

3526

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

RUBY L. GEARHART, KATHLEEN MOSLEY, JOHN C. MOSLEY, Complainants
C. MOSLEY AND FREDERICK KERVAN MOSLEY
VS.

CERTAIN LANDS & IDA A. SPRINKLE, ET AL., Respondents

I, Marie B. Bryars

as Register and Commissioner

have called and caused to come before me Ruby L. Gearhart

witness named in the Requirement for Oral Examination, on the 27 day of July 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 Ruby L. Gearhart, on examination by Mr. Swearingen doth depose and say as follows:

My name is Ruby L. Gearhart. I am over the age of twenty-one years and reside in Baldwin County, Alabama. I am one of the complainants in that certain case pending in the Circuit Court of Baldwin County, Alabama, equity case No. 3526. Kathleen Mosley and John C. Mosley reside in Monroe County and are over the age of twenty-one years and Fred Kervan Mosley resides in Mobile County and is over the age of twenty-one years. They with me are the complainants in this case. I have made inquiry at the Probate Office, Tax offices and Sheriff's office to ascertain who are the heirs of Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore and have been unable, after diligent search to locate them. I have also inquired of numerous persons in the neighborhood of the lands and have been unable to ascertain whom the heirs are. I have been unable to ascertain the post office addresses and places of residence of Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore and whether or not they are living and if living what their post office addresses and places of residence are. I am informed and believe that they are dead and their heirs are unknown, and I am informed and believe, and upon such information and belief that their heirs and each of their heirs are over the age of twenty-one years and are non-residents of the State of Alabama. I have also caused my attorneys in this cause to make diligent search. There is no other suit pending to test our right, title or interest in this land. I, as well as my brothers and sisters own the South half of the Northwest quarter and the North half of the Southwest quarter and the South half of the Southwest quarter of the Northeast quarter of Section 15, Township 6 South, Range 5 East in Baldwin County, Alabama. We got this property from our Father, H. B. Mosley. He got the property from the State of Alabama, on June 10, 1931, by deeds recorded in Deed Book 51 NS at page 33 and Deed Book 51 NS at page 32. He died several years ago intestate, leaving the property to us. Immediately after he purchased this property he went into possession of the property exercising open notorious and adverse possession of the property and he exercised such possession continuously until his death about twenty-one years ago. Immediately after his death we went into possession of the property and exercised open continuous, notorious and adverse possession thereof. My Father, as well as we, cut the timbers on the land, posted the land and have exercised all other open acts of possession. My Father planted pine trees on this property. H. B. Mosley and we, his children, have since the date of his purchase have been in and have had open, continuous, actual notorious, exclusive, peaceable, adverse possession of this land, exclusive of all others down to the date of the filing of this suit. We have also annually assessed and paid taxes on said lands since the date of his purchase. Title to this land stands in our name on the records of Baldwin County, Alabama.

Cross examination of the witness by Mr. Hayes, Guardian ad litem:

My Father went into possession of the land in June, 1931. He continued in possession until the time of his death. I and his other heirs went into possession immediately after his death. He planted trees on the land in 1932 or 1933. He planted them himself. He took a truck and some boys and went out and set them out. He supervised the planting of the trees. He did not cut trees during his lifetime. The trees and timber were cut in 1950. We had the timber cut. We had surveyors to survey the lands, then had fire lanes plowed. We continued to hold possession adversely against Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore until the date of filing this suit. Father held adversely against Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore during his lifetime. He claimed during his lifetime to own the property from the date of his purchase until his death. I and his other heirs claimed to own the property from the date of his death until the date of filing this suit. H. B. Mosley, acquired the S $\frac{1}{2}$ of NW $\frac{1}{4}$ and the N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 15, Tp. 6 S, R 5 E by tax deed from the State, June 10, 1931, Deed Book 51 NS, page 33. The State acquired the lands under tax sale from T. J. Sprinkle May 28, 1928, Sales Book 6, page 237. Sprinkle acquired the property by inheritance from Ida A. Sprinkle. Ida A. Sprinkle from John W. Kinsey, Jr., Sept. 10, 1915 by deed, Deed Book 23 NS, page 529-30 and from Thomas J. Hadley by deed Sept. 10, 1915, Deed Book 23 NS, page 530. They acquired title by mesne conveyances from the U.S. H. B. Mosley acquired the S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Sec. 15, from the State June 10, 1931, by deed, Deed Book 51 NS, page 32. The State acquired the lands by tax sale from F. F. Moore, May 28, 1928, Sales Book 6, page 245. F. F. Moore acquired title by mesne conveyances from the United States Government.

Ruby L. Gearhart

ORAL EXAMINATION.

I, Marie B. 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 her and she signed the same in the presence of myself, Wilson Hayes, guardian ad litem and E. G. Swearingen 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 27 day of July, 1955

Marie B. Bryars (A. S.)

NO. <u>3576</u>	PAGE
THE STATE OF ALABAMA	
BALDWIN COUNTY	
IN CIRCUIT COURT, IN EQUITY	
<u>Russell Greenhamer, et al</u>	
vs.	Complainant
<u>Certain Lands + Ldg</u>	
<u>A. Sprinkle, et al</u>	Respondent.
Oral Deposition	
Filed <u> </u> , 195 <u>5</u>	Register.
FILED	Record
<u>Jul 12</u> Recorded in	
<u>Aug 1 1955</u> , Register	Page
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RUBY L. GEARHART, KATHLEEN
MOSLEY, JOHN C. MOSLEY AND
FREDERICK KERVAN MOSLEY,

COMPLAINANTS

VS

CERTAIN LANDS & IDA A.
SPRINKLE, ET AL,

DEFENDANTS

IN THE CIRCUIT COURT

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 Ruby L. Gearhart, witness for complainants.

This the 28th day of July, 1955.

BEEBE & SWEARINGEN

BY

F. G. Swearingen
Solicitors for complainants

Deise J. Wark
Register

RUBY L. GEARHART, KATHLEEN
MOSLEY, JOHN C. MOSLEY AND
FREDERICK KERVAN MOSLEY,

COMPLAINANTS

VS

CERTAIN LANDS & IDA A.
SPRINKLE, ET AL,

DEFENDANTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

Complainants having on the 19 day of July, 1955,
filed their motion and request for oral examination of Ruby L.
Gearhart witness for complainants and due and proper notice thereof
having been given as required by law on the order book of this
court and to Nelson Hayes, guardian ad litem
for the said unknown defendants, and Marie B. 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 Ruby L. Gearhart, witness for
complainants, be and is hereby granted.

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

Witness my hand this the 23 day of July, 1955.

David H. Hester
Register

RUBY L. GEARHART, KATHLEEN
MOSLEY, JOHN C. MOSLEY AND
FREDERICK KERVAN MOSLEY,

COMPLAINANTS

VS

CERTAIN LANDS & IDA A. SPRIN-
KLE, ET AL,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

To the unknown heirs, devisees and personal representatives
of Ida Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and
Fred F. Moore, if dead, and to William Hayes,
guardian ad litem for them.

Notice is hereby given that the testimony of Ruby L. Gear-
hart, witness for the complainants in the above styled cause will
be taken orally before Marie B. Bryars, commissioner, heretofore
duly appointed, at the office of Beebe & Swearingen, attorneys for
complainants, at 9:00 o'clock A. M. on the 27 day
of July, 1955.

This the 27 day of July, 1955.

Marie B. Bryars
Commissioner

Beebe & Swearingen

By F. D. Swearingen
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
witness was filed and entered on the order book of the Register
on the 23 day of July, 1955.

Alice J. Duck
Register

No. 3526

Notice of time
and place of
taking testimony

FILED

JUL 23 1955

ALICE J. DUCK, Register

RUBY L. GEARHART, KATHLEEN
MOSLEY, JOHN C. MOSLEY AND
FREDERICK KERVAN MOSLEY,

COMPLAINANTS

VS

CERTAIN LANDS & IDA A. SPRIN-
KLE, ET AL,

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

To the unknown heirs, devisees and personal representatives
of Ida Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and
Fred F. Moore, if dead, and to William H. Hays,
guardian ad litem for them.

Notice is hereby given that the testimony of Ruby L. Gear-
hart, witness for the complainants in the above styled cause will
be taken orally before Marie B. Bryars, commissioner, heretofore
duly appointed, at the office of Beebe & Swearingen, attorneys for
complainants, at 9:00 o'clock A. M. on the 27 day
of July, 1955.

This the 23 day of July, 1955.

Maria B. Bryars
Commissioner

Beebe & Swearingen

By J. B. Swearingen
Solicitor for Complainants

RUBY L. GEARHART, KATHLEEN
MOSLEY, JOHN C. MOSLEY AND
FREDERICK KERVAN MOSLEY,

COMPLAINANTS

VS

THE SOUTH HALF OF THE NORTH-
WEST QUARTER AND THE NORTH
HALF OF THE SOUTHWEST QUARTER
AND THE SOUTH HALF OF THE
SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER, ALL IN
SECTION 15, TOWNSHIP 6 SOUTH,
RANGE 5 EAST, BALDWIN COUNTY,
ALABAMA: AGAINST IDA A.
SPRINKLE, T. J. SPRINKLE, JOHN
W. KINSEY, FRED F. MOOSE AND
FRED F. MOORE, IF LIVING, AND
IF THEY OR EITHER OR 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 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, Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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 corporation, 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, Ruby L. Gearhart, Kathleen Mosley, John C. Mosley and Frederick Kervan Mosley, 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:

The South half of the Northwest quarter and the North half of the Southwest quarter and the South half of the Southwest quarter of the Northeast quarter, all in Section 15, Township 6 South, Range 5 East, Baldwin County, Alabama;

That the complainants acquired title to the said lands by inheritance from H. B. Mosley, who died intestate in the year 1934; that the said H. B. Mosley, acquired title to the South half of the Northwest quarter and the North half of the Southwest quarter of Section 15, Township 6 South, Range 5 East by tax deed from the State, dated June 10, 1931, recorded in Deed Book 51 NS, page 33. The State acquired the lands under tax sale from T. J. Sprinkle May 28, 1928, Sales Book 6, page 237. T. J. Sprinkle acquired the property by inheritance from Ida A. Sprinkle. Ida A. Sprinkle acquired title to the property from John W. Kinsey, Jr., Sept. 10, 1915 by deed recorded in Deed Book 23 NS, page 529-30 and from Thomas J. Hadley by deed dated Sept. 10, 1915, Deed Book 23 NS, page 530. They acquired title by mesne conveyances from the United States Government. H. B. Mosley acquired the South half of the Southwest quarter of the Northeast quarter of said Section 15, from the State of Alabama, June 10, 1931, by deed recorded in Deed Book 51 NS, page 32. The State acquired the lands by tax sale from F. F. Moore, May 28, 1928, recorded in Sales Book 6, page 245. F. F. Moore 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 Ruby L. Gearhart, Kathleen Mosley, John C. Mosley and Frederick Kervan Mosley, 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, Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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 Ruby L. Gearhart, Kathleen Mosley, John C. Mosley and Frederick Kervan Mosley, shall inure to the benefit of all persons deriving title to said lands or any part therein, from or through the said Ruby L. Gearhart, Kathleen Mosley, John C. Mosley and Frederick Kervan Mosley, and the said title so quieted and established in them shall be treated and considered as established in favor of the said Ruby L. Gearhart, Kathleen Mosley, John C. Mosley and Frederick Kervan Mosley 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 Ruby L. Gearhart, Kathleen Mosley, John C. Mosley and Frederick Kervan Mosley be and they are hereby taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this the 28th day of July, 1955.

Hubert M. Hall
Judge

RUBY L. GEARHART, KATHLEEN
MOSLEY, JOHN C. MOSLEY AND
FREDERICK KERVAN MOSLEY,

COMPLAINANTS

VS

THE SOUTH HALF OF THE NORTH-
WEST QUARTER AND THE NORTH
HALF OF THE SOUTHWEST QUARTER
AND THE SOUTH HALF OF THE
SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER, ALL IN
SECTION 15, TOWNSHIP 6 SOUTH,
RANGE 5 EAST, BALDWIN COUNTY,
ALABAMA; AGAINST IDA A.
SPRINKLE, T. J. SPRINKLE, JOHN
W. KINSEY, FRED F. MOOSE AND
FRED F. MOORE, IF LIVING, AND
IF THEY OR EITHER OR 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

Notice is hereby given to Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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: The South half of the Northwest quarter and the North half of the Southwest quarter and the South half of the Southwest quarter of the Northeast quarter, all in Section 15, Township 6 South, Range 5 East, Baldwin County, Alabama;

That Ruby L. Gearhart, Kathleen Mosley, John C. Mosley and Frederick Kervan Mosley have filed their bill of complaint on the 17 day of May, 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:

The South half of the Northwest quarter and the North half of the Southwest quarter and the South half of the Southwest quarter of the Northeast quarter, all in Section 15, Township 6 South, Range 5 East, Baldwin County, Alabama;

complainants allege in their bill of complaint that they acquired

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

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title to the said lands by inheritance from H. B. Mosley, who died intestate in the year 1934; that the said H. B. Mosley, acquired title to the South half of the Northwest quarter and the North half of the Southwest quarter of said Section 15, Township 6 South, Range 5 East, by tax deed from the State of Alabama, dated June 10, 1931, recorded in Deed Book 51 NS, page 33; that the State of Alabama, acquired title to the said lands by tax sale from J. T. Sprinkle dated May 28, 1928, recorded in Sales Book 6, page 237; that the said J. T. Sprinkle acquired said property by inheritance from Mrs. Ida Sprinkle; that Ida A. Sprinkle acquired title to the property by warranty deed from John W. Kinsey, Jr., and Dora Kinsey, husband and wife, dated Sept. 10, 1915, recorded in Deed Book 23 NS, pages 529-30 and from Thomas J. Hadley and Lizzie Hadley, husband and wife, by warranty deed dated Sept. 10, 1915, recorded in Deed Book 23 NS at page 530, who acquired title to the said property by mesne conveyances from the United States Government; that the title to the South half of the Southwest quarter of the Northeast quarter of Section 15, Township 6 South, Range 5 East was acquired by H. B. Mosley by tax deed from the State of Alabama dated June 10, 1931, recorded in Deed Book 51 NS, page 32; that the State of Alabama acquired title to the said lands under tax sale for taxes due from F. F. Moore on May 28, 1928, recorded in Sales Book 6, page 245, who acquired title to the property 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 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 cut and removed the timbers therefrom on numerous occasions over a period of more than ten years next preceding the filing of this bill of complaint, 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 their bill of complaint; that Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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 following described land: The South half of the Northwest quarter and the North half of the Southwest quarter and the South half of the Southwest quarter of the Northeast quarter, all in Section 15, Township 6 South, Range 5 East, Baldwin County, Alabama.

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 that the places of residence and post office addresses of the said Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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 Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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: The South half of the Northwest quarter and the North half of the Southwest quarter and the South half of the Southwest quarter of the Northeast quarter, all in Section 15, Township 6 South, Range 5 East, Baldwin County, Alabama; appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely the 19th day of May, 1955, at which time the said cause shall stand at issue.

Witness my hand this the 17th day of May, 1955.

Wesley J. Church
Register, Circuit Court, Baldwin
County, Alabama, in equity.

REC-004 MAY 1955

BOOK 004 PAGE 191

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 Ruby L. Gearhart, Kathleen Mosley, John C. Mosley and Frederick Kervan Mosley, are complainants, and Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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: The South half of the Northwest quarter and the North half of the Southwest quarter and the South half of the Southwest quarter of the Northeast quarter, all in Section 15, Township 6 South, Range 5 East, Baldwin County, Alabama; 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 17 day of May, 1955.

Witness my hand this the 17 day of May, 1955.

Alice J. Duck
Register.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-17-55 4:15 P.M.

Recorded Lis. Prob. book 4 page 187-71

M. O. Smith
Judge of Probate 5

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

TO: Marie B. Bryars, Bay Minette, Alabama.

~~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 Ruby L. Gearhart as witness in behalf of complainants in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Ruby L. Gearhart, Kathleen Mosley, John C. Mosley and Frederick Kervan Mosley are complainants and Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore are Respondents 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 23 day of July, 1955.

Reinhold W. W. W.
Register.

RUBY L. GEARHART, KATHLEEN
MOSLEY, JOHN C. MOSLEY AND
FREDERICK KERVAN MOSLEY,

COMPLAINANTS

VS

CERTAIN LANDS & IDA A.
SPRINKLE, 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 July, 1955.

BEEBE & SWEARINGEN

By

J. B. Swearingen
Solicitors for complainants

RUBY L. GEARHART, KATHLEEN
MOSLEY, JOHN C. MOSLEY AND
FREDERICK KERVAN MOSLEY,

COMPLAINANTS

VS

THE SOUTH HALF OF THE NORTH-
WEST QUARTER AND THE NORTH
HALF OF THE SOUTHWEST QUARTER
AND THE SOUTH HALF OF THE
SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER, ALL IN
SECTION 15, TOWNSHIP 6 SOUTH,
RANGE 5 EAST, BALDWIN COUNTY,
ALABAMA; AGAINST IDA A.
SPRINKLE, T. J. SPRINKLE, JOHN
W. KINSEY, FRED F. MOOSE AND
FRED F. MOORE, 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 CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Whereas Ruby L. Gearhart, Kathleen Mosley, John C. Mosley and
Frederick Kervan Mosley have filed their bill of complaint on the
17th day of May, 1955, in this court on the equity side, claiming to
be in actual peaceable 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:

The South half of the Northwest quarter and the North
half of the Southwest quarter and the South half of the
Southwest quarter of the Northeast quarter, all in Sec-
tion 15, Township 6 South, Range 5 East, Baldwin County,
Alabama;

Complainants allege in their bill of complaint that they hold
title to the aforesaid lands by inheritance from H. B. Mosley, who died
intestate in the year 1934; that the said H. B. Mosley, acquired title
to the South half of the Northwest quarter and the North half of the
Southwest quarter of said Section 15, Township 6 South, Range 5 East,
by tax deed from the State of Alabama, dated June 10, 1931, recorded

in Deed Book 51 NS, page 33; that the State of Alabama, acquired title to the said lands by tax sale from J. T. Sprinkle dated May 28, 1928, recorded in Sales Book 6, page 237; that the said J. T. Sprinkle acquired said property by inheritance from Mrs. Ida Sprinkle; that Ida A. Sprinkle acquired title to the property by warranty deed from John W. Kinsey, Jr., and Dora Kinsey, husband and wife, dated Sept. 10, 1915, recorded in Deed Book 23 NS, pages 529-30 and from Thomas J. Hadley and Lizzie Hadley, husband and wife, by warranty deed dated Sept. 10, 1915, recorded in Deed Book 23 NS, at page 530, who acquired title to the said property by mesne conveyances from the United States Government; that the title to the South half of the Southwest quarter of the Northeast quarter of Section 15, Township 6 South, Range 5 East was acquired by H. B. Mosley by tax deed from the State of Alabama dated June 10, 1931, recorded in Deed Book 51 NS, page 32; that the State of Alabama acquired title to the said lands under tax sale for taxes due from F. F. Moore on May 28, 1928, recorded in Sales Book 6, page 245, who acquired title to the property 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, Ruby L. Gearhart, Kathleen Mosley, John C. Mosley and Frederick Kervan Mosley's, name; that Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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 establishing 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, that the names, ages and places of residence and post office addresses of the defendants, Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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 19th day of May, 1955.

Deice J. Duck
Register

RUBY L. GEARHART, KATHLEEN
MOSLEY, JOHN C. MOSLEY AND
FREDERICK KERVAN MOSLEY,

COMPLAINANTS

VS

CERTAIN LANDS; IDA A. SPRINKLE,
ET AL,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 3526

To Wilson Hayes, guardian ad litem for,
Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose
and Fred F. Moore, 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 land, to-wit:

The South half of the Northwest quarter and the North
half of the Southwest quarter and the South half of the
Southwest quarter of the Northeast quarter, all in Sec-
tion 15, Township 6 South, Range 5 East, Baldwin County,
Alabama;

Notice is hereby given that the complainants in the above
styled cause has this day made application for the oral examination
of Ruby L. Gearhart, witness for the complainants in the above
styled cause and has suggested Marie B. Bryars as a suitable person
to act as commissioner in the taking of the deposition of said
witness.

Witness this the 19 day of July, 1955.

BEEBE & SWEARINGEN

BY F. B. Swearingen
Solicitors for Complainants

Marie B. Bryars
Register

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of the notice of application of the complainants for oral examination of the said Ruby L. Gearhart, as witness for complainants and that notice of said motion was given to the defendants by entry on the order book of the Register, said entry having been made on the 29 day of July, 1955.

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

RUBY L. GEARHART, KATHLEEN
MOSLEY, JOHN C. MOSLEY AND
FREDERICK KERVAN MOSLEY,

COMPLAINANTS

VS

THE SOUTH HALF OF THE NORTH-
WEST QUARTER AND THE NORTH
HALF OF THE SOUTHWEST QUARTER
AND THE SOUTH HALF OF THE
SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER, ALL IN
SECTION 15, TOWNSHIP 6 SOUTH,
RANGE 5 EAST, BALDWIN COUNTY,
ALABAMA; AGAINST IDA A.
SPRINKLE, T. J. SPRINKLE, JOHN
W. KINSEY, FRED F. MOOSE AND
FRED F. MOORE, 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 CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

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

Come your complainants, Ruby L. Gearhart, Kathleen Mosley,
John C. Mosley and Frederick Kervan Mosley, and present this their
bill of complaint against the following described lands in Baldwin
County, Alabama, to-wit:

The South half of the Northwest quarter and the North
half of the Southwest quarter and the South half of the
Southwest quarter of the Northeast quarter, all in Sec-
tion 15, Township 6 South, Range 5 East, Baldwin County,
Alabama;

and against Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F.
Moose and Fred F. Moore, if living, and if they or either of them be
dead, then against the unknown heirs, devisees, personal representa-
tives 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 Kathleen Mosley and John C. Mosley are residents of Peterman in the County of Monroe, State of Alabama, that Ruby L. Gearhart is a resident of the County of Baldwin, State of Alabama, and Frederick Kervan Mosley is a resident of the County of Mobile, State of Alabama; that Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, if living, are each over the age of twenty-one years, and their places of residence and post office addresses 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 Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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 of 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 Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, if dead, that they are informed and believe and upon such information and belief allege that, if the said Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore 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 Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore 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 Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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 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:

The South half of the Northwest quarter and the North half of the Southwest quarter and the South half of the Southwest quarter of the Northeast quarter, all in Section 15, Township 6 South, Range 5 East, Baldwin County, Alabama;

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/whom 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 the South half of the Southwest quarter of the Northeast quarter of Section 15, Township 6 South, Range 5 East and the South half of the Northwest quarter and the North half of the Southwest quarter of Section 15, Township 6 South, Range 5 East, stands on the records of Baldwin County, Alabama, in the name of your complainants, who acquired the same by inheritance from H. B. Mosley, who died intestate in the year 1934; that the said H. B. Mosley, acquired title to the South half of the Northwest quarter and the North half of the Southwest quarter of said Section 15, Township 6 South, Range 5 East, by tax deed from the State of Alabama, dated June 10, 1931, recorded in Deed Book 51 NS, page 33; that the State of Alabama, acquired title to the said lands by tax sale from J. T. Sprinkle dated May 28, 1928, recorded in Sales Book 6, page 237; that the said J. T. Sprinkle acquired said property by inheritance from Mrs. Ida Sprinkle; that Ida A. Sprinkle acquired title to the property by warranty deed from John W. Kinsey, Jr., and Dora Kinsey, husband and wife, dated Sept. 10, 1915, recorded in Deed Book 23 NS, pages 529-30 and from Thomas J. Hadley and Lizzie Hadley, husband and wife, by warranty deed dated Sept. 10, 1915, recorded in Deed Book 23 NS at page 530, who acquired title to the said property by mesne conveyances from the United States Government; that the title to the South half of the Southwest quarter of the Northeast quarter of Section 15, Township 6 South, Range 5 East was acquired by H. B. Mosley by tax deed from the State of Alabama dated June 10, 1931, recorded in Deed Book 51 NS, page 32; that the State of Alabama acquired title to the said lands under tax sale for taxes due from F. F. Moore on May 28, 1928, recorded in Sales Book 6, page 245, who acquired title to the property 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 cut and removed the timbers therefrom on numerous occasions over a period of more than ten years next preceding the filing of this bill of complaint, 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 Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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 Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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: The South half of the Northwest quarter and the North half of the Southwest quarter and the South half of the Southwest quarter of the Northeast quarter, all in Section 15, Township 6 South, Range 5 East, Baldwin County, Alabama; 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, Ruby L. Gearhart, Kathleen Mosley, John C. Mosley and Frederick Kervan Mosley, as against the said Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, if living, and if they or any one of them be dead, against the unknown heirs, devisees, personal representatives and assigns of Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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.

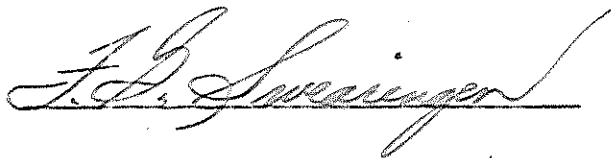
Beebe & Swearingen

By 
Solicitors for complainants

STATE OF ALABAMA

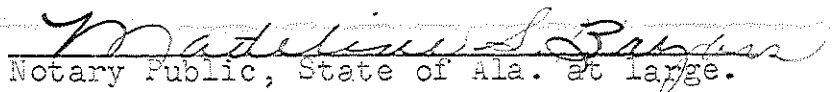
BALDWIN COUNTY

Before me, the undersigned authority in and for said County and State, personally appeared F. G. Swearingen, 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.



Sworn to and subscribed before me this the 19 day of

May, 1955.



Notary Public, State of Ala. at large.

RUBY L. GEARHART, KATHLEEN
MOSLEY, JOHN C. MOSLEY AND
FREDERICK KERVAN MOSLEY,

COMPLAINANTS

VS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

CERTAIN LANDS & IDA A.
SPRINKLE, T. J. SPRINKLE,
JOHN W. KINSEY, FRED F.
MOOSE AND FRED F. MOORE, 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, ASSOCIA-
TIONS OR CORPORATIONS CLAIM-
ING ANY TITLE TO, INTEREST IN,
CLAIM, LIEN OR ENCUMBRANCE ON
THE SAID LAND OR ANY PART OR PAR-
CEL THEREOF;

IN EQUITY

NO. 3526

DEFENDANTS

Motion is hereby made for a decree pro confesso against certain lands and Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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 19 day of July, 1955.

BEEBE & SWEARINGEN

BY J. B. Swearingen
Solicitors for complainants.

3526

RECORDED

RUBY L. GEARHART, ET AL
COMPLAINANTS

VS

CERTAIN LANDS, ETAL
DEFENDANTS

MOTION FOR DECREE
PRO CONFESSO

FILED

JUL 17 1955

ALICE J. DUCK, Register

RUBY L. GEARHART, KATHLEEN
MOSLEY, JOHN C. MOSLEY AND
FREDERICK KERVAN MOSLEY,

COMPLAINANTS

VS

CERTAIN LANDS & IDA A.
SPRINKLE, T. J. SPRINKLE,
JOHN W. KINSEY, FRED F.
MOOSE AND FRED F. MOORE, 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, ASSOCIA-
TIONS OR CORPORATIONS CLAIM-
ING ANY TITLE TO, INTEREST IN,
CLAIM, LIEN OR ENCUMBRANCE ON
THE SAID LAND OR ANY PART OR PAR-
CEL THEREOF;

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 3526

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 19th day of May, 1955, in the Baldwin Times, a newspaper published in Baldwin County, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, Alabama, on the 17th day of May, 1955, and that Lis Pendens notice was filed on May 17, 1955, and recorded in Lis Pendens Book 4, pages 187-91 in the Office of the Judge of Probate of Baldwin County, Alabama;

And it now further appearing to the Register, Alice J. Duck, that the said Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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 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 Complainants, 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 Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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.

This 19 day of July, 1955.

Alice J. Duck
Register.

3526
RECORDED

RUBY L. GEARHART, ET AL
COMPLAINANTS

VS

CERTAIN LANDS, ET AL
DEFENDANTS

DECREE PRO CONFESSO

FILED

JUL 19 1955

ALICE J. DECK, Registrar

RUBY L. GEARHART, KATHLEEN
MOSLEY, JOHN C. MOSLEY AND
FREDERICK KERVAN MOSLEY,

COMPLAINANTS

VS

THE SOUTH HALF OF THE NORTH-
WEST QUARTER AND THE NORTH
HALF OF THE SOUTHWEST QUARTER
AND THE SOUTH HALF OF THE
SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER, ALL IN
SECTION 15, TOWNSHIP 6 SOUTH,
RANGE 5 EAST, BALDWIN COUNTY,
ALABAMA; AGAINST IDA A.
SPRINKLE, T. J. SPRINKLE, JOHN
W. KINSEY, FRED F. MOOSE AND
FRED F. MOORE, 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 CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 3526

It appearing that in the above styled cause Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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 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 Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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;

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 Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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 in said cause.

Done this the 19 day of July, 1955.

Hubert M. Hall
Judge

3526

RECORDED

RUBY L. GEARHART, ET AL
COMPLAINANTS

VS

CERTAIN LANDS, ET AL
DEFENDANTS

ORDER APPOINTING
GUARDIAN AD LITEM

FILED

JUL 19 1955

ALICE A. DUCK, Registrar

RUBY L. GEARHART, KATHLEEN
MOSLEY, JOHN C. MOSLEY AND
FREDERICK KERVAN MOSLEY,

COMPLAINANTS

VS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

THE SOUTH HALF OF THE NORTH-
WEST QUARTER AND THE NORTH
HALF OF THE SOUTHWEST QUARTER
AND THE SOUTH HALF OF THE
SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER, ALL IN
SECTION 15, TOWNSHIP 6 SOUTH,
RANGE 5 EAST, BALDWIN COUNTY,
ALABAMA; AGAINST IDA A.
SPRINKLE, T. J. SPRINKLE, JOHN
W. KINSEY, FRED F. MOOSE AND
FRED F. MOORE, 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;

IN EQUITY

CASE NO. 3526

DEFENDANTS

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 19 day of July, 1955,
you are hereby appointed as guardian ad litem for and to represent
Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and
Fred F. Moore, 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 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 above styled cause.

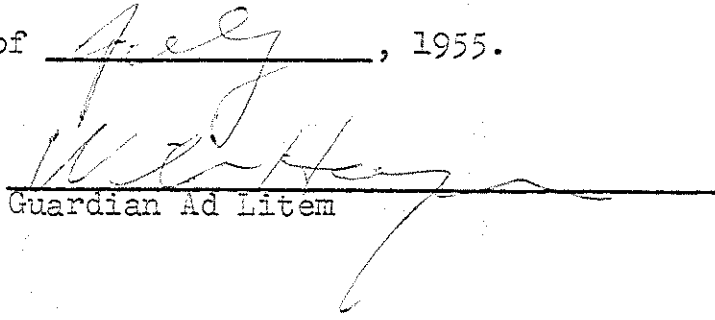
Witness, this the 19 day of July, 1955.

Perce J. Smith
Register

I hereby accept the foregoing appointment as guardian ad litem
for Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose

and Fred F. Moore, 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 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 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 4th day of July, 1955.


Guardian Ad Litem

#3526

RECORDED

RUBY L. GEARHART, ET AL
COMPLAINANTS

VS

CERTAIN LANDS, ET AL
DEFENDANTS

NOTICE & ACCEPTANCE
OF GUARDIAN AD LITEM

FILED

JUL 19 1955

AUGEL J. DICK, Registrar

RUBY L. GEARHART, KATHLEEN
MOSLEY, JOHN C. MOSLEY AND
FREDERICK KERVAN MOSLEY,

COMPLAINANTS

VS

CERTAIN LANDS; IDA A. SPRINKLE,
ET AL,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 3526

Comes the complainant in the above styled cause and requests the oral examination of Ruby L. Gearhart, as witness for the complainant, who resides in Baldwin County, State of Alabama, and suggests Marie B. 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 19 day of July, 1955.

BEEBE & SWEARINGEN

BY: F. B. Swearingen
Solicitors for Complainants

RUBY L. GEARHART, KATHLEEN
MOSLEY, JOHN C. MOSLEY AND
FREDERICK KERVAN MOSLEY,

COMPLAINANTS

VS

THE SOUTH HALF OF THE NORTH-
WEST QUARTER AND THE NORTH
HALF OF THE SOUTHWEST QUARTER
AND THE SOUTH HALF OF THE
SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER, ALL IN
SECTION 15, TOWNSHIP 6 SOUTH,
RANGE 5 EAST, BALDWIN COUNTY,
ALABAMA; AGAINST IDA A.
SPRINKLE, T. J. SPRINKLE, JOHN
W. KINSEY, FRED F. MOOSE AND
FRED F. MOORE, IF LIVING, AND
IF THEY OR EITHER OR 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

Notice is hereby given to Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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: The South half of the Northwest quarter and the North half of the Southwest quarter and the South half of the Southwest quarter of the Northeast quarter, all in Section 15, Township 6 South, Range 5 East, Baldwin County, Alabama;

That Ruby L. Gearhart, Kathleen Mosley, John C. Mosley and Frederick Kervan Mosley have filed their bill of complaint on the 17 day of May, 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:

The South half of the Northwest quarter and the North half of the Southwest quarter and the South half of the Southwest quarter of the Northeast quarter, all in Section 15, Township 6 South, Range 5 East, Baldwin County, Alabama;

complainants allege in their bill of complaint that they acquired

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

title to the said lands by inheritance from H. B. Mosley, who died intestate in the year 1934; that the said H. B. Mosley, acquired title to the South half of the Northwest quarter and the North half of the Southwest quarter of said Section 15, Township 6 South, Range 5 East, by tax deed from the State of Alabama, dated June 10, 1931, recorded in Deed Book 51 NS, page 33; that the State of Alabama, acquired title to the said lands by tax sale from J. T. Sprinkle dated May 28, 1928, recorded in Sales Book 6, page 237; that the said J. T. Sprinkle acquired said property by inheritance from Mrs. Ida Sprinkle; that Ida A. Sprinkle acquired title to the property by warranty deed from John W. Kinsey, Jr., and Dora Kinsey, husband and wife, dated Sept. 10, 1915, recorded in Deed Book 23 NS, pages 529-30 and from Thomas J. Hadley and Lizzie Hadley, husband and wife, by warranty deed dated Sept. 10, 1915, recorded in Deed Book 23 NS at page 530, who acquired title to the said property by mesne conveyances from the United States Government; that the title to the South half of the Southwest quarter of the Northeast quarter of Section 15, Township 6 South, Range 5 East was acquired by H. B. Mosley by tax deed from the State of Alabama dated June 10, 1931, recorded in Deed Book 51 NS, page 32; that the State of Alabama acquired title to the said lands under tax sale for taxes due from F. F. Moore on May 28, 1928, recorded in Sales Book 6, page 245, who acquired title to the property 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 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 cut and removed the timbers therefrom on numerous occasions over a period of more than ten years next preceding the filing of this bill of complaint, 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 their bill of complaint; that Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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 following described land: The South half of the Northwest quarter and the North half of the Southwest quarter and the South half of the Southwest quarter of the Northeast quarter, all in Section 15, Township 6 South, Range 5 East, Baldwin County, Alabama.

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 that the places of residence and post office addresses of the said Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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 Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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: The South half of the Northwest quarter and the North half of the Southwest quarter and the South half of the Southwest quarter of the Northeast quarter, all in Section 15, Township 6 South, Range 5 East, Baldwin County, Alabama; appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely the 19th day of May, 1955, at which time the said cause shall stand at issue.

Witness my hand this the 17th day of May, 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 Ruby L. Gearhart, Kathleen Mosley, John C. Mosley and Frederick Kervan Mosley, are complainants, and Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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: The South half of the Northwest quarter and the North half of the Southwest quarter and the South half of the Southwest quarter of the Northeast quarter, all in Section 15, Township 6 South, Range 5 East, Baldwin County, Alabama; 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 17 day of May, 1955.

Witness my hand this the 17 day of May, 1955.

Alice J. Duck
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 Ruby L. Gearhart, Kathleen Mosley, John C. Mosley and Frederick Kervan Mosley are complainants and Ida A. Sprinkle, T. J. Sprinkle, John W. Kinsey, Fred F. Moose and Fred F. Moore, 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 17 day of May, 1955, and I do further certify that the same was published in the Baldwin Times, the newspaper designated therein in its issues of May 19, May 26, June 2 and June 9, 1955, and posted at the front door of the Court House of Baldwin County, Alabama for thirty days commencing May 17, 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 189-191 on the 17 day of May, 1955.

Witness my hand this the 28 day of July, 1955.

Alice J. Duck
Register