

SOUTH ALABAMA LAND COMPANY,
an Alabama Corporation, ET
AL.,

Complainants,

vs.

CERTAIN LANDS and ELLEN E.
HANLY, ET AL.,

Respondents.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 4458

FINAL DECREE

This cause coming on to be heard was submitted upon the Bill of Complaint, Motion For Decree Pro Confesso against Harry L. D'Olive, Cassie Buckles and Mrs. Guy D'Olive as members of the class of persons constituting the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased, and against all persons who are members of the class constituting the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased; Decree Pro Confesso against Harry L. D'Olive, Cassie Buckles and Mrs. Guy D'Olive as members of the class of persons constituting the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased on personal service and service by registered mail as shown by the records in this cause, and against all of the persons who are members of the class constituting the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased; Answer of Willie D. Kennedy and Lucille Kennedy; Answer of John Gray; Answer of Wilson Hayes as Guardian ad Litem for Ellen E. Hanly, Ellen E. Hanley, Thomas Fought, L. W. Fought, E. F. Albert, Cora E. Albert, Teresa Worthington, Theresa Worthington, Mr. A. R. Crowell, Mazie Craker, Mazie Wallace and Joseph H. Hanley, if living, and if deceased, then the unknown heirs and devisees of each of said persons; the testimony of H. H. Maschmeyer and Harold W. Graham, and the several exhibits in connection therewith taken in open Court on this date and transcribed by the Court Reporter, all as noted by the Register. And it appearing to the Court that the Complainant, South Alabama Land Company is a corporation organized and existing under the laws of the State of Alabama with its principal place of business in Mobile, Alabama, and that the Complainant Estelle H. Hudson, as Trustee under those certain Declarations of Trust for

Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, respectively, dated December 3, 1957, is over the age of twenty-one years and is a resident citizen of the State of California residing in Monrovia, California, and that the Complainant The First National Bank of Mobile, Alabama, as Trustee under an Agreement with Dorothy Wefel Matthews dated January 6, 1955, and as Trustee under the Last Will and Testament of Herman H. Wefel, Jr., Deceased, is a national banking association with its principal place of business in Mobile, Mobile County, Alabama. And it further appearing to the Court that the Complainants are in the actual, peaceable and adverse possession of the following described real property situated in Baldwin County, Alabama, to-wit: the Medrick D'Olive Tract situated in Grant Section 7, Township 5 South, Range 2 East which is otherwise described as the North 796.9 feet of said Grant Section 7, in said Township and Range, the South line of which tract is described as beginning at a point which is located South 5° 48' West 796.9 feet from the Northeast Corner of said Grant Section 7 in said Township and Range, run thence North 86° 24' West to the margin of Mobile Bay (and which said tract includes all or a portion of the following blocks situated in Park City, according to the plat thereof on file in the Office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1, at pages 230-231: Blocks A, B, C, 1, 2, 3, 4, 5, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23) EXCEPT, HOWEVER, the following: Lots 6, 7, 8, 9 and 10 in Block 19, Lot 11 in Block 21 in Park City, aforesaid, and the area of said Medrick D'Olive Tract which is included within the margins of the rights of way for the Streets and Alleys shown by said plat of Park City, aforesaid; claiming to own the same in the respective proportionate interests as will hereinafter be set forth, and using the same in every way that such lands are susceptible to use. That the Complainants, and each of them, and those under whom they, and each of them, claim, have been in the actual, peaceable and adverse possession of the above described lands for more than ten years next preceding the filing of the Bill of Complaint under color of title and that they and those under whom they claim have assessed and paid taxes on said lands for more than ten years next preceding the filing of the Bill of Complaint and no other

person, firm or corporation has paid taxes on said lands or any part thereof during the whole of said period. That no suit is pending to test the title of the Complainants or either of them to the land described in the Bill of Complaint or their interest in or right to the possession of said lands.

That the First National Bank of Mobile, Mobile, Alabama, as Trustee under the Last Will and Testament of Herman H. Wefel, Jr., Deceased, obtained its title to the proportionate interest in the land, the title to which is herein decreed to be in it as such Trustee under and by virtue of the Last Will and Testament of Herman H. Wefel, Jr., Deceased, dated August 13, 1931, and admitted to probate and record in the Probate Court of Mobile County, Alabama, on October 27, 1933, a certified copy of which was filed for record in the Office of the Judge of Probate of Baldwin County, Alabama, on June 22, 1938, and is recorded in Deed Book 65 at pages 199-202 (see Exhibit 10). That the said H. H. Wefel, Jr. acquired title to said property under and by virtue of a Quitclaim Deed from Mary R. Shriner and W. A. Shriner, her husband, dated May 17, 1919, which deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 44, at page 241 (see Exhibit 6). That Herman H. Wefel, Jr. conveyed an undivided one-half interest in said lands to H. H. Wefel, Sr. by virtue of that certain deed dated November 24, 1915, and recorded in Deed Book 24, at pages 343-4 in the Office of the Judge of Probate of Baldwin County, Alabama (see Exhibit 8). That the said H. H. Wefel, Sr. died intestate in the year 1918, leaving as his only heirs H. H. Wefel, Jr. and Clara E. Maschmeyer and his widow, Mary Ann Wefel. That the said Mary Ann Wefel departed this life in about the year 1932 (see Exhibit 9). That the First National Bank of Mobile, Alabama, as Trustee under that certain Agreement with Dorothy Wefel Matthews dated January 6, 1955, acquired its title to the proportionate interest in the lands, the title to which is herein decreed to be in it as such trustee, under and by virtue of the instruments hereinabove set forth and in addition thereto that certain Trustees Deed and Trust Deed dated January 7, 1955, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 219, at pages 199-207 (see Exhibit 11).

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That South Alabama Land Company, an Alabama Corporation, and Estelle H. Hudson, trustee under those certain Declarations of

Trust for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, respectively, dated December 3, 1957, obtained the title to their respective proportionate interests in the lands held jointly by them, the title to which is herein decreed to be in said Complainants jointly, under and by virtue of the following instruments: Quitclaim Deed from Ellen Gindrat Winter, widow, to R. W. Shriner dated September 7, 1912, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 20, at page 160 (see Exhibit 2); Statutory Deed from Ralph W. Shriner, Sr., to Mary R. Shriner conveying an undivided five-sixth interest in the Medrick D'Olive Tract dated April 24, 1913, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 26, at page 584 (see Exhibit 4); Quitclaim Deed from Ralph W. Shriner unmarried, to Mary R. Shriner dated May 17, 1918, conveying an undivided one-sixth interest in the Medrick D'Olive Tract, which deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 28, at page 532 (see Exhibit 5); Quitclaim Deed from H. H. Wefel, Jr. and Blanche E. Wefel, his wife, to Mary R. Shriner, dated May 17, 1919, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 55, at page 422 (see Exhibit 13); Warranty Deed from Ralph W. Shriner and Neva A. Shriner, his wife, to Mobaldwin Development Company dated May 29, 1946, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 108 at pages 215-16 (see Exhibit 15); Warranty Deed from Mobaldwin Development Company, Inc., a corporation, to South Alabama Land Company, a corporation, dated June 20, 1951, and recorded in Deed Book 167 at pages 144-6 in the Office of the Judge of Probate of Baldwin County, Alabama, (see Exhibit 16); Warranty Deed from South Alabama Land Company, a corporation, to Clara E. Maschmeyer, dated July 30, 1951, conveying an undivided one-fourth interest in and to the East or rear 120 acres of the Medrick D'Olive Tract, which deed is recorded in Deed Book 168 at page 20 in the Office of the Judge of Probate of Baldwin County, Alabama, (see Exhibit 17); those several Declarations of Trust from Clara E. Maschmeyer, to Estelle H. Hudson as Trustee for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, respectively,

dated December 3, 1957, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 263 at pages 467-498, and those certain Warranty Deeds from Clara E. Maschmeyer to Estelle H. Hudson, Trustee for Esther Warner, William Stinehart, Estelle H. Hudson and Herman H. Maschmeyer, respectively, dated December 3, 1957, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 263 at pages 499-510 (see Exhibits 18 through 25, inclusive); affidavit of Mrs. W. R. Shriner dated April 17, 1958, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 265 at page 36 (see Exhibit 12); affidavit of Harold W. Graham dated March 18, 1958, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 263 at pages 593-4 (see Exhibit 26); and Quitclaim Deed from R. C. Keeney and Bessie M. Keeney, his wife, to South Alabama Land Company and Clara E. Maschmeyer dated June 14, 1956, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 239 at page 278 (see Exhibit 45).

That the Complainant South Alabama Land Company, an Alabama Corporation obtained its title to the land, the fee simple title to which is herein decreed to be in it under and by virtue of the following instruments: to Lots 13 and 14, Block 16, Park City: Tax Sale dated September 1, 1933, in the name of Theresa Worthington to the State of Alabama as shown by Sales Book 10, at page 89, in the Office of the Judge of Probate of Baldwin County, Alabama (see Exhibit 27); Tax Deed from State of Alabama to South Alabama Land Company dated January 21, 1948, and recorded in Deed Book 127, at page 390 in the Office of the Judge of Probate of Baldwin County, Alabama, (see Exhibit 28); to Lot 14, Block 21, Park City: Statutory Warranty Deed from Herman H. Wefel, Jr. and wife to Mazie Craker dated June 1, 1908, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 13, at pages 365-6 (see Exhibit 29); Tax Sale dated September 1, 1933, in the name of Mrs. Mazie Wallace to State of Alabama, as the same appears of record in Sales Book 10, at page 88, in the Office of the Judge of Probate of Baldwin County, Alabama, (see Exhibit 30); Tax Deed from the State of Alabama by State Land Commissioner to South Alabama Land Company dated January 21, 1948, and recorded in the Office of the Judge of

Probate of Baldwin County, Alabama, in Deed Book 127, at page 389 (see Exhibit 31); to Lot 20, Block 21, Park City: Statutory Warranty Deed from Herman H. Wefel, Jr. and E. Marie Wefel, his wife, to W. L. Shriner, dated September 25, 1914, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 23, at page 20 (see Exhibit 32); Statutory Warranty Deed from W. L. Shriner, single, to Mr. A. R. Crowell, dated August 24, 1917, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 26, at page 593 (see Exhibit 33); Tax Sale in the name of L. W. Fought to Mary Strudwick dated May 30, 1927, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Sales Book 6, at page 151 (see Exhibit 34); Tax Deed from L. W. Fought, by G. W. Humphries, Judge of Probate, to Mary Strudwick Yarborough dated March 25, 1930, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 48, at pages 414-15 (see Exhibit 35); Warranty Deed from Mary Strudwick Yarborough, a widow, to R. C. Keeney, dated January 9, 1948, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 127, at page 466 (see Exhibit 36); Statutory Warranty Deed from R. C. Keeney and wife to South Alabama Land Company, a corporation, dated August 22, 1956, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 242, at page 591 (see Exhibit 37); to Lot 1, Block 22, Park City: Tax Sale under Owner Unknown to State of Alabama dated June 1, 1914, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Sales Book 3, at page 199 (see Exhibit 38); Tax Deed from the State of Alabama by State Auditor to Jesse L. Kessler dated August 18, 1925, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 36, at page 559 (see Exhibit 39); Quitclaim Deed from Jesse L. Kessler, a single man, to George Marinos and Pete Malbis dated August 31, 1925, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 36, at page 599 (see Exhibit 40); Tax Sale under the name of Marinos & Malbis to W. R. Stuart dated July 8, 1931, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in

Sales Book 8, at Page 51 (see Exhibit 41); Quitclaim Deed from W. R. Stuart and Gladys M. Stuart, his wife, to South Alabama Land Company, an Alabama Corporation, dated November 11, 1958, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 271, at page 564 (see Exhibit 42); Quitclaim Deed from Pete Malbis, a widower, to George Marinos dated August 28, 1940, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 74, at page 166 (see Exhibit 43); and Warranty Deed from George Marinos and Minnie Marinos, his wife, to South Alabama Land Company, an Alabama Corporation dated September 27, 1954, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 215, at pages 228-9 (see Exhibit 44);

And the Court having considered all of the above is of the opinion that the Complainants are entitled to the relief prayed for in their Bill of Complaint; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, as follows:

1. That the First National Bank of Mobile, Alabama, as Trustee under an Agreement with Dorothy Wefel Matthews dated January 6, 1955, is the owner of an undivided nine-sixteenths (9/16ths) interest; The First National Bank of Mobile, Alabama, as Trustee under the Last Will and Testament of Herman H. Wefel, Jr., Deceased, is the owner of an undivided three-sixteenths (3/16ths) interest; and Estelle H. Hudson, as Trustee is the owner under each of the Declarations of Trust dated December 3, 1957, for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, respectively, of an undivided one-sixteenth (1/16th) interest in the following described real property situated in Baldwin County, Alabama, viz:

All of Blocks A, B, C, 1, 2, 3, 4, 15, 16 (except Lots 13 and 14), 17, 18, 19 (except Lots 6 through 10, inclusive), 20, 21 (except Lots 11, 14 and 21), 22 (except Lot 1), and 23 of Park City, according to the plat thereof recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1, at pages 230-31, which lie within the Medrick D'Olive Tract situated in Grant Section 7, Township 5 South, Range 2 East and which tract is otherwise described as the North 796.9 feet of said Grant Section 7, in said Township and Range, the South line of which tract is described as beginning at a point which is located 50° 48' West 796.9 feet from the Northeast Corner of said Grant Section 7, in said Township and Range, run thence North 86° 24' West to the margin of Mobile Bay

and that no other person, firm or corporation has any title to, in-

terest in, lien or encumbrance upon said lands or any part thereof and especially is this true as to William B. Gindrat and his unknown heirs and devisees, if deceased, and the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased.

2. That South Alabama Land Company, an Alabama Corporation is the owner of an undivided three-fourths (3/4ths) interest and Estelle H. Hudson, as Trustee, is the owner under each of the Declarations of Trust dated December 3, 1957, for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, respectfully, of an undivided one-sixteenth (1/16th) interest in the following described real property situated in Baldwin County, Alabama, viz:

All of Blocks 5 and 14 of Park City, aforesaid;

ALSO

All that portion of the Medrick D'Olive Tract, aforesaid, which is located East of The East boundary of Sixth Street in Park City, aforesaid.

And that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said lands or any part thereof and especially is this true as to William B. Gindrat and his unknown heirs and devisees, if deceased; and the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased.

3. That South Alabama Land Company, an Alabama Corporation, is the owner in fee simple of all of the following described lands situated in Baldwin County, Alabama, viz:

Lots 13 and 14 in Block 16;

Lot 14 in Block 21;

Lot 20 in Block 21; and

Lot 1, Block 22, all in Park City, according to the plat thereof recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1, at pages 230-231.

And that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said lands or any part thereof, and especially is this true as to William B. Gindrat and his unknown heirs and devisees, if deceased; the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased; Ellen Hanly, Ellen Hanley, Thomas Fought, L. W. Fought, E. F. Albert, Cora E. Albert, Teresa

Worthington, Theresa Worthington, Mr. A. R. Crowell, Mazie Craker, Mazie Wallace and Joseph H. Hanley, if living and if deceased, then their unknown heirs and devisees.

And it further appearing to the Court that the Respondents John Gray, Willie Kennedy and Lucille Kennedy are the owners of the property located immediately South of the South line of the Medrick D'Olive Tract, aforesaid, and East of U. S. Highway 98 (Old Alabama State Highway 104), the property of the named Respondents being located in Lot 1 of the Division of the Estate of Louis D'Olive Sr., Deceased, and that there exists a question of survey as to the true dividing line between the Medrick D'Olive Tract, aforesaid, and Lot 1 of the Division of the Estate of Louis D'Olive, Sr., Deceased; and it further appearing to the Court that the Complainants have described a line in their Bill of Complaint which they allege is the true dividing line between said properties and the Respondents have each filed answers in which they admit that the line as described in the Bill of Complaint is the true dividing line between their properties and the Medrick D'Olive Tract; and the Court having considered the same is of the opinion that the line as described in the Bill of Complaint should be fixed and determined as the true boundary line between the Medrick D'Olive Tract and Lot 1 of the Division of the Estate of Louis D'Olive, Sr., Deceased, located East of U. S. Highway 98 (Old Alabama State Highway 104); it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that the true boundary line between the property of the Complainants and of the Respondents John Gray, Willie Kennedy and Lucille Kennedy located East of U. S. Highway 98 (Old Alabama State Highway 104) is a line described as follows:


Beginning at a point which is located South 5° 48' West 796.9 feet from the Northeast Corner of Grant Section 7, Township 5 South, Range 2 East, run thence North 86° 24' West to the East boundary line of U. S. Highway 98 as the same is presently located.

It is further ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that the Register of this Court shall, within thirty days from the rendition of this decree, file a certified copy of the same for record in the Probate Court of Baldwin County, Alabama, and tax the expense thereof as a

part of the cost of this proceeding and said decree shall be recorded in the same book and manner in which deeds are recorded and shall be indexed in the name of all of the Respondents named herein in the direct index and in the name of all of the Complainants herein in the reverse index.

It is further ORDERED, ADJUDGED and DECREED that the Complainants be, and they are hereby, taxed with the cost of this proceeding for which execution may issue.

Done this 26th day of May, 1959.



Judge of the Circuit Court of Baldwin
County, Alabama, In Equity

SOUTH ALABAMA LAND COMPANY,	X		
ET AL.,	X		
	X	IN THE CIRCUIT COURT OF	
Complainants,	X		
vs.	X	BALDWIN COUNTY, ALABAMA	
	X		
CERTAIN LANDS and ELLEN E.	X	IN EQUITY	NO. 4458
HANLY ET AL.,	X		
	X		
Respondents.	X		

ANSWER OF GUARDIAN AD LITEM

Comes now the undersigned Wilson Hayes, as Guardian ad Litem for the unknown heirs and devisees of William B. Gindrat, Deceased; Ellen E. Hanly and her heirs and devisees, if deceased; Ellen E. Hanley and her heirs and devisees, if deceased; Thomas Fought and his heirs and devisees, if deceased; L. W. Fought and his heirs and devisees, if deceased; E. F. Albert and his heirs and devisees, if deceased; Cora E. Albert and her heirs and devisees, if deceased; Teresa Worthington and her heirs and devisees, if deceased; Theresa Worthington and her heirs and devisees, if deceased; Mr. A. R. Crowell and his heirs and devisees, if deceased; Mazie Craker and her heirs and devisees, if deceased; Mazie Wallace and her heirs and devisees, if deceased; Joe H. Hanley and his heirs and devisees, if deceased; and for answer to the Bill of Complaint heretofore filed in this cause and to each section and aspect thereof, separately and severally, says as follows:

That he denies each and every allegation of this Bill of Complaint and demands strict proof thereof.

Filed May 15, 1959


Wilson Hayes as Guardian ad Litem

SOUTH ALABAMA LAND COMPANY,
AN ALABAMA CORPORATION, ET AL.,

Complainants,

vs.

CERTAIN LANDS AND WILLIAM B.
GINDRAT ET AL.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

APPOINTMENT OF GUARDIAN AD LITEM

It having been made to appear to the Court in the above styled cause that the identity of some of the Respondents is unknown and the Court having considered the same is of the opinion that a guardian ad litem should be appointed to represent and defend the interests of such unknown parties; it is, therefore

ORDERED by the Court that William I. Hays, Esquire, be, and he is hereby, appointed as Guardian ad Litem to represent and defend the interests of the unknown parties in the above styled cause and that he be required to answer said Bill of Complaint within thirty days from the service of a copy of this order.

Done this the 11 day of December, 1958.

Robert M. Hall
Circuit Judge

SOUTH ALABAMA LAND COMPANY,
an Alabama Corporation, et
al

COMPLAINANTS

VS

CERTAIN LANDS and JOHN GRAY,
ET AL

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NUMBER 4458

Comes John Gray, defendant in the above styled cause and
answering complainants' bill of complaint says:

One: He admits that he is over the age of twenty one years
and his residence is as stated in the bill of complaint.

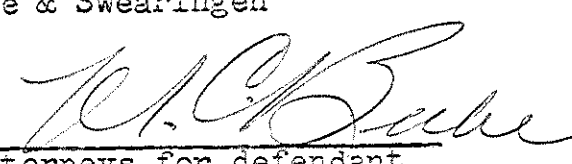
Two: This defendant and the complainants own adjoining
lands, the dividing line of which is a line described as follows:
Beginning at a point which is located South 5° 48' West 796.9
feet from the Northeast corner of Grant Section 7, Township 5
South, Range 2 East, run thence North 86° 24' West to the margin
of Mobile Bay. The defendant owns lands South of said line and
East of U. S. Highway 90 and the complainants own the lands North
of said line.

Three: This defendant denies all allegations made in the
bill of complaint except as otherwise stated herein and demands
strict proof of the same.

Four: Defendant waives notice of the time and place of
taking testimony in this cause, notice of the application for
final decree and consents and agrees that decree be entered in
said cause for the complainants quieting-title to the lands de-
scribed in the bill of complaint North of the line described in
paragraph two hereof.

Filed April 24, 1959
Alice J. Lucke, Reg.

Beebe & Swearingen

By 
Attorneys for defendant,
John Gray

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ALICE J. DUCK, CLERK REGISTERED

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SOUTH ALABAMA LAND COMPANY,	*	IN THE CIRCUIT COURT
et al,	*	
	*	OF
Complainants,	*	
vs.	*	BALDWIN COUNTY, ALABAMA,
	*	
LANDS DESCRIBED IN THE BILL	*	IN EQUITY.
OF COMPLAINT, et al,	*	
	*	
Respondents.	*	Case No. _____

Now come Willie D. Kennedy and Lucille Kennedy, Respondents in the above styled cause, and for answer to the Bill of Complaint heretofore filed in this cause, say:-

1. Respondents are each over the age of twenty-one (21) years, of sound mind and residents of Mobile County, Alabama.

2. Respondents, for answer to Paragraph Seventh of said Bill of Complaint, admit and agree that the true dividing line between their real property and the real property of the Complainants in this cause is the South line of the Medrick D'Olive tract as described in the first paragraph of said Bill of Complaint.

3. Because of lack of knowledge and information, the Respondents neither admit nor deny the other allegations of said Bill of Complaint.

Filed
Mar. 4, 1959
Alice J. Duck
Reg.

SULLIVAN & CAMERON
 Solicitors for Willie
 D. Kennedy and Lucille
 Kennedy, Respondents.

By *W. C. Sullivan*

4458

FILED
MAR 4 1959
ALICE J. DUCK, CLERK
REGISTER

SOUTH ALABAMA LAND COMPANY,
an Alabama Corporation, et
al,

COMPLAINANTS

VS

JOHN GRAY, et al

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NUMBER 4458

Comes John Gray, defendant in the above styled cause,
and demurring to the complainants' bill of complaint hereto-
fore filed in said cause and as grounds therefor says:

1. There is no equity in the bill.

Filed Feb. 17, 1959
Walter J. Clark, Reg.

BEEBE & SWEARINGEN

BY

J. D. Swearingen
Solicitor for defendant, John
Gray.

4458

FILED
FEB 17 1959
ALICE J. DUCK, CLERK
REGISTER

SOUTH ALABAMA LAND COMPANY
ET AL.,

Complainants,

vs.

CERTAIN LANDS and ELLEN E.
HANLY ET AL.,

Respondents.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 4458

MOTION FOR DECREE PRO CONFESSO

Come now the Complainants in the above styled cause, by their attorneys, and move this Honorable Court to enter a decree pro confesso against Harry L. D'Olive, Cassie Buckles and Mrs. Guy D'Olive as members of the class of persons constituting the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased, and against all persons who are members of the class constituting the heirs at law and next of kin of Louis D'Olive, Sr., Deceased, and respectfully represent and show unto this Honorable Court as follows:

That the Bill of Complaint in this cause was filed on December 11, 1958, and a copy thereof, together with a summons, was served on Harry L. D'Olive on December 12, 1958; on Cassie Buckles on January 5, 1958 and a copy thereof was mailed to the Respondent Mrs. Guy D'Olive at P. O. Box 84, Perkinston, Mississippi by the Register of this Court on December 11, 1958, by registered mail, postage prepaid, marked "for delivery only to the person to whom addressed" and a return receipt demanded, together with a summons directed to the said Mrs. Guy D'Olive to appear and plead, answer or demur within thirty days from the service thereof to said Bill of Complaint. That the said Mrs. Guy D'Olive received said summons and complaint on December 13, 1958, and signed the return receipt card which was subsequently filed in this Court on December 15, 1958.

That more than thirty days have elapsed since each of the above named Respondents were served and neither they nor any person constituting the heirs at law, next of kin or devisees of Louis D'Olive, Sr., Deceased, have appeared and answered or demurred to the Bill of Complaint.

WHEREFORE, the Complainants respectfully pray that this

Honorable Court will grant this motion and will enter a decree pro confesso against said Respondents and against all members of the class of persons constituting the heirs at law, next of kin and devisees of the said Louis D'Olive, Sr., Deceased.

Filed Feb. 24, 1959
Oliver J. Stone,
Reg.

Respectfully submitted

CHASON & STONE

By: 

Attorneys for Complainants

SOUTH ALABAMA LAND COMPANY,	X	
ET AL.,	X	
	X	IN THE CIRCUIT COURT OF
Complainants,	X	
	X	BALDWIN COUNTY, ALABAMA
vs.	X	
CERTAIN LANDS and ELLEN E.	X	IN EQUITY NO. 4458
HANLY, ET AL.,	X	
	X	
Respondents.	X	

DECREE PRO CONFESSO

It having been made to appear to the Register that service was had on the Respondent Harry L. D'Olive by the Sheriff of Baldwin County, Alabama, on the 12th day of December, 1958; the Respondent Cassie Buckles by the Sheriff of Mobile County, Alabama, on the 5th day of January, 1959; and the Respondent Mrs. Guy D'Olive by Registered Mail with return receipt requested and marked "for delivery only to the person whom addressed" on the 13th day of December, 1958, all as members of the class of persons constituting the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased. And it further appearing to the Register that neither the said Harry L. D'Olive, Cassie Buckles or Mrs. Guy D'Olive as members of the class of persons constituting the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased, have to the date hereof pleaded, demurred or answered the Bill of Complaint filed in this cause; it is, therefore, on motion of the Complainants filed in this cause on February 24, 1959

ORDERED and DECREED by the Register that the Bill of Complaint in this cause be, and it is hereby, in all things taken as confessed against the said Harry L. D'Olive, Cassie Buckles and Mrs. Guy D'Olive as members of the class of persons constituting the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased, and against all persons who are members of the class constituting the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased.

Done this 4 day of ^{May}~~April~~, 1959.

W. J. D. D. D.
Register

SOUTH ALABAMA LAND COMPANY,
AN ALABAMA CORPORATION, ET
AL.,

Complainants,

vs.

CERTAIN LANDS AND ELLEN E.
HANLEY, ET AL.,

Respondents.

X
X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

ORDER DESIGNATING NEWSPAPER

It having been made to appear to the Court in the above styled cause that notice by publication must be given in accordance with Section 1119, 1120 and 1121 of the Code of Alabama of 1940 and that an order should be made by this Court designating the newspaper in which such publication shall be made; it is therefore

ORDERED by the Circuit Court by the Circuit Court of Baldwin County, Alabama, In Equity, that the notice of the pendency of the Bill of Complaint in the above styled cause be published one a week for four (4) consecutive weeks in The Baldwin Times, a newspaper of general circulation published in Bay Minette, Baldwin County, Alabama.

Done this 11 day of December, 1958.

Robert M. Hester
Circuit Judge

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Blanche White, a Notary Public, in and for said County in said State, personally appeared Norborne C. Stone, Jr., who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Norborne C. Stone, Jr. and that he is one of the attorneys of record for the Complainants in that certain cause now pending in the Circuit Court of Baldwin County, Alabama, In Equity wherein South Alabama Land Company, an Alabama Corporation Et Al. are the Complainants and Certain Lands and John Gray Et al. are the Respondents. That he is informed and believes and upon such information and belief alleges that the Respondent John Gray is a non-resident of the State of Alabama residing at 2736 North Edgewood Avenue in Jacksonville, Florida. That at the time of the filing of the Bill of Complaint he was informed and believed that the Respondent John Gray was a resident citizen of Baldwin County, Alabama, residing in Daphne, Alabama.

Norborne C. Stone, Jr.

Sworn to and subscribed before me
on this the 12th day of January,
1959.

Blanche White
Notary Public, Baldwin County, Alabama

SULLIVAN & CAMERON

ATTORNEYS AT LAW

SUITE 617 FIRST NATIONAL BANK BUILDING

POST OFFICE BOX 275

MOBILE, ALABAMA

JOSEPH C. SULLIVAN
ALLAN R. CAMERON

JOSEPH M. POWERS

February
26th
1959

Mrs. Alice J. Duck, Register
Circuit Court in Equity
Baldwin County Courthouse
Bay Minette, Alabama

Re: South Alabama Land Company et al
vs. Lands Described in the Bill of
Complaint et al, Circuit Court of
Baldwin County, Alabama, in Equity.

Dear Mrs. Duck:

Enclosed herewith find answer of Willie D. and Lucille
Kennedy, made Respondents in the above cause.

Very truly yours,

SULLIVAN & CAMERON

By 

Joseph C. Sullivan

J

C

S

/jm

cc: Hon. Norborne C. Stone, Jr.
Attorney at Law
Bay Minette, Alabama

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Harry L. D'Olive, Cassie Buckles, John Gray, Willie D. Kennedy, and Lucille Kennedy to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by South Alabama Land Company, an Alabama Corporation, Et. Al., as Complainants, against Certain Lands and John Gray, Willie D. Kennedy, Lucille Kennedy and the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased, as represented therein by Harry L. D'Olive, Cassie Buckles and Mrs Guy D'Olive as members of the class of persons constituting the heirs at law, next of kin and devisees of the said Louis D'Olive, Sr., Deceased, Et Al., as Respondents.

Witness my hand on this the 11 day of December, 1958.

Executed Dec. 26, 1958
on: Lucille Kennedy
Willie D. Kennedy
Executed Jan. 5, 1959
on: Cassie Buckles
Returned not Found
as to: Harry L. D'Olive
John Gray

Alice J. Buck
Register

STATE OF ALABAMA

IN THE CIRCUIT COURT - IN EQUITY

BALDWIN COUNTY

TO MRS. GUY D'OLIVE, P. O. BOX 84, PERKINSTON, MISSISSIPPI:

You are hereby summoned to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by South Alabama Land Company, an Alabama Corporation, Et Al., as Complainants, against Certain Lands and the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased, as represented therein by Harry L. D'Olive, Cassie Buckles and Mrs. Guy D'Olive as members of the class of persons constituting the heirs at law, next of kin and devisees of the said Louis D'Olive, Sr., Deceased, Et Al., as Respondents.

Witness my hand on this the 11 day of December, 1958.

Alice J. Buck
Register

SOUTH ALABAMA LAND COMPANY,
AN ALABAMA CORPORATION: ES-
TELLE H. HUDSON, TRUSTEE
UNDER THOSE CERTAIN DECLARA-
TIONS OF TRUST FOR HERMAN H.
MASCHMEYER, WILLIAM STINEHART,
ESTHER WARNER AND ESTELLE H.
HUDSON, DATED DECEMBER 3, 1957;
THE FIRST NATIONAL BANK OF
MOBILE, ALABAMA, AS TRUSTEE
UNDER AN AGREEMENT WITH DORO-
THY WEFEL MATTHEWS DATED JAN-
UARY 6, 1955: AND THE FIRST
NATIONAL BANK OF MOBILE, ALA-
BAMA, AS TRUSTEE UNDER THE
LAST WILL AND TESTAMENT OF
HERMAN H. WEFEL, JR., DE-
CEASED,

Complainants,

vs.

THE FOLLOWING DESCRIBED REAL
PROPERTY SITUATED IN BALDWIN
COUNTY, ALABAMA, TO-WIT: The
Medrick D'Olive Tract situated
in Grant Section 7, Township 5
South, Range 2 East which is
otherwise described as the North
796.9 feet of said Grant Section
7, in said Township and Range,
the South line of which tract
is described as beginning at a
point which is located South 5°
48' West 796.9 feet from the
Northeast corner of said Grant
Section 7 in said Township and
Range, run thence North 86° 24'
West to the margin of Mobile
Bay (and which said tract in-
cludes all or a portion of the
following blocks situated in
Park City, according to the
Plat thereof on file in the Of-
fice of the Judge of Probate of
Baldwin County, Alabama, in Mis-
cellaneous Book 1, at pages
230-231: Blocks A, B, C, 1, 2, 3,
4, 5, 14, 15, 16, 17, 18, 19, 20,
21, 22 and 23); EXCEPT, HOWEVER,
the following: Lots 6, 7, 8, 9
and 10 in Block 19 and Lot 11 in
Block 21, and the area of said
Medrick D'Olive tract which is
included within the margins of the
rights-of-way for the streets and
alleys shown by said plat of Park
City, aforesaid; and against the
unknown heirs and devisees of Wil-
liam B. Gindrat, Deceased; Ellen
E. Hanly and her heirs or devisees,
if deceased; Ellen E. Hanley and
her heirs or devisees, if deceased;
Thomas Fought and his heirs and de-
visees, if deceased; L. W. Fought
and his heirs and devisees, if de-
ceased; E. F. Albert and his heirs
and devisees, if deceased; Cora
E. Albert and her heirs and de-
visees, if deceased; Teresa Worth-

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

ington and her heirs and devisees, if deceased; Theresa Worthington and her heirs and devisees, if deceased; Mr. A. R. Crowell and his heirs and devisees, if deceased; Mazie Craker and her heirs and devisees, if deceased; Mazie Wallace and her heirs and devisees, if deceased; Joseph H. Hanley, and his heirs and devisees, if deceased; Harry L. D'Olive; Cassie Buckles; Mrs. Guy D'Olive; John Gray; Willie D. Kennedy; Lucille Kennedy; and against any and all other unknown persons, firms or corporations claiming any right, title, interest in, lien or encumbrance upon the above described property or any part thereof,

Respondents.

BILL OF COMPLAINT

TO: THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND TO THE HONORABLE HUBERT M. HALL, JUDGE THEREOF:

Come your Complainants South Alabama Land Company, an Alabama Corporation; Estelle H. Hudson, Trustee under those certain Delcarations of Trust for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, dated December 3, 1957; The First National Bank of Mobile, Alabama, as Trustee under an Agreement with Dorothy Wefel Matthews, dated January 6, 1955, and The First National Bank of Mobile, Alabama, as Trustee under the Last Will and Testament of Herman H. Wefel, Jr., Deceased, by their attorneys, and file this their Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

The Medrick D'Olive Tract situated in Grant Section 7, Township 5 South, Range 2 East which is otherwise described as the North 796.9 feet of said Grant Section 7, in said Township and Range, the South line of which tract is described as beginning at a point which is located South 5° 48' West 796.9 feet from the Northeast corner of said Grant Section 7 in said Township and Range, run thence North 86° 24' West to the margin of Mobile Bay (and which said tract includes all or a portion of the following blocks situated in Park City, according to the Plat thereof on file in the Office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1, at pages 230-31: Blocks A, B, C, 1, 2, 3, 4, 5, 15, 14, 16, 17, 18, 19, 20, 21, 22, and 23) EXCEPT, HOWEVER, the following: Lots 6, 7, 8, 9 and 10 in Block 19 and Lot 11 in Block 21, and the area of said Medrick D'Olive Tract which is included within the margins of the rights-of-way for the streets and alleys shown by said Plat of Park City, aforesaid,

and against the unknown heirs and devisees of William B. Gindrat, Deceased; Ellen E. Hanly and her heirs and devisees, if deceased; El-

len E. Hanley and her heirs and devisees, if deceased; Thomas Fought and his heirs and devisees, if deceased; L. W. Fought and his heirs and devisees, if deceased; E. F. Albert and his heirs and devisees, if deceased; Cora E. Albert and her heirs and devisees, if deceased; Teresa Worthington and her heirs and devisees, if deceased; Theresa Worthington and her heirs and devisees, if deceased; Mr. A. R. Crowell and his heirs and devisees, if deceased; Mazie Craker and her heirs and devisees, if deceased; Mazie Wallace and her heirs and devisees, if deceased; Joseph H. Hanley and his heirs and devisees, if deceased; John Gray; Willie D. Kennedy; Lucille Kennedy; the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased, as represented herein by the Respondents Harry L. D'Olive, Cassie Buckles and Mrs. Guy D'Olive, as members of the class of persons constituting the heirs at law, next of kin and devisees of the said Louis D'Olive, Sr., Deceased; and against any and all other persons, firms or corporations claiming any right, title or interest in, lien or encumbrance upon said lands or any part thereof; and respectfully represent and show unto Your Honor and unto this Honorable Court as follows:

FIRST:

That the Complainant South Alabama Land Company is a corporation organized and existing under the laws of the State of Alabama, with its principal place of business in Mobile, Mobile County, Alabama; the Complainant Estelle H. Hudson, as Trustee, aforesaid, is over the age of twenty-one years and is a resident citizen of the State of California, residing in Monrovia, California; the Complainant The First National Bank of Mobile, Alabama, as Trustee, aforesaid, is a national banking association with its principal place of business in Mobile, Mobile County, Alabama.

SECOND:

The Complainants, The First National Bank of Mobile, Alabama as Trustee under an Agreement with Dorothy Wefel Matthews dated January 6, 1958, and as Trustee under the Last Will and Testament of Herman H. Wefel, Jr., Deceased, and Estelle H. Hudson, Trustee under those certain Declarations of Trust for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, dated December

3, 1957, are in the actual, peaceable possession, claiming to own the same in their representative capacities herein stated, of the following portion of the land hereinabove described:

All of Block A,
All of Block B,
All of Block C,
All of Block 1,
All of Block 2,
All of Block 3,
All of Block 4,
All of Block 15,
All of Block 16, except Lots 13 and 14,
All of Block 17,
All of Block 18,
All of Block 19, except Lots 6 through 10,
All of Block 20,
All of Block 21, except Lots 11, 14 and 21,
All of Block 22, except Lot 1, and
All of Block 23;

All in Park City, aforesaid.

The Complainant The First National Bank of Mobile, Alabama, as Trustee under an Agreement with Dorothy Wefel Matthews dated January 6, 1955, claims an undivided nine-sixteenths (9/16ths) interest in and to the above described portion of the land which is the subject matter of this suit; the Complainant The First National Bank of Mobile, Alabama, as Trustee under the Last Will and Testament of Herman H. Wefel, Jr., Deceased, claims an undivided three-sixteenths (3/16ths) interest in and to the above described portion of the land which is the subject matter of this suit; and the Complainant Estelle H. Hudson, claims an undivided one-sixteenth (1/16th) interest as Trustee under each of the Declarations of Trust dated December 3, 1957, for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, respectively, in and to the above described portion of the land which is the subject matter of this suit.

The Complainants South Alabama Land Company, an Alabama Corporation and Estelle H. Hudson, Trustee under those certain Declarations of Trust for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson dated December 3, 1957, are in the actual, peaceable possession of the following portion of the land which is the subject matter of this suit:

All of Blocks 5 and 14 of Park City, aforesaid;

also

All that portion of the Medrick D'Olive Tract, aforesaid, which is located East of the East boundary of Sixth Street in Park City, aforesaid.

That the Complainant South Alabama Land Company, an Alabama Corporation, claims to own in its own right, an undivided three-fourths (3/4ths) interest in and to the above described portion of the land which is the subject matter of this suit; and the Complainant Estelle H. Hudson, Trustee under those certain Declarations of Trust for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson dated December 3, 1957, claims to own in her representative capacity as such trustee an undivided one-sixteenth (1/16th) interest under each of said Declarations of Trust for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, respectively.

That the Complainant South Alabama Land Company, an Alabama Corporation, is in the actual, peaceable possession, claiming to own the same in its own right in fee simple, of the following portion of the land which is the subject matter of this suit:

Lots 13 and 14, Block 16;
Lots 14 and 20, Block 21; and
Lot 1, Block 22;

All in Park City, aforesaid.

THIRD:

The Complainants are using the land which is the subject matter of this suit in every way that such lands are susceptible to use and no suit is pending to test the title of the Complainants, or any of them, or their interest in or right to the possession of said lands. That the title in and to said lands stands in the name of all of the Complainants in accordance with the proportions hereinabove set forth to the respective portions described in paragraph "SECOND" hereof, upon the records of the Probate Court of Baldwin County, Alabama, the county in which such land is situated.

FOURTH:

The Complainant The First National Bank of Mobile, Alabama, as Trustee under an agreement with Dorothy Wefel Matthews dated January 6, 1955, and the Complainant The First National Bank of Mobile, Alabama, as Trustee under the Last Will and Testament of Herman H. Wefel, Jr., Deceased, obtained their respective undivided interests in and to the title to the portion of the land which is the subject

matter of this suit under and by virtue of the following instruments and conveyances:

- a. Patent from the United States of America to Louis D'Olive dated September 2, 1913, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 24, at page 394.
- b. Quitclaim Deed from Ellen Gindrat Winter, widow, sole heir at law of William B. Gindrat, Deceased, to R. W. Shriner, dated September 7, 1912, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 20 at page 160.
- c. Affidavit of adverse possession of Ralph W. Shriner dated July 31, 1912, and recorded in Adverse Possession Book 1, at page 24, in the Office of the Judge of Probate of Baldwin County, Alabama.
- d. Statutory Warranty Deed from Ralph W. Shriner, single, to Mary R. Shriner, dated April 24, 1913, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 26, at page 584.
- e. Quitclaim Deed from Ralph W. Shriner, unmarried, to Mary R. Shriner, dated May 17, 1918, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 28, at page 532.
- f. Quitclaim Deed from Mary R. Shriner and W. A. Shriner, her husband, to H. H. Wefel, Jr., dated May 17, 1919, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 44, at page 241.
- g. Quitclaim Deed from H. H. Wefel, Jr. and Blanche E. Wefel, his wife, to Mary R. Shriner, dated May 17, 1919, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 44, at page 309.
- h. Quitclaim Deed from H. H. Wefel, Jr., a widower, to H. H. Wefel, Sr., dated November 24, 1915, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 24, at pages 343-4.
- i. Affidavit of H. H. Maschmeyer dated April 30, 1958, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 265, at page 110.
- j. Last Will and Testament of Herman H. Wefel, Jr., Deceased, dated August 13, 1931, and admitted to probate in the Probate Court of Mobile County, Alabama, on October 27, 1933, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 65, at pages 199-202.
- k. Trustees Deed and Trust Deed from the First National Bank of Mobile, as Trustee under the Will of Herman H. Wefel, Jr., Deceased, to Dorothy Wefel Matthews and Dorothy Wefel Matthews to The First National Bank of Mobile, Alabama, as Trustee under an Agreement with Dorothy Wefel Matthews dated January 6, 1955, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 219, at pages 199-207.
- l. Affidavit of Mrs. W. R. Shriner, dated April 17, 1958, as the same appears of record in the Office of the

Judge of Probate of Baldwin County, Alabama, in Deed Book 265 at page 36.

The Complainant South Alabama Land Company, an Alabama Corporation, and the Complainant Estelle H. Hudson, Trustee under those certain Declarations of Trust for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, dated December 3, 1957, obtained their respective undivided interests in and to the title to the portion of the land which is the subject matter of this suit, under and by virtue of the following instruments and conveyances:

- a. Patent from the United States of America to Louis D'Olive dated September 2, 1913, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 24 at page 394.
- b. Quitclaim Deed from Ellen Gindrat Winter, widow, sole heir at law of William B. Gindrat, Deceased, to R. W. Shriner, dated September 7, 1912 and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 20 at page 160.
- c. Affidavit of adverse possession of Ralph W. Shriner dated July 31, 1912, and recorded in Adverse Possession Book 1, at page 24, in the Office of the Judge of Probate of Baldwin County, Alabama.
- d. Statutory Warranty Deed from Ralph W. Shriner, single, to Mary R. Shriner, dated April 24, 1913, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 26 at page 584.
- e. Quitclaim Deed from Ralph W. Shriner, unmarried, to Mary R. Shriner, dated May 17, 1918, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 28 at page 532.
- f. Quitclaim Deed from Mary R. Shriner and W. A. Shriner, her husband, to H. H. Wefel, Jr., dated May 17, 1919, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 44 at page 241.
- g. Quitclaim Deed from H. H. Wefel, Jr. and Blanche E. Wefel, his wife, to Mary R. Shriner, dated May 17, 1919, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 44, at page 309.
- h. Quitclaim Deed from H. H. Wefel, Jr., a widower, to H. H. Wefel, Sr., dated November 24, 1915, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 24 at pages 343-4.
- i. Affidavit of H. H. Maschmeyer dated April 30, 1958 and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 265 at page 110.
- j. Warranty Deed from Mary R. Shriner to Ralph W. Shriner, dated May 7, 1934, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 55, at page 422.

- k. Turpentine Lease from Ralph W. Shriner to Frank Austin, Jr., dated November 5, 1935, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 58 at page 232.
- l. Warranty Deed from Ralph W. Shriner and Neva A. Shriner, his wife, to Mobaldwin Development Company dated May 29, 1946, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 108 at pages 215-16.
- m. Warranty Deed from Mobaldwin Development Company, Inc., a corporation, to South Alabama Land Company, a corporation, dated June 20, 1951, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 167 at pages 144-6.
- n. Warranty Deed from South Alabama Land Company to Clara E. Maschmeyer, dated July 30, 1951, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 168 at page 20.
- o. Declaraction of Trust from Clara E. Maschmeyer to Estelle H. Hudson, dated December 3, 1957, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 263 at pages 491-8.
- p. Warranty Deed from Clara E. Maschmeyer to Estelle H. Hudson, Trustee for Esther Warner, dated December 3, 1957, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 263, at pages 508-10.
- q. Declaration of Trust from Clara E. Maschmeyer to Estelle H. Hudson, dated December 3, 1957, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 263 at pages 482-90.
- r. Warranty Deed from Clara E. Maschmeyer to Estelle H. Hudson, Trustee for William Stinehart, dated December 3, 1957, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 263, pages 505-7.
- s. Declaration of Trust from Clara E. Maschmeyer to Estelle H. Hudson, dated December 3, 1957, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 263 at pages 467-74.
- t. Warranty Deed from Clara E. Maschmeyer to Estelle H. Hudson, Trustee for Estelle H. Hudson, dated December 3, 1957, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 263 at pages 499-501.
- u. Declaration of Trust from Clara E. Maschmeyer to Estelle H. Hudson, dated December 3, 1957, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 263 at pages 475-81.
- v. Warranty Deed from Clara E. Maschmeyer to Estelle H. Hudson, Trustee for Herman H. Maschmeyer, dated December 3, 1957, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 263 at pages 502-4.
- w. Affidavit of Harold W. Graham, dated March 18, 1958, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 263 at pages 593-4.

- x. Affidavit of Mrs. W. R. Shriner, dated April 17, 1958, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 265 at page 36.

The Complainant South Alabama Land Company, an Alabama Corporation, obtained its title to the portion of the property which is the subject matter of this suit to which it claims the entire fee simple title under and by virtue of the following instruments and conveyances:

To Lots 13 and 14, Block 16, Park City

- a. Tax Sale dated September 1, 1933, in the name of Theresa Worthington to State of Alabama as shown by Sales Book 10 at page 89, in the Office of the Judge of Probate of Baldwin County, Alabama.
- b. Tax Deed from State of Alabama by State Land Commissioner to South Alabama Land Company dated January 21, 1948, and recorded in Deed Book 127 at page 390, in the Office of the Judge of Probate of Baldwin County, Alabama.

To Lot 14, Block 21, Park City

- a. Statutory Warranty Deed from Herman H. Wefel, Jr. and E. Marie Wefel, his wife, to Mazie Craker, dated June 1, 1908, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 13, at pages 365-6.
- b. Tax Sale dated September 1, 1933, in the name of Mrs. Mazie Wallace to State of Alabama as the same appears of record in Sales Book 10 at page 88, in the Office of the Judge of Probate of Baldwin County, Alabama.
- c. Tax Deed from State of Alabama, by State Land Commissioner to South Alabama Land Company, dated January 21, 1948, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 127 at page 389.

To Lot 20, Block 21, Park City

- a. Statutory Warranty Deed from Herman H. Wefel, Jr. and E. Marie Wefel, his wife, to W. L. Shriner, dated September 25, 1914, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 23 at page 20.
- b. Statutory Warranty Deed from W. L. Shriner, single, to Mr. A. R. Crowell, dated August 24, 1917 and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 26 at page 593.
- c. Tax Deed from State of Alabama, by State Land Commissioner to South Alabama Land Company, dated January 21, 1948, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 127, at page 389.

To Lot 20, Block 21, Park City

- a. Statutory Warranty Deed from Herman H. Wefel, Jr., and E. Marie Wefel, his wife, to W. L. Shriner, dated September 25, 1914, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 23, at page 20.
- b. Statutory Warranty Deed from W. L. Shriner, single, to Mr. A. R. Crowell, dated August 24, 1917, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 26, at Page 593.
- c. Tax Sale in the name of L. W. Fought to Mary Strudwick, dated May 30, 1927, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Sales Book 6, at page 151.
- d. Tax Deed from L. W. Fought, by G. W. Humphries, Judge of Probate, to Mary Strudwick Yarborough, dated March 25, 1930, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 48, at pages 414-15.
- e. Warranty Deed from Mary Strudwick Yarborough, a widow, to R. C. Keeney, dated January 9, 1948, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 127, at page 466.
- f. Statutory Warranty Deed from R. C. Keeney and Bessie M. Keeney, his wife, to South Alabama Land Company, a corporation, dated August 22, 1956, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 242, at page 591.

To Lot 1, Block 22, Park City

- a. Tax Sale under Owner Unknown to State of Alabama, dated June 1, 1914, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Sales Book 3, at page 199.
- b. Tax Deed from State of Alabama, by State Auditor, to Jesse L. Kessler, dated August 18, 1925, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 36, at page 559.
- c. Quitclaim Deed from Jesse L. Kessler, a single man, to George Marinos and Pete Malbis, dated August 31, 1925, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 36, at page 599.
- d. Tax sale under the name of Marinos & Malbis to W. R. Stuart, dated July 8, 1931, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Sales Book 8, at page 51.
- e. Quitclaim deed from W. R. Stuart and Gladys M. Stuart, his wife, to South Alabama Land Company, an Alabama corporation, dated November 11, 1958, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 271, at page 564.
- f. Quitclaim Deed from Pete Malbis, a widower, to George Marinos, dated August 28, 1940, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 74, at page 166.

- g. Warranty Deed from George Marinos and Minnie Marina Marinos, his wife, to South Alabama Land Company, an Alabama Corporation, dated September 27, 1954, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 215, at pages 228-9.

FIFTH:

The Complainants further allege that they, and each of them, and those under whom they, and each of them, claim (whether in a representative capacity or in their own right), have held color of title and have paid taxes on the land, and the interests claimed therein by each of them, which is the subject matter of this suit for a period of ten or more consecutive years next preceding the filing of this Bill of Complaint and that no other person, firm or corporation other than the Complainants and those under whom they claim have paid taxes on the property which is the subject matter of this suit, or any part thereof, during this entire period of time and that no other person, firm or corporation other than the Complainants and those under whom they claim have had any possession of said property or any part thereof, during the whole of said period.

SIXTH:

The Complainants further allege that after exercising reasonable diligence they are unable to locate the whereabouts, and to ascertain with certainty, whether the Respondents Ellen E. Hanly, Ellen E. Hanley, Thomas Fought, L. W. Fought, E. F. Albert, Cora E. Albert, Teresa Worthington, Theresa Worthington, Mazie Craker, Mazie Wallace, Mr. A. R. Crowell or Joseph H. Hanley are alive at the time of the filing of this Bill of Complaint, or if deceased, the names of the heirs at law, next of kin or devisees. The Complainants further allege that they know that William B. Gindrat is deceased but they have not been able, after exercising reasonable diligence, to locate the whereabouts, and to ascertain with certainty, the names, ages, relationships and addresses of the heirs or devisees of the said William B. Gindrat. The Complainants further allege that they know that Louis D'Olive, Sr., is deceased and they have been able to determine that a large number of the heirs at law and next of kin of Louis D'Olive, Sr., Deceased, are living but they are so scattered and

they are so numerous as to make it impracticable to bring them all before this Honorable Court. But your Complainants have made Harry L. D'Olive, Cassie Buckles and Mrs. Guy D'Olive parties Respondent to this Bill of Complaint under the provisions of Equity Rule 31, Title 7, Code of Alabama of 1940, Appendix, as members of the class of persons constituting the heirs at law and next of kin of the said Louis D'Olive, Sr. and your Complainants allege that the presence of the named heirs at law and next of kin of the said Louis D'Olive, Sr., before this Honorable Court will fairly insure the adequate representation of all of said heirs inasmuch as the character of the rights sought to be enforced against said class is several and the object of the action is the adjudication of the claim of the Complainants which affects the specific property involved in this action. The Complainants in attempting to locate the whereabouts and to ascertain with certainty, whether the named Respondents are living or dead, or if dead, the whereabouts and names of the heirs at law, devisees and next of kin of said Respondents have had prepared an abstract of title to the property involved in this litigation; they have conducted numerous inquiries among the persons living in the neighborhood of the property, they have examined the City Directory in Mobile, Alabama, and the Public Records, in Mobile County, Alabama; they have examined the Tax and Estate Records in both Mobile and Baldwin County, Alabama, and they have talked with and inquired of persons who lived in the vicinity of the property involved in this litigation at the time of the several conveyances to said Respondents.

SEVENTH:

The Complainants further allege that the Respondents John Gray, Willie Kennedy and Lucille Kennedy are the owners of the property located immediately to the South of the South line of the Medrick D'Olive tract, aforesaid, and West of the U. S. Highway 98 (Old Alabama State Highway 104) and that there exists a question of survey as to the proper location of the line dividing the property of the Complainants (Medrick D'Olive Tract) and that of the Respondents John Gray, Willie Kennedy and Lucille Kennedy (Lot 1 of the Division of the Estate of Louis D'Olive, Deceased, located East of

U. S. Highway 98). The Complainants allege that the true dividing line between their property and that of the said Respondents is the South line of the Medrick D'Olive Tract as described in the first paragraph of this Bill of Complaint. The Complainants further allege that all of said Respondents, if living, or if deceased, their unknown heirs or devisees, claim or are reputed to claim some right, title, interest in, lien or encumbrance upon the land which is the subject matter of this suit and your Complainants do each hereby, separately and severally call upon each of them to set forth and specify his or her right, title, interest in, lien or encumbrance upon said land and how and by what instrument the same is derived or created.

EIGHTH:

The Complainants further allege that each of the named Respondents, if living, are over the age of twenty-one years. That the Respondents Willie D. Kennedy and Lucille Kennedy reside at 1057 Wellington Street, Mobile, Mobile County, Alabama; the Respondent Cassie Buckles resides in Mobile, Mobile County, Alabama, her more particular address being c/o Mobile Infirmary, Mobile, Alabama; the Respondent Harry L. D'Olive resides in Bay Minette, Baldwin County, Alabama; the Respondent John Gray resides in Daphne, Baldwin County, Alabama; and the Respondent Mrs. Guy D'Olive is a resident of the State of Mississippi, her more particular address being P. O. Box 54, Perkinston, Mississippi. There is attached to this Bill of Complaint an affidavit as required by Equity Rule 6, Sections (a) and (b).

PRAYER FOR PROCESS

To the end that equity may be had in the premises the Complainants respectfully pray that upon the filing of this Bill of Complaint that this Honorable Court will cause its usual Writ of Process to issue to the named Respondents who reside within the State of Alabama, and that a copy of such process, together with a copy of this Bill of Complaint, be served upon them in the same manner that process is served on Defendants in suits in Equity. The Complainants further pray that the Respondent Mrs. Guy D'Olive be made a party to this proceeding by mailing to her a Summons, together with a copy

of this Bill of Complaint, by registered mail, postage prepaid, marked "for delivery only to addressee" and return receipt demanded addressed to the Register of this Honorable Court as provided by Title 7, Section 1118, Code of Alabama of 1940. And the Complainants further pray that upon the filing of this Bill of Complaint that the Register of this Honorable Court will cause notice by publication to be given as required by Sections 1119, 1120 and 1121 of Title 7, Code of Alabama of 1940, to the named Respondents whose whereabouts are not known, to their heirs and devisees, if deceased, and to the other unknown parties to this Bill of Complaint. And the Complainants further pray that this Honorable Court will, under the provisions of Title 7, Section 1117 (1), appoint a Guardian ad Litem to represent and defend the interests of the unknown parties to this proceeding.

PRAYER FOR RELIEF

The Complainants further pray that upon a final hearing of this cause that this Honorable Court will establish the title of the Complainants to the land which is the subject matter of this suit in the respective proportionate interests hereinabove alleged and will in and by the terms of an appropriate order or decree, establish that the Complainants are the owners of said lands in accordance with such proportionate interests, and that no other person, firm or corporation has any right, title, interest in, lien or encumbrance upon said lands or any part thereof, and especially that the following named persons, viz: Ellen E. Hanly, Ellen E. Hanley, Thomas Fought, L. W. Fought, E. F. Albert, Cora E. Albert, Theresa Worthington, Teresa Worthington, Mazie Craker, Mazie Wallace, Mr. A. R. Crowell or Joseph H. Hanley, if living, or if deceased, their unknown heirs at law, next of kin or devisees, have no right, title, interest in, lien or encumbrance upon said lands or any part thereof; and that the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased, and the unknown heirs at law, next of kin and devisees of William B. Gindrat, Deceased, have no right, title, interest in, lien or encumbrance upon such lands or any part thereof. And the Complainants further pray that in and by the terms of said decree that this Honorable Court will fix and determine the true boundary line be-

tween the Complainants and the Respondents John Gray, Willie D. Kennedy and Lucille Kennedy and will establish said line as described herein as the South line of the said Medrick D'Olive Tract. And the Complainants further pray that in and by the terms of said decree that this Honorable Court will order the Register of this Court to file a certified transcript of said decree for record in the Probate Court of Baldwin County, Alabama, within thirty (30) days from the rendition of said decree with directions to record the said certified transcript in the same book and in the same manner in which deeds are recorded, and index the names of the Respondents or parties against whom the relief is granted in the direct index, and the names of the Complainants or parties quieted in possession of the land in the reverse index. And your Complainants pray for such other, further and different relief as in equity will be meet and proper.

CHASON & STONE

By: Norborne C. Stone, Jr.

STATE OF ALABAMA

BALDWIN COUNTY,

Before me, BLANCHE WHITE, a Notary Public, in and for said County in said State, personally appeared Norborne C. Stone, Jr., who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Norborne C. Stone, Jr., and that he is one of the Solicitors of record for the Complainants in the foregoing Bill of Complaint and that his name is signed thereto as such. That he is informed and believes and upon such information and belief alleges that the facts alleged in the foregoing Bill of Complaint are true and correct.

Norborne C. Stone, Jr.

Sworn to and subscribed before me on
this the 11th day of December, 1958.

Blanche White
Notary Public, Baldwin County, Alabama

STATE OF ALABAMA

AFFIDAVIT

BALDWIN COUNTY

Before me, Blanche White, a Notary Public, in and for said County in said State, personally appeared Norborne C. Stone, Jr., who is known to me, and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That he is one of the Solicitors of Record for the Complainants in that certain cause now pending in the Circuit Court of Baldwin County, Alabama, In Equity, wherein South Alabama Land Company, an Alabama corporation, et al., are the Complainants and Certain Lands and Ellen E. Hanley, et al., are the Respondents. That he, the Complainants, and those acting for them, have been unable, after exercising reasonable diligence to locate the whereabouts, and to ascertain with certainty whether Ellen E. Hanly, Ellen E. Hanley, Thomas Fought, L. W. Fought, E. F. Albert, Core E. Albert, Teresa Worthington, Theresa Worthington, Mr. A. R. Crowell, Mazie Craker, Mazie Wallace, and Joseph H. Hanley were alive at the time of the filing of the Bill of Complaint; or if deceased, the whereabouts of their heirs or devisees. That the names of the heirs and devisees of such persons are unknown. That he is informed and believes and upon such information and belief alleges that said Respondents, if living, are over the age of twenty-one years.

Norborne C. Stone, Jr.
Norborne C. Stone, Jr.

Sworn to and subscribed before me this

11th day of December, 1958.

Blanche White
Notary Public, Baldwin County, Ala.

SOUTH ALABAMA LAND COMPANY,
an Alabama Corporation, ET
AL.,

Complainants,

vs.

CERTAIN LANDS and ELLEN E.
HANLY, ET AL.,

Respondents.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 4458

FINAL DECREE

This cause coming on to be heard was submitted upon the Bill of Complaint, Motion For Decree Pro Confesso against Harry L. D'Olive, Cassie Buckles and Mrs. Guy D'Olive as members of the class of persons constituting the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased, and against all persons who are members of the class constituting the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased; Decree Pro Confesso against Harry L. D'Olive, Cassie Buckles and Mrs. Guy D'Olive as members of the class of persons constituting the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased on personal service and service by registered mail as shown by the records in this cause, and against all of the persons who are members of the class constituting the heirs at law, next of kin and devisees of Louis D'Olive, Sr. Deceased; Answer of Willie D. Kennedy and Lucille Kennedy; Answer of John Gray; Answer of Wilson Hayes as Guardian ad Litem for Ellen E. Hanly, Ellen E. Hanley, Thomas Fought, L. W. Fought, E. F. Albert, Cora E. Albert, Teresa Worthington, Theresa Worthington, Mr. A. R. Crowell, Mazie Craker, Mazie Wallace and Joseph H. Hanley, if living, and if deceased, then the unknown heirs and devisees of each of said persons; the testimony of H. H. Maschmeyer and Harold W. Graham, and the several exhibits in connection therewith taken in open Court on this date and transcribed by the Court Reporter, all as noted by the Register. And it appearing to the Court that the Complainant, South Alabama Land Company is a corporation organized and existing under the laws of the State of Alabama with its principal place of business in Mobile, Alabama, and that the Complainant Estelle H. Hudson, as Trustee under those certain Declarations of Trust for

Herman H. Maschmeyer, William Stinchart, Esther Warner and Estelle H. Hudson, respectively, dated December 3, 1957, is over the age of twenty-one years and is a resident citizen of the State of California residing in Monrovia, California, and that the Complainant The First National Bank of Mobile, Alabama, as Trustee under an Agreement with Dorothy Wefel Matthews dated January 6, 1955, and as Trustee under the Last Will and Testament of Herman H. Wefel, Jr., Deceased, is a national banking association with its principal place of business in Mobile, Mobile County, Alabama. And it further appearing to the Court that the Complainants are in the actual, peaceable and adverse possession of the following described real property situated in Baldwin County, Alabama, to-wit: the Medrick D'Olive Tract situated in Grant Section 7, Township 5 South, Range 2 East which is otherwise described as the North 796.9 feet of said Grant Section 7, in said Township and Range, the South line of which tract is described as beginning at a point which is located South $5^{\circ} 48'$ West 796.9 feet from the Northeast Corner of said Grant Section 7 in said Township and Range, run thence North $86^{\circ} 24'$ West to the margin of Mobile Bay (and which said tract includes all or a portion of the following blocks situated in Park City, according to the plat thereof on file in the Office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1, at pages 230-231: Blocks A, B, C, 1, 2, 3, 4, 5, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23) EXCEPT, HOWEVER, the following: Lots 6, 7, 8, 9 and 10 in Block 19, Lot 11 in Block 21 in Park City, aforesaid, and the area of said Medrick D'Olive Tract which is included within the margins of the rights of way for the Streets and Alleys shown by said plat of Park City, aforesaid; claiming to own the same in the respective proportionate interests as will hereinafter be set forth, and using the same in every way that such lands are susceptible to use. That the Complainants, and each of them and those under whom they, and each of them, claim, have been in the actual, peaceable and adverse possession of the above described lands for more than ten years next preceding the filing of the Bill of Complaint under color of title and that they and those under whom they claim have assessed and paid taxes on said lands for more than ten years next preceding the filing of the Bill of Complaint and no other

person, firm or corporation has paid taxes on said lands or any part thereof during the whole of said period. That no suit is pending to test the title of the Complainants or either of them to the land described in the Bill of Complaint or their interest in or right to the possession of said lands.

That the First National Bank of Mobile, Mobile, Alabama, as Trustee under the Last Will and Testament of Herman H. Wefel, Jr., Deceased, obtained its title to the proportionate interest in the land, the title to which is herein decreed to be in it as such Trustee under and by virtue of the Last Will and Testament of Herman H. Wefel, Jr., Deceased, dated August 13, 1931, and admitted to probate and record in the Probate Court of Mobile County, Alabama, on October 27, 1933, a certified copy of which was filed for record in the Office of the Judge of Probate of Baldwin County, Alabama, on June 22, 1938, and is recorded in Deed Book 65 at pages 199-202 (see Exhibit 10). That the said H. H. Wefel, Jr. acquired title to said property under and by virtue of a Quitclaim Deed from Mary E. Shriner and W. A. Shriner, her husband, dated May 17, 1919, which deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 44, at page 241 (see Exhibit 6). That Herman H. Wefel, Jr. conveyed an undivided one-half interest in said lands to H. H. Wefel, Sr. by virtue of that certain deed dated November 24, 1915, and recorded in Deed Book 24, at pages 343-4 in the Office of the Judge of Probate of Baldwin County, Alabama (see Exhibit 8). That the said H. H. Wefel, Sr. died intestate in the year 1918, leaving as his only heirs H. H. Wefel, Jr. and Clara E. Maschmeyer and his widow, Mary Ann Wefel. That the said Mary Ann Wefel departed this life in about the year 1932 (see Exhibit 9). That the First National Bank of Mobile, Alabama, as Trustee under that certain Agreement with Dorothy Wefel Matthews dated January 6, 1955, acquired its title to the proportionate interest in the lands, the title to which is herein decreed to be in it as such trustee, under and by virtue of the instruments hereinabove set forth and in addition thereto that certain Trustees Deed and Trust Deed dated January 7, 1955, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 219, at pages 199-207 (see Exhibit 11).

That South Alabama Land Company, an Alabama Corporation, and Estelle H. Hudson, trustee under these certain Declarations of

Trust for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, respectively, dated December 3, 1957, obtained the title to their respective proportionate interests in the lands held jointly by them, the title to which is herein decreed to be in said Complainants jointly, under and by virtue of the following instruments: Quitclaim Deed from Ellen Gindrat Winter, widow, to R. W. Shriner dated September 7, 1912, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 20, at page 160 (see Exhibit 2); Statutory Deed from Ralph W. Shriner, Sr., to Mary R. Shriner conveying an undivided five-sixth interest in the Medrick D'Olive Tract dated April 24, 1913, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 26, at page 584 (see Exhibit 4); Quitclaim Deed from Ralph W. Shriner unmarried, to Mary R. Shriner dated May 17, 1918, conveying an undivided one-sixth interest in the Medrick D'Olive Tract, which deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 28, at page 532 (see Exhibit 5); Quitclaim Deed from H. H. Wefel, Jr. and Blanche E. Wefel, his wife, to Mary R. Shriner, dated May 17, 1919, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 55, at page 422 (see Exhibit 13); Warranty Deed from Ralph W. Shriner and Nava A. Shriner, his wife, to Mobaldwin Development Company dated May 29, 1946, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 108 at pages 215-16 (see Exhibit 15); Warranty Deed from Mobaldwin Development Company, Inc., a corporation, to South Alabama Land Company, a corporation, dated June 20, 1951, and recorded in Deed Book 167 at pages 144-6 in the Office of the Judge of Probate of Baldwin County, Alabama, (see Exhibit 16); Warranty Deed from South Alabama Land Company, a corporation, to Clara E. Maschmeyer, dated July 30, 1951, conveying an undivided one-fourth interest in and to the East or rear 120 acres of the Medrick D'Olive Tract, which deed is recorded in Deed Book 168 at page 20 in the Office of the Judge of Probate of Baldwin County, Alabama, (see Exhibit 17); those several Declarations of Trust from Clara E. Maschmeyer, to Estelle H. Hudson as Trustee for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, respectively,

dated December 3, 1957, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 263 at pages 467-498, and those certain Warranty Deeds from Clara E. Maschmeyer to Estelle H. Hudson, Trustee for Esther Warner, William Stinehart, Estelle H. Hudson and Herman H. Maschmeyer, respectively, dated December 3, 1957, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 263 at pages 499-510 (see Exhibits 18 through 25, inclusive); affidavit of Mrs. W. R. Shriner dated April 17, 1958, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 265 at page 36 (see Exhibit 12); affidavit of Harold W. Graham dated March 18, 1958, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 263 at pages 593-4 (see Exhibit 26); and Quitclaim Deed from R. C. Keeney and Bessie M. Keeney, his wife, to South Alabama Land Company and Clara E. Maschmeyer dated June 14, 1956, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 239 at page 278 (see Exhibit 45).

That the Complainant South Alabama Land Company, an Alabama Corporation obtained its title to the land, the fee simple title to which is herein decreed to be in it under and by virtue of the following instruments: to Lots 13 and 14, Block 16, Park City: Tax Sale dated September 1, 1933, in the name of Theresa Worthington to the State of Alabama as shown by Sales Book 10, at page 89, in the Office of the Judge of Probate of Baldwin County, Alabama (see Exhibit 27); Tax Deed from State of Alabama to South Alabama Land Company dated January 21, 1948, and recorded in Deed Book 127, at page 390 in the Office of the Judge of Probate of Baldwin County, Alabama, (see Exhibit 28); to Lot 14, Block 21, Park City: Statutory Warranty Deed from Herman H. Wefel, Jr. and wife to Mazie Craker dated June 1, 1908, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 13, at pages 365-6 (see Exhibit 29); Tax Sale dated September 1, 1933, in the name of Mrs. Mazie Wallace to State of Alabama, as the same appears of record in Sales Book 10, at page 88, in the Office of the Judge of Probate of Baldwin County, Alabama, (see Exhibit 30); Tax Deed from the State of Alabama by State Land Commissioner to South Alabama Land Company dated January 21, 1948, and recorded in the Office of the Judge of

Probate of Baldwin County, Alabama, in Deed Book 127, at page 389 (see Exhibit 31); to Lot 20, Block 21, Park City: Statutory Warranty Deed from Herman H. Wefel, Jr. and E. Marie Wefel, his wife, to W. L. Shriner, dated September 25, 1914, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 23, at page 20 (see Exhibit 32); Statutory Warranty Deed from W. L. Shriner, single, to Mr. A. R. Crowell, dated August 24, 1917, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 26, at page 593 (see Exhibit 33); Tax Sale in the name of L. W. Fought to Mary Strudwick dated May 30, 1927, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Sales Book 6, at page 151 (see Exhibit 34); Tax Deed from L. W. Fought, by G. W. Humphries, Judge of Probate, to Mary Strudwick Yarborough dated March 25, 1930, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 48, at pages 414-15 (see Exhibit 35); Warranty Deed from Mary Strudwick Yarborough, a widow, to R. C. Keeney, dated January 9, 1948, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 127, at page 466 (see Exhibit 36); Statutory Warranty Deed from R. C. Keeney and wife to South Alabama Land Company, a corporation, dated August 22, 1956, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 242, at page 591 (see Exhibit 37); to Lot 1, Block 22, Park City: Tax Sale under Owner Unknown to State of Alabama dated June 1, 1914, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Sales Book 3, at page 199 (see Exhibit 38); Tax Deed from the State of Alabama by State Auditor to Jesse L. Kessler dated August 18, 1925, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 36, at page 559 (see Exhibit 39); Quitclaim Deed from Jesse L. Kessler, a single man, to George Marinos and Pete Malbis dated August 31, 1925, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 36, at page 599 (see Exhibit 40); Tax Sale under the name of Marinos & Malbis to W. R. Stuart dated July 8, 1931, as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in

Sales Book 8, at Page 51 (see Exhibit 41); Quitclaim Deed from W. R. Stuart and Gladys M. Stuart, his wife, to South Alabama Land Company, an Alabama Corporation, dated November 11, 1958, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 271, at page 564 (see Exhibit 42); Quitclaim Deed from Pete Malbis, a widower, to George Marines dated August 28, 1940, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 74, at page 166 (see Exhibit 43); and Warranty Deed from George Marines and Winnie Marines, his wife, to South Alabama Land Company, an Alabama Corporation dated September 27, 1954, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 215, at pages 228-9 (see Exhibit 44);

And the Court having considered all of the above is of the opinion that the Complainants are entitled to the relief prayed for in their Bill of Complaint; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, in Equity, as follows:

1. That the First National Bank of Mobile, Alabama, as Trustee under an Agreement with Dorothy Wefel Matthews dated January 6, 1955, is the owner of an undivided nine-sixteenths ($9/16$ ths) interest; The First National Bank of Mobile, Alabama, as Trustee under the Last Will and Testament of Herman H. Wefel, Jr., Deceased, is the owner of an undivided three-sixteenths ($3/16$ ths) interest; and Estelle H. Hudson, as Trustee is the owner under each of the Declarations of Trust dated December 3, 1957, for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, respectively, of an undivided one-sixteenth ($1/16$ th) interest in the following described real property situated in Baldwin County, Alabama, viz:

All of Blocks A, B, C, 1, 2, 3, 4, 15, 16 (except Lots 13 and 14), 17, 18, 19 (except Lots 6 through 10, inclusive), 20, 21 (except Lots 11, 14 and 21), 22 (except Lot 1), and 23 of Park City, according to the plat thereof recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1, at pages 230-31, which lie within the Hedrick D'Olive Tract situated in Grant Section 7, Township 5 South, Range 2 East and which tract is otherwise described as the North 796.9 feet of said Grant Section 7, in said Township and Range, the South line of which tract is described as beginning at a point which is located $50^{\circ} 48'$ West 796.9 feet from the Northeast Corner of said Grant Section 7, in said Township and Range, run thence North $86^{\circ} 24'$ West to the margin of Mobile Bay

and that no other person, firm or corporation has any title to, in-

terest in, lien or encumbrance upon said lands or any part thereof and especially is this true as to William B. Gindrat and his unknown heirs and devisees, if deceased, and the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased.

2. That South Alabama Land Company, an Alabama Corporation is the owner of an undivided three-fourths (3/4ths) interest and Estelle H. Hudson, as Trustee, is the owner under each of the Declarations of Trust dated December 3, 1957, for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, respectively, of an undivided one-sixteenth (1/16th) interest in the following described real property situated in Baldwin County, Alabama, viz:

All of Blocks 5 and 14 of Park City, aforesaid;

ALSO

All that portion of the Medrick D'Olive Tract, aforesaid, which is located East of The East boundary of Sixth Street in Park City, aforesaid.

And that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said lands or any part thereof and especially is this true as to William B. Gindrat and his unknown heirs and devisees, if deceased; and the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased.

3. That South Alabama Land Company, an Alabama Corporation, is the owner in fee simple of all of the following described lands situated in Baldwin County, Alabama, viz:

Lots 13 and 14 in Block 16;

Lot 14 in Block 21;

Lot 20 in Block 21; and

Lot 1, Block 22, all in Park City, according to the plat thereof recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1, at pages 230-231.

And that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said lands or any part thereof, and especially is this true as to William B. Gindrat and his unknown heirs and devisees, if deceased; the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased; Ellen Hanly, Ellen Hanley, Thomas Fought, L. W. Fought, E. F. Albert, Cora E. Albert, Teresa

Worthington, Theresa Worthington, Mr. A. E. Crowell, Mazie Craker, Mazie Wallace and Joseph H. Hanley, if living and if deceased, then their unknown heirs and devisees.

And it further appearing to the Court that the Respondents John Gray, Willie Kennedy and Lucille Kennedy are the owners of the property located immediately South of the South line of the Medrick D'Olive Tract, aforesaid, and East of U. S. Highway 98 (Old Alabama State Highway 104), the property of the named Respondents being located in Lot 1 of the Division of the Estate of Louis D'Olive Sr., Deceased, and that there exists a question of survey as to the true dividing line between the Medrick D'Olive Tract, aforesaid, and Lot 1 of the Division of the Estate of Louis D'Olive, Sr., Deceased; and it further appearing to the Court that the Complainants have described a line in their Bill of Complaint which they allege is the true dividing line between said properties and the Respondents have each filed answers in which they admit that the line as described in the Bill of Complaint is the true dividing line between their properties and the Medrick D'Olive Tract; and the Court having considered the same is of the opinion that the line as described in the Bill of Complaint should be fixed and determined as the true boundary line between the Medrick D'Olive Tract and Lot 1 of the Division of the Estate of Louis D'Olive, Sr., Deceased, located East of U. S. Highway 98 (Old Alabama State Highway 104); it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that the true boundary line between the property of the Complainants and of the Respondents John Gray, Willie Kennedy and Lucille Kennedy located East of U. S. Highway 98 (Old Alabama State Highway 104) is a line described as follows:

Beginning at a point which is located South 5° 48' West 796.9 feet from the Northeast Corner of Grant Section 7, Township 5 South, Range 2 East, run thence North 86° 24' West to the East boundary line of U. S. Highway 98 as the same is presently located.

It is further ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that the Register of this Court shall, within thirty days from the rendition of this decree, file a certified copy of the same for record in the Probate Court of Baldwin County, Alabama, and tax the expense thereof as a

part of the cost of this proceeding and said decree shall be recorded in the same book and manner in which deeds are recorded and shall be indexed in the name of all of the Respondents named herein in the direct index and in the name of all of the Complainants herein in the reverse index.

It is further ORDERED, ADJUDGED and DECREED that the Complainants be, and they are hereby, taxed with the cost of this proceeding for which execution may issue.

Done this 26 day of May, 1959.

Hubert M. Hall
Judge of the Circuit Court of Baldwin
County, Alabama, in Equity

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

WITNESS MY HAND AND SEAL THIS THE 26 day of May, 1959

Alice J. Duck
Register of Circuit Court, in and for Baldwin County, Alabama

STATE OF ALABAMA, BALDWIN COUNTY

Filed 6-24-59 2 P. M.

Recorded Deed book 279 page 501-510

MR. Sturges
Judge of Probate

6

Hand filed 8-9

part of the cost of this proceeding and said decree shall be recorded in the same book and manner in which decrees are recorded and shall be indexed in the name of all of the respondents named herein in the direct index and in the name of all of the complainants herein in the reverse index.

It is further ORDERED, ADJUDGED and DECREED that the Complainants do, and they are hereby, taxed with the cost of this proceeding for which execution may issue.

Done this 26 day of May, 1929.

Hubert M. Hall,
Judge of the Circuit Court of Baldwin
County, Alabama, in Equity

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

WITNESS MY HAND AND SEAL THIS 26 day of May, 1929

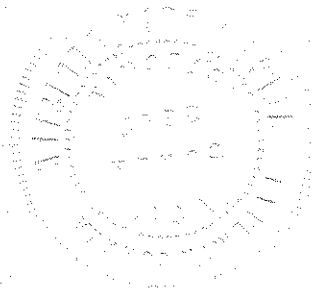
Alice J. Duck
Register of Circuit Court, in Baldwin County, Alabama

STATE OF ALABAMA, BALDWIN COUNTY

Filed 6-24-29

Recorded 6-29-29

Judge of Probate



279-521-510

Alice J. Duck - Register

2-8-29

Alice J. Duck

SOUTH ALABAMA LAND COMPANY,
AN ALABAMA CORPORATION, ET
AL.,

Complainants,

vs.

CERTAIN LANDS AND ELLEN E.
HANLEY, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NOTICE OF PENDENCY OF BILL OF COMPLAINT

TO: ELLEN E. HANLY, ELLEN E. HANLEY, THOMAS FOUGHT, L. W. FOUGHT, E. F. ALBERT, CORA E. ALBERT, TERESA WORTHINGTON, THERESA WORTHINGTON, MR. A. R. CROWELL, MAZIE CRAKER, MAZIE WALLACE, JOSEPH H. HANLEY, IF LIVING, OR IF DECEASED, TO THEIR HEIRS OR DEVISEES; AND TO THE UNKNOWN HEIRS AND DEVISEES OF WILLIAM B. GINDRAT, DECEASED; HARRY L. D'OLIVE, CASSIE BUCKLES, MRS. GUY D'OLIVE, JOHN GRAY, WILLIE D. KENNEDY, LUCILLE KENNEDY, AND TO ANY AND ALL OTHER PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY RIGHT, TITLE, INTEREST IN, LIEN OR ENCUMBRANCE UPON THE LANDS HEREINAFTER DESCRIBED:

PLEASE TAKE NOTICE that on the 11th day of December, 1958, South Alabama Land Company, an Alabama corporation; Estelle H. Hudson, Trustee under those certain Declarations of Trust for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, dated December 3, 1957; The First National Bank of Mobile, Alabama, as Trustee under an Agreement with Dorothy Wefel Matthews dated January 6, 1955; and The First National Bank of Mobile, Alabama, as Trustee under the Last Will and Testament of Herman H. Wefel, Jr., Deceased, filed a Bill of Complaint in the Circuit Court of Baldwin County, Alabama, In Equity, against the following described real property situated in Baldwin County, Alabama, viz:

The Medrick D'Olive Tract situated in Grant Section 7, Township 5 South, Range 2 East which is otherwise described as the North 796.9 feet of said Grant Section 7, in said Township and Range, the South line of which tract is described as beginning at a point which is located South 50° 48' West 796.9 feet from the Northeast corner of said Grant Section 7 in said Township and Range, run thence North 86° 24' West to the margin of Mobile Bay (and which said tract includes all or a portion of the following blocks situated in Park City, according to the Plat thereof on file in the Office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1, at pages 230-231: Blocks A, B, C, 1, 2, 3, 4, 5, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23); EXCEPT, HOWEVER, the following: Lots 6, 7, 8, 9 and 10 in Block 19 and Lot 11 in Block 21, and the area of said Medrick D'Olive Tract which is included within the margins of the rights-of-way for the streets and alleys

shown by said plat of Park City, aforesaid; and against the unknown heirs and devisees of William B. Gindrat, Deceased; Ellen E. Hanly and her heirs and devisees, if deceased; Ellen E. Hanley and her heirs and devisees, if deceased; Thomas Fought and his heirs and devisees, if deceased; L. W. Fought and his heirs and devisees, if deceased; E. F. Albert and his heirs and devisees, if deceased; Cora E. Albert and her heirs and devisees, if deceased; Teresa Worthington and her heirs and devisees, if deceased; Theresa Worthington and her heirs and devisees, if deceased; Mr. A. R. Crowell and his heirs and devisees, if deceased; Mazie Craker and her heirs and devisees, if deceased; Mazie Wallace and her heirs and devisees, if deceased; Joseph H. Hanley and his heirs and devisees, if deceased; John Gray; Willie D. Kennedy; Lucille Kennedy; the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased, as represented therein by the Respondents Harry L. D'Olive, Cassie Buckles and Mrs. Guy D'Olive, as members of the class of persons constituting the heirs at law, next of kin and devisees of the said Louis D'Olive, Sr., Deceased; and against any and all other persons, firms or corporations claiming any right, title or interest in, lien or encumbrance upon the above described lands or any part thereof.

The Complainants, The First National Bank of Mobile, Alabama as Trustee under an Agreement with Dorothy Wefel Matthews dated January 6, 1958, and as Trustee under the Last Will and Testament of Herman H. Wefel, Jr., Deceased, and Estelle H. Hudson, Trustee under those certain Declarations of Trust for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, dated December 3, 1957, alleged that they are in the actual, peaceable possession, claiming to own the same in their representative capacities herein stated, of the following portion of the land hereinabove described: all of Blocks A, B, C, 1, 2, 3, 4, 15, 17, 18, 20 and 23; all of Blocks 16 (except Lots 13 and 14), all of Block 19 (except Lots 6 through 10), all of Block 21 (except Lots 11, 14 and 21) and all of Block 22 (except Lot 1) all in Park City, aforesaid. The Complainant The First National Bank of Mobile, Alabama claims an undivided nine-sixteenths (9/16ths) interest under the "Matthews' Trust" and an undivided three-sixteenths (3/16ths) interest under the "Wefel's Trust" and the Complainant Estelle H. Hudson claims an undivided one-sixteenth

(1/16th) interest as Trustee under each of the Declarations of Trust, aforesaid, in their respective representative capacities.

The Complainant South Alabama Land Company, an Alabama corporation, and Estelle H. Hudson, Trustee under those certain Declarations of Trust, aforesaid, allege that they are in the actual, peaceable possession of the following portion of the land above described: all of Blocks 5 and 14 of Park City, aforesaid; and also all that portion of the Medrick D'Olive Tract, aforesaid, which is located East of the East boundary of Sixth Street in Park City, aforesaid. The Complainant South Alabama Land Company, an Alabama corporation, claims to own an undivided three-fourths (3/4ths) interest in said portion in its own right and the Complainant Estelle H. Hudson, as Trustee, aforesaid, claims to own in her representative capacity as such Trustee an undivided one-sixteenth (1/16th) interest under each of said Declarations of Trust.

The Complainant South Alabama Land Company, an Alabama corporation, alleges that it is in the actual, peaceable possession, claiming to own in its own right in fee simple the following portion of the land hereinabove described: Lots 13 and 14, Block 16; Lots 14 and 20, Block 21; and Lot 1, Block 22; all in Park City, aforesaid.

The Bill of Complaint alleges that the Complainants derived their respective titles to said property under the following instruments, viz: (1) Patent from the United States of America to Louis D'Olive dated September 2, 1913, and recorded in Deed Book 24, at page 394; (2) Quitclaim Deed from Ellen Gindrat Winter, widow, sole heir at law of William B. Gindrat, Deceased, to W. R. Shriner, dated September 7, 1912, and recorded in Deed Book 20, at page 160; (3) Affidavit of adverse possession of Ralph W. Shriner dated July 31, 1912, and recorded in Adverse Possession Book 1, at page 24; (4) Statutory Warranty Deed from Ralph W. Shriner, single, to Mary R. Shriner, dated April 24, 1913, and recorded in Deed Book 26, at page 584; (5) Quitclaim Deed from Ralph W. Shriner, unmarried, to Mary R. Shriner, dated May 17, 1918, and recorded in Deed Book 28, at page 532; (6) Quitclaim Deed from Mary R. Shriner and W. A. Shriner, her husband, to H. H. Wefel, Jr., dated May 17, 1919, and recorded in Deed Book 44, at page 241; (7) Quitclaim Deed from H. H. Wefel, Jr. and Blanche E. Wefel, his wife, to Mary R. Shriner, dated May 17, 1919, and recorded in

Deed Book 44, at page 309; (8) Quitclaim Deed from H. H. Wefel, Jr., a widower, to H. H. Wefel, Sr., dated November 24, 1915, and recorded in Deed Book 24, at pages 343-4; (9) Affidavit of H. H. Maschmeyer dated April 30, 1958 and recorded in Deed Book 265, at page 110; (10) Last Will and Testament of Herman H. Wefel, Jr., Deceased, dated August 13, 1931, and recorded in Deed Book 65, at pages 199-202; (11) Trustees Deed and Trust Deed from The First National Bank of Mobile, as Trustee under the Will of Herman H. Wefel, Jr., Deceased, to Dorothy Wefel Matthews and Dorothy Wefel Matthews to The First National Bank of Mobile, Alabama, as Trustee under an Agreement with Dorothy Wefel Matthews dated January 6, 1955, and recorded in Deed Book 219, at pages 199-207; (12) Affidavit of Mrs. W. R. Shriner, dated April 17, 1958, and recorded in Deed Book 265, at page 36; (13) Patent from the United States of America to Louis D'Olive dated September 2, 1913, and recorded in Deed Book 24, at page 394; (14) Quitclaim Deed from Ellen Gindrat Winter, widow, sole heir at law of William B. Gindrat, Deceased, to R. W. Shriner, dated September 7, 1912, and recorded in Deed Book 20, at page 160; (15) Affidavit of adverse possession of Ralph W. Shriner dated July 31, 1912, and recorded in Adverse Possession Book 1, at page 24; (16) Statutory Warranty Deed from Ralph W. Shriner, single, to Mary R. Shriner, dated April 24, 1913, and recorded in Deed Book 26, at page 584; (17) Quitclaim Deed from Ralph W. Shriner, unmarried, to Mary R. Shriner, dated May 17, 1918, and recorded in Deed Book 28, at page 532; (18) Quitclaim Deed from Mary R. Shriner and W. A. Shriner, her husband, to H. H. Wefel, Jr., dated May 17, 1919, and recorded in Deed Book 44, at page 241; (19) Quitclaim Deed from H. H. Wefel, Jr., and Blanche E. Wefel, his wife, to Mary R. Shriner, dated May 17, 1919, and recorded in Deed Book 44, at page 309; (20) Quitclaim Deed from H. H. Wefel, Jr., a widower, to H. H. Wefel, Sr., dated November 24, 1915, and recorded in Deed Book 24, at pages 343-4; (21) Affidavit of H. H. Maschmeyer dated April 30, 1958, and recorded in Deed Book 265, at page 110; (22) Warranty Deed from Mary R. Shriner to Ralph W. Shriner, dated May 7, 1934, and recorded in Deed Book 55, at page 422; (23) Turpentine Lease from Ralph W. Shriner to Frank Austin, Jr., dated November 5, 1935, and recorded in Deed Book 58, at page 232; (24) Warranty Deed

from Ralph W. Shriner and Neva A. Shriner, his wife, to Mobaldwin Development Company, dated May 29, 1946 and recorded in Deed Book 108 at pages 215-16; (25) Warranty Deed from Mobaldwin Development Company, Inc., a corporation, to South Alabama Land Company, a corporation, dated June 20, 1951 and recorded in Deed Book 167, at pages 144-6; (26) Warranty Deed from South Alabama Land Company to Clara E. Maschmeyer, dated July 30, 1951 and recorded in Deed Book 168, at page 20; (27) Declaration of Trust from Clara E. Maschmeyer to Estelle H. Hudson, dated December 3, 1957, and recorded in Deed Book 263, at pages 491-8; (28) Warranty Deed from Clara E. Maschmeyer to Estelle H. Hudson, Trustee for Esther Warner, dated December 3, 1957, and recorded in Deed Book 263, at pages 508-10; (29) Declaration of Trust from Clara E. Maschmeyer to Estelle H. Hudson, dated December 3, 1957, and recorded in Deed Book 263, at pages 482-90; (30) Warranty Deed from Clara E. Maschmeyer to Estelle H. Hudson, Trustee for William Stinehart, dated December 3, 1957, and recorded in Deed Book 263, at pages 505-7; (31) Declaration of Trust from Clara E. Maschmeyer to Estelle H. Hudson, dated December 3, 1957, and recorded in Deed Book 263, at pages 467-74; (32) Warranty Deed from Clara E. Maschmeyer to Estelle H. Hudson, Trustee for Estelle H. Hudson, dated December 3, 1957, and recorded in Deed Book 263, at pages 499-501; (33) Declaration of Trust from Clara E. Maschmeyer to Estelle H. Hudson, dated December 3, 1957, and recorded in Deed Book 263, at pages 475-81; (34) Warranty Deed from Clara E. Maschmeyer to Estelle H. Hudson, Trustee for Herman H. Maschmeyer, dated December 3, 1957, and recorded in Deed Book 263, at pages 502-4; (35) Affidavit of Harold W. Graham, dated March 18, 1958, and recorded in Deed Book 263 at pages 593-4; (36) Affidavit of Mrs. W. R. Shriner, dated April 17, 1958, and recorded in Deed Book 265, at page 36; (37) Tax Sale dated September 1, 1933, in the name of Theresa Worthington to State of Alabama as shown by Sales Book 10 at page 89; (38) Tax Deed from State of Alabama by State Land Commissioner to South Alabama Land Company dated January 21, 1948, and recorded in Deed Book 127, at page 390; (39) Statutory Warranty Deed from Herman H. Wefel, Jr. and E. Marie Wefel, his wife, to Mazie Craker, dated June 1, 1908, and recorded in Deed Book 13, at pages 365-6; (40) Tax Sale dated September 1, 1933, in the name of Mrs. Mazie Wallace to State of Alabama as the same appears

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of record in Sales Book 10, at page 88; (41) Tax Deed from State of Alabama, by State Land Commissioner to South Alabama Land Company, dated January 21, 1948, and recorded in Deed Book 127, at page 389; (42) Statutory Warranty Deed from Herman H. Wefel, Jr. and E. Marie Wefel, his wife, to W. L. Shriner, dated September 25, 1914, and recorded in Deed Book 23, at page 20; (43) Statutory Warranty Deed from W. L. Shriner, single, to Mr. A. R. Crowell, dated August 24, 1917, and recorded in Deed Book 26, at page 593; (44) Tax Deed from State of Alabama, by State Land Commissioner to South Alabama Land Company, dated January 21, 1948, and recorded in Deed Book 127, at page 389; (45) Statutory Warranty Deed from Herman H. Wefel, Jr., and E. Marie Wefel, his wife, to W. L. Shriner, dated September 25, 1914, and recorded in Deed Book 23, at page 20; (46) Statutory Warranty Deed from W. L. Shriner, single, to Mr. A. R. Crowell, dated August 24, 1917, and recorded in Deed Book 26, at page 593; (47) Tax Sale in the name of L. W. Fought to Mary Strudwick, dated May 30, 1927, as the same appears of record in Sales Book 6, at page 151; (48) Tax Deed from L. W. Fought, by G. W. Humphries, Judge of Probate, to Mary Strudwick Yarborough, dated March 25, 1930, and recorded in Deed Book 48, at pages 414-15; (49) Warranty Deed from Mary Strudwick Yarborough, a widow, to R. C. Keeney, dated January 9, 1948, and recorded in Deed Book 127, at page 466; (50) Statutory Warranty Deed from R. C. Keeney and Bessie M. Keeney, his wife, to South Alabama Land Company, a corporation, dated August 22, 1956, and recorded in Deed Book 242, at page 591; (51) Tax Sale under Owner Unknown to State of Alabama, dated June 1, 1914, as the same appears of record in Sales Book 3, at page 199; (52) Tax Deed from State of Alabama, by State Auditor, to Jesse L. Kessler, dated August 18, 1925, and recorded in Deed Book 36, at page 599; (53) Quitclaim Deed from Jesse L. Kessler, a single man, to George Marinos and Pete Malbis, dated August 31, 1925, and recorded in Deed Book 36, at page 599; (54) Tax Sale under the name of Marinos & Malbis to W. R. Stuart, dated July 8, 1931, as the same appears of record in Sales Book 8, at page 51; (55) Quitclaim Deed from W. R. Stuart and Gladys M. Stuart, his wife, to South Alabama Land Company, an Alabama corporation, dated November 11, 1958, and recorded in Deed Book 271, at page 564; (56) Quitclaim Deed from

Pete Malbis, a widower, to George Marinos, dated August 28, 1940, and recorded in Deed Book 74, at page 166; (57) Warranty Deed from George Marinos and Minnie Marina Marinos, his wife, to South Alabama Land Company, an Alabama corporation, dated September 27, 1954, and recorded in Deed Book 215, at pages 228-9; all said instruments being recorded in the Office of the Judge of Probate of Baldwin County, Alabama.

The Bill of Complaint further alleges that the Complainants are using the land in every way that the same is susceptible to use and that no suit is pending to test the title of the Complainants, or any of them, or their interest in or right to the possession of said lands and that the title in and to said lands stands in the name of the Complainants in accordance with the proportions hereinabove set forth to the respective portions hereinabove described upon the records of the Probate Court of Baldwin County, Alabama. The Complainants further alleges that they, and each of them, and those under whom they, and each of them claim (whether in a representative capacity or in their own right), have held color of title to and have paid taxes on the land, and the interest claimed therein by each of them, for a period of ten (10) or more consecutive years next preceding the filing of the Bill of Complaint and that no other person, firm or corporation other than the Complainants and those under whom they claim have paid taxes on the property which is the subject matter of the suit, or any part thereof, during this entire period of time and that no other person, firm or corporation other than the Complainants and those under whom they claim have had any possession of said property or any part thereof, during the whole of said period.

YOU ARE HEREBY NOTIFIED AND DIRECTED to plead, answer or demur to said Bill of Complaint before the 9th day of February, 1959 or a decree pro confesso will be rendered against you.

Alice J. Duck
Alice J. Duck, Register

CHASON & STONE
Attorneys for Complainants.

STATE OF ALABAMA, BALDWIN COUNTY
Dec. 12-11-58 3 P. M.
Recorded Lis Pend book 4 page 477-83
MR. Stewart
Judge of Probate 2

recoiled in Deed Book 263, at pages 482-90; (30) Warranty Deed from Clara E. Maschmeyer to Estelle H. Hudson, Trustee for William Stinehart, dated December 3, 1957, and recorded in Deed Book 263, at pages 505-7; (31) Declaration of Trust from Clara E. Maschmeyer to Estelle H. Hudson, dated December 3, 1957, and recorded in Deed Book 263, at pages 487-74; (32) Warranty Deed from Clara E. Maschmeyer to Estelle H. Hudson, Trustee for Estelle H. Hudson, dated December 3, 1957, and recorded in Deed Book 263, at pages 475-81; (33) Declaration of Trust from Clara E. Maschmeyer to Estelle H. Hudson, dated December 3, 1957, and recorded in Deed Book 263, at pages 475-81; (34) Warranty Deed from Clara E. Maschmeyer to Estelle H. Hudson, Trustee for Herman H. Maschmeyer, dated December 3, 1957, and recorded in Deed Book 263, at pages 502-4; (35) Affidavit of Harold W. Graham dated March 18, 1958, and recorded in Deed Book 263, at pages 593-4; (36) Affidavit of Mrs. W. R. Shriner, dated April 17, 1958, and recorded in Deed Book 265, at pages 38; (37) Tax Sale dated September 1, 1933, in the name of Theresa Worthington to State of Alabama as shown by Sales Book 10, at page 89; (38) Tax Deed from State of Alabama by State Land Commissioner to South Alabama Land Company dated January 21, 1948, and recorded in Deed Book 127, at page 390; (39) Statutory Warranty Deed from Herman H. Weibel, Jr. and E. Marie Weibel, his wife, to Mazie Craker, dated June 1, 1939, and recorded in Deed Book 13, at pages 368-9; (40) Tax Sale dated September 1, 1933, in the name of Mrs. Mazie Wallace to State of Alabama as the same appears of record in Sales Book 10, at page 88; (41) Tax Deed from State of Alabama by State Land Commissioner to South Alabama Land Company dated January 21, 1948, and recorded in Deed Book 127, at page 389; (42) Statutory Warranty Deed from Herman H. Weibel, Jr. and E. Marie Weibel, his wife, to W. L. Shriner, dated September 25, 1914, and recorded in Deed Book 23, at page 20; (43) Statutory Warranty Deed from W. L. Shriner, single, to Mr. A. R. Crowell, dated August 24, 1917, and recorded in Deed Book 26, at page 593; (44) Tax Deed from State of Alabama by State Land Commissioner to South Alabama Land Company, dated January 21, 1948, and recorded in Deed Book 127, at page 389; (45) Statutory Warranty Deed from Herman H. Weibel, Jr. and E. Marie Weibel, his wife, to W. L. Shriner, dated September 25, 1914, and recorded in Deed Book 23, at page 20; (46) Statutory Warranty Deed from W. L. Shriner, single, to Mr. A. R. Crowell, dated August 24, 1917, and recorded in Deed Book 26, at page 593; (47) Tax Sale in the name of L. W. Fought to Mary Stridwick dated May 30, 1927, as the same appears of record in Sales Book 6, at page 151; (48) Tax Deed from L. W. Fought by G. W. Humphries, Judge of Probate, to Mary Stridwick Yarbrough, dated March 25, 1930, and recorded in Deed Book 48, at pages 414-15; (49) Warranty Deed from Mary Stridwick Yarbrough, a widow, to R. C. Keeney, dated January 9, 1948, and recorded in Deed Book 127, at page 458; (50) Statutory Warranty Deed from R. C. Keeney and Bessie M. Keeney, his wife, to South Alabama Land Company, a corporation, dated August 22, 1956, and recorded in Deed Book 242, at page 591; (51) Tax Sale under Owner Unknown to State of Alabama, dated June 1, 1914, as the same appears of record in Sales Book 3, at page 199; (52) Tax Deed from State of Alabama by State Auditor to Jesse L. Kessler, dated August 18, 1925, and recorded in Deed Book 36, at page 599; (53) Quitclaim Deed from Jesse L. Kessler, a single man, to George Marinos and Pete Malbis, dated August 31, 1925, and recorded in Deed Book 36, at pages 599; (54) Tax Sale under the name of Marinos & Malbis to W. R. Stuart dated July 8, 1931, as the same appears of record in Sales Book 8, at page 51; (55) Quitclaim Deed from W. R. Stuart and Gladys M. Stuart, his wife, to South Alabama Land Company, an Alabama corporation, dated November 11, 1958, and recorded in Deed Book 271, at page 584; (56) Quitclaim Deed from Pete Malbis a widower to George Marinos, dated August 28, 1940, and recorded in Deed Book 74, at page 166; (57) Warranty Deed from George Marinos and Minnie Marinos, his wife, to South Alabama Land Company, an Alabama corporation, dated September 27, 1954, and recorded in Deed Book 215, at pages 228-9; all said instruments being recorded in the Office of the Judge of Probate of Baldwin County, Alabama.

The Bill of Complaint further alleges that the Complainants are using the land in every way that the same is susceptible to use and that no suit is pending to test the title of the Complainants or any of them or their interest in or right to the possession of said lands and that the title in and to said lands stands in the name of the Complainants in accordance with the provisions hereinabove set forth to the respective portions hereinabove described upon the records of the Probate Court of Baldwin County, Alabama. The Complainants further alleges that they and each of them and those under whom they and each of them claim (whether in their representative capacity or in their own right) have held color of title to

Company, an Alabama corporation, and Estelle H. Hudson, Trustee under those certain Declarations of Trust aforesaid, allege that they are in the actual peaceable possession of the following portion of the land above described, all of Blocks 5 and 14 of Park City, aforesaid, and also all that portion of the Medrick D'Olive Tract, aforesaid, which is located East of the East boundary of Sixth Street in Park City, aforesaid. The Complainant South Alabama Land Company, an Alabama corporation, claims to own an undivided three-fourths (3/4ths) interest in said portion in its own right and the Complainant Estelle H. Hudson, as Trustee, aforesaid, claims to own in her representative capacity as such Trustee an undivided one-sixteenth (1/16th) interest under each of said Declarations of Trust.

The Complainant South Alabama Land Company, an Alabama corporation, alleges that it is in the actual peaceable possession, claiming to own in its own right in fee simple the following portion of the land hereinabove described, Lots 13 and 14, Block 16, Lots 14 and 20, Block 21, and Lot 1, Block 22, all in Park City, aforesaid.

The Bill of Complaint alleges that the Complainants, named their respective titles to said property under the following instruments, viz: (1) Patent from the United States of America to Louis D'Olive dated September 2, 1913, and recorded in Deed Book 24, at page 394; (2) Quitclaim Deed from Ellen Gindrat Winter, widow, sole heir at law of William B. Gindrat, Deceased, to W. R. Shriner, dated September 7, 1912, and recorded in Deed Book 20, at page 180; (3) Affidavit of adverse possession of Ralph W. Shriner dated July 31, 1912, and recorded in Adverse Possession Book 1, at page 24; (4) Statutory Warranty Deed from Ralph W. Shriner, single, to Mary R. Shriner, dated April 24, 1913, and recorded in Deed Book 26, at page 584; (5) Quitclaim Deed from Ralph W. Shriner, unmarried, to Mary R. Shriner, dated May 17, 1918, and recorded in Deed Book 28, at page 532; (6) Quitclaim Deed from Mary R. Shriner and W. A. Shriner, her husband, to H. H. Weibel, Jr., dated May 17, 1919, and recorded in Deed Book 44, at page 241; (7) Quitclaim Deed from H. H. Weibel, Jr. and Blanche E. Weibel, his wife, to Mary R. Shriner, dated May 17, 1919, and recorded in Deed Book 44, at page 309; (8) Quitclaim Deed from H. H. Weibel, Jr., a widower, to H. H. Weibel, Sr., dated November 24, 1915, and recorded in Deed Book 24, at pages 343-4; (9) Affidavit of H. H. Maschmeyer dated April 30, 1958, and recorded in Deed Book 265, at page 110; (10) Last Will and Testament of Herman H. Weibel, Jr., Deceased, dated August 13, 1931, and recorded in Deed Book 65, at pages 193-202; (11) Trustees Deed and Trust Deed from The First National Bank of Mobile, as Trustee under the Will of Herman H. Weibel, Jr., Deceased, to Dorothy Weibel Matthews and Dorothy Weibel Matthews to the First National Bank of Mobile, Alabama, as Trustee under an Agreement with Dorothy Weibel Matthews dated January 6, 1955, and recorded in Deed Book 219, at pages 199-207; (12) Affidavit of Mrs. W. R. Shriner, dated April 17, 1958, and recorded in Deed Book 265, at page 36; (13) Patent from the United States of America to Louis D'Olive dated September 2, 1913, and recorded in Deed Book 24, at page 394; (14) Quitclaim Deed from Ellen Gindrat Winter, widow, sole heir at law of William B. Gindrat, Deceased, to R. W. Shriner, dated September 7, 1912, and recorded in Deed Book 20, at page 180; (15) Affidavit of adverse possession of Ralph W. Shriner dated July 31, 1912, and recorded in Adverse Possession Book 1, at page 24; (16) Statutory Warranty Deed from Ralph W. Shriner, single, to Mary R. Shriner, dated April 24, 1913, and recorded in Deed Book 26, at page 584; (17) Quitclaim Deed from Ralph W. Shriner, unmarried, to Mary R. Shriner, dated May 17, 1918, and recorded in Deed Book 28, at page 532; (18) Quitclaim Deed from Mary R. Shriner and W. A. Shriner, her husband, to H. H. Weibel, Jr., dated May 17, 1919, and recorded in Deed Book 44, at page 241; (19) Quitclaim Deed from H. H. Weibel, Jr. and Blanche E. Weibel, his wife, to Mary R. Shriner, dated May 17, 1919, and recorded in Deed Book 44, at page 309; (20) Quitclaim Deed from H. H. Weibel, Jr., a widower, to H. H. Weibel, Sr., dated November 24, 1915, and recorded in Deed Book 24, at pages 343-4; (21) Affidavit of H. H. Maschmeyer dated April 30, 1958, and recorded in Deed Book 265, at page 110; (22) Warranty Deed from Mary R. Shriner to Ralph W. Shriner, dated May 7, 1934, and recorded in Deed Book 55, at page 422; (23) Turpin Lease from Ralph W. Shriner to Frank Austin, Jr., dated November 5, 1935, and recorded in Deed Book 58, at page 232; (24) Warranty Deed from Ralph W. Shriner and Nevada A. Shriner, his wife, to Mobadwin Development Company, dated May 29, 1948, and recorded in Deed Book 108, at pages 215-16; (25) Warranty Deed from Mobadwin Development Company, Inc., a corporation, to South Alabama Land Company, a corporation, dated June 20, 1951, and recorded in Deed Book 187, at pages 144-5; (26) Warranty Deed from South Alabama Land Company to Clara E. Maschmeyer, dated July 30, 1951, and recorded in Deed Book 168, at page 120; (27) Declaration of Trust from Clara E. Maschmeyer to Estelle H. Hudson, dated December 3, 1957, and recorded in Deed Book 263, at pages 487-74; (28) Warranty Deed from Clara E. Maschmeyer to Estelle H. Hudson, Trustee for Esther Warner, dated December 3, 1957, and recorded in Deed Book 263, at pages 502-10; (29) Declaration of Trust from Clara E. Maschmeyer to Estelle H. Hudson, dated December 3, 1957, and

CELL, HOWEVER, the following: Lots 6, 7, 8, 9 and 10 in Block 19 and Lot 11 in Block 21 and the area of said Medrick D'Olive Tract which is included within the margins of the rights-of-way for the streets and all-ers shown by said plat of Park City, aforesaid, and against the unknown heirs and devisees of William B. Gindrat Deceased, Ellen E. Hanly and her heirs and devisees if deceased, Ellen E. Hanly and her heirs and devisees if deceased, Thomas Fought and his heirs and devisees, if deceased, L. W. Fought and his heirs and devisees, if deceased, E. F. Albert and his heirs and devisees, if deceased, Cora E. Albert and her heirs and devisees, if deceased, Teresa Worthington and her heirs and devisees, if deceased, Theresa Worthington and her heirs and devisees if deceased, Mr. A. R. Crowell and his heirs and devisees if deceased, Mazie Craker and her heirs and devisees, if deceased, Mazie Wallace and her heirs and devisees, if deceased, Joseph H. Hanley and his heirs and devisees, if deceased, John Gray, Willie D. Kennedy, Lucille Kennedy, the heirs at law, next of kin and devisees of Louis D'Olive, Sr., Deceased, as represented therein by the Respondents Harry L. D'Olive, Cassie Buckles and Mrs. Guy D'Olive as members of the class of persons constituting the heirs at law next of kin and devisees of the said Louis D'Olive, Sr., Deceased, and against any and all other persons, firms or corporations claiming any right, title or interest in, lien or encumbrance upon the above described lands or any part thereof.

The Complainants, The First National Bank of Mobile, Alabama, as Trustee under an Agreement with Dorothy Weibel Matthews dated January 6, 1955, and as Trustee under the Last Will and Testament of Herman H. Weibel, Jr., Deceased, and Estelle H. Hudson, Trustee under those certain Declarations of Trust for Herman H. Maschmeyer, William Stinehart, Esther Warner and Estelle H. Hudson, dated December 3, 1957, alleged that they are in the actual peaceable possession, claiming to own the same in their representative capacities herein stated of the following portion of the land hereinabove described, all of Blocks A, B, C 1, 2, 3, 4, 15, 17, 18, 20 and 23, all of Block 15 (except Lots 19 and 24) and all of Block 19 (except Lots 6 through 10) and all of Block 21 (except Lots 11, 14, and 21) and all of Block 22 (except Lot 1) all in Park City, aforesaid. The Complainant The First National Bank of Mobile, Alabama, claims an undivided nine-sixteenths (9/16ths) interest under the "Matthews' Trust" and an undivided three-sixteenths (3/16ths) interest under the "Weibel's Trust" and the Complainant Estelle H. Hudson claims an undivided one-sixteenth (1/16th) interest as Trustee under each of the Declarations of Trust aforesaid, in their representative capacities.

Complainant South Alabama Land

LEGAL NOTICE
IN THE CIR-
BALDWIN CO.
IN EL-
SOUTH ALABAMA LAND CO.
AN ALABAMA CORPORATION
AL-
Complainant
vs.
CERTAIN LANDS AND ELLE
HANLEY ET AL.
Respondents
**NOTICE OF PENDING
BILL OF COMPLAINT**
TO: ELLEN E. HANLEY, ELLE
THOMAS FOUGHT, L. W.
E. F. ALBERT, CORA
TERESA WORTHINGTON
WORTHINGTON, MR. A.
MAZIE CRAKER, MAZ
JOSEPH H. HANLEY, IF
DECEASED TO THEIR
VISEES, AND TO TH
HEIRS AND DEVISEES
B. GINDRAT, DECEASE
D'OLIVE, CASSIE BU
GUY D'OLIVE, JOHN K
KENNEDY, LUCILLE K
TO ANY AND ALL OF
FIRMS OR CORPORATE
ANY RIGHT, TITLE,
LIEN OR ENCUMBRANCE
LANDS HEREINAFTER I
PLEASE TAKE NOTICE t
day of December, 1958, S
Land Company, an Alabam
Estelle H. Hudson, Trustee
certain Declarations of Tru
H. Maschmeyer William
ther Warner and Estelle H.
December 3, 1957; The
Bank of Mobile, Alabam
under an Agreement with
Matthews dated January 6,
First National Bank of Mo
as Trustee under the Last
ment of Herman H. Weibel,
filed a Bill of Complaint
Court of Baldwin County
Equity, against the follow
real property situated in B
Alabama, viz:
The Medrick D'Olive T
in Grant Section 7 Town
Range 2 East which
described as the North
said Grant Section 7 in
ship and Range, the S
which tract is described
at a point which is loc
degrees 48' West 796.9'
Northeast corner of s
tion 7 in said Township
run thence North 86 deg
to the margin of Mobi
which said tract includ
portion of the followin
uated in Park City acc
Plat thereof on file in
of the Judge of Probate
County, Alabama, in
Book 1, at pages 230-2
B, 1, 2, 3, 4, 5,
17, 18, 19, 20, 21, 22,

W. yne Semmes spent Christmas
with the Rev. W. H. Fickling's and
th C. R. Weekley's.
and Mrs. T. L. Fickling
and son, Foley, visited relatives
and have paid taxes on the land, and

4458

W. R. STUART

PROBATE JUDGE

Nº 1583

Bay Minette, Ala., 6-24, 1917

Received of

Miss J. Duck

[illegible]

FOR RECORD

TOTAL \$

M. Stewart

Judge of Probate.

JIMMY FAULKNER
PUBLISHER

THE BALDWIN TIMES

BALDWIN COUNTY

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

South Alabama Land Co. vs
Certain Lands and Ellen E. Hamley

COST STATEMENT

2994 WORDS @ 6 1/2 cents \$ 194 61
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 Dec. 18, 1958 Vol. 70 No. 49

Date of 2nd publication Dec. 24, 1958 Vol. 70 No. 50

Date of 3rd publication Dec. 31, 1958 Vol. 70 No. 51

Date of 4th publication Jan. 8, 1959 Vol. 70 No. 52

Subscribed and sworn before the undersigned this 8 day of Jan, 1959.

Dorothy Martin

Notary Public, Baldwin County.

E. R. Morrisette Jr.
Editor.

4458
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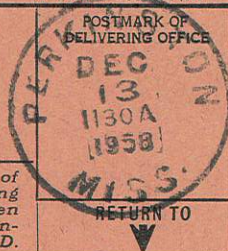
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Alice J. Duck, Clerk,

, 676578

Bay Minette, Alabama

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JAN 23 1959

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REGISTER

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