

(3523)

THE STATE OF ALABAMA, }
Baldwin County

No. _____ Circuit Court, In Equity.

C. D. Ard

Complainant___

Vs.

H. M. Carmon, et al,

Defendant_____

Motion is hereby made for a Decree Pro Confesso against Edith Ellen Carson, Edna Hellen

Heurlin and Maria Anna Kuhn

Defendant_____

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant E. H.; and that said summons was duly served according to law, and that said Defendant E. H. ha ve failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This _____ day of July 19 55

Robert M. Brantley
Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, In Equity

C. D. Ard

Vs.

H. M. Carmon, et al

Motion for Decree Pro Confesso on
Personal Service

Filed _____ 19 _____

FILED

JUL 18 1955

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

CIRCUIT COURT COMPLAINT

Printed By Baldwin Times, Bay Minette, Ala.

G.D. Ard
Complainant,
Vs. H. M. Carmon, et al,
Respondent.

In the Circuit Court.
In Equity No. _____.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent _____

Edith Ellen Carson, Edna Hellen Heurlin and Maria Anna Kuhn

by the Sheriff of Baldwin County, on the 13th day of May,
19455.

And it further appears to the Register, that the said _____

Edith Ellen Carson, Edna Hellen Heurlin and Maria Anna Kuhn

_____, the Respondents, having to the date hereof,
failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,

on motion of Wilters & Brantley _____ Solicitors

for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,

and it hereby is, in all things taken as confessed against the said Edith Ellen Carson,

Edna Hellen Heurlin and Maria Anna Kuhn,

This 18 day of July, 19455.

Deice J. Smith
Register.

No. _____

**CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA.
IN EQUITY**

C. D. Ard

Complainant,

Vs.

H. M. Carmon, et al,

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this **FILED** day of _____,

194____ JUL 18 1955

ALICE I. DOCK, Register

Register.

Baldwin Times Print

RECORDED

C. D. ARD

COMPLAINANT

VS

H. M. CARMON, ET AL,

RESPONDENTS

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IN THE CIRCUIT COURT OF

BAWDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 3523

NOTE OF TESTIMONY

This cause is submitted on behalf of the Complainant upon the following:

1. Original summons and complaint.
2. Lis Pendens filed for record in the Probate Office.
3. Proof of publication of notice in the Baldwin Times.
4. Decree pro confesso on publication.
5. Decree pro confesso on personal service.
6. Request for appointment of commissioner.
7. Commission to take deposition.
8. Notice of time of taking of testimony.
9. Appointment of guardian ad litem and acceptance.
10. Oral depositions of C. D. Ard, Richard A. Hail Jr., and B. A. Forsman.

Dated this the 19 day of July, 1955.

Walters & Brantley

BY:

Robert M. Brantley
Solicitor for the Complainant

Arice J. Brantley
Register

C. D. ARD

COMPLAINANT

VS

H. M. CARMON, ET AL,

RESPONDENTS

NOTE OF TESTIMONY

FILED

JUL 19 1955

ALAN A. ROSE, CLERK

C. D. ARD

COMPLAINANT

VS

H. M. CARMON, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 3523

FINAL DECREE

This cause coming on to be heard was submitted for final decree upon the Pleadings, decrees pro confesso and proof as noted by the Register, and it appearing to the satisfaction of the court that the Complainant is the owner in fee simple of, is now and was at the time of the filing of the Bill of Complaint in this cause, in the actual and peaceable possession of the said lands, and each and every part and parcel thereof; that service was perfected by personal service upon Edith Ellen Carson, Edna Helen Heurlin and Marie Anna Kuhn; that service was perfected upon all the Respondents herein by publication in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, for four consecutive weeks commencing on the 12th day of May, 1955; that service was perfected by publication in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, for four consecutive weeks beginning with its issue of May 12, 1955, against the unknown heirs, devisees, grantees, personal representatives and assigns of the Respondents herein, and each of them, and any and all other persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land or any part or parcel thereof; that notice of the pendency of said suit was given by the filing of a Lis Pendens notice in the office of the Probate Judge of Baldwin County, Alabama, and by posting at the court house door in Bay Minette, Alabama; that the Respondents and each of them, having failed to appear and plead, answer or demur to the Bill of Complaint, as required by law, a decree pro confesso was entered against them and each of them; that J. Connor Owens, a practicing attorney at law, in Bay Minette, Baldwin County, Alabama, was appointed Guardian ad Litem to represent the Respondents whose names were unknown, and duly filed his appearance agreeing to act as Guardian

ad Litem, and filed answer denying all the material allegations of the Complaint; and appeared and cross examined the witnesses for the Complainant; that the title of the Complainant has been duly and legally established by legal and competent evidences, the Court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, by the Court, that the Respondents, H. M. Carmon, F. G. Hassold, J. W. Thomas, W. M. Cannon, Buckman Abstract & Investment Company, Susie Thomas, Henry J. Schroff, Edith Ellen Carson, Edna Helen Heurlin, Marie Anna Kuhn, the unknown heirs, devisees, grantees, personal representatives and assigns of them and each of them, and also any and all persons, firms or corporations claiming any right, title to, interest in, lien or encumbrances upon the said lands, or any part or parcel thereof, have no right, estate, claim, interest in or encumbrance upon the following described lands or any part or parcel thereof in Baldwin County, Alabama, to-wit:

West half of Northwest quarter of Section 24, Township 6
South, Range 3 East, Baldwin County, Alabama.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the full fee simple title to the said land in Baldwin County, Alabama, to-wit:

West half of Northwest quarter of Section 24, Township 6
South, Range 3 East, Baldwin County, Alabama,

is vested absolutely in the Complainant, C. D. Ard.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that a certified copy of this decree be recorded in the office of the Probate Judge of Baldwin County, Alabama, in the direct index in the names of H. M. Carmon, F. G. Hassold, J. W. Thomas, W. M. Cannon, Buckman Abstract & Investment Company, Susie Thomas, Henry J. Schroff, Edith Ellen Carson, Edna Helen Heurlin, Marie Anna Kuhn, and in the indirect index in the name of C. D. Ard.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that the Register shall within thirty days from the rendition of this decree file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama, and that the costs thereof be taxed in the costs of this cause.

IT IS FURTHER ORDERED that the Complainant pay the cost of this cause
for which execution may issue.

Dated at Bay Minette, Baldwin County, Alabama, this the 19th day
of July, 1955.

Hubert M. Hall
JUDGE

C. D. ARD

COMPLAINANT

VS

H. M. CARMON, ET AL,

RESPONDENTS

RECORDED

FINAL DECREE

FILED

JUL 17 1955

ALICE J. DICK, Register

*see Rec in Probate
Book 223 - 353 - 7*

MOTION FOR DECREE PRO CONFESSO ON PUBLICATION

C. D. ARD	Ø	IN THE CIRCUIT COURT OF
COMPLAINANT	Ø	BALDWIN COUNTY, ALABAMA,
VS	Ø	IN EQUITY
H. M. CARMON, ET AL,	Ø	NO. 3523
RESPONDENTS	Ø	

Now comes the Complainant in the above styled cause and shows unto the Court that an order of publication was made on the 10th day of May, 1955, which was duly published in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, in its issues of May 12, May 19, May 26 and June 2, 1955, and was directed to H. M. Carmon, F. G. Hassold, J. W. Thomas, W. M. Cannon, Susie Thomas, Henry J. Schroff, Buckman Abstract & Investment Company, Edith Ellen Carson, Edna Helen Heurlin, Marie Anna Kuhn, the unknown heirs, devisees, personal representatives, and grantees, of them and each of them, and any other persons, firms or corporations claiming any title to, right, interest in, lien or encumbrances upon the following described land situated in Baldwin County, Alabama, to-wit:

~~West half of the Northwest quarter of Section 21, Township 6~~
South, Range 3 East, Baldwin County, Alabama,

as Respondents, which required the said Respondents to answer or demur to the Bill of Complaint within thirty days after the 3rd day of June, 1955, which said respondents have to this day failed to do.

WHEREFORE the Complainant moves the court to grant a decree pro confesso against the said Respondents.

Dated this the 18th day of July, 1955.

J. Allen M. Brantley
Solicitor for the Complainant

RECORDED

C. D. ARD

COMPLAINANT

VS

H. M. CARMON, ET AL,

RESPONDENTS

MOTION FOR DECREE PRO CONFESSE

ON PUBLICATION

FILED

JUL 18 1955

ALICE J. DICK, Register

75 078 1955

C. D. ARD

COMPLAINANT

VS

H. M. CARMON, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 3523

~~APPOINTMENT AND ACCEPTANCE OF GUARDIAN AD LITEM~~

It appearing to the Court from the allegations of the Bill of Complaint filed in the above entitled cause and from the averments of the affidavit filed in support of such Bill of Complaint that some of the Respondents are non-residents of the State of Alabama and are unknown parties, it is therefore, by the court ordered, adjudged and decreed:

That J. Connor Owens be and he is hereby appointed as guardian ad litem for all the unknown parties, Respondents, in this cause, and that he be forthwith notified by the Register of such appointment, and upon his acceptance of this notice, that service be had in this cause by serving a copy of the original Bill of Complaint in this cause on him as guardian ad litem for all unknown parties Respondents.

this 5th day of July 1955

David J. French
Register

Comes now J. Connor Owens and accepts the appointment of guardian ad litem for the unknown heirs in the above styled cause.

J. Connor Owens, Jr.
Guardian ad Litem

And for answer to this Bill of Complaint says: that he denies each and every allegation contained therein and demands strict proof thereof.

J. Connor Owens, Jr.
Guardian ad Litem

RECORDED

C. D. ARD

COMPLAINANT

VS

H. M. CARMON, ET AL,

RESPONDENTS

APPOINTMENT AND ACCEPTANCE OF

GUARDIAN AD LITEM

FILED

JUL 12 1955

ALICE J. DUCK, Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons H. M. CARMON, F. G. HASOLD, J. W. THOMAS, W. M. CANNON, BUCKMAN ABSTRACT & INVESTMENT COMPANY, SUSIE THOMAS, HENRY J. SCHROFF, and their heirs or devisees, if deceased, EDITH ELLEN CARSON, EDNA HELEN HEURLIN and MARIE ANNA KUHN, the unknown heirs, devisees, grantees, personal representatives and assigns of H. M. Carmon, F. G. Hassold, J. W. Thomas, W. M. Cannon, Buckman Abstract & Investment Company, Susie Thomas, Henry Schroff, Edith Ellen Carson, Edna Helen Heurlin, and Marie Anna Kuhn, to appear and plead, answer or demur within thirty days from the service hereof, to the bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by C. D. ARD, as Complainant.

WITNESS my hand this the 10 day of May, 1955.

C. D. Ard
Register

C. D. ARD	)	IN THE CIRCUIT COURT OF
COMPLAINANT	)	BALDWIN COUNTY, ALABAMA,
VS	)	IN EQUITY
H. M. CARMON, ET AL,	)	
RESPONDENTS	)	

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

Your Complainant, C. D. Ard, presents this his Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

West half of Northwest quarter of Section 24, Township 6 South, Range 3 East, Baldwin County, Alabama.,

and also against H. M. Carmon, F. G. Hassold, J. W. Thomas, W. M. Cannon, Buckman Abstract & Investment Company, Susie Thomas, Henry J. Schroff and their heirs or devisees, if deceased, Edith Ellen Carson, Edna Helen Heurlin and Marie Anna Kuhn, and against their, and each of their heirs, devisees, administrators, successors, personal representatives and assigns, and also against any other person, firm or corporation claiming any right, title to, interest in, or encumbrance against said land or any part thereof, and respectfully represents and shows unto your Honor as follows:

1.

That your Complainant is over the age of twenty-one years, and a resident of Baldwin County, Alabama.

2.

That R. M. Carmon, F. G. Hassold, J. W. Thomas, W. M. Cannon, Susie Thomas, Henry J. Schreff are over twenty-one years of age and if living non-residents of the State of Alabama; and if dead their heirs, assigns, devisees, grantees, and personal representatives are non-residents of the State of Alabama, and over twenty-one years of age; that a diligent search and inquiry has been made and caused to be made to ascertain the present addresses of the Respondents and whether or not either of them is dead and if so the names, ages and residents of their heirs and next of kin, and from all information obtainable the said parties are all non-residents of the State of Alabama, over twenty-one years of age and that their post office addresses cannot be ascertained; that from all information obtainable the Buckman Abstract & Investment Company is a corporation, but has no one resident in Baldwin County, Alabama, upon whom service can be perfected; that an examination has been made of the land and tax records of Bay Minette, Alabama, the county seat of Baldwin County, Alabama, inquiries has been made of persons in and around Robertsdale, Sumterdale and Foley, Alabama, the vicinity in which the lands are located and no information can be obtained as to the addresses of the individual respondents; that Edith Ellen Carson, Edna Helen Heurlin and Marie Anna Kuhn are over twenty-one years of age and are residents of Foley, Baldwin County, Alabama.

3.

That your Complainant is the owner in fee simple and in the actual possession of the lands herein described in Baldwin County, Alabama, and being described as follows:

West half of Northwest quarter of Section 24, Township 6 South,
Range 3 East, Baldwin County, Alabama.

That no suit is pending to test the complainant's title to, interest in, or rights of possession; that the Complainant therefor calls upon the Respondents and each of them separately and severally to set forth and specify what right, title, interest in, line or encumbrance the said Respondents and each of them have in and to said lands and by what instrument the same is derived and/or created.

That the Complainant acquired title to the lands above described by being in the actual, peaceable and exclusive possession of the said lands, claiming ownership thereof for a period of twenty consecutive years, next preceding the filing of their Bill of Complaint; he also having annually listed and assessed the lands herein described for taxation for a period of twenty consecutive years in Baldwin County, Alabama, the county wherein the land lies, and further by having paid taxes on the said lands during the whole of said period; no other person, firm or corporation having listed, assessed or paid taxes thereon during any part of the said period.

6.

That the title to said lands stands upon the records of the Probate County of Baldwin County, Alabama, in the name of your Complainant, C. D. Ard.

7.

That no one has at any time within ten years next preceding the filing of this bill of Complaint paid any taxes upon said lands, or had any possession other than your Complainant, C. D. Ard.

8.

That the only persons shown by the records of Baldwin County, Alabama, to have any claim against said land or any part thereof are H. M. Carmon, F. G. Hassold, J. W. Thomas, W. M. Cannon, Buckman Abstract & Investment Company, Susie Thomas, Henry J. Schreff, Edith Ellen Carson, Edna Helen Heurlin and Marie Anna Kuhn.

WHEREFORE, the premises considered, Your Complainant prays that Your Honor will by proper process make the said H. M. Carmon, F. G. Hassold, J. W. Thomas, W. M. Cannon, Buckman Abstract & Investment Company, Susie Thomas and Henry J. Schreff, their heirs or devisees, if dead, Edith Ellen Carson, Edna Helen Heurlin, and Marie Anna Kuhn, the unknown heirs, devisees, grantees, personal representatives, successors and assigns of H. M. Carmon, F. G. Hassold, J. W. Thomas, W. M. Cannon, Buckman Abstract & Investment Company, Susie Thomas and Henry Ellen Carson, Edna Helen Heurlin, and Marie Anna Kuhn, and any other person, firm or corporation claiming any right, title, to, interest in or encumbrance upon the said lands in Baldwin County, Alabama, to-wit:

West half of Northwest quarter of Section 24, Township 6 South,
Range 3 East, Baldwin County, Alabama,

or any part thereof; parties respondent to this Bill of Complaint, and
require them, and each of them to appear and answer or demur to the same
within the time and under the penalties prescribed by law and the practice
of this Honorable Court.

Complainant further prays that upon a final hearing hereof Your Honor
will make and enter a decree ascertaining and determining that the fee simple
title, free from all liens and encumbrances to the lands herein described,
and to each and every part and parcel thereof, is vested in your Complainant,
O. D. Ard, and that neither H. M. Cannon, F. C. Hassold, J. W. Thomas, W. M.
Cannon, Buckman Abstract & Investment Company, Susie Thomas, and Henry J.
Schroff, and their heirs or devisees, if dead; Edith Ellen Carson, Edna
Helen Heurkin; Marie Anna Kuhn, nor any other person, firm or corporation,
has any right, title to, interest in or encumbrance upon the lands or any
part or parcel thereof, and that any and all doubts and disputes concerning
the land be cleared up.

Your Complainant prays for such other, further different or general
relief as he may be in equity and good conscience be entitled to receive.

Walters & Brantley

Harry J. Walters Jr.
Solicitor for the Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me the undersigned authority in and for said County, in said
State personally appeared Harry J. Walters Jr., who is known to me and who
having been by me first duly sworn, deposes and says: that he is solicitor
of record for the Complainant in the within cause; that he is authorized
to make this affidavit; that from all information obtainable after a
diligent search and inquiry the facts contained in the foregoing bill
of complaint are true and correct.

Harry J. Walters Jr.

Sworn to and subscribed before me on this the 10 day of Nov, 1955.

[Signature]
Notary Public, Baldwin County, Alabama

3523

Joley

RECORDED

C. D. Ard.

COMPLAINANT

VS

H. M. CARMON, ET AL,

RESPONDENTS

Received 11 day of May 1955
and on 13 day of May 1955
I served a copy of the within Bill of Complaint
on _____

By service on Edith Ellen Carson, Edna
Helen Karlin, Mrs. Anna Kachan
TAYLOR WILKINS, Sheriff
By Charles L. Friedman, D. S.

BILL OF COMPLAINT

FILED

MAY 10 1955

ALICE J. DUCK, Register

C. D. ARD

COMPLAINANT

VS

H. M. CARMON, ET AL,

RESPONDENTS

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

LIS PENDENS NOTICE

It having been made to appear, in the above styled cause by proper affidavit that H. M. Carmon, F. G. Hassold, J. W. Thomas, W. M. Cannon, Susie Thomas, Henry J. Schreff are over twenty-one years of age and if living non-residents of the State of Alabama; and if dead their heirs, assigns devisees, grantees and personal representatives are non-residents of this State and over twenty-one years of age, and whose address cannot be ascertained after a diligent search and inquiry; that the Buckman Abstract & Investment Company is a corporation, but has no one resident in Baldwin County, Alabama, upon whom service can be perfected; that Edith Ellen Carson, Edna Helen Heurlin and Marie Anna Kuhn are over twenty-one years of age and are residents of Foley, Alabama; that C. D. Ard is over twenty-one years of age and a resident of Baldwin County, Alabama, and the owner in fee simple of and in the actual, peaceable possession of the following described lands situated in Baldwin County, Alabama, to-wit:

West half of Northwest quarter of Section 24, Township 6 South, Range 3 East, Baldwin County, Alabama.

That the Complainant acquired title to the lands above described by being in the actual, peaceable, and exclusive possession of the said lands, claiming ownership thereof for a period of twenty consecutive years, next preceding the filing of this bill of complaint; the also having annually listed and assessed the lands herein described for taxation for a period of twenty consecutive years in Baldwin County, Alabama, the county wherein the land lies, and further by having paid taxes on the said lands during the whole of said period; no other person, firm or corporation having listed, assessed or paid taxes thereon during any part of the said period.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-11-55 10 A.M.

Recorded Lis Pendens book 4 page 185-6

MR. Stewart
Judge of Probate

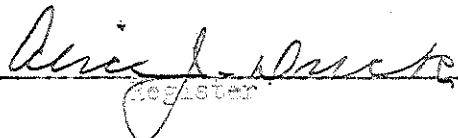
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BOOK 004 PAGE 185

IT IS THEREFORE ORDERED and notice is hereby given that H. M. Cannon, F. C. Hassold, J. W. Thomas, W. M. Cannon, Susie Thomas, Henry J. Schreff, the Buckman Abstract & Investment Company, Edith Ellen Carson, Edna Helen Heurlin and Marie Anna Kuhn, the unknown heirs, devisees, personal representatives, grantees, successors and assigns of H. M. Cannon, F. C. Hassold, J. W. Thomas, W. M. Cannon, Susie Thomas, Henry J. Schreff, the Buckman Abstract & Investment Company, Edith Ellen Carson, Edna Helen Heurlin, and Marie Anna Kuhn, and any other person, firm or corporation claiming any title to, interest in, lien or encumbrance upon said lands, or any part thereof to appear in the Circuit Court of Baldwin County, Alabama, in Equity, and plead, answer or demur to the Bill of Complaint on or before the 3rd day of June, 1955, or upon their having failed to do so, upon the expiration of thirty days from said date, a decree pro confesso shall be taken against them, and that this case shall be at issue.

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF, I Alice J. Buck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 10th day of May, 1955.



Register

Walters & Erentley
Solicitors for the Complainant

3523

C. D. ARD

COMPLAINANT

VS

H. M. CARMON, ET AL,

RESPONDENTS

LIS PENDENS NOTICE

Filed
5-10-55
Arice-Henrich
Reynolds

C. D. ARD

COMPLAINANT

VS

H. M. CARMON, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 3523

REQUEST FOR APPOINTMENT OF COMMISSIONER

TO: Mrs. Alice J. Duck Register of the Circuit Court of Baldwin County,
Alabama:

The Complainant wishes to take orally, on behalf of the Complainant,
the testimony of the following witnesses:

C. D. Ard.

Richard A. Hail, Jr.

B. A. Forsman

It is hereby requested that they be given proper and legal notice
and that Evelyn Watts be appointed as Special Commissioner, to take
testimony of said witnesses, and that due and legal notice be given as
required by law.

Dated this the 2nd day of July, 1955.

Wilters & Brantley

By: Harry J. Wilters, Jr.
Solicitor for the Complainant

C. D. ARD

COMPLAINANT

VS

H. M. CARMON, ET AL;

RESPONDENTS

REQUEST FOR APPOINTMENT OF

COMMISSIONER

FILED

JUL 2 1955

ALICE I. DICK, Register

C. D. ARD

COMPLAINANT

VS

W. M. CARNON, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 3523

NOTICE OF TIME OF TAKING TESTIMONY

TO: H. M. Carmon, F. G. Hassold, J. W. Thomas, W. M. Carmon, Buckman
Abstract & Investment Company, Susie Thomas, Henry J. Schroff, Edith Ellen
Carson, Edna Helen Heurlin, Marie Anna Kuhn:

Notice is hereby given that the Complainant will on the 5th day of
July, 1955, before Evelyn Watts, as special commissioner take the testimony
of the following witnesses:

C. D. Ard,

Richard A. Hail Jr.,

B. A. Forsman,

Dated this the 5th day of July, 1955.

Wilters & Brantley

BY:

Harry J. Wilters Jr.
Attorney for the Complainant

Evelyn Watts
Special Commissioner

C. D. ARD

COMPLAINANT

VS

H. M. CARMON, ET AL,

RESPONDENT

NOTICE OF TIME OF TAKING TESTIMONY

FILED

JUL 14 1955

ALICE J. DICK, Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Evelyn Watts

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 C. D. Ard, Richard A. Hail, Jr., and B. A. Forsman

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein C. D. Ard

as, Complainant
and H. M. Carmon, et al

are Respondent
on oath, to be by you administered, upon C. D. Ard, Richard A. Hail Jr., and B. A. Forsman
to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 2 day of July, 1952

Archie J. [Signature]
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

C. D. Ard

Complainant—

vs.

H. M. Carmon, et al

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Evelyn Watts

WITNESSES:

C.D. Ard

Richard A. Hail Jr.

H.B. A. Forsman

The State of Alabama, { Circuit Court of Baldwin County, Alabama
Baldwin County. (In Equity)

C. D. Ard

Complainant

VS.

H. M. Carmon, et al,

Respondent

I, Evelyn Watts

as ~~Register and~~ Commissioner

have called and caused to come before me C. D. Ard, Richard A. Nail Jr., and B. A. Forsman

witness ^{es} named in the Requirement for Oral Examination, on the 5th day of July

1955, at the office of Wilterx & Brantley

in Bay Minette, Alabama, and having first sworn said Witness^{es} to speak the

truth, the whole truth, and nothing but the truth, the said C. D. Ard, Richard A. Nail Jr.,

and B. A. Forsman doth depose and say as follows:

My name is C. D. Ard and I am the Complainant in this case. I am over twenty-one years old and a resident of Baldwin County, Alabama. That H. M. Carmon, F. G. Hassold, J. W. Thomas, W. M. Cannon, Susie Thomas, Henry J. Schroff, are over the age of twenty-one years, and if they are living are non-residents of the State of Alabama. If they are dead, their heirs, assigns, devisees, grantees and personal representatives are non-residents of the State of Alabama, and to the best of my knowledge they all have reached their majority. I, myself, have made a diligent search and inquiry to ascertain the present address of the Respondents and whether or not either of them is dead and if so the names, ages and residence of the heirs and next of kin. I have also caused my attorney to do likewise, and from all information obtainable the parties are non-residents of the State of Alabama and over twenty-one years of age. Also their post office addresses cannot be ascertained. From all information which I could find by inquiring and through my attorney the Buckman Abstract and Investment Company is a corporation, but there is no one residing in Baldwin County upon whom service can be perfected. An examination has been made of the land and tax records in the County seat of Baldwin County, inquiries have been made of persons in and around Robertsedale, Summerdale and Foley, Alabama, where the land lies and no information can be obtained as to the addresses of the above respondents. Edith Ellen Carson, Edna Helen Heurlin and Marie Ann Kuhn are all over twenty-one years of age and residents of Foley, Alabama. I am the owner of the West half of the Northwest quarter of Section 24, Township 6 South, Range 3 East, Baldwin County, Alabama, and I am in the actual possession of this land. Further there is no suit pending to test my title to, interest in, or rights of possession of this land.

I acquired title to these lands by being in the actual, peaceable and exclusive possession of the lands, claiming ownership of the same for more than twenty consecutive years. I have annually listed and assessed the lands for taxation for more than twenty years in Baldwin County, Alabama, the county in which the land lies. I have paid taxes on the said lands during the whole of this period and no other person, firm or corporation has listed, assessed or paid taxes thereon during any part of the period which I have mentioned.

The title to the lands are in my name in the Probate Court of Baldwin County, Alabama. No one at any time within ten years next preceding the filing of this bill of complaint paid any taxes on these lands or had any possession other than myself. The only persons shown by the records, which my attorney has searched, to have any claim against said lands or any part thereof are H. M. Carmon, F. G. Hassold, J. W. Thomas, W. M. Cannon, Buckman Abstract & Investment Company, Susie Thomas, Henry J. Schroff, Edith Ellen Carson, Edna Helen Heurlin and Marie Anna Kuhn. I have occupied all of this 80 acres by have a fence around all of it. This land has been fenced by me for over twenty years. I have had a barn on this property formore than twenty years. In 1940 I built a five room house upon this land.

ORAL EXAMINATION

I, Evelyn Watts, as ~~Register~~ and Commissioner hereby certify that the foregoing deposition S on Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witness es; that I am not of counsel or of 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 5th day of July, 1955

Evelyn Watts (L. S.)

No.	Page
The State of Alabama	
Baldwin County.	
In Circuit Court, In Equity	
C. D. Ard	
vs.	Complainant
H. M. Carrion, et al,	
Respondent	
Oral Deposition	
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There is only about four or five acres of this land with timber on it and I had it cut in 1946. For the past twenty years I have had at least 45 acres of this land under cultivation.

C. D. Ard

My name is Richard A. Hail, Jr. I am a resident of Robertsedale, Alabama, and over the age of twenty-one years. I have known C. D. Ard for around forty years. I know for the past twenty years that he has occupied 80 acres of land, which is more specifically described as the West half of the Northwest quarter of Section 24, Township 6 South, Range 3 East. For the past twenty years Mr. Ard has lived on this land. He has cultivated the most of it and has farmed it continuously through these years. He has had a fence around this land for more than twenty years and he has always claimed to own this land and I have not known any one except Mr. Ard to claim ownership to it or have any possession of it for the past twenty years.

Richard A. Hail, Jr.

My name is B. A. Forsman, and I live within a mile and a half of this 80 acres owned by Mr. C. D. Ard, and I have lived there for more than twenty years. I know that Mr. Ard has claimed ownership to the West half of Northwest quarter of Section 24, Township 6 South, Range 3 East, in Baldwin County for more than twenty years. Further that he has lived on this land for more than twenty years and has occupied the same exclusively. He has had this land fenced for more than twenty years and I have not known anyone else to claim ownership or occupied this land.

B. A. Forsman