

CECIL PITMAN,

Petitioner

-VS-

CERTAIN LAND DESCRIBED AS THE SOUTH-
WEST QUARTER OF THE SOUTHEAST QUARTER
OF SECTION THIRTY-NINE, TOWNSHIP SIX
SOUTH OF RANGE TWO EAST IN BALDWIN
COUNTY, ALABAMA, AND ALVINA WOLFF,
HENRY R. ZIMPEL, HATTIE SCHMIDT, LOVE
EBERT, CHARLES H. PERRY, DAVID A.
SMITH, ORVELL M. DAVIS, GUANT CREBS,
AND THEIR HEIRS AND DEVISEES, IF DE-
CEASED AND AGAINST ANY AND ALL PERSONS
CLAIMING OR REPUTED TO CLAIM ANY TITLE
TO, INTEREST IN, LIEN OR ENCUMBRANCE
ON SAID LAND, OR ANY PART THEREOF.

Respondents.

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

3463

BOOK 017 PAGE 25

DECREE PRO CONFESSO

In this cause it being made to appear to the Court by the alle-
gations of the sworn Bill of Complaint that this is a proceeding inrem,
and to establish title to land described in the Bill of Complaint and
against any and all persons claiming title to, interest in, lien or en-
cumbrance on said property, or any part thereof.

AND, a decree was duly made and entered in this cause, directing
that notice provided for in Section 1117 of Title 7 of the 1940 Code of
Alabama be published once a week for four consecutive weeks, as required
by law in The Fairhope Courier, a newspaper having general circulation
and published in the county of Baldwin, Alabama, where the land described
in the Bill of Complaint lies, and it appearing by the certificate of the
register filed herewith that said notice was so published in said news-
paper on the 10th, 17th, 24th days of February and the 3rd day of March,
1955, and that a copy of said notice, certified by the register as being
correct, was duly recorded on the 8th day of March, 1955 as a lis pendens
in the office of the Probate Judge of Baldwin County, Alabama, the county
where said land lies, and no person claiming any title to, interest in,
lien or encumbrance on said land or any part thereof, having appeared to
plead, answer or demur to the Bill of Complaint to the date hereof,
which is more than sixty (60) days from the date of publication in said
cause and more than sixty (60) from the filing of a certified copy of
said notice in the Probate Court in the county in which the land lies.

IT IS NOW, THEREFORE, on the motion of the complaint of the

Solicitor, Ordered and Decreed by the Court that the said Bill of Complaint in this cause be and hereby is, and all things taken as confessed against the land described as follows:

The Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-nine (39), Township Six (6) South, Range Two (2) East

and against any and all persons claiming or who may hereafter claim any title to, interest in, lien or encumbrance on said land or any part thereof.

Done this the 13th day of April, 1955.

FILED
Apr. 13/1955
ALICE J. DUCK, Register

Alice J. Duck
REGISTER IN CHANCERY

CECIL PITMAN,

Petitioner

-VS-

CERTAIN LAND DESCRIBED AS THE SOUTH-
WEST QUARTER OF THE SOUTHEAST QUARTER
OF SECTION THIRTY-NINE, TOWNSHIP SIX
SOUTH OF RANGE TWO EAST IN BALDWIN
COUNTY, ALABAMA, AND ALVINA WOLFF,
HENRY R. ZIMPEL, HATTIE SCHMIDT, LOVE
EBERT, CHARLES H. PERRY, DAVID A.
SMITH, ORVELL M. DAVIS, GUANT CREBS,
AND THEIR HEIRS AND DEVISEES, IF DE-
CEASED AND AGAINST ANY AND ALL PER-
SONS CLAIMING OR REPUTED TO CLAIM ANY
TITLE TO, INTEREST IN, LIEN OR ENCUM-
BRANCE ON SAID LAND, OR ANY PART
THEREOF.

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

BOOK
017
PAGE
27

MOTION FOR DECREE PRO CONFESSO

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE
CIRCUIT COURT OF THE THIRTY-FIRST JUDICIAL
CIRCUIT, BALDWIN COUNTY, ALABAMA, IN EQUITY:

Comes the Complainant in the above styled cause and shows under
the register that an order of publication was made on the 8th day of
February, 1955 which was duly published in The Fairhope Courier, a news-
paper published in Baldwin County, Alabama, once a week for four con-
secutive weeks, commencing on the 10th day of February, 1955 and which
was directed to:

Alvina Wolff
Henry R. Zimpel
Love Ebert
Charles H. Perry
David A. Smith
Orvell M. Davis
Guant Crebs
Hattie Schmidt

if is any of said parties are dead, against their heirs, and devisees,
and against any and all persons claiming title to, interest in, lien or
encumbrance upon said lands which are described as follows:

The Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter
(SE $\frac{1}{4}$) of Section Thirty-nine (39), Township Six (6)
South, Range Two (2) East

or any part thereof, in said cause which required said respondents to
plead, to answer or demur to the bill of complaint in this cause by the
8th day of March, 1955, or at the expiration of thirty (30) days from
the said date the Decree Pro Confesso will be taken against them, which
the said respondents have to this day failed to do.

CECIL PITMAN,

Petitioner

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

-VS-

IN EQUITY

CERTAIN LAND DESCRIBED AS THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION THIRTY-NINE, TOWNSHIP SIX SOUTH OF RANGE TWO EAST IN BALDWIN COUNTY, ALABAMA, AND ALVINA WOLFF, HENRY R. ZIMPEL, HATTIE SCHMIDT, LOVE EBERT, CHARLES H. PERRY, DAVID A. SMITH, ORVELL M. DAVIS, GUANT CREBS, AND THEIR HEIRS AND DEVISEES, IF DECEASED, AND AGAINST ANY AND ALL PERSONS CLAIMING OR REPUTED TO CLAIM ANY TITLE TO, INTEREST IN, LIEN OR ENCUMBRANCE ON SAID LAND, OR ANY PART THEREOF.

Respondents.

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF THE THIRTY-FIRST JUDICIAL CIRCUIT, BALDWIN COUNTY, ALABAMA, IN EQUITY:

Comes CECIL PITMAN and respectfully represents and shows unto this Court and avers:

ONE: That he is over twenty-one years of age and a resident of Baldwin County, Alabama.

TWO: That the lands in controversy are situated in Baldwin County, Alabama, and are described as follows:

The Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-nine (39), Township Six (6) South, Range Two (2) East.

Petitioner in his own right claims to own said land and to have and possess a fee simple title thereto free of all liens and encumbrances. He further avers that he is in the actual, peaceable possession of said lands and has been in such possession since he received a warranty deed to same from Robert M. Green and Lillian K. Green, his wife, on, to-wit, the 18 day of August, 1954, which deed is recorded in Deed Book 211, Page 376-7 of the Probate Records of Baldwin County, Alabama.

THREE: Petitioner alleges that he obtained said property by purchase from Robert M. Green and Lillian K. Green, his wife, by deed above mentioned.

That the said Robert M. Green and Lillian K. Green obtained title to said property by a deed from Kate M. Green, a widow, which deed is dated 29 June 1953 and recorded in Deed Book 197, Page 174 of the Probate Records of this county.

That the said Kate Green obtained said property from Orville C. Green, as an individual and as trustee, by deed dated 13 November, 1946, which deed is recorded in Deed Book 127, Pages 445-6 of the Probate Records of this county.

And also by deed from Orville C. Green, Jr., by deed dated 19 January 1937 and recorded in Deed Book 61, Page 294 of the Probate Records of this county, which deed was made to Orville C. Green, Sr., and Kate Green.

That Orville C. Green, Jr., obtained said property from the said Orville C. Green and Kate M. Green by deed dated August, 1933 and recorded in Deed Book 55, Page 95 of the Probate Records of this county.

FOURTH: Petitioner further alleges that Orville C. Green and Kate Green, his wife, and their successors in title, have been living of said land since August, 1933, and have had same under fence, have continued in the sole and exclusive possession, use and enjoyment of the premises up to the present date except since said land was deeded to this petitioner, who is now in possession of said land though he is not living on it.

Five: Title to said land stands upon the records of the Probate Court of this County in the name of this petitioner.

SIX: No one except this petitioner and his predecessors in title, namely, Orville C. Green, Jr., Kate Green and Robert M. Green, paid taxes on said lands within ten years next preceeding the filing of this bill of complaint, and no one except petitioner and those same parties have been in the possession of said lands for the last ten years.

SEVEN: That petitioner avers that no suit is pending to test the title to, interest in or right to the possession of said lands.

EIGHT: Petitioner does not know of any one who claims said lands or any part thereof or interest therein.

And that petitioner alleges that he has procured an abstract of said lands in order to ascertain the name of any other person or persons who claim said lands or any interest therein; that he has caused diligent inquiry of various sources seeking the whereabouts of such persons but has failed to obtain the names of any other persons other than:

Alvina Wolff
Henry R. Zimpel
Love Ebert
Charles H. Perry
David A. Smith
Orvell M. Davis
Guant Crebs.
Hattie Schmidt.

NINE: Petitioner alleges that the residence and addresses of the persons names above who may claim any interest in the lands hereinabove described, and whether they be living or dead, are unknown and cannot be ascertained after diligent search and that Petitioner has caused inquiry to be made in the neighborhood.

THE PREMISES CONSIDERED petitioner files this his verified bill of complaint against said lands and against any and all persons claiming title to, interest in, lien or encumbrance upon said lands, or any part thereof and to establish the right or title to such lands, and to clear up all doubts or disputes concerning the same and:

PRAYS THAT the court will make parties respondent and issue proper process against said lands and

Alvina Wolff
Henry R. Zimpel
Love Ebert
Charles H. Perry
David A. Smith
Orvell M. Davis
Guant Crebs
Hattie Schmidt

or if any of said parties are dead against their heirs, and devisees, and against any and all persons claiming title to, interest in, lien or encumbrance upon said lands:

And that the Court will appoint someone to act as guardian ad litem and attorney for the unknown parties to this cause and for such of them as may be in the Armed Forces of the United States of America;

AND PETITIONER PRAYS THAT AFTER PROPER NOTICE AND UPON A HEARING OF THIS CAUSE the Court will decree that petitioner is the owner of said lands and has fee simple title thereto, free of all liens and encumbrances and will grant such other, further or different relief as may be proper in said cause.

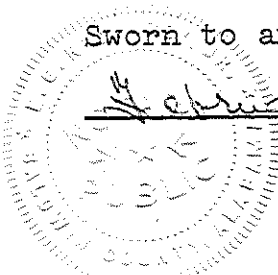
[Signature]
PETITIONER.

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, the undersigned Notary Public for said County in said state, personally appeared ROBERT M. GREEN, who, being by me, first duly sworn, deposes and says that the facts alleged in the foregoing petition are true.

Robert M. Green
AFFIANT.

Sworn to and subscribed before me on this the 7th day of February, 1955.



[Signature]
Notary Public, Baldwin County, Alabama.

RICKARBY & RICKARBY

By: [Signature]
Solicitor for Petitioner.

FILED
Feb. 8, 1955
ALICE I. DUCK, Register

no 3463

CECIL PITMAN,
Petitioner

-VS-

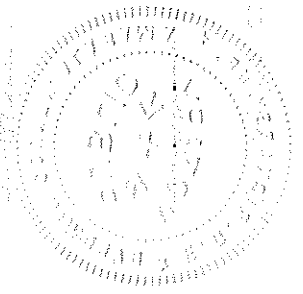
CERTAIN DESCRIBED
LANDS.....

ORIGINAL BILL

FILED
FEB 8 1955

ALICE J. DECK, Register

RICKARBY & RICKARBY
Solicitors for Petitioner



CECIL PITMAN,

Petitioner

-VS-

CERTAIN LAND DESCRIBED AS THE SOUTH-
WEST QUARTER OF THE SOUTHEAST QUARTER
OF SECTION THIRTY-NINE, TOWNSHIP SIX
SOUTH OF RANGE TWO EAST IN BALDWIN
COUNTY, ALABAMA, AND ALVINA WOLFF,
HENRY R. ZIMPEL, HATTIE SCHMIDT, LOVE
EBERT, CHARLES H. PERRY, DAVID A.
SMITH, ORVELL M. DAVIS, GUANT CREBS,
AND THEIR HEIRS AND DEVISEES, IF DE-
CEASED AND AGAINST ANY AND ALL PERSONS
CLAIMING OR REPUTED TO CLAIM ANY TITLE
TO, INTEREST IN, LIEN OR ENCUMBRANCE
ON SAID LAND, OR ANY PART THEREOF.

Respondents.

() IN THE CIRCUIT COURT OF
()
() BALDWIN COUNTY, ALABAMA
()
()
()

IN EQUITY

DECREE PRO CONFESSO

In this cause it being made to appear to the Court by the alle-
gations of the sworn Bill of Complaint that this is a proceeding inrem,
and to establish title to land described in the Bill of Complaint and
against any and all persons claiming title to, interest in, lien or en-
cumbrance on said property, or any part thereof.

AND, a decree was duly made and entered in this cause, directing
that notice provided for in Section 1117 of Title 7 of the 1940 Code of
Alabama be published once a week for four consecutive weeks, as required
by law in The Fairhope Courier, a newspaper having general circulation
and published in the county of Baldwin, Alabama, where the land described
in the Bill of Complaint lies, and it appearing by the certificate of the
register filed herewith that said notice was so published in said news-
paper on the 10th, 17th, 24th days of February and the 3rd day of March,
1955, and that a copy of said notice, certified by the register as being
correct, was duly recorded on the 8th day of March, 1955 as a lis pendens
in the office of the Probate Judge of Baldwin County, Alabama, the county
where said land lies, and no person claiming any title to, interest in,
lien or encumbrance on said land or any part thereof, having appeared to
plead, answer or demur to the Bill of Complaint to the date hereof,
which is more than sixty (60) days from the date of publication in said
cause and more than sixty (60) from the filing of a certified copy of
said notice in the Probate Court in the county in which the land lies.

IT IS NOW, THEREFORE, on the motion of the complaint of the

Solicitor, Ordered and Decreed by the Court that the said Bill of Complaint in this cause be and hereby is, and all things taken as confessed against the land described as follows:

The Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-nine (39), Township Six (6) South, Range Two (2) East

and against any and all persons claiming or who may hereafter claim any title to, interest in, lien or encumbrance on said land or any part thereof.

Done this the _____ day of _____, 1955.

REGISTER IN CHANCERY

CECIL PITMAN,

Complainant

-VS-

CERTAIN LAND DESCRIBED AS THE SOUTH-
WEST QUARTER OF THE SOUTHEAST QUARTER
OF SECTION THIRTY-NINE, TOWNSHIP SIX
SOUTH OF RANGE TWO EAST IN BALDWIN
COUNTY, ALABAMA, AND ALVINA WOLFF,
HENRY R. ZIMPEL, HATTIE SCHMIDT, LOVE
EBERT, CHARLES H. PERRY, DAVID A.
SMITH, ORVELL M. DAVIS, GUANT CREBS,
AND THEIR HEIRS AND DEVISEES, IF DE-
CEASED, AND AGAINST ANY AND ALL PERSONS
CLAIMING OR REPUTED TO CLAIM ANY TITLE
TO, INTEREST IN, LIEN OR ENCUMBRANCE
ON SAID LAND, OR ANY PART THEREOF.

Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

FINAL DECREE

This cause coming on to be heard this the 5th day of May,
1919, is submitted for final decree upon complainant's verified bill
of complaint and upon the decree pro confesso rendered therein, and the
answer of the Guardian ad litem, and the testimony of Cecil Pitman and
Robert M. Green, taken orally before the commissioner duly appointed by
the Register, and by order of the Court, and the certificate of the
Register and the pleadings and proof, as noted by the Register, and it
appearing to the satisfaction of the Court:

1. That the complainant, Cecil Pitman, at the time of filing
his bill of complaint in this cause, claimed in his own right a fee
simple title to , and was in the actual, peaceful possession of the
following described lands lying and being situated in the county of
Baldwin, State of Alabama, more particularly described as follows:

The Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter
(SE $\frac{1}{4}$) of Section Thirty-nine (39), Township Six (6),
South, Range Two (2) East.

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

3. That his said bill of complaint was and is duly verified and
was filed against said lands, and was to establish the right or title to
such lands or interest and to clear up all doubts or disputes concerning

the same, and that said bill of complaint did in all respects comply with the provisions of Article 2 of Title 7 of the 1940 Code of Alabama, as amended.

4. That the names of none of the parties defendants were known to the complainant, and that he exercised diligence to ascertain the facts with regard thereto.

5. That notice of the pendency of said bill of complaint was drawn and signed by the Register of this Court and said Register did have said notice published once a week for four (4) consecutive weeks in The Fairhope Courier, a newspaper having general circulation and published in the County of Baldwin, Alabama, and authorized by an order made in this cause.

6. That a copy of said notice certified by the Register of this Court as being correct was recorded as a lis pendens in the office of the Judge of Probate of said County, and said notice being in strict accord and compliance with the law.

7. That it has been more than sixty (60) days since the first publication of said notice and the filing of a certified copy of said notice in the office of the Probate Judge of said county where said lands lie.

8. That no person has intervened in said cause.

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

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

11. That all of the allegations of fact contained in complainant's bill of complaint are true.

It is therefore ORDERED, ADJUDGED AND DECREED by the Court that the complainant is entitled to the relief prayed for in his said bill of complaint, and that the fee simple title claimed by the complainant in and to the above described lands has been duly proven.

It is further ORDERED, ADJUDGED AND DECREED by the Court that

the complainant is the owner of said lands and has the fee simple title thereto, free of all liens and encumbrances, and that all doubts and disputes concerning the same are hereby cleared up.

It is further ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama and that it be indexed in the name of Cecil Pitman in both the direct index and the indirect index of the record thereof.

It is further ORDERED, ADJUDGED AND DECREED by the Court that complainant pay the costs of this proceeding, for which let execution issue.

Done this the 5th day of May, 1955.

Hubert M. Hall

CIRCUIT JUDGE.

CECIL PITMAN,

Complainant

-VS-

CERTAIN LAND DESCRIBED AS THE
SOUTHWEST QUARTER OF THE SOUTH-
EAST QUARTER OF SECTION THIRTY-
NINE, TOWNSHIP SIX SOUTH OF
RANGE TWO EAST, IN BALDWIN
COUNTY, ALABAMA, AND ALVINA
WOLFF, HENRY R. ZIMPEL, HATTIE
SCHMIDT, LOVE EBERT, CHARLES
H. PERRY, GUANT CREBS, AND THEIR
HEIRS AND DEVISEES, IF DECEASED,
AND AGAINST ANY AND ALL PERSONS
CLAIMING OR REPUTED TO CLAIM
ANY TITLE TO, INTEREST IN, LIEN
OR ENCUMBRANCE ON SAID LAND, OR
ANY PART THEREOF.

Respondents

FINAL DECREE

FILED

MAY 6 1955

Alice J. Beck, Register

\$ 3.00

CECIL PITMAN,

Petitioner

-VS-

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

CERTAIN LAND DESCRIBED AS THE SOUTH-
WEST QUARTER OF THE SOUTHEAST QUARTER
OF SECTION THIRTY-NINE, TOWNSHIP SIX
SOUTH OF RANGE TWO EAST IN BALDWIN
COUNTY, ALABAMA, AND ALVINA WOLFF,
HENRY R. ZIMPEL, HATTIE SCHMIDT, LOVE
EBERT, CHARLES H. PERRY, DAVID A.
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CEASED AND AGAINST ANY AND ALL PERSONS
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TO, INTEREST IN, LIEN OR ENCUMBRANCE
ON SAID LAND, OR ANY PART THEREOF.

Respondents.

TO THE HONORABLE ALICE DUCK, REGISTER:

The Complainant in the above styled cause requires and requests the oral examination of ROBERT M. GREEN and CECIL PITMAN, the Complainant, as witnesses for the Complainant in support of said bill filed in the above cause, such examination to be before a special Commissioner appointed by you.

Both of said witnesses reside in Fairhope, Baldwin County, Alabama.

Respondents suggest Margaret Hartley who resides in the City of Fairhope, Baldwin County, Alabama, and is a disinterested person, as the person to be appointed Special Commissioner and respondents request her appointment.

DATED this the 11th day of April, 1955.

RICKARBY AND RICKARBY

BY: [Signature]
Solicitor for Complainant

CECIL PITMAN,
Complainant
-VS-
CERTAIN LAND, ET AL,
Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

NOTE OF EVIDENCE

This cause is submitted for final decree on: Original bill, decree pro confesso and testimony of Cecil Pitman and Robert M. Green, as per deposition on file in this cause.

Done this the 4 day of May, 1955.

RICKARBY & RICKARBY

BY: [Signature]
Solicitor for Complainant

[Signature]
Attorney & Guardian ad litem

Filed 5/5/55
Cecil Pitman
Register

CECIL PITMAN,

Complainant

-VS-

CERTAIN LAND, ET AL,

Respondents

NOTE OF EVIDENCE

FILED
MAY 5 1909

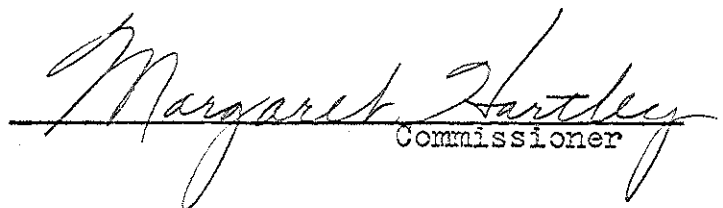
ALICE J. BARK, Register

I, Margaret Hartley, the Commissioner named in the attached commission issued by the Circuit Court of Baldwin County, Alabama, do hereby certify that in a case pending in the Equity side of said Court, wherein Cecil Pitman is Complainant and Certain Land, et al, is Defendant, under and by virtue of the power conferred upon me by said commission, I caused the witnesses named in the commission, namely: Robert M. Green and Cecil Pitman, who were made known to me and known by me to be the identical witnesses named in the commission, to come to my office in the Bank Building in the City of Fairhope, Alabama, where the said witnesses after being first duly sworn by me, upon examination by E. G. Rickarby, Jr., Esquire, Solicitor for Complainant, and Ernest M. Bailey, Guardian Ad Litem, testified as hereinbefore written.

That their testimony was by me reduced to writing as given by them, as near as might be in their identical language and after being so reduced to writing, was read over by the said witnesses, who assented to and signed the same in my presence.

I further certify that I am not of counsel or of kin to either of the parties to the cause, or anywise interested in the results thereof.

IN WITNESS WHEREOF, I hereunto set my hand as Commissioner this 29th day of April, 1955.


Commissioner

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: Margaret Hartley
Fairhope, Alabama

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Robert M. Green and Cecil Pittman

a witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

CECIL PITTMAN

and Certain Lands et als, Complainant

Respondent on oath, to be by you administered, upon them to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 13th day of April, 1955

Alvin J. ...
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

**THE STATE OF ALABAMA
Baldwin County**

CIRCUIT COURT

CECIL PITMAN

Complainant

VS.

CERTAIN LANDS ET ALS

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

MARGARET HARTLEY

WITNESSES:

ROBERT M. GREEN

CECIL PITMAN

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CECIL PITMAN,

Complainant

-VS-

CERTAIN LAND, ET AL,

Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

My name is Robert M. Green and I sold the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-nine (39), Township Six (6) South, Range Two (2) East, to Cecil Pitman and executed a deed for that.

I am a bona fide resident of Baldwin County, Alabama and I am over the age of 21 years, and Cecil Pitman is also a bona fide resident of Baldwin County, Alabama, residing in Fairhope, Baldwin County, Alabama, and he is over the age of 21 years.

The land on which we are filing suit to quiet title is the property above described. Cecil Pitman claims to own this property in his own right under the deed I gave him. He went into possession of this property and is now building some houses on it.

Before he went into possession of the land and took a deed from me the property belonged to myself, Robert M. Green, and Lillian K. Green, my wife. I obtained a deed to the property from my mother, Kate M. Green; which deed is recorded in Deed Book 197, page 174, of the Probate Records of Baldwin County, Alabama.

My mother, Kate M. Green, obtained the property from Orville C. Green, individually and as trustee, by deed which is now recorded in Deed Book 127, pages 445-6. Orville C. Green took deed from Orville C. Green, Jr., which is recorded in Deed Book 61, page 294, of the Probate Records of Baldwin County, Alabama, who, in turn, got a deed from Orville C. and Kate M. Green, husband and wife, in August, 1933 by deed recorded in Deed Book 55, page 95, of the Probate Records of Baldwin County, Alabama.

I further state that my father and mother, Orville C. Green and Kate M. Green, his wife, and later myself and now Mr. Pitman have had possession of this land since about the 1st day of September, 1928.

We have been living on the adjoining forty (40), and back in

1928 and 1929, and later, we had the land under fence, had cattle grazing in there, and sold timber off that land and all during that time we have known of no other or adverse claims to that land with the exception of tax title that got out on one or two lots which I later purchased.

Title to this land now stands upon the records of the Probate Court of Baldwin County, Alabama in the name of Cecil Pitman under the deed which I gave to him.

During the last ten years preceding the filing of this bill of complaint nobody except Mr. Pitman, myself and my predecessors in title named above have paid any taxes on this land or have been in possession of this land. There is no suit other than this suit to test the title to this land.

When I sold this land to Mr. Pitman he had me get an abstract to it. A check of that abstract showed that the only other persons who could have any claim to the land are the parties named as defendants therein, namely:

Alvina Wolff
Henry R. Zimpel
Love Ebert
Charles H. Perry
David A. Smith
Orvell M. Davis
Guant Crebs
Hattie Schmidt

I do not know the addresses or residences of these persons or whether they are living or dead, and I tried to find out their addresses and residences but I have been unable to do so. I also know that Mr. Rickarby has been working on this case for a long time and he has made inquiries around the neighborhood for the addresses and residences of these parties.

CROSS-EXAMINATION BY MR. ERNEST M. BAILEY, GUARDIAN AD LITEM

Q. Do you know of the whereabouts of any of these people?

A. I do not know the whereabouts of any of them. All I know about it is that these people might be people who got deeds to the land

from my grandfather but later abandoned the property to him. During the time that I have known the property, namely since about 1930, nobody other than my family, myself and Mr. Pitman have occupied this property and I know that there have been none of the parties named in this bill as defendants nor the parties who purchased tax title on the property were in possession.

Q. How did Orville C. Green come into possession of this property as Trustee?

A. Orville C. Green owned the forty acres we are interested in but he made the deed as Orville C. Green, individually and as Trustee, because there was some other land conveyed in this deed that he owned as Trustee.

Q. To your knowledge have any of the persons listed here as defendants ever been in possession of the property since you have known it?

A. No, not since 1930, and my parents have told me that they have always been in possession of the land since they bought it and that the parties listed above never were in possession of this land.

REDIRECT BY E. G. RICKARBY, JR., SOLICITOR FOR COMPLAINANT

For the last ten (10) years I know that this property has been regularly assessed and the taxes paid on it by my father, my mother and myself. I know this because I know arrangements were made to have J. A. Ertzinger and Son in Bay Minette, Alabama have the property assessed and send us the tax bills for it and I know that we sent the money to pay the taxes and got receipts showing the taxes were paid.

NO FURTHER CROSS-EXAMINATION.

Robert M. Green
Witness

Subscribed and sworn to by Robert M. Green, Witness, on this the 27th day of April, 1955.

Margaret Hartley
Commissioner

CECIL PITMAN,

Complainant

-VS-

CERTAIN LAND, ET AL,

Respondents

STATEMENT OF WITNESS ROBERT M.
GREEN

FILED

MAY 5 1955

Alice J. Duck, Register

CECIL PITMAN,

Complainant

-VS-

CERTAIN LAND, ET AL

Respondents

STATEMENT OF WITNESS CECIL PITMAN

FILED

MAY 5 1955

ALICE J. DUCK, Register

CECIL PITMAN,
Complainant
-vs-
CERTAIN LAND, ET AL,
Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER OF GUARDIAN AD LITEM

Come all unknown minor and insane parties, as well as all parties who might be in the military service of the United States, by their guardian ad litem, ERNEST M. BAILEY, and for answer to the bill filed in the above mentioned cause, denies each and every allegation of said bill and demands strict proof.

Ernest M. Bailey
As guardian ad litem and as
Attorney representing parties
in the military service.

FILED

May 5, 1955
ALICE J. BUCK, Register

I do hereby certify that I have served a copy of the above by delivery to Elliott G. Rickarby, Jr., Attorney for the Complainant on this the 25th day of April, 1955.

Ernest M. Bailey
Ernest M. Bailey, guardian ad litem

CECIL PITMAN,

Complainant

-VS-

CERTAIN LAND, ET AL

Respondents

ANSWER OF GUARDIAN AD LITEM

FILED

MAY 5 1955

ALICE J. DUCK, Register

LAW OFFICES
RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

April 11, 1955

Mrs. Alice Duck
Clerk of the Circuit Court
Court House
Bay Minette, Alabama

Dear Mrs. Duck:

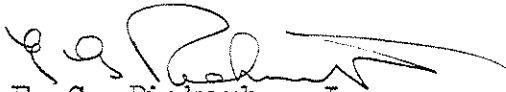
With this we are sending you motion for Decree Pro Confesso and we have drawn up a Decree Pro Confesso, taking this from Tilley's Equity Plea. It looks like is has got everything but the kitchen stove and guardian ad litem.

In my petition I asked for a guardian and an attorney ad litem to be appointed in this case.

Will you make an order to that effect? *Yes for the & put it for*

Thanks very much.

Yours very truly,


E. G. Rickarby, Jr.

EGR/mah
Enclosures

4-26-55

ELLIOTT G. RICKARBY
(DECEASED)

LAW OFFICES

RICKARBY & RICKARBY

E. G. RICKARBY, JR.

FAIRHOPE, ALABAMA

7 February 1955

Mrs. Alice J. Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

RE: Cecil Pitman
-vs-
Certain Lands

Enclosed find Bill to Quiet Title, one copy; Order of Publication, two copies; Notice of Publication, three copies; and check for \$25.00 for publication, in subject matter. Please have Judge Hall sign this order. Phone me if you need more money. Please date the Order of Publication so that we will know where we stand, then send it down to the Courier, and oblige.

Yours very truly,



E. G. Rickarby, Jr.

R/McR
CC: Mr. Bob Green
CC: Mr. Cecil Pitman
2090

RICKARBY & RICKARBY

FAIRHOPE, ALABAMA

May 3, 1955

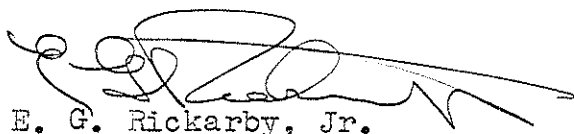
Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

With this we are handing you note of evidence,
deposition and final decree in the Pitman vs
certain lands.

Please get out the file and fix it up so that
decree can be rendered. Let me know what the
costs are.

Yours very truly,



E. G. Rickarby, Jr.

EGR/ecs
Enclosures

CECIL PITMAN,

Complainant

-VS-

CERTAIN LAND DESCRIBED AS THE SOUTH-
WEST QUARTER OF THE SOUTHEAST QUARTER
OF SECTION THIRTY-NINE, TOWNSHIP SIX
SOUTH OF RANGE TWO EAST IN BALDWIN
COUNTY, ALABAMA, AND ALVINA WOLFF,
HENRY R. ZIMPEL, HATTIE SCHMIDT, LOVE
EBERT, CHARLES H. PERRY, DAVID A.
SMITH, ORVELL M. DAVIS, GUANT CREBS,
AND THEIR HEIRS AND DEVISEES, IF DE-
CEASED, AND AGAINST ANY AND ALL PERSONS
CLAIMING OR REPUTED TO CLAIM ANY TITLE
TO, INTEREST IN, LIEN OR ENCUMBRANCE
ON SAID LAND, OR ANY PART THEREOF.

Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

BOOK 221 PAGE 286

FINAL DECREE

This cause coming on to be heard this the 5 day of May,
1955 is submitted for final decree upon complainant's verified bill
of complaint and upon the decree pro confesso rendered therein, and the
answer of the Guardian ad litem, and the testimony of Cecil Pitman and
Robert M. Green, taken orally before the commissioner duly appointed by
the Register, and by order of the Court, and the certificate of the
Register and the pleadings and proof, as noted by the Register, and it
appearing to the satisfaction of the Court:

1. That the complainant, Cecil Pitman, at the time of filing
his bill of complaint in this cause, claimed in his own right a fee
simple title to , and was in the actual, peaceful possession of the
following described lands lying and being situated in the county of
Baldwin, State of Alabama, more particularly described as follows:

The Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter
(SE $\frac{1}{4}$) of Section Thirty-nine (39), Township Six (6),
South, Range Two (2) East.

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

3. That his said bill of complaint was and is duly verified and
was filed against said lands, and was to establish the right or title to
such lands or interest and to clear up all doubts or disputes concerning

the same, and that said bill of complaint did in all respects comply with the provisions of Article 2 of Title 7 of the 1940 Code of Alabama, as amended.

4. That the names of none of the parties defendants were known to the complainant, and that he exercised diligence to ascertain the facts with regard thereto.

5. That notice of the pendency of said bill of complaint was drawn and signed by the Register of this Court and said Register did have said notice published once a week for four (4) consecutive weeks in The Fairhope Courier, a newspaper having general circulation and published in the County of Baldwin, Alabama, and authorized by an order made in this cause.

6. That a copy of said notice certified by the Register of this Court as being correct and recorded as a lis pendens in the office of the Judge of Probate of said County, and said notice being in strict accord and compliance with the law.

7. That it has been more than sixty (60) days since the first publication of said notice and the filing of a certified copy of said notice in the office of the Probate Judge of said county where said lands lie.

8. That no person has intervened in said cause.

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

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

11. That all of the allegations of fact contained in complainant's bill of complaint are true.

It is therefore ORDERED, ADJUDGED AND DECREED by the Court that the complainant is entitled to the relief prayed for in his said bill of complaint, and that the fee simple title claimed by the complainant in and to the above described lands has been duly proven.

It is further ORDERED, ADJUDGED AND DECREED by the Court that

the complainant is the owner of said lands and has the fee simple title thereto, free of all liens and encumbrances, and that all doubts and disputes concerning the same are hereby cleared up.

It is further ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama and that it be indexed in the name of Cecil Pitman in both the direct index and the indirect index of the record thereof.

It is further ORDERED, ADJUDGED AND DECREED by the Court that complainant pay the costs of this proceeding, for which let execution issue.

Done this the 5th day of May, 1955.

Hubert M. Hall

CIRCUIT JUDGE.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and enrolled in my office.

WITNESS MY HAND AND SEAL THIS THE 5th day of May 1955



Alice J. Duck
Register of Circuit Court, in Equity

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-16-55

Recorded Sub back 221 page 286-8

M. Stewart
Judge of Probate

Cecil Pitman

25 Probate

25:

Grant Grebb 51

Orville M. Davis 63

Walter Ebert

Chas. H. Perry 55

Hattie Schmidt

David A. Smith 61

Alvina Wolff 63

Henry R. Zimpel

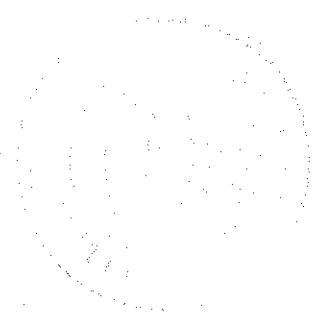
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221-286-8

Mrs. Duck

300

D



Handwritten scribbles at the bottom left of the page.

CECIL PITMAN,

Complainant

-vs-

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

THE LANDS AND PARTIES
HEREINAFTER DESCRIBED,

Respondents.

ORDER OF PUBLICATION

It is ordered in this cause that notice provided for in Section 1119, Title 7, Code of 1940, be published in the Fairhope Courier, which is a newspaper having general circulation and published in the County of Baldwin, Alabama, where the lands described in the Bill of Complaint lie.

It is further Ordered that a copy of the notice required by the abovementioned Section, certified by the Register as being correct, shall be recorded as a lis pendens in the office of the Probate Judge of the County of Baldwin, State of Alabama.

Done this the 8 day of February, 1955.

Hubert M. Hill

Circuit Judge.

CECIL PITMAN

Complainant

-vs-

CERTAIN LANDS

Respondent

ORDER OF PUBLICATION

*Filed 2-8-55
Wm. French
Register*

RICKARBY & RICKARBY
SOLICITORS FOR COMPLAINANT

CECIL PITMAN,

Petitioner

-Vs-

CERTAIN LAND DESCRIBED AS THE SOUTH-
WEST QUARTER OF THE SOUTHEAST QUARTER
OF SECTION THIRTY-NINE, TOWNSHIP SIX
SOUTH OF RANGE TWO EAST IN BALDWIN
COUNTY, ALABAMA, AND ALVINA WOLFF,
HENRY R. ZIMPEL, HATTIE SCHMIDT, LOVE
EBERT, CHARLES H. PERRY, DAVID A.
SMITH, ORVELL M. DAVIS, GUANT CREBS,
AND THEIR HEIRS AND DEVISEES, IF DE-
CEASED AND AGAINST ANY AND ALL PERSONS
CLAIMING OR REPUTED TO CLAIM ANY TITLE
TO, INTEREST IN, LIEN OR ENCUMBRANCE
ON SAID LAND, OR ANY PART THEREOF.

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

TO THE HONORABLE ALICE DUCK, REGISTER:

The Complainant in the above styled cause requires and requests the oral examination of ROBERT M. GREEN and CECIL PITMAN, the Complainant, as witnesses for the Complainant in support of said bill filed in the above cause, such examination to be before a special Commissioner appointed by you.

Both of said witnesses reside in Fairhope, Baldwin County, Alabama.

Respondents suggest Margaret Hartley who resides in the City of Fairhope, Baldwin County, Alabama, and is a disinterested person, as the person to be appointed Special Commissioner and respondents request her appointment.

DATED this the 11 day of April, 1955.

RICKARBY AND RICKARBY

BY:

E. G. Rickarby
Solicitor for Complainant

CECIL PITMAN,

Complainant

-vs-

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

THE LANDS AND PARTIES
HEREINAFTER DESCRIBED,

Respondents.

ORDER OF PUBLICATION

It is ordered in this cause that notice provided for in Section 1119, Title 7, Code of 1940, be published in the Fairhope Courier, which is a newspaper having general circulation and published in the County of Baldwin, Alabama, where the lands described in the Bill of Complaint lie.

It is further Ordered that a copy of the notice required by the abovementioned Section, certified by the Register as being correct, shall be recorded as a lis pendens in the office of the Probate Judge of the County of Baldwin, State of Alabama.

Done this the _____ day of _____, 1955.

Circuit Judge.

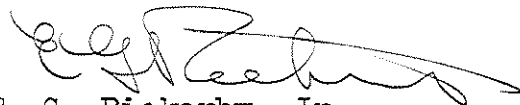
May 10, 1955

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

With this we are handing you the extra copies of the decree we have and the Courier bill for \$40.88. Remember, we have already paid some cost, but there will be some more costs. I am happy to learn that the decree is signed.

Yours very truly,



E. G. Rickarby, Jr.

EGR/fm
Encl.

cc: Cecil Pitman

Bob Green

NOTICE OF PENDENCY

OF

BILL OF COMPLAINT

CECIL PITMAN,

IN THE CIRCUIT COURT OF

Complainant,

BALDWIN COUNTY, ALABAMA

-vs-

IN EQUITY No. 3463

THE LANDS AND PARTIES
HEREINAFTER DESCRIBED,

Respondents.

Notice is hereby given to each and all respondents named below and to all persons, firms or corporations claiming any right, title or interest in, lien or encumbrances on the lands hereinafter described, or any part thereof, that CECIL PITMAN, did, on the 8th day of February, 1955, file in the Circuit Court of Baldwin County, Alabama, in Equity, a verified Bill of Complaint against the following described real property situated in Baldwin County, Alabama, to-wit:

The Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-nine (39), Township Six (6) South, Range Two (2) East.

and against Alvina Wolff, Henry R. Zimpel, Love Ebert, Charles H. Perry, David A. Smith, Orvell M. Davis, Guant Crebs, and Hattie Schmidt, and against their heirs and devisees, if deceased, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon said lands or any part thereof.

The addresses of said respondents named above are unknown and cannot be ascertained after reasonable effort and the making of diligent inquiry to ascertain the same.

REC'D 004 PAGE 162

The said Bill of Complaint has been filed for the purpose of establishing the title of the said complainant to all of the said lands, for the purposes of quieting his title thereto and to clear up all doubts and disputes concerning the title to the said property. Complainant claims the absolute fee simple title to all of the said lands under, from, by and through the following conveyance:

Deed from Robert M. Green and Lillian K. Green, his wife, to Cecil Pitman.

The complainant in his bill of complaint alleges and avers that he owns said lands in his own right, absolutely and in fee simple; that he is in the actual peaceable possession of said lands

under claim of ownership; that the title to said lands stands upon the records in the office of the Judge of Probate of Baldwin County, Alabama, in the name of the complainant; that no suit is pending to test complainant's title to, interest in, or right of possession to said lands or any part thereof; that the complainant and those through whom he claims title have held color of title to and have regularly assessed and paid taxes on the lands and each and every part thereof for ten or more consecutive years next prior to the filing of said Bill of Complaint; and that no persons, firms or corporations, other than the complainant and those through whom he claims title, have paid any taxes on said lands, or any part thereof, or any interest therein, and no persons, firms or corporations, other than the complainant and those through whom he claims title have had possession of said lands, or any part thereof, within ten years next prior to the filing of the said Bill of Complaint;

The respondents named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon said lands, or any part thereof, must appear in this Court and plead, answer or demur to the said Bill of Complaint before the 21st day of March, 1955, or at the

expiration of thirty days from said date decrees pro confesso will be taken against them, testimony will be thereafter taken and the cause submitted for a final decree quieting complainant's title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand as Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the seal of the said court on this the 8th day of February 1955.

Alice J. Dyck
ALICE J. DYCK, As Register of the Circuit Court of Baldwin County, Alabama, in Equity.

RICKARBY & RICKARBY,
Solicitors for Complainant.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 2-8-55 2 P.M.

Recorded Lin. Prob. Book 4 page 161-3

MR. Stewart
Judge of Probate

703463

31 Private

CECIL PITMAN,
Complainant

-vs-

CERTAIN LANDS,
Respondent

NOTICE OF PENDENCY
OF
BILL OF COMPLAINT

3463

4.16.3

RICKARBY & RICKARBY
SOLICITOR FOR COMPLAINANT

RIZI
Mrs. Duck