

THE STATE OF ALABAMA,

BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama

(In Equity)

MRS. LOUISE LOVETT, ET AL. COMPLAINANT

vs.

CERTAIN LANDS AND BAY MINETTE LAND
COMPANY, A corp. et al. RESPONDENTI, Helen McDowellas ~~Register~~ and Commissionerhave called and caused to come before me Mrs. Louise Lovett

witness _____ named in the requirement for Oral Examination, on the _____ day of _____

19_____, at the office of Thompson & Whitein Bay Minette, Alabama, and having first sworn said witness _____ to speak thetruth, the whole truth, and nothing but the truth, the said Mrs. Louise Lovett

doth depose and say as follows:

My name is Mrs. Louise Lovett. My husband's name was Hilary Lovett. Our children's names are Lennie, Bertha, Vada, Eunice and Howard. Along with my children we are all of the heirs at law of Hilary Lovett, deceased. My husband has been dead about 19 years, but during his lifetime, we bought this piece of land from Mr. Hampton D. Ewing and Mr. Gilmer who operated the Bay Minette Land Company as far as I know. We bought 20 acres and assessed it every year since 1915. The assessment records show this and the assessment records show that the land we have lived on since 1915 is described as:

North half of the Northeast quarter of the Southeast quarter of Section 12, Township 2 South, Range 3 East in Baldwin County.

My husband, Hilary Lovett, came home about that time, I mean 1915, and brought a paper which he called the deed to our place and after showing it to me laid it on the table by the Bible. We went off to church and when we came back the house had burned. We built another house on this same property and lived there until my husband died and nobody questioned our owning this land during his lifetime and nobody questioned our owning this land since he died. We claimed it as our homestead and have fences all of this property and have claimed it and everybody knows it is the Hilary Lovett place. I still live there. You ask me were we in continuous, peaceable and adverse possession of this property ever since we got it from the Bay Minette Land Company and I tell you yes, we have. Yes, Mr. Stone we have lived on this place since we bought it from Bay Minette Land Company and the land company nor nobody else ever bothered us for more than 40 years.

Mrs. Louise Lovett

I, Helen McDowell as ~~Register~~ and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness and read over to her and she signed the same in the presence of myself and C. LeNoir Thompson at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof made before me of the identity of said witness ; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

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

Given under my hand and seal, this 23 day of Jan Day, 19 60
Helen McDowell (L. S.)

No. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

MRS. LOUISE LOVETT, ET AL.
COMPLAINANT

vs.

CERTAIN LANDS AND BAY MINETTE
LAND COMPANY, A corp. et al.

RESPONDENT

ORAL DEPOSITION

FILED

Filed , 19

ALICE J. DUNN, CLERK
JUN 8 1960
RECORDED IN

Register.

Record

Vol. Page

Register.

STATE OF ALABAMA, BALDWIN COUNTY
 Filed 6-22-1960 10:00 PM
 Recorded 10:00 PM book 293 page 222
 Judge of Probate

MRS. LOUISE LOVETT (MRS.
 HILARY LOVETT), LENNIE
 LOVETT DAVIS, BERTHA LOVETT
 FOSTER, VADA LOVETT GREEK,
 EUNICE LOVETT BLACKWELL,
 HOWARD LOVETT, as heirs of
 HILARY LOVETT, deceased,

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED LANDS:
 THE NORTH HALF OF NORTHEAST
 QUARTER OF SOUTHEAST QUARTER,
 SECTION TWELVE, TOWNSHIP TWO
 SOUTH, RANGE THREE EAST, AND
 AGAINST JOSEPH B. BLACKBURN,
 BAY MINETTE LAND COMPANY, A
 Corporation, its successors or
 assigns, and MARSHALL S. CARNEY
 JAMES A. CARNEY, and FANNIE
 CARNEY, if living and if they
 or either of them be dead, then
 against the unknown heirs, dev-
 isees, personal representatives
 and assigns of such of those as
 are deceased; and against any
 and all persons, firms, associa-
 tions, or corporations, claiming
 title to, interest in, claim, lien
 or encumbrance on the said lands
 or any part or parcel thereof,

RESPONDENTS

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 IN EQUITY
 CASE NO. 4464

FINAL DECREE

This cause coming on to be heard is submitted for final de-
 cree upon the original Bill of Complaint, Order designating news-
 paper in which Notice of Pendency of Bill of Complaint will be
 published; Notice of Pendency of Bill of Complaint; proof of pub-
 lication of Notice of Bill of Complaint; Register's Certificate
 as to service, : as to Joseph B. Blackburn, Carney Lumber Company,
 a Corporation, Marshall Carney, James A. Carney, Fannie Carney;
 motion for decree pro confesso, decree pro confesso;
 as to Bay Minette, Land Company: Bill of Complaint, Demurrer;
 Amended Bill of Complaint, Answer to Amended Bill of Complaint,
 Appointment of Commissioner to take testimony; Testimony of Mrs.
 Louise Lovett, C. E. Garrett, and Sam Henry Overstreet, witnesses
 for the Complainants, Respondent, Bay Minette Land Company of-
 fering no testimony all of which has been noted by the Register;
 upon consideration of all of which, it appears to the Court that
 the Complainants are entitled to the relief prayed for them in
 their said Amended Bill of Complaint; WHEREUPON, IT IS THEREFORE,
 ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The Complainants, Mrs. Louise Lovett (Mrs. Hilary Lovett),
 Lennie Lovett Davis, Bertha Lovett Foster, Vada Lovett Greek,

Eunice Lovett Blackwell, Howard Lovett, as heirs of Hilary Lovett, deceased, free and clear of and from the claim or claims of all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, or any interest therein; that the said Complainants have and are hereby given judgment against the said lands and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof.

2. The Complainants' title to the said lands is hereby quieted against Joseph B. Blackburn, Carney Lumber Company, a Corporation, its successors or assigns, Marshall S. Carney, James A. Carney, Fannie Carney, Bay Minette Land Company, a Corporation, its successors or assigns, and against the heirs and devisees of such of the said parties as may be dead, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, and all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

3. The Register of this Court shall, within thirty days from the rendition of this decree, file a certified copy hereof in the Office of the Judge of Probate of Baldwin County, Alabama, for record therein and tax the cost of such recording as a part of the costs of this proceeding.

4. The Judge of Probate of Baldwin County, Alabama, shall record the said certified copy of this decree in the same book and manner in which deeds are recorded, and shall index the same in the Direct Indexes in the name of Joseph B. Blackburn, Carney Lumber Company, a Corporation, Marshall S. Carney, James A. Carney, Fannie Carney, Bay Minette Land Company, a corporation, and shall index the same in the Indirect or Reverse Indexes of said records in the names of Mrs. Louise Lovett (Mrs. Hilary Lovett), Lennie Lovett Davis, Bertha Lovett Foster, Vada Lovett Greek, Eunice Lovett Blackwell, Howard Lovett, as heirs of Hilary Lovett, deceased.

5. The title hereby adjudged and decreed to be in the said Complainants, Mrs. Louise Lovett (Mrs. Hilary Lovett), Lennie Lovett Davis, Bertha Lovett Foster, Vada Lovett Greek, Eunice Lovett Blackwell, Howard Lovett, as heirs of Hilary

Lovett, deceased, shall inure to the benefit of all persons who derive title to the said lands, or any part thereof, or any interest therein, from or through the said Complainants, and such title or interest shall be at all times treated and considered as though it had been established in favor of the person or persons so procuring or deriving title from the said Complainants.

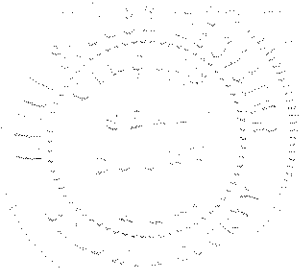
6. The costs of this proceeding are hereby taxes against the Complainants for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 8th day of June, 1960.

Hubert M. Hall
Judge.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Circuit Court of Baldwin County in above stated cause, which said decree is on file and on record in my office.
WITNESS MY HAND AND SEAL THIS 8th day of June, 1960

Alice J. Duck
Register of Circuit Court, in Equity



5000
Duck

The State of Alabama,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY

No. _____ Term, 19__

Mrs. Louise Lovett Complainant.
Certain Lands & Bay Minette Land Co., a corp., et al. Defendant.

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 24th day of December, 19 58, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the _____ day of December, 19 58, and

And it now further appearing to the Register Alice J. Duck, that the said

Joseph B. Blackburn, Carney Lumber Co., a corporation, its successors or assigns, Marshall S. Carney, James A. Carney, Fannie Carney, their unknown heirs, devisees personal representatives and assigns.

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant....., ordered and decreed by the Register Alice J. Duck.....

..... that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Joseph B. Blackburn, Carney Lumber Co., a corporation, its successors or assigns, Marshall S. Carney, James A. Carney, Fannie Carney, their unknown heirs, devisees, personal representatives and assigns.

This 24 day of May, 19 60

Alice J. Duck Register.

MRS. LOUISE LOVETT, ET AL.,	X	IN THE CIRCUIT COURT OF
COMPLAINANTS	X	BALDWIN COUNTY, ALABAMA
VS	X	IN EQUITY.
CERTAIN LANDS AND BAY MINETTE	X	CASE NO. 4464
LAND COMPANY, A CORPORATION,	X	
ET AL.	X	
RESPONDENTS	X	

CERTIFICATE

I, Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify as follows:

1. That notice of pendency of Bill of Complaint in this cause was filed for record in the Office of the Judge of Probate of Baldwin County, Alabama, on December 23, 1958.

2. Notice of pendency of Bill of Complaint in this cause was published once a week for four consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, which said notice appeared in the issues of said paper published on December 24, 1958, December 31, 1958, January 8, 1959, January 15, 1959.

3. A copy of the notice of pendency of bill of Complaint in this cause was posted at the front door of the Courthouse of Baldwin County, Alabama, on December 23, 1959.

Dated this 28 day of May, 1960.

Alice J. Duck
Register.

THE STATE OF ALABAMA, }

Baldwin County }

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

Mrs. Louise Lovett

Complainant

Vs.

Certain Lands and Bay Minette
Land Company, A corporation
et al.Defendant S

Motion is hereby made for a Decree Pro Confesso against Joseph B. Blackburn, Carney Lumber Co., a corporation, its successors or assigns, Marshall S. Carney, James A. Carney, Fannie Carney, their unknown heirs, devisees personal representatives and assigns. Defendants

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 22 day of May, 1960.

746 Code

Thompson & White
By Mary Thompson White Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

MRS. LOUISE LOVETT, ET AL.

Complainant ^S_____

Vs.

CERTAIN LANDS AND BAY MINETTE
LAND COMPANY, A corp. et al.

Defendant ^S_____

**Motion for Decree Pro Confesso
On Publication**

Filed 5-20, 1960

Deirdre French
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

The Baldwin Times, Bay Minette, Ala.

dis

MRS. LOUISE LOVETT (MRS.
HILARY LOVETT), LENNIE
LOVETT DAVIS, BERTHA LOVETT
FOSTER, VADA LOVETT GREEK,
EUNICE LOVETT BLACKWELL,
HOWARD LOVETT, as heirs of HILARY
LOVETT, Deceased,

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED LANDS:
THE NORTH HALF OF NORTHEAST
QUARTER OF SOUTHEAST QUARTER,
SECTION TWELVE, TOWNSHIP TWO
SOUTH, RANGE THREE EAST, AND
AGAINST JOSEPH B. BLACKBURN, BAY
MINETTE LAND COMPANY, A CORPORAT-
ION, its successors or assigns,
CARNEY LUMBER COMPANY, A CORPOR-
ATION, its successors or assigns,
and MARSHALL S. CARNEY, JAMES A.
CARNEY, and FANNIE CARNEY, if
living and if they or either of
them be dead, then against the
unknown heirs, devisees, personal
representatives and assigns of
such of those as are deceased;
and against any and all persons,
firms, associations, or corpora-
tions, claiming any title to,
interest in, claim, lien or
encumbrance on the said lands or
any part or parcel thereof,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

CASE NO. 4464

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

Comes your Complainants, Mrs. Louise Lovett (Mrs. Hilary Lovett),
Lennie Lovett Davis, Bertha Lovett Foster, Vada Lovette Greek, Eunice
Lovett Blackwell, and Howard Lovett as heirs of Hilary Lovett, deceased,
and present their bill of complaint against the following described
lands in Baldwin County, Alabama, to-wit:

The North Half of the Northeast Quarter of the Southeast
Quarter of Section Twelve, Township Two South, Range Three
East, of St. Stephens Meridian in Alabama,

and against Joseph B. Blackburn, Bay Minette Land Company, an Alabama
Corporation, its alienees, successors or assigns, Carney Lumber
Company, a Corporation, its alienees, successors or assigns, Marshall
S. Carney, James A. Carney and Fannie Carney, if living, and if they
or either of them be dead, then against the unknown heirs, devisees,
personal representatives or assigns of such of those as are deceased,
and all persons, firms, associations or corporations claiming any
title to, interest in, claim, lien or encumbrance on, the said lands
or any part or parcel thereof and respectfully represents and shows

unto your Honor as follows:

FIRST

That your Complainants are over the age of twenty-one and Mrs. Louise Lovett (Mrs. Hilary Lovett) is a resident of the County of Baldwin, State of Alabama;

SECOND

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

The North Half of the Northeast Quarter of the Southeast Quarter of Section Twelve, Township Two South, Range Three East, of St. Stephens Meridian in Alabama;

that they, and those through whom they claim said lands have been in the actual, continuous, peaceable possession, of all of said lands since the year 1915, and that they and those through whom they claim title to the said lands have since the year 1915 annually assessed and paid the taxes on the said lands, constructed and occupied the houses, thereon, farmed the land and maintained the fences, and that during such period of time no other person, for such period had had, or attempted to exercise any possession over the said lands or claimed any right to possession thereof of any title to, or interest in, claim, lien or encumbrance thereon, or to any part or parcel of the same.

THIRD

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

FOURTH

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

Patent from United States of America to Joseph B. Blackburn, dated August 5, 1885, filed July 20, 1892, and recorded in Deed Book S, page 108;

Deed from Joseph B. Blackburn & Martha R. Blackburn, to James A. Carney, dated August 21, 1884, and filed August 24, 1884, and recorded

in Deed Book N, pages 514-15;

Deed from Carney Lumber Company, Marshall S. Carney, James A. Carney and Fannie Carney to Hand Lumber Company, dated June 10, 1905, and filed June 26, 1905 in Deed Book 9, page 109;

Deed from Hand Lumber Company to Hampton D. Ewing, dated September 11, 1906, and filed September 29, 1906, in Deed Book 11, pages 55-8;

Deed from Hampton D. Ewing and wife, Maria D. Ewing to Bay Minette Land Company, dated August 8, 1907 and filed September 5, 1907 in Deed Book 12, pages 196-7.

FIFTH

Complainants further show and aver that they do not know of anyone or any person who claims said lands, any title to, interest in, lien or encumbrance thereon, or any part thereof; Complainant has obtained an abstract of title which shows that the only possible claimants according to said abstract are: Joseph B. Blackburn, Bay Minette Land Company, an Alabama Corporation, its alienees, successors or assigns, Carney Lumber Company, a Corporation, its alienees, successors or assigns, Marshall S. Carney, James A. Carney and Fannie Carney, if living and if they or any of them be dead, then the unknown heirs, devisees, personal representatives, successors or assigns or of such persons of those as are deceased.

So far as Complainants can determine by diligent search and inquiry, James A. Carney, Daphne, Alabama and Bay Minette Land Company, an Alabama Corporation, Bay Minette, Alabama, all of whom are over the age of twenty-one years, after such diligent search and inquiry in the community where the said property is located in Baldwin County, Alabama, to ascertain the names, ages and places of residence of the remaining Respondents, their unknown heirs or assigns, and if dead, that they are informed and believe and upon such information and belief allege that if the said individual respondents named herein are dead, then their heirs, devisees and personal representatives are over the age of twenty-one years and are non-residents of the State of Alabama, except as otherwise stated, and that their names, ages and places of residence are unknown and cannot be ascertained upon full, diligent search or inquiry. Complainants further say

that in their search therein, they have made inquiry at the Tax and Probate offices in Baldwin County, Alabama and have inquired of the peoples in the, or living in the vicinity of said lands and of many other persons, residents in Baldwin County, Alabama.

WHEREFORE, your Complainants pray that this Honorable Court will take jurisdiction of the cause, made by this bill of complaint, and by appropriate process make Joseph B. Blackburn, Bay Minette Land Company, a corporation, its alienees, successors or assigns, Carney Lumber Company, a corporation, its alienees, successors or assigns, Marshall S. Carney, James A. Carney and Fannie Carney, if living and if dead, then their unknown heirs, devisees and personal representatives, and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part or parcel thereof, to-wit: The North half of the Northeast Quarter of the Southeast Quarter of Section Twelve, Township Two South, Range Three East, parties respondent to this Bill of Complaint and by appropriate process require them, and each of them separately and severally, to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Your Complainants further pray that upon a final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of liens, claims and encumbrances to the said lands and each part and parcel there, is vested in your Complainants, Mrs. Louise Lovett (Mrs. Hilary Lovett), Lennie Lovett Davis, Bertha Lovett Foster, Vada Lovett Greek, Eunice Lovett Blackwell and Howard Lovett, as heirs of Hilary Lovett, deceased, and against the said Joseph B. Blackburn, Bay Minette Land Company, a corporation, its alienees, successors or assigns, Carney Lumber Company, a corporation, its alienees, successors or assigns, Marshall S. Carney, James A. Carney and Fannie Carney, if living and if dead, then the unknown heirs, devisees and personal representatives, of Joseph B. Blackburn, Bay Minette Land Company, its alienees, successors, or assigns, Marshall S. Carney, James A. Carney or Fannie Carney, and against any and all persons, firms, associations, or corporations, claiming any title to, interest in, claim, lien or encumbrance upon said lands or any part thereof, and that any and all doubts and

disputes concerning the same be removed, and cleared upon, and your Complainants pray for such other, further or different relief as in equity and good conscience shall be meet and proper in the premises. And further that in said decree Your Honor will cause a certified copy of the decree to be filed in the Probate Office of Baldwin County, Alabama, and to be filed in the Probate Office of Baldwin County, Alabama, and to be recorded therein and that in said decree your Honor will direct in whose names it shall be indexed, in the direct or indirect indexes of the records there, in the said Probate Court of Baldwin County, Alabama; and Complainants further pray for such other, further, different and general relief as in equity may seem just and meet as Complainants will ever pray.

THOMPSON & WHITE

BY: Mary Thompson White
Solicitor for the Complainants.

STATE OF ALABAMA
BALDWIN COUNTY

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

Sworn to and subscribed before me, a Notary Public, on this 23 day of Dec., 1958.

MY COMMISSION AS A NOTARY PUBLIC
EXPIRES 30 OF Jan 1960.

J. C. Hand
Notary Public, Baldwin County, Alabama.

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 1464

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon BAY MINETTE, LAND COMPANY, A Corporation,

JAMES A. CARNEY ET AL

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against BAY MINETTE LAND COMPANY
A Corp., JAMES A. CARNEY, ET AL -----, Defendant-----

by MRS. LOUISE LOVETT, ET AL -----

-----, Plaintiff-----

Witness my hand this 23 day of Dec. 19 58

Clifford J. Smith -----, Clerk

No. 1164

Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

MRS. LOUISE LOVETT ET AL

Plaintiffs

vs.

CERTAIN LANDS, BAY MINETTE CO.,

JAMES A. CARNEY, ET AL

Defendants

Summons and Complaint

Filed Dec. 23, 1958 _____ 19

Alice J. Duck _____ Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at _____

Received In Office

_____ 19

_____, Sheriff

I have executed this summons

this 6 Jan 1959

by leaving a copy with

James A. Carney
Wm. Sulmasy
3-6-59

Sheriff's claim 54 miles at
Total 5 miles per mile Total \$
TAYLOR WILKINS, Sheriff
BY Taylor
DEPUTY SHERIFF

Taylor Wilkins Sheriff

P. T. Tison Jr. Deputy Sheriff

at Daphne
12 miles

AMENDED COMPLAINT

Mrs. LOUISE (MRS.
 MILARY LOVETT, LENNIE
 LOVETT DAVIS, BERTHA LOVETT
 FOSTER, VADA LOVETT GREEK,
 EUNICE LOVETT BLACKWELL,
 HOWARD LOVETT as heirs of
 MILARY LOVETT Deceased,

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED LANDS:
 THE NORTH HALF OF NORTHEAST
 QUARTER OF SOUTHEAST QUARTER,
 SECTION TWELVE, TOWNSHIP TWO
 SOUTH, RANGE THREE EAST, AND
 AGAINST JOSEPH B. BLACKBURN, BAY
 MINETTE LAND COMPANY, A CORPORAT-
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 CARNEY LUMBER COMPANY, A CORPOR-
 ATION, its successors or assigns,
 and MARSHALL S. CARNEY, JAMES A.
 CARNEY, and FANNIE CARNEY, if
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 them be dead, then against the
 unknown heirs, devisees, personal
 representatives and assigns of
 such of those as are deceased;
 and against any and all persons,
 firms, associations, or corporat-
 ions, claiming any title to,
 interest in, claim, lien or
 encumbrance on the said lands
 or any part or parcel thereof,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

CASE NO. _____

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

Comes your Complainants, Mrs. Louise Lovett (Mrs. Milary Lovett),
 Lennie Lovett Davis, Bertha Lovett Foster, Vada Lovett Greek, Eunice
 Lovett Blackwell, and Howard Lovett as heirs of Hilary Lovett, deceased,
 and present their bill of complaint against the following described
 lands in Baldwin County, Alabama, to-wit:

The North Half of the Northeast Quarter of the Southeast
 Quarter of Section Twelve, Township Two South, Range Three
 East, of St. Stephens Meridian in Alabama.

and against Joseph B. Blackburn, Bay Minette Land Company, an Alabama
 Corporation, its alienees, successors or assigns, Carney Lumber
 Company, a Corporation, its alienees, successors or assigns, Marshall
 S. Carney, James A. Carney and Fannie Carney, if living, and if they
 or either of them be dead, then against the unknown heirs, devisees,
 personal representatives or assigns of such of those as are deceased,
 and all persons, firms, associations or corporations claiming any

title to, interest in, claim, lien or encumbrance, on, the said lands
any part or parcel thereof and respectfully represents and shows
unto your Honor as follows:

FIRST

Your Complainants are over the age of twenty-one and Mrs.
Louise Lovett (Mrs. Hilary Lovett) is a resident of the County of
Baldwin, State of Alabama:

SECOND

That your Complainants are the owners in fee simple and are in
the actual, continuous, open, notorious, adverse and peaceable
possession of the said lands in Baldwin County, Alabama, described as
follows, to-wit:

The North Half of the Northeast Quarter of the Southeast
Quarter of Section Twelve, Township Two South, Range Three
East, of St. Stephens Meridian in Alabama;

that they, and those through whom they claim said lands have been in
the actual, continuous, open, notorious and peaceable possession, of
all of said lands since the year 1915, and that they and those
through whom they claim title to the said lands have since the year
1915 annually assessed and paid the taxes on the said lands, constructed
and occupied the houses, thereon, farmed the land and maintained the
fences, and that during such period of time no other person, for such
period had had, or attempted to exercise any possession over the
said lands or claimed any right to possession thereof of any title to,
or interest in, claim, lien or encumbrance thereon, or to any part or
parcel of the same.

THIRD

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

FOURTH

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

Patent from United States of America to Joseph B. Blackburn, dated

August 5, 1884, filed July 20, 1892, and recorded in Deed Book S, page 108;

Deed from Joseph B. Blackburn & Martha R. Blackburn, to James A. Carney, dated August 21, 1884, and filed August 24, 1884, and recorded in Deed Book N, pages 514-15;

Deed from Carney Lumber Company, Marshall S. Carney, James A. Carney and Fannie Carney to Hand Lumber Company, dated June 10, 1905, and filed June 26, 1905 in Deed Book 9, page 109;

Deed from Hand Lumber Company to Hampton D. Ewing, dated September 11, 1906, and filed September 29, 1906, in Deed Book 11, pages 55-8;

Deed from Hampton D. Ewing and wife, Maria D. Ewing to Bay Minette Land Company, dated August 8, 1907 and filed September 5, 1907 in Deed Book 12, pages 196-7;

FIFTH

Complainants further show and aver that they do not know of anyone or any person who claims said lands, any title to, interest in lien or encumbrance thereon, or any part thereof; Complainant has obtained an abstract of title which shows that the only possible claimants according to said abstract are: Joseph B. Blackburn, Bay Minette Land Company, an Alabama Corporation, its alienees, successors or assigns, Carney Lumber Company, a Corporation, its alienees, successors or assigns, Marshall S. Carney, James A. Carney and Fannie Carney, if living and if they or any of them be dead, then the unknown heirs, devisees, personal representatives, successors or assigns or of such persons of those as are deceased.

So far as Complainants can determine by diligent search and inquiry, James A. Carney, Daphne, Alabama and Bay Minette Land Company, an Alabama Corporation, Bay Minette, Alabama, all of whom are over the age of twenty-one years, after such diligent search and inquiry in the community where the said property is located in Baldwin County, Alabama, to ascertain the names, ages and places of residence of the remaining Respondents, their unknown heirs or assigns, and if dead, that they are informed and believe and upon such information and belief allege that if the said individual respondents named herein are dead, then their heirs, devisees and personal representatives

are over the age of twenty-one years and are non-residents of the State of Alabama, except as otherwise stated, and that their names, ages and places of residence are unknown and cannot be ascertained upon full, diligent search or inquiry. Complainants further say that in their search therein, they have made inquiry at the Tax and Probate offices in Baldwin County, Alabama and have inquired of the peoples in the, or living in the vicinity of said lands and of many other persons, residents in Baldwin County, Alabama.

WHEREFORE, your Complainants pray that this Honorable Court will take jurisdiction of the cause, made by this bill of complaint, and by appropriate process make Joseph B. Blackburn, Bay Minette Land Company, a corporation, its alienees, successors or assigns, Carney Lumber Company, a corporation, its alienees, successors or assigns, Marshall S. Carney, James A. Carney and Fannie Carney, if living and if dead, then their unknown heirs, devisees and personal representatives, and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part or parcel thereof, to-wit: The North half of the Northeast Quarter of the Southeast Quarter of Section Twelve, Township Two South, Range Three East, parties respondent to this Bill of Complaint and by appropriate process require them, and each of them separately and severally, to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Your Complainants further pray that upon a final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of liens, claims and encumbrances to the said lands and each part and parcel there, is vested in your Complainants, Mrs. Louise Lovett (Mrs. Hilary Lovett), Lennie Lovette Davis, Bertha Lovett Foster, Vada Lovett Greek, Eunice Lovett Blackwell and Howard Lovett, as heirs of Hilary Lovett, deceased, and against the said Joseph B. Blackburn, Bay Minette Land Company, a corporation, its alienees, successors or assigns, Carney Lumber Company, a corporation, its alienees, successors or assigns, Marshall S. Carney, James A. Carney and Fannie Carney, if living and if dead, then the unknown heirs, devisees and personal representatives,

of Joseph B. Blackburn, Bay Minette Land Company, its alienees, successors, or assigns, Marshall S. Carney, James A. Carney or Fannie Carney, and against any and all persons, firms, associations, or corporations, claiming any title to, interest in, claim, lien or encumbrance upon said lands or any part thereof, and that any and all doubts and disputes concerning the same be removed, and cleared upon, and your Complainants pray for such other, further or different relief as in equity and good conscience shall be meet and proper in the premises. And further that in said decree Your Honor will cause a certified copy of the decree to be filed in the Probate Office of Baldwin County, Alabama, and to be recorded therein and that in said decree your Honor will direct in whose names it shall be indexed, in the direct or indirect indexes of the records there, in the said Probate Court of Baldwin County, Alabama; and Complainants further pray for such other, further, different and general relief as in equity may seem just and meet as Complainants will ever pray.

THOMPSON & WHITE

BY:

C. LeNoir Thompson
Solicitors for the Complainants.

STATE OF ALABAMA
BALDWIN COUNTY

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

C. LeNoir Thompson
Sworn to and subscribed before me, a Notary Public, on this 1st day of May, 1959.

FILED

MAY 1 1959

CLERK
REGISTER

Lois M. Wilson
Notary Public, Baldwin County, Alabama.

MRS. LOUISE LOVETT, ET AL.,	X	
Complainants,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
CERTAIN LANDS and BAY MINETTE LAND COMPANY,	X	
	X	IN EQUITY
Respondents.	X	CASE NO. 4464


ANSWER OF RESPONDENT BAY MINETTE LAND COMPANY

Comes now Bay Minette Land Company one of the Respondents in the above styled cause, by its Solicitors, and for answer to the Bill of Complaint heretofore filed against it and to each paragraph and section thereof, separately and severally, says as follows:

It denies each and every allegation of the Bill of Complainant and demands strict proof thereof.

Respectfully submitted,

CHASON & STONE

By: 
Solicitors for Bay Minette Land
Company

THE STATE OF ALABAMA,

BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama

(In Equity)

MRS. LOUISE LOVETT, ET AL. COMPLAINANT

vs.

CERTAIN LANDS AND BAY MINETTE LAND
COMPANY, A corp. et al. RESPONDENT

I, Helen McDowell

as Register and Commissioner

have called and caused to come before me Sam Henry Overstreet

witness named in the requirement for Oral Examination, on the day of

19, at the office of Thompson & White

in, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said Sam Henry Overstreet

doth depose and say as follows:

My name is Sam Henry Overstreet. I knew Hilary Lovett during his lifetime and have known his wife, Mrs. Hilary Lovett who is also Mrs. Louise Lovett, since about 1915. The place where they lived during Mr. Lovett's lifetime and where Mrs. Lovett now lives is described as:

The North half of the Northeast quarter of the Southeast quarter of Section 12, Township 2 South, Range 3 East in Baldwin County.

They have lived there to my knowledge more than forty years and have fenced all of the twenty acres which they have claimed. In answer to your question if they have held this same twenty acres openly, notoriously and adversely to everyone for more than twenty years, my answer is yes. Mr. Stone, nobody but Mr. Hilary Lovett ever claimed this place since they built their house on it about 40 years ago.

Sam Henry (X) Overstreet

WITNESS:

J. P. Install

Grace Nettles

I, Helen McDowell as ~~Register~~ and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness and read over to him and he signed the same in the presence of myself and C. LeNoir Thompson at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof made before me of the identity of said witness; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

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

Given under my hand and seal, this 23 day of May, 1961
Helen McDowell (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

MRS. LOUISE LOVETT ET AL,
COMPLAINANT

VS.

CERTAIN LANDS AND BAY MINETTE
LAND COMPANY, A CORP. et al.

RESPONDENT

ORAL DEPOSITION

Filed _____, 19____

FILED

JUN 6 1961

Register.

RECORDED IN CLERK
OFFICE OF THE REGISTER

Record

Vol. _____ Page _____

Register.

MRS. LOUISE LOVETT (MRS.
HILARY LOVETT), LENNIE
LOVETT DAVIS, BERTHA LOVETT
FOSTER, VADA LOVETT GREEK,
EUNICE LOVETT BLACKWELL,
HOWARD LOVETT, As heirs of HILARY
LOVETT, Deceased,

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED LANDS:
THE NORTH HALF OF NORTHEAST
QUARTER OF SOUTHEAST QUARTER,
SECTION TWELVE, TOWNSHIP TWO
SOUTH, RANGE THREE EAST, AND
AGAINST JOSEPH B. BLACKBURN, BAY
MINETTE LAND COMPANY, A CORPORAT-
ION, its successors or assigns,
CARNEY LUMBER COMPANY, A CORPOR-
ATION, its successors or assigns,
and MARSHALL S. CARNEY, JAMES A.
CARNEY, and FANNIE CARNEY, if
living and if they or either of
them be dead, then against the
unknown heirs, devisees, personal
representatives and assigns of
such of those as are deceased;
and against any and all persons,
firms, associations, or corpora-
tions, claiming any title to,
interest in, claim, lien or
encumbrance on the said lands or
any part or parcel thereof,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

CASE NO. 4464

STATE OF ALABAMA, BALDWIN COUNTY

Filed 12-23-58 11 A - M

Recorded Lin. Probate 4 page 487-8

MR. Stewart
Judge of Probate

NOTICE IS HEREBY GIVEN TO Joseph B. Blackburn, Bay Minette Land Company, an Alabama Corporation, Carney Lumber Company, an Alabama Corporation, Marshall S. Carney, James A. Carney and Fannie Carney, if living and if dead, their unknown heirs, devisees or personal representatives or successors of those, and any and all persons, firms or corporations claiming any interest in or title to the above described lands, that on the 23 day of dec, 1958, Mrs. Louise Lovett (Mrs. Hilary Lovett), Lennie Lovett Davis, Bertha Lovett Foster, Vada Lovett Greek, Eunice Lovett Blackwell, Howard Lovett, as heirs of Hilary Lovett, deceased, filed in the equity side of the Circuit Court of Baldwin County, Alabama, their bill of complaint against the following described lands in Baldwin County, Alabama, to-wit:

The North Half of the Northeast Quarter of the Southeast Quarter of Section Twelve, Township Two South, Range Three East, of St. Stephens Meridian in Alabama;

and against the defendants hereinabove named and all persons, firms,

or corporations, claiming any interest in, lien or encumbrance upon

said lands, and you are hereby notified to appear and plead, answer or demur within thirty (30) days of the _____ day of _____, 19____, or a decree pro confesso will be rendered against you; that said bill of complaint was and is filed for the purpose of quieting their title thereto and clearing up all doubts and disputes concerning the same; that the Complainants claim the absolute, fee simple title in and to all of the said lands under, by and through the following conveyances, all of which are recorded in the office of the Judge of Probate of Baldwin County, Alabama, the County where the said lands are situated, to-wit: Patent from United States of America to Joseph B. Blackburn, dated August 5, 1885, filed July 20, 1892, and recorded in Deed Book S, page 108; Deed from Joseph B. Blackburn & Martha R. Blackburn, to James A. Carney, dated August 21, 1884, and filed August 24, 1884, and filed August 24, 1884, and recorded in Deed Book N, pages 514-15; Deed from Carney Lumber Company, Marshall S. Carney, James A. Carney, and Fannie Carney to Hand Lumber Company, dated June 10, 1905, and filed June 26, 1905, in Deed Book 9, page 109; Deed from Hand Lumber Company to Hampton D. Ewing, dated September 11, 1906, and filed September 29, 1906, in Deed Book 11, pages 55-8; Deed from Hampton D. Ewing and wife, Maria D. Ewing to Bay Minette Land Company, dated August 8, 1907 and filed September 5, 1907 in Deed Book 12, pages 196-7; that they are in the actual, peaceable possession of all of the said lands; that title to the said lands stands upon the records of Baldwin County, Alabama, the County where the said lands are situated, in the name of the Complainants; that no suit is pending to test Complainants' title to, interest in, or right to the possession of the said lands, or any part thereof, since the year Nineteen Hundred and Fifteen (1915), and that no persons, firms or corporations, other than the Complainants and those through whom they claim title to the lands, are known to the Complainants to have paid any taxes on the said lands, or any part thereof, or any interest therein, since the year Nineteen Hundred and Fifteen (1915).

WITNESS my hand this the 23 day of Dec, 1956.

Thompson & White
attorneys for Complainants

Henry F. Duck
As Register of the Circuit Court of
Baldwin County, Alabama.

3
Louise Lovett (Mr. Hilary)
Howard 13
Kenne Lovett Davis 13
Bertha Lovett Foster 13
Vada Lovett Creek 13
Louise Lovett Blackwell 21

Joseph B. Blackburn 21
Benj. Minnand Co. 15
Carney Kbr. Co. 41
Marshall S. 41
Tames A. 41
Fannie 41

487-8

R-150
Thompson
Lenoir

FILED
DEC 22 1958
CLERK
AUGIE L. DUBOIS, REGISTER

MRS. LOUISE LOVETT, ET AL.,	Y		
Complainants,	Y	IN THE CIRCUIT COURT OF	
	Y		
vs.	Y	BALDWIN COUNTY, ALABAMA	
	Y		
CERTAIN LANDS AND BAY MINETTE	Y	IN EQUITY	NO. 4464
LAND COMPANY, A CORPORATION,	Y		
ET AL.,	Y		
Respondents.	Y		

DECREE SUSTAINING DEMURRER

This cause coming on to be heard was submitted upon the demurrer of the Respondent Bay Minette Land Company to the original Bill of Complaint and the Court having considered the same is of the opinion that the demurrer is well taken and should be sustained; it is, therefore

ORDERED, ADJUDGED and DECREED by the Court that the demurrer of Bay Minette Land Company, a corporation, to the Complaint be, and the same is hereby, sustained.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainants shall have, and they are hereby granted, thirty (30) days in which to amend their complaint.

Done this 21st day of April, 1959.


 Circuit Judge

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Helen McDowell

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine

Mrs. Louise Lovett
C. E. Garrett
Sam Henry Overstreet

a witness in behalf of Mrs. Louise Lovett
Circuit Court in Baldwin County, of said State, wherein

in a cause pending in our

Mrs. Louise Lovett

, Complainant

and

Certain Lands and Bay Minette
Land Company, A corporation, et al.

Respondent

on oath, to be by you administered, upon
to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 23 day of

May

, 1956

Dee J. L. Lueck
Register.

Commissioner's Fee, \$

Witness' Fees, \$

THE STATE OF ALABAMA,

BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama

(In Equity)

MRS. LOUISE LOVETT, ET AL. COMPLAINANT

vs.

CERTAIN LANDS AND BAY MINETTE LAND
COMPANY, A corp., et al. RESPONDENTI, Helen McDowellas ~~Register~~ and Commissionerhave called and caused to come before me C. E. Garrett

witness _____ named in the requirement for Oral Examination, on the _____ day of _____

19____, at the office of Thompson & Whitein Bay Minette, Alabama, and having first sworn said witness _____ to speak thetruth, the whole truth, and nothing but the truth, the said C. E. Garrett

doth depose and say as follows:

My name is C. E. Garrett. I knew Mr. Hilary Lovett during his lifetime and I know his wife who is also known as Mrs. Louise Lovett as well as Mrs. Hilary Lovett. They were living on a twenty acre piece of land when I first knew them which was some time not long after 1915 and Mrs. Louise Lovett is still living there. In answer to your question I believe the land is described as:

The North half of the Northeast quarter of the Southeast quarter of Section 12, Township 2 South, Range 3 East in Baldwin County, Alabama.

Mr. and Mrs. Lovett lived on this land during his lifetime and the property has during their possession been fenced and I do not know of anyone ever claiming this property from them. In answer to your question if they have owned this property openly, notoriously, and adversely to everyone more than twenty years, I can say yes. Yes, Mr. Stone, to my knowledge, these people have lived on this property more than 40 years, as their own.

C. E. Garrett

I, Helen McDowell as ~~Register~~ and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness and read over to him and he signed the same in the presence of myself and C. LeNoir Thompson at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof made before me of the identity of said witness ; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

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

Given under my hand and seal, this 23 day of May, 1960.
Helen McDowell (L. S.)

No. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

MRS. LOUISE LOVETTE, ET AL.
COMPLAINANT

VS.

CERTAIN LANDS AND BAY MINETTE
LAND COMPANY, A corp. et al.

RESPONDENT

ORAL DEPOSITION

Filed , 1960

Register.

Allice J. Duckworth
in
Register

Record

Vol. Page

Register.

MRS. LOUISE LOVETT (MRS.
HILARY LOVETT), LENNIE
LOVETT DAVIS, BERTHA LOVETT
FOSTER, VADA LOVETT GREEK,
EUNICE LOVETT BLACKWELL,
HOWARD LOVETT, as heirs of
HILARY LOVETT, deceased,

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED LANDS:
THE NORTH HALF OF NORTHEAST
QUARTER OF SOUTHEAST QUARTER,
SECTION TWELVE, TOWNSHIP TWO
SOUTH, RANGE THREE EAST, AND
AGAINST JOSEPH B. BLACKBURN,
BAY MINETTE LAND COMPANY, A
Corporation, its successors or
assigns, and MARSHALL S. CARNEY
JAMES A. CARNEY, and FANNIE
CARNEY, if living and if they
or either of them be dead, then
against the unknown heirs, dev-
isees, personal representatives
and assigns of such of those as
are deceased; and against any
and all persons, firms, associa-
tions, or corporations, claiming
title to, interest in, claim, lien
or encumbrance on the said lands
or any part or parcel thereof,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

CASE NO. 4464

FINAL DECREE

This cause coming on to be heard is submitted for final de-
cree upon the original Bill of Complaint, Order designating news-
paper in which Notice of Pendency of Bill of Complaint will be
published; Notice of Pendency of Bill of Complaint; proof of pub-
lication of Notice of Bill of Complaint; Register's Certificate
as to service, : as to Joseph B. Blackburn, Carney Lumber Company,
a Corporation, Marshall Carney, James A. Carney, Fannie Carney;
Motion for decree pro confesso, decree pro confesso;
as to Bay Minette, Land Company: Bill of Complaint, Demurrer;
Amended Bill of Complaint, Answer to Amended Bill of Complaint,
Appointment of Commissioner to take testimony; Testimony of Mrs.
Louise Lovett, C. E. Garrett, and Sam Henry Overstreet, witnesses
for the Complainants, Respondent, Bay Minette Land Company of-
fering no testimony all of which has been noted by the Register;
upon consideration of all of which, it appears to the Court that
the Complainants are entitled to the relief prayed for them in
their said Amended Bill of Complaint; WHEREUPON, IT IS THEREFORE,
ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The Complainants, Mrs. Louise Lovett (Mrs. Hilary Lovett),
Lennie Lovett Davis, Bertha Lovett Foster, Vada Lovett Greek,

Eunice Lovett Blackwell, Howard Lovett, as heirs of Hilary Lovett, deceased, free and clear of and from the claim or claims of all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, or any interest therein; that the said Complainants have and are hereby given judgment against the said lands and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof.

2. The Complainants' title to the said lands is hereby quieted against Joseph B. Blackburn, Carney Lumber Company, a Corporation, its successors or assigns, Marshall S. Carney, James A. Carney, Fannie Carney, Bay Minette Land Company, a Corporation, its successors or assigns, and against the heirs and devisees of such of the said parties as may be dead, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, and all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

3. The Register of this Court shall, within thirty days from the rendition of this decree, file a certified copy hereof in the Office of the Judge of Probate of Baldwin County, Alabama, for record therein and tax the cost of such recording as a part of the costs of this proceeding.

4. The Judge of Probate of Baldwin County, Alabama, shall record the said certified copy of this decree in the same book and manner in which deeds are recorded, and shall index the same in the Direct Indexes in the name of Joseph B. Blackburn, Carney Lumber Company, a Corporation, Marshall S. Carney, James A. Carney, Fannie Carney, Bay Minette Land Company, a corporation, and shall index the same in the Indirect or Reverse Indexes of said records in the names of Mrs. Louise Lovett (Mrs. Hilary Lovett), Lennie Lovett Davis, Bertha Lovett Foster, Vada Lovett Greek, Eunice Lovett Blackwell, Howard Lovett, as heirs of Hilary Lovett, deceased.

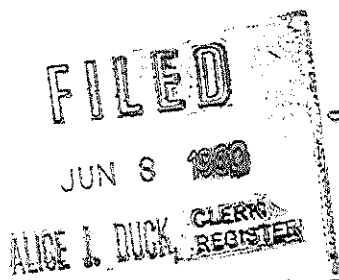
5. The title hereby adjudged and decreed to be in the said Complainants, Mrs. Louise Lovett (Mrs. Hilary Lovett), Lennie Lovett Davis, Bertha Lovett Foster, Vada Lovett Greek, Eunice Lovett Blackwell, Howard Lovett, as heirs of Hilary

Lovett, deceased, shall inure to the benefit of all persons who derive title to the said lands, or any part thereof, or any interest therein, from or through the said Complainants, and such title or interest shall be at all times treated and considered as though it had been established in favor of the person or persons so procuring or deriving title from the said Complainants.

6. The costs of this proceeding are hereby taxes against the Complainants for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 8 day of

June, 1960.



Robert M. Hall
Judge.

MRS. LOUISE LOVETT, ET AL.,

Complainants,

vs.

CERTAIN LANDS AND BAY MINETTE
LAND COMPANY, A CORPORATION,
ET AL.,

Respondents.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NUMBER 4464

DEMURRER

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

1. There is no equity in the bill.


2. The Bill of Complaint fails to allege how or under what instruments the Complainants, or either of them, claim the title to the property described in the Bill of Complaint and against which this proceeding is brought.

3. For aught that appears from the Bill of Complaint the Complainants are not, nor have they been, in the adverse possession of the property therein described for more than ten years next preceding the filing of the Bill of Complaint.

Respectfully submitted,

CHASON & STONE

By:


Attorneys for Bay Minette Land
Company, (a corporation

 MRS. LOUISE LOVETT, ET AL.

vs.

CERTAIN LANDS AND BAY MINETTE LAND
 COMPANY, A corp. et. al.

THE STATE OF ALABAMA
 Baldwin County

IN EQUITY
 Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint,
~~amended Bill of Complaint; order designating newspaper in which~~
~~Notice of Pendency of Bill of Complaint will be published; Notice~~
~~of Pendency of Bill of Complaint; proof of publication of Notice~~
~~of Bill of Complaint; Register's Certificate as to service; test-~~
~~imony of Mrs. Louise Lovett, C. E. Garrett, and Sam Henry Overstreet,~~
~~Motion for decree pro confesso, decree pro confesso~~

and in behalf of Defendant upon Demurrer; Answer

Thompson & White
By Mary Thompson White

Leicy J. Newell
 Register.

No. _____

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

VS.

Note of Testimony

Filed in Open Court this _____

day of _____, 19____

ALICE J. DUCK, CLERK
REGISTER

Register.

MRS. LOUISE LOVETT (MRS.
HILARY LOVETT), LENNIE
LOVETT DAVIS, BERTHA LOVETT
FOSTER, VADA LOVETT GREEK,
EUNICE LOVETT BLACKWELL,
HOWARD LOVETT, as heirs of HILARY
LOVETT, deceased,

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED LANDS:
THE NORTH HALF OF NORTHEAST
QUARTER OF SOUTHEAST QUARTER,
SECTION TWELVE, TOWNSHIP TWO
SOUTH, RANGE THREE EAST, AND
AGAINST JOSEPH B. BLACKBURN, BAY
MINETTE LAND COMPANY, A CORPORAT-
ION, its successors or assigns,
CARNEY LUMBER COMPANY, A CORPOR-
ATION, its successors or assigns,
and MARSHALL S. CARNEY, JAMES A.
CARNEY, and FANNIE CARNEY, if
living and if they or either of
them be dead, then against the
unknown heirs, devisees, personal
representatives and assigns of
such of those as are deceased;
and against any and all persons,
firms, associations, or corpora-
tions, claiming any title to,
interest in, claim, lien or
encumbrance on the said lands or
any part or parcel thereof,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

CASE NO.

4464

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 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 23 day of Dec, 1958.

Hubert M. Steele

CIRCUIT JUDGE.

LEGAL NOTICE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.
CASE NO. 4464.

MRS. LOUISE LOVETT (MRS. HILARY LOVETT), LENNIE LOVETT DAVIS, BERTHA LOVETT FOSTER, VADA LOVETT GREEK, EUNICE LOVETT BLACKWELL, HOWARD LOVETT As heirs of HILARY LOVETT, Deceased;

COMPLAINANTS

VS
THE FOLLOWING DESCRIBED LANDS: THE NORTH HALF OF NORTHEAST QUARTER OF SOUTHEAST QUARTER, SECTION TWELVE, TOWNSHIP TWO SOUTH, RANGE THREE EAST, AND AGAINST JOSEPH B. BLACKBURN, BAY MINETTE LAND COMPANY, A CORPORATION, its successors or assigns, CARNEY LUMBER COMPANY, A CORPORATION, its successors or assigns, and MARSHALL S. CARNEY, JAMES A. CARNEY, and FANNIE CARNEY, if living and if they or either of them be dead, then against the unknown heirs, devisees, personal representatives and assigns of such of those as are deceased, and against any and all persons, firms, associations, or corporations claiming any title to, interest in, claim, lien or encumbrance on the said lands or any part or parcel thereof.

RESPONDENTS

NOTICE IS HEREBY GIVEN TO Joseph B. Blackburn, Bay Minette Land Company, an Alabama Corporation, Carney Lumber Company, an Alabama Corporation, Marshall S. Carney, James A. Carney, and Fannie Carney, if living and if dead, their unknown heirs, devisees or personal representatives or successors of those, and any and all persons, firms or corporations claiming any interest in or title to the above described lands, that on the day of Dec. 1958, Mrs. Louise Lovett, Mrs. Hilary Lovett, Lennie Lovett Davis, Bertha Lovett Foster, Vada Lovett

The North Half of the Northeast Quarter of the Southeast Quarter of Section Twelve, Township Two South, Range Three East, of St. Stephens Meridian in Alabama;

and against the defendants hereinabove named and all persons, firms or corporations, claiming any interest in, lien or encumbrance upon said lands, and you are hereby notified to appear and plead, answer or demur within thirty (30) days of the 23 day of Dec. 1958, or a decree pro confesso will be rendered against you; that said bill of complaint was and is filed for the purpose of quieting their title thereto and clearing up all doubts and disputes concerning the same; that the Complainant claim the absolute fee simple title in and to all of the said lands under, by and through the recorded conveyances, all of which are recorded in the office of the Judge of Probate of Baldwin County, Alabama, the County where the said lands are situated, to wit: Joseph B. Blackburn, dated August 15, 1885, filed July 20, 1892, and recorded in Deed Book S, page 108; Deed from Joseph B. Blackburn & Martha R. Blackburn, to James A. Carney, dated August 21, 1884, and filed August 24, 1884, and recorded in Deed Book N, pages 514-15; Deed from Carney Lumber Company, and Fannie Carney, James A. Carney, Company, dated June 10, 1905, and filed June 26, 1905, in Deed Book 9, page 109; Deed from Hand Lumber Company to Hampton D. Ewing, dated September 11, 1906, and filed September 23, 1906, in Deed Book 11, page 55-8; and from Hampton D. Ewing to Bay

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Auburn Gridder Spends Holidays In Virginia

By Mrs. Nell Lauder
Mr. and Mrs. Clifton Oliver
announce the birth of a son. Mr.
Mrs. Sam Oliver, Sr., went to
as to spend Christmas with
and to see the new grandson
Mr. and Mrs. Hewdie
spent Christmas in Mexico

THE BALDWIN TIMES

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.
BALDWIN COUNTY.

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

Mrs. Louise Lovett, etc. vs. The
Following Described Lands

COST STATEMENT

744 WORDS @ 6 1/2 cents \$ 48. 36

I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette Jr.
Editor.

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

Date of 1st publication	<u>December 24</u>	195 <u>8</u>	Vol. <u>70</u>	No. <u>50</u>
Date of 2nd publication	<u>December 31</u>	195 <u>8</u>	Vol. <u>70</u>	No. <u>51</u>
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Date of 4th publication	<u>January 15</u>	195 <u>9</u>	Vol. <u>71</u>	No. <u>1</u>

Subscribed and sworn before the undersigned this 16 day of Jan, 1959.

Constance Martin
Public, Baldwin County.

E. R. Morrisette Jr.
Editor.