

3529

NOTICE OF PENDENCY OF BILL OF COMPLAINT

HARRY MILLER, AS TRUSTEE FOR  
PEOPLE OF THE LIVING GOD,

Complainant,

VS.

THE LANDS AND PARTIES HEREINAFTER  
DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. \_\_\_\_\_

Notice is hereby given to each and all of the respondents named below and to all persons, firms or corporations claiming any right, title or interest in, lien or encumbrance on the lands hereinafter described, or any part thereof, that Harry Miller, did, on the 20th day of May, 1955, file in the Circuit Court of Baldwin County, Alabama, in Equity; a verified Bill of Complaint against the following described real property situated in Baldwin County, Alabama, to-wit:

The North half of the Southeast quarter of  
the Southeast quarter of Section 31, Town-  
ship 4 South, Range 3 East.

and against Charles A. Twining, Abraham Edwards and James A. Carney, and against the heirs and devisees of such of the said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, or lien or encumbrance on, the said lands or any part thereof.

The said James A. Carney is a resident of Baldwin County, Alabama, (Daphne).

The address of Abraham Edwards and Charles A. Twining are unknown and cannot be ascertained after reasonable effort and the making of diligent inquiry to ascertain the same.

The said Bill of Complaint has been filed for the purpose of establishing the title of the said complaint to all of the said lands, for the purposes of quieting his title thereto and to clear up all doubts and disputes concerning the title to the said property.

Complainant claims the absolute fee simple title to all of the said lands under, from, by and through the following conveyance:

Deed from Ort H. Ertzinger and Ottilla M. Ertzinger dated February 25, 1954, and recorded in Deed Book 205 at Page 553, Baldwin County, Alabama Probate Records.

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

The respondents named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, must appear in this court and plead, answer or demur to the said Bill of Complaint before the 26th day of June, 1955, or at the expiration of thirty days from the said date decrees pro confesso will be taken against them, testimony will be thereafter taken and the cause submitted for a final decree quieting complainant's title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand as Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the seal of the said court on this the 20th day of May, 1955.

Alice J. Duck  
ALICE J. DUCK,  
As Register of the Circuit Court of  
Baldwin County, Alabama, In Equity.

TELFAIR J. MASHBURN, JR.,  
Solicitor for complainant.

HARRY MILLER, as Trustee for  
PEOPLE OF THE LIVING GOD,

Complainant,

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

S T I P U L A T I O N:

James R. Owen was heretofore appointed by the Court to act as Guardian ad Litem for the unknown owners, minors and insane persons, if any, interested in the proceedings, and for any unknown persons interested in the proceedings who may be in the Military Service of the United States. That Mr. Owen accepted the appointment and filed an answer denying the allegations of the bill of complaint on, to-wit: 18th day of July, 1956; that Mr. Owen is presently absent from Baldwin County, on a tour of active duty of the armed forces of the United States, and the Judge of the Circuit Court, Hubert M. Hall, has appointed James A. Hendrix of Robertsdale, Alabama, a practicing Attorney at the Baldwin County Bar, to act in the place and stead of James R. Owen; that he is present at this hearing on this date.

MR. MASHBURN: I offer in evidence certified Photostatic copy of confirmation deed from United States of America, to Josiah Thompson, which deed is of record in Deed Book S. at pages 602-608, Probate Office of Baldwin County, Alabama, and ask that it be Marked Complainant's Exhibit 1.

Next, I offer in evidence certified copy - Photostatic copy - of a deed from W. R. Stuart, as Probate Judge, Baldwin County, Alabama, to Ort H. Ertzinger, which deed appears of record in



the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 168 at page 80, and ask that it be marked Complainant's Exhibit 2.

Next, we offer in evidence a certified Photostatic copy of deed from Ort H. Ertzinger, and Ottila M. Ertzinger, his wife, to Harry Miller, as Trustee for PEOPLE OF THE LIVING GOD, which deed is dated February 25, 1954, and of record in Deed Book 205 at page 553, Baldwin County Probate Records, and ask that it be marked Complainant's Exhibit 3.

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MR. HARRY MILLER, BEING FIRST DULY SWORN, TESTIFIED:

Direct Examination by Mr. Mashburn.

Q. Are you Harry Miller?

A. Yes sir.

Q. You are the complainant in this cause, Mr. Miller?

A. Yes sir.

Q. You filed this bill of complaint as Trustee for the People of the Living God?

A. Yes sir.

Q. Now in 1954 did you purchase a piece of land in Baldwin County, Alabama, from Mr. Ertzinger and his wife?

A. Yes sir.

Q. Did you purchase that land as Trustee for the People of the Living God?

A. Yes sir.

Q. Is your group incorporated?

A. Yes sir.

- Q. After you purchased that land and secured the deed therefor, did you and your group, or the people you represent, go into possession of the land?
- A. Yes sir.
- Q. In what ways have you exhibited your possession of the lands over the years since then?
- A. We did work removing stumps and we ran a scraping machine over it and we took off some trees that was in the way of some farm work that we were doing and put signs on it.
- Q. Are you getting ready to build a Church on this land?
- A. Community farm and school.
- Q. Have you had any one to interfere with your possession of this land?
- A. No sir.
- Q. Have you, as Trustee, assessed and paid the taxes on this land since you purchased it?
- A. Yes sir.
- Q. Have you continued in the quiet and peaceable possession of the land up to the present time?
- A. Yes sir.
- Q. Did you record your deed from Mr. Ertzinger?
- A. Yes, it was recorded.
- Q. During the time since then have you personally, and through agents and attorney, attempted to find any one that might have any claim on this land?
- A. Yes sir.
- Q. Did you employ an abstractor to make an abstract of this land, looking for people who might have a claim to the lands?
- A. Yes sir.
- Q. Has anybody filed suit against you or your group for this land?
- A. No sir.
- Q. At the time this suit was filed, or at the present time, was any suit pending to test the title of you and your group to this land?

A. No sir.

Q. Have you read this bill of complaint, Mr. Miller?

A. Yes sir.

Q. Are the allegations therein contained true and correct?

A. Yes sir.

CROSS EXAMINATION BY JAMES A. HENDRIX, GUARDIAN AD LITEM:

Q. Mr. Miller, at present you do not have any buildings on the property do you?

A. No.

Q. The only acts of possession you have exercised have been removing some stumps and timber, is that right?

A. And doing grading work.

Q. Have you fenced the land?

A. No.

Q. How much land is involved, do you know, Mr. Miller?

A. 20 acres.

Q. You have actually been in possession of the land for about 3 years, is that right?

A. Yes sir.

Q. Do you know Mr. C. A. Twining?

A. No, I don't know him.

MR. MASHBURN: I offer in evidence the sworn bill of complaint filed in this cause.

MR. ORT ERTZINGER, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Mashburn.

Q. Is this Mr. Ort H. Ertzinger?

A. Yes sir.

Q. Where do you live, Mr. Ertzinger?

A. Bay Minette, Alabama.

Q. Did you, in 1948, purchase the North Half of Southeast Quarter of Southeast Quarter, Section 31, Township 4 South, Range 3 East from the State of Alabama for its taxes?

MR. HENDRIX: You mean did he get a deed or buy it?

MR. MASHBURN: I said did he buy it.

A. You said from the State - I bought it from the County - the Judge of Probate at tax sale.

Q. On the 3rd day of August, 1951, did you receive a deed to that land from W. R. Stuart, Judge of Probate?

A. Yes sir.

Q. After you purchased the land what did you do in regard to the possession?

A. I went on the land and found some neighbors and we went over it and I was there at least a half dozen times; I didn't put up any signs, because I didn't have the three years possession but I got the people around there to look after it.

Q. Did you assess and pay the taxes on the land?

A. Yes sir.

Q. Did you try to find any one who might own, or be interested in the land?

A. Yes sir. I represented this fellow, Twining for 20 years, and finally the letters I would write him would come back and I let the land sell for taxes. The letters would come back marked "Deceased".

Q. I believe your firm made the abstract for Mr. Miller?

A. Walter Lindsey made it for Ertzinger & Son.

Q. No suit was filed against you testing the title or your right to possession of this land during the time you owned it?

A. No sir.

Q. How long did you own it before you sold it to Mr. Miller, as Trustee for the PEOPLE OF THE LIVING GOD?

A. From '51 to '54.

Q. And you assessed and paid taxes on it during that time?

A. Yes sir.

ON CROSS EXAMINATION OF THIS WITNESS BY JAMES A. HENDRIX, GDN AD. LITEM, HE TESTIFIED.

Q. You visited the land about a half dozen times during the time you had it?

A. Yes sir. As soon as I got possession I went down and found

where it was.

Q. You never cut the timber on it?

A. No sir, the timber was cut but I didn't sell it; I went down and raised hell about it, but never did anything about it; one morning I went down and caught the negro that cut it and he ran out the back door and got in his automobile and left.

Q. You ran him off, so to speak?

A. Yes sir.

Q. In writing Mr. Twining, Mr. Ertzinger, were you able to determine whether or not he left any heirs, or were you able to contact any heirs, or devisees or grantees of Mr. Twining?

A. No sir, the mail came back marked on the envelope "Deceased". The land had sold several times prior to this sale, and he never showed any willingness to redeem it. It sold one time in 1923 --

Q. During the time you owned the land did you assess and pay taxes on it?

A. Yes sir.

Q. To your knowledge did anybody else during the time you owned it assess and pay taxes on it?

A. No.

Q. Did any one claim the land?

A. No sir.

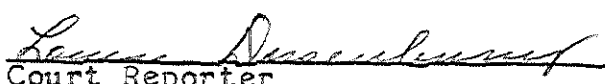
Q. Did any one ever try to dispossess you?

A. No.

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I hereby certify that the foregoing, consisting of pages 1 to 6, both inclusive, correctly sets forth a true and correct transcript of the testimony as taken by me, and the attached are the exhibits introduced at the time of taking said testimony.

This 22nd day of May, 1957.

  
Court Reporter



Department of the Interior,  
General Land Office,

Washington, D.C., April 27<sup>th</sup>, 1897.

I, J. M. Sammons, Commissioner of the General Land Office, do hereby certify that the annexed copy of so much of the adjustment of this grant, made by Act of June 3, 1896, for the Mobile and Girard Railroad Company, under the provisions of the 8<sup>th</sup> section of Act of September 29, 1890, (26 Stat., 496), as relates to the lands selected and certified for the benefit of Josiah C. Thompson and his assigns, is a true and literal simplification of the original on file in this office.

United States  
General  
Land Office

In testimony whereof I have hereunto subscribed my name, and caused the seal of this office to be affixed, at the City of Washington, on this day and year above written.

J. M. Sammons, Commissioner  
of General Land Office

Department of the Interior,  
General Land Office,

Washington, D.C., April 27<sup>th</sup>, 1897.

Whereas, by Act of Congress approved June 3, 1896, a grant of lands was made to the State of Alabama to aid in the construction, among others, of a railroad from Girard to Mobile in said State, and

Whereas, by the 8<sup>th</sup> section of the Act of Congress approved September 29, 1890, it was provided that the Mobile and Girard Railroad Company, of Alabama, shall be entitled to the quantity of land earned by the construction of its road from Girard to Troy a distance of eight and four miles, and the Secretary of the Interior, on making settlement and certifying to or for the benefit of the said Company the lands earned thereby shall include therein all the lands sold, conveyed or otherwise disposed of by said Company, not to exceed the total amount earned by said Company at the time said

And the title of the purchasers to such lands are hereby confirmed so far as the United States are concerned.

But such settlement and satisfaction shall not include any lands upon which there were bona fide pre-emptors or homestead claims on the first day of January eight hundred and ninety, arising or asserted by actual occupation of the land under color of the laws of the United States.

The right hereby given to the said railroad Company is on condition that it shall

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*[Faint handwritten notes, possibly bleed-through from the reverse side of the page.]*



North of base line and East of St. Stephens Meridian, Alabama.  
Land allotted to military General R. R. Lee under Act of Sept 29 1890  
Railroad List.

| Parts of Sections                                                                                                       | Sec. | Acres | Range          | Acres  | Remarks            |
|-------------------------------------------------------------------------------------------------------------------------|------|-------|----------------|--------|--------------------|
| N <sup>1</sup> W <sup>1</sup> + S <sup>2</sup>                                                                          | 13   | 27    | 4 <sup>0</sup> | 480 72 |                    |
| NE <sup>2</sup> + S <sup>2</sup>                                                                                        | 15   | 2     | 4              | 479 94 | Josiah V. Thompson |
| E <sup>2</sup> + NE <sup>2</sup> + W <sup>1</sup>                                                                       | 17   | 2     | 4              | 339 32 |                    |
| all                                                                                                                     | 19   | 2     | 4              | 641 12 |                    |
| all                                                                                                                     | 21   | 2     | 4              | 638 80 |                    |
| all                                                                                                                     | 23   | 3     | 4              | 639 60 |                    |
| N <sup>1</sup> W <sup>1</sup> + NE <sup>2</sup> + W <sup>1</sup>                                                        | 25   | 2     | 4              | 339 89 |                    |
| all                                                                                                                     | 27   | 2     | 4              | 641 64 | ✓                  |
| all                                                                                                                     | 29   | 2     | 4              | 640 00 |                    |
| NE <sup>2</sup> + W <sup>1</sup> + SE <sup>2</sup> + W <sup>1</sup>                                                     | 33   | 2     | 4              | 339 51 |                    |
| E <sup>2</sup> + NE <sup>2</sup> + W <sup>1</sup> + SE <sup>2</sup> + W <sup>1</sup> + NE <sup>2</sup> + W <sup>1</sup> | 35   | 37    | 3 <sup>0</sup> | 383 69 |                    |
| E <sup>2</sup> + NE <sup>2</sup> + W <sup>1</sup> + SE <sup>2</sup> + W <sup>1</sup>                                    | 35   | 3     | 3              | 360 00 |                    |
| all                                                                                                                     | 15   | 3     | 4              | 640 60 |                    |
| SE <sup>2</sup>                                                                                                         | 13   | 3     | 4              | 158 28 |                    |
| all                                                                                                                     | 21   | 3     | 4              | 640 08 |                    |
| all                                                                                                                     | 23   | 3     | 4              | 640 00 |                    |
| all                                                                                                                     | 25   | 3     | 4              | 643 20 |                    |
| all                                                                                                                     | 27   | 3     | 4              | 639 72 | ✓                  |
| all                                                                                                                     | 29   | 3     | 4              | 640 28 |                    |
| all                                                                                                                     | 31   | 3     | 4              | 641 16 |                    |
| all                                                                                                                     | 33   | 3     | 4              | 640 64 |                    |
| all                                                                                                                     | 35   | 3     | 4              | 641 20 |                    |
| W <sup>1</sup> + W <sup>1</sup> + N <sup>1</sup> + SE <sup>2</sup>                                                      | 7    | 48    | 3 <sup>0</sup> | 161 25 |                    |
| all                                                                                                                     | 9    |       |                | 643    |                    |
| all                                                                                                                     | 15   |       |                | 641 20 |                    |
| E <sup>2</sup> + NE <sup>2</sup> + SE <sup>2</sup> + W <sup>1</sup>                                                     | 17   |       |                | 480 45 |                    |
| W <sup>1</sup> + S <sup>2</sup>                                                                                         | 21   |       |                | 486    |                    |
| all                                                                                                                     | 23   |       |                | 640    |                    |
| E <sup>2</sup> + NE <sup>2</sup> + SE <sup>2</sup> + W <sup>1</sup>                                                     | 29   |       |                | 481 25 |                    |
| E <sup>2</sup>                                                                                                          | 31   |       |                | 331 48 |                    |
| all                                                                                                                     | 33   |       |                | 635 95 |                    |
| W <sup>1</sup> + SE <sup>2</sup> + W <sup>1</sup> + W <sup>1</sup>                                                      | 35   |       |                | 335 27 |                    |
| NE <sup>2</sup> + W <sup>1</sup> + W <sup>1</sup> + SE <sup>2</sup>                                                     | 1    | 48    | 4 <sup>0</sup> | 432 88 | ✓                  |
| all                                                                                                                     | 3    |       |                | 641 60 | ✓                  |
| all                                                                                                                     | 9    |       |                | 642 60 | ✓                  |
| all                                                                                                                     | 11   |       |                | 640    | ✓                  |
| E <sup>2</sup>                                                                                                          | 15   |       |                | 322    | Josiah V. Thompson |
| all                                                                                                                     | 1    | 38    | 3 <sup>0</sup> | 639 80 | ✓                  |
| E <sup>2</sup> + NE <sup>2</sup>                                                                                        | 3    |       |                | 79 93  | ✓                  |
| all                                                                                                                     | 1    | 38    | 3 <sup>0</sup> | 640 39 |                    |
| all                                                                                                                     | 3    |       |                | 640 80 |                    |
| E <sup>2</sup> + NE <sup>2</sup> + SE <sup>2</sup> + W <sup>1</sup>                                                     | 5    |       |                | 319 43 | ✓                  |



| Parts of Section | Sec | Lower | Upper | Acres  |
|------------------|-----|-------|-------|--------|
| N. 1/2 S. 2 E. 2 | 13  | S. 2  | 2 E.  | 549.38 |
| All              | 15  | "     | "     | 641.48 |
| Ch 1/2           | 23  | "     | "     | 346.34 |
| E. 1/2 S. 2      | 19  | 106   | 2 E.  | 244.02 |
| All              | 1   | 106   | 2 E.  | 636.30 |
| All              | 3   | "     | "     | 630.80 |
| Ch 1/2           | 5   | "     | "     | 317.42 |
| E. 2 & 17 NW     | 9   | "     | "     | 398.43 |
| All              | 11  | "     | "     | 642.72 |
| All              | 13  | "     | "     | 643.30 |
| All              | 21  | "     | "     | 642.04 |
| NE & E. 2 NW     | 25  | "     | "     | 607.91 |
| SW & NW & S 1/2  |     |       |       |        |
| E. 1/2 NW NW NW  | 35  | 106   | 2 E.  | 440    |
| E. 1/2 SW SW SW  |     |       |       |        |
| NE & NW SE       | 5   | 106   | 4 E.  | 639.36 |
| All              | 7   | "     | "     | 50     |
| E. 2 NW          | 13  | "     | "     | 639.28 |
| All              | 21  | "     | "     | 639.30 |
| All              | 23  | "     | "     | 639.92 |
| SW & SW SE       | 27  | "     | "     | 179.72 |
| All              | 29  | "     | "     | 639.20 |
| NE & NE NW       | 31  | "     | "     | 200    |
| All              | 33  | "     | "     | 601.68 |
| E. 1/2 NE        | 13  | 106   | 1 E.  | 120    |
| SE               | 23  | 106   | 1 E.  | 160    |
| E. 1/2 NW        | 25  | "     | "     | 19     |
| E. 2 SW          | 33  | 106   | 2 E.  | 65     |
| N. NW NW SE      | 39  | "     | "     | 302.50 |
| N. 1/2 S. NW     |     |       |       |        |
| N. NW SE SE      | 39  | "     | "     | 302.50 |
| NE S. 1/2 S. 1/2 |     |       |       |        |
| 1/2 S. NW        | 27  | 106   | 1 E.  | 107.00 |
| E. 2 NE & NE SE  | 33  | "     | "     | 120    |
| SE               | 23  | "     | "     | 139.77 |
| SE SE            | 13  | 106   | 1 E.  | 40.15  |
| NE NE & NW NW    | 25  | "     | "     | 463    |
| N. NW & NW       | 19  | 106   | 2 E.  | 236.15 |
| NE SE            | 33  | "     | "     | 39.31  |
| All              | 3   | 40    | 2 E.  | 641.40 |
| All              | 11  | "     | "     | 641.30 |
| All              | 13  | "     | "     | 652.40 |
| All              | 25  | "     | "     | 654.80 |
| All              | 3   | 30    | 4 E.  | 641.60 |

*Josiah V. Thompson*



*Part of base line and East of St. Stephens Meridian, Alabama.  
 Lands allotted to Mobile and Grand R.R. Co under Act of Sept. 29, 1870  
 Railroad Dist.*

| <i>Part of Section</i>               | <i>Sec</i> | <i>Range</i> | <i>Acres</i>     | <i>Remarks</i> |
|--------------------------------------|------------|--------------|------------------|----------------|
| <i>N. H.</i>                         | <i>9</i>   | <i>3 S.</i>  | <i>4 E.</i>      | <i>160 24</i>  |
| <i>all</i>                           | <i>13</i>  | <i>"</i>     | <i>"</i>         | <i>588 21</i>  |
| <i>N. H. &amp; S. E.</i>             | <i>13</i>  | <i>"</i>     | <i>"</i>         | <i>480 63</i>  |
| <i>all</i>                           | <i>23</i>  | <i>3 S.</i>  | <i>4 E.</i>      | <i>642 64</i>  |
| <i>all</i>                           | <i>23</i>  | <i>"</i>     | <i>"</i>         | <i>594 61</i>  |
| <i>all</i>                           | <i>39</i>  | <i>3 S.</i>  | <i>5 E.</i>      | <i>646 80</i>  |
| <i>all</i>                           | <i>3</i>   | <i>4 S.</i>  | <i>5 E.</i>      | <i>641 90</i>  |
| <i>all</i>                           | <i>7</i>   | <i>3 S.</i>  | <i>5 E.</i>      | <i>638 60</i>  |
| <i>N. H.</i>                         | <i>7</i>   | <i>3 S.</i>  | <i>4 E.</i>      | <i>160 25</i>  |
| <i>N. H. &amp; S. E.</i>             | <i>13</i>  | <i>3 S.</i>  | <i>5 E.</i>      | <i>58 91</i>   |
| <i>N. H. &amp; S. E. &amp; N. W.</i> | <i>13</i>  | <i>2 S.</i>  | <i>5 E.</i>      | <i>119 70</i>  |
| <i>S. E. &amp; N. W.</i>             | <i>11</i>  | <i>"</i>     | <i>"</i>         | <i>50</i>      |
| <i>S. E.</i>                         | <i>11</i>  | <i>1 S.</i>  | <i>4 E.</i>      | <i>319 96</i>  |
| <i>Total</i>                         |            |              | <i>68,383.93</i> |                |

*Josiah V. Thompson*



Now therefore, as it has been found after a careful examination of the foregoing list of lands that the same are within the limits of the grant under the Act of June 3, 1856, and have been sold, conveyed or otherwise disposed of by the Mobile and Girard Railroad Company, to the persons named in said list opposite the several descriptions, and are not embraced within the asserted claims of any person who made settlement prior to January 1876 it is hereby recommended that the foregoing tracts, embracing 302,151,666 acres, be allotted to the Mobile and Girard Railroad Company under the provisions of the Act of September 29, 1890, for the use and benefit of its transients, whose names are set forth in this list, and those claiming through them, and in full satisfaction of the grant for said company under the Act of June 3, 1856.

J. M. Sammons  
Commissioner

To Hon. Woke Smith  
Secretary of the Interior

J. H. H.

C. L. H.

Department of the Interior,  
Washington, D.C. April 24, 1893.

Approved

Woke Smith  
Secretary

Filed for Record June 5<sup>th</sup> 1893  
And truly recorded.

Chas. Wall  
Judge of Probate

The State of Alabama,  
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing Seven photostatic pages

contain a full, true and complete copy of the Patent from U.S.A. to Josiah Thompson,

as the same appears of record in my office in Deed Book No. "S"  
page 602-8.

Given under my hand and seal of office, this 21st day of May, 1957.

  
Judge of Probate



BOOK 168 PAGE 30

The State of Alabama,  
Baldwin County

Know All Men By These Presents, That

WHEREAS, on the 6th day of May, 1946, a decree was rendered by the Probate Court of said County, for the sale of the lands hereinafter described and conveyed for the State and County taxes then due from C.A. Twining the owner of said land for the costs and expenses thereof and thereunder.

AND WHEREAS, thereafter, to-wit, on the 21st day of June, A.D., 1946, said lands were duly and regularly sold by the Tax Collector of said County for said taxes, costs and expenses, and at said sale Ort H. Entzinger became the purchaser of said lands at and for the sum of said taxes, costs and expenses, and forthwith paid said sum to said Tax Collector, and received from said Collector a certificate of said purchase.

AND WHEREAS, the time for the redemption of said lands by said owner or other person having an interest therein has elapsed and said certificate of purchase has been returned to the Probate Judge of said County.

NOW, THEREFORE, I, W.R. Stuart, as Probate Judge of said County of Baldwin, under and by virtue of the provisions of Section 241, of an Act of the Legislature of 1935, to provide for the general revenue of the State of Alabama, approved July 10, 1935, and in consideration of the premises above set out, and in further consideration of the sum of one dollar to me in hand paid, have this day granted, bargained and sold, and by these presents do grant, bargain, sell and convey unto Ort H. Entzinger

who is the present owner and holder of said certificate of purchase all the right, title, and interest of the said C.A. Twining

owner as aforesaid of said land, and all the right, title, interest and claim of the State and County on account of said taxes, or under said decree in and to the following described lands hereinafter referred to, to-wit: NE 1/4 of SE 1/4 of Section 31, T. 4 S. R. 3

E. STATE OF ALABAMA, BALDWIN COUNTY  
Filed 8-9-51 9a M  
Recorded book 555  
and I certify that the following Privilege Tax has been paid:  
Deed Tax 50  
Mortgage Tax  
W.R. Stuart  
Judge of Probate  
By 2

lying and being situate in said County and State, to have and to hold the same, the said rights, titles and interests unto himself the said Ort H. Entzinger and his heirs and assigns forever, but no right, title or interest of any reversioner or remainderman in said land is conveyed hereby.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, this the 3rd day of August, 1951.  
W.R. Stuart  
Judge of Probate.

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

I, Lila S. Glover, a Notary Public

in and for said County, in said State, hereby certify that W.R. Stuart whose name as Judge of Probate is signed to the foregoing conveyance and who is known to me, acknowledged before me, on this day, that, being informed of the contents of this conveyance he, in his capacity as such Judge of Probate, executed the same voluntarily, on the day the same bears date.

Given under my hand, this the 3rd day of August, A.D., 1951.  
Lila S. Glover  
Notary Public, Baldwin Co., Ala.

The State of Alabama,  
Baldwin County.

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing One photostatic pages

contain a full, true and complete copy of the Deed from W. R. Stuart, as Probate Judge,

to Ort H. Ertzinger,

as the same appears of record in my office in Deed Book No. 168

page 80.

Given under my hand and seal of office, this 21st day of May, 1957.

W. R. Stuart  
Judge of Probate



Com Exp 3

STATE OF ALABAMA  
BALDWIN COUNTY

BOOK 205 PAGE 553

KNOW ALL MEN BY THESE PRESENTS that ORT H. ERTZINGER and OTTILLA M. ERTZINGER, his wife, the grantors, in consideration of the sum of Five Hundred Dollars (\$500.00) to them in hand paid by HARRY MILLER, as trustee for PEOPLE OF THE LIVING GOD, an incorporation, the grantee, the receipt whereof is hereby acknowledged, except as to an undivided one-half interest in the oil and mineral estate of the hereafter described land, which interest is expressly reserved unto the grantors for a period of twenty-five years from the date hereof, do remise, release, quit-claim, and convey to the said grantee all of their right, title, interest, and claim in or to the following described land in Baldwin County, State of Alabama, to wit:

North one-half of the Southeast one-quarter of the Southeast one-quarter of Section 31, Township 4 South, Range 3 East

to have and to hold to the said Harry Miller, as trustee for People of the Living God, an incorporation, and to their heirs and assigns forever.

Given under our hands and seals this 25th day of February, 1954.

Ort H. Ertzinger  
Ort H. Ertzinger

Ottilla M. Ertzinger  
Ottilla M. Ertzinger

STATE OF ALABAMA  
BALDWIN COUNTY

I, Walter M. Lindsey, a notary public

in and for said county and state, do hereby certify that Ort H. Ertzinger and Ottilla M. Ertzinger, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that being informed of the contents of the said conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 25th day of February, 1954.

Walter M. Lindsey

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 3-9-54 2 P.M.  
Recorded \_\_\_\_\_ back \_\_\_\_\_ page \_\_\_\_\_  
Notary Public for the following: Mortgage Tax  
Deed Tax \_\_\_\_\_ 50 \_\_\_\_\_  
Mortgage Tax \_\_\_\_\_  
W. M. Lindsey  
Judge of Probate  
By W. M. Lindsey



The State of Alabama,  
Baldwin County. }

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing Onep photostatic pages

contain a full, true and complete copy of the Deed from Ort H. Ertzinger, et al, to

Harry Miller,

as the same appears of record in my office in Deed Book No. 205

page 553.

Given under my hand and seal of office, this 21st day of May, 1957.

W. R. Stuart  
Judge of Probate



Harry Miller, as Trustee  
for People of Living Word

vs  
Certain Lords

May 20, 1957

HARRY MILLER, as Trustee for  
People of the Living God, an  
Incorporation,

Complainant,

VS

CERTAIN LANDS IN BALDWIN  
COUNTY, ALABAMA, and ABRAHAM  
EDWARDS, CHARLES TWINING AND  
JAMES A. CARNEY,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 3529

FINAL DECREE

This cause coming on to be heard on this 21st day of May, 1957, being the day regularly set for the hearing of Equity Cases in this Court, is submitted for final decree on behalf of the complainant on the Original Bill of Complaint; Order Designating Newspaper in which Notice of Pendency of Bill of Complaint Shall be Published; Notice of Pendency of Bill of Complaint; Proof of Publication of Notice of Pendency of Bill of Complaint; Motion for Decree Pro Confesso on Personal Service; Decree Pro Confesso on Personal Service; Motion for Decree Pro Confesso on Publication; Decree Pro Confesso on Publication; Decree of this Honorable Court dated July 17, 1956, appointing James R. Owen as Guardian ad Litem to represent any Unknown Minor and Persons of Unsound Mind Interested in this Proceeding and as Attorney to Represent Any Persons Interested in this Proceeding who may Be In The Military Service of the United States; The Action of This Honorable Court in Open Court Appointing Honorable James A. Hendrix to Act for Honorable James R. OWENS, who is away in Military Service; and the Testimony of Harry Miller and Ort H. Ertzinger heard ore tenus by the Court, with the Exhibits to their testimony; upon consideration of all of which it appears to the Court that the Respondents named in the Bill of Complaint have permitted a decree pro confesso to be taken against them; that the allegations of the bill of complaint are true; and that the complainant is entitled to a decree quieting



title to the lands described in the said bill of complaint; upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the complainant, HARRY MILLER, as Trustee for People of the Living God, an Incorporation, is the lawful owner in fee simple of the following described land situated in Baldwin County, Alabama, to-wit:

The North half of the Southeast quarter of the Southeast quarter of Section 31, Township 4 South, Range 3 East;

That the absolute fee simple title to the said lands and to each and every part thereof and all interest therein is in the Complainant, as Trustee, free and clear of and from the claim or claims of all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, or any interest therein; that the said complainant has, and is hereby given, judgment against the said lands and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on said lands or any part thereof.

2. The Complainant's title to the said lands is hereby quieted against Charles A. Twining, Abraham Edwards and James A. Carney and against any and all persons, firms, or corporations claiming any title to, interest in, lien or encumbrance on said lands or any part thereof, and all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

3. The Register of this Court 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, for record therein and tax the cost of such recording as a part of the costs of this proceeding.

4. The Judge of Probate of Baldwin County, Alabama, shall record the said certified copy of this decree in the same book and manner which deeds are recorded, and shall index the same in the direct index in the names of CHARLES A. TWINING, ABRAHAM EDWARDS

and JAMES A. CARNEY, and shall index the same in the indirect or reverse index of said records in the name of HARRY MILLER, as Trustee for People of the Living God, an Incorporation.

5. The title hereby adjudged and decreed to be in the said Harry Miller, as Trustee, shall inure to the benefit of all persons who derive title to the said lands, or any part thereof, or any interest therein, from or through the said Complainant, and such title or interest shall be at all times treated and considered as though it had been established in favor of the person or persons so procuring or deriving title from the said complainant.

6. The costs of this proceeding are hereby taxed against the complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 21st day of May, 1957.

Hubert M. Hall  
JUDGE.

Filed in

253 NS 84-86

on 6-15-57

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 3529

\*\*\*\*\*

HARRY MILLER, as Trustee for  
People of the Living God, an  
Incorporation,

Complainant,

VS.

CERTAIN LANDS IN BALDWIN  
COUNTY, ALABAMA, and ABRAHAM  
EDWARDS, CHARLES TWINING AND  
JAMES A. CARNEY,

Respondents.

FILED

\*\*\*\*\*957

ALICE J. JACK, Register

FINAL DECREE.



ORDER PRESCRIBING NOTICE BY PUBLICATION

HARRY MILLER, AS TRUSTEE  
FOR PEOPLE OF THE LIVING  
GOD,

Complainant,

VS.

THE LANDS AND PARTIES  
HEREINAFTER DESCRIBED,

Resphdents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. \_\_\_\_\_

It is ordered in this cause that the notice provided for in Section 1119, Tit. 7, Code 1940, be published in the Baldwin Times, which is a newspaper having general circulation and published in the County of Baldwin, Alabama, where the lands described in the bill of complaint lie.

Done this the 20 day of May, 1955.

Hubert M. Hall

CIRCUIT JUDGE.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. \_\_\_\_\_

\*\*\*\*\*

HARRY MILLER, AS TRUSTEE  
FOR PEOPLE OF THE LIVING  
GOD,

Complainant,

VS.

THE LANDS AND PARTIES  
HEREINAFTER DESCRIBED,

Respondents.

\*\*\*\*\*

ORDER PRESCRIBING NOTICE  
BY PUBLICATION.

FILED

MAY 20 1955

WILLIAM J. DICK, Notary

HARRY MILLER, as Trustee for  
People of the Living God,

Complainant,

VS.

THE LANDS HEREINAFTER DE-  
SCRIBED and JAMES A CARNEY,  
CHARLES A. TWINING AND ABRA-  
HAM EDWARDS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 3529.

ANSWER OF GUARDIAN AD LITEM FOR UNKNOWN MINORS AND  
INSANE PERSONS, AND AS ATTORNEY FOR ANY UNKNOWN  
PERSONS INTERESTED IN THIS PROCEEDING WHO MAY BE  
IN THE MILITARY SERVICE OF THE UNITED STATES.

I, James R Owen, have been hereto-  
fore appointed as guardian ad litem to represent any unknown  
minors or insane persons interested in this proceeding, and  
as attorney to represent any unknown parties interested in  
this proceeding who may be in the military service of the  
United States, for answer to the Bill of Complaint filed in  
this cause, hereby deny each and all of the allegations thereof  
and demand strict proof of the same.

Dated this 18<sup>th</sup> day of July, 1956.

James R. Owen  
As Guardian ad Litem as aforesaid,  
and as Attorney to represent per-  
sons in Military Service as afore-  
said.



IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 3529

\*\*\*\*\*

HARRY MILLER, as Trustee for  
People of the Living God,  
Complainant,

VS.

CERTAIN LANDS and CHARLES  
A.TWINING, ABRAHAM EDWARDS  
AND JAMES.A. CARNEY,  
Respondents.

\*\*\*\*\*

ANSWER OF GUARDIAN AD LITEM  
AND ATTORNEY FOR PERSONS IN  
THE MILITARY SERVICE.

HARRY MILLER, as Trustee for  
People of the Living God,  
  
Complainant,  
  
VS.  
  
THE LANDS AND PARTIES HEREIN-  
AFTER DESCRIBED,  
  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
  
IN EQUITY. NO. 3529

MOTION

Now comes the Complainant by his Solicitor and shows unto the Court that all of the respondents named in the Bill of Complaint filed in this cause have suffered a decree pro confesso to be taken against them.

Wherefore, Complainant prays that the Court will make and enter a proper order or decree setting this cause for a hearing; appointing a guardian ad litem to represent any unknown minor or person of unsound mind interested in this proceeding; and appointing an attorney to represent any party interested in this proceeding who may be in the military service; and prescribing the method of taking testimony in this cause.

*William A. Marshall*  
SOLICITOR FOR COMPLAINANT.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 3529

\*\*\*\*\*

HARRY MILLER, as Trustee for  
People of the Living God,  
Complainant,

VS.

THE LANDS AND PARTIES HEREIN-  
AFTER DESCRIBED,  
Respondents.

\*\*\*\*\*

MOTION.

Filed 7-17-56  
Clerk of Court  
Register



HARRY MILLER, As Trustee for  
People of the Living God,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-  
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 3529

DECREE

This cause coming on to be heard on this date is submitted on the written motion of the complainant praying that a proper order be made or decree rendered setting this cause down for a hearing, that a guardian ad litem be appointed to represent any person interested in this proceeding who may be a minor or of unsound mind and that an attorney be appointed to represent any person interested in this proceeding who may be in the military service, and prescribing the method of taking testimony in this cause; upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. This cause shall be and it is hereby set for hearing at 10 M. on the 24 day of July, 1956.

2. JR Owen, an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, who is in all respects a fit and proper person to be appointed as guardian ad litem, shall be and he is hereby appointed as guardian ad litem to represent any minor or person of unsound mind interested in this proceeding.

3. JR Owen, an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, shall be and he is hereby appointed as attorney to represent any person interested in this proceeding who may be in the military service of the United States.

4. Testimony of the witnesses for complainant shall be taken orally in open court and transcribed in the manner provided by Equity Rule Number 56, as amended.

ORDERED, ADJUDGED AND DECREED on this the 17 day of

July, 1956.

Hubert M. Miller  
JUDGE.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 3529

\*\*\*\*\*

HARRY MILLER, as Trustee for  
People of the Living God,  
Complainant,

VS.

THE LANDS AND PARTIES HEREIN-  
AFTER DESCRIBED.

\*\*\*\*\*

DECREE.

HARRY MILLER, as Trustee for  
People of the Living God,  
Complainant,  
Vs.

THE LANDS AND PARTIES HEREIN-  
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 3529

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a decree pro confesso against Charles A. Twining and Abraham Edwards and against their heirs and devisees, if deceased, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands described in the bill of complaint heretofore filed in this cause, on the grounds that the Notice of Pendency of Bill of Complaint in this cause was published once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, which notice appeared in the issues of said paper which were published on May 26, June 2, June 9 and June 16, 1955, which notice contained a provision requiring all persons, firms or corporations claiming any title to, interest in, or lien or encumbrance on the lands described in the said notice, or any part thereof, which are the lands described in the Bill of Complaint in this cause, to appear in this court and plead, answer or demur to the bill of complaint before the 26th day of June, 1955, or at the expiration of thirty days from said date a decree pro confesso would be taken against them; and thirty days having expired since June 26, 1955, and no person, firm or corporation named above has appeared in this cause, the complainant is entitled to a decree pro confesso against all of the persons, firms and corporations named above. Complainant further shows unto the Register that a copy of the Notice of Pendency of Bill of Complaint in this cause was posted at the front door of the courthouse of Baldwin County, Alabama on the 20th day of May, 1955.

Wherefore the Complainant moves the Register to make and enter a decree pro confesso against the above named respondents and each of them.

Dated this 21st day of February, 1956.

*Justin H. Marshall*  
SOLICITOR FOR COMPLAINANT.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 3529

\*\*\*\*\*

HARRY MILLER, As Trustee,,  
Complainant,  
VS.

CERTAIN LANDS, et al.  
Respondents.

\*\*\*\*\*

MOTION FOR DECREE PRO  
DONFESSO.

Filed 2-21-56  
Alicia French  
Register



HARRY MILLER, as Trustee for  
People of the Living God,

Complainant,

VS.

THE LANDS AND PARTIES HEREIN-  
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 3529

# DECREE PRO CONFESSO

In this cause, it appearing to the Register that the Notice of the Pendency of the Bill of Complaint heretofore made in this cause was published for four consecutive weeks commencing on the 26th day of May, 1955, in the Baldwin Times, a newspaper published at Bay Minette, Baldwin County, Alabama; that a copy of said notice was posted at the courthouse door of the Baldwin County courthouse on the 20th day of May, 1955; and it further appearing to the Register that the said respondents hereinafter named have to the date hereof failed to plead, answer or demur to the Bill of Complaint in this cause;

IT IS, THEREFORE, on motion of the complainant, Ordered Decreed by the Register that the said Bill of Complaint be and it hereby is in all things taken as confessed against the said Charles A. Twining and Abraham Edwards and their heirs and devisees, if deceased, and against any and all persons, firms or corporations claiming any title to, interest in, or lien or encumbrance on the said lands or any part thereof.

ORDERED AND DECREED on this the 21 day of February, 1956.

*Archie F. Neuch*

REGISTER.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 3529

\*\*\*\*\*

HARRY MILLER, as Trustee  
Complainant,  
VS.

CERTAIN LANDS, etal.  
Respondents.

\*\*\*\*\*

DECREE PRO CONFESSO.

## CIRCUIT COURT COMPLAINT

Printed by the Baldwin Times, Bay Minette, Alabama.

HARRY MILLER, as Trustee, etc. }  
 Complainant,  
 Vs.  
 CERTAIN LANDS, and JAMES A. }  
 CARNEY, 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 \_\_\_\_\_

JAMES A. CARNEY

by the Sheriff of Baldwin County County, on the 24th day of May,  
 1955.

And it further appears to the Register, that that the said \_\_\_\_\_

JAMES A. CARNEY

\_\_\_\_\_ the Respondent, 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 Telfair J. Mashburn, Jr. 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 \_\_\_\_\_

JAMES A. CARNEYThis 21 day of February, 1956.

Archie J. Mashburn  
 Register.

No. \_\_\_\_\_

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

Complainant,

Vs.

Respondent.

**DECREE PRO CONFESSO ON  
PERSONAL SERVICE.**

Issued this \_\_\_\_\_ day of \_\_\_\_\_  
194\_\_\_\_\_.

Register.



THE STATE OF ALABAMA,  
Baldwin County

No. 3529 Circuit Court, In Equity.

HARRY MILLER, as Trustee for People of the Living God Complainant...

Vs.

Certain Lands, and James A. Carney, et al. Defendant....

Motion is hereby made for a Decree Pro Confesso against James A. Carney

Defendant....

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

This 20th day of February 19 56

*Jeffrey M. Madson*  
Solicitor.

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

Your Orator, Harry Miller, as Trustee for People of the Living  
God, presents this Bill of Complaint against the following described  
lands situated in Baldwin County, Alabama, to-wit:

The North half of the Southeast quarter of  
the Southeast quarter of Section 31, Town-  
ship 4 South, Range 3 East.

and against Charles A. Twining, Abraham Edwards and James A. Carney,  
and against the heirs and devisees of such of the said parties as may  
be dead and against any and all persons, firms and corporations claim-  
ing any title to, interest in, or lien or encumbrance on, the said  
lands or any part thereof, and, thereupon, your Orator complains and  
shows unto the court and your Honor as follows:

1. Your Orator is over twenty-one years of age and a resident  
of Mobile County, Alabama.

2. James A. Carney is over the age of twenty-one years and a  
resident of Baldwin County, Alabama. (Daphne)

3. Abraham Edwards and Charles A. Twining are, if living, over  
twenty-one years of age, but their respective places of residence and  
post office addresses are unknown and cannot be ascertained after  
reasonable effort and the making of diligent inquiry to ascertain the  
facts with regard thereto.

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

5. Your Orator holds color of title to and he and those through  
whom he claims title have paid taxes on the said lands for a period of  
ten or more consecutive years next preceding the filing of this Bill  
of Complaint, and no other persons, firms or corporations, other than  
your Orator and those through whom he claims title, have paid taxes on,  
or have been in possession of, the above described lands or any part  
thereof for a period of ten or more consecutive years prior to the  
filing of this Bill of Complaint.

6. Title to all of the said lands stands upon the records in the office of the Judge of Probate of Baldwin County, Alabama, the county where the said lands are situated, in the name of your Orator.

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

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

Deed from Ort H. Ertzinger and Ottilla M. Ertzinger dated February 25, 1954, and recorded in Deed Book 205 at Page 553, Baldwin County, Alabama Probate Records.

9. Your Orator has made a diligent search and caused a diligent search to be made to ascertain the names, ages and addresses of all persons, firms or corporations who might make or who are making any claim to the said lands or any part thereof or any interest therein or encumbrance thereon. Your Orator further avers that these inquiries have continued faithfully and diligently for the past three years; that during the summer of 1955 he employed an abstract company to make an examination of the records of Baldwin County, Alabama, and prepare an abstract of title to the above described property; that he employed an attorney to examine the abstract and the records in the Courthouse in Bay Minette, Alabama; that he has made and has caused his said attorney to make in-quiry about the ages, addresses and heirs of any persons interested or who may be interested in the said property; that your Orator has made and caused a thorough inquiry to be made in the vicinity where the said property is situated for the purpose of ascertaining any claimants to it and for any other information having any bearing on the title to the said property. All of the information so secured by your Orator and his attorney as to prior ownership and possession of the said property, the ages and places of residence of the individual respondents named herein and the status of all of the said firms or companies is as hereinabove set out.

#### PRAYER FOR PROCESS

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

#### PRAYER FOR RELIEF

Your Orator prays that each and all of the respondents named herein, their heirs and devisees, the unknown heirs, devisees, legal representatives and next of kin of such of the respondents named herein as are dead, and any and all persons, firms and corporations who claim to own the said lands, or any part thereof, or any interest therein, or any lien or encumbrance thereon, be required to set forth and specify such claim, right, title, interest, lien or encumbrance and how and by what instrument the same is derived and created; that a guardian ad litem be appointed to represent any of the unknown parties named in this proceeding who may be minors and insane persons; that an attorney be appointed to represent any of the parties named in this proceeding, known or unknown, who may be in the military service; that upon a final hearing of this cause it be Ordered, Adjudged and Decreed that your Orator, at the time of the filing of this Bill of Complaint, had the fee simple title of all the above described lands, and that none of the respondents herein specifically named, their heirs or devisees, or any other person, firm or corporation has any right, title or interest therein, or any part thereof, or any lien or encumbrance thereon, and that all doubts and disputes concerning the said property be cleared up,



and that your Orator's title to the said lands be fully and completely quieted. Your Orator prays for such other, further and general relief as he may be equitably entitled to, the premises considered.

Telfair J. Mashburn, Jr.  
Solicitor for Complainant.

STATE OF ALABAMA,  
COUNTY OF BALDWIN.

Before me, the undersigned authority, within and for said County in said State, personally appeared Telfair J. Mashburn, Jr., who first being duly and legally sworn deposes and says:

That he is the solicitor for the complainant in the above styled cause; that he has read over the foregoing Bill of Complaint and that he is informed and believes and on such information and belief states that the facts set out in the said Bill of Complaint are true.

Telfair J. Mashburn, Jr.

Sworn to and subscribed before me  
on this 20<sup>th</sup> day of May, 1955.

John R. O.  
Notary Public, Baldwin County, Alabama.

on this 30th day of May, 1955.  
Sworn to and subscribed before me

*[Signature]*  
Notary Public, Baldwin County, Alabama.

are true.

Notary states that the facts set out in the said Bill of Complaint  
and that he is informed and believes and on such information and  
advised counsel that he has read over the foregoing Bill of Complaint

that he is the solicitor for the complainant in the above

who first appeared and was sworn to as follows:

County of Baldwin, State of Alabama.

Before me, the undersigned authority, with full power and authority, do hereby certify that the foregoing Bill of Complaint

3529

STATE OF ALABAMA  
COUNTY OF BALDWIN  
IN EQUITY.  
NO. 000

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

HARRY MILLER, as Trustee for  
People of the Living God,

Complainants,

VS.

CERTAIN LANDS and JAMES A.  
CARNEY, et al,

Respondents.

BILL OF COMPLAINT.

FILED

MAY 20 1955

ALICE J. DUCK, Clerk

premises considered.

and General Relief as he may be adjudged entitled to, the  
completely disposed. Your Orator prays for such other, further  
and that your Orator's title to the said lands be fully and

NOTICE OF PENDENCY OF BILL OF COMPLAINT

BOOK 004 PAGE 193

HARRY MILLER, AS TRUSTEE FOR  
PEOPLE OF THE LIVING GOD,

Complainant,

VS.

THE LANDS AND PARTIES HEREINAFTER  
DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. \_\_\_\_\_

Notice is hereby given to each and all of the respondents named below and to all persons, firms or corporations claiming any right, title or interest in, lien or encumbrance on the lands hereinafter described, or any part thereof, that Harry Miller, did, on the 20th day of May, 1955, file in the Circuit Court of Baldwin County, Alabama, in Equity, a verified Bill of Complaint against the following described real property situated in Baldwin County, Alabama, to-wit:

The North half of the Southeast quarter of  
the Southeast quarter of Section 31, Town-  
ship 4 South, Range 3 East.

and against Charles A. Twining, Abraham Edwards and James A. Carney, and against the heirs and devisees of such of the said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, or lien or encumbrance on, the said lands or any part thereof.

The said James A. Carney is a resident of Baldwin County, Alabama, (Daphne).

The address of Abraham Edwards and Charles A. Twining are unknown and cannot be ascertained after reasonable effort and the making of diligent inquiry to ascertain the same.

The said Bill of Complaint has been filed for the purpose of establishing the title of the said complaint to all of the said lands, for the purposes of quieting his title thereto and to clear up all doubts and disputes concerning the title to the said property.

Complainant claims the absolute fee simple title to all of the said lands under, from, by and through the following conveyance:

Deed from Ort H. Ertzinger and Ottilla M. Ertzinger dated February 25, 1954, and recorded in Deed Book 205 at Page 553, Baldwin County, Alabama Probate Records.

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

The respondents named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, must appear in this court and plead, answer or demur to the said Bill of Complaint before the 26th day of June, 1955, or at the expiration of thirty days from the said date decrees pro confesso will be taken against them, testimony will be thereafter taken and the cause submitted for a final decree quieting complainant's title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand as Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the seal of the said court on this the 20th day of May, 1955.

Alice J. Duck  
ALICE J. DUCK,  
As Register of the Circuit Court of  
Baldwin County, Alabama, In Equity.

TELFAIR J. MASHEURN, JR.,  
Solicitor for complainant.

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 5-20-55 2 P. M.  
Recorded Lin. Prod. book 4 page 193-5  
MR. Stewart  
Judge of Probate 5

*Handwritten:* Mrs. Masheurn

*Handwritten:* \$2.00

\*\*\*\*\*

BITT OR CORRECTION  
MOLICE OR LENDMACK OR

\*\*\*\*\*

Monbougenza

HERMANNES DESCRIBED  
THE FUND AND BAILING

A-1322

AG.

Combsigstuc

GOD,  
FOR PEOPLE OF THE PLAINING  
HARD NITRE, AS HEREBE

\*\*\*\*\*

*Handwritten:* \$2.00

IN EQUITY.

BYDAM COMEX, VIVBAM.

IN THE CIRCUIT COURT OF



IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 3529

\*\*\*\*\*

HARRY MILLER, AS TRUSTEE  
FOR PEOPLE OF THE LIVING  
GOD,

Complainant,,

VS.

THE LANDS AND PARTIES  
HEREINAFTER DESCRIBED,

Respondents.

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NOTICE OF PENDENCY OF  
BILL OF COMPLAINT.

\*\*\*\*\*

R 2<sup>00</sup>

Mrs. Duck

Index of License  
2  
Recorded  
Filed  
2-28-28  
56  
STATE OF ALABAMA  
BALDWIN COUNTY

COLLECTOR FOR COMPLETION  
JANUARY 1, 1928

ESTATE OF HARRY MILLER, TRUSTEE, IN EQUITY.  
VS. THE PEOPLE OF THE LIVING GOD, AS TRUSTEES OF THE  
STATE OF ALABAMA.

1928

NOTICE OF PENDENCY OF BILL OF COMPLAINT  
GIVEN TO THE RESPONDENTS BY THE COMPLAINANT  
HARRY MILLER, TRUSTEE, IN EQUITY, VS. THE PEOPLE  
OF THE LIVING GOD, AS TRUSTEES OF THE STATE OF  
ALABAMA.

FILED MAR 100

HARRY MILLER, as Trustee for  
People of the Living God, an  
Incorporation,

Complainant,

VS

CERTAIN LANDS IN BALDWIN  
COUNTY, ALABAMA, and ABRAHAM  
EDWARDS, CHARLES TWINING AND  
JAMES A. CARNEY,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 3529

BOOK 253 PAGE 84

FINAL DECREE

This cause coming on to be heard on this 21st day of May, 1957, being the day regularly set for the hearing of Equity Cases in this Court, is submitted for final decree on behalf of the complainant on the Original Bill of Complaint; Order Designating Newspaper in which Notice of Pendency of Bill of Complaint Shall be Published; Notice of Pendency of Bill of Complaint; Proof of Publication of Notice of Pendency of Bill of Complaint; Motion for Decree Pro Confesso on Personal Service; Decree Pro Confesso on Personal Service; Motion for Decree Pro Confesso on Publication; Decree Pro Confesso on Publication; Decree of this Honorable Court dated July 17, 1956, appointing James R. Owen as Guardian ad Litem to represent any Unknown Minor and Persons of Unsound Mind Interested in this Proceeding and as Attorney to Represent Any Persons Interested in this Proceeding who may Be In The Military Service of the United States; The Action of This Honorable Court in Open Court Appointing Honorable James A. Hendrix to Act for Honorable James R. Owens, who is away in Military Service; and the Testimony of Harry Miller and Ort H. Ertzinger heard ore tenus by the Court, with the Exhibits to their testimony; upon consideration of all of which it appears to the Court that the Respondents named in the Bill of Complaint have permitted a decree pro confesso to be taken against them; that the allegations of the bill of complaint are true; and that the complainant is entitled to a decree quieting

title to the lands described in the said bill of complaint; upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the complainant, HARRY MILLER, as Trustee for People of the Living God, an Incorporation, is the lawful owner in fee simple of the following described land situated in Baldwin County, Alabama, to-wit:

The North half of the Southeast quarter of the Southeast quarter of Section 31, Township 4 South, Range 3 East;

That the absolute fee simple title to the said lands and to each and every part thereof and all interest therein is in the Complainant, as Trustee, free and clear of and from the claim or claims of all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, or any interest therein; that the said complainant has, and is hereby given, judgment against the said lands and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on said lands or any part thereof.

2. The Complainant's title to the said lands is hereby quieted against Charles A. Twining, Abraham Edwards and James A. Carney and against any and all persons, firms, or corporations claiming any title to, interest in, lien or encumbrance on said lands or any part thereof, and all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

3. The Register of this Court 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, for record therein and tax the cost of such recording as a part of the costs of this proceeding.

4. The Judge of Probate of Baldwin County, Alabama, shall record the said certified copy of this decree in the same book and manner which deeds are recorded, and shall index the same in the direct index in the names of CHARLES A. TWINING, ABRAHAM EDWARDS

and JAMES A. CARNEY, and shall index the same in the indirect or reverse index of said records in the name of HARRY MILLER, as Trustee for People of the Living God, an Incorporation.

5. The title hereby adjudged and decreed to be in the said Harry Miller, as Trustee, shall inure to the benefit of all persons who derive title to the said lands, or any part thereof, or any interest therein, from or through the said Complainant, and such title or interest shall be at all times treated and considered as though it had been established in favor of the person or persons so procuring or deriving title from the said complainant.

6. The costs of this proceeding are hereby taxed against the complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 21st day of May, 1957.

Hubert M. Hall  
JUDGE.

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

WITNESS MY HAND AND SEAL THIS 18th day of May, 1957

*Alice J. Duck*  
Register of Circuit Court, in Equity

STATE OF ALABAMA, BALDWIN COUNTY

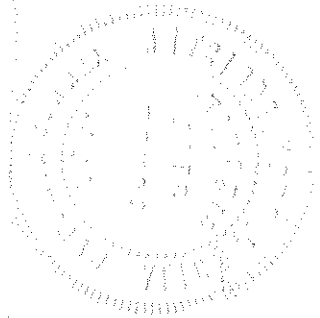
Filed 6-15-57 18A.M

Recorded deed book 253 page 84-6

*MR. Stuart*  
Judge of Probate

6

BOOK 253  
PAGE 86



Register of Circuit Court in Baldwin County

*[Handwritten signature]*

WITNESSES MY HAND AND SEAL OF THE CIRCUIT COURT IN BALDWIN COUNTY, ALABAMA, THIS 21st DAY OF JANUARY, 1891.

Index of Books  
Book 22  
Page 21  
STATE OF ALABAMA, BALDWIN COUNTY

FILED  
HAROLD M. HILL

FINAL DECREE.

CERTAIN LANDS IN BALDWIN COUNTY, ALABAMA, and ABRAHAM EDWARDS, CHARLES, TWINING AND JAMES A. CARNEY,

VS.

HARRY MILLER, as Trustee for People of the Liking God, an Incorporation,

Complainant,

Respondents.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NO. 3529

200  
*Alvin Duck*



The State of Alabama, \_\_\_\_\_ County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon \_\_\_\_\_ James A. Carney

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State \_\_\_\_\_ by Harry Miller,  
as Trustee of the People of the Living God

against \_\_\_\_\_ James A. Carney et als

Herein fail not. Due return make of this writ as the law directs.

Witness this \_\_\_\_\_ 20th \_\_\_\_\_ day of \_\_\_\_\_ May \_\_\_\_\_, 19 55

*W. J. Duck* \_\_\_\_\_, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

Code 1923-6523-6529

BOOK 022 PAGE 349

No. .... Page .....

**The State of Alabama**

..... COUNTY.

**IN CIRCUIT COURT, IN EQUITY**

vs.

## SUMMONS

Returned by the Sheriff and filed in office, this  
the ..... day of ....., 19.....

....., Register.

Received in office, this the ..... day of

....., 19.....

....., Sheriff.

I have executed the within by leaving a copy  
thereof with.....

defendant named herein, on this the.....

day of ....., 19.....

....., Sheriff.

By....., Deputy.

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

Your Orator, Harry Miller, as Trustee for People of the Living  
God, presents this Bill of Complaint against the following described  
lands situated in Baldwin County, Alabama, to-wit:

The North half of the Southeast quarter of  
the Southeast quarter of Section 31, Town-  
ship 4 South, Range 3 East.

and against Charles A. Twining, Abraham Edwards and James A. Carney,  
and against the heirs and devisees of such of the said parties as may  
be dead and against any and all persons, firms and corporations claim-  
ing any title to, interest in, or lien or encumbrance on, the said  
lands or any part thereof, and, thereupon, your Orator complains and  
shows unto the court and your Honor as follows:

1. Your Orator is over twenty-one years of age and a resident  
of Mobile County, Alabama.
2. James A. Carney is over the age of twenty-one years and a  
resident of Baldwin County, Alabama. (Daphne)
3. Abraham Edwards and Charles A. Twining are, if living, over  
twenty-one years of age, but their respective places of residence and  
post office addresses are unknown and cannot be ascertained after  
reasonable effort and the making of diligent inquiry to ascertain the  
facts with regard thereto.
4. Your Orator is in the actual, peaceable possession of all  
of the above described lands situated in Baldwin County, Alabama,  
and claims to own the said lands in his own right, absolutely and  
in fee simple.
5. Your Orator holds color of title to and he and those through  
whom he claims title have paid taxes on the said lands for a period of  
ten or more consecutive years next preceding the filing of this Bill  
of Complaint, and no other persons, firms or corporations, other than  
your Orator and those through whom he claims title, have paid taxes on,  
or have been in possession of, the above described lands or any part  
thereof for a period of ten or more consecutive years prior to the  
filing of this Bill of Complaint.

6. Title to all of the said lands stands upon the records in the office of the Judge of Probate of Baldwin County, Alabama, the county where the said lands are situated, in the name of your Orator.

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

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

Deed from Ort H. Ertzinger and Ottilla M. Ertzinger dated February 25, 1954, and recorded in Deed Book 205 at Page 553, Baldwin County, Alabama Probate Records.

9. Your Orator has made a diligent search and caused a diligent search to be made to ascertain the names, ages and addresses of all persons, firms or corporations who might make or who are making any claim to the said lands or any part thereof or any interest therein or encumbrance thereon. Your Orator further avers that these inquiries have continued faithfully and diligently for the past three years; that during the summer of 1955 he employed an abstract company to make an examination of the records of Baldwin County, Alabama, and prepare an abstract of title to the above described property; that he employed an attorney to examine the abstract and the records in the Courthouse in Bay Minette, Alabama; that he has made and has caused his said attorney to make inquiry about the ages, addresses and heirs of any persons interested or who may be interested in the said property; that your Orator has made and caused a thorough inquiry to be made in the vicinity where the said property is situated for the purpose of ascertaining any claimants to it and for any other information having any bearing on the title to the said property. All of the information so secured by your Orator and his attorney as to prior ownership and possession of the said property, the ages and places of residence of the individual respondents named herein and the status of all of the said firms or companies is as hereinabove set out.

## PRAYER FOR PROCESS

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

## PRAYER FOR RELIEF

Your Orator prays that each and all of the respondents named herein, their heirs and devisees, the unknown heirs, devisees, legal representatives and next of kin of such of the respondents named herein as are dead, and any and all persons, firms and corporations who claim to own the said lands, or any part thereof, or any interest therein, or any lien or encumbrance thereon, be required to set forth and specify such claim, right, title, interest, lien or encumbrance and how and by what instrument the same is derived and created; that a guardian ad litem be appointed to represent any of the unknown parties named in this proceeding who may be minors and insane persons; that an attorney be appointed to represent any of the parties named in this proceeding, known or unknown, who may be in the military service; that upon a final hearing of this cause it be Ordered, Adjudged and Decreed that your Orator, at the time of the filing of this Bill of Complaint, had the fee simple title of all the above described lands, and that none of the respondents herein specifically named, their heirs or devisees, or any other person, firm or corporation has any right, title or interest therein, or any part thereof, or any lien or encumbrance thereon, and that all doubts and disputes concerning the said property be cleared up,



and that your Orator's title to the said lands be fully and completely quieted. Your Orator prays for such other, further and general relief as he may be equitably entitled to, the premises considered.

Telfair J. Mashburn, Jr.  
Solicitor for Complainant.

STATE OF ALABAMA,     0  
                              0  
COUNTY OF BALDWIN.   0

Before me, the undersigned authority, within and for said County in said State, personally appeared Telfair J. Mashburn, Jr., who first being duly and legally sworn deposes and says:

That he is the solicitor for the complainant in the above styled cause; that he has read over the foregoing Bill of Complaint and that he is informed and believes and on such information and belief states that the facts set out in the said Bill of Complaint are true.

Telfair J. Mashburn, Jr.

Sworn to and subscribed before me  
on this 20<sup>th</sup> day of May, 1955.

Sam R. O.  
Notary Public, Baldwin County, Alabama.