

4442

AMENDED COMPLAINT

JOSEPH WEAVER,
COMPLAINANT
VS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

THE FOLLOWING DESCRIBED LANDS:
THE WEST HALF OF THE SOUTH-
EAST QUARTER OF THE NORTHWEST
QUARTER OF SECTION ELEVEN,
TOWNSHIP THREE SOUTH, RANGE
THREE EAST, AND AGAINST MRS.
THERESA ZIMMER, BAY MINETTE
LAND COMPANY, A CORPORATION,
its successors or assigns, and
ORT H. ERTZINGER, JAMES A.
CARNEY, MOBILE AND GIRARD RAIL-
ROAD COMPANY, A CORPORATION, its
successors or assigns if living
and if they or either of them
be dead, then against the
unknown heirs, devisees,
personal representatives and
assigns of such of them as are
deceased; AND against any and
all persons, firms, associations
or corporations, claiming any
title to, interest in claim,
lien or encumbrance on the said
lands or any part or parcel
thereof,

IN EQUITY.

CASE NO. 4442

RESPONDENTS

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

Comes your Complainant, Joseph Weaver, and presents this his
amended Bill of Complaint against the following described lands
in Baldwin County, Alabama, to-wit:

The West Half of the Southeast Quarter of the Northwest
Quarter of Section Eleven, Township Three South, Range
Three East, of St. Stephens Meridian in Alabama.

and against Mrs. Theresa Zimmer, Bay Minette Land Company, an
Alabama Corporation, its alienees, successors and assigns, Mobile
and Girard Railroad Company, a corporation, its alienees, success-
ors and assigns, and against Ort H. Ertzinger, and James A. Carney,
if living, and if they or either of them be dead, then against the
unknown heirs, devisees, personal representatives and assigns of
such of them as are deceased, and all persons, firms, associations
or corporations claiming any title to, interest in, claim, lien
or encumbrance on the 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 and is a resident of the County of Baldwin, State of Alabama.

SECOND

That your Complainant is the owner in fee simple and in the actual, continuous, open, notorious, adverse and peaceable possession of all of said lands for more than twenty years next preceding the filing of this amended bill of complaint and that he and those through whom he claims title to the said lands have for more than twenty years next preceding the filing of this amended bill of complaint annually assessed and paid the taxes on the said lands, occupied or rented the house, farmed the land and maintained the fences, 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 lands or claimed any right to possession thereof of any title to, or interest in, claim, lien or encumbrance thereon, or to any part or parcel of the same.

THIRD

That no suit is pending to test Complainant's title to, interest in, claim, lien or encumbrance on, or right of possession of said lands.

FOURTH

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

Patent from United States of America to Mobile and Girard Railroad Company, under the Allotment of Lands, designating and recognizing James A. Carney, as Transferee under Patentee, dated May 5, 1893, filed June 12, 1893, and recorded in Deed Book S, pages 629-641;

Deed from Mattie Bankester and Frank Bankester to C. P. Wallace, dated November 25, 1932, filed October 27, 1933, and

recorded in Deed Book 54, page 300;

Deed from R. A. Wallace, C. M. Wallace, H. P. Wallace and D. V. Wallace to Mrs. Carl Wallace, dated December 23, 1938, filed April 13, 1942, and recorded in Deed Book 77, pages 175-6;

Deed from Hunter J. Lynn, Lucille Lynn and Howard Lynn, to Winford C. Hoffman, dated July 19, 1943, filed January 17, 1945, and recorded in Deed Book 87, pages 377-8;

Deed from Winford C. Hoffman and Inez Hoffman to Wiley Ferris, dated October 2, 1943, filed December 6, 1943, and recorded in Deed Book 81, page 407;

Deed from Wiley Ferris and Leorie Ferris to Will A. Weaver, dated January 16, 1945, filed January 17, 1945, and recorded in Deed Book 87, page 380;

Deed from Will A. Weaver and Lilly Weaver, to Joseph Weaver, dated June 18, 1957, filed July 13, 1957, and recorded in Deed Book 253, page 551.

FIFTH

Complainant further shows and avers that he does not know of anyone or any person who claims said lands, any title to, interest in, lien or encumbrance thereon, or any part thereof; Complainant has obtained an abstract of title which shows that the only possible claimants according to said abstract, are Mrs. Theresa Zimmer, James A. Carney, Ort H. Ertzinger, Bay Minette Land Company, a corporation, its alienees, successors and assigns, and Mobile and Girard Railroad Company, a corporation, its alienees, successors and assigns, if living and if they or any of them be dead, then the unknown heirs, devisees, personal representatives, successors or assigns or of such persons of those as are deceased.

So far as Complainant can determine by diligent search and inquiry: James A. Carney, Daphne, Alabama, and Ort H. Ertzinger, Bay Minette, Alabama, Bay Minette Land Company, an Alabama Corporation, Bay Minette, Alabama, all of whom are over the age of twenty-one years, after such diligent search and inquiry in the community where the said property is located in Baldwin County, Alabama, to ascertain the names, ages and places of residence of the remaining Respondents, their unknown heirs or assigns, and

if dead, that he is informed and believes and upon such information and belief alleges that if the said individual respondents named herein are dead, then their heirs, devisees and personal representatives are over the age of twenty-one years and are non-residents of the State of Alabama, except as otherwise stated, and that their names, ages and places of residence are unknown and cannot be ascertained upon full diligent search or inquiry. Complainant further says that in his search therein, he has made inquiry at the Tax and Probate offices in Baldwin County, Alabama, and has inquired of the peoples in the, or living in the vicinity of, said lands and of many other persons residents in Baldwin County, Alabama.

WHEREFORE, your Complainant prays that this Honorable Court will take jurisdiction of the cause, made by this amended bill of complaint, and by appropriate process make Mrs. Theresa Zimmer, James A. Carney, Ort H. Ertzinger, Bay Minette Land Company, a corporation, its alienees, successors and assigns, if living and if dead, then their 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 or parcel thereof, to-wit: The West half of the Southeast Quarter of the Northwest Quarter of Section Eleven, Township Three South, Range Three East, parties respondent to this amended bill of complaint and by appropriate process require them, and each of them separately and severally, to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of liens, claims and encumbrances to the said lands and each part and parcel there, is vested in your Complainant, Joseph Weaver, as against the said Mrs. Theresa Zimmer, James A. Carney, Ort H. Ertzinger, Bay Minette Land Company, a corporation, its alienees, successors and assigns, if living and if dead, then their unknown heirs, devisees and personal representatives, of Mrs. Theresa Zimmer, James A. Carney, Ort H. Ertzinger, Bay Minette Land Company, a corpora-

tion, its alienees, successors and assigns, Mobile and Girard Railroad Company, a corporation, its alienees, and against any and all persons, firms, associations, or corporations, claiming any title to, interest in, claim, lien or encumbrance upon said lands or any part thereof, and that any and all doubts and disputes concerning the same be removed, and cleared upon, and your Complainant prays for such other, further or different relief as in equity and good conscience shall be meet and proper in the premises. And further that in said decree your Honor will cause a certified copy of the decree to be filed in the Probate Office of Baldwin County, Alabama, and to be recorded therein and that in said decree your Honor will direct in whose name it shall be indexed in the direct and indirect indexes of the records thereof in said Probate Court of Baldwin County, Alabama; and Complainant further prays for such other, further, different and general relief as in equity may seem just and meet as Complainant will ever pray.

THOMPSON & WHITE

BY: Mary Thompson White
Solicitors for Complainant.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Dennis B. Howell, a Notary Public, in and for said County in said State, personally appeared Mary Thompson White, who upon oath deposes and says that she is the agent of, and the attorney for the Complainant in the above styled cause and is therefore duly authorized to make this oath: that in the belief of the affiant, all of the defendants named in the foregoing Amended Bill of Complaint are over the age of twenty-one years and all are non-residents of the State of Alabama, except as otherwise stated, their places of residence and post office addresses being unknown to your affiant; that she had made a diligent inquiry to ascertain the same and has been unable to do so; that if any of the above named persons are dead, the names of their heirs, devisees or grantees are unknown and that all, other matters and facts stated in the foregoing Amended Bill of Complaint are upon knowledge true; that she is informed as to the facts stated upon information and belief and verily believes and so states that the same are true.

Mary Thompson White
Dennis B. Howell

Sworn to and subscribed before me, a Notary Public, on this 10 day of November, 1959.

Dennis B. Howell
Notary Public, Baldwin County, Alabama

FILED

DEC 10 1959

ALICE J. DUCK, CLERK
REGISTER

4442

FILED

DEC 10 1959

ANCE L. DUCK, CLERK
REGISTER

LEGAL NOTICE

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

CASE NO. 4442

JOSEPH WEAVER,
COMPLAINANT

VS.

THE FOLLOWING DESCRIBED LANDS:
THE WEST HALF OF THE SOUTHEAST
QUARTER OF THE NORTHWEST QUAR-
TER OF SECTION ELEVEN, TOWNSHIP
THREE SOUTH, RANGE THREE EAST, AND
AGAINST MRS. THERESA ZIMMER, BAY
MINETTE LAND COMPANY, A CORPORA-
TION, ITS SUCCESSORS OR ASSIGNS, AND ORT
H. ERIZINGER, JAMES A. CARNEY,
MOBILE AND GIRARD RAILROAD COM-
PANY, A CORPORATION, ITS SUCCESSORS OR
ASSIGNS, IF LIVING AND IF THEY OR EITHER OF
THEM BE DEAD, THEN AGAINST THE UNKNOWN
HEIRS, DEVISEES, PERSONAL REPRESENTATIVES
AND ASSIGNS OF SUCH OF THEM AS ARE DE-
CEASED; AND AGAINST ANY AND ALL PERSONS,
FIRMS, ASSOCIATIONS OR CORPORATIONS, CLAIM-
ING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR
ENCUMBRANCE ON THE SAID LANDS OR ANY
PART OR PARCEL THEREOF.

RESPONDENTS

NOTICE IS HEREBY GIVEN TO Mrs.
Theresa Zimmer, Bay Minette Land Com-
pany, an Alabama corporation, Mobile
and Girard Railroad Company, a corpora-
tion, Ort H. Erizinger and James A. Car-
ney, if living, and if dead, their unknown
heirs, devisees or personal representa-
tives or successors of them, and any and
all persons, firm or corporations claiming
any interest in or title to the above de-
scribed lands, that on the 25th day of
November, 1958, Joseph Weaver filed in
the equity side of the Circuit Court of
Baldwin County, Alabama, his Bill of
complaint against the following de-
scribed lands in Baldwin County, Alabama,
to-wit:

The West Half of the Southeast
Quarter of the Northwest Quarter of
Section Eleven, Township Three South,
Range Three East, of St. Stephens
Meridian in Alabama,

and against the defendants hereinabove
named and all persons, firms, or corpora-
tions claiming any interest in, lien or
encumbrance upon said lands, and you
are hereby notified to appear and plead,
answer or demur within thirty (30) days
of the 25th day of November, 1958, or a
decree pro confesso will be rendered
against you; that said Bill of Complaint
was and is filed for the purpose of quiet-
ing his title thereto and clearing up all
doubts and disputes concerning the same;
that the Complainant claims the absolute,
fee simple title in and to all of the said
lands under, by and through the follow-

ing conveyances, all of which are re-
corded in the office of the Judge of Pro-
bate of Baldwin County, Alabama, the
County where the said lands are sit-
uated, to-wit: Patent from United States
of America to Mobile and Girard Rail-
road Company, under the Allotment of
lands, designating and recognizing James
A. Carney as Transferee under Paten-
tee, dated May 5, 1893, filed June 12,
1893, and recorded in Deed Book S, pages
629-641; Deed from Mattie Bankester and
Frank Bankester to C. P. Wallace, dated
November 25, 1932, filed October 27,
1933, and recorded in Deed Book 54,
page 380; Deed from R. A. Wallace, C.
M. Wallace, H. P. Wallace, and D. V.
Wallace to Mrs. Carl Wallace, dated De-
cember 23, 1938, filed April 18, 1942, and
recorded in Deed Book 77, pages 175-
18; Deed from Hunter J. Lynn, Lucille Lynn
and Howard Lynn to Winford C. Hoff-
man, dated July 19, 1943, filed January
17, 1945, and recorded in Deed Book
87, pages 377-8; Deed from Winford C.
Hoffman and Inez Hoffman to Wiley Fer-
ris, dated October 2, 1943, filed Decem-
ber 6, 1943, and recorded in Deed Book
81, page 407; Deed from Wiley Ferris
and Leoric Ferris to Will A. Weaver, dated
January 16, 1945, filed January 17, 1945,
and recorded in Deed Book 87, page 380;
Deed from Will A. Weaver and Lilly
Weaver to Joseph Weaver, dated June
18, 1957, filed July 13, 1957, and re-
corded in Deed Book 253, page 551; that
he is in the actual, peaceable possession
of all of the said lands; that title to the
said lands stands upon the records 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 posses-
sion of the said lands, or any part
thereof, within twenty years next prior
to the filing of the said Bill of Com-
plaint, and that no persons, firms or
corporations, other than the Complainant
and those through whom he claims title
to the lands, are known to the Com-
plainant to have paid any taxes on the
said lands, or any part thereof, or any
interest therein, within twenty years next
prior to the filing of the said Bill of
Complaint.

THE BALDWIN TIMES

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn, deposes and says
that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published
at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Joseph Weaver vs. The Following
Described Lands

COST STATEMENT

784 WORDS @ 6 1/2 cents \$ 50. 96
I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette Jr.
Editor.

was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication November 27, 1958 Vol. 70 No. 46

Date of 2nd publication December 4, 1958 Vol. 70 No. 47

Date of 3rd publication December 11, 1958 Vol. 70 No. 48

Date of 4th publication December 18, 1958 Vol. 70 No. 49

Subscribed and sworn before the undersigned this 3 day of Jan, 1959

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette Jr.
Editor.

4442

FILED

JAN 7 1959

ALICE J. DUCK, CLERK
REGISTER

JOSEPH WEAVER,

COMPLAINANT

VS

THE FOLLOWING DESCRIBED LANDS:
 THE WEST HALF OF THE SOUTH-
 EAST QUARTER OF THE NORTHWEST
 QUARTER OF SECTION ELEVEN,
 TOWNSHIP THREE SOUTH, RANGE
 THREE EAST, AND AGAINST MRS.
 THERESA ZIMMER, BAY MINETTE
 LAND COMPLANY, A CORPORATION,
 its successors or assigns, and
 ORT H. ERTZINGER, JAMES A.
 CARNEY, MOBILE AND GIRARD RAIL-
 ROAD COMPANY, A CORPORATION, its
 successors or assigns if living
 and if they or either of them
 be dead, then against the
 unknown heirs, devisees,
 personal representatives and
 assigns of such of them as are
 deceased; AND against any and
 all persons, firms, associations
 or corporations, claiming any
 title to, interest in claim,
 lien or encumbrance on the said
 lands or any part or parcel
 thereof,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

CASE NO. 4442

STATE OF ALABAMA, BALDWIN COUNTY

Filed 11-25-58 1:30 P.M.Recorded Lib. Bond book 4 page 475-6

MR. D. Stuart
 Judge of Probate g

NOTICE IS HEREBY GIVEN TO Mrs. Theresa Zimmer, Bay Minette
 Land Company, an Alabama corporation, Mobile and Girard Railroad
 Company, a corporation, Ort H. Ertzinger and James A Carney, if
 living, and if dead, their unknown heirs, devisees or personal
 representatives or successors of them, and any and all persons,
 firms or corporations claiming any interest in or title to the above
 described lands, that on the 25th day of November, 1958, Joseph
 Weaver filed in the equity side of the Circuit Court of Baldwin
 County, Alabama, his bill of complaint against the following
 described lands in Baldwin County, Alabama, to-wit:

The West Half of the Southeast Quarter of the
 Northwest Quarter of Section Eleven, Township Three
 South, Range Three East, of St. Stephens Meridian in
 Alabama,

and against the defendants hereinabove named and all persons, firms,
 or corporations claiming any interest in, lien or encumbrance
 upon said lands, and you are hereby notified to appear and plead,
 answer or demur within thirty (30) days of the 25th day of
 November, 1958, or a decree pr confesso will be rendered against
 you; that said Bill of Complaint was and is filed for the purpose
 of quieting his title thereto and clearing up all doubts and disputes

concerning the same; that the Complainant claims the absolute, fee simple title in and to all of the said lands under, by and through the following conveyances, all of which are recorded in the office of the Judge of Probate of Baldwin County, Alabama, the County where the said lands are situated, to-wit: Patent from United States of America to Mobile and Girard Railroad Company, under the Allotment of Lands, designating and recognizing James A. Carney, as Transferee under Patentee, dated May 5, 1893, filed June 12, 1893, and recorded in Deed Book S, pages 629-641; Deed from Mattie Bankester and Frank Bankester to C. P. Wallace, dated November 25, 1932, filed October 27, 1933, and recorded in Deed Book 54, page 300; Deed from R. A. Wallace, C. M. Wallace, H. P. Wallace and D. V. Wallace to Mrs. Carl Wallace, dated December 23, 1938, filed April 13, 1942, and recorded in Deed Book 77, pages 175-6; Deed from Hunter J. Lynn, Lucille Lynn and Howard Lynn, to Winford C. Hoffman, dated July 19, 1943, filed January 17, 1945, and recorded in Deed Book 87, pages 377-8; Deed from Winford C. Hoffman and Inez Hoffman to Wiley Ferris, dated October 2, 1943; filed December 6, 1943, and recorded in Deed Book 81, page 407; Deed from Wiley Ferris and Leorie Ferris to Will A. Weaver, dated January 16, 1945, filed January 17, 1945, and recorded in Deed Book 87, page 380; Deed from Will A. Weaver and Lilly Weaver to Joseph Weaver, dated June 18, 1957, filed July 13, 1957, and recorded in Deed Book 253, page 551; that he is in the actual, peaceable possession of all of the said lands; that title to the said lands stands upon the records 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, within twenty 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 lands, are known to the Complainant to have paid any taxes on the said lands, or any part thereof, or any interest therein, within twenty years next prior to the filing of the said Bill of Complaint.

WITNESS my hand this the 25th day of November, 1958.

11-25-58

Probate
4442

Joseph Weaver
vs
55

Theresa Zimmer
Bay Min. Ht. Co. 77
Ort H. Entenag
James A. Carney
Mobile & Girard RR Co.
45

4-475-2

B-200
Lenoir Thompson

FILED
NOV 25 1958
ALICE I. DICK, CLERK
REGISTER

JOSEPH WEAVER,

COMPLAINANT

VS

THE FOLLOWING DESCRIBED LANDS:

THE WEST HALF OF THE SOUTH-

EAST QUARTER OF THE NORTHWEST

QUARTER OF SECTION ELEVEN,

TOWNSHIP THREE SOUTH, RANGE

THREE EAST, AND AGAINST MRS.

THERESA ZIMMER, BAY MINETTE

LAND COMPANY, A CORPORATION,

its successors or assigns, and

ORT H. ERTZINGER, JAMES A.

CARNEY, MOBILE AND GIRARD RAIL-

ROAD COMPANY, A CORPORATION, its

successors or assigns if living

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or corporations, claiming any

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thereof,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

CASE NO. 4442

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

Comes your Complainant, Joseph Weaver, and presents this his bill of complaint against the following described lands in Baldwin County, Alabama, to-wit:

The West Half of the Southeast Quarter of the Northwest Quarter of Section Eleven, Township Three South, Range Three East, of St. Stephens Meridian in Alabama.

and against Mrs. Theresa Zimmer, Bay Minette Land Company, an Alabama Corporation, its alienees, successors and assigns, Mobile and Girard Railroad Company, a corporation, its alienees, successors and assigns, and against Ort H. Ertzinger, and James A. Carney, if living, and if they or either of them be dead, then against the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on the 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 and is a resident of the County of Baldwin, State of Alabama;

SECOND

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

The West Half of the Southeast Quarter of the Northwest Quarter of Section Eleven, Township Three South, Range Three East, of St. Stephens Meridian, in Alabama;

that he and those through whom he claims said lands have been in the actual, continuous peaceable possession of all of said lands for more than twenty years next preceding the filing of this bill of complaint and that he and those through whom he claims title to the said lands have for more than twenty years next preceding the filing of this bill of complaint annually assessed and paid the taxes on the said lands, occupied or rented the house, farmed the land and maintained the fences, 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 lands or claimed any right to possession thereof of any title to, or interest in, claim, lien or encumbrance thereon, or to any part or parcel of the same.

THIRD

That no suit is pending to test Complainant's title to, interest in, claim, lien or encumbrance on, or right of possession of said lands.

FOURTH

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

Patent from United States of America to Mobile and Girard Railroad Company, under the Allotment of Lands, designating and recognizing James A. Carney, as Transferee under Patentee, dated May 5, 1893, filed June 12, 1893, and recorded in Deed Book S, pages 629-641;

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FIFTH

Complainant further shows and avers that he does not know of anyone or any person who claims said lands, any title to, interest in, lien or encumbrance thereon, or any part thereof; Complainant has obtained an abstract of title which shows that the only possible claimants according to said abstract, are Mrs. Theresa Zimmer, James A. Carney, Ort H. Ertzinger, Bay Minette Land Company, a corporation, its alienees, successors and assigns, and Mobile and Girard Railroad Company, a corporation, its alienees, successors and assigns, if living and if they or any of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased.

So far as Complainant can determine by diligent search and inquiry: James A. Carney, Daphne, Alabama and Ort H. Ertzinger, Bay Minette, Alabama, Bay Minette Land Company, an Alabama Corporation, Bay Minette, Alabama, all of whom are over the age of twenty-one years, after such diligent search and inquiry in the community where the said property is located in Baldwin County, Alabama, to ascertain the names, ages and places of residence of the remaining Respondents, their unknown

heirs or assigns, and if dead, that he is informed and believes and upon such information and belief alleges that if the said individual respondents named herein are dead, then their heirs, devisees and personal representatives are over the age of twenty-one years and are non-residents of the State of Alabama, except as otherwise stated, and that their names, ages and places of residence are unknown and cannot be ascertained upon full diligent search or inquiry. Complainant further says that in his search therein, he has made inquiry at the Tax and Probate offices in Baldwin County, Alabama and has inquired of the peoples in the, or living in the vicinity of said lands and of many other persons residents in Baldwin County, Alabama.

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 Mrs. Theresa Zimmer, James A. Carney, Ort H. Ertzinger, Bay Minette Land Company, a corporation, its alienees, successors and assigns, if living and if dead, then their 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 or parcel thereof, to-wit: The West half of the Southeast Quarter of the NorthwestQuarter of Section Eleven, Township Three South, Range Three East, parties respondent to this Bill ofComplaint and by appropriate process require them, and each of them separately and severally, to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of liens, claims and encumbrances to the said lands and each part and parcel there, is vested in your Complainant, Joseph Weaver, as against the said Mrs. Theresa Zimmer, James A. Carney, Ort H. Ertzinger, Bay Minette Land Company, a corporation, its alienees, successors and assigns, Mobile and Girard Railroad Company, a corporation, its alienees, successors and assigns, if living and if dead, then their unknown heirs, devisees and personal representatives, of Mrs. Theresa Zimmer, James A. Carney, Ort H. Ertzinger, Bay M_inette Land Company, a corporation, its alienees,

c successors and assigns, Mobile and Girard Railroad Company, a corporation, its alienees, and against any and all persons, firms, associations, or corporations, claiming any title to, interest in, claim, lien or encumbrance upon said lands or any part thereof, and that any and all doubts and disputes concerning the same be removed, and cleared upon, and your Complainant prays for such other, further or different relief as in equity and good conscience shall be meet and proper in the premises. And further that in said decree your Honor will cause a certified copy of the decree to be filed in the Probate Office of Baldwin County, Alabama, and to be recorded therein and that in said decree your Honor will direct in whose name it shall be indexed in the direct and indirect indexes of the records thereof in said Probate Court of Baldwin County, Alabama; and Complainant further prays for such other, further, different and general relief as in equity may seem just and meet as Complainant will ever pray.

THOMPSON & WHITE

BY: Mary Thompson White
Solicitors for Complainant.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Frank P. Probst, a Notary Public, in and for said County in said State, personally appeared Mary Thompson White, who upon oath deposes and says that she is the agent of, and the attorney for the Complainant in the above styled cause and is therefore duly authorized to make this oath; that in the belief of the affiant, all of the defendants named in the foregoing Bill of Complaint are over the age of twenty-one years and all are non-residents of the State of Alabama, except as otherwise stated, their places of residence and post office addresses being unknown to your affiant; that she had made a diligent inquiry to ascertain the same and has been unable to do so; that if any of the above named persons are dead, the names of their heirs, devisees or grantees are unknown and that all, other matters and facts stated in the foregoing Bill of Complaint are upon knowledge true; that she is informed as to the facts stated upon information and belief and verily believes and so states that the same are true.

Mary Thompson White

Sworn to and subscribed before me, a Notary Public, on this, the 25 day of November, 1958.

Frank P. Probst

Notary Public, Baldwin County, Alabama.

my commission expires

108

3/3/59

[illegible]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-19-2010 BY 60322 UCBAW

FILED
NOV 25 1951
RICE J. DUCK, CLERK
REGISTER

[illegible]

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SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 4442

..TERM, 19---

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon CERTAIN LANDS, AND MRS THERESA ZIMMER, ET ALS

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against_____

CERTAIN LANDS & ~~NEW~~ MRS. THERESA ZIMMER, ET AL, Defendant.

by JOSEPH WEAVER

Witness my hand this 25 day of November 1958

Clerk

108A

No. 4442 Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

JOSEPH WEAVER

Plaintiffs

vs.

CERTAIN LANDS, & MRS. THERESA ZIMMER

ET ALS

Defendants

Summons and Complaint

Filed Nov. 25, 1958 19____

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at _____

Received In Office

11/25 1958

_____, Sheriff

I have executed this summons

this Dec 13 1958

by leaving a copy with

James M. Corns 12-17-58
Out to Court 11-26-58
Rev. E. Smith 11-26-58

Sheriff claims 34 miles 50

Ten Cents per mile Total \$ 5.20
TAYLOR WILKINS, Sheriff

BY _____

DEPUTY SHERIFF

Jay Wilkins Sheriff
Don & Talbot Deputy Sheriff

O y m e i

JOSEPH WEAVER,	I	
Complainant,	I	IN THE CIRCUIT COURT OF
	I	
vs.	I	
	I	BALDWIN COUNTY, ALABAMA
CERTAIN LANDS and BAY	I	
MINETTE LAND COMPANY, ET.	I	
AL.,	I	IN EQUITY NO. 4442
Respondents.	I	
	I	

DEMURRER

Comes now Bay Minette Land Company, a corporation, one of the Respondents in the above styled cause, by its attorneys, and demurs to the Bill of Complaint heretofore filed against it and to each aspect thereof, separately and severally and assigns the following separate and several grounds in support thereof:

1. The Complaint fails to state a cause of action.

Respectfully submitted,

CHASON & STONE

By: 
Attorneys for Respondent Bay (Min-
nette Land Company, a corporation.

Filed
1-15-39