

3668

R. C. KEENEY and
BESSIE M. KEENEY,

Complainants

vs.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

S. TIMNEY, his heirs and devisees,
SAMUEL C. LEAMAN, if living, or the
heirs or devisees of Samuel C. Leaman;
the following described real property
in Baldwin County, Alabama,
to-wit:

From the Northeast corner of Section 6,
Township 7 South, Range 3 East, run West
894 ft., South 144.5 ft., South 77° 35'
West 17 ft. to a point of beginning,
thence South 77° 35' West 933 ft., thence
East 400 ft., more or less, to the margin
of Fish River, thence Northeasterly up
the margin of Fish River 933 ft., more
or less, to a point 200 ft., more or less
East of the point of beginning, thence
West 200 ft., more or less, to the point
of beginning, bounded on the North by
Frank Albers Tract, on South by Martha
Stenzil (Bill Stenzil Fishing Camp) and
lying East of Ferry North and South Road,
on bounded on East and North by Fish
River;

and any and all other persons claiming any
title to or interest in the real property
described above,

Respondents

FINAL DECREE

This cause coming on to be heard this the 16th day of February,
1956, is submitted for final decree upon Complainants' verified Bill
of Complaint and upon the decree pro confesso rendered therein, and
the answer of the Guardian Ad Litem, and the testimony of R. C. Keeney,
Claude W. Arnold, Harold W. Graham and Harry J. Wilters, Jr., taken
orally before the Commissioner duly appointed by the Register, and by
order of the Court, and the certificate of the Register, and the plead-
ings and proof, as noted by the Register, and it appearing to the sat-
isfaction of the Court:

1. That the Complainants, R. C. Keeney and Bessie M. Keeney, at
the time of filing of their Bill of Complaint in this cause, except
as to those individuals claiming title through them, claimed in their
own right a fee simple title to, and were in the actual, peaceful
possession of the following described lands lying and being situated
in the County of Baldwin, State of Alabama, more particularly des-
cribed as follows:

From the Northeast corner of Section 6, Township 7 South, Range 3 East, run West 394 feet, South 1444.5 feet, South 77° 35' West 17 feet to a point of beginning, thence South 77° 35' West 933 feet, thence East 400 feet, more or less, to the margin of Fish River, thence Northeasterly up the margin of Fish River 933 feet, more or less, to a point 200 feet, more or less East of the point of beginning, thence West 200 feet, more or less, to the point of beginning, Lot containing 8.6 acres, together with all riparian rights being bounded on the North by Frank Albers Tract, on South by Martha Stenzil (Bill Stenzil Fishing Camp) and lying East of Ferry North and South Road and bounded on East and North by Fish River.

2. That at the time of the filing of said Bill of Complaint no suit was pending to test their title to, interest in, or their right to the possession of said lands.

3. That their said Bill of Complaint was and is duly verified and was filed against said lands, and was to establish the right or title to such lands or interest and to clear up all doubts or disputes concerning the same, and that said Bill of Complaint did in all respects comply with the provisions of Article 2 of Title 7 of the 1940 Code of Alabama, as amended.

4. That the Complainants executed diligent efforts to ascertain the facts with regard to the Defendants and to give notice of the pendency of the said Bill of Complaint.

5. That notice of the pendency of said Bill of Complaint was drawn and signed by the Register of this Court and said Register did have said notice published once a week for four (4) consecutive weeks in The Baldwin Times, a newspaper having general circulation and published in the County of Baldwin, Alabama, and authorized by an order made in this cause.

6. That a copy of said notice certified by the Register of this Court as being correct was recorded as a lis pendens in the Office of the Judge of Probate of said County, and said notice being in strict accord and compliance with the law.

7. That it has been more than sixty (60) days since the first publication of said notice and the filing of a certified copy of said notice in the Office of the Probate Judge of said county where said lands lie.

8. That no person has intervened in said cause.

9. That a Guardian ad litem and an Attorney ad litem have been appointed and accepted service and filed an answer in said cause to protect the rights of appropriate parties in said matter.

10. That the Complainants have established, as shown by legal

evidence, that they and those claiming title through them, are the owners in fee simple title of the said lands.

11. That all of the allegations of fact contained in Complainants' Bill of Complaint are true.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the Complainants are entitled to the relief prayed for in this said Bill of Complaint, and that the fee simple title claimed by the Complainants, and those claiming title through the Complainants, in and to the above described lands has been duly proven.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Complainants, and those claiming title through the Complainants, are the owners of said lands and have the fee simple title thereto, free of all liens and encumbrances, and that all doubts and disputes concerning the same are hereby cleared up.

It is further ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama and that it be indexed in the names of R. C. KEENEY and BESSIE M. KEENEY in both the Direct Index and the INDIRECT INDEX of the records thereof.

Done this the 16th day of February, 1956.

Hubert M. Stoll
Circuit Judge

LEGAL NOTICE

BOOK 004 PAGE 237

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

R. C. KEENEY, et al, Complainants
vs. S. TIMNEY, et al and
CERTAIN LANDS, Defendants

Notice is hereby given to the heirs or devisees of S. Timney, Samuel C. Leaman, or the heirs or devisees of Samuel C. Leaman, and to all unknown persons, firms and corporations claiming any title to, interest in, lien or encumbrance upon, the lands described below, or any part thereof, that in the Circuit Court of Baldwin County, Alabama, in Equity, there is pending a verified Bill of Complaint filed by R. C. Keeney and Bessie M. Keeney against the following described lands:

From the Northeast corner of Section 6, Township 7 South, Range 3 East, Baldwin County, Alabama, run West 894 feet, South 1444.5 feet, South $77^{\circ} 35'$ West 17 feet to a point of beginning, thence South $77^{\circ} 35'$ West 933 feet, thence East 400 feet, more or less, to the margin of Fish River, thence Northeasterly up the margin of Fish River 933 feet, more or less, to a point 200 feet, more or less, East of the point of beginning, thence West 200 feet, more or less, to the point of beginning. Lot containing 8.6 acres, together with all riparian rights, being bounded on the North by Frank Albers Tract, on South by Martha Stenzil (Bill Stenzil Fishing Camp) and lying East of Ferry North and South Road, and bounded on East and North by Fish River.

And against the above named S. Timney, his heirs and devisees, Samuel C. Leaman, if living, or the heirs or devisees of Samuel C. Leaman and all unknown parties claiming any title thereto or interest therein or lien or encumbrance upon said lands or any part thereof, said Bill being filed to establish the right or title to such lands and to clear up all doubts or disputes concerning the same.

Complainants claim title to said lands under and by virtue of a deed of conveyance from Lillie R. Brooks and Mabel Travis, which deed is recorded in Deed Book 83 NS, page 489, of the Probate Records of Baldwin County, Alabama. Complainants allege that they know of no one who has paid taxes on said lands, or who have been in possession of the same or any part thereof within the ten (10) years next preceding the filing of the Bill of Complaint, except the Com-

BOOK 004 PART 238

plainants and their predecessors in title.

It is ordered that publication of this notice be made in The Fairhope Courier, a newspaper published and having a general circulation in Baldwin County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and any and all persons claiming title to, interest in, or lien or encumbrance upon, the above described real estate, or any part thereof, or any interest thereon, be and they are hereby required to plead, answer or demur to the Bill of Complaint, in this cause filed against them and against said lands on or before the 6th day of February, 1956, or suffer Decree Pro Confesso rendered against them.

Witness my hand this the 5th day of December, 1955.

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

Ernest M. Bailey
Ernest M. Bailey
Solicitor for Complainants

STATE OF ALABAMA, BALDWIN COUNTY
Filed 12-5-55 11:45 AM
Recorded Exp. Penn book 4 page 237-8
M. O. Tuttle
Judge of Probate 5

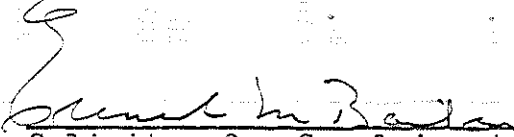
R. C. KEENEY, et al : IN THE CIRCUIT COURT OF
Complainants : BALDWIN COUNTY, ALABAMA
 : IN EQUITY
vs. :
S. TIMNEY, et al :
and certain lands :
Respondents :

REQUEST FOR A COMMISSIONER

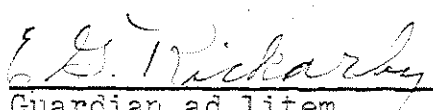
TO THE HONORABLE ALICE DUCK, REGISTER IN CHANCERY COURT:

Comes the Complainants, by their Solicitor, in the above styled cause and shows to the Court that the witnesses, R. C. Keeney and Claude Arnold, are material witnesses in said cause and it is necessary that their testimony be taken in said cause, and that Barbara Thomas is a suitable person to act as such commissioner in said cause, she not being of counsel or kin to either of the parties in said cause.

THEREFORE, Complainants move that Barbara Thomas be appointed as Commissioner to take the testimony of the above mentioned witnesses, as witnesses for the Complainants in said cause.


Solicitor for Complainants

Service accepted and consent that Commissioner be appointed.


Guardian ad litem

*Filed: Feb. 9, 1956
Register, Alice J. Duck
RT*

Handwritten signature or scribble

Handwritten text

RECEIVED RECORDS AND COMMISSIONER'S OFFICE BALDWIN COUNTY ALABAMA

RECEIVED FOR COMMISSIONER

R. C. KEENEY, et al
Complainants

vs.

S. TIMNEY, et al,
and certain lands,
Respondents

REQUEST FOR A
COMMISSIONER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

RECEIVED FOR COMMISSIONER

RECORDED

INDEXED

FILED

RECORDED
INDEXED
FILED

CIRCUIT COURT COMPLAINT

Printed by the Baldwin Times, Bay Minette, Alabama.

R. C. KEENEY, et al
Complainant,
Vs.
S. Timney, at al, and Certain Lands
Respondent.

In the Circuit Court.
3668
In Equity No. _____.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent _____

Lillie R. Brooks and Mabel Travis

by the Sheriff of Baldwin County County, on the 9th day of December

56
194

And it further appears to the Register, that that the said Lillie R. Brooks and Mabel

Travis

_____ the Respondent^s, having to the date hereof,
failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,

on motion of Ernest M. Bailey Solicitors

for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,

and it hereby is, in all things taken as confessed against the said Mabel Travis

and Lillie R. Brooks

This 7th day of February, 1956

Ernest M. Bailey
Register.

No. 3668

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

R. C. KEENEY et al.

Complainant,

Vs.

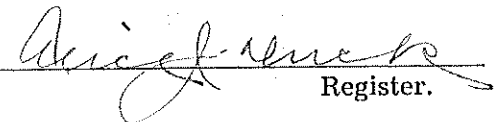
S. Timney, et al and

Certain Lands

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this 7 day of Feb
1946.


Register.

THE BALDWIN TIMES

RECORDED

TESTIMONY OF CLAUDE W. ARNOLD

My name is Claude W. Arnold. I am a registered surveyor in the state of Alabama. My present business address is Fairhope Title and Survey Company, Fairhope, Alabama. I am over the age of twenty-one years

I have known the lands described in the Bill of Complaint since about 1932. At that time S. Timney was owner of the lands and the Timney family was in open, notorious and adverse possession of described land. In 1946 I surveyed described property with Harold W. Graham and know of my own knowledge that Mr. Keeney was in possession of the land at that time. During this period and to present date I know of no claim which has been exercised by any person contesting the rights of possession over said land. I am familiar with the instruments conveying the described property in the Bill of Complaint to R. C. Keeney from Lillie R. Brooks and Mabel Travis, both widows, which deed is recorded in Deed Book 83 at page 489 in Records of Probate Judge of Baldwin County, Alabama. It is my opinion that an inadvertent error appears in the metes and bounds description of that instrument. In my opinion the metes and bounds description should have read "South ~~1444~~.5 feet, to a point of beginning, thence South 17° 35' West 950 feet." There are, however, monuments contained in the deed of conveyance which correctly portray the lands over which Mr. Keeney is now claiming ownership. I have surveyed the tract of land owned by Mr. Keeney on several occasions. The land has also been subdivided in accordance with my survey. I prepared a plat, or map, of the land described by monuments in the deed of conveyance on February 2, 1956 and filed with the records and marked "Exhibit A" which in my opinion correctly describes the land conveyed to Mr. Keeney by the deed of conveyance dated October 25, 1944 from Lillie R. Brooks and Mabel Travis.

CROSS EXAMINATION BY MR. E. G. RICKARBY, GUARDIAN AD LITEM

Q. When did you first know of any claim Mr. Keeney had to this land?

A. January or February, 1946 when I surveyed the land with Mr. Graham.

Q. The land which you surveyed was the land bounded on the North by Frank Albers Tract, on the South by Martha Stenzil (Bill Stenzil Fishing Camp) and lying East of Ferry North and South Road, and bounded on East and North by Fish River as described in the Bill of Complaint and Keeney's deed?

A. Yes.

Q. Since that time you know that Mr. Keeney has been working with this land?

A. Yes, he has exercised complete control over it.

NO FURTHER QUESTIONS.

Claude W. Arnold

Claude W. Arnold
Witness

Subscribed to and sworn before me this 10th day of February, 1956.

Barbara J. Thomas
Commissioner

R. C. KEENEY, et al,
Complainants

vs.

S. TIMNEY, et al, and
certain lands,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TESTIMONY OF CLAUDE W. ARNOLD

FILED

FEB 1 1956

ALICE I. DUCK, Clerk

RECORDED IN THE OFFICE OF THE CLERK OF BALDWIN COUNTY, ALABAMA, FEBRUARY 1, 1956.

CLAUDE W. ARNOLD

STATE OF ALABAMA

CLAUDE W. ARNOLD

CLAUDE W. ARNOLD

CLAUDE W. ARNOLD

CLAUDE W. ARNOLD

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY R. C. KEENEY, et al.
Complainants vs. S. TIMNEY, et
al and CERTAIN LANDS, De-
fendants

Notice is hereby given to the
heirs or devisees of S. Timney,
Samuel C. Leaman, of the heirs of
devisees of Samuel C. Leaman,
and to all unknown persons, firms
and corporations claiming any
title to, interest in, lien or encum-
brance upon, the lands described
below, or any part thereof, that in
the Circuit Court of Baldwin
County, Alabama, in Equity, there
is pending a verified Bill of Com-
plaint filed by R. C. Keeney and
Bessie M. Keeney against the fol-
lowing described lands:

From the Northeast corner of
Section 6, Township 7 South,
Range 3 East, Baldwin County,
Alabama, run West 894 feet, South
1444.5 feet, South 77 degrees 35'
West 17 feet to a point of begin-
ning, thence South 77 degrees 35'
West 933 feet, thence East 400
feet, more or less, to the margin
of Fish River, thence Northeast-
erly up the margin of Fish River
933 feet, more or less, to a point
200 feet, more or less, East of the
point of beginning, thence West
200 feet, more or less, to the point
of beginning. Lot containing 8.6
acres, together with all riparian
rights, being bounded on the
North by Frank Albers Tract, on
South by Martha Stenzil (Bill
Stenzil Fishing Camp) and lying
East of Ferry North and South
Road, and bounded on East and
North by Fish River.

And against the aboved named
S. Timney, his heirs and devisees,
Samuel C. Leaman, if living, or
the heirs or devisees of Samuel C.
Leaman and all unknown parties
claiming any title thereto or in-
terest therein or lien or encum-
brance upon said lands or any
part thereof, said Bill being filed
to establish the right or title to
such lands and to clear up all
doubts or disputes concerning the
same.

Complainants claim title to said
lands under and by virtue of a
deed of conveyance from Lillie R.
Brooks and Mabel Travis, which
deed is recorded in Deed Book 83
page 489, of the Probate RE-
CORDS of Baldwin County, Ala-
bama. Complainants allege that
they know of no one who has paid
taxes on said lands, or who have
been in possession of the same or
tax part thereof within the ten
years next preceding the filing
of the Bill of Complaint, ex-
cept the Complainants and their
predecessors in title.

It is ordered that publication of
this notice be made in The Bald-
win Times, a newspaper pub-
lished and having a general cir-
culation in Baldwin County, Ala-
bama, once a week for four con-
secutive weeks, and that all those

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. Moussette, Jr., being duly sworn, deposes and says
that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper pub-
lished at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

R. C. Keeney vs. Cer. Lands

COST STATEMENT

590 WORDS @ 6 1/2 cents _____ \$ 37 ³⁵

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

E. R. Moussette, Jr.
Editor Publisher

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

Date of 1st publication Dec. 8, 1955 Vol. 66 No. 47

Date of 2nd publication Dec 15, 1955 Vol. 66 No. 48

Date of 3rd publication Dec 22, 1955 Vol. 66 No. 49

Date of 4th publication Dec 29, 1955 Vol. 66 No. 50

Subscribed and sworn before the undersigned this 29 day of Dec, 1955.

Dorothy Martin
Notary Public, Baldwin County.

E. R. Moussette, Jr.
Editor Publisher

R. C. KEENEY, et al

vs.

S. TIMNEY, et al and certain
lands

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,
Decree Pro Confesso and Testimony of R. C. Keeney, Harold
W. Graham, Claude W. Arnold and Harry J. Wilters, Jr.

and in behalf of Defendant upon Guardian ad litem

Alia J. Husky

Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

R. C. KEENEY, ET AL

vs.

S. TIMNEY, ET AL, AND
CERTAIN LANDS

NOTE OF TESTIMONY

Filed in Open Court this 16
day of Feb., 19458

Alia J. Duff
Register.

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: BARBARA J. THOMAS
Fairhope, Alabama

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 R. C. KEENEY, HAROLD W. GRAHAM, CLAUDE W. ARNOLD AND HARRY J. WILTERS, JR.

a witnesses in behalf of R. C. KEENEY, et al in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

R. C. KEENEY and BESSIE M. KEENEY, Complainant S
and S. TIMNEY, et al and certain lands

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

Witness 8th day of February, 1956

Wing J. Smith
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

R. C. KEENEY ,

ET AL

Complainant **S**

VS.

S. TIMNEY, ET AL

AND CERTAIN LANDS

Defendant **S**

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Barbara J. Thomas

WITNESSES:

R. C. Keeney, Harold W. Graham,

Claude W. Arnold and Harry J.

Wilters, Jr.

[Faint, mostly illegible text from the reverse side of the document, including what appears to be a signature and some printed text.]

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 3668

Dec. TERM, 19 55

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

S. TIMNEY, et al and Certain Lands

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

S. TIMNEY, et al and Certain Lands, Defendant

by

R.C. KEENEY, et al., Plaintiff

Witness my hand this 5 day of Dec. 19 55

Alice J. Sump, Clerk

No. _____ Page _____

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS and COMPLAINT

Filed _____, 19 _____

_____, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

_____, 19 _____

_____, Sheriff

I have executed this summons

this _____, 19 _____

by leaving a copy with _____

_____, Sheriff

_____, Deputy Sheriff

R. C. KEENEY and
BESSIE M. KEENEY,

Complainants

vs.

S. TIMNEY, his heirs and
devisees, et al
SAMUEL C. LEAMAN, if living,
or the heirs or devisees of
Samuel C. Leaman; the following
described property situated in
Baldwin County, Alabama, to-wit:

From the Northeast corner of
Section 6, Township 7 South,
Range 3 East, run West 89 $\frac{1}{4}$ ft.,
South 1444.5 ft., South 77 $^{\circ}$
35' West 17 ft. to a point of
beginning, thence South 77 $^{\circ}$
35' West 933 ft, thence East
400 ft., more or less, to the
margin of Fish River, thence
Northeasterly up the margin
of Fish River 933 ft., more
or less, to a point 200 ft.,
more or less, East of the point
of beginning. Lot containing
8.6 acres, together with all
riparian rights, being bounded
on the North by Frank Albers
Tract, on South by Martha Sten-
zil (Bill Stenzil Fishing Camp)
and lying East of Ferry North
and South Road, and bounded on
East and North by Fish River;
and any and all other persons
claiming any title to or interest
in the real property described
above.

Respondents

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

Comes the Complainants, R. C. Keeney and Bessie M. Keeney,
and respectfully shows unto the Court as follows:

1. That the Complainants are both over the age of twenty-one years and residents of Fairhope, Baldwin County, Alabama.
2. That the Respondent, S. Timney, is dead and that the Complainants acquired title, as set forth below, from his only known living heirs or devisees, Lillie R. Brooks, who is over the age of twenty-one years and resides at 400 Michigan Avenue, Mobile, Alabama, and Mabel Travis, a widow, who resides in Mobile, Alabama and whose address is otherwise unknown; that the Complainants have made a diligent search in an effort to locate the Respondent, Samuel C. Leaman; that they have obtained an abstract of title to the property described below and the Complainants, through their

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

attorney, examined the records relating to the said land and said records indicate that the only possible Claimants are the said S. Timney, his heirs or devisees, the said Samuel C. Leamanor his heirs or devisees, if any, if deceased. Complainants aver that they do not know of any other person, firm or corporation who claims the land that is the subject of this suit, or any title to, interest in, lien or encumbrance thereon, or any part thereof other than the within named Respondents. Complainants further aver that the Respondents, if living are over the age of twenty-one years.

3. That the land in question is situated in River Park, County of Baldwin, State of Alabama, and is more particularly described as follows:

From the Northeast corner of Section 6, Township 7 South, Range 3 East, run West 894 feet, South 1444.5 feet, South 77° 35' West 17 feet to a point of beginning, thence South 77° 35' West 933 feet, thence East 400 feet, more or less, to the margin of Fish River, thence Northeasterly up the margin of Fish River 933 feet, more or less, to a point 200 feet, more or less East of the point of beginning, thence West 200 feet, more or less, to the point of beginning. Lot containing 8.6 acres, together with all riparian rights, being bounded on the North by Frank Albers Tract, on South by Martha Stenzil, (Bill Stenzil Fishing Camp) and lying East of Ferry North and South Road, and bounded on East and North by Fish River.

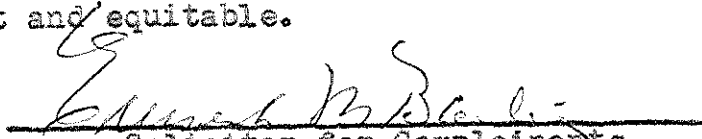
Complainants claim in their own right the entire fee simple title in and to the above described real estate and in support of such fee simple title, they aver that they purchased said property for a valuable consideration from Lillie R. Brooks, a widow, and Mabel Travis, a widow, on information and belief that such grantors were the only living heirs of S. Timney, deceased, on October 25, 1944, as evidenced by a deed executed by the said Lillie R. Brooks, a widow, and Mabel Travis, a widow, in favor of the Complainants as shown in the records in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 83 N S, page 489.

4. Complainants are now and have been, and their predecessors in title have been, in open, notorious, continuous, peaceable and adverse possession of said land for more than ten (10) years preceding the filing of this bill, and that for more than ten (10) years preceding the date of the filing of this bill, no one other than the Complainants and their predecessors in title had assessed or paid any taxes on said property.

5. Complainants further aver that there is no suit pending

to test the title to said real estate or their interest in or right of possession of same.

The premises considered, the Complainants file this their verified Bill of Complaint against the land hereinabove described and against S. Timney, his heirs or devisees, and against Samuel C. Leaman, if living, or against the heirs or devisees of the said Samuel C. Leaman, if deceased, and against any and all other persons claiming any interest in, title to, lien or encumbrance upon said land or any part thereof, for the purpose of establishing Complainants right of title to said land, and to clear up all doubts or disputes concerning the same, and Complainants further pray that process be served on the parties hereinabove named or publication be made, requiring them to plead, answer or demur to the same within the time required by law, or a Decree Pro Confesso be entered against them, and Complainants further pray that notice be filed in the Lis Pendens records in the Probate Office as required by law, and Complainants further pray that this Court forthwith appoint a Guardian Ad Litem to represent such of said Respondents who may at this time be under the age of twenty-one years, or who may be incompetent, or who may be in the Armed Forces of the United States of America. Complainants further pray that this Court find that the rights and interests of all parties to this suit are before the Court, and will be finally adjudicated by this Court's decrees. Complainants further pray that the Court make and enter all decrees, orders, and judgments which may be meet and proper in the premises and that upon a hearing this Court will find, decide and decree that the Complainants are the owners of a fee simple title in and to all of the real estate hereinabove described. Complainants further pray that if they are mistaken in the relief prayed for, this Court will grant such other, further, additional or different relief as may appear to the Court to be just and equitable.



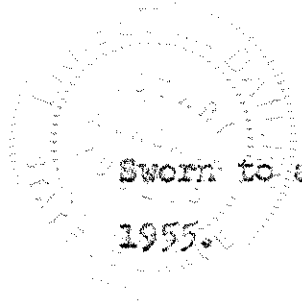
Solicitor for Complainants

STATE OF ALABAMA }
BALDWIN COUNTY }

Before me, the undersigned notary public for said county in said state, personally appeared R. C. Keeney and Bessie M. Keeney, who, being by me first duly sworn, deposes and says that the facts alleged in the foregoing petition are true.

R. C. Keeney
R. C. Keeney

Bessie M. Keeney
Bessie M. Keeney



Sworn to and subscribed before me on this the 15th day of December, 1955.

Ernest L. Bailey
Notary Public

Notary Public
Ernest L. Bailey
M. C. BERRY, CLERK
NOTARY COMMISSION

8998

3668

BILL OF COMPLAINT

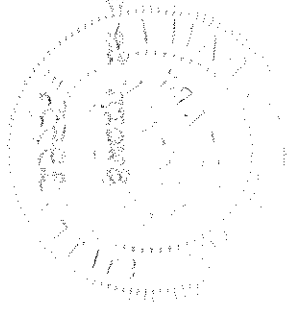
R. C. KEENEY, et al.

Complainants

vs.

ss. TIMNEY, et al

Respondents



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Vertical text on the right side of the page, possibly bleed-through from the reverse side, including 'STATE OF MICHIGAN' and 'DEPARTMENT OF STATE'.

STATE OF MICHIGAN }
DEPARTMENT OF STATE }
CLERK OF THE SUPREME COURT }

R. C. KEENEY, et al	:	IN THE CIRCUIT COURT OF
Complainants	:	BALDWIN COUNTY, ALABAMA
vs.	;	IN EQUITY
S. TIMNEY, et al	:	
and certain lands	:	
Respondents	:	

TESTIMONY OF R. C. KEENEY

My name is R. C. Keeney and I am the Complainant, together with my wife, Bessie M. Keeney, in this Bill of Complaint to Quiet Title to certain lands in Baldwin County, Alabama, described as follows:

From the Northeast corner of Section 6, Township 7 South, Range 3 East, run West 894 feet, South 1444.5 feet, South 77° 35' West 17 feet to a point of beginning, thence South 77° 35' West 933 feet, thence East 400 feet, more or less, to the margin of Fish River, thence Northeasterly up the margin of Fish River 933 feet, more or less, to a point 200 feet, more or less East of the point of beginning, thence West 200 feet, more or less, to the point of beginning, Lot containing 8.6 acres, together with all riparian rights being bounded on the North by Frank Albers Tract, on South by Martha Stenzil (Bill Stenzil Fishing Camp) and lying East of Ferry North and South Road, and bounded on East and North by Fish River.

I am a bona fide resident of Baldwin County, Alabama and am over the age of twenty-one years. My wife, Bessie M. Keeney is a bona fide resident of Baldwin County, Alabama and is over the age of twenty-one years. We reside in Fairhope, Baldwin County, Alabama.

The land on which we have filed the suit to Quiet Title, described above, was received by me under warranty deed from Lillie R. Brooks and Mabel Travis, both widowed, dated October 25, 1944 and recorded in Deed Book 83, at page 489 in the records of the Probate Judge of Baldwin County, Alabama. I immediately went into possession of the described lands, had the same surveyed, and have been in continuous possession of said lands to the present date. No person has ever contested my ownership of the lands. The name of Samuel C. Leaman appeared in the habendum clause of the deed to me. It is my opinion that this was a clerical error.

Since going into possession of the land on October 25, 1944, I have continuously paid taxes on the property. In addition, I have expended approximately \$10,000.00 in developing the land as a subdivision.

It is my opinion that the metes and bounds described in the deed of conveyance dated October 25, 1944 contains an error in the metes and bounds described in the instrument and does not completely cover

the lands involved. However, the description cites that the land contains 8.6 acres which is more land than described by the metes and bounds. In addition, the monuments set forth in the deed of conveyance are identifiable and the land contained within these monuments is approximately 8.6 acres and is the land which I have been in possession of since October 25, 1944, paid taxes on and improved for a subdivision. I have also cut timber from this land in approximately the year 1948.

THERE WAS INTRODUCED IN EVIDENCE AS "EXHIBIT A" A MAP PREPARED BY CLAUDE ARNOLD, REGISTERED SURVEYER, FAIRHOPE, ALABAMA.

The land set forth on this map of February 2, 1956 by Mr. Arnold correctly portrays the land which I have paid taxes on, surveyed, cut timber and improved as a subdivision. The land is bounded on the North by the Albers Tract, on the South by the Martha Stenzil (Bill Stenzil Fishing Camp, now known as The Trading Post), on the West by the Ferry Road and on the East by the meandering of Fish River.

I have had abstracts prepared to the property and I know of no other person than those named in the Bill of Complaint who may have a claim to the property described in said Bill of Complaint. I do not know the addresses or residences other than Lillie R. Brooks and Mabel Travis. I have made reasonable and diligent efforts to obtain the names or addresses of the known parties set forth in the Bill of Complaint and have been unable to do so. I do not know if any of the parties are living or dead. As to addresses or residences of the named parties, I have made inquiries in the neighborhood and have also addressed correspondence to certain postmasters of the last known address of Samuel C. Leaman.

I have given deeds to a portion of this property to certain parties. If the Judge's decree does not confirm title in those parties, I will give those parties a new deed of conveyance to the property.

CROSS EXAMINATION BY MR. ELLIOTT G. RICKAREY, JR., GUARDIAN AD LITEM

Q. Mr. Keeney, you and your wife are filing this Bill to quiet title?

A. Yes.

Q. Is the land described in the Bill the same as described in the deed to which you got the land?

A. Yes.

Q. Is the description contained in the deed the same as that surveyed by Mr. Arnold?

A. Yes; with the exception of the following "South 1444.5 feet, South 77° 35' West 17 feet to a point of beginning, thence South 77° 35' West 933 feet". This portion should have read "South 1444.5 feet, to a point of beginning, thence South 17° 35' West 950 feet. "

Q. Mr. Keeney, does the plat marked "EXhibit A" correctly portray the land to which you are quieting title?

A. Yes.

Q. Mr. Keeney, do you now own all of that land or have you deeded lots to various parties?

A. I have deeded lots to various parties and have sold some on contract of sale.

Q. Then the purpose of this Bill to Quiet Title is not only to quiet title to land which you own, but to also quiet title to land which you have sold and thereby protect title to all this land in the names of people who have acquired title through you by deeds?

A. That is correct.

Q. Mr. Keeney, how soon after you took your deed of conveyance, did you go into possession?

A. I exerted control over it immediately.

Q. What do you mean by "exerting control" ?

A. I posted the land and prosecuted one trespasser on the land and had the land surveyed.

Q. When did you start cutting timber on the land?

A. Over ten years prior to the filing of this Bill of Complaint. I cut a little juniper from the land and later cut considerable timber when I ran a road through in 1946.

NO FURTHER QUESTIONS.


R. C. Keeney, Witness

Subscribed to and sworn before me by R. C. Keeney, Witness, on this the 13th day of February, 1956.


Commissioner

RECORDED

2021 FEBRUARY 10 1956

RECORDED

EXHIBIT

1. That the land described in the petition is situated in Baldwin County, Alabama, and is bounded on the north by the land of the late J. C. Keeney, deceased, on the east by the land of the late J. C. Keeney, deceased, on the south by the land of the late J. C. Keeney, deceased, and on the west by the land of the late J. C. Keeney, deceased.

2. That the land described in the petition is situated in Baldwin County, Alabama, and is bounded on the north by the land of the late J. C. Keeney, deceased, on the east by the land of the late J. C. Keeney, deceased, on the south by the land of the late J. C. Keeney, deceased, and on the west by the land of the late J. C. Keeney, deceased.

TESTIMONY OF R. C. KEENEY

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

S. TIMNEY, et al, and certain lands, Respondents

RC. KEENEY, et al, Complainants

FILED
FEB 10 1956
ALICE J. DUCK, Clerk

1. That the land described in the petition is situated in Baldwin County, Alabama, and is bounded on the north by the land of the late J. C. Keeney, deceased, on the east by the land of the late J. C. Keeney, deceased, on the south by the land of the late J. C. Keeney, deceased, and on the west by the land of the late J. C. Keeney, deceased.

R. C. KEENEY, et al vs. S. TIMNEY, et al and certain lands
TESTIMONY OF HAROLD W. GRAHAM

My name is Harold W. Graham. I am a licensed surveyor for the state of Alabama and I am over the age of twenty-one years. My business address is Fairhope, Alabama.

I have personal knowledge of that certain tract of real property described in the Bill of Complaint, which was conveyed by warranty deed dated October 25, 1944 from Lillie B. Brooks, a widow, and Mabel Travis, a widow, to R. C. Keeney, which said deed is recorded in Deed Book 83, at page 489 in the records of the Judge of Probate of Baldwin County, Alabama.

It is my opinion that the metes and bounds described set forth in the above deed contained a typographical error in that the description should read "South 1444.5 feet, to a point of beginning, thence South 17° 35' West 950 feet." However, it is my opinion that the monuments in that deed of conveyance correctly portray the property which Mr. Keeney received. On February 10, 1947 I surveyed and laid out a series of lots. I have been handed a map, marked "Exhibit A". To my knowledge it is a portrayal of the property owned and possessed by Mr. Keeney. That map is set forth from the monuments stated in the deed of conveyance referred to above.

On January or February, 1946, I, together with Mr. Claude Arnold, surveyed and ran a road through this tract extending from the North boundary of the Keeney tract and South boundary of the Albers tract and extending East adjacent to Fish River. At that time Mr. Keeney was in open, notorious and exclusive possession of the tract portrayed on "Exhibit A".

Prior to Mr. Keeney's ownership, the property was owned by the S. Timney estate. They were in open, notorious and exclusive possession of the property. I have never known of any adverse claims to this property. I do not know Samuel C. Leaman nor do I know of any claim he has ever made to the property. The only claims that I know to this property would be claims of those individuals to whom Mr. Keeney has sold portions of the property during his ownership.

QUESTIONS BY MR. RICKARBY, GUARDIAN AD LITEM

Q. Do you know how many lots have been sold out of this property?

A. No.

Q. Do you know of any other people having possession of the property through deeds of Mr. Keeney?

A. Yes, a number of them are in residence on the property now.

NO FURTHER QUESTIONS.

Harold W. Graham

Harold W. Graham
Witness

Subscribed to and sworn before me by Harold W. Graham, Witness,
on this the 9th day of February, 1956.

Barbara J. Thomas

Commissioner

RECEIVED BY BARBARA J. THOMAS

BARBARA J. THOMAS
COMMISSIONER

RECEIVED BY BARBARA J. THOMAS
COMMISSIONER

RECEIVED BY BARBARA J. THOMAS
COMMISSIONER

R. C. KEENEY, et al,
Complainants

vs.

S. TIMNEY, et al, and
certain lands,
Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TESTIMONY OF HAROLD W. GRAHAM

FILED

MAR 10 1956

ALICE L. DEAN, Clerk

RECORDED

ON FILE AND DAY OF SEPTEMBER 1952

RECORDED TO THE COURT OF BALDWIN COUNTY ALABAMA

RECORDED

RECORDED

RECORDED

R. C. KEENEY, et al, : IN THE CIRCUIT COURT OF
 Complainants : BALDWIN COUNTY, ALABAMA
 vs. : IN EQUITY
 S. TIMNEY, et al, :
 Respondents :

APPOINTMENT OF GUARDIAN AD LITEM

In this cause it is made to appear to the Register by the Complainants, R. C. Keeney and Bessie M. Keeney, that the Defendants may be unknown minors, insane parties or parties in the military service; and it further appearing that Hon. E. G. Rickarby an Attorney at Law, is in all respects a suitable person to act as Guardian ad litem for such parties; and the said E. G. Rickarby, having filed his consent, in writing, to act as such;

It is now therefore ordered by the Register of said Court that E. G. Rickarby be and he is hereby appointed Guardian ad litem in this cause for the said parties.

Witness my hand this ___ day of February, 1956.

Amie J. Duck
 Register

I, E. G. Rickarby Jr., hereby accept the above appointment as Guardian ad litem, and consent to act as such in the above cause.

Witness my hand this 9 day of February, 1956.

E. G. Rickarby Jr.
 Guardian ad litem

APPOINTMENT OF
GUARDIAN AD LITEM

R. C. KEENEY, et al
Complainants

vs.

S. TIMNEY, et al
Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

RECORDED

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R. C. KEENEY, et al
Complainants : IN THE PROBATE COURT OF
vs. : BALDWIN COUNTY, ALABAMA
S. TIMNEY, et al and certain lands :
Respondents

TESTIMONY OF HARRY J. WILTERS

My name is Harry J. Wilters, Jr. I am a practicing attorney in Bay Minette, Alabama. I have made an abstract for R. C. Keeney pertaining to the lands involved in this bill to Quiet Title. The abstract covers a period from January 1, 1935 to October 25, 1955. R. C. Keeney received a warranty deed from Lillie R. Brooks and Mabel Travis dated October 25, 1944. This instrument, which is recorded in Deed Book 83 at page 489 in Probate Records of Baldwin County, Alabama. It is my opinion that the metes and bounds described in this instrument does not completely cover the lands involved. However, the description cites that the lands contain 8.6 acres which is more land than is described by the metes and bounds. There are, however, monuments which can be easily identified and the land contained within these monuments is approximately 8.6 acres. The description goes on to point out that the lands intended to be conveyed are bounded on the North by Frank Albers and on the South by Martha Stenzil and lying East of the Ferry North and South Road and bounded on the East and North by Fish River. The Habendum clause reads as folbws, "To have and to hold unto Samuel C. Leaman, his heirs and assigns, forever." The Granting clause clearly stated that R. C. Keeney was the grantee. It is hard to tell how the difference occurred between the Habendum clause and the Granting clause. It may be an error on the part of the individual who drew the deed or an error on the part of the individual who transcribed the deed on the Probate Records. The copy of the deed as it appears on the Probate Records is typed and not photostated. I checked the taxes back ten years and found that R. C. Keeney had paid taxes on these lands for past ten years. The Probate and Tax Records do not contain any adverse claim against Mr. Keeney's title, except those individuals who have purchased lots on this land. I know that for the past four years Mr. Keeney has claimed title to these lands by offering part of the same for sale and also by signs placed upon the land indicating his ownership.


Harry J. Wilters, Jr.

NO QUESTIONS ASKED BY GUARDIAN
AD LITEM

Subscribed to and sworn before me by Harry J. Wilters, Witness,
on this the 9th day of February, 1956.

Barbara D. Thomas
Commissioner

Subscribed to and sworn before me by Harry J. Wilters, Witness,

on this the 9th day of February, 1956.

Barbara D. Thomas

Commissioner

IN WITNESS

WHEREFORE I HEREBY CERTIFY

THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE

ORIGINAL

FILED IN

OFFICE OF THE

CLERK

OF THE

COURT

R. C. KEENEY, et al,
Complainants

vs.

S. TIMNEY, et al, and
certain lands,
Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TESTIMONY OF HARRY J. WILTERS

FILED

FEB 16 1956

ALICE J. DUCK, Clerk

COMPTON STORE
[Handwritten signature]

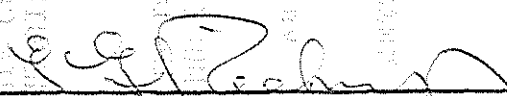
OF THIS AND DAY OF FEBRUARY 1956
RECORDED TO THE CLERK OF BALDWIN COUNTY ALABAMA

MAILED TO THE CLERK OF BALDWIN COUNTY ALABAMA


R. C. KEENEY, et al, : IN THE CIRCUIT COURT OF
 Complainant : BALDWIN COUNTY, ALABAMA
 vs. : IN EQUITY
 S. TIMNEY, et al, and :
 certain lands, :
 Respondents :

ANSWER OF GUARDIAN
 AD LITEM

Come all unknown minor and insane parties, as well as all parties who might be in the military service of the United States, by their guardian ad litem, ELLIOTT G. RICKARBY, Jr., and for answer to the Bill filed in the above mentioned cause, denies each and every allegation of said Bill and demands strict proof.


 Elliott G. Rickarby, Jr.
 As guardian ad litem and as
 Attorney representing parties
 in the military service.

I do hereby certify that I have served a copy of the above by delivery to Ernest M. Bailey, Attorney for the Complainant on this the 9 day of February, 1956.


 Elliott G. Rickarby, Jr.
 Guardian ad Litem

RECORDED

R. C. KEENEY, et al,
Complainants

vs.

S. TIMNEY, et al, and
certain lands,
Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER OF GUARDIAN AD LITEM

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THE STATE OF ALABAMA, }
Baldwin County

No. # 3668 Circuit Court, In Equity.

R. C. Keeney, et al

Complainant---

Vs.

S. Timney. et al and certain lands

Defendant----

Motion is hereby made for a Decree Pro Confesso against Lillie R. Brooks and Mabel Travis

Defendant-----

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

This 7 day of February 19 56

Aring Duck
Solicitor.

No. 3668

RECORDED
Page

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, In Equity

R. C. KEENEY et al

Vs.

S. Timney et al and

certain lands

Motion for Decree Pro Confesso on
Personal Service &
Particulars

Filed 2-7 19 56

W. J. ...
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Decree Pro Confesso of Publication.

MPCO

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 3668 February, Term, 19 56

R. C. KEENEY, et al Complainant

Vs.

S. TIMNEY Et al and certain lands Defendant

In this cause it appears to the Register Alice Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 8th day of December, 1955, 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 8th day of December 1955 and

And it now further appearing to the Register Alice Duck, that the said S. Timney and other defendants

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^s, ordered and decreed by the Register Alice Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said defendants named in the Bill of Complaint

This 7th day of February 19 56

Alice Duck Register.

RECORDED

No. 3668 Page

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

R. C. KEENEY et al.

Vs.

S. Timney et al and certain

lands

Decree Pro Confesso of Publication

Issued 2-7 1956

W. J. ...
Register.

Recorded in Record

Vol. Page

Register.

Moore Printing Co., Bay Minette, Ala.

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 3668

Dec. TERM, 19 55

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

S. TIMNEY, et al and Certain Lands

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

S. TIMNEY, et al and Certain Lands, Defendant

by

R.C. KEENEY, et al. Plaintiff

Witness my hand this 5 day of Dec. 19 55

Alice J. Stuchey, Clerk

1420

+

308

No. 3668

Page

RECORDED
THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

R.C. KEENEY, et al.

Plaintiffs

vs.

S. TIMNEY, et al and Certain

Lands

Defendants

SUMMONS and COMPLAINT

Filed Dec. 5, 1955

Alice J. Duck, Clerk

Lucie R. Brooks X 9
Mabel Davis
Mabel Davis X 9
M. Davis

Ernest M. Bailey
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

Dec. 5, 1955

Taylor Williams, Sheriff

I have executed this summons

this Dec. 9, 1955

by leaving a copy with

Lucie R. Brooks
Mabel Davis

Sheriff

W. Davis
Deputy Sheriff

R. C. KEENEY and	:	IN THE CIRCUIT COURT OF
BESSIE M. KEENEY,	:	BALDWIN COUNTY, ALABAMA
Complainants	:	IN EQUITY
vs.	:	

S. TIMNEY, his heirs and devisees, et al
 SAMUEL C. LEAMAN, if living, or the heirs or devisees of Samuel C. Leaman; the following described property situated in Baldwin County, Alabama, to-wit:

From the Northeast corner of Section 6, Township 7 South, Range 3 East, run West 894 ft., South 1444.5 ft., South 77° 35' West 17 ft. to a point of beginning, thence South 77° 35' West 933 ft, thence East 400 ft., more or less, to the margin of Fish River, thence Northeasterly up the margin of Fish River 933 ft., more or less, to a point 200 ft., more or less, East of the point of beginning. Lot containing 8.6 acres, together with all riparian rights, being bounded on the North by Frank Albers Tract, on South by Martha Stenzil (Bill Stenzil Fishing Camp) and lying East of Ferry North and South Road, and bounded on East and North by Fish River; and any and all other persons claiming any title to or interest in the real property described above.

Respondents

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

Comes the Complainants, R. C. Keeney and Bessie M. Keeney, and respectfully shows unto the Court as follows:

1. That the Complainants are both over the age of twenty-one years and residents of Fairhope, Baldwin County, Alabama.
2. That the Respondent, S. Timney, is dead and that the Complainants acquired title, as set forth below, from his only known living heirs or devisees, Lillie R. Brooks, who is over the age of twenty-one years and resides at 400 Michigan Avenue, Mobile, Alabama, and Mabel Travis, a widow, who resides in Mobile, Alabama and whose address is otherwise unknown; that the Complainants have made a diligent search in an effort to locate the Respondent, Samuel C. Leaman; that they have obtained an abstract of title to the property described below and the Complainants, through their

attorney, examined the records relating to the said land and said records indicate that the only possible claimants are the said S. Timney, his heirs or devisees, the said Samuel C. Leaman or his heirs or devisees, if any, if deceased. Complainants aver that they do not know of any other person, firm or corporation who claims the land that is the subject of this suit, or any title to, interest in, lien or encumbrance thereon, or any part thereof other than the within named Respondents. Complainants further aver that the Respondents, if living, are over the age of twenty-one years.

3. That the lands in question is situated in River Park, County of Baldwin, State of Alabama, and is more particularly described as follows:

From the Northeast corner of Section 6, Township 7 South, Range 3 East, run West 894 feet, South 1444.5 feet, South $77^{\circ} 35'$ West 17 feet to a point of beginning, thence South $77^{\circ} 35'$ West 933 feet, thence East 400 feet, more or less, to the margin of Fish River, thence Northeasterly up the margin of Fish River 933 feet, more or less, to a point 200 feet, more or less East of the point of beginning, thence West 200 feet, more or less, to the point of beginning. Lot containing 8.6 acres, together with all riparian rights, being bounded on the North by Frank Albers Tract, on South by Martha Stenzil, (Bill Stenzil Fishing Camp) and lying East of Ferry North and South Road, and bounded on East and North by Fish River.

Complainants claim in their own right the entire fee simple title in and to the above described real estate and in support of such fee simple title, they aver that they purchased said property for a valuable consideration from Lillie R. Brooks, a widow, and Mabel Travis, a widow, on information and belief that such grantors were the only living heirs of S. Timney, deceased, on October 25, 1944, as evidenced by a deed executed by the said Lillie R. Brooks, a widow, and Mabel Travis, a widow, in favor of the Complainants as shown in the records in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 83 N S, page 489.

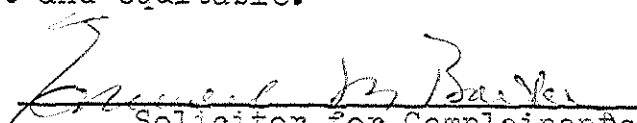
4. Complainants are now and have been, and their predecessors in title have been, in open, notorious, continuous, peaceable and adverse possession of said land for more than ten (10) years preceding the filing of this bill, and that for more than ten (10) years preceding the date of the filing of this bill, no one other than the Complainants and their predecessors in title had assessed or paid any taxes on said property.

5. Complainants further aver that there is no suit pending

BOOK 019 PAGE 214

to test the title to said real estate or their interest in or right of possession of same.


The premises considered, the Complainants file this their verified Bill of Complaint against the land hereinabove described and against S. Timney, his heirs or devisees, and against Samuel C. Leaman, if living, or against the heirs or devisees of the said Samuel C. Leaman, if deceased, and against any and all other persons claiming any interest in, title to, lien or encumbrance upon said land or any part thereof, for the purpose of establishing Complainants right of title to said land, and to clear up all doubts or disputes concerning the same, and Complainants further pray that process be served on the parties hereinabove named or publication be made, requiring them to plead, answer or demur to the same within the time required by law, or a Decree Pro Confesso be entered against them, and Complainants further pray that notice be filed in the Lis Pendens records in the Probate Office as required by law, and Complainants further pray that this Court forthwith appoint a Guardian Ad Litem to represent such of said Respondents who may at this time be under the age of twenty-one years, or who may be incompetent, or who may be in the Armed Forces of the United States of America. Complainants further pray that this Court find that the rights and interests of all parties to this suit are before the Court, and will be finally adjudicated by this Court's decrees. Complainants further pray that the Court make and enter all decrees, orders, and judgments which may be meet and proper in the premises and that upon a hearing this Court will find, decide and decree that the Complainants are the owners of a fee simple title in and to all of the real estate hereinabove described. Complainants further pray that if they are mistaken in the relief prayed for, this Court will grant such other, further, additional or different relief as may appear to the Court to be just and equitable.

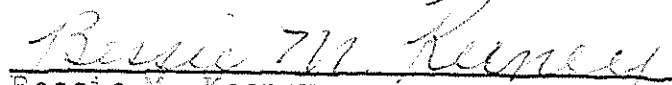

Solicitor for Complainants

STATE OF ALABAMA)
BALDWIN COUNTY)

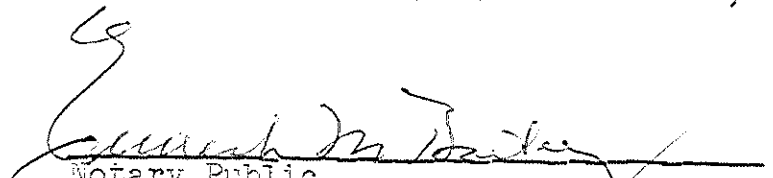
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Before me, the undersigned notary public for said county in said state, personally appeared R. C. Keeney and Bessie M. Keeney, who, being by me first duly sworn, deposes and says that the facts alleged in the foregoing petition are true.


R. C. Keeney


Bessie M. Keeney

Sworn to and subscribed before me on this the 1st day of December, 1955.


Notary Public

R. C. KEENEY and
BESSIE M. KEENEY,

Complainants

vs.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

S. TIMNEY, his heirs and devisees,
SAMUEL C. LEAMAN, if living, or the
heirs or devisees of Samuel C. Leaman;
the following described real property
in Baldwin County, Alabama,
to-wit:

From the Northeast corner of Section 6,
Township 7 South, Range 3 East, run West
894 ft., South 144.5 ft., South 77° 35'
West 17 ft. to a point of beginning,
thence South 77° 35' West 933 ft., thence
East 400 ft., more or less, to the margin
of Fish River, thence Northeasterly up
the margin of Fish River 933 ft., more
or less, to a point 200 ft., more or less
East of the point of beginning, thence
West 200 ft., more or less, to the point
of beginning, bounded on the North by
Frank Albers Tract, on South by Martha
Stenzil (Bill Stenzil Fishing Camp) and
lying East of Ferry North and South Road,
on bounded on East and North by Fish
River;

and any and all other persons claiming any
title to or interest in the real property
described above,

Respondents

STATE OF ALABAMA,
BALDWIN COUNTY

I certify that this instrument was filed on

JUL 13 1967 3PM

and that no tax was collected. Recorded in *Deed*

Book 376

Page 64-16 *Harry Dohine* Judge of Probate

By _____

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FINAL DECREE

This cause coming on to be heard this the 16th day of February,
1956, is submitted for final decree upon Complainants' verified Bill
of Complaint and upon the decree pro confesso rendered therein, and
the answer of the Guardian Ad Litem, and the testimony of R. C. Keeney
Claude W. Arnold, Harold W. Graham and Harry J. Wilters, Jr., taken
orally before the Commissioner duly appointed by the Register, and by
order of the Court, and the certificate of the Register, and the plead-
ings and proof, as noted by the Register, and it appearing to the sat-
isfaction of the Court:

1. That the Complainants, R. C. Keeney and Bessie M. Keeney, at
the time of filing of their Bill of Complaint in this cause, except
as to those individuals claiming title through them, claimed in their
own right a fee simple title to, and were in the actual, peaceful
possession of the following described lands lying and being situated
in the County of Baldwin, State of Alabama, more particularly des-
cribed as follows:

From the Northeast corner of Section 6, Township 7 South, Range 3 East, run West 894 feet, South 1444.5 feet, South 77° 35' West 17 feet to a point of beginning, thence South 77° 35' West 933 feet, thence East 400 feet, more or less, to the margin of Fish River, thence Northeasterly up the margin of Fish River 933 feet, more or less, to a point 200 feet, more or less East of the point of beginning, thence West 200 feet, more or less, to the point of beginning, Lot containing 8.6 acres, together with all riparian rights being bounded on the North by Frank Albers Tract, on South by Martha Stenzil (Bill Stenzil Fishing Camp) and lying East of Ferry North and South Road and bounded on East and North by Fish River.

2. That at the time of the filing of said Bill of Complaint no suit was pending to test their title to, interest in, or their right to the possession of said lands.

3. That their said Bill of Complaint was and is duly verified and was filed against said lands, and was to establish the right or title to such lands or interest and to clear up all doubts or disputes concerning the same, and that said Bill of Complaint did in all respects comply with the provisions of Article 2 of Title 7 of the 1940 Code of Alabama, as amended.

4. That the Complainants executed diligent efforts to ascertain the facts with regard to the Defendants and to give notice of the pendency of the said Bill of Complaint.

5. That notice of the pendency of said Bill of Complaint was drawn and signed by the Register of this Court and said Register did have said notice published once a week for four (4) consecutive weeks in The Baldwin Times, a newspaper having general circulation and published in the County of Baldwin, Alabama, and authorized by an order made in this cause.

6. That a copy of said notice certified by the Register of this Court as being correct was recorded as a lis pendens in the Office of the Judge of Probate of said County, and said notice being in strict accord and compliance with the law.

7. That it has been more than sixty (60) days since the first publication of said notice and the filing of a certified copy of said notice in the Office of the Probate Judge of said county where said lands lie.

8. That no person has intervened in said cause.

9. That a Guardian ad litem and an Attorney ad litem have been appointed and accepted service and filed an answer in said cause to protect the rights of appropriate parties in said matter.

10. That the Complainants have established, as shown by legal

evidence, that they and those claiming title through them, are the owners in fee simple title of the said lands.

11. That all of the allegations of fact contained in Complainant Bill of Complaint are true.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the Complainants are entitled to the relief prayed for in this said Bill of Complaint, and that the fee simple title claimed by the Complainants, and those claiming title through the Complainants, in and to the above described lands has been duly proven.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Complainants, and those claiming title through the Complainants, are the owners of said lands and have the fee simple title thereto, free of all liens and encumbrances, and that all doubts and disputes concerning the same are hereby cleared up.

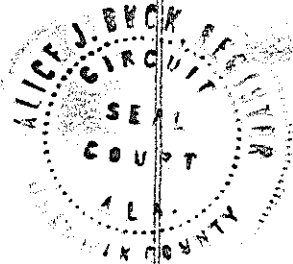
It is further ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama and that it be indexed in the names of R. C. KEENEY and BESSIE M. KEENEY in both the Direct Index and the INDIRECT INDEX of the records thereof.

Done this the 16th day of February, 1956.

Hubert M. Hall
Circuit Judge

I, Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, do hereby certify that the original decree in the above entitled cause, which said decree is on file in my office, is a true and correct copy of the original decree as the same appears on the records of said court.
WITNESS MY HAND AND SEAL THIS 16th day of Feb, 1956

Alice J. Beck
Register of Circuit Court, in Equity



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Wm. Bush
R.I. 195

3668

R. A. Keneey

vs

Certani Lumber

3668

