88; who acquired title by mesne conveyances from the United States Government; that each of the aforesaid persons through whom title is deraigned, immediately upon their purchase of the said lands, went into actual possession of the land, under color of title, claiming to own the same, and remained in continuous possession thereof until their sales as aforesaid; and each has, in turn, occupied and used the same and fenced the said land and built houses thereon, and maintained the fencing thereon, and that they and those through whom they claim title as aforesaid, have been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same under color of title claiming to own the same for more

than ten years next preceding the filing of this bill of complaint; that the Baldwin County Colonization Company, a corporation, its alienees, successors and assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, claim or are reputed to claim, some title to, interest in, lien or encumbrance upon the following described land: Beginning at the Northwest corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said section 666 feet, more or less, to Perdido Bay, thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said section 25, for 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the land conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County in Deed Book 127 at page 30, or any part or parcel thereof.

Complainants further allege that they and those through whom they claim have, for more than ten years next preceding the filing of the said bill of complaint, been in the actual peaceable possession of the said lands and have annually assessed and paid taxes thereon and that during such period no other person has been in possession of the said lands or any part thereof or assessed or paid taxes thereon or any part thereof, and that the bill of complaint is filed for the purpose of establishing their title to and interest in the said lands and clearing up all doubts and disputes concerning the same.

And it appearing from said bill of complaint, the same being duly verified that the defendant, Baldwin County Colonization Company, a corporation, place of business and its officers and their names and places of business is unknown to complainant and cannot be ascertained upon diligent search and inquiry;

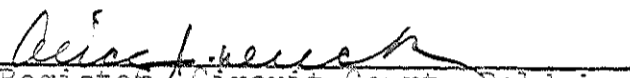
And it further appearing from said bill of complaint that the places of residence and post office addresses of the said Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if they or either of them be dead, the names, ages and places of residence of their heirs, devisees, and personal representatives and assigns, are unknown, and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and their places of residence and post office addresses cannot be ascertained;

And an order having been made and entered that notice of the pendency of said suit be given by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama;

It is therefore ordered that the said Baldwin County Colonization Company, a corporation, its alienees, successors or assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling, and William M. Gale, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon said lands described as follows: Beginning at the Northwest corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said section 666 feet, more or less, to Perdido Bay, thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said Section 1045 feet, more or less, to the point of beginning, in

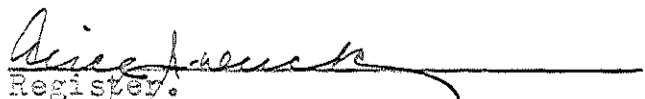
Baldwin County, Alabama, being the land conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County, in Deed Book 127 at page 30; appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely the 27th day of January, 1955, at which time the said cause shall stand at issue.

Witness my hand this the 26th day of January, 1955.


Register, Circuit Court, Baldwin
County, Alabama, in equity.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in equity, do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in Equity, wherein Ellis A. Whitfield and Minnie Whitfield, are complainants, and Baldwin County Colonization Company, a corporation, its alienees, successors or assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling, and William M. Gale, if living, and if they or either of them be dead, then against the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and the following described lands, to-wit: Beginning at the Northwest corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said section 666 feet, more or less, to Perdido Bay, thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said Section 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the land conveyed to complainants, by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County, in Deed Book 127 at page 30; are defendants as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, under and in pursuance of an order of this court made in said cause on the 26 day of January, 1955.

Witness my hand this the 26 day of January, 1955.


Register.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in equity do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in equity, wherein Ellis A. Whitfield and Minnie Whitfield are complainants and the Baldwin County Colonization Company, a corporation, its alienees, successors and assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling, and William M. Gale, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and the lands described in the foregoing notice, and any and all persons, firms, corporations or associations claiming any title to, interest in, claim, lien or encumbrance on the said land are defendants, as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, under and in pursuance of an order of this court made in said cause on the 26 day of January, 1955, and I do further certify that the same was published in the Baldwin Times, the newspaper designated therein in its issues of Jan. 27, 1955, Feb. 3, 1955, Feb. 10, 1955 and Feb. 17, 1955, and posted at the front door of the Court House of Baldwin County, Alabama for thirty days commencing Jan. 26, 1955.

And I do further certify that the foregoing notice was filed by me for record in the office of the Judge of Probate of Baldwin County, Alabama, and recorded by the said Judge of Probate in Lis Pendens 4, page 155-60 on the 27th day of January, 1955.

Witness my hand this the 30 day of March, 1955.

Alice J. Duck
Register

ELLIS A. WHITFIELD AND
MINNIE WHITFIELD,

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED LAND:
BEGINNING AT THE NORTHWEST
CORNER OF SECTION 25, TOWNSHIP
8 SOUTH, RANGE 5 EAST, RUN THENCE
EAST ALONG THE NORTH LINE OF
SAID SECTION 3639 FEET TO A POINT
OF BEGINNING; THENCE SOUTH AND
PARALLEL WITH THE WEST LINE OF
SAID SECTION 628 FEET TO A POINT;
THENCE EAST AND PARALLEL TO THE
NORTH LINE OF SAID SECTION 666
FEET, MORE OR LESS, TO PERDIDO
BAY; THENCE NORTHWARDLY AND FOLLOW-
ING THE MEANDERS OF PERDIDO BAY TO
THE NORTH LINE OF SAID SECTION;
THENCE WEST ALONG THE NORTH LINE OF
SAID SECTION 1045 FEET, MORE OR LESS,
TO THE POINT OF BEGINNING, IN BALDWIN
COUNTY, ALABAMA, BEING THE LANDS CON-
VEYED TO COMPLAINANTS BY AMOS GARRETT
AND SARAH GARRETT, HIS WIFE, BY DEED
DATED MAY 19, 1947, AND RECORDED IN
THE OFFICE OF THE JUDGE OF PROBATE OF
BALDWIN COUNTY, ALABAMA IN DEED BOOK
127, PAGE 30; AGAINST BALDWIN COUNTY
COLONIZATION COMPANY, A CORPORATION,
ITS ALIENEES, SUCCESSORS AND ASSIGNS,
AND AGAINST ROSE BARTLING, VERA G.
BARTLING, LUCILLE SERENA BARTLING,
HERBERT W. BARTLING AND WILLIAM M.
GALE, IF LIVING, AND IF THEY OR EITHER
OF THEM BE DEAD, THEN AGAINST THE
UNKNOWN HEIRS, DEVISEES, PERSONAL
REPRESENTATIVES AND ASSIGNS OF SUCH
OF THEM AS ARE DECEASED; AND AGAINST
ANY AND ALL PERSONS, FIRMS, ASSOCIAT-
IONS OR CORPORATIONS, CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM, LIEN
OR ENCUMBRANCE ON THE SAID LAND OR ANY
PART OR PARCEL THEREOF;

DEFENDANTS

Notice is hereby given to the Baldwin County Colonization Company, a corporation, its alienees, successors and assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if they or either of them be dead, then the heirs, devisees, personal representatives and assigns of such of them as are deceased, and to any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the following described lands: Beginning at the Northwest corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said section 666 feet, more or less, to Perdido Bay, thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said section 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the land conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 127 at page 30;

That Ellis A. Whitfield and Minnie Whitfield have filed

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

700. 3458

BOOK 004 PAGE 155

their bill of complaint on the ___ day of _____, 1955, in this court on the equity side claiming to be in actual peaceable possession, owning and claiming to own that certain land, lying and being situated in the County of Baldwin, State of Alabama, described as follows:

Beginning at the Northwest corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said section 666 feet, more or less, to Perdido Bay, thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said section 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the land conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County in Deed Book 127 at page 30;

complainants allege in their bill of complaint that they acquired title to the said lands by deed from Amos Garrett and Sarah Garrett dated May 19, 1947 and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 127 at page 30; who acquired title by tax deed from the State of Alabama dated September 5, 1935 and recorded in said Probate office in Deed Book 58 NS, page 367-8; who acquired the same under tax sale July, 1931, under assessment to Baldwin County Colonization Company, certificate of which sale is recorded in Sales Book 9, page 88; who acquired title by mesne conveyances from the United States Government; that each of the aforesaid persons through whom title is deraigned, immediately upon their purchase of the said lands, went into actual possession of the land, under color of title, claiming to own the same, and remained in continuous possession thereof until their sales as aforesaid; and each has, in turn, occupied and used the same and fenced the said land and built houses thereon, and maintained the fencing thereon, and that they and those through whom they claim title as aforesaid, have been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same under color of title claiming to own the same for more

than ten years next preceding the filing of this bill of complaint; that the Baldwin County Colonization Company, a corporation, its alienees, successors and assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, claim or are reputed to claim, some title to, interest in, lien or encumbrance upon the following described land: Beginning at the Northwest corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said section 666 feet, more or less, to Perdido Bay, thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said section 25, for 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the land conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County in Deed Book 127 at page 30, or any part or parcel thereof.

Complainants further allege that they and those through whom they claim have, for more than ten years next preceding the filing of the said bill of complaint, been in the actual peaceable possession of the said lands and have annually assessed and paid taxes thereon and that during such period no other person has been in possession of the said lands or any part thereof or assessed or paid taxes thereon or any part thereof, and that the bill of complaint is filed for the purpose of establishing their title to and interest in the said lands and clearing up all doubts and disputes concerning the same.

And it appearing from said bill of complaint, the same being duly verified that the defendant, Baldwin County Colonization Company, a corporation, place of business and its officers and their names and places of business is unknown to complainant and cannot be ascertained upon diligent search and inquiry;

And it further appearing from said bill of complaint that the places of residence and post office addresses of the said Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if they or either of them be dead, the names, ages and places of residence of their heirs, devisees, and personal representatives and assigns, are unknown, and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and their places of residence and post office addresses cannot be ascertained;

And an order having been made and entered that notice of the pendency of said suit be given by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama;

It is therefore ordered that the said Baldwin County Colonization Company, a corporation, its alienees, successors or assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling, and William M. Gale, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon said lands described as follows: Beginning at the Northwest corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said section 666 feet, more or less, to Perdido Bay, thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said Section 1045 feet, more or less, to the point of beginning, in

Baldwin County, Alabama, being the land conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County, in Deed Book 127 at page 30; appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely the 27th day of January, 1955, at which time the said cause shall stand at issue.

Witness my hand this the 26th day of January, 1955.

Acie J. Duck
Register, Circuit Court, Baldwin
County, Alabama, in equity.

BOOK 004 PAGE 150

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in equity, do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in Equity, wherein Ellis A. Whitfield and Minnie Whitfield, are complainants, and Baldwin County Colonization Company, a corporation, its alienees, successors or assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling, and William M. Gale, if living, and if they or either of them be dead, then against the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and the following described lands, to-wit: Beginning at the Northwest corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said section 666 feet, more or less, to Perdido Bay, thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said Section 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the land conveyed to complainants, by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County, in Deed Book 127 at page 30; are defendants as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, under and in pursuance of an order of this court made in said cause on the 26 day of January, 1955.

Witness my hand this the 26 day of January, 1955.

Alice J. Duck
Register.

STATE OF ALABAMA, BALDWIN COUNTY
 Filed 1-27-55 10 A.M.
 Recorded Lib. Prod. book 4 page 155-160
MR. Stewart
 Judge of Probate
G

Handwritten notes and signatures in the bottom right corner.

ELLIS A. WHITFIELD and
MINNIE WHITFIELD,

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED LAND:
BEGINNING AT THE NORTHWEST
CORNER OF SECTION 25, TOWNSHIP
8 SOUTH, RANGE 5 EAST, RUN THENCE
EAST ALONG THE NORTH LINE OF
SAID SECTION 3639 FEET TO A POINT
OF BEGINNING; THENCE SOUTH AND
PARALLEL WITH THE WEST LINE OF
SAID SECTION 628 FEET TO A POINT;
THENCE EAST AND PARALLEL TO THE
NORTH LINE OF SAID SECTION 666
FEET, MORE OR LESS, TO PERDIDO
BAY; THENCE NORTHWARDLY AND FOLLOW-
ING THE MEANDERS OF PERDIDO BAY TO
THE NORTH LINE OF SAID SECTION;
THENCE WEST ALONG THE NORTH LINE OF
SAID SECTION 1045 FEET, MORE OR LESS,
TO THE POINT OF BEGINNING, IN BALDWIN
COUNTY, ALABAMA, BEING THE LAND CON-
VEYED TO COMPLAINANTS BY AMOS GARRETT
AND SARAH GARRETT, HIS WIFE, BY DEED
DATED MAY 19, 1947, AND RECORDED IN THE
OFFICE OF THE JUDGE OF PROBATE OF
BALDWIN COUNTY, ALABAMA, IN DEED BOOK
127 PAGE 30; AGAINST BALDWIN COUNTY
COLONIZATION COMPANY, A CORPORATION,
ITS ALIENEES, SUCCESSORS AND ASSIGNS,
AND AGAINST ROSE BARTLING, VERA G.
BARTLING, LUCILLE SERENA BARTLING,
HERBERT W. BARTLING AND WILLIAM M.
GALE, IF LIVING, AND IF THEY OR EITHER
OF THEM BE DEAD, THEN AGAINST THE
UNKNOWN HEIRS, DEVISEES, PERSONAL
REPRESENTATIVES AND ASSIGNS OF SUCH
OF THEM AS ARE DECEASED; AND AGAINST
ANY AND ALL PERSONS, FIRMS, ASSOCIAT-
IONS OR CORPORATIONS, CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM, LIEN
OR ENCUMBRANCE ON THE SAID LAND OR ANY
PART OR PARCEL THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

This cause coming on to be heard is submitted for final
decree upon behalf of the complainants, upon the original bill
of complaint and upon publication of notice, decree pro confesso,
appointment, acceptance and answer of guardian ad litem, pleading
and proof as noted by the register; and the same being considered
by the Court, the Court is of the opinion, does find, ascertain
and decree, that due and proper notice of the pendency of the said
bill of complaint against the said lands and the said defendants,
Baldwin County Colonization Company, a corporation, its alienees,

successors

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successors and assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part thereof, has been given in the manner required by law, and the complainants are entitled to the relief as prayed for in the bill of complaint.

IT IS THEREFORE FOUND, ASCERTAINED, ORDERED, ADJUDGED AND DECREED by the court that the said complainants, Ellis A. Whitfield and Minnie Whitfield, who are over the age of twenty-one years, at the time of the filing of the said bill of complaint and at the time of the submission of this cause for final decree, the complainants were and are in the actual and peaceable possession, claiming to own the same absolutely, and in fee simple of all that certain tract of land situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

Beginning at the Northwest Corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said Section 628 feet to a point; thence East and parallel to the North line of said Section 666 feet, more or less, Perdido Bay; thence northwardly and following the meanders of Perdido Bay to the North line of said Section; thence West along the North line of said Section 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the lands conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 127 at page 30;

That the complainants obtained title to the said lands from Amos Garrett and Sarah Garrett on May 19, 1947 by deed recorded in the office of the Judge of Probate in Deed Book 127 at page 30; who acquired title by tax deed from the State of Alabama dated September 5, 1935 and recorded in said Probate office in Deed Book 58 NS, pages 367-8; who acquired the same under tax sale July, 1931, under assessment to Baldwin County Colonization Company, by

of which sale is recorded in Sales Book 9, page 88; who acquired title by mesne conveyances from the United States Government; that complainants further hold title to the said lands by adverse possession of the said lands and each and every parcel thereof continuously for more than ten years next preceding the filing of the bill of complaint; that the title to the said lands and each parcel thereof stands in the name of the complainants upon the records of Baldwin County, Alabama; that for more than ten years next preceding the filing of said bill of complaint no person other than those through whom they claim title to the said lands or any part thereof have assessed or paid taxes thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Ellis A. Whitfield and Minnie Whitfield, at the time of the filing of the bill of complaint in this cause and at this time had and have the fee simple title to the above described lands, and to each and every part and parcel thereto, that neither of the defendants, Baldwin County Colonization Company, a corporation, its alienees, successors and assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if dead, their unknown heirs, devisees, personal representatives and assigns, nor any and all other persons, firms, associations or corporations have any title to, interest in, claim, lien or encumbrance on said lands or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title hereby quieted and established in and declared to be in the said Ellis A. Whitfield and Minnie Whitfield, shall inure to the benefit of all persons deriving title to said lands or any part therein, from or through the said Ellis A. Whitfield and Minnie Whitfield, and the said title so quieted and established in them shall be treated and considered as established in favor of the said Ellis A. Whitfield and Minnie Whitfield and all persons deriving title through them.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this decree be, by the register of this Court, recorded

ELLIS A. WHITFIELD and
MINNIE WHITFIELD,

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED LAND:
BEGINNING AT THE NORTHWEST
CORNER OF SECTION 25, TOWNSHIP
8 SOUTH, RANGE 5 EAST, RUN THENCE
EAST ALONG THE NORTH LINE OF
SAID SECTION 3639 FEET TO A POINT
OF BEGINNING; THENCE SOUTH AND
PARALLEL WITH THE WEST LINE OF
SAID SECTION 628 FEET TO A POINT;
THENCE EAST AND PARALLEL TO THE
NORTH LINE OF SAID SECTION 666
FEET, MORE OR LESS, TO PERDIDO
BAY; THENCE NORTHWARDLY AND FOLLOW-
ING THE MEANDERS OF PERDIDO BAY TO
THE NORTH LINE OF SAID SECTION;
THENCE WEST ALONG THE NORTH LINE OF
SAID SECTION 1045 FEET, MORE OR LESS,
TO THE POINT OF BEGINNING, IN BALDWIN
COUNTY, ALABAMA, BEING THE LANDS CON-
VEYED TO COMPLAINANTS BY AMOS GARRETT
AND SARAH GARRETT, HIS WIFE, BY DEED
DATED MAY 19, 1947, AND RECORDED IN THE
OFFICE OF THE JUDGE OF PROBATE OF
BALDWIN COUNTY, ALABAMA IN DEED BOOK
127, PAGE 30; AGAINST BALDWIN COUNTY
COLONIZATION COMPANY, A CORPORATION,
ITS ALIENEES, SUCCESSORS AND ASSIGNS,
AND AGAINST ROSE BARTLING, VERA G.
BARTLING, LUCILLE SERENA BARTLING,
HERBERT W. BARTLING AND WILLIAM M.
GALE, if LIVING, AND IF THEY OR EITHER
OF THEM BE DEAD, THEN AGAINST THE
UNKNOWN HEIRS, DEVISEES, PERSONAL
REPRESENTATIVES AND ASSIGNS OF SUCH
OF THEM AS ARE DECEASED; AND AGAINST
AND AND ALL PERSONS, FIRMS, ASSOCIAT-
IONS OR CORPORATIONS, CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM, LIEN
OR ENCUMBRANCE ON THE SAID LAND OR ANY
PART OR PARCEL THEREOF;

DEFENDANTS

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

Come your complainants, Ellis A. Whitfield and Minnie
Whitfield, and present this their bill of complaint against the
following described lands in Baldwin County, Alabama, to-wit:

Beginning at the Northwest corner of Section
25, Township 8 South, Range 5 East, run thence
East along the North line of said Section 3639
feet to a point of beginning; thence South and
parallel with the West line of said section
628 feet to a point; thence East and parallel
to the North line of said section 666 feet,
more or less, to Perdido Bay, thence Northward-

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

ly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said section 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the land conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County in Deed Book 127 at page 30;

and against Baldwin County Colonization Company, a corporation, its alienees, successors and assigns, and against Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling, and William M. Gale, if living, and if they or either of them be dead, then against the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on the said land or any part or parcel thereof and respectfully represents and shows unto your Honor as follows:

FIRST: That your complainants are each over the age of twenty-one years and are residents of the County of Baldwin, State of Alabama; that Baldwin County Colonization Company, is a corporation organized under the laws of the State of Alabama, but has no principal place of business in Alabama, its last known place of business was 411 Ashland Place, Chicago, Illinois, that the said Baldwin County Colonization Company, a corporation, does not now maintain an office at 411 Ashland Place, Chicago, Illinois, and complainants have made diligent search and inquiry at the court house of Baldwin County, and at all other known places where such corporation, or the incorporators have been known to do business, or to reside, and upon such inquiry complainants have been unable to ascertain where the said corporation maintains an office and who and where its officers are; that Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, are each over the age of twenty-one years, and their places of residence and post office address are unknown, and

cannot be ascertained upon diligent search and inquiry; that the complainants have made diligent search and inquiry to ascertain the places of residence and post office addresses of the said Rose Bartling, Vera C. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, and to ascertain whether or not they, or any one of them are living, and upon such diligent search and inquiry have been unable to ascertain their places of residence and post office addresses and whether or not they or any one of them are living, but they are informed and believe, that if living, they are non-residents of the State and Alabama, and upon such information and belief allege that, if living, they are non-residents of the State of Alabama and their places of residence and post office addresses are unknown; that they have also made diligent search and inquiry to ascertain the names, ages and places of residence of the heirs, devisees, personal representatives and assigns of the said Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if dead, that they are informed and believe and upon such information and belief allege that, if the said Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale are dead, then their heirs, devisees personal representatives and assigns are over the age of twenty-one years and are non-residents of the State of Alabama and that their names, ages and places of residence are unknown and cannot be ascertained upon full diligent search and inquiry; complainants further say that in their search and inquiry to ascertain whether or not the said Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale are living, and if living, their places of residence and to ascertain the names, ages and places of residence of the heirs of the said Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if they are dead, they have caused an abstract to be made of the said properties, have made inquiry at the Tax and Probate offices of Bay Minette, Alabama, and have inquired of people living in the vicinity of the said lands, of many other persons resident in Baldwin County, Alabama.

SECOND: That your complainants are the owners of in fee simple and in the actual possession of the said lands in Baldwin County, Alabama, described as follows, to-wit:

Beginning at the Northwest corner of Section 25, Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said Section 666 feet, more or less, to Perdido Bay, thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said section 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the land conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County, in Deed Book 127 at page 30;

that they and those through whom they claim said land have been in the continuous peaceable adverse possession of the said lands for more than ten years next preceding the filing of this complaint and that they and those through they claim title to the said lands have for more than ten years next preceding the filing of this bill of complaint annually assessed and paid the taxes on the said lands and that during such period of time no other person has assessed the said lands for taxes or paid taxes thereon, and that no other person for such period has had, or attempted to exercise any possession over the said land or claimed any right to possession thereof or any title to, or interest in, claim, lien or encumbrance thereon, or to any part or parcel of the same.

THIRD: That no suit is pending to test complainants title to, interest in, claim, lien or encumbrance on, or right of possession of said land.

FOURTH: That the title to said lands stands in their name on the records of Baldwin County, Alabama; that your complainants acquired title to the said lands May 19, 1947 by deed from Amos Garrett and Sarah Garrett, his wife, recorded in the office of the Judge of Probate in Deed Book 127 at page 30; who acquired title by tax deed from the State of Alabama dated September 5, 1935 and recorded in said Probate office in Deed Book 58 NS, page 367-8; who acquired the same under tax sale July, 1931, under

assessment to Baldwin County Colonization Company, by certificate of which sale recorded in Sales Book 9, page 88; who acquired title by mesne conveyances from the United States Government; that for more than ten years next preceding the filing of this bill of complaint, no person other than those through whom they claim title to the said lands, or any portion thereof, have assessed or paid taxes thereon; that each of the aforesaid persons through whom title is deraigned, immediately upon their purchase of the said lands, went into actual possession of the lands, under color of title, claiming to own the same, and remained in continuous possession thereof until their sales as aforesaid; and each has, in turn, occupied and used the same and fenced the said land and built houses thereon, and maintained the fencing thereon, and that they and those through whom they claim title as aforesaid have been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same under color of title claiming to own the same for more than ten years next preceding the filing of this bill of complaint; that the Baldwin County Colonization Company, a corporation, its alienees, successors or assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if dead, their unknown heirs, devisees, personal representatives and assigns, claim or are reputed to claim, some title to, interest in, lien or encumbrance upon the land, or some part or parcel thereof.

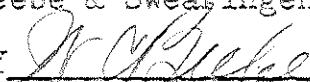
WHEREFORE, your complainants pray that this Honorable Court will take jurisdiction of the cause, made by this bill of complaint, and by appropriate process make Baldwin County Colonization Company, a corporation, its alienees, successors or assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, if living, and if they or any of them are deceased, then their unknown heirs, devisees, personal representatives and assigns, and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part or parcel thereof, to-wit: Beginning at the Northwest corner of Section 25,

Township 8 South, Range 5 East, run thence East along the North line of said Section 3639 feet to a point of beginning; thence South and parallel with the West line of said section 628 feet to a point; thence East and parallel to the North line of said Section 666 feet, more or less, to Perdido Bay, thence Northwardly and following the meanders of Perdido Bay to the North line of said section; thence West along the North line of said section 1045 feet, more or less, to the point of beginning, in Baldwin County, Alabama, being the land conveyed to complainants by Amos Garrett and Sarah Garrett, his wife, by deed dated May 19, 1947, and recorded in the office of the Judge of Probate of Baldwin County in Deed Book 127, page 30; parties defendant to this bill of complaint and by appropriate process require them, and each of them, separately and severally, to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Your complainants further pray that upon a final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of liens, claims and encumbrances to the said lands, and each part and parcel thereof, is vested in your complainants, Ellis A. Whitfield and Minnie Whitfield, as against the said Baldwin County Colonization Company, a corporation, its alienees, successors or assigns, Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling, and William M. Gale, if living, and if they or any one of them be dead, against the unknown heirs, devisees, personal representatives and assigns of Rose Bartling, Vera G. Bartling, Lucille Serena Bartling, Herbert W. Bartling and William M. Gale, and as against any and all persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance upon said lands or any part thereof, and that any and all doubts and disputes concerning the same be removed, and cleared up, and your complainants pray for such other, further or different relief as in equity and good conscience shall be meet and proper in the premises.

Beebe & Swearingen

BY



Solicitors for complainants

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority in and for said County and State, personally appeared W. C. Beebe, who is known to me, and who, having been by me duly sworn, deposes and says that he is solicitor for the complainant in the above styled cause, and that the facts alleged in the foregoing bill of complaint, from all information obtainable, are true, and from such information obtained he verily believes, and so states, the same to be true.

W. C. Beebe

Sworn to and subscribed before me this the 26 day of

January, 1955.

Madeline S. Dupree
Notary Public, State of Ala. at large.

