

ISAAC AUSTIN,
Complainant,
VS.
JOHN MACK, ET AL.,

IN THE
CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, IN EQUITY.
No. 3677.

This cause being regularly called, on this a regular day for the calling of the docket of this Court, and the parties not answering,

IT IS ORDERED by the Court that this cause be continued until May 2, 1956.

IT IS FURTHER ORDERED that this cause be, and it is hereby set down for the taking of testimony, and submission for final decree on May 2, 1956, at the Courthouse in Bay Minette, Alabama, Beginning at 10 A. M.

IT IS FURTHER ORDERED that a copy of this order be mailed to the respective Solicitors of record for the parties to this cause.

This 17th day of April, 1956.

D. Hubert M. Steer

JUDGE, 28th Judicial Circuit

APPLICATION FOR REGISTRATION AND CERTIFICATE OF DECLARED VALUE OF MATTER SUBJECT TO POSTAL SURCHARGE

(No collection of surcharge is required on international registered mail)

Alice J. Neuch

(Name of sender)

hereby applies for the registration of the articles described below and certifies that the amounts of the declared values set forth on the sheet are the full values of the articles listed or the known or estimated cost of duplication in the case of nonnegotiable securities.

NOTE.—Additional receipted copies of this bill will be furnished as certificates of mailing only, upon payment of one cent for each article listed on each additional copy of the bill. Claims for indemnity may not be paid unless articles are properly packed and endorsed, and unless claims are filed within the prescribed time limits. (See postmaster for detailed information.)

(1) NUMBER OF ARTICLE	(2) NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	(3) Postage (exclusive of other charges or fees)	(4) Registry fee	(5) Fee paid for return receipt	(6) Delivery restricted—Fee paid	(7) Full value or cost of duplication if nonnegotiable securities*	(8) Surcharge on entire contents of article	(9) REMARKS †
1	<i>4075 Jabruny Mack 1631 N Robinson St Mo La</i>	<i>03</i>	<i>40</i>	<i>07</i>	<i>20</i>			
2	<i>4076 Robert J Mack 2923 W Garden St Phila Pa</i>	<i>03</i>	<i>40</i>	<i>07</i>	<i>20</i>			
3	<i>4077 Jeanette McDonald 1870 VA St Gary Ind</i>	<i>03</i>	<i>40</i>	<i>07</i>	<i>20</i>			
4	<i>4078 Mr James W Austin 15095 Harding Ave Chicago Ill</i>	<i>03</i>	<i>40</i>	<i>07</i>	<i>20</i>			
5	<i>4079 Lucy Austin Pearson</i>	<i>03</i>	<i>40</i>	<i>07</i>	<i>20</i>			
6	<i>4080 Leorgan Mrs Allen 548 York St Cincinnati</i>	<i>03</i>	<i>40</i>	<i>07</i>	<i>20</i>			
7								
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* When an article contains matter declared for full value and that for which the cost of duplication is declared, enter in column (7) the sum of the declarations for "full value" and "cost of duplication."

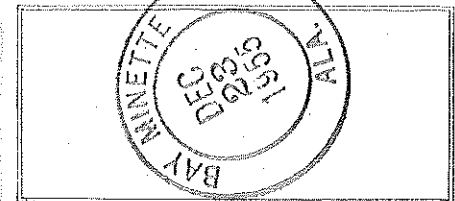
† Show in "Remarks" column (9) class postage paid if other than first or if international mail. Also use this column to indicate "F" if "Fragile"; "SD" if "Special-Delivery"; "AM" if "Air Mail"; and "C. O. D." and amount due sender if registered C. O. D. mail.

Total number of pieces listed by sender *Six*
(Write number here in words)

Total number of pieces received at post office *6*

Postmaster, per *H E Nelson*
(Name of receiving employee)

Affix stamp here for additional copies of this bill



Postmark and date of receipt

ISAAC AUSTIN,

Complainant,

vs.

JOHNNY MACK, et al

Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Case No. 3677

It is ordered in this cause that the notice provided for in Section 1119, Title 7, Court of Alabama 1940 as amended, be published in the _____, which is a newspaper having general circulation and published in the County of Baldwin, Alabama, where the land described in the bill of complaint lie.

Done this the _____ day of January, 1956.

ISAAC AUSTIN,

Complainant,

vs.

JOHNNY MACK, et al

Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Case No. 3677

It is ordered in this cause that the notice provided for in Section 1119, Title 7, Court of Alabama 1940 as amended, be published in the _____, which is a newspaper having general circulation and published in the County of Baldwin, Alabama, where the land described in the bill of complaint lie.

Done this the _____ day of January, 1956.

ISAAC AUSTIN,

Complainant,

vs.

JOHNNY MACK, et al

Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Case No. 3677

It is ordered in this cause that the notice provided for in Section 1119, Title 7, Court of Alabama 1940 as amended, be published in the _____, which is a newspaper having general circulation and published in the County of Baldwin, Alabama, where the land described in the bill of complaint lie.

Done this the _____ day of January, 1956.

ISAAC AUSTIN,	:	IN THE CIRCUIT COURT OF
	:	
Complainant,	:	BALDWIN COUNTY, ALABAMA
	:	
vs.	:	IN EQUITY
	:	
JOHNNY MACK, et al and	:	NO. <u>3677</u>
LANDS DESCRIBED IN THE BILL OF	:	
COMPLAINT,	:	
Respondents.	:	

FINAL DECREE

This cause being submitted for final decree on the pleadings, decrees pro confesso and the testimony, as the same appears of record in the note of evidence filed in this cause, and upon consideration thereof, the Court finds, orders, adjudges and decrees as follows:

That the bill of complaint in this cause was filed under the provisions of Article 2 of Chapter 32 of Title 7 of the Code of Alabama 1940 to establish title in rem to that certain real property located in the County of Baldwin, State of Alabama, viz:

All that property in Section 30, Township 5 South Range 2 East, described as follows, to-wit:
 "Commencing on Section line dividing Sections 29 and 30, 7.74/100 chains South of Southeast corner of the Thomas Durnford Tract, running thence South 3.83/100 chains to a post, thence West 6.34/100 chains to the County Road, thence Northward with said road to a point West of the point of beginning, thence East 7.00/100 chains to the beginning, containing 2.16/100 acres."

and it appearing further to the court that all persons whose names and addresses were known to the complainant were served with legal process as prescribed by law, and that a decree pro confesso was taken against each of said party respondents named in the original bill of complaint and that all unknown parties whose whereabouts are not known were served with notice by publication once a week for four consecutive weeks, in a newspaper having general circulation in the County of Baldwin, State of Alabama, where the land

lies, as prescribed by law, and the filing of the copy of the Lis Pendens certified by the Register of the Circuit Court as being correct, in the office of the Judge of Probate, Baldwin County, Alabama, as prescribed by law; and

It further appearing that more than sixty days has expired since the first publication of said notice and of the filing of said Lis Pendens in the office of the Judge of Probate of Baldwin County, Alabama, and that all respondents have suffered decrees pro confesso to be taken against them and that more than one day has elapsed since the decrees of pro confesso and no demurrers or answers were filed to the original bill of complaint and that no person has attempted to intervene, and;

It further appearing to the Court that the complainant, Isaac Austin has in all ways complied with the provisions of Article 2, Chapter 32 of Title 7 of the Code of Alabama 1940, and that the said complainant has shown by legal evidence that he is entitled to the relief prayed for in the Bill of Complaint, and;

Upon consideration of the legal evidence, it is, therefore, ORDERED, AJUDGED and DECREED that Isaac Austin is the owner and fee simple of the lands described in the Bill of Complaint and that no other person, firm or corporation has any right, title, interest, claim or demand in or to the said land or any part thereof; and

That Johnny Mack, George W. Austin, Melvina Austin Douglas, Mary Austin Quiney, Lucy Austin Pearson, Charlie Austin, Hezekiah Austin, James Austin, Alberta Austin, Melvina Taylor, Elizabeth Archie, Sarah Rudolph, Lily Mae Watson, Moses Pleasure, Robert T. Mack, Janette McDonald, Deloris McDonald, Beatrice Cook, Georgie Mae Wilson and Myrtle Johnson, and any and all heirs or

devices, assigns and next of kin of the above named persons, and any unknown persons claiming or reputed to claim any title to, interest in, lien, or encumbrance on said land, do not have any right, title, or interest, claim, encumbrance or demand, in or to the said land or any part or parcel thereof, and that all right, title, interest, claim, encumbrance or demand of any of the above named respondents, their heirs, devisees, assigns, or next of kin, or any unknown person previously held, is hereby divested out of them and vested in Isaac Austin, and;

That a certified copy of this decree be recorded in the Probate Court of Baldwin County, Alabama and that said certified copy of the decree be indexed in the names of Johnny Mack, George W. Austin, Melvina Austin Douglas, Mary Austin Quiney, Lucy Austin Pearson, Charlie Austin, Hezekiah Austin, James Austin, Alberta Austin, Melvina Taylor, Elizabeth Archie, Sarah Rudolph, Lily Mae Watson, Moses Pleasure, Robert T. Mack, Janette McDonald, Deloris McDonald, Beatrice Cook, Georgie Mae Wilson and Myrtle Johnson and their heirs and assigns on the Direct Index of Conveyances of Real Property in the Probate Court of Baldwin County, Alabama in the name of Isaac Austin; and

That the complainant pay all costs in this cause, for which let execution issue.

DONE THIS 25th DAY OF April, 1956.

Hubert M Hall
JUDGE

Isaac Austin
Complainant
vs.
Johnny Meek et al
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

No. 3677

DEMAND FOR ORAL EXAMINATION

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from Bay Minette
....., in the County of ~~Mobile~~ Baldwin

Alabama, the place of trial of said cause, to-wit:

Isaac Austin, Daphne Ala
Hezekiah Austin, Mobile Ala
Mary Quincey Daphne Ala

2. That said Complainant requires an oral examination of said witnesses before a Commissioner appointed by the Register of this Court.

Maurice A. Downing
Solicitor for Complainant

NOTE:

Complainant suggests the name of Margaret Daniels
as a suitable and competent person to act as commissioner upon the examination of said witnesses.

Maurice A. Downing
Solicitor for Complainant.

DEMAND FOR ORAL EXAMINATION

Complainant

vs.

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Filed this _____ day of _____

194_____

FILED
MAR 16 1956
ALICE J. DUCK, CLERK

Register

Moore Printing Co.

LEGAL NOTICE

BOOK 020 PAGE 157

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. IN EQUITY.
CASE No. 3677

ISAAC AUSTIN, Complainant, vs. ✓GEORGE W. AUSTIN;
✓JOHNNY MACK; ✓MELVINA AUSTIN DOUGLAS; ✓MARY AUSTIN
QUINEY; ✓LUCY AUSTIN PEARSON; ✓CHARLIE AUSTIN;
✓HEZEKIAH AUSTIN; ✓JAMES AUSTIN; ALBERTA AUSTIN;
MELVINA TAYLOR; ✓ELIZABETH ARCHIE; ✓SARAH RUDOLPH;
✓LILY MAE WATSON; MOSES PLEASURE; ✓ROBERT T. MACK;
✓JANETTE MCDONALD; ✓DELORIS MCDONALD; ✓BEATRICE COOK;
✓GEORGIA MAE WILSON AND MYRTLE JOHNSON; any and all
persons, firms or corporations claiming any interest
in the lands described in the Bill of Complaint and
the lands described in the Bill of Complaint.

LIS PENDENS NOTICE

Notice is hereby given by the undersigned Register of the
Circuit Court of Baldwin County, in Equity, that Isaac Austin has
filed his verified Bill of Complaint in the Circuit Court of Bald-
win County, Alabama, Equity Division, against the following de-
scribed lands. On that property in Section 30, Township 5S, Range
2E, described as follows, to-wit:

"Commencing on section line dividing sections 29 and 30,
7.74/100 chains South of Southeast corner of the Thomas
Durnford Tract, running thence South 3.83/100 chains to
a post, thence West 6.34/100 chains to the County Road,
thence Northward with said road to a point West of the
point of beginning, thence East 7.00/100 chains to the
beginning, containing 2.16/100 acres."

And against George W. Austin, Johnny Mack, Melvina Austin
Douglas, Mary Austin Quiney, Lucy Austin Pearson, Charlie Austin,
Hezekiah Austin, James Austin, Alberta Austin, Melvina Taylor,
Elizabeth Archie, Sarah Rudolph, Lily Mae Watson, Moses Pleasure,
Robert T. Mack, Janette McDonald, Deloris McDonald, Beatrice Cook,
Georgia Mae Wilson and Myrtle Johnson, and any and all persons,
firms or corporations who claim any interest in or title to the
above described property.

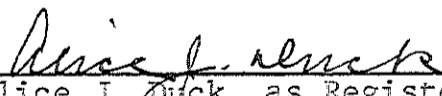
That the complainant, Isaac Austin, claims to be the owner of
said above described property by the redemption of said real pro-
perty from the Judge of Probate of Baldwin County, Alabama, on the
21st day of February, 1945, said real property having been sold for
taxes to the State of Alabama by deed dated the First day of

February, 1933 by the tax collector of Baldwin County, Alabama, and by virtue of the fact that since said redemption he has been in open, notorious, peaceful possession of said property, claiming said to be his own, from the time of said redemption to the present time and that he has paid the taxes thereon from the date of said redemption until the time of filing his bill of complaint.

That the Court has by separate order ordered this notice to be published in the *Baldwin Times*, a newspaper having general circulation and published in Baldwin County, Alabama. That the Register of said Court hereby orders that this notice be published in said newspaper once a week for four consecutive weeks and that any person, firm or corporation interested in making a defense hereto shall do so on or before the _____ day of January, 1956.

It was also ordered by the Court that a copy of this notice, certified by the undersigned Register as being correct, shall also be recorded as a Lis Pendens on the records in the office of the Judge of Probate, Baldwin County, Alabama.

In witness whereof I, the undersigned, Alice J. Duck, as Register of the Equity Division of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand this _____ day of January, 1956.



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

MAURICE A. DOWNING,
Solicitor for Complainant

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. _____

_____ TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon _____

JOHNNY MACK, ETal

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 _____

JOHNNY MACK, et al

_____, Defendant

by _____

ISAAC AUSTIN

_____, Plaintiff

Witness my hand this 13 day of December 19 55

Isaac Austin Register ~~XXXXX~~

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

ORIGINAL BILL

ISAAC AUSTIN,

Complainant,

vs.

IN THE CIRCUIT COURT OF
DALEWEN COUNTY, ALABAMA

IN EQUITY

JOHNNY MACK; MELVINA AUSTIN DOUGLAS;
MARY AUSTIN QUINCY; LUCY AUSTIN
FEARSON; CHARLIE AUSTIN; BEBEKIAN
AUSTIN; JAMES AUSTIN; ALBERTA
AUSTIN; MELVINA TAYLOR; ELIZABETH
ARCHIE; SARAH RUDOLPH; LILY MAE
WATSON; MOSES PLEASURE; ROBERT T.
MACK; JANETTE McDONALD; DELORIS
McDONALD; BEATRICE COOK; GEORGIE
MAE WILSON AND MERRILE JOHNSON, and
THE LANDS DESCRIBED IN THE BILL OF
COMPLAINT,

Respondents.

vs. NO. _____

TO THE HONORABLE JUDGE OF SAID COURT, SITTING IN EQUITY:

Now comes Isaac Austin, complainant in the above styled cause,
and respectfully represents and shows unto Your Honor as follows:

ONE

That your complainant and all of the respondents are over the
age of 21 years, and all are bona fide resident citizens of the
State of Alabama, except George W. Austin, who resides at 1509
S. Harding Avenue, Chicago 23, Illinois; Lucy Austin Fearson, who
resides at 1509 S. Harding Avenue, Chicago 23, Illinois; Alberta
Austin, who was last heard of in the city of New Orleans, Louisiana;
Moses Pleasure, who was last heard of in the city of New Orleans,
Louisiana; Robert T. Mack, 2923 W. Garden Street, Philadelphia,
Pennsylvania; Johnny Mack, 1631 N. Robinson Street, New Orleans,
Louisiana; Janette McDonald, 1820 UA Street, Gary, Indiana, and
Georgie Mae Wilson, 545 York Street, Cincinnati, Ohio; that although
the complainant has made a reasonably diligent search for the
respondents, James Austin, Alberta Austin and Moses Pleasure, which

search consisted of conferring with the relatives of said respondents, and by contacting neighbors and every one that may know, or he had reason to believe knew the whereabouts of these respondents, he has been unable to ascertain the address or addresses of the said respondents.

TWO

That the land in controversy is situated in the County of Baldwin, State of Alabama, and is more particularly described as follows:

All that property in Section 30, Township 3 South, Range 2 East, described as follows, to-wit:
"Commencing on Section line dividing Sections 29 and 30, 7.74/100 chains South of Southeast corner of the Thomas Durnford Tract, running thence South 3.93/100 chains to a post, thence West 6.34/100 chains to the County Road, thence Northward with said road to a point West of the point of beginning, thence East 7.60/100 chains to the beginning, containing 2.16/100 acres."

Complainant avers that he is in actual and peaceful possession of said land and has been in possession of said land since the 21st day of February, 1945.

THREE

The complainant avers that he is the owner of said land and is in peaceful possession of said land and that said property was acquired by him by redemption from the Judge of Probate of Baldwin County, Alabama, on the 11st day of February, 1945, which sale is listed in sale record docket 10, page 86, of the records in the office of the Judge of Probate, Baldwin County, Alabama; that prior to the time of said redemption that said above real property was sold for taxes on the 1st day of September, 1933, by Jesse H. Smith, Tax Collector of Baldwin County, Alabama, to the State of Alabama.

FOUR

Your complainant is informed and believes, and upon such information he swears that the respondents and each of them claim some right, title, interest in and encumbrance upon the said described land; that said right, title, interest in or encumbrance upon said above described property is claimed by descent cast.

FIVE

Your complainant further swears that for more than 10 years he has paid the taxes on said above described real property as they became due, and has been in actual, peaceful, notorious possession of said property, claiming the same as his own against all the world.

SIX

Your complainant further swears that no suit is now pending to enforce or test the title, interest in, claim, encumbrance or rights in the above described real property, and your complainant, in filing this bill of complaint offers to do such equity as the Court may decree or direct.

PRAYER FOR PROCESS

Therefore, to the end that equity may be done in the premises, your complainant respectfully prays that Your Honor and this Honorable Court will take jurisdiction of this cause; will make the parties set out above as respondents to this bill of complaint, and that proper process be issued as required by law, requiring said respondent to plead, answer or demur to this bill of complaint within the time fixed by law and failing to do so, that a decree pro confesso be entered against the respondents.

PRAYER FOR RELIEF

Your complainant further prays that upon a final hearing of

of this cause, Your Honor will adjudge and decree that the respondents have no right, title, interest in or claim to said above described real property, or any part thereof; that Your Honor will decree that title to the said land is in your complainant absolutely and in fee simple, free and clear of all liens and encumbrances. Your complainant further prays that the Register of this Court be required to file for record in the office of the Judge of Probate of Baldwin County, Alabama, a certified copy of this decree, and your complainant prays for such other further and different relief as Your Honor may deem fit and proper, the premises considered.

Isaac Austin

Complainant

Maurice A. Rivington
Solicitor for Complainant

FILED

NOV 13 1935

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, the undersigned authority in and for said county in said state, Isaac Austin, who being by me first duly sworn deposes and says that he is the complainant in the above styled cause, and a bona fide resident citizen of Baldwin County, Alabama, and has been such for all of his life; that the respondents, George W. Austin, Lucy Austin Pearson, Alberta Austin, Mae Pleasure, Robert T. Mack, Johnny Mack, Janette McDonald and Georgie Mae Wilson are all over the ages of 21 years and are non-residents of the state of Alabama, and the addresses of said respondents are set out in the above bill of complaint; and as to James Austin, the complainant is unable to say whether he is a resident or non-resident, but he is over the age of 21 years; and all of the addresses as set out above of said non-residents are to the best of the complainant's knowledge, information and belief, after he had made diligent search and inquiry. And after said diligent search and inquiry your complainant has been unable to ascertain a more accurate address for said respondents.

Isaac Austin

Complainant-Affiant

Subscribed and sworn to before me on this _____ day of _____ 1935.

Georgia Wilson

THE STATE OF ALABAMA,
Baldwin County

No. 3677 Circuit Court, In Equity.

Isaac Austin

Complainant

Vs.

Johnny Mack et. al.

Defendant

Motion is hereby made for a Decree Pro Confesso against Charles Austin, Hezekiah Austin
Sarah Rudolph, Lilly Mae Watson, Beloras McDonald,
Beatrice Cook, Mary Austin Quinay, Melvina Austin Douglas Defendant s...
Melvina Taylor, James Austin and Elizabeth Adahie

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 ha VE failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 20th day of March 19 56

Maurice A. Dawning

Solicitor.

No. _____

Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, In Equity

Vs.

**Motion for Decree Pro Confesso on
Personal Service**

Filed 3-20 19 56

W. J. French
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

MAURICE A. DOWNING

ATTORNEY AT LAW
507 First National Bank Building
Telephone HEmlock 2-1218
MOBILE, ALABAMA

December 19, 1955

Mrs. Alice J. Duck
Clerk of the Circuit Court of
Baldwin County, Alabama
Bay Minette, Ala.

Dear Mrs. Duck:

Re: Isaac Austin vs. Johnny Mack,
et al Case #3677

I am sorry that I did not include the Lis Pendens notice nor order of publication. In Mobile the clerk does that and I forgot that I was supposed to send it to you. Please forgive me for causing you this extra trouble.

Will you please add the name of George W. Austin to the top of the cause.

The addresses of all of the defendants as far as we are able to ascertain are set out in Paragraph 1, except those we did not know and those that reside in the State of Alabama. The following are the addresses of the residents of the State of Alabama:

- ✓ Melvina Austin Doublas, Rt. 1, Box 37, Daphne, Ala.
- ✓ Mary Austin Quiney, Rt. 1, Box 260, Daphne, Ala. ←
- ✓ Charlie Austin, 457 So. Scott St., Mobile, Ala.
- ✓ Hezekiah Austin, 553 St. Anthony St., Mobile, Ala.
- ✓ James Austin, last heard of in Andalusia, Ala.
- ✓ Melvina Taylor, Hurricane, Ala.
- ✓ Elizabeth Archie, 208 Adams St., Atmore, Ala.
- ✓ Sarah Rudolph, 302 Lorrain St., Prichard, Ala.
- ✓ Lily Mae Watson, 1557, Apt. A, Stone St., Mobile, Ala.
- ✓ Deloris McDonald, 610 Youngs Alley, Mobile, Ala.
- ✓ Beatrice Cook, 1529 Kingfisher Drive, Mobile, Ala.
- ✓ Myrtle Johnson, Daphne, Ala.

(Cont'd)

Page 2

I hope that this is everything you need in the above case.

Yours very truly,


Maurice A. Downing

MAD:ms

The State of Alabama, }
Baldwin County

No. 3677

CIRCUIT COURT, IN EQUITY

Isaac Austin

, Complainant

Vs.

Johnny Mack et al

, Defendant

Motion is hereby made for a Decree Pro Confesso against Alberta Austin, Moses

Pleasure and ~~Mitina Taylor~~

, 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 by ^{PUBLICATION} ~~Registered Mail~~, according to law, and that said Defendant S have failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 20th day of March, 1956

Maurice A. Downing

, Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, In Equity

vs.

Motion For Decree Pro Confesso
After Notice By Registered Mail

Filed 3-20, 1968

W. J. ...
Register.

Recorded in _____ Record,

Vol. _____ Page _____

Register.

The State of Alabama, }
Baldwin County

No. 3677

CIRCUIT COURT, IN EQUITY

Isaac Austin

Complainant

Vs.

Johnny Mack et al.

Defendant

Motion is hereby made for a Decree Pro Confesso against

Lucy Austin Pearson,

Robert Mack, Georgia Mae Wilson, George W. Austin and Jeanette McDonald
Johnny Mack
Defendants

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 by Registered Mail, according to law, and that said Defendant s have failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 20th day of March, 1956

Maurice A. Downing

Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, In Equity

vs.

Motion For Decree Pro Confesso
After Notice By Registered Mail

Filed 3-20, 19 53

Archie J. Newell
Register.

Recorded in _____ Record,

Vol. _____ Page _____

Register.

(orig)

SUMMONS

Form 1531-3

McQuiddy Printing Co., Nashville, Tenn.

The State of Alabama, BALDWIN County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon

JOHNNY MACK, et al.

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State.

ISSAAC AUSTIN

against JOHNNY MACK, et al

Herein fail not. Due return make of this writ as the law directs.

Witness this 13 day of December, 1955.

[Signature], Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

1438

337

No. 3677

Page

The State of Alabama

BALDWIN

COUNTY.

IN CIRCUIT COURT, IN EQUITY

ISAAC AUSTIN

vs.

JOHNNY MACK

SUMMONS

Returned by the Sheriff and filed in office, this the ... day of ..., 19... Register.

Received in office, this the 22 day of

Dec, 1955

Rayford Williams, Sheriff.

I have executed the within by leaving a copy thereof with

Charlie Austin

Virginia Austin

Wm. Rudolph

Bessie Mae Winters

Belora D. Donald

Beatrice Cook

Mary Austin Quince 1-12-56 DAWSON

Melvin Austin Quince 1-12-56 DAWSON

Elizabeth Cook 2/11/56 alt. Key 55

defendant named herein, on this the 28

day of Dec, 1955

Ray D. Bridges, Sheriff.

By H. B. Dunson, Deputy.

A. J. Chatham

H. Daniel

W. B. Traylor

Whitman 55

ISAAC AUSTIN, : IN THE CIRCUIT COURT OF
 Complainant, : BALDWIN COUNTY, ALABAMA
 :
 : IN EQUITY

Vs.
^{George W. Austin}
~~JOHNNY MACK;~~
 MELVINA AUSTIN DOUGLAS; MARY :
 AUSTIN QUINEY; LUCY AUSTIN :
 PEARSON; CHARLIE AUSTIN; - ²⁸ :
 HEZEKIAH AUSTIN; JAMES AUSTIN; :
 ALBERTA AUSTIN; MELVINA TAYLOR; :
 ELIZABETH ARCHIE; SARAH RUDOLPH; - ²⁸ :
 LILY MAE WATSON; MOSES PLEASURE; :
 ROBERT T. MACK; JANETTE MCDONALD; :
 DELORIS MCDONALD; BEATRICE COOK; - ²⁸ :
 GEORGIE MAE WILSON AND MYRTLE :
 JOHNSON, AND THE LANDS DESCRIBED :
 IN THE BILL OF COMPLAINT, :

Respondents. NO. _____

TO THE HONORABLE JUDGE OF SAID COURT, SITTING IN EQUITY:

Now comes Isaac Austin, complainant in the above styled cause, and respectfully represents and shows unto Your Honor as follows:

ONE

That your complainant and all of the respondents are over the age of 21 years, and all are bona fide resident citizens of the State of Alabama, except ¹ George W. Austin, who resides at 1509 S. Harding Avenue, Chicago 23, Illinois; ² Lucy Austin Pearson, who resides at 1509 S. Harding Avenue, Chicago 23, Illinois; Alberta Austin, who was last heard of in the city of New Orleans, Louisiana; Moses Pleasure, who was last heard of in the city of New Orleans, Louisiana; ³ Robert T. Mack, 2923 W. Garden Street, Philadelphia, Pennsylvania; Johnny Mack, 1631 N. Robinton Street, New Orleans, Louisiana; ⁵ Janette McDonald, 1820 UA Street, Gary, Indiana, and ⁶ Georgie Mae Wilson, 548 York Street, Cincinnati, Ohio; that although the complainant has made a reasonably diligent search for the respondents, James Austin, Alberta Austin and Moses Pleasure, which

search consisted of conferring with the relatives of said respondents, and by contacting neighbors and every one that may know, or he had reason to believe knew the whereabouts of these respondents, he has been unable to ascertain the addresses or address of the said respondents.

TWO

That the land in controversy is situated in the County of Baldwin, State of Alabama, and is more particularly described as follows:

All that property in Section 30, Township 5 South, Range 2 East, described as follows, to-wit:
"Commencing on Section line dividing Sections 29 and 30, 7.74/100 chains South of Southeast corner of the Thomas Durnford Tract, running thence South 3.84/100 chains to a post, thence West 6.34/100 chains to the County Road, thence Northward with said road to a point West of the point of beginning, thence East 7.00/100 chains to the beginning, containing 2.16/100 acres."

Complainant avers that he is in actual and peaceful possession of said land and has been in possession of said land since the 21st day of February, 1945.

THREE

The complainant avers that he is the owner of said land and is in peaceful possession of said land and that said property was acquired by him by redemption from the Judge of Probate of Baldwin County, Alabama, on the 21st day of February, 1945, which sale is listed in sale record docket 10, page 86, of the records in the office of the Judge of Probate, Baldwin County, Alabama; that prior to the time of said redemption that said above real property was sold for taxes on the 1st day of September, 1933, by Jesse M. Smith, Tax Collector of Baldwin County, Alabama, to the State of Alabama.

Your complainant is informed and believes, and upon such information he avers that the respondents and each of them claim some right, title, interest in and encumbrance upon the said described land; that said right, title, interest in or encumbrance upon said above described property is claimed by descent cast.

FIVE

Your complainant further avers that for more than 10 years he has paid the taxes on said above described real property as they became due, and has been in actual, peaceful, notorious possession of said property, claiming the same as his own against all the world.

SIX

Your complainant further avers that no suit is now pending to enforce or test the title, interest in, claim, encumbrance or rights in the above described real property, and your complainant, in filing this bill of complaint offers to do such equity as the Court may decree or direct.

PRAYER FOR PROCESS

Therefore, to the end that equity may be done in the premises, your complainant respectfully prays that Your Honor and this Honorable Court will take jurisdiction of this cause; will make the parties set out above as respondents to this bill of complaint, and that proper process be issued as required by law, requiring said respondents to plead, answer or demur to this bill of complaint within the time fixed by law and failing to do so, that a decree pro confesso be entered against the respondents.

PRAYER FOR RELIEF

Your complainant further prays that upon a final hearing of

of this cause, Your Honor will adjudge and decree that the respondents have no right, title, interest in or claim to said above described real property, or any part thereof; that your Honor will clear up all doubts and disputes concerning same, and that Your Honor will decree that title to the said land is in your complainant absolutely and in fee simple, free and clear of all liens and encumbrances. Your complainant further prays that the Register of this Court be required to file for record in the office of the Judge of Probate of Baldwin County, Alabama, a certified copy of this decree, and your complainant prays for such other further and different relief as Your Honor may deem fit and proper, the premises considered.

Isaac Austin
Complainant

Amie C. Downing
Solicitor for Complainant

STATE OF ALABAMA

COUNTY OF BALDWIN

Before me, the undersigned authority in and for said county in said state, Isaac Austin, who being by me first duly sworn deposes and says that he is the complainant in the above styled cause, and a bona fide resident citizen of Baldwin County, Alabama, and has been such for all of his life; that the respondents, George W. Austin, Lucy Austin Pearson, Alberta Austin, Mose Pleasure, Robert T. Mack, Johnny Mack, Janette McDonald and Georgie Mae Wilson are all over the ages of 21 years and are non-residents of the state of Alabama, and the addresses of said respondents are set out in the above bill of complaint; and as to James Austin, the complainant is unable to say whether he is a resident or non-resident, but he is over the age of 21 years; and all of the addresses as set out above of said non-residents are to the best of the complainant's knowledge, information and belief, after he had made diligent search and inquiry. And after said diligent search and inquiry your complainant has been unable to ascertain a more accurate address for said respondents.

Isaac Austin
Complainant-affiant

Subscribed and sworn to before me on this 8th day of Dec, 1955.

Elin L. Gibson
Notary Public, Mobile Co., Ala

1515 3677
~~2777~~ 455

²¹/₁₁ Myrtle Johnson

Received _____ day of _____ 19____
and on 13 day of Jan 1956
I sent a copy of the within see
on Melvin Taylor
By service on Melvin Taylor

TAYLOR WILKINS, Sheriff
By J. P. Horn D. S.
Hurricane

Returned _____ day of _____ 19____
Not found in my county after diligent search and in-
quiry. as to James Austin
Taylor Wilkins, Sheriff

By _____ Deputy Sheriff

Sheriff claims 20 miles at
Ten Cents per mile Total \$ 2.00
TAYLOR WILKINS, Sheriff
BY [Signature]
DEPUTY SHERIFF

EXECUTED

This 21 day of Feb., 1956
by serving a copy of the within on

Myrtle Johnson
RAY D. BRIDGES, Sheriff

By [Signature] D. S.

ISAAC AUSTIN, : IN THE CIRCUIT COURT OF
 Complainant, : BALDWIN COUNTY, ALABAMA
 vs. : IN EQUITY
 JOHNNY MACK, et al and : NO. 3677
 LANDS DESCRIBED IN THE BILL OF :
 COMPLAINT, :
 Respondents. :

FINAL DECREE

This cause being submitted for final decree on the pleadings, decrees pro confesso and the testimony, as the same appears of record in the note of evidence filed in this cause, and upon consideration thereof, the Court finds, orders, adjudges and decrees as follows:

That the bill of complaint in this cause was filed under the provisions of Article 2 of Chapter 32 of Title 7 of the Code of Alabama 1940 to establish title in rem to that certain real property located in the County of Baldwin, State of Alabama, viz:

All that property in Section 30, Township 5 South Range 2 East, described as follows, to-wit:
 "Commencing on Section line dividing Sections 29 and 30, 7.74/100 chains South of Southeast corner of the Thomas Durnford Tract, running thence South 3.83/100 chains to a post, thence West 6.34/100 chains to the County Road, thence Northward with said road to a point West of the point of beginning, thence East 7.00/100 chains to the beginning, containing 2.16/100 acres."

and it appearing further to the court that all persons whose names and addresses were known to the complainant were served with legal process as prescribed by law, and that a decree proconfesso was taken against each of said party respondents named in the original bill of complaint and that all unknown parties whose whereabouts are not known were served with notice by publication once a week for four consecutive weeks, in a newspaper having general circulation in the County of Baldwin, State of Alabama, where the land

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-14-56 11:30 A.M.

Recorded Deed book 238 page 323-4

M. R. Pittman
Judge of Probate

G

BOOK 238 PAGE 324

lies, as prescribed by law, and the filing of the copy of the Lis Pendens certified by the Register of the Circuit Court as being correct, in the office of the Judge of Probate, Baldwin County, Alabama, as prescribed by law; and

It further appearing that more than sixty days has expired since the first publication of said notice and of the filing of said Lis Pendens in the office of the Judge of Probate of Baldwin County, Alabama, and that all respondents have suffered decrees pro confesso to be taken against them and that more than one day has elapsed since the decrees of pro confesso and no demurrers or answers were filed to the original bill of complaint and that no person has attempted to intervene, and;

It further appearing to the Court that the complainant, Isaac Austin has in all ways complied with the provisions of Article 2, Chapter 32 of Title 7 of the Code of Alabama 1940, and that the said complainant has shown by legal evidence that he is entitled to the relief prayed for in the Bill of Complaint, and;

Upon consideration of the legal evidence, it is, therefore, ORDERED, AJUDGED and DECREED that Isaac Austin is the owner and fee simple of the lands described in the Bill of Complaint and that no other person, firm or corporation has any right, title, interest, claim or demand in or to the said land or any part thereof; and

That Johnny Mack, George W. Austin, Melvina Austin Douglas, Mary Austin Quiney, Lucy Austin Pearson, Charlie Austin, Hezekiah Austin, James Austin, Alberta Austin, Melvina Taylor, Elizabeth Archie, Sarah Rudolph, Lily Mae Watson, Moses Pleasure, Robert T. Mack, Janette McDonald, Deloris McDonald, Beatrice Cook, Georgie Mae Wilson and Myrtle Johnson, and any and all heirs or

devices, assigns and next of kin of the above named persons, and any unknown persons claiming or reputed to claim any title to, interest in, lien, or encumbrance on said land, do not have any right, title, or interest, claim, encumbrance or demand, in or to the said land or any part or parcel thereof, and that all right, title, interest, claim, encumbrance or demand of any of the above named respondents, their heirs, devisees, assigns, or next of kin, or any unknown person previously held, is hereby divested out of them and vested in Isaac Austin, and;

That a certified copy of this decree be recorded in the Probate Court of Baldwin County, Alabama and that said certified copy of the decree be indexed in the names of Johnny Mack, George W. Austin, Melvina Austin Douglas, Mary Austin Quiney, Lucy Austin Pearson, Charlie Austin, Hezekiah Austin, James Austin, Alberta Austin, Melvina Taylor, Elizabeth Archie, Sarah Rudolph, Lily Mae Watson, Moses Pleasure, Robert T. Mack, Janette McDonald, Deloris McDonald, Beatrice Cook, Georgie Mae Wilson and Myrtle Johnson and their heirs and assigns on the Direct Index of Conveyances of Real Property in the Probate Court of Baldwin County, Alabama in the name of Isaac Austin; and

That the complainant pay all costs in this cause, for which let execution issue.

DONE THIS 25th DAY OF April, 1956.

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 decrees rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and enrolled in my office.
 WITNESS MY HAND AND SEAL THIS THE 25th DAY OF Apr, 1956

 Register of Circuit Court, in Equity

ISAAC AUSTIN
COMPLAINANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA

No. 3677 VS.

IN EQUITY

JOHNNY MACK et al.
RESPONDENTS

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated, April 25, 1956

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:

- FOR COMPLAINANT**
1. Original Bill
 2. Publication and service of process
 3. Decrees pro confesso
 4. Commission to Margaret Daniels
 5. Testimony of Isaac Austin
 6. Testimony of Mary Quiney

Maurice A. Downing

FILED, 4-25-56

Maurice A. Downing
Solicitor-for Complainant

Archie J. Smith Register

FOR RESPONDENT

Solicitor-for Respondent

No. 3677

ISAAC AUSTIN

COMPLAINANT

vs:

JOHNNY MACK et al.
Vs.

RESPONDENTS

ORDER OF SUBMISSION
NOTE OF EVIDENCE

FILED

Terms, 19

APR 25 1956

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Ent. Min. No. ALICE J. DUCK, Registrar Page

CIRCUIT COURT COMPLAINT

Printed by the Baldwin Times, Bay Minette, Alabama.

ISAAC AUSTIN

 Complainant,
 Vs. JOHNNY MACK, ET AL.

 Respondent.

In the Circuit Court.
 In Equity No. 3677.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

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

CHARLES AUSTIN, HEZAKIAH AUSTIN, SARAH RUDOLPH, LILLY MAE WATSON, DELORES McDONALD

BEATRICE COOK, MARY AUSTIN QUINEY, MELVINA AUSTIN DOUGLAS, MELVINA TAYLOR, JAMES AUSTIN, ELIZABETH ARCHIE

by the Sheriff of BALDWIN County, on the _____ day of _____,

194 _____

And it further appears to the Register, that that the said Charles Austine, Hezakiah Austin,
Sarah Rudolph, Lilly Mae Watson, Delores McDonald, Beatrice Cook, Mary Austin Quiney,
Melvina Austin Douglas, Melvina Taylor, James Austin, Elizabeth Archie,

_____ 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 Maurice A. Dawning 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 Charles Austin, Hezakiah Austin,

Sarah Rudolph, Lilly Mae Watson, Delores McDonald, Beatrice Cook, Mary Austin Quiney,

Melvina Austin Douglas, Melvina Taylor, James Austin and Elizabeth Archie

This 22 day of March, 19456


 Register.

No. 3677

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

Isaac Austin

Complainant,

Vs.

Johnny Mack, et al.

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this 22 day of March
19456.

Alice J. Duck

Register.

THE BALDWIN TIMES

ISAAC AUSTIN

Vs.

JOHNNY MACK ET AL

CIRCUIT COURT OF
Baldwin County.
IN EQUITY

In this cause it being made to appear to the Register that on the 13th day of December, 19 56, a copy of the Bill of Complaint filed in this cause was sent to LUCY AUSTIN PEARSON, ROBERT MACK, GEORGIA MAE WILSON, GEORGE W. AUSTIN, AND JEANETTE MCDONALD & JOHNNY MAEK

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the 22 day of March, 19 56, such receipt was duly received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered, adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things taken as confessed against the said LUCY AUSTIN PEARSON, ROBERT MACK, GEORGIA MAE WILSON, GEORGE W. AUSTIN & JOHNNY MACK & JEANETTE MCDONALD

Defendant

This the 22 day of March, 19 56

W. J. Smith Register.

No. 3677

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

In Equity.

ISAAC AUSTIN

Vs.

JOHNNY MACK, ET AL

DECREE PRO CONFESSO AFTER
NOTICE BY REGISTERED MAIL

Filed in office this 22 day of

March, 19 56

ALICE J. DUCK, Register

Entered in O. B. _____ Page _____

Decree Pro Confesso of Publication.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 3677 March, Term, 1956

ISAAC AUSTIN

Complainant

Vs.

JOHNNY MACK, 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 29 day of December, 1956, 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 _____ 194____ and _____

And it now further appearing to the Register Alice J. Duck that the said Alberta Austin, Moses Pleasure ~~and~~

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 J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said ALBERTA AUSTIN AND MOSES PLEASURE

This 22 day of March 19 56

Register.

No. 3677

Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

ISAAC AUSTIN

Vs.

JOHNNY MACK, ET AL

Decree Pro Confesso of Publication

Issued MARCH 22 19⁵⁶

ALICE J. DUCK

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

C E R T I F I C A T E

I, Margaret Daniels, hereby certify that under a Commission issued to me out of the Circuit Court of Baldwin County, Alabama, in Equity, on 20 March, 1956, I acted as Commissioner in this cause, and I, as Commissioner, after having given Maurice A. Downing, solicitor for the complainant, all proper notices of the times and places, caused Isaac Austin and Mary Quiney, witnesses for the complainant in this cause, to come before me at the office of Maurice A. Downing, 507 First National Bank Building, Mobile, Alabama, at 3:00 P.M. on 10 April 1956, and after having been made known to me and sworn by me to speak the truth, the whole truth and nothing but the truth, and in answer to direct interrogatories propounded to them, they testified as is hereinafter set forth, and their testimony was by me reduced to writing in as nearly as might be the identical language of said witnesses, and having been read over by them, and to them by me, they, in my presence, subscribed their names to said testimony as correct, as testified to by them. The respondents, not having appeared, had no representation at said hearing.

I further certify that I am not of counsel or of kin to any of the parties in this cause, and I am not in anywise interested in the outcome or the result thereof.


Commissioner

ISAAC AUSTIN,	:	IN THE CIRCUIT COURT OF
	:	
Complainant	:	BALDWIN COUNTY, ALABAMA
	:	
vs.	:	IN EQUITY
	:	
JOHNNY MACK, et al.	:	
	:	
Respondents	:	CASE No. 3677

TESTIMONY OF MARY QUINEY, WITNESS ON BEHALF OF COMPLAINANT:

Comes Mary Quiney, witness on behalf of the Complainant in the above styled cause and after having been duly sworn to speak the truth, the whole truth, and nothing but the truth testified as follows:

My name is Mary Quiney and I reside at Route 1, Box 260, Daphne, Alabama. I am the sister of the Complainant, Isaac Austin, and although I am a Respondent, I am giving my testimony for the complainant. My Brother, Hezekiah Austin, who was to be here today to give testimony was not able to come because he was called to his job at Brookly Field, Alabama, to do some special work. I know all of the Respondents and the Complainant, and I know that they are all over the age of 21 years, and I know that the land set out in the Bill of Complaint belongs to my Brother, the Complainant, Isaac Austin, and that we, all the Respondents, want him to have the land, and I know that he has been claiming the land as his own for more than ten years before he filed his Bill of Complaint in the Circuit Court of Baldwin County of Alabama. At the time that Isaac Austin redeemed the land in February, 1945, my Aunt, Melvina Taylor turned over all the papers to Isaac and told him to redeem the land and to take it as his own. She is a Respondent to this Bill of Complaint and told me that the land as far as she was concerned belonged to Isaac Austin, the Complainant. I know that Isaac built a house on the land and has been in open, peaceful,

notorious, actual possession of said land since February 1945, which is more than ten years next immediately preceding the filing of this Bill of Complaint. I know further that he has paid the taxes on said land for more than ten years immediately preceding the filing of his Bill of Complaint. I know that there is no suit now pending to test the Title, interest in, claim, indebtedness, or rights in the lands described in the Bill of Complaint and we ask the court to enter a decree forever quieting the title of said land in the name of Isaac Austin.

Mary Quiney

MARY QUINEY

ISAAC AUSTIN,	:	IN THE CIRCUIT COURT OF
	:	
Complainant,	:	BALDWIN COUNTY, ALABAMA
	:	
vs.	:	IN EQUITY
	:	
JOHNNY MACK, et al	:	
	:	
Respondents	:	CASE No. 3677

TESTIMONY OF ISAAC AUSTIN, COMPLAINANT, WITNESSED IN HIS OWN BEHALF

Comes Isaac Austin in the above styled cause and after having been duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

My name is Isaac Austin, and I am the Complainant in the above case, a resident in Daphne, Alabama, which is in Baldwin County, Alabama. I have maintained my residence and home in Baldwin County all my life, which is some 53 years. The Respondents in this case are all the people who may have any claim, right, or interest in the land located in Baldwin County and more particularly described as follows:

"All that property in Section 30, Township 5 South, Range 2 East, described as follows, to-wit: Commencing on section line dividing Sections 29 and 30, 7.74/100 chains South of Southeast corner of the Thomas Durnford Tract, running thence South 3.84/100 chains to a post, thence West 6.34/100 chains to the County Road, thence Northward with said road to a point West of the point of beginning thence East 7.00/100 chains to the beginning, containing 2.16/100 acres in Section 30, Township 5 South, Range 2 East.

I am over the age of 21 years and all of the Respondents are over the age of 21 years. I have built a house on said land and am now in actual, peaceful, possession of said land and have been in actual, peaceful, possession of said land for more than 10 years next immediately preceding the filing of my Bill of Complaint. I am the owner of said land and have claimed said land as my own since February 21, 1945. I redeemed the land in question

from the Judge of Probate of Baldwin County, Alabama on the 21st day of February, 1945, which action is recorded in Sales Record Docket No.10 Page 86 of the Records in the office of the Judge of Probate, Baldwin County, Alabama; that said land was sold for taxes on the 1st day of September, 1933, by Jessie M. Smith, Tax Collector of Baldwin County, Alabama to the State of Alabama. I have paid the taxes on said land for more than ten years next immediately preceding the filing of the Bill of Complaint in above styled cause which receipt for said taxes are hereby placed in evidence and marked complainants "Exhibit A". The Certificate of Redemption is hereby placed in evidence and marked Complainant's "Exhibit B". There is no suit now pending to enforce or test the Title to, interest in, or claim, encumbrance, or rights in the above described property. The respondents are all by Aunts, Brothers, and Sisters, and their descendents and although all of them have been served in this matter by summons, and complainant giving them notice of my claim to the land no one has come forward to claim any part of this land. In fact, I have talked to almost all of them and they all state that said land is mine and that they want me to have it and will not make any claim to it. I am, therefore, asking the court to quiet my title to the above land.

Isaac Austin

ISAAC AUSTIN, Complainant

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: MARGARET DANIELS

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

ISAAC AUSTIN, Daphne, Ala.

HEZEKIAH AUSTIN, Mobile, Ala.

MARY QUINEY, Daphne, Ala.

a witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

ISSAC AUSTIN

Complainant

and JOHNNY MACK, et al

Respondent

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

Witness 20 day of March, 1956

Register.

Commissioner's Fee, \$ 15.00

Witness' Fees, \$

The State of Alabama, BALDWIN County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon

JOHNNY MACK, et al.

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State

ISAAC AUSTIN

against JOHNNY MACK, et al

Herein fail not. Due return make of this writ as the law directs.

Witness this 13 day of December, 1955.

Rebecca J. Black, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)