

W. H. DRIVER,

COMPLAINANT

VS.

NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION 11, TOWNSHIP 5 SOUTH, RANGE 3 EAST, CONTAINING 40 ACRES MORE OR LESS; EXCEPTING THEREFROM 20 FEET ON THE NORTH SIDE: AND AGAINST THE FOLLOWING NAMED PERSONS: WILLIAM H. STAUBE, THERESA M. STAUBE, MARTIN CUSHING AND WILLIAM H. STRAUBE, IF ALIVE OR IF DECEASED AGAINST THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH OF THEM AS ARE DECEASED: AND ANY AND ALL OTHER PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON SAID LANDS OR ON ANY PART THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. _____

Notice is hereby given William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if alive, or if deceased the unknown heirs, devisees, personal representatives and assigns of such of them as may be 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 Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 11, Township 5 South, Range 3 East, excepting therefrom a 20 foot strip on the North side.

That W. H. Driver has filed his bill of complaint on the 15th day of February, 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 Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 11, Township 5 South, Range 3 East, excepting therefrom a 20 foot strip on the North side;

STATE OF ALABAMA, BALDWIN COUNTY

Filed 2-15-55 3 P. M.

Recorded Lin. Prod. book 4 page 165-8

M. D. Stewart
Judge of Probate

[Handwritten mark]

complainant alleges in his bill of complaint that he acquired title to said land by the deed of Mrs. M. L. Walthall, a widow, dated June 23, 1937 and recorded the 13th day of November, 1939 in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 70 at page 501; the said Mrs. M. L. Walthall acquired title to the land by deed of A. B. McCorvey, unmarried, dated November 2, 1928, recorded the 17th day of November, 1928 in Deed Book 46 at page 225; the said A. B. McCorvey acquired title to the land by tax deed from the State of Alabama, dated June 25, 1928, recorded the 17th day of November, 1928 in Deed Book 46 at page 232 and said lands were acquired by the State of Alabama for delinquent taxes on the 13th day of April, 1928 under the assessment to one William H. Staube; that the said William H. Staube, Theresa M. Staube, Martin Cushing and William H. Staube, if alive, or if deceased, the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, claim or repute to claim some title to, interest in, claim, lien or encumbrance upon the following described lands:

The Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 11, Township 5 South, Range 3 East, excepting therefrom a 20 foot strip on the North side.

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

And it appearing from said bill of complaint, the same being duly verified, that the names, ages and places of residence and post office addresses of the said defendants, William H. Staube, Theresa M. Staube, Martin Cushing and William H. Staube, if alive, or if deceased,

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.

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 therefrom ordered that the said William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if alive or if deceased, the unknown heirs, devisees, personal representatives and assigns as such of them as may be deceased, and any and all other persons, firms, associations, corporations claiming any title to, interest in, claim, lien, or encumbrance upon the said lands described as follows:

The Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 11, Township 5 South, Range 3 East, excepting therefrom a 20 foot strip on the North side;

appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely the 17th day of February, 1955, at which time said cause shall stand at issue.

Witness my hand this the 15 day of February, 1955.

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

J. Connor Owens, Jr.
Solicitor for Complainant

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 W. H. Driver is complainant and William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if alive, or if deceased, the unknown heirs, devisees, personal representatives and assigns of such of them as may be deceased, and the following named lands, to-wit:

The Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 11, Township 5 South, Range 3 Est, excepting therefrom a 20 foot strip on the North side.

and any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the said lands in 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 _____ day of February, 1955.

Witness my hand this the _____ day of _____, 1955.

Alice J. Duck, Register

Equity No. _____

2-15-55

Probate

W.H. Brewer

vs

4-165-8

Certain Funds

Martin Cushing 59
Wm Staube 21
Theresa M.
Wm Staube

Notice

2-21-55
Mrs. Duck

FILED

FEB 15 1955

ALICE J. DUCK, Register

W. H. DRIVER,

COMPLAINANT

VS.

NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE
NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SEC-
TION 11, TOWNSHIP 5 SOUTH, RANGE
3 EAST, CONTAINING 40 ACRES, MORE
OR LESS; EXCEPTING THEREFROM 20
FEET ON THE NORTH SIDE: AND
AGAINST THE FOLLOWING NAMED PER-
SONS: WILLIAM H. STAUBE, THERESA
M. STAUBE, MARTIN CUSHING AND
WILLIAM H. STRAUBE, IF LIVING OR
IF DECEASED AGAINST THE UNKNOWN
HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH
OF THEM AS ARE DECEASED: AND ANY
AND ALL OTHER PERSONS, FIRMS,
ASSOCIATIONS OR CORPORATIONS
CLAIMING ANY TITLE TO, INTEREST
IN, CLAIM, LIEN OR ENCUMBRANCE
ON SAID LANDS OR ON ANY PART
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

DECREE

This cause coming on to be heard is submitted for final decree upon behalf of the complainant, upon the original bill of complaint and upon the service, 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, William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if living or if dead, the unknown heirs, devisees and personal representatives; and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part thereof, has been given in the manner required by law, and that the complainant is 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 complainant, W. H. Driver, who is 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

W. H. DRIVER

VS.

CERTAIN LANDS

DECREE

decree, the complainant was and is 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 Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 11, Township 5 South, Range 3 East, containing 40 acres, more or less; excepting therefrom 20 feet on the North side;

~~That the title to said lands on the Records of Baldwin County~~ stand in the name of your complainant; that the complainant obtained title to the land by deed of Mrs. M. L. Walthall, a widow, dated June 23, 1937, and recorded the 13th day of November, 1939 in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 70 at page 501; the said Mrs. M. L. Walthall acquired title to the land by deed of A. B. McCorvey, unmarried, dated November 2, 1928, recorded the 17th day of November, 1928 in Deed Book 46 at page 225; the said A. B. McCorvey acquired title to the land by tax deed from the State of Alabama, dated June 25, 1938, recorded the 17th day of November, 1928 in Deed Book 46 at page 232, and said lands were acquired by the State of Alabama by sale for delinquent taxes on the 13th day of April, 1925, under assessment to one William H. Straube; that for more than ten years next preceding the filing of this bill of complaint no other persons other than the complainant and those through whom they claim title to the said lands or any part thereof have assessed or paid taxes thereon and that they and those through whom they claim title have been in actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same for more than ten years next preceding the filing of this bill of complaint.

IT IS THEREFORE FURTHER ORDERED, ADJUDGED AND DECREED, that the said ~~W. H. Driver~~, at the time of the filing of the bill of complaint in this cause and at this time had and has the fee simple to the above described lands, and to each and every part and parcel thereof, that none of the defendants, William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if living or if dead, the unknown heirs, devisees, and personal representatives, nor any and all persons, firms,

W. H. DRIVER
vs.
CERTAIN LANDS
DECREE

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Faint, illegible text, possibly a paragraph of a legal document.

Faint, illegible text, possibly a paragraph of a legal document.

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 W. H. Driver, shall inure to the benefit of all persons deriving title to said lands or any part therein, from or through the said W. H. Driver, and the said title so quieted and established in him shall be treated and considered as established in favor of the said W. H. Driver, and all persons deriving title through him.

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 W. H. Driver, be and he is hereby taxes with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this the 29th day of April, 1955.

Hubert M. Hall
Judge

No 3470

W. H. DRIVER

VS.

CERTAIN LANDS

DEGREE

FILED

APR 29 1955

ALICE J. DUCK, Register

Faint, illegible text from the reverse side of the document, appearing as bleed-through or ghosting.

My name is J. Connor Owens, Jr., I am attorney for the complainant in the suit against certain lands in Section 11, Township 5 South, Range 3 East, being the Northeast quarter of the Northeast quarter in said section, and the following named persons: William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if they are living are all over the age of twenty-one years, and their places of residence and post office addresses are ~~are~~ unknown and they cannot be ascertained upon diligent search and inquiry. I have made or caused to be made a search of the records of Baldwin County and have inquired among the old residents who live near the Northeast quarter of the Northeast quarter of Section 11 in an effort to find the residence and post office addresses of the defendants, and I have been unable to do so, but I have been informed and I believe that all of the defendants are dead and I have made inquiry, as to the names, ages and places of residence of any heirs and I have not been able to ascertain the same, but I am informed to believe that the heirs are not residents of the State of Alabama and are over the age of twenty-one years, and whose places of residence and post office addresses are unknown and can not be ascertained upon diligent search and inquiry.

J. Connor Owens, Jr.

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

W. H. DRIVER

Complainant

VS.

CERTAIN LANDS

Respondent

I, Marie B. Bryans

as ~~Deputy~~ Commissioner

have called and caused to come before me J. Connor Owens, Jr.,
W. H. Driver and
A. F. Smith

witness S. named in the Requirement for Oral Examination, on the 26 day of April

19 55, at the office of J. Connor Owens, Jr.

in Bay Minette, Alabama, and having first sworn said Witness S. to speak the truth, the whole truth, and nothing but the truth, the said J. Connor Owens, Jr., W. H. Driver and A. F. Smith both depose and say as follows:

My name is W. H. Driver. I am the complainant in the suit against William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube and the Northeast quarter of the Northeast quarter of Section 11, Township 5 South, Range 3 East. There is no other suit pending to try or test my title to, interest in, claim, lien and encumbrance or right to the possession of said lands. I am in actual peaceable possession of the same claiming to own this land. The title stands on the record of Baldwin County, Alabama, in my name. I have been in possession of the land since 1937, when I acquired the land by warranty deed from Mrs. M. L. Walthall, a widow. The land was in timber when I bought it, but I proceeded to clear and cultivate the land except for a small portion which is swampy. I have cut timber out of the land which is swampy. The swampy portion consists of about twenty acres. I built my first house on the land sometimes in 1937. And I have continuously maintained a house upon this land, except for the period that my original house was torn down and my new house constructed. I have continuously since 1937 paid the taxes upon the land and assessed the same under a claim of ownership. For more than twenty years next preceding the filing of this bill of complaint, I, and the persons under whom I claim, have been in the actual, adverse, continuous, hostile, peaceable possession of the lands in this suit. No one has instigated any action to deprive me of the possession of this land since I bought it in 1937.

Harry J. Wilters, Jr., Guardian Ad litem - Cross examination

I have fenced twenty-five acres. The remainder of the land being the swampy part was already fenced and I have maintained the fences on this area. Just about the entire area is in pasture and I run livestock on the forty. For the last seven years I have maintained pasture and ~~xxx~~ prior to that for a period of ten years, the lands cultivated.

W. H. Driver

My name is A. F. Smith. I live in Loxley, Alabama, about two miles from the land involved in this suit. I am familiar with the property involved in this suit and have been for forty years. Mr. Driver moved there in 1937 and he cleared the land cultivated it, fenced part of the land, and more recently he has turned it into permanent pasture. Before 1937 I knew that the land was owned by Mrs. Walthall. Mr. Walthall, Mrs. Walthall's brother used to come around and inspect the land and try to sell ~~the~~ it. I can remember back in the early 30's that J. M. White put about five or six acres under fence and used it for pasture.

No cross examination for Mr. Smith.

A. F. Smith

ORAL EXAMINATION

I, Marie B. Bryars, as ~~Register~~ Commissioner hereby certify that the foregoing deposition S on Oral Examination was taken down by me in writing in the words of the witness S and read over to them and they signed the same in the presence of myself and Harry J. Wilters, Jr., guardian ad litem at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness S or had prom made before me of the identity of said witness S; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

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

Given under my hand and seal, this 26 day of April, 1955

Marie B. Bryars (I.S.)

No. 3470 Page _____

The State of Alabama
Baldwin County.

In Circuit Court, In Equity

vs. Complainant

Respondent

Oral Deposition

Filed _____, 19____

FILED

APR 27 1955

Recorded in

ALBERT J. BRYARS, Register

Record

Vol. _____ Page _____

Register

W. H. DRIVER,

COMPLAINANT

VS.

NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE
 NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SEC-
 TION 11, TOWNSHIP 5 SOUTH, RANGE
 3 EAST, CONTAINING 40 ACRES MORE
 OR LESS; EXCEPTING THEREFROM 20
 FEET ON THE NORTH SIDE; AND
 AGAINST THE FOLLOWING NAMED PER-
 SONS: WILLIAM H. STAUBE, THERESA
 M. STAUBE, MARTIN CUSHING AND
 WILLIAM H. STRAUBE, IF LIVING OR
 IF DECEASED AGAINST THE UNKNOWN
 HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH
 OF THEM AS ARE DECEASED: AND ANY
 AND ALL OTHER PERSONS, FIRMS,
 ASSOCIATIONS OR CORPORATIONS
 CLAIMING ANY TITLE TO, INTEREST
 IN, CLAIM, LIEN OR ENCUMBRANCE
 ON SAID LANDS OR ON ANY PART
 THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. _____.

Whereas, W. H. Driver has filed his bill of complaint on the
15th day of February, 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 Northeast Quarter (NE $\frac{1}{4}$) of the Northeast
 Quarter (NE $\frac{1}{4}$) of Section 11, Township 5 South,
 Range 3 East, excepting therefrom a 20 foot
 strip on the North side.

Complainant alleges in his bill of complaint that he holds title
 to the aforesaid lands by purchase from Mrs. M. L. Walthall, a widow,
 by deed dated June 23, 1937, and recorded in the Office of the Judge
 of Probate of Baldwin County, Alabama in Deed Book 70 at page 501
 on the 13th day of November, 1939; and by deed of A. B. McCorvey,
 unmarried, dated November 2, 1928 and recorded the 17th day of
 November, 1928, in Deed Book 46 at page 225; the said A. B. McCorvey
 acquired title to the land by tax deed from the State of Alabama,
 dated June 25, 1928, recorded the 17th day of November, 1928 in Deed
 Book 46 at page 232 and said lands were acquired by the State of
 Alabama by sale for delinquent taxes on the 13th day of April, 1928

under assessment to one William H. Straube; that the title to said land stands on the records in the Probate Court of Baldwin County in the name of W. H. Driver; that William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if alive, or if deceased, 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 following described lands:

The Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 11, Township 5 South, Range 3 East, excepting therefrom a 20 foot strip on the North side.

Complainant further alleges that he and those through whom he claims have, for more than ten years next preceding the filing of said bill of complaint, have been in actual, peaceable, adverse possession of said lands and have annually assessed and paid the taxes thereon and that during such period no other person has been in possession of, assessed or paid taxes on said lands or any part 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 bill of complaint, the same being verified, that the ages, names and places of residence and post office addresses of the defendants, William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if alive, or if deceased, 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 to the defendants, William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if alive, or if deceased, the unknown heirs, devisees,

personal representatives and assigns of such of them as are deceased by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama.

Witness my hand and seal this the 15 day of February, 1955.

FILED

Feb. 15, 1955

ALICE J. DECK, Register

Alice J. Deck
Register

Equity No. 3470

W. H. Druce, vs.
Certain Lands

Order

FILED

FEB 15 1955

ALICE J. DUCK, Register

W. H. DRIVER,

COMPLAINANT

VS.

NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE
NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SEC-
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3 EAST, CONTAINING 40 ACRES, MORE
OR LESS; EXCEPTING THEREFROM 20
FEET ON THE NORTH SIDE: AND
AGAINST THE FOLLOWING NAMED PER-
SONS: WILLIAM H. STAUBE, THERESA
M. STAUBE, MARTIN CUSHING AND
WILLIAM H. STRAUBE, IF LIVING OR
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AND ALL OTHER PERSONS, FIRMS,
ASSOCIATIONS OR CORPORATIONS
CLAIMING ANY TITLE TO, INTEREST
IN, CLAIM, LIEN OR ENCUMBRANCE
ON SAID LANDS OR ON ANY PART
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

DECREE PRO CONFESSO

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 17th day of February, 1955, in the Baldwin Times, a newspaper published in Bay Minette, Alabama, and that a copy of said order was posted at the Court House door in Baldwin County, Alabama on the 17th day of February, 1955.

And it now further appearing to the Register, Alice J. Duck, that the said defendants, and each of them 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 complaint, 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 William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if living, and if dead, against the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and against 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.

This the 19th day of April, 1955.

FILED

4-19-55

REC. DIV. 100-10000

Archie J. Clark
REGISTER

Equity 3470

W. H. DRIVER

VS.

OCERTAIN LANDS

~~FOR~~ DECREE PRO CONFESSO

W. H. DRIVER,

COMPLAINANT

VS.

NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION 11, TOWNSHIP 5 SOUTH, RANGE 3 EAST, CONTAINING 40 ACRES, MORE OR LESS; EXCEPTING THEREFROM 20 FEET ON THE NORTH SIDE; AND AGAINST THE FOLLOWING NAMED PERSONS: WILLIAM H. STAUBE, THERESA M. STAUBE, MARTIN CUSHING AND WILLIAM H. STRAUBE, IF LIVING OR IF DECEASED AGAINST THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH OF THEM AS ARE DECEASED; AND ANY AND ALL OTHER PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON SAID LANDS OR ON ANY PART THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a Decree Pro Confesso against the following named persons: William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if living or if deceased, against the unknown heirs, devisees and personal representatives and assigns of such of them as are deceased, 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 of Complaint in this cause, to the date hereof.

This 19th day of April, 1955.

FILED

4-19-55

CLERK OF COURT

J. P. ...
Solicitor

Equity 3470

W. H. DRIVER

VS.

CERTAIN LANDS

MOTION FOR DECREE PRO CONFESSO

Filed 4-19-55
Alice J. Hensch
Register

W. H. DRIVER,
COMPLAINANT

IN THE CIRCUIT COURT OF

VS.

NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE
NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SEC-
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CLAIMING ANY TITLE TO, INTEREST
IN, CLAIM, LIEN OR ENCUMBRANCE
ON SAID LANDS OR ON ANY PART
THEREOF,

BALDWIN COUNTY, ALABAMA,

IN EQUITY

DEFENDANTS

NOTICE TO GUARDIAN AD LITEM

To Henry J. Walters, Jr., guardian ad litem, for,
the unknown heirs, devisees and personal representatives of William
H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube,
if dead, and any and all other persons, firms, associations or corp-
orations, claiming any title to, interest in, claim, lien or encumbrance
on the following described land, to-wit: The Northeast Quarter (ne $\frac{1}{4}$)
of the Northeast Quarter (NE $\frac{1}{4}$) of Section 11, Township 5 South, Range
3 East, containing 40 acres, more or less; excepting therefrom 20
feet on the North side;

Notice is hereby given that the complainant in the above styled
cause has this day made application for the oral examination of
W. H. Driver, A. F. Smith and James Owens, Jr.
witnesses for the complainant in the above styled cause and has sug-
gested Marie B. Byars as a suitable person to act as
commissioner in the taking of the deposition of said witnesses.

Witness this the 25th day of April, 1955.

James Owens, Jr.
Solicitor

Served on me this the 25 day of April, 1955.

FILED

4-25-55

ALICE J. JACK, Register

Henry J. Walters, Jr.
guardian ad litem

3470

W. H. DRIVER

VS.

CERTAIN LANDS

NOTICE TO GUARDIAN AD LITEM

*Filed
4-25-53
Alice J. French
Ray*

W. H. DRIVER,
COMPLAINANT

IN THE CIRCUIT COURT OF

VS.

NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE
NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SEC-
TION 11, TOWNSHIP 5 SOUTH, RANGE
3 EAST, CONTAINING 40 ACRES, MORE
OR LESS; EXCEPTING THEREFROM 20
FEET ON THE NORTH SIDE; AND
AGAINST THE FOLLOWING NAMED PER-
SONS: WILLIAM H. STAUBE, THERESA
M. STAUBE, MARTIN CUSHING AND
WILLIAM H. STRAUBE, IF LIVING OR
IF DECEASED AGAINST THE UNKNOWN
HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH
OF THEM AS ARE DECEASED: AND ANY
AND ALL OTHER PERSONS, FIRMS,
ASSOCIATIONS OR CORPORATIONS
CLAIMING ANY TITLE TO, INTEREST
IN, CLAIM, LIEN OR ENCUMBRANCE
ON SAID LANDS OR ON ANY PART
THEREOF,

BALDWIN COUNTY, ALABAMA,

IN EQUITY

DEFENDANTS

NOTICE AND ACCEPTANCE OF GUARDIAN AD LITEM

To. Harry J. Walters:

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 21 day of April, 1955, you are hereby appointed as guardian ad litem for and to represent the unknown heirs of William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if dead, defendants in the above styled cause.

Witness, this the 21 day of April, 1955.

Reis J. ...
Register

I hereby accept the foregoing appointment as guardian ad litem for the unknown heirs of William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if dead, and do hereby file this denial of the allegations made in the bill of complaint in the said cause and demand strict proof of the same.

This the 21 day of April, 1955.

Harry J. Walters
guardian ad litem

3470

W. H. DRIVER

VS.

CERTAIN LANDS

NOTICE AND ACCEPTANCE
OF GUARDIAN AD LITEM

W. H. DRIVER,

COMPLAINANT

VS.

NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE
 NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SEC-
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 3 EAST, CONTAINING 40 ACRES, MORE
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 M. STAUBE, MARTIN CUSHING AND
 WILLIAM H. STRAUBE, IF LIVING OR
 IF DECEASED AGAINST THE UNKNOWN
 HEIRS, DEVISEES, PERSONAL REFRE-
 SENTATIVES AND ASSIGNS OF SUCH
 OF THEM AS ARE DECEASED: AND ANY
 AND ALL OTHER PERSONS, FIRMS,
 ASSOCIATIONS OR CORPORATIONS
 CLAIMING ANY TITLE TO, INTEREST
 IN, CLAIM, LIEN OR ENCUMBRANCE
 ON SAID LANDS OR ON ANY PART
 THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

ORDER APPOINTING GUARDIAN AD LITEM

It appearing that in the above styled cause, William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if living or if deceased, then the unknown heirs, devisees and personal representatives of such of them as are deceased, are parties defendant, and that due and proper notice of the pendency of the said action has been given in the manner and for the time required by law and that decree pro confesso has been taken against them and it is necessary and proper that guardian ad litem be appointed to represent the said unknown heirs of such of them as are deceased;

Now therefore, it is ordered, adjudged and decreed that

Harry J. Willett Jr., who is learned in law and a practicing lawyer at this bar, be and he is hereby appointed as guardian ad litem for and to represent the unknown heirs of such of the defendants as may be dead, in the cause.

Done this the 21 day of April, 1955.

FILED

Hubert M. Hall
 Judge

3470

W. H. DRIVER

VS.

CERTAIN LANDS

ORDER APPOINTING GUARDIAN
AD LITEM

W. H. DRIVER,

COMPLAINANT

VS.

NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE
 NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SEC-
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 SONS: WILLIAM H. STAUBE, THERESA
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 HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH
 OF THEM AS ARE DECEASED: AND ANY
 AND ALL OTHER PERSONS, FIRMS,
 ASSOCIATIONS OR CORPORATIONS
 CLAIMING ANY TITLE TO, INTEREST
 IN, CLAIM, LIEN OR ENCUMBRANCE
 ON SAID LANDS OR ON ANY PART
 THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY NO. _____.

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

Comes your complainant, W. H. Driver, and presents this, his
 bill of complaint against the following described lands in Baldwin
 County, Alabama, to-wit:

The Northeast Quarter (NE $\frac{1}{4}$) of the Northeast
 Quarter (NE $\frac{1}{4}$) of Section 11, Township 5 South,
 Range 3 East, excepting therefrom a 20 foot
 strip on the North side.

and against the following named persons: William H. Staube, Theresa
 M. Staube, Martin Cushing and William H. Straube, if alive, and if
 deceased, 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 upon said lands or any part
 or parcel thereof and respectfully represents and shows unto your
 Honor as follows:

FIRST: That your complainant is over the age of 21 years and
 is a resident of Baldwin County, State of Alabama; that your com-
 plainant cannot ascertain whether or not William H. Staube, Theresa
 M. Staube, Martin Cushing and William H. Straube are dead or alive,

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or their residence, if any, and that the complainant has made diligent search and inquiry to ascertain the names, ages and places of residence of William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, their heirs, devisees, personal representatives and assigns; that they have inquired of numerous persons in the vicinity in which such land is located and of persons in Bay Minette, including all of the officers, and have searched the Probate and Tax Records, and upon inquiry have been unable to ascertain their names, ages and post office address, but are informed and believe and upon such information and belief allege that William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube or their heirs, devisees, personal representatives and assigns of the said William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube are over the age of 21 years and are non-residents of the State of Alabama, and their place of residence is unknown to complainant and cannot be ascertained.

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

The Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 11, Township 5 South, Range 3 East, excepting therefrom a 20 foot strip on the North side;

that they and those who they claim have been in 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 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, interest in, claim, lien or encumbrance thereon, or to any part or parcel of the same.

BOOK 017 PAGE 36

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

FOURTH: That title to said lands on the Records of Baldwin County stand in the name of your Complainant; that the complainant obtained title to the aforesaid lands by deed of Mrs. M. L. Walthall, a widow, dated June 23, 1937, and recorded the 13th day of November, 1939 in the Office of the Judge of Probate of Baldwin County, Alabama in Deed Book 70 at page 501; the said Mrs. M. L. Walthall acquired title to the land by deed of A. B. McCorvey, unmarried, dated November 2, 1928, recorded the 17th day of November, 1928 in Deed Book 46 at page 225; the said A. B. McCorvey acquired title to the land by tax deed from the State of Alabama, dated June 25, 1928, recorded the 17th day of November, 1928 in Deed Book 46 at page 232, and said lands were acquired by the State of Alabama by sale for delinquent taxes on the 13th day of April, 1925, under assessment to one William H. Straube; that for more than ten years next preceding the filing of this bill of complaint no other persons other than the complainant and those through whom they claim title to the said lands or any part thereof have assessed or paid taxes thereon and that they and those through whom they claim title have been in actual, peaceable notorious, exclusive, continuous, hostile, adverse possession of the same for more than ten years next preceding the filing of this bill of complaint; that William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if alive, or if deceased, the unknown heirs, devisees, personal representatives and assigns claim or are reputed to claim some title to, interest in, lien or encumbrance upon the said lands or some portion or parcel thereof.

WHEREFORE, your complainant prays that this Honorable Court will take jurisdiction of the cause made by this bill of complaint and by appropriate process make the said William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if alive, or if deceased,

the unknown heirs, devisees, personal representatives and assigns, and any and all other persons, firms, associations, or corporations claiming any title to, interest in, lien or encumbrance upon the said lands, to-wit:

The Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 11, Township 5 South, Range 3 East, excepting therefrom a 20 foot strip on the North side of said lands.

or any part or parcel thereof, to be made 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 penalties prescribed by law and the practice of this Honorable Court.

Your complainant further prays that upon a final hearing of this cause, the 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 complaint, W. H. Driver, as against William H. Staube, Theresa M. Staube, Martin Cushing and William H. Straube, if living or if dead, the unknown heirs, devisees, personal representatives and assigns of such persons, and against any and all persons, firms, associations or corporations, claims any title to, interest in, claim, lien, encumbrance upon said lands or any part thereof, and that any and all doubts and disputes concerning the same be cleared up, and your complainant prays for such other, different or general relief as shall seem meek and proper.

FILED

Feb. 15, 1955

ALICE J. DUCK, Register


Solicitor for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority in and for said County and State, personally appeared J. Connor Owens, Jr., 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.

J. Connor Owens, Jr.

Sworn to and subscribed before me this the 15 day of February, 1955.

FILED

Feb. 15, 1955

ALICE J. DUCK, Register

Winnie K. Scarborough
Notary Public

W. H. DRIVER,

COMPLAINANT

VS

NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE
NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SEC-
TION 11, TOWNSHIP 5 SOUTH, RANGE
3 EAST, CONTAINING 40 ACRES, MORE
OR LESS; EXCEPTING THEREFROM 20
FEET ON THE NORTH SIDE: AND
AGAINST THE FOLLOWING NAMED PER-
SONS: WILLIAM H. STAUBE, THERESA
M. STAUBE, MARTIN CUSHING AND
WILLIAM H. STRAUBE, IF LIVING OR
IF DECEASED AGAINST THE UNKNOWN
HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH
OF THEM AS ARE DECEASED: AND ANY
AND ALL OTHER PERSONS, FIRMS,
ASSOCIATIONS OR CORPORATIONS
CLAIMING ANY TITLE TO, INTEREST
IN, CLAIM, LIEN OR ENCUMBRANCE
ON SAID LANDS OR ON ANY PART
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

APPLICATION FOR ORAL EXAMINATION OF THE COMPLAINANT AND WITNESSES

Comes the Complainant in the above styled cause and requests
the oral examination of W. H. Driver and A. F. Smith, Jr.
as witnesses for the complainant, who reside in Baldwin County, State
of Alabama, and suggests Marie B. Byars of the Town of
Bay Minette, as a suitable person to act as commissioner to take the
deposition of said witness.

Witness my hand this the 25th day of April, 1955.

J. Connor Owens, Jr.
SOLICITOR

The foregoing notice was this day served on me by J. Connor Owens,
Jr., Solicitor for Complainant.

This the 25 day of April, 1955.

Ray J. Waters, Jr.

W. H. DRIVER,

COMPLAINANT

VS.

NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE
NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SEC-
TION 11, TOWNSHIP 5 SOUTH, RANGE
3 EAST, CONTAINING 40 ACRES, MORE
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IN, CLAIM, LIEN OR ENCUMBRANCE
ON SAID LANDS OR ON ANY PART
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

ORDER GRANTING ORAL EXAMINATION OF WITNESSES AND APPOINTING COMMISSIONER

Complainant having on the 25 day of April, 1955 filed his motion and request for oral examination of W. H. Driver and
A. F. Smith, James Devers, witnesses for complainant and due and proper notice thereof having been given as required by law on the Order Book of this Court and to Harry J. Witters Jr., guardian ad litem for the said unknown defendants, and Marie B. Byars, Bay Minette, Alabama, being a suitable person to act as commissioner to take the deposition of said witnesses.

It is therefore ordered, adjudged and decreed that the said motion for the oral examination of W. H. Driver and A. F. Smith,
James Devers Jr., witnesses for complainant, be and is hereby granted.

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

Witness my hand this the 25 day of April, 1955.

David J. Smith
Register

3470

W. H. DRIVER

VS.

CERTAIN LANDS

ORDER GRANTING ORAL EXAMINATION
OF WITNESSES AND APPOINTING
COMMISSIONER

Filed 4-25-53
Alice French
Reg

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: MARIE B. BRYARS

KNOW YE: that we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine W. H. Driver, A.F. Smith, and J. Connor Owens, Jr.

as witnesses in behalf of W. H. Driver in a cause pending in our Circuit Court in Baldwin County, of said State, wherein W. H. Driver

_____, Complainant
and NE 1/2 of NE 1/4 of Sec. 11, T. 5S, R. 3E, containing 40 acres, more or less, excepting therefrom 20 feet on the north side; and against the following named persons: William H. Staube, Theresa M. Staube, Martin Cushing, and William H. Straube, if living, or if Respondent dead, the unknown heirs of such of them as may be deceased.
on oath, to be by you administered, upon said witnesses

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

Witness 25 day of April, 195 5

Archie J. ...
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 3470

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

WH DRIVER

Complainant—

vs.

CERTAINS LANDS

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

MARIE B. BRYARS

WITNESSES:

W H DRIVER

A F SMITH

J CONNOR OWENS, JR.

W. H. DRIVER,
COMPLAINANT

VS.

NORTHEAST QUARTER (NE $\frac{1}{4}$) OF
THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF
SECTION 11, TOWNSHIP 5 SOUTH,
RANGE 3 EAST, CONTAINING 40
ACRES, MORE OR LESS; EXCEPTING
THEREFROM 20 FEET ON THE NORTH
SIDE; AND AGAINST THE FOLLOWING
NAMED PERSONS: WILLIAM H. STABBE,
THERESA M. STAUBE, MARTIN CUSHING
AND WILLIAM H. STRAUBE, IF ALIVE
OR IF DECEASED, AGAINST THE
UNKNOWN HEIRS, DEVISEES, PERSONAL
REPRESENTATIVES AND ASSIGNS OF
SUCH OF THEM AS ARE DECEASED;
AND ANY AND ALL OTHER PERSONS,
FIRMS, ASSOCIATIONS OR CORPORA-
TIONS CLAIMING ANY TITLE TO,
INTEREST IN, CLAIM, LIEN, OR
ENCUMBRANCE ON SAID LANDS OR ANY
PART THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. ~~3640~~ 3470

NOTE OF TESTIMONY

This cause is submitted for final decree upon the bill of complaint, service by publication, decree pro confesso, appointment of guardian ad litem, and acceptance and answer of the guardian ad litem, and the deposition of W. H. Driver, A. F. Smith, and J. Connor Owens, Jr., witnesses for the complainant.

This the 27th day of April, 1955.


SOLICITOR FOR COMPLAINANT


REGISTER

No. ~~340~~ 3470

W. H. DRIVER

VS.

CERTAIN LANDS

NOTE OF TESTIMONY

FILED

APR 27 1955

ALICE L. DUCK, Register

W. H. DRIVER,

COMPLAINANT

VS.

NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE
NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SEC-
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3 EAST, CONTAINING 40 ACRES, MORE
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HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH
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AND ALL OTHER PERSONS, FIRMS,
ASSOCIATIONS OR CORPORATIONS
CLAIMING ANY TITLE TO, INTEREST
IN, CLAIM, LIEN OR ENCUMBRANCE
ON SAID LANDS OR ON ANY PART
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NOTICE OF TIME AND PLACE OF TAKING TESTIMONY

To the unknown heirs, devisees and personal representatives of
William H. Staube, Theresa M. Staube, Martin Cushing and William H.
Straube, if dead, and to Harry J. Walters, Jr., guardian
ad litem for them;

Notice is hereby given that the testimony of W.H. Driver, A.F.
Smith, and J. Connor Owens, Jr., witnesses for the complainant
in the above styled cause will be taken orally before Maria B. Pryors
commissioner, heretofore duly appointed, at the office of J. Connor
Owens, Jr., attorney for the complainant, at 3:30 o'clock, P.M. on
the 26th day of April, 1955.

This the 26 day of April, 1955.

Maria B. Pryors
Commissioner

Received copy of foregoing this the 26 day of April, 1955,
and waive further notice.

Harry J. Walters, Jr.
guardian ad litem

Case No ³⁴⁷⁰ ~~3475~~

W. H. DRIVER

VS.

CERTAIN LANDS

NOTICE OF TIME AND PLACE
OF HEARING

FILED

APR 27 1955

ALICE J. DUCK, Register